

**Update Packet #167 (effective 3/1/15)**

This Code update is the result of Automatic adjustment for inflation required by Code Section 33.700.075, Automatic Changes to Specified Dollar Thresholds, and is effective March 1, 2015.

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**Code Update Packet:** 167  
**Effective Date:** March 1, 2015  
**Contact:** Julie Ocken, (503-823-6041)  
**Amends Chapters:** 33.100, 33.110, 33.120, 33.130, 33.140, 33.258, 33.440, 33.480, 33.510, 33.515, 33.560, 33.565, 800s Contents Sheet, 33.825, 33.846

**Substantive Changes:**

Automatic adjustment for inflation required by Code Section 33.700.075, Automatic Changes to Specified Dollar Thresholds.

**Note:** This packet incorporates the new template for zoning code formatting. These changes are intended to improve overall readability and use fonts that are more compatible with online viewing. Chapters that are not included with this packet will be reformatted with the new template through subsequent updates.

**CONTENTS OF UPDATE PACKET #167 (effective March 1, 2015)**

Chapter	Remove Pages	Insert Pages	Changed because of:
100	All	All	Typo; reformatted tables
110	5-6, 31-32	5-6, 31-32	Typo; reformatted tables
120	13-14	13-14	Typo; reformatted tables
130	7-10	7-10	Typo; reformatted tables
258	9-14	9-14	Dollar threshold update
440	7-8	7-8	Dollar threshold update
480	3-4	3-4	Dollar threshold update
510	All	All	Dollar threshold update; reformat
515	33-34	33-34	Dollar threshold update
560	All	All	Dollar threshold update; reformat
565	All	All	Dollar threshold update; reformat
800 Contents Sheet	All	All	Typo
825	1-4	1-4	Dollar threshold update
846	All	All	Dollar threshold update; reformat



## 33.100 Open Space Zone

# 100

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### Sections:

#### General

- 33.100.010 Purpose
- 33.100.020 Short Name
- 33.100.030 Where the Zone Is Applied
- 33.100.040 Other Zoning Regulations

#### Use Regulations

- 33.100.100 Primary Uses
- 33.100.110 Accessory Uses
- 33.100.120 Nuisance-Related Impacts

#### Development Standards

- 33.100.200 Development Standards
- 33.100.205 Fences
- 33.100.210 Demolitions
- 33.100.220 Nonconforming Development
- 33.100.225 Signs
- 33.100.230 Trees

### General

#### **33.100.010 Purpose**

The Open Space zone is intended to preserve and enhance public and private open, natural, and improved park and recreational areas identified in the Comprehensive Plan. These areas serve many functions including:

- Providing opportunities for outdoor recreation;
- Providing contrasts to the built environment;
- Preserving scenic qualities;
- Protecting sensitive or fragile environmental areas;
- Enhancing and protecting the values and functions of trees and the urban forest;
- Preserving the capacity and water quality of the stormwater drainage system; and
- Providing pedestrian and bicycle transportation connections.

#### **33.100.020 Short Name**

The short name and map symbol of the Open Space zone is OS.

#### **33.100.030 Where the Zone Is Applied**

The Open Space zone is applied to all land designated as "Open Space" on the Comprehensive Plan map. In addition, property owners may request an open space designation for open or natural areas that meet the purpose of the zone, and for view, conservation, or similar easements that can be shown as open space. See Chapter 33.810, Comprehensive Plan Amendments.

**33.100.040 Other Zoning Regulations**

The regulations in this chapter state the allowed uses and the development standards for the base zone. Sites with overlay zones, plan districts, or designated historical landmarks are subject to additional regulations. The Official Zoning Maps indicate which sites are subject to the additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

<b>Table 100-1 Open Space Zone Primary Uses</b>	
<b>Use Categories</b>	<b>OS Zone</b>
<b>Residential Categories</b>	
Household Living	N
Group Living	N
<b>Commercial Categories</b>	
Retail Sales And Service	CU [1]
Office	N
Quick Vehicle Servicing	N
Vehicle Repair	N
Commercial Parking	N
Self-Service Storage	N
Commercial Outdoor Recreation	CU
Major Event Entertainment	N
<b>Industrial Categories</b>	
Manufacturing And Production	CU [6]
Warehouse And Freight Movement	N
Wholesale Sales	N
Industrial Service	N
Railroad Yards	N
Waste-Related	N

<b>Table 100-1 Open Space Zone Primary Uses</b>	
<b>Use Categories</b>	<b>OS Zone</b>
<b>Institutional Categories</b>	
Basic Utilities	L/CU [5]
Community Service	CU [4]
Parks And Open Areas	L/CU [2]
Schools	CU
Colleges	N
Medical Centers	N
Religious Institutions	N
Daycare	CU
<b>Other Categories</b>	
Agriculture	L[7]
Aviation And Surface Passenger Terminals	N
Detention Facilities	N
Mining	CU
Radio Frequency Transmission Facilities	L/CU [3]
Rail Lines And Utility Corridors	CU

Y = Yes, Allowed L = Allowed, But Special Limitations CU = Conditional Use Review Required  
N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.100.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

### Use Regulations

#### 33.100.100 Primary Uses

- A. Allowed uses.** Uses allowed in the open space zone are listed in Table 100-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the 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.
- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 100-1 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 100-1.
1. Retail Sales And Service. This regulation applies to all parts of Table 100-1 that have note [1]. Retail Sales And Services uses are conditional uses only when they are associated with a Park And Open Areas use. In other situations they are prohibited.

2. Parks And Open Areas. This regulation applies to all parts of Table 100-1 that have note [2]. Uses in the Park And Open Areas category are allowed by right. However, certain accessory uses and facilities which are part of a Park And Open Areas use require a conditional use review. These facilities are listed below.
  - a. Swimming pools.
  - b. Cemeteries, including mausoleums, chapels, and similar accessory structures associated with funerals or burial.
  - c. Golf courses including club houses, restaurants and driving ranges.
  - d. Boat ramps.
  - e. Parking areas.
  - f. Recreational fields for organized sports. Recreational fields used for organized sports are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.
3. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 100-1 that have note [3]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.
4. Community Services. This regulation applies to all parts of Table 100-1 that have note [4]. Most Community Service uses are a conditional use. However, short term housing and mass shelters are prohibited.
5. Basic Utilities. This regulation applies to all parts of Table 100-1 that have note [5].
  - a. Basic Utilities that serve a development site are accessory uses to the primary use being served.
  - b. Small Scale Energy Production that provides energy for on-site or off-site use are considered accessory to the primary use on the site. Installations that sell power they generate—at retail (net metered) or wholesale—are included. However, they are only considered accessory if they generate energy from biological materials or byproducts from the site itself, or conditions on the site itself; materials from other sites may not be used to generate energy. The requirements of Chapter 33.262, Off Site Impacts, must be met;
  - c. All other Basic Utilities are conditional uses.
6. Manufacturing and Production. This regulation applies to all parts of Table 100-1 that have note [6]. Utility Scale Energy Production from Large Wind Turbines is a conditional use. All other Manufacturing And Production uses are prohibited.
7. Agriculture. This regulation applies to all parts of Table 100-1 that have note [7]. Agriculture is an allowed use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden.

- C. Conditional uses.** Uses which are allowed if approved through the conditional use review process are listed in Table 100-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.
- D. Prohibited uses.** Uses listed in Table 100-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

### **33.100.110 Accessory Uses**

Uses that are accessory to a primary use are allowed if they comply with specific regulations for the accessory uses and all applicable development standards.

### **33.100.120 Nuisance-Related Impacts**

- A. Off-site impacts.** All nonresidential primary and accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.
- B. Other nuisances.** Other nuisances are regulated by Section 29.20.010 of Title 29, Property and Maintenance Regulations.

## **Development Standards**

### **33.100.200 Development Standards**

- A. Allowed or limited uses.** Allowed or limited uses are subject to the development standards stated below.
  - 1. Building setbacks. Except as specified in paragraph A.3. below, buildings must be set back from all property lines 1 foot for each foot of building height.
  - 2. Outdoor activity facility setbacks. Except as specified in paragraph A.3. below, outdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds must be set back 50 feet from abutting R-zoned properties. Playground facilities must be set back 25 feet from abutting R-zoned properties if not illuminated, and 50 feet if illuminated. Where the outdoor activity facility abuts R-zoned properties in School uses, the required setback is reduced to zero.
  - 3. Recreational fields for organized sports. Recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.
- B. Conditional uses.** Conditional uses are subject to the development standards stated below.
  - 1. Building setbacks.
    - a. Generally. Except as specified in paragraph 1.b. below, buildings must be set back from all the property lines 1 foot for each foot of building height. Where

the site is adjacent to a transit street or a street within a Pedestrian District, the maximum setback is 25 feet.

- b. Recreational fields for organized sports. Setbacks for structures that are accessory to recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.
2. Parking. Conditional uses must meet the parking standards for that use in the CG zone, as stated in Chapter 33.266, Parking and Loading.
3. Other standards. Conditional uses are also subject to the other development standards stated in Table 110-5 in Chapter 33.110, Single-Dwelling Zones.

### **33.100.205 Fences**

- A. Purpose.** The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, lessen solar access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.
- B. Types of fences.** The standards apply to walls, fences and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.
- C. Location.** Fences may be 8 feet tall at the property line. Fences taller than 8 feet must be set back from the property line one additional foot for each additional foot of fence height over 8 feet. A fence within 30 feet of a street lot line may not be more than 10 percent sight obscuring.
- D. Reference to other regulations.**
  1. Building permits. Building permits are required by the Bureau of Development Services, for fences over 6 feet in height.
  2. Fence materials regulated by other bureaus. Electrified fences are regulated by Section 26.04.150 of Title 26, Electrical Regulations. The use of barbed wire is regulated by the Police Bureau, under Title 14.

### **33.100.210 Demolitions**

- A. Generally.** Demolition on a site that requires a demolition permit is subject to the tree preservation and protection requirements of Title 11, Trees. See Chapter 11.50, Trees in Development Situations.
- B. Historic resources.** Demolition of historic resources is regulated by Chapter 33.445, Historic Resource Overlay Zone.

**33.100.220 Nonconforming Development**

Existing developments that do not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.

**33.100.225 Signs**

The sign regulations are stated in Title 32, Signs and Related Regulations.

**33.100.230 Trees**

Requirements for street trees and for on-site tree preservation, protection, and overall tree density are in Title 11, Trees. See Chapter 11.50, Trees in Development Situations.

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*(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 167189, effective 1/14/94; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 174160, effective 2/9/00; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 178509, effective 7/16/04; Ord. No. 183750, effective 6/4/10; Ord. No. 184016, effective 8/20/10; Ord. No. 184443, effective 4/1/11; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 185915, effective 5/1/13; Ord. No. 186053, effective 1/1/15.)*



- C. **Animals.** Nuisance-type impacts related to animals are regulated by Title 13, Animals. Title 13 is enforced by the County Health Officer.
- D. **Other nuisances.** Other nuisances are regulated by Section 29.20.010 of Title 29, Property and Maintenance Regulations.

<b>Table 110-1 Single-Dwelling Zone Primary Uses</b>						
<b>Use Categories</b>	<b>RF</b>	<b>R20</b>	<b>R10</b>	<b>R7</b>	<b>R5</b>	<b>R2.5</b>
<b>Residential Categories</b>						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	CU	CU	CU	CU	CU	CU
<b>Commercial Categories</b>						
Retail Sales And Service	N	N	N	N	N	N
Office	N	N	N	N	N	N
Quick Vehicle Servicing	N	N	N	N	N	N
Vehicle Repair	N	N	N	N	N	N
Commercial Parking	N	N	N	N	N	N
Self-Service Storage	N	N	N	N	N	N
Commercial Outdoor Recreation	N	N	N	N	N	N
Major Event Entertainment	N	N	N	N	N	N
<b>Industrial Categories</b>						
Manufacturing And Production	CU [6]	N	N	N	N	N
Warehouse And Freight Movement	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
Industrial Service	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N

<b>Table 110-1 Single-Dwelling Zone Primary Uses</b>						
<b>Use Categories</b>	<b>RF</b>	<b>R20</b>	<b>R10</b>	<b>R7</b>	<b>R5</b>	<b>R2.5</b>
<b>Institutional Categories</b>						
Basic Utilities	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]
Community Service	CU [1]	CU [1]	CU [1]	CU [1]	CU [1]	CU [1]
Parks And Open Areas	L/CU [2]	L/CU [2]	L/CU [2]	L/CU [2]	L/CU [2]	L/CU [2]
Schools	CU	CU	CU	CU	CU	CU
Colleges	CU	CU	CU	CU	CU	CU
Medical Centers	CU	CU	CU	CU	CU	CU
Religious Institutions	CU	CU	CU	CU	CU	CU
Daycare	L/CU [3]	L/CU [3]	L/CU [3]	L/CU [3]	L/CU [3]	L/CU [3]
<b>Other Categories</b>						
Agriculture	L [7]	L [7]	L/CU [8]	L/CU [8]	L [9]	L [9]
Aviation And Surface Passenger Terminals	CU	N	N	N	N	N
Detention Facilities	N	N	N	N	N	N
Mining	CU	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]
Railroad Lines And Utility Corridors	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.110.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

### **Development Standards**

#### **33.110.200 Housing Types Allowed**

- A. Purpose.** Housing types are limited in the single-dwelling zones to maintain the overall image and character of the City's single-dwelling neighborhoods. However, the regulations allow options to increase housing variety and opportunities, and to promote affordable and energy-efficient housing.
- B. Housing types.** The kinds of housing types allowed in the single-dwelling zones are stated in Table 110-2.

<b>Table 110-5 Institutional Development Standards [1]</b>	
Maximum Building Setback Transit Street or Pedestrian District	20 ft. or per CU/IMP review
Maximum Building Coverage [2]	50% of site area
Minimum Landscaped Area [2,4]	25% of site area to the L1 standard
Buffering from Abutting Residential Zone [5]	15 ft. to L3 standard
Buffering Across a Street from a Residential Zone [5]	15 ft. to L1 standard
Setbacks for All Detached Accessory Structures Except Fences [6]	10 ft.
Parking and Loading	See Chapter 33.266, Parking And Loading
Signs	See Title 32, Signs and Related Regulations

Notes:

[1] The standards of this table are minimums or maximums as indicated. Compliance with the conditional use approval criteria might preclude development to the maximum intensity permitted by these standards.

[2] For campus-type developments, the entire campus is treated as one site. Setbacks are only measured from the perimeter of the site. The setbacks in this table only supersede the setbacks required in Table 110-3. The normal regulations for projections into setbacks and for detached accessory structures still apply.

[3] Towers and spires with a footprint of 200 square feet or less may exceed the height limit, but still must meet the setback standard. All rooftop mechanical equipment must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Elevator mechanical equipment may extend up to 16 feet above the height limit. Other rooftop mechanical equipment that cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.

[4] Any required landscaping, such as for required setbacks or parking lots, applies towards the landscaped area standard.

[5] Surface parking lots are subject to the parking lot setback and landscaping standards stated in Chapter 33.266, Parking And Loading.

[6] Setbacks for structures that are accessory to recreational fields for organized sports on a school, school site, or in a park, are stated in Chapter 33.279, Recreational Fields for Organized Sports.

### 33.110.250 Accessory Structures

**A. Purpose.** This section regulates structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards provide for necessary access around structures, help maintain privacy to abutting lots, and maintain open front setbacks.

**B. General standards.**

1. The regulations of this section apply to all accessory structures. Additional regulations for accessory dwelling units are stated in Chapter 33.205.
2. Accessory structures are allowed on a lot only in conjunction with a primary building, and may not exist on a lot prior to the construction of the primary structure, except as allowed by Paragraph B.3, below.
3. A detached accessory structure that becomes the only structure on a lot as the result of a land division, a property line adjustment, or a separation of ownership may remain on the lot if the owner has executed a covenant with the City that meets the requirements of Section 33.700.060.

- a. For a land division, the covenant must require the owner to remove the accessory structure if, within two years of final plat approval, a primary structure has not been built and received final inspection. The covenant must be executed with the City prior to final plat approval.
  - b. For a property line adjustment or a separation of ownership, the covenant must require the owner to remove the accessory structure if a primary structure has not been built and received final inspection within two years. The two years begins on the date the letter from BDS confirming the property line adjustment or separation of ownership is mailed. The covenant must be executed with the City before the final letter from BDS is issued.
4. Unless stated otherwise in this section, the height and building coverage standards of the base zone apply to accessory structures.

**C. Setbacks.**

1. Mechanical equipment. Mechanical equipment includes items such as heat pumps, air conditioners, emergency generators, and water pumps. Mechanical equipment is not allowed in required front, side, or rear building setbacks.
2. Vertical structures.
  - a. Description. Vertical structures are items such as flag poles, trellises, arbors, and other garden structures, play structures, antennas, satellite receiving dishes, and lamp posts. Fences are addressed in 33.110.255 below.
  - b. Setback standard. Vertical structures are allowed in required building setbacks if they are no larger than 3 feet in width, depth, or diameter and no taller than 8 feet. If they are larger or taller, they are not allowed in required building setbacks, except that flag poles are allowed in any building setback;
  - c. Exceptions.
    - (1) A single arbor structure that is up to 6 feet wide, up to 3 feet deep, and up to 8 feet tall is allowed in a front setback. The arbor must allow for pedestrian access under its span.
    - (2) Flagpoles are allowed in any building setback.
3. Uncovered horizontal structures.
  - a. Description. Uncovered horizontal structures are items such as decks, stairways, entry bridges, wheelchair ramps, swimming pools, hot tubs, tennis courts, and boat docks that are not covered or enclosed.
  - b. Setback standard.
    - (1) Minor projection allowed. Uncovered decks, stairways, and wheelchair ramps that are more than 2-1/2 feet above the ground, and are attached to a building, may extend into a required building setback up to 20 percent of the depth of the setback. However, they must be at least three feet from a lot line.

<b>Table 120-1 Multi-Dwelling Zone Primary Uses</b>						
<b>Use Categories</b>	<b>R3</b>	<b>R2</b>	<b>R1</b>	<b>RH</b>	<b>RX</b>	<b>IR</b>
<b>Industrial Categories</b>						
Manufacturing And Production	N	N	N	N	N	CU
Warehouse And Freight Movement	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
Industrial Service	N	N	N	N	N	CU
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
<b>Institutional Categories</b>						
Basic Utilities	L/CU [13]	L/CU [13]				
Community Service	CU [6]	CU [6]	CU [6]	L/CU [6]	L/CU [5, 6]	CU [6]
Parks And Open Areas	L/CU [7]	L/CU [7]	L/CU [7]	Y	Y	Y
Schools	CU	CU	CU	CU	L/CU [5]	L/CU [11]
Colleges	CU	CU	CU	CU	CU	L/CU [11]
Medical Centers	CU	CU	CU	CU	CU	L/CU [11]
Religious Institutions	CU	CU	CU	CU	CU	CU
Daycare	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	Y	L/CU [12]
<b>Other Categories</b>						
Agriculture	L [14]	L [14]				
Aviation And Surface Passenger Terminals	N	N	N	N	N	N
Detention Facilities	N	N	N	N	N	N
Mining	N	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [9]	L/CU [9]				
Rail Lines And Utility Corridors	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.120.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

### **Development Standards**

#### **33.120.200 Housing Types Allowed**

- A. Purpose.** A broad range of housing types are allowed in the multi-dwelling zones. This range allows for efficient use of land, provides options to increase housing variety and housing opportunities, and promotes affordable and energy-efficient housing.
- B. Housing types.** The types of housing allowed in the multi-dwelling zones are stated in Table 120-2.

<b>Table 120-2 Housing Types Allowed In The Multi-Dwelling Zones</b>						
<b>Housing Type</b>	<b>R3</b>	<b>R2</b>	<b>R1</b>	<b>RH</b>	<b>RX</b>	<b>IR</b>
House	Yes	Yes	Yes	Yes	Yes	Yes
Attached House (See 33.120.270 C.)	Yes	Yes	Yes	Yes	Yes	Yes
Accessory dwelling unit (See 33.205)	Yes	Yes	Yes	Yes	Yes	Yes
Duplex	Yes	Yes	Yes	Yes	Yes	Yes
Attached Duplex (See 33.120.270.F)	Yes	Yes	Yes	Yes	Yes	Yes
Multi-Dwelling Structure	Yes [1]	Yes	Yes	Yes	Yes	Yes
Multi-Dwelling Development	Yes	Yes	Yes	Yes	Yes	Yes
Manufactured Dwelling (See Chapter 33.251)	Yes	Yes	Yes	Yes	Yes	Yes
Manufactured Dwelling Park (See Chapter 33.251)	Yes	Yes	No	No	No	No
Houseboat (See Chapter 33.236)	Yes	Yes	Yes	Yes	Yes	Yes
Single Room Occupancy (SRO) units	No	No	Yes	Yes	Yes	Yes
Group Structures	Only when in conjunction with an approved conditional use. See also Chapter 33.239.					

Yes = allowed; No = prohibited.

Notes:

[1] Multi-dwelling development is limited to no more than eight units per building.

### 33.120.205 Density

- A. Purpose.** The number of dwellings per unit of land, the density, is controlled so that housing can match the availability of public services and the availability of support commercial areas. The standards also allow the housing density to be matched with the carrying capacity of the land. In addition, the density standards are used as one type of control of overall building bulk. In areas with the highest level of public services, the minimum density standards ensure that the service capacity is not wasted and that the City's housing goals are met.
- B. Maximum density.** The maximum densities for the multi-dwelling zones are stated in Table 120-3. All new housing built, or converted from other uses, must be on sites large enough to comply with the density standards. The number of units allowed on a site is based on the presumption that all site development standards will be met. The allowed density is not a special right that justifies adjusting other development standards.
1. In RH and IR zones, the maximum FAR is 4 to 1 in the areas shown on Maps 120-2 through 120-20. In all other areas the maximum FAR is 2 to 1.
  2. In the IR zone, residential development within 150 feet of another residential zone has the same maximum density permitted in that zone. Where two or more residential zones are within 150 feet of a site, the maximum residential density is that of the lower density residential zone.

- D. Prohibited uses.** Uses listed in Table 130-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

**33.130.110 Accessory Uses**

Uses that are accessory to a primary use are allowed if they comply with specific regulations for the accessory uses and all development standards.

**33.130.130 Nuisance-Related Impacts**

- A. Off-site impacts.** All nonresidential uses including their accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.
- B. Other nuisances.** Other nuisances are regulated by Title 29, Property and Maintenance Regulations.

Table 130-1 Commercial Zone Primary Uses								
Use Categories	CN1	CN2	CO1	CO2	CM	CS	CG	CX
<b>Residential Categories</b>								
Household Living	Y	Y	Y	Y	Y	Y	Y	Y
Group Living	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]
<b>Commercial Categories</b>								
Retail Sales And Service	L [2]	Y	N	L [3]	L [4]	Y	Y	Y
Office	L [2]	Y	Y	Y	L [4]	Y	Y	Y
Quick Vehicle Servicing	N	L [12]	N	N	N	N	Y	L [12]
Vehicle Repair	N	N	N	N	N	Y	Y	L [5]
Commercial Parking	N	N	N	N	N	Y	CU [11]	CU [11]
Self-Service Storage	N	N	N	N	N	N	L [6]	L [6]
Commercial Outdoor Recreation	N	N	N	N	Y	Y	Y	Y
Major Event Entertainment	N	N	N	N	N	CU	CU	Y
<b>Industrial Categories</b>								
Manufacturing And Production	L/CU [2]	L/CU [2]	N	N	L/CU [4, 5]	L/CU [5]	L/CU [5,7]	L/CU [5]
Warehouse And Freight Movement	N	N	N	N	N	N	CU [5,7]	N
Wholesale Sales	N	N	N	N	L [4, 5]	L [5]	L [5,7]	L [5]
Industrial Service	N	N	N	N	N	CU [5]	CU [5,7]	CU [5]
Railroad Yards	N	N	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N	N	N

Table 130-1 Commercial Zone Primary Uses								
Use Categories	CN1	CN2	CO1	CO2	CM	CS	CG	CX
<b>Institutional Categories</b>								
Basic Utilities	Y/CU [10]							
Community Service	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]
Parks And Open Areas	Y	Y	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	Y	Y	Y	Y	Y
Colleges	Y	Y	Y	Y	Y	Y	Y	Y
Medical Centers	Y	Y	Y	Y	Y	Y	Y	Y
Religious Institutions	Y	Y	Y	Y	Y	Y	Y	Y
Daycare	Y	Y	Y	Y	Y	Y	Y	Y
<b>Other Categories</b>								
Agriculture	L [13]	L/CU [14]	L/CU [14]	L/CU [14]				
Aviation And Surface Passenger Terminals	N	N	N	N	N	N	CU	CU
Detention Facilities	N	N	N	N	N	N	CU	CU
Mining	N	N	N	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]
Rail Lines And Utility Corridors	CU							

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.130.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

### Development Standards

#### 33.130.200 Lot Size

There is no required minimum lot size for development of land or for the creation of new lots in commercial zones. Creation of new lots is subject to the regulations of Chapter 33.613, Lots in Commercial Zones.

#### 33.130.205 Floor Area Ratio

- A. Purpose.** Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development.
- B. FAR standard.** The floor area ratios are stated in Table 130-3 and apply to all nonresidential development. Floor area for residential uses is not calculated as part of the FAR for the site and is allowed in addition to the FAR limits.

- C. Transfer of FAR from Landmarks.** Floor area ratios may be transferred from a site which contains a Landmark, as follows:
1. Maximum increase in FAR. An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from Landmarks, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers;
  2. Development standards. The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by paragraph C.1 above;
  3. Receiving site. The transfer must be to a site that is:
    - a. Zoned C or EX; and
    - b. Within the recognized neighborhood where the Landmark is located, or to any site within two miles of the Landmark;
  4. The property owner executes a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential density. The covenant for the receiving site must meet the requirements of Section 33.700.060, Covenants with the City. The covenant for the Landmark transferring the density must meet the requirements of 33.445.610. D., Covenant.

### **33.130.210 Height**

- A. Purpose.** The height limits are intended to control the overall scale of buildings. The height limits in the CN1, CN2, and CO1 discourage buildings which visually dominate adjacent residential areas. The height limits in the CO2, CM, CS, and CG zones allow for a greater building height at a scale that generally reflects Portland's commercial areas. Light, air, and the potential for privacy are intended to be preserved in adjacent residential zones. The CX zone allows the tallest buildings, consistent with its desired character.
- B. Height standard.** The height standards for all structures are stated in Table 130-3. Exceptions to the maximum height standard are stated below.
1. Projections allowed. Chimneys, flag poles, satellite receiving dishes, and other items similar with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.
  2. Roof top access and mechanical equipment. All rooftop mechanical equipment and enclosures of stairwells that provide rooftop access must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Rooftop elevator mechanical equipment may extend up to 16 feet above the height limit. Stairwell enclosures, and other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.

3. Antennas, utility power poles, and public safety facilities are exempt from the height limit.
4. Small wind turbines are subject to the standards of Chapter 33.299.
5. Roof mounted solar panels are not included in height calculations and may exceed the maximum height limit if the following are met:
  - a. For flat roofs or the horizontal portion of mansard roofs, they may extend up to 5 feet above the top of the highest point of the roof.
  - b. For pitched, hipped, or gambrel roofs, they must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel.

- Interior parking lot landscaping;
  - Existing building setbacks;
  - Minimum landscaped areas other than described above; and
  - Tree density standards of Chapter 11.50 for the site.
- b. Pedestrian circulation systems, as set out in the pedestrian standards that apply to the site;
- c. Bicycle parking by upgrading existing bicycle parking and providing additional spaces in order to comply with 33.266.220;
- d. Screening; and
- e. Paving of surface parking and exterior storage and display areas.
- f. Exception: Where landscaping in the following areas was conforming after March 16, 2001, and before July 8, 2005, it is exempt from the requirements of D.1.a, above, for the following:
- (1) Landscaped setbacks for surface parking and exterior development areas;
  - (2) Interior parking lot landscaping; and
  - (3) Landscaping in existing building setbacks.
  - (4) This exception expires December 31, 2015.
2. Nonconforming development with an existing nonconforming use, allowed use, limited use, or conditional use. Nonconforming development associated with an existing nonconforming use, an allowed use, a limited use, or a conditional use, must meet the requirements stated below. When alterations are made that are over the threshold of Subparagraph D.2.a., below, the site must be brought into conformance with the development standards listed in Subparagraph D.2.b. The value of the alterations is based on the entire project, not individual building permits.
- a. Thresholds triggering compliance. The standards of Subparagraph D.2.b., below, must be met when the value of the proposed alterations on the site, as determined by BDS, is more than \$153,450. The following alterations and improvements do not count toward the threshold:
- (1) Alterations required by approved fire/life safety agreements;
  - (2) Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
  - (3) Alterations required by Chapter 24.85, Interim Seismic Design Requirements for Existing Buildings;
  - (4) Improvements to on-site stormwater management facilities in conformance with Chapter 17.38, Drainage and Water Quality, and the Stormwater Management Manual; and

- (5) Improvements made to sites in order to comply with Chapter 21.35, Wellfield Protection Program, requirements.
  - (6) Energy efficiency or renewable energy improvements that meet the Public Purpose Administrator incentive criteria.
- b. Standards which must be met. Development not complying with the development standards listed below must be brought into conformance or receive an adjustment.
- (1) Landscaping and trees required for the following areas:
    - Exterior display, storage, and work activity areas;
    - Setbacks for surface parking and exterior development areas;
    - Interior parking lot landscaping;
    - Existing building setbacks;
    - Minimum landscaped areas other than described above; and
    - Tree density standards of Chapter 11.50 for the site.
  - (2) Pedestrian circulation systems, as set out in the pedestrian standards that apply to the site;
  - (3) Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with 33.266.220, Bicycle Parking. Sites that do not have accessory surface parking or are inside the Central City Core Area or Lloyd District, as shown on Map 510-8, are not required to meet this standard for long-term bicycle parking, but are required to meet this standard for short-term bicycle parking;
  - (4) Screening; and
  - (5) Required paving of surface parking and exterior storage and display areas.
  - (6) Exception: Where landscaping in the following areas was conforming after March 16, 2001, and before July 8, 2005, it is exempt from the requirements of D.2.b.1, above, for the following:
    - Landscaped setbacks for surface parking and exterior development areas;
    - Interior parking lot landscaping; and
    - Landscaping in existing building setbacks.
    - This exception expires December 31, 2015.
- c. Area of required improvements.
- (1) Generally. Except as provided in D.2.c(2), below, required improvements must be made for the entire site.
  - (2) Exception for sites with ground leases. Required improvements may be limited to a smaller area if there is a ground lease for the portion of the site where the alterations are proposed. If all of the following are met, the area of the ground lease will be considered as a separate site for purposes of required improvements. The applicant must meet the following:

- The signed ground lease – or excerpts from the lease document – must be submitted to BDS. The portions of the lease must include the following:
    - The term of the lease. There must be at least one year remaining on the ground lease; and
    - A legal description of the boundaries of the lease.
  - The boundaries of the ground lease must be shown on the site plan submitted with the building permit application;
  - The area of the lease must include all existing and any proposed development that is required for, or is used exclusively by, uses within the area of the lease; and
  - Screening is not required along the boundaries of ground leases that are interior to the site.
- d. Timing and cost of required improvements. The applicant may choose one of the following options for making the required improvements:
- (1) Option 1. Under Option 1, required improvements must be made as part of the alteration that triggers the required improvements. However, the cost of required improvements is limited to 10 percent of the value of the proposed alterations. It is the responsibility of the applicant to document the value of the required improvements. When all required improvements are not being made, the applicant may choose which of the improvements listed in Subparagraph D.2.b to make. If improvements to nonconforming development are also required by regulations in a plan district or overlay zone, those improvements must be made before those listed in Subparagraph D.2.b.
  - (2) Option 2. Under Option 2, the required improvements may be made over several years, based on the compliance period identified in Table 258-1. However, by the end of the compliance period, the site must be brought fully into compliance with the standards listed in Subparagraph D.2.b. When this option is chosen, the following applies:
    - Before a building permit is issued, the applicant must submit the following to BDS:
      - Application. An application, including a Nonconforming Development Assessment, which identifies in writing and on a site plan, all development that does not meet the standards listed in subparagraph D.2.b.
      - Covenant. The City-approved covenant, which is available in the Development Services Center, is required. The covenant identifies development on the site that does not meet the standards listed in subparagraph D.2.b, and requires the owner to bring that development fully into compliance with this Title. The covenant also specifies the date by which the owner will bring the nonconforming development into full compliance. The date must be within the compliance periods set out in Table 258-1. The covenant must be recorded as specified in Subsection 33.700.060.B.

- The nonconforming development identified in the Nonconforming Development Assessment must be brought into full conformance with the requirements of this Title that are in effect on the date when the permit application is submitted. The compliance period begins when a building permit is issued for alterations to the site of more than \$153,450. The compliance periods are based on the size of the site. The compliance periods are identified in Table 258-1.
- By the end of the compliance period, the applicant or owner must request that the site be certified by BDS as in compliance with the standards listed in Subparagraph D.2.b. on the date when the permit application was submitted. A permit documenting full conformance with these standards is required and must receive final inspection approval prior to BDS certification.
- If certification is requested by the end of the compliance period and BDS certifies the site as in compliance, a two-year grace period begins. The grace period begins at the end of the compliance period, even if BDS certifies the site before the end of the compliance period. During the grace period, no upgrades to nonconforming development are required.
- If certification is not requested, or if the site is not fully in conformance by the end of the compliance period, no additional building permits will be issued until the site is certified.
- If the regulations referred to by Subparagraph D.2.b, or in D.2.b itself, are amended after the Nonconforming Development Assessment is received by BDS, and those amendments result in development on the site that was not addressed by the Assessment becoming nonconforming, the applicant must, at the end of the grace period, address the new nonconforming development using Option 1 or Option 2. If the applicant chooses Option 2, a separate Nonconforming Development Assessment, covenant, and compliance period will be required for the new nonconforming development.

<b>Table 258-1 Compliance Periods for Option 2</b>	
<b>Square footage of site</b>	<b>Compliance period</b>
Less than 200,000 sq. ft.	2 years
200,000 sq. ft. or more, up to 500,000 sq. ft.	3 years
More than 500,000 sq. ft., up to 850,000 sq. ft.	4 years
More than 850,000 sq. ft.	5 years

**E. Loss of nonconforming development status.**

1. Discontinuance. If a nonconforming exterior development, such as an exterior storage area, is unused for 2 continuous years, the nonconforming rights are lost and a nonconforming exterior development may not be re-established. If the exterior development is unused for less than 2 continuous years, a nonconforming exterior development may be re-established, unless stated otherwise in Subsection D. above.

2. **Destruction.** When a structure or other development that has nonconforming elements is removed or intentionally destroyed, replacement structures and other development must comply with the development standards of the base zone, overlay zone and plan district. When a structure that has non-conforming elements is partially or totally damaged by fire or other causes beyond the control of the owner, the structure may be rebuilt using the same structure footprint. An adjustment is required to allow the replacement structure to be more out of compliance with the development standards than the previous structure. However, detached garages in residential zones are subject to the provisions for accessory structures of 33.110.250 and 33.120.280 (Single-Dwelling and Multi-Dwelling chapters, respectively).
- F. Sites that are nonconforming in parking spaces.** When a site is nonconforming in the number of required or allowed parking spaces, this subsection applies:
1. **Minimum required parking spaces.** If changes to a use or building are made that increase the number of required parking spaces over the existing situation, only the number of spaces relating to the increase need to be provided.
  2. **Maximum allowed parking spaces.** If changes to a use or building are made, existing parking spaces that are in excess of the maximum may be retained if none of the dimensions of the parking area increase. Within the existing parking area, the layout of the parking spaces may be redesigned and the parking area re-striped if all requirements for setbacks, landscaping, and parking space and aisle dimensions in Chapter 33.266, Parking and Loading, are met.
- G. Nonconforming signs.** The regulations for nonconforming signs are stated in Title 32, Signs and Related Regulations.

### **33.258.075 Determination of Legal Nonconforming Status Review**

- A. Purpose.** This review will determine if a use or site has legal nonconforming situation rights. In addition, it will determine what the current legal use is, based on the use categories in Chapter 33.920.
- B. When this review is required.** Determination of Legal Nonconforming Status Review is required where a land use review or building permit is requested, and the applicant does not provide standard evidence or the Director of BDS does not find the evidence to be satisfactory. (See 33.258.038). This review also may be requested by an applicant when it is not required.
- C. Procedure.** Determination of Legal Nonconforming Status Reviews are processed through a Type II procedure.
- D. Approval criteria.**
1. The legal status of the nonconforming situation will be certified if the review body finds that:
    - a. The nonconforming situation would have been allowed when established; and
    - b. The nonconforming situation has been maintained over time.

2. The review body will determine, based on the evidence, what the current legal use is, using the definitions in Chapter 33.910 and the use categories in Chapter 33.920.

### **33.258.080 Nonconforming Situation Review**

- A. Procedure.** A nonconforming situation review is processed through a Type II procedure.
- B. Approval criteria.** The request will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:
  1. With mitigation measures, there will be no net increase in overall detrimental impacts (over the impacts of the last legal use or development) on the surrounding area taking into account factors such as:
    - a. The hours of operation;
    - b. Vehicle trips to the site and impact on surrounding on-street parking;
    - c. Noise, vibration, dust, odor, fumes, glare, and smoke;
    - d. Potential for increased litter; and
    - e. The amount, location, and nature of any outside displays, storage, or activities; and
  2. If the nonconforming use is in an OS or R zone, and if any changes are proposed to the site, the appearance of the new use or development will not lessen the residential character of the OS or R zoned area. This is based on taking into account factors such as:
    - a. Building scale, placement, and facade;
    - b. Parking area placement;
    - c. Buffering and the potential loss of privacy to abutting residential uses; and
    - d. Lighting and signs; and
  3. If the nonconforming use is in a C, E, or I zone, and if any changes are proposed to the site, the appearance of the new use or development will not detract from the desired function and character of the zone.

- C. Native plants.** All landscaping must comply with the native plant requirement of the Willamette Greenway Plan.
- D. Exception for sites with an existing nonconforming use, allowed use, limited use, or conditional use.** The regulations of this subsection apply to sites with an existing nonconforming use, an allowed use, a limited use, or a conditional use. When alterations are made to a site that does not meet the standards of this section, and the alterations are over the threshold of Paragraph D.1, below, the site must be brought into conformance with the development standards listed in Subsections A, B, and C, above. The value of the alterations is based on the entire project, not individual building permits. The cost of the upgrades required by this chapter may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the upgrades required by this chapter must be completed first.
  - 1. **Thresholds triggering compliance.** The standards of Subsections A, B, and C must be met when the value of the proposed alterations on the site, as determined by BDS, is more than \$153,450. Alterations and improvements stated in 33.258.070.D.2.a do not count toward the threshold.
  - 2. **Area of required improvements.** Except as provided in 33.258.070.D.2.c(2), Exception for Sites With Ground Leases, required improvements must be made to the entire site.
  - 3. **Timing and cost of required improvements.** The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in Subparagraph 33.258.070.D.2.b, the standards of Subsections A, B, and C, above, are also included.

#### **33.440.240 Public Recreational Trails**

- A. Purpose.** Public recreational trails provide public access to and along both sides of the Willamette River. Public recreational trails are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.
- B. Public recreational trail requirements.** All sites with a public recreational trail symbol shown on the Official Zoning Maps must comply with the requirements of Chapter 33.272, Public Recreational Trails, provide and install the official Greenway Trail signs as required by the Parks Bureau, and meet the trail design guidelines contained in the Willamette Greenway Plan.
- C. Recreational trails in the River Natural and River Water Quality zones.** Recreational trails must be designed to minimize disturbances on the natural environment of the River Natural and River Water Quality zoned lands.

#### **33.440.250 Public Viewpoints**

- A. Purpose.** Public viewpoints provide stopping places along the Greenway trail and the Willamette River where the public can view and enjoy the natural, scenic, recreational, and economic qualities of the Greenway. Public viewpoints are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

- B. Viewpoint requirements.** All sites designated with a viewpoint symbol on the Willamette Greenway Plan are required to provide a public viewpoint. The viewpoint must meet the viewpoint design guidelines contained in the Willamette Greenway Plan. In addition, the viewpoint must comply with the Use of Trail, Hours of Use, Trespass, and Trail Maintenance and Liability sections of Chapter 33.272, Public Recreational Trails. In order to qualify for the maintenance and liability provisions, the viewpoint must be located along the physically continuous trail segment.

### **33.440.260 View Corridors**

- A. Purpose.** View corridors provide visual access and connections to the river for neighborhoods and business districts who might otherwise be visually cut-off from the river. View corridors are generally extensions of existing public rights-of-way through to the river. View corridors are one tool used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.
- B. Provision of corridors.** All view corridors identified in the Willamette Greenway Plan must meet the view corridor design guidelines contained in the Willamette Greenway Plan.

### **33.440.270 Nonconforming Uses and Development**

Nonconforming uses and development in the greenway zones are subject to the regulations and reviews of Chapter 33.258, Nonconforming Situations. The additional regulations stated below apply to development within or riverward of the greenway setback that is not river-dependent or river-related.

- A.** The development may continue.
- B.** The development may be changed to an allowed river-dependent or river-related development by right.
- C.** The development may be changed to another nonconforming development if within a building. If it is outdoors, it may not be changed to another nonconforming development.
- D.** The development may be expanded, but not within or riverward of the greenway setback.

## **Greenway Review**

### **33.440.300 Purpose**

Greenway review ensures that all proposed changes to a site are consistent with the Willamette Greenway Plan, the Willamette Greenway design guidelines and, where applicable, the water quality element of Title 3 of Metro's Urban Growth Management Functional Plan. The purpose of greenway review is to ensure that:

- Development will not have a detrimental impact on the use and functioning of the river and abutting lands;
- Development will conserve, enhance and maintain the scenic qualities and natural habitat of lands along the river;
- Development will conserve the water surface of the river by limiting structures and fills riverward of the greenway setback;

- (1) Exception for sites with an existing nonconforming use, allowed use, limited use, or conditional use. The following regulations apply to sites with an existing nonconforming use, an allowed use, a limited use, or a conditional use. When alterations are made to a site that does not meet the landscaping standards of B.2.b, above, and the alterations are over the threshold of B.2.b(2) below, the site must be brought into conformance with the development standards of this B.2.b, above. The value of the alterations is based on the entire project, not individual building permits. The cost of the upgrades required by this chapter may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the upgrades required by this chapter must be completed first.
  - (2) Thresholds triggering compliance. The standards of B.2.b, above, must be met when the value of the proposed alterations on the site, as determined by BDS, is more than \$153,450. Alterations and improvements stated in 33.258.070.D.2.a do not count toward the thresholds.
  - (3) Area of required improvements. Except as provided in 33.258.070.D.2.c(2), Exception for Sites With Ground Leases, required improvements must be made to the entire site.
  - (4) Timing and cost of required improvements. The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in 33.258.070.D.2.b, the standards of B.2.b, above, are also included.
- c. Side building setbacks. Buildings, garages, and covered accessory structures are not allowed within the side building setbacks within the first 100 feet from the designated resource. No more than 80 percent of the length of any site can be occupied by structures, excluding fences, as measured parallel to the scenic corridor. This standard applies to an entire attached housing project rather than to individual units.
  - d. Screening. All garbage cans, garbage collection areas, and mechanical equipment (including heat pumps, air conditioners, emergency generators, and water pumps) must be screened from view or not visible from the designated scenic corridor. Small rooftop mechanical equipment, including vents, need not be screened if the total area of such equipment does not exceed 10 square feet per structure.
  - e. Fences and hedges. The total maximum height of fences, hedges, and berms within the street setback, or first 20 feet from the designated resource if there is no street setback, is 3 1/2 feet. This provision does not apply to any required screening and buffering.
  - f. Signs. The sign standards are stated in Title 32, Signs and Related Regulations.
  - g. Preservation of trees. This provision does not apply if the property is regulated by state statutes for forest management practices. All trees 6 or more inches in diameter that are within the street setback (or first 20 feet if no setback exists)

must be retained unless removal conforms to one or more of the following standards:

- (1) The tree is located within the footprint or within 10 feet of existing or proposed buildings and structures attached to buildings, such as decks, stairs, and carports, or within 10 feet of a proposed driveway;
  - (2) The tree is determined by an arborist to be dead, dying or dangerous;
  - (3) The tree is on the Nuisance Plants List;
  - (4) The tree must be removed due to installation, repair, or maintenance of water, sewer, or stormwater services. For new installation of services, tree removal allowed under this provision is limited to a single 10 foot wide utility corridor on each site;
  - (5) The tree is within a proposed roadway or City-required construction easement, including areas devoted to curbs, parking strips or sidewalks, or vehicle areas;
  - (6) The tree is within 20 feet of a Radio Frequency Transmission Facility antenna that is a public safety facility. The distance to the antenna is measured vertically and horizontally from the edge of the antenna. See Figure 480-1; or
  - (7) The tree is at least 6 and up to 12 inches in diameter and does not meet any of the other standards of this subparagraph, but is replaced within the front setback (or first 20 feet if no setback has been established) by trees and shrubs listed in the *Scenic Resources Protection Plan* according to Table 480-1. Replacement plantings must meet Section 33.248.030, Plant Materials.
- h. Tree removal without development. When no development is proposed, tree removal allowed by the standards of Subparagraph 2.g(1) through (6) above is subject to the tree permit requirements of Title 11, Trees.

In addition to these provisions, property owners and others are encouraged to make every effort to locate buildings, easements, parking strips, sidewalks and vehicle areas to preserve the maximum number of trees.

## 33.510 Central City Plan District

# 510

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### Sections:

#### General

- 33.510.010 Purpose
- 33.510.020 Where the Regulations Apply
- 33.510.030 Application of Regulations Along Proposed Rights-of-Way and Accessways

#### Use Regulations

- 33.510.100 Vehicle Repair Uses
- 33.510.105 Vehicle Sales or Leasing
- 33.510.110 Mixed Use Waterfront Development
- 33.510.112 Commercial Parking
- 33.510.113 Retail Sales And Service and Office Uses in the IG1 Zone
- 33.510.114 Exemptions for Portland State University
- 33.510.115 Additional Uses Allowed in the Open Space Zone
- 33.510.116 Retail Sales And Service Uses for Specified Sites in the CX and EX Zones
- 33.510.117 Retail Sales And Service and Office Uses in the RX Zone
- 33.510.118 Use Regulations for Specified Sites in the West End Subarea
- 33.510.119 Retail Sales And Service and Office Uses in Specified Historic Resources in the IG2 and IH Zones

#### Development Standards

- 33.510.200 Floor Area Ratios
- 33.510.205 Height
- 33.510.210 Floor Area and Height Bonus Options
- 33.510.215 Required Building Lines
- 33.510.220 Ground Floor Windows
- 33.510.221 Required Windows Above the Ground Floor
- 33.510.223 Exterior Display and Storage
- 33.510.224 Mechanical Equipment along the Portland Streetcar Alignment
- 33.510.225 Ground Floor Active Uses
- 33.510.226 Minimum Active Floor Area
- 33.510.230 Required Residential Development Areas
- 33.510.240 Drive-Through Facilities
- 33.510.242 Demolitions
- 33.510.251 Additional Standards in the North Pearl Subarea
- 33.510.252 Additional Standards in the South Waterfront Subdistrict
- 33.510.253 Greenway Overlay Zone in the South Waterfront Subdistrict
- 33.510.255 Central City Master Plans
- 33.510.257 Signs for Additional Uses Allowed in the Open Space Zone

#### Parking and Access

- 33.510.261 Parking
- 33.510.263 Parking in the Core Area
- 33.510.264 Parking in Lloyd District

33.510.265 Parking in the Goose Hollow Subdistrict, Lower Albina Subdistrict, Central Eastside Subdistrict, and River District Sectors 1 and 2

33.510.267 Parking in the South Waterfront Subdistrict

Map 510-1 Central City Plan District and Subdistricts

Map 510-2 Maximum Floor Area

Map 510-3 Maximum Heights

Map 510-4 Bonus Options Target Areas

Map 510-5 Required Residential Development Areas

Map 510-6 Required Building Lines

Map 510-7 Active Building Use Areas

Map 510-8 Core and Parking Sectors

Map 510-9 Parking Access Restricted Streets

Map 510-10 Areas Where Additional Uses are Allowed in the OS Zone

Map 510-11 Special Areas

Map 510-12 Streetcar Alignment

Map 510-13 Park Blocks Frontages

Map 510-14 Areas Where Additional Uses are Allowed in the RX Zone

Map 510-15 South Waterfront Greenway Public Access Map

Map 510-16 North Pearl Height Opportunity Area

Map 510-17 South Waterfront 2002 Top of Bank Line

Map 510-18 Area where Vehicle Sales and Leasing, and Exterior Display and Storage are Restricted

Map 510-19 North Pearl Subarea special Building Height Corridor

Map 510-20 Pearl Development Transfer Opportunity Area

Map 510-21 Required Retail Sales and Service Use in South Waterfront

## General

### 33.510.010 Purpose

The Central City plan district implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation Management Plan. The Central City plan district implements portions of these plans by adding code provisions that address special circumstances existing in the Central City area.

### 33.510.020 Where the Regulations Apply

The regulations of this chapter apply to the Central City plan district. The boundaries of the plan district and its subdistricts are shown on Map 510-1 at the end of this chapter, and on the Official Zoning Maps. The plan district standards for uses, floor area ratio, height, bonuses, transfer of development rights, required residential development, amount of parking, and Central City master plans control when in conflict with any base or overlay zone. For other regulations, in cases of conflict the most restrictive regulation controls. The information depicted on Maps 510-1 through 510-7 is part of the plan district regulations and is subject to the same amendment procedures as amendments to the text of this chapter.

### **33.510.030 Application of Regulations Along Proposed Rights-of-Way and Accessways**

Where Maps 510-1 through 510-16 identify a right-of-way as a “proposed right-of-way” or “proposed accessway,” the location of the right-of-way or accessway on the map represents only a conceptual location. When dedicated or improved, the location of the right-of-way or accessway may vary from the conceptual location shown on these maps. Regulations of this chapter that are based on the location of a proposed right-of-way or accessway apply as follows:

- A.** If the right-of-way or accessway has been improved or dedicated, the regulation applies based on the actual location of the right-of-way, tract, or easement.
- B.** If the right-of-way or accessway has not been improved or dedicated, the regulation applies based on the location of the facility as shown on the street plan for the area that has been accepted by City Council. The street plan is maintained by the Portland Office of Transportation and is documented in the Transportation Element of Portland’s Comprehensive Plan.

## **Use Regulations**

### **33.510.100 Vehicle Repair Uses**

Vehicle Repair uses are prohibited in the Downtown subdistrict, and in the Goose Hollow subdistrict on the portion of a site within 500 feet of a light rail alignment.

### **33.510.105 Vehicle Sales or Leasing**

Sale or lease of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, travel trailers, and other recreational vehicles, is prohibited in the portions of the Downtown and Goose Hollow subdistricts shown on Map 510-18. Offices for sale or lease of vehicles, where the vehicles are displayed or stored elsewhere, are allowed.

### **33.510.110 Mixed Use Waterfront Development**

- A. Purpose.** The Central City Plan area fronts on portions of the working harbor. The working harbor is the area downstream from the Broadway Bridge. Sites developed for mixed use projects in residential zones along the working harbor will better implement the Willamette Greenway Plan, Lower Willamette River Management Plan, and Comprehensive Plan if compatible river dependent industrial activities are allowed as part of mixed use projects.
- B. Where these regulations apply.** The regulations of this section apply to portions of sites in the RX zone that are next to the Willamette River, and are downstream from the Broadway Bridge.
- C. Additional uses allowed.** The following uses are allowed in the nonresidential portion of a mixed use development:
  - 1. Passenger ship docking facilities and accessory customs and cargo handling facilities; and
  - 2. Marinas.

- D. Minimum residential density.** Where there are any non-residential uses on the site, minimum residential densities are one dwelling unit for each 2,000 square feet of site area.

### **33.510.112 Commercial Parking**

Commercial Parking is subject to special regulations in Sections 33.510.261 through .267. Visitor Parking and Undedicated General Parking, as described in Section 33.510.261, are Commercial Parking. The other types of parking are accessory parking, although some of them may operate as commercial parking.

### **33.510.113 Retail Sales And Service and Office Uses in the IG1 Zone**

#### **A. Generally.**

1. Where these regulations apply. The regulations of this subsection apply to sites in the IG1 Zone that are not subject to Subsections B and C, below.
2. Allowed uses. One Retail Sales And Service or Office use is allowed per site. The square footage of the floor area plus the exterior display and storage area may be up to 3,000 square feet.
3. Conditional uses.
  - a. More than one Retail Sales And Service or Office use on a site is a conditional use.
  - b. Retail Sales And Service uses where the floor area plus the exterior display and storage area is more than 3,000 square feet are a conditional use. Retail Sales And Service uses where the floor area plus the exterior display and storage area is more than 25,000 square feet, or the FAR is more than 1:1, are prohibited.
  - c. Office uses where the floor area plus the exterior display and storage area is more than 3,000 square feet are a conditional use. Office uses where the floor area is more than 60,000 square feet or the FAR is more than 1:1 are prohibited.

#### **B. Historic resources.**

1. Where these regulations apply. The regulations of this subsection apply in the IG1 Zone to historic resources that are listed on the National Register of Historic Places or are identified as contributing to the historic significance of a Historic District or a Conservation District.
2. Allowed uses. Up to 12,000 square feet on a site may be in Retail Sales And Service or Office use. The total amount of square footage includes floor area, exterior display, and storage area of all Retail Sales And Service and Office uses on the site. More than 12,000 square feet on a site in Retail Sales And Service uses is prohibited.
3. Conditional uses. More than 12,000 square feet on a site may be in Office uses if approved through a conditional use. The total amount of square footage includes floor area, exterior display, and storage area of Office uses on the site. If there are also Retail Sales And Service uses on the site, no more than 12,000 square feet may be in Retail Sales And Service use.

**C. Employment Opportunity Subarea.**

1. Purpose. The regulations of this subsection promote the preservation of industrial land and development and support the vitality of industrial businesses while providing opportunities for a broad and diverse mix of employment uses that are compatible with industrial activities and that build on the economic strengths, locational advantages and urban character of the Central Eastside.
2. Where these regulations apply. The regulations of this subsection apply to sites in the IG1 Zone in the Employment Opportunity Subarea of the Central Eastside Subdistrict that are not subject to Subsection B.
3. Allowed uses.
  - a. Retail Sales And Service. Up to 5,000 square feet of the floor area plus the exterior display and storage area on a site may be in Retail Sales And Service use. More than 5,000 square feet in Retail Sales And Service use on a site is prohibited.
  - b. Traditional Office. Up to 5,000 square feet of floor area on a site may be in Traditional Office use.
  - c. Industrial Office. Up to 60,000 square feet of the floor area on a site may be in Industrial Office use.
4. Conditional uses.
  - a. More than 5,000 square feet in Traditional Office use on a site is a conditional use. More than 60,000 square feet in Traditional Office use on a site is prohibited.
  - b. More than 60,000 square feet in Industrial office use on a site is a conditional use.

**33.510.114 Exemptions for Portland State University**

- A. Development by Portland State University within the University District, is exempt from the Conditional Use requirements of Section 33.815.070, Sites with Split Zoning;
- B. Development by Portland State University within the University District is exempt from the Conditional Use requirements of Chapter 33.815, Conditional Uses, in situations where a use would be allowed if it was not associated with the University. Instead, such development is subject only to the regulations of the base zone, overlay zone, and plan district.

**33.510.115 Additional Uses Allowed in the Open Space Zone**

- A. **Purpose.** Additional uses are allowed on certain sites zoned OS within the Central City plan district in recognition of the diversity of functions that Central City open spaces provide to residents and visitors. The Central City's open spaces tend to be more urban than open spaces found outside the Central City. Plazas, parks, and other improved outdoor spaces found in the Central City may be designed for a more intensive use, and may include little or no green space. In some cases, more intense activities are appropriate when the open

space site is located near a Transit Station. These open spaces may contain buildings, benches, art, coffee shops or restaurants, or other small retail shops. These uses are encouraged in some urban parks in the Central City to help promote downtown as a regional attraction, enhance the Central City's role in culture and entertainment, provide space for outdoor activities that are appropriate in an urban setting, and increase desirable activity within and near the open space.

**B. Additional uses allowed.** The following uses are allowed on sites in the OS zone that are also shown on Map 510-10:

1. One Retail Sales and Service use such as flower, food and drink stands, and other similar pedestrian-oriented uses, per site is allowed. The floor area of the use may be up to 2,500 square feet, but no larger than 5 percent of the area of the site.
2. Parking that is totally below grade and existed as of February 9, 2000; and
3. The uses listed in B3.a are allowed on sites that meet the requirements of B.3.b. Adjustments to this paragraph are prohibited.
  - a. Uses allowed:
    - (1) Major Event Entertainment;
    - (2) Commercial Outdoor Recreation; and
    - (3) Up to 15,000 square feet of Office.
  - b. Requirements for sites where uses in B.3.a are proposed:
    - (1) The site must be at least 5 acres in area;
    - (2) The site must be within 500 feet of a Transit Station;
    - (3) The standards of Chapter 33.262, Off-Site Impacts, must be met;
    - (4) The site must have an unexpired Good Neighbor Agreement that is approved by City Council as described in 33.510.115.C, below;
    - (5) The site must have a Comprehensive Transportation Management Plan that is approved by City Council as described in 33.510.115.D, below; and
    - (6) If the site is not managed by the owner, the site must have an Operating Agreement that is approved by City Council.

**C. Good Neighbor Agreement**

1. Purpose. The Good Neighbor Agreement requirements provide an opportunity to consider the impacts of a Major Event Entertainment or Commercial Outdoor Recreation use on nearby residents and businesses. This is achieved by requiring owners or operators to meet with interested parties and by requiring the formulation of a written implementation program referred to as a "Good Neighbor Agreement" before a building permit is issued.

2. When a Good Neighbor Agreement is required. A Good Neighbor Agreement, approved by the City Council, is required before a building permit will be issued for sites with a Major Event Entertainment or Commercial Outdoor Recreation use. The Good Neighbor Agreement does not have to be updated before each building permit is issued, but it must be current at the time of permit issuance.
3. Required process for development and approval of a Good Neighbor Agreement. The owner or operator of the Major Event Entertainment or Commercial Outdoor Recreation use must complete the steps listed in this paragraph. For purposes of this requirement, “applicant” means the owner or operator.
  - a. Develop a Draft Good Neighbor Agreement. The applicant must develop a Draft Good Neighbor Agreement that includes all of the elements listed in Paragraph C.4., below.
  - b. Contact the neighbors. The applicant must contact neighboring property owners and organizations as described below:
    - (1) Schedule a meeting. The applicant must schedule a meeting to discuss the draft agreement;
    - (2) Mail notice of the meeting to neighbors. The applicant must mail written notice of the meeting, as specified below:
      - The notice must be mailed at least 14 days before the date of the meeting;
      - The notice must be mailed to all property owners within 1,000 feet of the site and to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site; and
      - The notice must include the date, time, and place of the meeting, and a copy of the Draft Good Neighbor Agreement.
  - c. Hold the Good Neighbor Agreement meeting. Hold the meeting as described below:
    - (1) Purpose of meeting. The purpose of the meeting is to provide the opportunity for all interested parties to identify concerns that should be considered through the Good Neighbor Agreement. The anticipated outcome of the meeting is an agreement between the neighbors—including residents and businesses—and the applicant as to how each issue will be considered in the Good Neighbor Agreement. However, a consensus is not required;
    - (2) Attendance by City staff. City staff may attend the meetings to offer suggestions or information, identify potential problems with the Draft Good Neighbor Agreement, or to observe. Participation by City staff in the meeting is not required and does not indicate City approval of the Good Neighbor Agreement;
    - (3) Additional meetings. Additional meetings may be held.

- d. City Council hearing. The applicant must request a City Council hearing. The applicant must request City Council to consider both the Comprehensive Transportation Management Plan and the Good Neighbor Agreement at the same hearing. The purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by this paragraph and has adequately addressed the elements in the Good Neighbor Agreement required by Paragraph C.4. The Council may approve, approve with modifications, or reject the Good Neighbor Agreement.

At least 14 days before the hearing, the applicant must file the following materials with the City Auditor's Office:

- (1) A copy of the notice of the Good Neighbor Agreement meeting mailed to neighbors as required by C.3.b.(2), above;
  - (2) The names and addresses of all those to whom the notice of the Good Neighbor Agreement meeting was mailed;
  - (3) The names and addresses of those who attended the meeting;
  - (4) The Draft Good Neighbor Agreement and, if different, the version of the Good Neighbor Agreement that the applicant requests Council to approve;
  - (5) Any other versions of the Good Neighbor Agreement which were reviewed at the meeting;
  - (6) A copy of the notice of City Council hearing required by C.3.e.(1), below; and
  - (7) The names and addresses of all those to whom the notice of City Council hearing was mailed.
- e. Notice of City Council hearing. The applicant must mail written notice of the City Council hearing as specified below:
- (1) The notice must be mailed to all property owners within 1,000 feet of the site, to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site, and to those who attended the Good Neighbor Agreement meeting;
  - (2) The notice must also be published in a recognized newspaper;
  - (3) The notice must be mailed at least 14 days before the hearing; and
  - (4) The notice must contain at least the following information:
    - The date, time, and place of the City Council hearing;
    - A copy of the Good Neighbor Agreement that is filed with the City Auditor's Office, as specified in C.3.d.(4);
    - The street address or other easily understood geographical reference to the property to be covered by the Good Neighbor Agreement;
    - A statement that the purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by Paragraph

- 33.510.115.C.3. of the Zoning Code, and has included the elements in the Good Neighbor Agreement required by Paragraph 33.510.115.C.4. of the Zoning Code;
- A statement that Council may approve, approve with modifications, or reject the Good Neighbor Agreement;
  - An explanation of the local decision-making process for making this decision, as described in this section of the Zoning Code;
  - An invitation to comment, in writing, on the proposal and the place, date, and time that comments are due. This date and time must be at least 14 days from the mailing date of the notice;
  - A statement that all information submitted by the applicant is available for review from the City Auditor, and that copies can be obtained for a fee equal to the City's cost for providing the copies; and
  - A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised before the comment period expires and that such issues must be raised with sufficient specificity to afford the City Council an opportunity to respond to the issues.
- f. Notice of City Council decision. The City Auditor will file the notice of decision by the next working day after the decision is made. Within 5 days of filing the notice of decision, the City Auditor will mail a notice of the decision to all property owners within 1,000 feet of the site, to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site, and to all who testified at the Council hearing, submitted written comments, or requested such notice in writing.
4. Elements of a Good Neighbor Agreement. The Good Neighbor Agreement must consider all of the following items:
- a. Event schedules, including coordination with nearby facilities to minimize impacts on the neighborhood of concurrent events;
  - b. Event limitations;
  - c. Noise management;
  - d. Box Office hours of operation;
  - e. Litter management;
  - f. Lighting;
  - g. Communications, including a process for receiving, recording, and responding to community comments;
  - h. Alcohol management;
  - i. Security;
  - j. Hours of operation including those for set-up and take-down;

- k. Community use of the site;
- l. Motorized events;
- m. Oversight committee;
- n. Enforcement of the Good Neighbor Agreement;
- o. Exceptions to the Good Neighbor Agreement;
- p. Process and requirements for updating, amending, or terminating the Good Neighbor Agreement; and
- q. Effective date, term of the agreement, and date of expiration.

**D. Comprehensive Transportation Management Plan**

1. Purpose. The Comprehensive Transportation Management Plan requirements provide an opportunity to consider the impacts of traffic and parking on nearby residents and businesses. This is achieved by requiring owners or operators to complete an analysis of traffic issues, suggest mitigation measures, and make the draft report available to the neighbors of the site.
2. When a Comprehensive Transportation Management Plan is required. A Comprehensive Transportation Management Plan is required before a building permit will be issued for sites with a Major Event Entertainment or Commercial Outdoor Recreation use.
3. Required process for development and approval of a Comprehensive Transportation Management Plan. The owner or operator of the Major Event Entertainment or Commercial Outdoor Recreation use must complete the steps listed in this paragraph. For purposes of this requirement, "applicant" means the owner or operator
  - a. Develop a Draft Comprehensive Transportation Management Plan. The applicant must develop a Draft Comprehensive Transportation Management Plan that includes all of the elements listed in Paragraph D.4., below.
  - b. Notice of Draft Plan. The applicant must mail written notice to all property owners within 1,000 feet of the site and to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site that the Draft Comprehensive Transportation Management Plan is available.
  - c. City Council hearing. The applicant must request a City Council hearing. The Comprehensive Transportation Management Plan must be considered at a City Council hearing held to also consider the Good Neighbor Agreement. The hearing must be at least 14 days after the notice to neighbors that the Draft Comprehensive Transportation Management Plan is available, as required by Subparagraph D.3.b., above, is mailed.

The purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by this paragraph and has adequately addressed the elements in the Comprehensive Transportation Management Plan required

by Paragraph D.4. The Council may approve, approve with modifications, or reject the Comprehensive Transportation Management Plan.

At least 14 days before the hearing, the applicant must file the following materials with the City Auditor's Office:

- (1) A copy of the notice to neighbors that the Draft Comprehensive Transportation Management Plan is available, as required by D.3.b., above;
  - (2) The names and addresses of all those to whom notice that the Draft Comprehensive Transportation Management Plan is available was mailed;
  - (3) The Draft Comprehensive Transportation Management Plan that has been made available to the neighbors, and, if different, the version of the Comprehensive Transportation Management Plan that the applicant requests Council to approve;
  - (4) A copy of the notice of City Council hearing required by Subparagraph D.3.d., below; and
  - (5) The names and addresses of all those to whom the notice of City Council hearing was mailed.
- d. Notice of City Council hearing. The applicant must mail written notice of the City Council hearing as specified below:
- (1) The notice must be mailed to all property owners within 1,000 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site;
  - (2) The notice must also be published in a recognized newspaper;
  - (3) The notice must be mailed at least 14 days before the hearing; and
  - (4) The notice must contain at least the following information:
    - The date, time, and place of the City Council hearing;
    - A copy of the Comprehensive Transportation Management Plan requested to be approved by Council and filed with the City Auditor's Office, as specified in D.3.c.(3);
    - The street address or other easily understood geographical reference to property to be covered by the Comprehensive Transportation Management Plan;
    - A statement that the purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by Paragraph 33.510.115.D.3. of the Zoning Code, and has included the elements in the Comprehensive Transportation Management Plan required by Paragraph 33.510.115.D.4. of the Zoning Code;
    - A statement that Council may approve, approve with modifications, or reject the Comprehensive Transportation Management Plan;
    - An explanation of the local decision-making process for making this decision, as described in this section of the Zoning Code;

- An invitation to comment, in writing, on the proposal and the place, date, and time that comments are due. This date and time must be at least 14 days from the mailing date of the notice;
  - A statement that all information submitted by the applicant is available for review, and that copies can be obtained for a fee equal to the City's cost for providing the copies; and
  - A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised before the comment period expires and that such issues must be raised with sufficient specificity to afford the City Council an opportunity to respond to the issues.
- e. Notice of City Council decision. The City Auditor will file the notice of decision by the next working day after the decision is made. Within 5 days of filing the notice of decision, the City Auditor will mail a notice of the decision to all property owners within 1,000 feet of the site, to all neighborhood associations and business associations within 1,000 feet of the site, and to all who testified at the Council hearing, submitted written comments, or requested such notice in writing.
4. Elements of a Comprehensive Transportation Management Plan. The Comprehensive Transportation Management Plan must consider all of the following items:
- a. Existing conditions, including traffic counts, parking availability, attendee mode splits, and site access and circulation;
  - b. Impacts of anticipated Major Event Entertainment and Commercial Outdoor Recreation uses, including a parking demand analysis; and
  - c. Proposed mitigation measures.

#### **33.510.116 Retail Sales And Service Uses for Specified Sites in the CX and EX Zones**

- A. Purpose.** Limits on the size of Retail Sales And Service uses promote neighborhood-serving commercial development and help reduce traffic congestion associated with large-scale retailers.
- B. CX Zone limitation.** On sites in the CX zone within the South Waterfront Subdistrict as shown on Map 510-11, Retail Sales And Service uses are allowed up to 40,000 square feet of floor area for each use. Retail Sales And Service uses larger than 40,000 square feet for each use are a conditional use. Retail Sales And Service uses larger than 60,000 square feet for each use are prohibited. This limitation does not apply to hotel uses.
- C. EX Zone limitation.** On sites in the EX zone within the area shown on Map 510-11, Retail Sales And Service uses are allowed up to 40,000 square feet of floor area for each use. Retail Sales And Service uses larger than 40,000 square feet for each use are a conditional use. Retail Sales And Service uses larger than 50,000 square feet of floor area for each use are prohibited.

### **33.510.117 Retail Sales And Service and Office Uses in the RX Zone**

- A. Purpose.** The provisions of this section enhance the residential character of the RX zone and improve the economic viability of residential development by allowing commercial uses. At the same time, commercial uses are regulated to assure that residential uses are the primary use in the zone.
- B. Where these regulations apply.** The regulations of this section apply to sites in the RX zone, except in the area shown on Map 510-14, and supersede the regulations of the base zone. Sites in the area shown on Map 510-14 are subject to the regulations of Section 33.510.118, Use Regulations for Specified Sites in the West End Subarea, not those of this section.

The regulations of Paragraph D.2. apply to sites that are not on the Park Block frontages; the regulations of Paragraph D.3. apply to sites that are on the Park Block frontages. The Park Block frontages are shown on Map 510-13.

- C. Adjustments prohibited.** Adjustments to the regulations of this section are prohibited.
- D. Retail Sales And Service and Office uses in the RX zone.**
1. Outdoor activities on all sites. All commercial uses must be conducted entirely within fully enclosed buildings. Exterior display of goods and exterior storage are not allowed. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food, or drink stands, are exempt from this requirement.
  2. Sites not on Park Block frontages. On sites that are not on the Park Block frontages, shown on Map 510-13, the following regulations apply:
    - a. New multi-dwelling development.
      - (1) Limited uses.
        - If all of the Retail Sales And Service or Office uses are on the ground floor, up to 40 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses;
        - If any portion of the Retail Sales And Service or Office uses is not on the ground floor, up to 20 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses.
      - (2) Conditional uses.
        - If any portion of the Retail Sales And Service or Office uses is not on the ground floor, more than 20 and up to 40 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses if approved as a conditional use;
        - If the entire site is within 500 feet of a Transit Station, more than 20 and up to 50 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses if approved as a conditional use.

- b. Conversion of existing multi-dwelling development. Up to 40 percent of existing net building area in a multi-dwelling development may be converted to Retail Sales And Service and Office uses if the following are met:
  - (1) All of the Retail Sales And Service or Office uses must be on the ground floor; and
  - (2) The conversion may not result in a net loss of the square footage in residential use, or a net loss in the number of dwelling units in the development.
3. Sites on Park Block frontages. On sites that are on the Park Block frontages, shown on Map 510-13, the following regulations apply:
  - a. New multi-dwelling development. Up to 20 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses if approved as a conditional use;
  - b. Conversion of existing multi-dwelling development. Conversion of existing multi-dwelling development to Retail Sales And Service and Office uses is prohibited.

### **33.510.118 Use Regulations for Specified Sites in the West End Subarea**

- A. Purpose.** Provisions within this section are intended to encourage an infill pattern of development in the portion of the West End Subarea shown on Map 510-14. This infill strategy preserves the Central Residential zone while encouraging a wider range of nonresidential uses. These provisions limit redevelopment pressure on existing housing.
- B. Where these regulations apply.** The regulations of this section apply to sites in the area shown on Map 510-14, and supersede the regulations of the base zone. Minimum residential densities must be met only where specified in this section. The regulations of Subsection D. apply to Type C sites. Where the site, or a portion of the site, occupies a full block, the regulations of Subsection E. apply to the full-block portion of the site. Portions of the site that are not part of the full block must meet the regulations for sites that are less than a full block. The regulations of Subsections F., G., and H. apply where the site occupies less than one full block.
- C. Adjustments prohibited.** Adjustments to the regulations of this section are prohibited.
- D. Demolition on Type C sites.** Demolition on Type C sites as shown on Map 510-14, is subject to Subsection 33.510.242.C.
- E. Full-block sites.** Where the site, or a portion of the site, occupies a full block, at least 50 percent of all net floor area on the full block portion of the site must be in Household Living uses, and the minimum residential density requirement of the RX Zone must be met. The net floor area that is not in Household Living uses is regulated as specified in Subsection F., with all percentages of allowed development based on the floor area in nonresidential use, not the total floor area on the block.
- F. Type A sites.** On Type A sites, as shown on Map 510-14, where the site occupies less than one full block, the following use regulations apply:

1. Household Living, Retail Sales And Service, Office, Schools, Parks And Open Areas, Colleges, Medical Centers, Religious Institutions, and Daycare Uses. Up to 100 percent of the net floor area may be in Household Living, Retail Sales And Service, Office, Schools, Parks And Open Areas, Colleges, Medical Centers, Religious Institutions, and Daycare uses;
  2. Group Living. Group Living for up to 15 residents is allowed. Group Living for more than 15 residents is a conditional use. See Chapter 33.239;
  3. Basic Utilities and Community Service uses:
    - a. Up to 20 percent of the net floor area may be in Basic Utilities and Community Service uses; and
    - b. More than 20 percent of the net floor area in Basic Utilities and Community Service uses is a conditional use;
  4. Radio Frequency Transmission Facilities. Some Radio Frequency Transmission Facilities are allowed by right, while others are conditional uses. See Chapter 33.274;
  5. Commercial Parking is subject to Central City Parking Review;
  6. Rail Lines And Utility Corridors are a conditional use;
  7. Uses and amounts of uses not specifically listed in this subsection are prohibited.
- G. Type B sites.** On Type B sites, as shown on Map 510-14, where the site occupies less than one full block, the following use regulations apply:
1. Household Living uses. Up to 100 percent of the net floor area may be in Household Living uses;
  2. Schools, Colleges, Medical Centers, Religious Institutions, Parks And Open Areas, and Daycare uses. Up to 100 percent of the net floor area may be in Schools, Colleges, Medical Centers, Religious Institutions, Parks And Open Areas, and Daycare uses if the requirements of Subsection I. are met;
  3. Group Living. Group Living for up to 15 residents is allowed. Group Living for more than 15 residents is a conditional use. See Chapter 33.239;
  4. Retail Sales And Service and Office uses:
    - a. Up to 125 percent of the net floor area that existed on the site on January 1, 2002 may be in Retail Sales And Service or Office uses if the requirements of Paragraphs I.2. and 3. are met. The applicant must document the amount of floor area that existed on the site on January 1, 2002;
    - b. More than 125 percent of the net floor area that existed on the site on January 1, 2002 in Retail Sales And Service and Office uses is a conditional use, subject to the approval criteria of 33.815.122 and the requirements of Subsection I. Only the square footage above 125 percent is a conditional use, and only the square footage above 125 percent must meet the requirements of Paragraph I.1.

5. Basic Utilities and Community Service uses:
    - a. Up to 20 percent of the net floor area may be in Basic Utilities and Community Service uses; and
    - b. More than 20 percent of the net floor area in Basic Utilities and Community Service uses is a conditional use;
  6. Radio Frequency Transmission Facilities. Some Radio Frequency Transmission Facilities are allowed by right, while others are conditional uses. See Chapter 33.274.
  7. Commercial Parking is subject to Central City Parking Review.
  8. Rail Lines And Utility Corridors are a conditional use;
  9. Uses and amounts of uses not specifically listed in this subsection are prohibited.
- H. Type C sites.** On Type C sites, as shown on Map 510-14, where the site occupies less than one full block, the following use regulations apply:
1. Household Living, Parks And Open Areas, and Daycare uses. Up to 100 percent of the net floor area may be in Household Living, Parks And Open Areas, and Daycare uses.
  2. Group Living. Group Living for up to 15 residents is allowed. Group Living for more than 15 residents is a conditional use. See Chapter 33.239.
  3. Retail Sales And Service and Office uses:
    - a. Up to 20 percent of the floor area may be in Retail Sales And Service and Office uses;
    - b. More than 20 percent and up to 40 percent of the floor area in Retail Sales And Service and Office uses is a conditional use, subject to the approval criteria of 33.815.110; and
    - c. If all portions of the site are within 500 feet of a Transit Station, more than 20 percent and up to 50 percent of the floor area in Retail Sales And Service and Office uses is a conditional use, subject to the approval criteria of 33.815.110;
    - d. Up to 100 percent of the floor area may be in Retail Sales And Service or Office uses if the requirements of Subsections I. and J. are met.
  4. Up to 100 percent of the floor area may be in College, Religious Institution, Medical Center, and School uses if the requirements of Subsections I. and J. are met.
  5. Basic Utilities and Community Service uses:
    - a. Up to 20 percent of the floor area may be in Basic Utilities and Community Service uses; and
    - b. More than 20 percent of the floor area in Basic Utilities and Community Service uses is a conditional use;

6. Radio Frequency Transmission Facilities. Some Radio Frequency Transmission Facilities are allowed by right, while others are conditional uses. See Chapter 33.274.
7. Commercial Parking is subject to Central City Parking Review.
8. Rail Lines And Utility Corridors are a conditional use;
9. Uses and amounts of uses not specifically listed in this subsection are prohibited.

**I. Development standards.** The development standards of this subsection must be met when required by Subsections G. or H.

1. Mixed-use character. The following formula is used to determine the maximum square footage of nonresidential development allowed on the site:

(Residential net floor area developed in the area shown on Map 510-14 since January 1, 2002) minus (Nonresidential net floor area developed in the area shown on Map 510-14 since January 1, 2002) equals the maximum nonresidential net floor area allowed on the site. Net floor area is considered to be “developed” when an occupancy permit has been issued.

If the result of the calculation is zero or a negative number, no nonresidential net floor area is allowed on the site;

2. No surface parking. Surface parking on the site is prohibited. All existing surface parking on the site must be removed as part of the proposal; and
3. Active ground floor uses. The proposed development must meet the requirements of Section 33.510.225, Ground Floor Active Uses. Parking is not allowed in portions of a building that are required to meet this standard.

**J. Housing mitigation.** The standards of this subsection must be met when required by Subsection H. The applicant must mitigate for the lost housing using one of the three methods in this subsection:

1. Method 1: Replace the housing as part of the proposed development, as follows.
  - a. The development proposed for the site must include at least the same number of dwelling units as existed on the site on January 1, 2002;
  - b. The development proposed for the site must include at least the same amount of square footage in residential use as existed on the site on January 1, 2002; and
  - c. There must be a covenant for the dwelling units and square footage used to meet this provision; the covenant must meet the requirements of Paragraph J.4.;
2. Method 2: Donate another site for residential development, as follows.
  - a. The donated site must be at least 5,000 square feet in area, or at least half the size of the area of the site proposed for development, whichever is larger;

- b. The donated site must be within the Central City plan district and west of the Willamette River; and
  - c. The site must be donated to the Portland Development Commission (PDC). PDC will ensure that the donated site is developed to replace both the number of dwelling units and the residential square footage lost through the proposal. PDC will also ensure that the dwelling units will be affordable to households earning less than 60 percent of median family income for the region, and that the units will remain so for at least 60 years;
3. Method 3: Ensure preservation of existing affordable housing, as follows:
- a. For each dwelling unit that existed on the site on January 1, 2002, two existing dwelling units must be preserved as specified in this paragraph;
  - b. The units to be preserved must be in the West End subarea of the Downtown subdistrict; and
  - c. There must be a covenant for the dwelling units used to meet this provision; the covenant must meet the requirements of Paragraph J.4.;
4. Dwelling unit preservation and affordability. Where required by this subsection, the property owner must submit a letter from the Portland Development Commission (PDC) certifying the following. The letter must be included with the development application, except for situations described in Subsection 33.510.118.D., where the letter must be included with the application for a demolition permit.
- a. That the owner has executed a covenant with the City that complies with the requirements of Section 33.700.060;
  - b. That the covenant ensures that:
    - (1) The dwelling units will be affordable to households earning less than 60 percent of median family income for the region, and that the units will remain so for at least 60 years; and
    - (2) The dwelling units will be preserved for at least 60 years.

#### **33.510.119 Retail Sales And Service and Office Uses in Specified Historic Resources in the IG2 and IH Zones**

- A. Where these regulations apply.** The regulations of this subsection apply in the IG2 and IH Zones to historic resources that are listed on the National Register of Historic Places or to structures or objects that are identified as contributing to the historic significance of a Historic District or a Conservation District.
- B. Allowed uses.** Up to 12,000 square feet on a site may be in Retail Sales And Service or Office use. The total amount of square footage includes floor area, exterior display, and storage area of all Retail Sales And Service and Office uses on the site. More than 12,000 square feet on a site in Retail Sales And Service uses is prohibited.
- C. Conditional uses.** More than 12,000 square feet on a site may be in Office uses if approved through a conditional use. The total amount of square footage includes floor area, exterior

display, and storage area of Office uses on the site. If there are also Retail Sales And Service uses on the site, no more than 12,000 square feet may be in Retail Sales And Service use.

## **Development Standards**

### **33.510.200 Floor Area Ratios**

- A. Purpose.** The maximum floor area ratio (FAR) standards are intended to accomplish several purposes of the Central City Plan. These include coordinating private development with public investments in transportation systems and other infrastructure, limiting and stepping down building bulk to the Willamette River, residential neighborhoods, and historic districts. While consistent with these purposes, the floor area ratios are intended to be the largest in the Portland region.
- B. Floor area ratio standard.**
1. Generally. The maximum floor area ratios for all sites in the Central City plan district are shown on Map 510-2 at the end of this chapter. Floor area ratios greater than shown on Map 510-2 are prohibited unless allowed by Subsections C. through G., below, or by 33.510.210.
  2. Goose Hollow. The minimum floor area ratio in the Goose Hollow subdistrict is 1 to 1.
  3. Specified sites in the West End Subarea. In the area shown on Map 510-14, the following regulations apply:
    - a. Maximum. The maximum floor area ratio is 6 to 1. If at least 33 percent of floor area is in residential use, the maximum floor area ratio is 9 to 1.
    - b. Minimum. The minimum floor area ratio is 2 to 1.
  4. South Waterfront Subdistrict. In the South Waterfront Subdistrict, floor area used for automated parking is not counted towards maximum FAR for the site. The automated parking facility must rely on a mechanical system instead of a vehicle operator to transport vehicles to a storage space within the facility.
- C. Limit on increased floor area.**
1. Generally. Except as provided under C.2.through C.5, below, increases in FAR, whether by transfers of floor area or bonus floor area options, of more than 3 to 1 are prohibited;
  2. In the portion of the West End subarea that is not shown on Map 510-14, the following applies. There is no maximum to the amount of bonus floor area that may be earned. However, the total floor area on a site, including bonus floor area and transferred floor area, may not be more than 12 to 1. Adjustments are prohibited.
  3. South Park Blocks frontages. Transfers of floor area to RX-zoned sites on the Park Block frontages shown on Map 510-13 are prohibited. This prohibition applies to all

RX-zoned sites on the Park Block frontages, including those within the West End subarea.

4. South Waterfront subdistrict. In the South Waterfront Subdistrict the following applies:
    - a. Generally. Except as allowed under Subparagraphs 4.b. and c., below, no more than 2:1 FAR may be earned on a site through the use of bonuses. There is no maximum to the amount of floor area that may be transferred to a site. However, the total floor area on a site, including bonus floor area and transferred floor area, may not be more than 9 to 1, except as allowed under C.4.c, below. Adjustments to the regulations of this paragraph are prohibited.
    - b. An FAR of more than 2 to 1 may be earned on a site through the use of bonuses if at least 1 to 1 FAR is earned on the site through the use of the open space bonus option, open space fund bonus option, or South Waterfront Willamette River Greenway bonus option. However, the total floor area on the site, including bonus floor area and transferred floor area, may not be more than 9 to 1.
    - c. The total floor area on a site, including bonus floor area and transferred floor area, may be more than 9 to 1 if all of the following are met:
      - (1) The floor area above the 9 to 1 ratio must be transferred from the South Waterfront Greenway Area; and
      - (2) The portion of the South Waterfront Greenway Area that floor area is being transferred from must have been dedicated to the City since September 1, 2002.
  5. North Pearl Subarea. In the North Pearl Subarea bonus options target area, shown on Map 510-4, the following applies:
    - a. An FAR increase of more than 3 to 1 may be earned on a site through the following provisions. However, the total floor area on a site may not be more than 9 to 1, except as allowed under 5.b below. Adjustments to the regulations of this paragraph are prohibited:
      - (1) Floor area bonuses;
      - (2) Transfers from the site of an historic resource meeting Subsection H. below.
    - b. The total floor area on a site, including bonus floor area and transferred floor area, may be more than 9 to 1 if the floor area above the 9 to 1 ratio is transferred from the site of an historic resource as specified in Subsection H. below.
- D. Transfer of floor area within a project.** In the CX and EX zones, floor area, including bonus floor area, may be transferred between abutting lots within a site or sites being developed jointly. This also applies to lots within a site which would be abutting but for a right-of-way. Floor area transfers are subject to the following restrictions:

1. If the site is within the Downtown subdistrict as shown on Map 510-1, floor area may be transferred between abutting lots within a site or sites being developed jointly provided the lots are within the same block. Floor area transfers across rights-of-way are prohibited in the Downtown subdistrict.
2. Buildings on each site may not exceed the height limit established for that site by the regulations of this chapter;
3. If bonus floor area is included in the transfer, those facilities to be provided in exchange for the bonus floor area must be completed in advance or at the time of issuing any occupancy permit for the other lot; and
4. The property owner(s) must execute a covenant with the City which is attached to and recorded with the deed of both the lot transferring and the lot receiving the floor area reflecting the respective increase and decrease of potential floor area. The covenant must meet the requirements of 33.700.060.

**E. SRO housing transfer of floor area.**

1. Purpose. Transfer of floor area ratio potential from sites occupied by single room occupancy housing (SROs) is allowed in order to encourage the development of new SROs and reduce market pressure for removal of existing SROs.
2. Allowable floor area transfers.
  - a. The owners of qualifying sites may sell the rights to their unused floor area potential. The rights to the floor area may be used anywhere in the Central City plan district.
  - b. Floor area increases transferred to a site are limited to that allowed by Subsection C. above.
  - c. The SRO property owner must execute a covenant with the City which reflects the decrease of potential floor area. The covenant must require future continuation and maintenance of the SRO housing in conformance with the standards of this subsection. The covenant must meet the requirements of 33.700.060.
3. Qualifying SRO projects and restrictions.
  - a. Vacant, existing, and new SRO housing developments located in a CX or EX zone qualify for the floor area transfer. Vacant, existing, and new SRO housing developments located in the RX zone qualify for the floor area transfer if the sending and receiving sites are located in the RX zone, or if the sending site is within the RX zone and the receiving site is in the CX or EX zone. At least 60 percent of the floor area of the SRO structure must be used for housing.
  - b. For existing SRO housing, the building must be in full compliance with the Oregon Structural Specialty Code (the Uniform Building Code as amended by the State of Oregon) at the time of transfer of the development rights. If not, the structure must be brought into compliance before an occupancy permit is issued for a development using the transferred floor area.

- c. For proposed new SRO housing, the excess floor area rights may be transferred prior to construction if done as part of a development proposal to which the floor area is being transferred. The SRO units must receive an occupancy permit in advance of issuing an occupancy permit for any other part of the development.
- d. The SRO structure may not be demolished or converted to other uses unless the number of SRO units lost will be replaced either on the site or at another location in the Central City plan district. SRO units being provided at another site must receive an occupancy permit in advance of issuing an occupancy permit for a new use on the former SRO site or issuing a demolition permit for the site. In addition, the decreased floor area potential on the SRO site continues.

**F. Transfer of residential floor area.**

1. Purpose. Transfer of floor area ratio potential from sites occupied by residential development is allowed in order to reduce market pressure for removal of existing housing.
2. Allowable floor area transfers.
  - a. The owners of qualifying sites may transfer the rights to their unused floor area potential. The rights to the floor area may be used anywhere in the Central City plan district.
  - b. Floor area transferred to a site is limited to that allowed by 33.510.200.C.
  - c. The sending residential property owner must execute a covenant with the City that reflects the decrease of potential floor area. The covenant must require future continuation and maintenance of the housing in conformance with the standards of this subsection. The covenant must meet the requirements of 33.700.060.

**G. Transfer of floor area within the South Waterfront Subdistrict.** In the South Waterfront Subdistrict, floor area, including bonus floor area, may be transferred between sites. The sites are not required to be abutting; however, both the sending site and the receiving site must be located within the South Waterfront Subdistrict. Floor area transfers are subject to the following:

1. Buildings on each site may not exceed the height limit established for that site by the regulations of this chapter;
2. If bonus floor area is included in the transfer, those facilities to be provided in exchange for the bonus floor area must be completed in advance or at the time of issuing any occupancy permit for buildings taking advantage of the bonus floor area; and
3. The property owners must execute a covenant with the City that is attached to and recorded with the deed of both the sending and receiving sites reflecting the respective increase and decrease of potential floor area. The covenant must meet the requirements of 33.700.060.

**H. Transfer of floor area from Historic Resources in specified areas.**

1. Where these regulations apply. These regulations apply to sites located in the Pearl Development Transfer Opportunity Area on Map 510-20.
2. Sites eligible to transfer floor area. Sites eligible to transfer floor area must be located within the area shown on Map 510-20 and must contain:
  - a. A landmark;
  - b. A contributing resource in an Historic District; or
  - c. A Rank I, II, or III resource listed in the City's Historic Resource Inventory.
3. Sites eligible to receive floor area. A site within the area shown on Map 510-20 is eligible to receive floor area from the historic resources listed above in H.2.
4. Covenants. The owners of both the sending and receiving sites must execute a covenant with the City that is attached to and recorded with the deed. The covenants may not be revoked or rescinded. The covenants must include the following:
  - a. Both sites. The covenant for each site must reflect the respective increase and decrease of potential floor area. The covenant must meet the requirements of Section 33.700.060, Covenants with the City.
  - b. Sending site. The covenant for the sending site must state that the owner will not demolish or relocate the historic resource unless the City approves the demolition or relocation through demolition review.
5. Exception for Landmarks. Landmarks located in the Pearl Development Transfer Opportunity Area on Map 510-20 may elect to transfer floor area to a receiving site outside of the area on Map 510-20 if they meet the standards of 33.130.205.C or 33.140.205.C.
6. Adjustments. Adjustments and modifications to these regulations are prohibited.

**I. Neighborhood facilities within the North Pearl Subarea.**

1. Purpose. This regulation encourages creation of facilities to serve those who live and work in the North Pearl Subarea. These facilities are necessary elements of a neighborhood.
2. Standards. In the North Pearl Subarea, floor area used for specified neighborhood facilities is not counted towards maximum FAR for the site. The specified neighborhood facilities are public schools, public community centers, daycare facilities for children, and public libraries. To qualify for this provision, the following requirements must be met:
  - a. Schools. Floor area to be used for public schools does not count towards maximum FAR for the site if the school will be operated by or for a public school district.

- b. Daycare. Floor area to be used for daycare facilities for children does not count towards maximum FAR for the site. Applicants may choose to either earn bonus FAR under 33.510.210.C.2, or to have the daycare not counted towards maximum FAR for the site under this subsection. Both provisions may not be used on a site.
- c. Libraries. Floor area to be used for public libraries does not count towards maximum FAR for the site if the library will be operated by the Multnomah County Library or does not charge membership fees.
- d. Public community centers. Floor area to be used for community centers does not count towards maximum FAR for the site. Public community centers are not for exclusive use by residents of a site and their guests.
- e. All facilities. All neighborhood facilities must meet the following:
  - (1) The floor area of the facility must be reserved for the exclusive use of the neighborhood facility for at least 10 years from the date a certificate of occupancy is issued for the qualifying floor area. No uses other than those listed in this subsection are allowed.
  - (2) The applicant must document that there is a binding agreement with an operator for each facility. This documentation must be submitted with the application for design review; and
  - (3) The property owner must execute a covenant with the City which is attached to an recorded with the deed of the site. The covenant must ensure that the owner will reserve the floor area as specified in I.2.e(1). The covenant must comply with the requirements of Section 33.700.060.

### **33.510.205 Height**

- A. Purpose.** The maximum building heights are intended to accomplish several purposes of the Central City Plan. These include protecting views, creating a step-down of building heights to the Willamette River, limiting shadows on public open spaces, ensuring building height compatibility and step downs to historical districts, and limiting shadows from new development on residential neighborhoods in and at the edges of the Central City.
- B. The height standard.** The maximum building height for all sites in the Central City plan district is shown on Map 510-3 at the end of this chapter. Heights greater than shown on Map 510-3 are prohibited unless allowed by Subsections C. through G., below, or by 33.510.210.D. through G., below.
- C. Performance standard for sites adjacent to designated open spaces.**
  - 1. Eligible sites. Building heights to the south and/or west of certain areas designated Open Space on the Comprehensive Plan map may be increased above the limits specified on Map 510-3. Sites eligible for this standard are shown on Map 510-3.
  - 2. The performance standard. Building heights may be increased if the amount of shadow cast by the proposed building on the adjacent open space will be less than or equal to the shadow that would result from an allowed building constructed to the

maximum height shown on Map 510-3. The shadow from an allowed building is based on the shadow that would be cast by a structure covering the entire site at the height limit of Map 510-3. Shadows must be analyzed for noon and 3:00 p.m. on April 21 to determine compliance with this provision.

3. Limit on the height increase. Increases in height are prohibited in either of the following situations:
  - a. The development projects into an established view corridor, or
  - b. The development does not project into an established view corridor, but results in buildings over 460 feet in height.

**D. Performance standard for sites adjacent to historic districts.** Building heights on blocks adjacent to the Yamhill and Skidmore Fountain/Old Town Historic Districts may be increased above the limits stated on Map 510-3. Requests for the increases are reviewed as part of the design review process.

1. The development proposal must comply with all of the following standards.
  - a. The site encompasses a single block that is subject to two different height limits, and the block is adjacent to but not part of a historic district.
  - b. The project does not include removal of any historical landmarks and no historical landmarks were cleared from the site during the 60 months prior to the date of application for the exception.
  - c. Historical landmarks on the site are preserved and restored as part of the proposed project.
  - d. A building wall, called the "street wall," must be constructed abutting the street lot line facing the historic district. Street walls must extend along the entire frontage facing the historic district. When the project's frontage on its block is larger than the historic district's frontage on the facing block, the street wall must extend 25 feet beyond the end of the historic district.
  - e. The street wall must be at least 30 feet in height or equal to the distance of the horizontal encroachment into the area regulated by the lower height limit, whichever is more. However, portions of the building that front the historic district may not exceed 75 feet in height within 25 feet of the street lot line.
  - f. The existing building wall of an historical landmark incorporated into the project is exempt from the requirements of Subparagraphs d. and e., above.
  - g. Portions of the structure located behind the street wall must comply with the Ground Floor Active Use standard of 33.510.225;
  - h. The project may not result in a building that exceeds a maximum height of 250 feet or the higher of the two height limits on the block, whichever is lower.
2. Approval of a height increase based on this subsection in no way limits the ability of the review body conducting design review to require reconfiguration of the building's design, including lowering the height of the building or reducing the amount of the

increase. The review body will base its review on application of both the general design guidelines applicable to the area, and the subdistrict guidelines applicable to the adjacent historic district.

3. Adjustments to requirements and standards of this subsection are prohibited.

**E. Open space height transfers.**

1. Purpose. These regulations provide an incentive for the creation and development of needed open space in the Central City plan district.
2. Requirements for open space areas eligible for the height transfer.
  - a. The proposed open space area must be in the Central City plan district outside of the South Waterfront Subdistrict. If the open space is at a Proposed Open Space location, as shown on the Central City plan map, the site is eligible by right. If the site is not a Proposed Open Space location, the site is subject to the review requirements stated in Paragraph 4, below. Open space sites resulting from the North Pearl Subarea open area requirement are not eligible for the height transfer.
  - b. The area designated for the open space must be dedicated to the City as a public park. The minimum size of the open space must be a full block at least 35,000 square feet in size. However, the open space may be 20,000 square feet in size if located along the alignment of the North Park Blocks.
  - c. All park improvements must be made by the applicant prior to dedication to the City. The improvements to the park are subject to a major design review using the specific area's design guidelines. The Parks Bureau will provide advice to the Design Commission.
3. Amount of height potential that can be transferred. The allowed height at the proposed open space site shown on Map 510-3 may be transferred within the Central City plan district consistent with the limits stated below.
  - a. The maximum amount of height that may be transferred is 100 feet. The transfer may only be to a site eligible for a height bonus as shown on Map 510-3. Increases in height that result in buildings greater than 460 feet or which are higher than an established view corridor are prohibited. The transferred height may not be used in addition to any allowed bonus heights of 33.510.210
  - b. The open space improvements must be approved and the site dedicated to the City before the issuance of building permits for the building receiving the increased height.
4. Reviews for sites not designated Proposed Open Space on the Central City plan map.
  - a. Procedure. The review is processed with a Type III procedure.
  - b. Approval criteria. The proposed open space site will be approved for the height transfer if the review body finds that the applicant has shown that all of the following approval criteria are met:

- (1) The proposed site will help to alleviate an area's identified projected future open space deficiency. This determination is based on such things as proximity to parks, proximity to people living or working in the Central City plan district, and how the site relates to the Central City Plan's park and open space system (covered in Policy 8 of the plan);
- (2) The proposed improvements on the open space site are consistent with the design guidelines for the area; and
- (3) The Parks Bureau approves of the site.

**F. Height standard for housing on specified sites in the West End subarea.** In the area shown on Map 510-14, building heights 175 feet higher than shown on Map 510-3 are allowed if all the floor area constructed above the limits shown on Map 510-3 is used exclusively for housing.

**G. South Waterfront height opportunity area.**

1. Purpose. In the core of the South Waterfront Subdistrict, additional building heights may be appropriate to support the goals of the South Waterfront Plan. The regulations of this subsection are intended to:
  - Support the growth of a Science & Technology Quarter in the Central City;
  - Provide diverse housing opportunities;
  - Support the density goals of the subdistrict while ensuring quality design;
  - Create additional opportunities for visual access through the subdistrict;
  - Promote the development of slender towers with an east-west orientation;
  - Develop an exceptional and varied skyline enhancing the district's setting against the Tualatin Hills to the west and the Cascade range to the east;
  - Establish and maintain a pedestrian environment with access to sunlight;
  - Contribute to the district's urban variety, adding visual interest at the pedestrian level and from vantage points outside of the district;
  - Create an urban form that is visually permeable; and
  - Continue to maintain all protected public views and view corridors, on the east and west side of the Willamette River, as identified in adopted plans.
2. Additional building height may be requested as a modification through design review as follows:
  - a. The site must be in the height opportunity area shown on Map 510-16;
  - b. The maximum height that may be approved is 325 feet, including projections, roof top mechanical equipment, and any other structures that project above the roof of the building;
  - c. One of the following must be met:
    - (1) The average floor-to-floor height in the building is at least 16 feet and floors of the building above 75 feet are 25,000 square feet in area or less; or

- (2) Floors of the building above 75 feet are 10,000 square feet in area or less;
- (3) Adjustments to the standards of this subparagraph are prohibited; however, modifications through design review may be requested as follows:
  - A modification to the 25,000 square foot limitation in G.2.c(1) may be requested;
  - A modification to the 10,000 square foot limitation in G.2.c(2) may be requested if the north-south dimension of the building above 75 feet is 112 feet or less. The north-south dimension is measured as specified in 33.510.252.A.3.e. However, modifications to allow floors larger than 12,500 square feet are prohibited;
- d. The portion of the proposed building that is greater than 250 feet in height must be at least 200 feet from the portion of any other existing or approved building that is greater than 250 feet in height, and that used the provisions of this subsection to achieve additional height. Approved buildings are those with an unexpired design review approval. Adjustments to this standard are prohibited; however, modifications to the 200 foot minimum distance requirement may be requested through design review. In reviewing such a request, the review body will consider the results of the South Waterfront Public Views and Visual Permeability Assessment for the proposal;
- e. Where a block is less than 80,000 square feet in area, only one building on the block may use the provisions of this subsection. Where a block is at least 80,000 square feet in area but less than 120,000, only two buildings on the block may use the provisions of this subsection. Where a block is at least 120,000, only three buildings on the block may use the provisions of this subsection.

Applications for land divisions of sites that include a building that has used the provisions of this subsection must show how the land division will not move the site out of conformance with this subsection.
- f. The applicant must contribute \$10.60 to the South Waterfront Public Open Space Fund (SWPOSF) for every square foot of floor area over 250 feet in height. The contribution to the SWPOSF must be made before the building permit is issued for the building. Contributions to the fund used to earn bonus floor area under 33.510.210.C.18, Open space fund bonus option, do not count towards meeting this requirement. Adjustments to this standard are prohibited.
- g. The applicant must request advice from the Design Commission as described in 33.730.050.F. The design advice request must be submitted before the request for a pre-application conference. In providing their advice to the applicant, the Design Commission will consider protection and enhancement of public views from both the east and west, as identified in adopted plans; development of a diverse, varied and visually interesting skyline; and creation of a district that is visually permeable. These factors will be considered at different scales, including the site of the proposal, the site and adjacent blocks, and the subdistrict as a whole.

**H. North Pearl Subarea height opportunity area.**

1. Purpose. In the North Pearl Subarea, additional building height may be appropriate to support the goals of the North Pearl Plan. The regulations of this subsection:
  - Promote the use of development bonus and transfer provisions to create and support a range of community amenities to serve the diversity of residents and employees in the Central City;
  - Create a skyline and urban form that is visually permeable by providing visual access to locations within and beyond the subarea;
  - Encourage the development of taller buildings that may accommodate a range and diversity of land uses;
  - Result in a dynamic and varied skyline and urban form that contributes to the health, vibrancy, and livability of urban living;
  - Shape building massings that allow light and air to penetrate to the street level, enhance pedestrian scale, and create a pleasant, versatile, and active public realm; and
  - Provide flexibility to allow a range of uses and building types to be developed in a manner that fulfills the design objectives of this purpose statement.

Additionally, along the waterfront of the North Pearl Subarea the regulations of this subsection also:

- Increase access to sunlight along the greenway and within public and private open space areas developed along the waterfront;
  - Develop a dense, active urban waterfront with a vibrant public realm;
  - Work with the open area and waterfront development provisions of the North Pearl Subarea in the creation of well designed public and private urban open space amenities;
  - Facilitate visual and physical access to and along the riverfront for all members of the public;
  - Create expanded opportunities for views of the river as viewed from Naito Parkway and Front Avenue, landward portions of the subarea, and locations west of the subdistrict; and
  - Ensure bonus height granted to sites adjacent to the Fremont Bridge does not significantly affect views of or diminish the aesthetic qualities of the bridge or its iconic stature in the Portland skyline.
2. Additional building height above the maximum height limits shown on Map 510-3 may be approved as a modification through design review if H.2.a and b are met, and either H.2.c or d. Except as specifically allowed, adjustments and modifications to this paragraph are prohibited.
    - a. The site must be in the height opportunity area shown on Map 510-16.
    - b. The floor area of the building above the maximum height limit shown on Map 510-3 must be:

- (1) Earned through bonus FAR provisions;
  - (2) Transferred by a Central City Master Plan; or
  - (3) Transferred from an Historic Resource in conformance with 33.510.200.H, Transfer of floor area from Historic Resources in specified areas.
- c. The regulations of this subparagraph apply to sites northeast of SW Naito Parkway. Building heights may be increased to 175 feet in the height opportunity area if the following are met:
- (1) The floors of the building above 100 feet are limited to 12,500 square feet in area or less; and
  - (2) The length of any facade above 100 feet may not exceed 120 feet. However, a dimension of up to 150 feet may be requested as a modification through design review.
- d. The regulations of this subparagraph apply to sites southwest of SW Naito Parkway. For sites in the height opportunity area where the maximum height allowed for the site by Map 510-3 is 100 feet, applicants may choose to increase height using one of the options of this subparagraph.
- (1) Option One: The height may be increased to 175 feet if the length of any facade above 100 feet in height does not exceed 150 feet. However, a dimension of up to 180 feet may be requested as a modification through design review; or
  - (2) Option Two: There is no maximum height limit if the following are met:
    - The floors of the building above 100 feet are limited to 12,500 square feet in area or less; and
    - The length of any facade above 100 feet may not exceed 120 feet. However, a dimension of up to 150 feet may be requested as a modification through design review.

### **33.510.210 Floor Area and Height Bonus Options**

- A. Purpose.** Floor area and height bonus options are offered as incentives to encourage facilities and amenities that implement the Central City Plan.
- B. General regulations.**
1. The bonus options are only allowed in situations where stated. Only new developments are eligible for the bonuses unless specifically stated otherwise. Exceptions to the requirements and the amount of bonus floor area or height earned are prohibited.
  2. Projects may use more than one bonus option unless specifically stated otherwise. Bonuses may be done in conjunction with allowed transfers of floor area.
  3. The maximum floor area increase that may be earned through the bonus options must be within the limits for overall floor area increases stated in 33.510.200.C.

4. Buildings using bonus floor area must not exceed the maximum height limits shown on Map 510-3 unless eligible for bonus height.
  5. In residential bonus target areas, as shown on Map 510-4, the residential bonus option must be used before any other bonus. A bonus floor area ratio of at least 1.5 to 1 from the residential bonus option must be earned before the project qualifies for other bonus options.
  6. If any portion of the site is in the Greenway bonus target area, as shown on Map 510-4, the South Waterfront Willamette River Greenway bonus option must be used before any other bonus. Bonus floor area of at least 7,500 square feet from the South Waterfront Willamette River Greenway bonus option must be earned before the project qualifies for other bonus options.
- C. Bonus floor area options.** Additional development potential in the form of floor area is earned for a project when the project includes any of the specified features listed below. The bonus floor area amounts are additions to the maximum floor area ratios shown on Map 510-2.
1. Residential bonus option.
    - a. In specified areas, proposals that include Residential uses receive bonus floor area. New development and alterations to existing development are eligible for this bonus.
      - (1) In the CX and EX zones outside of the South Waterfront Subdistrict and the North Pearl Subarea, for each square foot of floor area developed and committed as housing, a bonus of 1 square foot of additional floor area is earned, up to an additional floor area ratio of 3 to 1. Sites in the required residential opportunity areas are eligible for this bonus.
      - (2) In the CX and EX zones in the North Pearl Subarea, for each square foot of floor area developed and committed as housing, a bonus of 1 square foot of additional floor area is earned, up to an additional floor area ratio of 2 to 1.
    - b. The additional floor area may be used entirely for housing or partially for nonresidential uses. Projects that include housing built under building permits issued prior to July 1, 1998 may commit up to 2/3 of the bonus floor area to nonresidential uses. Projects built under building permits issued after July 1, 1998 may commit up to 1/2 of their bonus floor area to nonresidential uses.
    - c. Residential portions of mixed-use projects using this bonus must be completed and receive an occupancy permit in advance or at the same time as an occupancy permit for any nonresidential portion of the project. The property owner must execute a covenant with the City ensuring continuation and maintenance of the housing by the property owner. The covenant must comply with the requirements of 33.700.060.
  2. Day care bonus option. In the CX, EX, and RX zones outside of the South Waterfront Subdistrict, projects providing day care facilities for children receive bonus floor area. For each square foot of area developed and committed to exclusive use as a day care

facility, a bonus of 3 square feet of additional floor area is earned. To qualify for this bonus, the day care facility must meet all of the following requirements:

- a. The day care facility must be used for the purpose of day care for the life of the building. The facility must be open during normal business hours at least five days each week and fifty weeks each calendar year.
  - b. The day care facility must be maintained and kept in a good state of repair throughout the life of the building.
  - c. The property owner must execute a covenant with the City ensuring continuation and maintenance of the day care facility by the property owner. The covenant must comply with the requirements of 33.700.060.
3. Retail use bonus option. In the retail use bonus target area, shown on Map 510-4, projects providing retail uses receive bonus floor area. To qualify for this bonus option, floor area equal to at least 1/2 of the site area must be committed to retail space. For each square foot of retail space over this amount, one additional square foot of floor area is earned. The property owner must execute a covenant with the City attached to the deed of the site ensuring continuation and maintenance of the qualifying retail spaces by the property owner. The covenant must comply with the requirements of 33.700.060.
4. Rooftop gardens option. In CX, EX, and RX zones outside of the South Waterfront Subdistrict, developments with rooftop gardens receive bonus floor area. For each square foot of rooftop garden area, a bonus of one square foot of additional floor area is earned. To qualify for this bonus option, rooftop gardens must meet all of the following requirements.
- a. The rooftop garden must cover at least 50 percent of the roof area of the building and at least 30 percent of the garden area must contain plants.
  - b. The property owner must execute a covenant with the City ensuring continuation and maintenance of the rooftop garden by the property owner. The covenant must comply with the requirements of 33.700.060.
5. "Theaters on Broadway" bonus option. In the Broadway Theater bonus target area, projects providing theaters receive bonus floor area. For each square foot of floor area developed as theater, a bonus of 2 square feet of additional floor area is earned. Existing and new theaters qualify for this bonus. The Broadway Theater target area is shown on Map 510-4. To qualify for this bonus, a theater must meet all the following requirements.
- a. The theater facilities must provide seating for at least 150 people.
  - b. The theater space must be used for the life of the building and at least 200 performances must be given each calendar year. Live theater performances and film exhibitions meet this requirement.
  - c. The theater facilities must be maintained and kept in a good state of repair throughout the life of the building.

- d. The property owner must execute a covenant with the City ensuring compliance with these standards by the property owner. The covenant must comply with the requirements of 33.700.060.
6. "Percent for Art" bonus option. In all zones outside of the South Waterfront Subdistrict, new development or alterations to existing development which commit funds to public art receive bonus floor area. Projects which commit 1 percent of their threshold value to public art earn additional floor area equal to the size of the site. Projects committing more than 1 percent to public art earn additional floor area equal to 0.1 of the site area for each additional 0.1 percent of the project's threshold value up to a maximum total floor area increase of 2 times the site area. **For new development**, threshold value is the sum of all construction costs shown on all building permits associated with the project, including site preparation. Where some or all of the bonus floor area is being transferred, this includes costs for both the lot transferring the bonus and the site receiving the transfer of floor area. **For alterations to existing development**, the threshold value is the sum of all construction costs as defined above plus the value of existing improvements to the property, as listed in the County Assessor's records. Where some or all of the bonus floor area is being transferred, this includes costs and values for both the lot transferring the bonus and the site receiving the transfer of floor area. To qualify for this bonus, the public art must meet the following requirements.
- a. At least 25 percent of the project's public art funds must be placed in a Central City Public Art Trust fund, maintained by the Regional Arts and Culture Council. The developer may place all of the public art funds in the trust fund. The Central City Public Art Trust Fund is used to purchase and install public art only in the Central City plan district.
  - b. The process and budget for selecting the artist and for selecting and installing the specific works of art to be included in the project must be approved by the Regional Arts and Culture Council. The Regional Arts and Culture Council maintains and publishes guidelines and procedures for review, selection, installation, and payment for works of art included in a project.
  - c. Works of art must be approved by the Regional Arts and Culture Council.
  - d. Works of art must be placed on the outside of the building or at a location clearly visible and freely accessible to the public from the sidewalk during daylight hours. The location of each work of art will be approved by the Regional Arts and Culture Council. The Design Commission will recommend appropriate locations prior to the Regional Arts and Culture Council approval.
  - e. The public art may not also be used to satisfy other requirements of City, State, or Federal law.
  - f. The property owner must execute a covenant with the City ensuring installation, preservation, maintenance, and replacement if necessary of the public art. The covenant must comply with the requirements of 33.700.060.

7. Water features or public fountains bonus option. In CX, EX, and RX zones, projects which provide water features or public fountains as part of the development receive bonus floor area. For each 0.1 percent of their threshold value that a project commits to development of water features or public fountains, an additional floor area equal to 0.1 of the site area is earned, up to a maximum of 0.5 of the site area. **For new development**, threshold value is the sum of all construction costs shown on all building permits associated with the project, including site preparation. Where some or all of the bonus floor area is being transferred, this includes costs for both the lot transferring the bonus and the site receiving the transfer of floor area. **For alterations to existing development**, the threshold value is the sum of all construction costs as defined above plus the value of existing improvements to the property, as listed in the County Assessor's records. Where some or all of the bonus floor area is being transferred, this includes costs and values for both the lot transferring the bonus and the site receiving the transfer of floor area. To qualify for this bonus, the water feature or public fountain must meet all of the following requirements:
  - a. The water feature or public fountain must be located outdoors on the site or abut the site in a right-of-way, unless another site is approved by the Design Commission. It must be visible and accessible by the public from the sidewalks that provide access to the project.
  - b. The water feature or fountain must be designed to use water efficiently with a low water make-up rate. A method of keeping the water clean must be provided.
  - c. The design and location of the water feature or public fountain must be approved as part of the design review of the total project.
  - d. Water features and public fountains may not be counted to meet both this bonus option and the "Percent for Art" bonus option at the same time.
  - e. The property owner must execute a covenant with the City ensuring the preservation, maintenance, and continued operation of the water feature or public fountain by the property owner. The covenant must comply with the requirements of 33.700.060.
8. Locker room bonus option. To encourage bicycling, projects in the CX and EX zones outside of the South Waterfront Subdistrict that provide locker room facilities and extra long-term bicycle parking receive bonus floor area. For each square foot of area developed and committed to locker room facilities, a bonus of 40 square feet of additional floor area is earned. To qualify for the bonus, the following must be met:
  - a. The locker room facility must include showers, a dressing area, and lockers;
  - b. All tenants of the building must be able to use the locker room facility; and
  - c. At least 110 percent of the required long-term bicycle parking for the site must be provided and must meet the standards of 33.266.220.B., Long-term Bicycle Parking.
9. South Waterfront Willamette River Greenway bonus option. To complement and enhance the existing public corridor, projects along the Willamette River Greenway in

the South Waterfront Subdistrict that provide open space for public activity will receive bonus floor area. For each square foot of open space dedicated, a bonus of three square feet of additional floor area is earned. Open space that will earn bonus floor area under 33.510.210.C.17, Open Space bonus option, may not be used to earn additional floor area under this bonus. To qualify for this bonus, the following requirements must be met:

- a. Location. The open space must abut the South Waterfront Greenway Area, as shown on Figure 510-2;
  - b. Size and dimensions. The open space must include at least 2,500 square feet of contiguous area; the north-south dimension of the area must be at least twice as long as the east-west dimension of the area;
  - c. Connection to the recreational trail. A direct pedestrian connection must be provided between the open space and any required recreational trail or recreational trail easement on the site;
  - d. Ownership and use. One of the following must be met:
    - (1) The open space and pedestrian connection must be dedicated to the City; or
    - (2) A public access easement must be provided that allows for public access to and use of all the open space and the pedestrian connection.
  - e. Maintenance. The property owner must execute a covenant with the City that ensures the installation, preservation, maintenance, and replacement, if necessary, of the open space features, and that meets the requirements of 33.700.060, Covenants with the City;
  - f. Landscaping. The open space must be landscaped to meet the requirements of Paragraphs 33.510.253.E.2. and E.7. that apply to South Waterfront Greenway subarea 3;
  - g. Open space features. Public seating such as benches must be provided at a ratio of at least 5 seats per 1,000 square feet of open space; and
  - h. Timing. The requirements of this paragraph must be met before an occupancy permit for any building using the bonus floor area is issued.
10. Eco-roof bonus option. Eco-roofs are encouraged in the Central City because they reduce stormwater run-off, counter the increased heat of urban areas, and provide habitat for birds. An eco-roof is a rooftop stormwater facility that has been certified by the Bureau of Environmental Services (BES). Proposals that include eco-roofs receive bonus floor area. A proposal may earn bonus floor area for both the eco-roof option and the rooftop gardens option. However, the same square footage may not be counted towards both bonuses.
- a. Bonus. Proposals that include eco-roofs receive bonus floor area as follows:

- (1) Where the total area of eco-roof is at least 10 percent but less than 30 percent of the building's footprint, each square foot of eco-roof earns one square foot of additional floor area.
    - (2) Where the total area of eco-roof is at least 30 percent but less than 60 percent of the building's footprint, each square foot of eco-roof earns two square feet of additional floor area.
    - (3) Where the total area of eco-roof is at least 60 percent of the building's footprint, each square foot of eco-roof earns three square feet of additional floor area.
  - b. Before an application for a land use review will be approved, the applicant must submit a letter from BES certifying that BES approves the eco-roof. The letter must also specify the area of the eco-roof. Final plans and specifications must be submitted with building permit applications.
  - c. The property owner must execute a covenant with the City ensuring installation, preservation, maintenance, and replacement, if necessary, of the eco-roof. The covenant must comply with the requirements of 33.700.060.
11. Large dwelling unit bonus option. In the West End subarea, new development with dwelling units larger than 750 square feet receive bonus floor area. Where a dwelling unit is larger than 750 square feet, each square foot over 750 square feet earns a bonus of one square foot. For example, if a building includes one 700 square foot unit, one 900 square foot unit, and one 950 square foot unit, a bonus of 350 square feet will be earned. To qualify for this bonus option, the property owner must execute a covenant with the City ensuring that the units used for bonuses will not be reduced in size. The covenant must comply with the requirements of Section 33.700.060.
  12. Large household dwelling unit bonus option. In the South Waterfront Subdistrict, new development that includes dwelling units with more than two bedrooms receives bonus floor area. To be counted towards this bonus, a bedroom must be at least 70 square feet in area, have at least one window that can be opened, have at least one closet, and be separated by walls and or doors from kitchen, bath, and garage. In addition, the bedroom may not provide the sole access to any other room except a bathroom. Each dwelling unit with more than two bedrooms receives floor area based on the number of bedrooms in excess of two bedrooms. Each additional bedroom earns 150 square feet of bonus floor area. To qualify for this bonus option, the property owner must execute a covenant with the City ensuring that the units used for bonuses will not be reduced in number of bedrooms. The covenant must comply with the requirements of Section 33.700.060.
  13. Middle-income housing bonus option. Housing for middle-income residents receives bonus floor area. For each square foot of floor area certified by the Portland Development Commission, three square feet of bonus floor area is earned. To qualify for this bonus, the proposed development must meet all of the following requirements:

- a. The applicant must submit with the development application a letter from the Portland Development Commission (PDC) certifying that at least 30 percent of new dwelling units in the proposed development will be affordable to those earning no more than 150 percent of the area median family income;
  - b. The property owner must execute a covenant with the City that complies with the requirements of 33.700.060. This covenant must ensure that:
    - (1) Rental units used for this bonus will remain affordable to those earning no more than 150 percent of the area median family income for at least 60 years after an occupancy permit is issued; and
    - (2) Units for sale used for this bonus will be initially sold at a price that is affordable to those earning no more than 150 percent of area median family income.
  - c. Residential portions of mixed-use projects using this bonus must be completed and receive an occupancy permit in advance of or at the same time as an occupancy permit for any nonresidential portion of the project.
14. Small development site option. In the West End subarea, developments on small development sites receive floor area bonuses. To qualify for this bonus, the development site must be 15,000 square feet or less. The development site is all of the lots, lots of record, and plots proposed for the development, including accessory uses. Lots, lots of record, and plots that are under the same ownership, and that are vacant or used for surface parking, and that abut those proposed for the development are included in the development site.

The amount of the bonus varies with the size of the development site, as follows:

- a. Where the development site is up to 5,000 square feet, the FAR is increased by 1.5;
  - b. Where the development site is larger than 5,000 square feet and up to 10,000 square feet, the FAR is increased by 1.0;
  - c. Where the development site is larger than 10,000 square feet and up to 15,000 square feet, the FAR is increased by 0.5.
15. Affordable Housing Replacement Fund bonus option. Contributors to the Affordable Housing Replacement Fund (AHRF) receive floor area bonuses. For each \$21.70 contributed to the AHRF, one square foot of bonus floor area is earned, up to a maximum of two square feet per square foot of site area. To qualify for this bonus, the following requirements must be met:
- a. The applicant must submit with the development application a letter from the Portland Development Commission (PDC) documenting the amount that has been contributed to the AHRF;
  - b. The bonus floor area may be used only in the Central City plan district.

- c. The Affordable Housing Replacement Fund is to be collected and administered by the Portland Development Commission (PDC). The funds collected may be used only within the Central City plan district, either for acquisition, rehabilitation, remodeling or construction of housing affordable to those households earning no more than 60 percent of area median income.
16. Below-grade parking bonus option. In the West End subarea, where parking on the site is located below grade, a bonus of two additional square feet of floor area is earned for each square foot of below-grade parking. To qualify for this bonus, the following requirements must be met:
  - a. Except as allowed by Subparagraph C.15.c., all parking on the site must be below grade. This includes both commercial and accessory parking;
  - b. Where accessory parking is off-site, it must be below grade; and
  - c. One parking space per 5,000 square feet of site area may be on the ground floor of the building if both the parking spaces and any vehicles parked there are completely screened from all adjacent rights-of-way. These spaces do not qualify for bonus floor area.
17. Open Space bonus option. In the South Waterfront Subdistrict, proposals that provide open space that may be used by the public will receive bonus floor area. For each square foot of open space provided, a bonus of one square foot of additional floor area is earned. Open space that will earn bonus floor area under 33.510.210.C.9, South Waterfront Willamette River Greenway bonus option, may not be used to earn additional floor area under this bonus. To qualify for this bonus, the following requirements must be met:
  - a. Size and dimensions. The open space must include at least 2,500 square feet of contiguous area;
  - b. Ownership and use. One of the following must be met:
    - (1) The open space must be dedicated to the City; or
    - (2) A public access easement must be provided that allows for public access to and use of all the open space;
  - c. Maintenance. The property owner must execute a covenant with the City that ensures the installation, preservation, maintenance, and replacement, if necessary, of the open space features, and that meets the requirements of 33.700.060, Covenants with the City;
  - d. Parks approval. The applicant must submit with the application for land use review a letter from Portland Parks and Recreation stating that the open space features meet the requirements of the bureau, and that the space is acceptable to the bureau; and
  - e. The bonus floor area may be used only in the South Waterfront Subdistrict.

18. Open space fund bonus option. Contributors to the South Waterfront Public Open Space Fund (SWPOSF) receive floor area bonuses. For each \$21.70 contributed to the SWPOSF, one square foot of bonus floor area is earned. To qualify for this bonus, the following requirements must be met:
    - a. The applicant must submit with the application for land use review a letter from Portland Parks and Recreation documenting the amount that has been contributed to the SWPOSF;
    - b. The bonus floor area may be used only in the South Waterfront Subdistrict; and
    - c. The SWPOSF is to be collected and administered by Portland Parks and Recreation. The funds collected may be used only within the South Waterfront Subdistrict of the Central City plan district, either for acquisition, improvement, or maintenance of public open space or for bank restoration or improvement projects along the Willamette River.
  19. Efficient family size unit housing bonus option. In the North Pearl Subarea shown on Map 510-1, new development that is designed for family housing receives bonus floor area. Adjustments and modifications to these standards are prohibited.
    - a. Number of units. The proposal must include at least 20 efficient family size units.
    - b. Size and bonus. The bonus earned varies with the size of the unit, as follows:
      - (1) Units with three bedrooms that have no more than 1,200 square feet of floor area earn an additional 3 square feet of floor area for each square foot of area in the unit.
      - (2) Units with two bedrooms that have no more than 1,000 square feet of floor area earn an additional 2 square feet of floor area for each square foot of area in the unit.
    - c. Outdoor play area. The proposal must include an outdoor play area that is at least 1,400 square feet in area and is designed so that a 25-foot x 25-foot square will fit entirely within it. No portion of this area may be shared with any vehicle area. Outdoor play areas may be sited within plazas, courtyards, rooftop gardens, or similar open area features and may contain play equipment, sports courts, hard or soft surface areas, or other features that accommodate or facilitate play.
    - d. Indoor common rooms. The proposal must include at least 400 square feet of indoor occupiable common space that is provided in one or more rooms that are not used for mechanical equipment or storage. These rooms must be accessible to all residents and each room must be at least 200 square feet in area.
- D. General bonus heights.** Bonus height is also earned at certain locations in addition to the bonus floor area achieved through the bonus options. Bonus height is in addition to the maximum heights of Map 510-3. Qualifying areas, shown on Map 510-3, are located such that increased height will not violate established view corridors, the preservation of the character of historical districts, the protection of public open spaces from shadow, and the

preservation of the City's visual focus on important buildings (such as the Union Station Clock Tower).

The height bonus allowed is based on the floor area bonuses and transfers listed in Paragraph D.1., below. The amount of bonus height awarded is specified in Paragraphs D.2. and D.3., below.

1. The height bonus allowed is based on the following:
  - a. The floor area bonus options of Subsection 33.510.210.C., above;
  - b. The transfer of floor area from sites occupied by SROs, as allowed by Subsection 33.510.200.E; and
  - c. The transfer of floor area from sites of Historic Landmarks, as allowed by the regulations of the base zones.
2. In areas qualifying for a height bonus, on sites up to 40,000 square feet in area, the amount of bonus height awarded is based on the following schedule:
  - a. For achieving a bonus floor area ratio of at least 1 to 1, but less than 2 to 1, a height bonus of 15 feet is earned.
  - b. For achieving a bonus floor area ratio of at least 2 to 1, but less than 3 to 1, a height bonus of 30 feet is earned.
  - c. For achieving a bonus floor area ratio of 3 to 1, a height bonus of 45 feet is earned.
3. In areas qualifying for a height bonus, on sites larger than 40,000 square feet in area, the amount of bonus height awarded is based on the following schedule. The height bonus is applied only to the building where the bonus floor area is achieved or transferred, not to the entire site:
  - a. For achieving bonus floor area of at least 40,000 square feet, but less than 80,000 square feet, a height bonus of 15 feet is earned.
  - b. For achieving bonus floor area of at least 80,000 square feet, but less than 120,000 square feet, a height bonus of 30 feet is earned.
  - c. For achieving bonus floor area of 120,000 square feet or more, a height bonus of 45 feet is earned.

**E. Bonus height option for housing.**

1. Generally. In the bonus height areas, building heights may be allowed to be greater than shown on Map 510-3 if the bonus height is for housing. Although this subsection allows the review body to approve bonus height, the review body may also require reconfiguration of the building, including reducing its height, and may approve all, some or none of the bonus height requested, based on application of the criteria in E.4, below.
2. Standard. The maximum height bonus that may be allowed is 75 feet.

3. Relationship to Subsection D.
  - a. On sites shown on Map 510-3 as eligible for general and housing height bonuses, both the bonus height options of this subsection and Subsection D., above may be used. However, if both options are used, the combined bonus height may not exceed 75 feet. Bonus height in excess of the maximum allowed through Subsection D., above, must be used exclusively for housing, and may not be used to qualify for the residential floor area bonus option in Subsection C.1., above;
  - b. On sites shown on Map 510-3 as eligible for housing height bonuses, only the housing height bonus of this subsection may be used.
4. Approval Criteria. The approval of the bonus height is made as part of the design review of the project. The bonus height may be approved if the review body finds that the applicant has shown that all of the following criteria have been met:
  - a. The increased height will not violate an established view corridor;
  - b. If the site is within 500 feet of an R zone, the proposed building will not cast shadows that have significant negative impacts on dwelling units in R zoned lands;
  - c. If the site is shown on Map 510-3 as eligible for the Open Space (OS) performance standard, the project must meet the performance standards of Subsection 33.510.205.E.;
  - d. If the site is on a block adjacent to the Yamhill or Skidmore Fountain/Old Town Historic Districts, the project must meet the performance standards of Subsection 33.510.205.D.;
  - e. The increased height will result in a project that better meets the applicable design guidelines; and
  - f. Approval of the increased height is consistent with the purposes stated in Subsection 33.510.205.A.

- F. Bonus height option for high ceilings in the West End.** In the West End subarea, proposals where any of the residential floor-to-ceiling heights exceed 8 feet receive bonus height. Each floor that has a ceiling height of more than 8 feet may receive up to four feet of bonus height; for each foot of floor-to-ceiling height over 8 feet, an additional foot of height is allowed above that shown on Map 510-3. To be eligible for this bonus, the floors where this bonus is earned must be in residential use, and at least 75 percent of ceiling square footage must qualify for the bonus that is being sought.

For example, the height bonus for a ten story, totally residential building where 3 floors have 10-foot ceilings ( $3 \times 2 = 6$ ), two floors have 12-foot ceilings ( $2 \times 4 = 8$ ), two floors have 14-foot ceilings ( $2 \times 4 = 8$ ) and three floors have 8-foot ceilings ( $3 \times 0 = 0$ ), the height bonus allowed would be 22 feet.

- G. Bonus height in the South Waterfront Subdistrict.** Within the South Waterfront Subdistrict, buildings receive bonus height if they include bonus floor area or floor area transferred onto the site. Buildings that include any floor area achieved through bonuses

or from transfers onto the site earn a height bonus of 125 feet, up to a maximum building height of 250 feet. The additional height may not be applied to any portion of a building within 150 feet of the top of bank line as shown on Map 510-17, South Waterfront 2002 Top of Bank Line.

### **33.510.215 Required Building Lines**

- A. Purpose.** Required building lines are intended to enhance the urban quality of the Central City plan district.
- B. Sites and development subject to the building line standard.** Sites subject to this standard are shown on Map 510-6 at the end of this chapter.
- C. Special building lines.** On West Burnside between 10th and 21st Avenues, the special building line is 10 feet from the street lot line along West Burnside.
- D. Building line standards.**
  - 1. New development and major remodeling projects along a frontage containing a required building line must comply with either Subparagraphs a. or b. below, except where there is also a special building line. Exterior walls of buildings designed to meet the requirements of this paragraph must be at least 15 feet high.
    - a. The building must extend to the street lot line along at least 75 percent of the lot line; or
    - b. The building must extend to within 12 feet of the street lot line for 75 percent of the lot line. Except in the South Waterfront Subdistrict, the space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places." In the South Waterfront Subdistrict, the space between the building and the street lot line may contain landscaping if one of the following is met:
      - (1) The proposed landscaping must meet the L2 standard;
      - (2) The proposed landscaping must meet the landscaping regulations of 33.510.253.E.7. that apply to subarea 3 of the South Waterfront Greenway Area. However, trees are not required; or
      - (3) BES approval. The applicant must submit with the application for a land use review a letter from the Bureau of Environmental Services stating that the landscaping meets the guidelines of the Stormwater Management Manual.
  - 2. Where a site with frontage on a required building line street also has a special building line, new development or additions of floor area to the site must comply with either Subparagraphs a. or b. below. Exterior walls of buildings designed to meet the requirements of this paragraph must be at least 15 feet high.
    - a. The building must extend to the special building line along at least 75 percent of the street lot line; or

- b. The building must extend to within 12 feet of the special building line for 75 percent of the street lot line and the space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places."

### **33.510.220 Ground Floor Windows**

- A. Purpose.** In the Central City plan district, 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;
  - Encourage continuity of retail and service uses;
  - Encourage surveillance opportunities by restricting fortress-like facades at street level; and
  - Avoid a monotonous pedestrian environment.
  - The plan district modifications to the base zone standards for ground floor windows are intended to promote ground floor windows in a larger number of situations than in the base zones and to provide additional flexibility in meeting the standard.
- B. Major remodeling projects.** In the RX, CX, and EX zones, all major remodeling projects must also meet the ground floor window standard of the base zone, or the option below.
- C. Optional artwork.** Projects proposing to use artwork as an alternative to the ground floor window requirements may apply for this through the adjustment procedure. Projects may also apply for a modification through design review if they meet the following qualifications. Buildings having more than 50 percent of their ground level space in storage, parking, or loading areas, or in uses which by their nature are not conducive to windows (such as theaters), may be allowed to use the design review process. Artwork and displays relating to activities occurring within the building are encouraged. In these instances, the artwork will be allowed if it is found to be consistent with the purpose for the ground floor window standard.

### **33.510.221 Required Windows Above the Ground Floor**

- A. Purpose.** Windows on building facades above the ground floor ensure opportunities for active uses, contribute to the skyline, and add interest to the built environment in the area near the streetcar alignment.
- B. Where this regulation applies.** The regulation of this section applies to sites near the streetcar alignment shown on Map 510-12.
  1. In the River District, the regulation applies to the portion of a site within 200 feet of a streetcar alignment, if the site is in the EX zone.
  2. In the West End, the regulation applies to the portion of a site within 200 feet of a streetcar alignment.

3. In the South Waterfront Subdistrict, the regulation applies to the portion of a site within 200 feet of a streetcar alignment. The regulation also applies to the portion of a site within 200 feet of a proposed streetcar alignment, as shown on the street plan for the area that has been accepted by City Council. The street plan is maintained by the Portland Office of Transportation.
- C. Standard.** Windows must cover at least 15 percent of the area of street-facing facades above the ground level wall areas. This requirement is in addition to any required ground floor windows. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade.

### **33.510.223 Exterior Display and Storage**

Exterior display of goods and exterior storage are not allowed in the portions of the Downtown and Goose Hollow subdistricts shown on Map 510-18. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food, or drink stands, are exempt from this requirement.

### **33.510.224 Mechanical Equipment along the Portland Streetcar Alignment**

- A. Purpose.** These regulations reduce the negative visual and noise impacts of mechanical equipment in areas that allow a mix of residential, commercial, and industrial uses to protect the residential livability, economic vitality, and appearance of these areas. They also minimize the impact of ground-level mechanical equipment along streets and other public areas.
- B. Where these regulations apply.** The regulations of this section apply to sites shown on Map 510-11.
- C. Screening and enclosure.**
1. If mechanical equipment is within nine feet of the grade of the adjacent sidewalk, it must be screened or enclosed as follows:
    - a. If the area occupied by the mechanical equipment is less than 500 square feet, the equipment must be completely screened from the sidewalk by walls, fences, or plants;
    - b. If the area occupied by the mechanical equipment is less than 3 percent of the site area, but it is not larger than 1,000 square feet, the equipment must be completely screened from the sidewalk by walls, fences, or plants; or
    - c. All other mechanical equipment must be within a building that is completely enclosed on all sides;
  2. If mechanical equipment is more than nine feet above the grade of the adjacent sidewalk, the equipment must be completely screened from the sidewalk by walls, fences, or plants.
- D. Noise.** The Portland Noise Control Office regulates noise. Noise control regulations can be found in other Titles of the Portland City Code.

### **33.510.225 Ground Floor Active Uses**

- A. Purpose.** The ground floor active use standards are intended to reinforce the continuity of pedestrian-active ground-level building uses. The standards are also to help maintain a healthy urban district through the interrelationship of ground-floor building occupancy and street level accessible public uses and activities. Active uses include but are not limited to: lobbies, retail, residential, commercial, and office.
- B. Sites and development subject to the ground floor active use standard.** Ground floor active use areas are shown on Map 510-7 at the end of this chapter. On identified sites, all new development and all major remodeling projects must meet the standard below.
- C. Ground floor active use standard.** Buildings must be designed and constructed to accommodate uses such as those listed in Subsection A., above. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to active uses. This standard must be met along at least 50 percent of the ground floor of walls that front onto a sidewalk, plaza, or other public open space.

Areas designed to accommodate active uses must meet the following standards:

- 1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
  - 2. The area must be at least 25 feet deep, measured from the street-facing facade;
  - 3. The area may be designed to accommodate a single tenant or multiple tenants. In either case, the area must meet the standards of the Accessibility Chapter of the State of Oregon Structural Specialty Code. This code is administered by BDS; and
  - 4. The street-facing facade must include windows and doors, or be structurally designed so doors and windows can be added when the space is converted to active building uses.
- D. Parking restriction in the South Waterfront Subdistrict.**
- 1. Purpose. The South Waterfront Subdistrict is intended to be a multi-modal, mixed-use, pedestrian-oriented neighborhood. Developments are anticipated to include larger site areas than in other parts of the Central City where ground floor active uses are applied. These larger sites afford greater flexibility in the planning and design of ground-level uses. Also, due to the larger block size, the potential impact of less-active uses, such as structured parking, along expanses of street-facing facades is greater. Disallowing parking in ground floor active use areas lessens this impact. It also encourages either the provision of active building uses at the time of initial construction or a quicker transition from less-active to more active uses. This provision will encourage and maintain a pedestrian-oriented street environment of exceptional quality that is safe, active with uses, and comfortable for residents, visitors, and others moving through the subdistrict.
  - 2. Regulation. In the South Waterfront Subdistrict, vehicle areas are not allowed in the portions of a building that are required to meet the ground floor active building uses standard of Subsection C., above.

**E. Parking restriction near a streetcar alignment.**

1. Purpose. This provision is intended to encourage a transit-supportive, pedestrian-oriented environment adjacent to a streetcar that is safe, active with uses, and comfortable for residents, visitors, and others.
2. Regulation. In the River District subdistrict and in the West End subarea, on the portion of a site within 100 feet of a streetcar alignment (Map 510-12), parking is not allowed in the portions of a building that are required to meet the ground floor active use standard of Subsection C., above.

**33.510.226 Minimum Active Floor Area**

- A. Purpose.** This requirement ensures that development within one block of a streetcar alignment supports City goals to decrease reliance on automobile travel and increase opportunities for housing and employment, by requiring a transit-supportive level of activity and intensity.
- B. Where this regulation applies.** The regulations of this section apply to sites shown on Map 510-7 at the end of this chapter.
- C. Standard.** On the portion of a site within 200 feet of a streetcar alignment, at least 50 percent of floor area in each building must be in one or more of the active uses listed below, where allowed by the base zone. Parking areas, both accessory and commercial, are not included in active floor area. Areas shared among the active uses listed below are included in active floor area. Areas shared by a use not listed below are not included in active floor area. Only those balconies that serve only residential uses and are at least 48 square feet in area and at least 6 feet long and 6 feet wide are included in active floor area. The active uses are:
  1. Household or Group Living;
  2. Retail Sales And Service;
  3. Office;
  4. Manufacturing And Production;
  5. Industrial Service;
  6. Community Service;
  7. Schools;
  8. Colleges;
  9. Medical Centers;
  10. Religious Institutions; and
  11. Daycare.

### **33.510.230 Required Residential Development Areas**

- A. Purpose.** The requirements of this section promote new housing in areas suitable and attractive for housing. The requirement is imposed as an alternative to the creation of exclusively residential zoning. This maintains development flexibility while still promoting the housing objectives of the Central City Plan.
- B. Sites and development subject to the required residential standard.** Sites subject to this standard are shown on Map 510-5 at the end of this chapter. On identified sites, all new development must meet the standards below.
- C. Required residential standard for new development.** For this standard, net site area is the total site area minus land dedicated to public rights-of-way or public open spaces, or land used for a regional public attraction such as a museum or aquarium. New development must include at least 1 dwelling unit per 2,900 square feet of net site area (15 units per acre). The floor area of the required housing units qualifies for the floor area bonus option stated in 33.510.210.C.1
- D. Timing and location of the housing.** Required housing must be located on the site and if developed as part of a mixed-use project must receive an occupancy permit in advance of or at the same time as an occupancy permit for nonresidential portions of the project. Exceptions to this may be approved as part of a Central City master plan. See 33.510.255, Central City Master Plans.

### **33.510.240 Drive-Through Facilities**

Drive-through facilities are prohibited in the Downtown, Goose Hollow, and South Waterfront Subdistricts. In the rest of the plan district, drive-through facilities are prohibited on the portion of a site within 100 feet of a light rail alignment. In the River District subdistrict, drive-through facilities are prohibited on the portion of a site within 200 feet of a streetcar alignment. This prohibition includes curb cuts and driveways used to approach and leave the drive-through facility, stacking areas for waiting vehicles, and the facility itself, such as a drive-up window or gas pump island.

### **33.510.242 Demolitions**

- A. Landscaping.** In R, C, and E zones, sites must be landscaped within 6 months of the demolition of buildings unless there is an approved development for the site. Approved development means a project approved through design review in design zones, and issuance of a building permit outside of design zones. The landscaping must meet at least the L1 standard of Chapter 33.248, Landscaping and Screening, except that no shrubs or trees are required.
- B. Replacement of demolished ground floor area.** In R, C, and E zones, if a building is demolished after September 1, 1994, the square footage of the ground floor of the demolished building must be replaced as follows. Adjustments to the requirement of this subsection are prohibited.
  - 1. In the Core Area, as shown on Map 510-8, the square footage must be replaced on the same block as the demolished building. This replacement must occur before or at the same time as any other development or redevelopment on the block, other than landscaping.

2. Outside the Core Area, as shown on Map 510-8, the square footage must be replaced on the same site as the demolished building. This replacement must occur before or at the same time as any other development or redevelopment on the site, other than landscaping.

- C. Demolition on Type C sites.** If an applicant requests a demolition permit for a Type C site as shown on Map 510-14, and proposes development that requires compliance with Subsections 33.510.118.I. or J., a conditional use, or a Central City Parking Review (CCPR), the application for a demolition permit must include documentation that the requirements of those subsections are met, or that the required land use review has been approved.

**33.510.251 Additional Standards in the North Pearl Subarea.** Sites in the North Pearl Subarea south of the Fremont Bridge must meet the following standards:

- A. Special building height.** A special building height corridor shown on Map 510-19 is designated along NW 13th Avenue. In this corridor the portion of a building that is within 20 feet of the property line along NW 13th Avenue may be no more than 75 feet in height. Adjustments and modifications to this requirement are prohibited.
- B. Open area requirement.**
1. Purpose. The open area requirement promotes adequate amounts of light and air, year-round opportunities for outdoor active and passive recreation, visual relief from the built environment, and facilitates circulation for pedestrians to and throughout the North Pearl Subarea. The open area requirement is intended to produce open areas at a scale comparable to what large sites would have if divided by the 200 foot street grid pattern.
  2. The open area requirement.
    - a. On sites over 40,000 square feet in the North Pearl Subarea, a minimum of 30 percent of the area over 40,000 square feet must be devoted to open area. The boundaries of the subarea are shown on Map 510-1 at the end of this chapter.
    - b. Sites where at least one-half the site area is in industrial use are exempt from the open area requirement. However, changes resulting in more than one-half of the site area being in non-industrial uses require compliance with the open area requirement.
    - c. Open areas may include parks, plazas, covered or uncovered walkways, public fountains, and landscaped features or areas. Open areas do not include areas used for parking or loading, or landscaping within parking areas.
    - d. Developments which utilize the Central City master plan option may consolidate the required open area of this section and locate it within the boundary of the master plan.
- C. Required open area development standards.**
1. At least 50 percent of the open area must be in the form of parks or plazas, and at least 25 percent of the open area must be devoted to one plaza or space.

2. Walkways may not constitute more than 25 percent of the required open area.
3. Shadow standard. Parks and plazas must be sited so that shadows from buildings cover no more than 50 percent of a park or plaza at noon and 75 percent at 3:00 PM on April 21 of any year. Trees are not to be included in consideration of the limitation on shadows.
4. Tree standard. A minimum of one tree per 1,000 square feet of plaza or park area is required.
5. Border standard. Peripheral lines of trees, low walls, planters, or other similar treatment along the edges are required to ensure that parks and plazas have clearly defined borders.
6. Linkages. Open areas and walkways must provide safe, attractive, and convenient linkages to adjacent development and sidewalks.
7. Design quality. Open areas must be designed and constructed at a high level of quality consistent with an attractive, pleasant, and convenient environment for pedestrians.

**D. North Pearl Subarea waterfront development.**

1. Purpose. These standards are intended to assure both frequent views of the river and physical connections to the river and its activities.
2. Where these standards apply. This section applies only to lands between NW Front Avenue and the Willamette River within the North Pearl Subarea.
3. Development standards.
  - a. View corridors. At least 25 percent of the width of the site (as measured along NW Naito Parkway) must be maintained as a view corridor or corridors. Buildings and covered structures are not allowed in the view corridor.
  - b. Setbacks for all development from the Willamette River. The minimum setback for all development from the Willamette River is regulated by the Greenway Overlay zones; see Chapter 33.440. In addition, buildings or portions of buildings over 35 feet in height must be set back from the Greenway setback line 1 foot for every 1 foot of height above 35 feet.
  - c. Maximum building dimension. The maximum building dimension is 200 feet. This standard applies to both building length and depth.
  - d. Public access. As part of each development, public access for pedestrians must be available and clearly posted between NW Naito Parkway and the Greenway trail.

**33.510.252 Additional Standards in the South Waterfront Subdistrict**

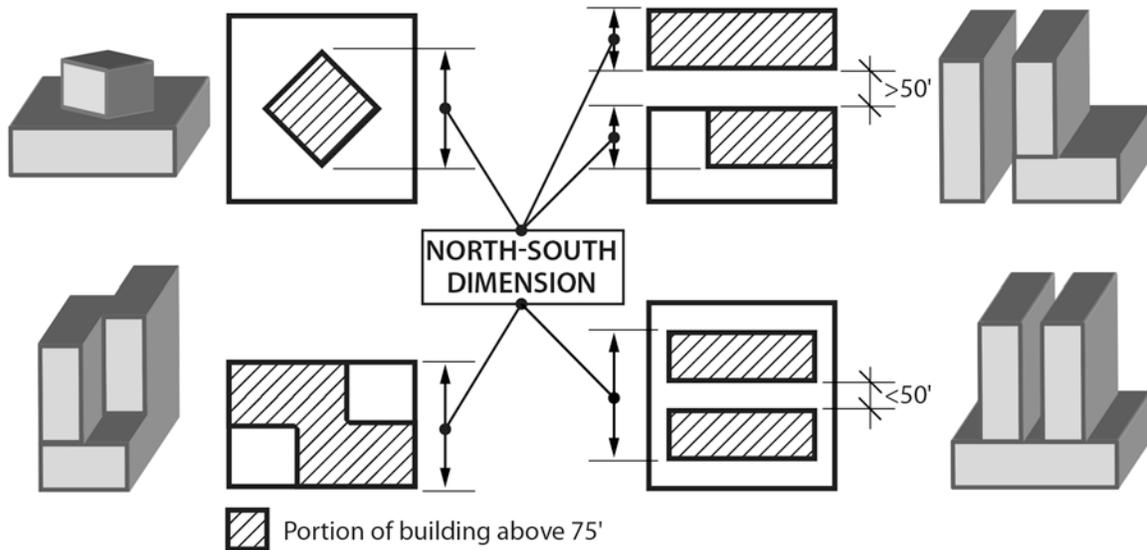
Sites in the South Waterfront Subdistrict must meet the following standards:

**A. Special building height corridors and tower orientation.**

1. Purpose. Special building heights along designated east-west corridors and tower orientation standards provide visual access to the Greenway from points west of the district, provide visual access to the Tualatin Hills from points east of the district, provide access to sunlight along designated streets, and encourage an urban form that is visually permeable and varied.
2. Special building heights. The portion of a building that is within 50 feet of the centerline of a street or accessway designated as a special building height corridor on Map 510-15 may be no more than 50 feet in height.
3. Maximum north-south dimension. The north-south dimension is measured as specified in 3.e., below. See Figure 510-1. Adjustments to this paragraph are prohibited; however, modifications to the standards of this paragraph may be requested through design review. In reviewing such a request, the review body will consider the results of the South Waterfront Public Views and Visual Permeability Assessment for the proposal. The north-south dimensions of buildings are limited as follows:
  - a. Less than 75 feet in height. For the portion of a building less than 75 feet in height, there is no limit on the north-south dimension, and no required space between buildings or portions of buildings;
  - b. 75 feet in height and above. The portion of a building that is at least 75 feet in height may have a north-south dimension up to 125 feet in width;
  - c. Where there is more than one building on a site there must be at least 50 feet between the portions of the buildings that are at least 75 feet in height. If there is less than 50 feet between these portions of the buildings, the north-south dimension is the total of the north-south dimension of each building and the north-south dimension of the space between them. The total may be up to 125 feet in width;
  - d. Where a building has more than one element that is at least 75 feet in height, the two elements are measured and regulated as two separate buildings;
  - e. Measurements for this paragraph. The measurements for the regulations of this paragraph are as follows. See Figure 510-1:
    - (1) The north-south dimension of a building is measured as follows:
      - From the northernmost point of the portion of a building that is at least 75 feet in height, a line is drawn running due east-west;
      - From the southernmost point of the portion of a building that is at least 75 feet in height, a line is drawn running due east-west;
      - A line drawn at right angles between the two east-west lines is the north-south dimension;
    - (2) The space between buildings on a site is measured using the east-west lines created under A.3.e.(1). A line drawn at right angles between the northern

east-west line of one building and the southern east-west line of the other is the distance between the buildings.

**Figure 510-1**  
**Measuring North-South Dimension**



**B. Accessways.**

1. Purpose. Accessways provide physical access and connections to the Greenway for neighbors, visitors, and residents of South Waterfront who might otherwise be cut off from the Willamette River and the Greenway trail. Accessways are generally extensions of existing and planned east-west public rights-of-way, and may or may not provide vehicle access. Accessways provide safe and convenient bicycle and pedestrian connections to and from the Greenway trail. Accessways contribute to stormwater management in the subdistrict. They also provide a visual connection to the South Waterfront Greenway Area and provide a transition from the natural emphasis of the South Waterfront Greenway Area to the urban emphasis of the rest of the district.
2. Where these regulations apply. These regulations apply to development and landscaping on sites with frontage on accessways that are east of River Parkway;
3. Setback. If the accessway is 60 feet wide or less, buildings must be set back at least 30 feet from the centerline of the accessway. If the accessway is wider than 60 feet, the building must meet the building line requirements of Section 33.510.215 on the accessway frontage;
4. Landscaping. The area between the building and the accessway must meet the landscaping standards of 33.510.253.E.7. that apply to subarea 3 of the South Waterfront Greenway Area. However, along accessways that are designated as special building height corridors on Map 510-15, trees are not required.

**C. Locker rooms and additional bicycle parking.**

1. Purpose. These standards support the transportation strategy of the South Waterfront Subdistrict by requiring amenities that support the use of alternative modes of transportation, including bicycling and walking;
2. When these regulations apply. The regulations of this subsection apply to proposals that will add at least 100,000 square feet of nonresidential floor area to a site;
3. Locker rooms. At least one locker room facility must be included in the proposal. The facility must include showers, a dressing area, and lockers. The facility must be available for use by all tenants of the building; and
4. Bicycle parking. At least 110 percent of the required long-term bicycle parking for the site must be included in the proposal. The bicycle parking must meet the standards of 33.266.220.B., Long-Term Bicycle Parking.

**D. Required Ground Floor Retail Sales and Service Uses in the South Waterfront Subdistrict**

1. Purpose. This requirement ensures that Retail Sales And Service uses are developed at key locations throughout South Waterfront; these uses activate and enrich the public realm. The requirement specifically focuses on Retail Sales And Service uses because they generate more activity and interaction within the public realm than do other active ground floor uses, and help to establish and reinforce a lively and vibrant public realm at key locations throughout the district.
2. Where this regulation applies. This regulation applies to the areas shown on Map 510.21 at the end of this chapter. New development or major remodeling on the portion of a site within the areas shown on Map 510-21 must meet the standard of this subsection.
3. Standards. Buildings must be designed and constructed to accommodate Retail Sales And Service uses. This standard must be met along the ground floor walls that front onto a sidewalk, plaza, greenway, or other public open space. Ground level wall areas include the exterior wall areas up to 9 feet above the finished grade.
  - a. Areas where the corner is shown on Map 510.21. Where Map 510-21 shows that the standard must be met on a corner, the standard must be met along the length of walls extending in both directions for 25 feet. The corner may be the intersection of two streets, or the intersection of a street and the greenway,
  - b. Areas where a block face is shown on Map 510-21. Where Map 510-21 shows that the standard must be met on a block face, the standard must be met for at least 50 percent of the length of the block face.
  - c. Areas designed to accommodate Retail Sales And Service uses must meet the following standards:
    - (1) The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;

- (2) The area must be at least 25 feet deep, measured from the street-facing facade;
  - (3) The area may be designed to accommodate a single tenant or multiple tenants. In either case, the area must meet the standard of the Accessibility Chapter of the State of Oregon Structural Specialty Code. This code is administered by BDS; and
4. The street-facing facade must include windows and doors.

### **33.510.253 Greenway Overlay Zone in South Waterfront Subdistrict**

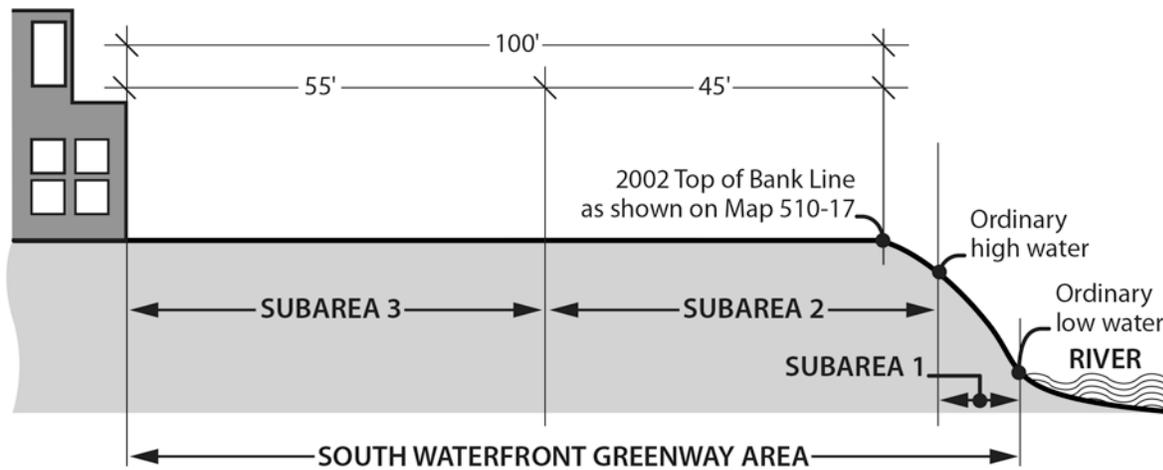
**A. Purpose.** The regulations of this section:

1. Protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along the Willamette River within the South Waterfront Subdistrict of the Central City plan district;
2. Increase public access to and along the Willamette River for the purpose of increasing recreational and transportation opportunities;
3. Support the development of the South Waterfront Subdistrict as a vibrant mixed-use neighborhood within the Central City plan district;
4. Ensure a clean and healthy river for fish, wildlife, and people;
5. Embrace the river as Portland's front yard;
6. Enhance stormwater management in the South Waterfront Subdistrict;
7. Respond to the federal Endangered Species Act and Clean Water Act; and
8. Implement the Willamette Greenway Plan and State law.

**B. Relationship to other regulations.** Development within the Greenway Overlay Zone in the South Waterfront Subdistrict is also subject to other regulations of the Portland City Code. Development within the Greenway Overlay Zone may also be subject to the regulations and review procedures of state and federal agencies including the Oregon division of State Lands, the National Marine fisheries Service, the US Army Corps of Engineers, and the Oregon Department of Fish and Wildlife.

**C. Where these regulations apply.** The regulations of this section apply to sites within the South Waterfront Subdistrict where any portion of the site is in the Greenway Overlay Zone, shown on the Official Zoning Map.

**Figure 510-2**  
**South Waterfront Greenway Area and Subareas**



Greenway Area = from ordinary low water to 100' from 2002 Top of Bank Line as shown on Map 510-17

Subarea 1 = from ordinary low water to ordinary high water

Subarea 2 = from ordinary high water to 45' in from 2002 Top of Bank Line as shown on Map 510-17

Subarea 3 = from 45' in from top of bank to 100' in from 2002 Top of Bank Line as shown on Map 510-17

**D. Required South Waterfront Greenway improvements.** Adjustments and modifications to this subsection are prohibited.

1. Required landscaping.

- a. When development on the site, or alterations to structures, the site, or rights-of-way are made, and BDS determines that the value of the proposed alterations on the site is more than \$153,450, the site must be brought into conformance with the landscape requirements of Paragraph E.5.f. that apply to subareas 2 and 3 of the South Waterfront Greenway Area. The value of the alterations is based on the entire project, not individual building permits. It is the responsibility of the applicant to document the value of the required improvements.

The following alterations and improvements do not count toward the dollar threshold of this subsection:

- (1) Alterations required by approved fire/life safety agreements;
- (2) Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
- (3) Alterations required by Chapter 24.85, Interim Seismic Design Requirements for Existing Buildings;

- (4) Improvements to on-site stormwater management facilities in conformance with Chapter 17.38, Drainage and Water Quality, and the Stormwater Management Manual; and
    - (5) Improvements made to sites in order to comply with Chapter 21.35, Wellfield Protection Program, requirements.
  - b. Caps on the cost of required landscaping. Required landscaping costing more than 10 percent of the value of the proposed alterations does not have to be installed. When all required landscaping is not being installed, the priority for which landscaping is to be installed is:
    - (1) Trees in subarea 2;
    - (2) Shrubs in subarea 2;
    - (3) Ground cover in subarea 2;
    - (4) Trees in subarea 3;
    - (5) Shrubs in subarea 3;
    - (6) Ground cover in subarea 3; and
    - (7) Other required landscaping;
  - c. Supplemental application requirement. Where landscaping is required by this paragraph, the applicant must submit a landscape plan to BDS that shows that the landscaping will grow to meet the landscape standards of Subparagraph E.5.f, below, within five years. The landscape plan must be certified by a licensed landscape architect, or by a qualified restoration specialist as part of a formal City revegetation project under authority of Portland Parks and Recreation or the Bureau of Environmental Services.
2. Bank improvements. In subarea 1, when there is any regarding, bank stabilization, or other activities affecting the contours and composition of soil, the requirements of Paragraph E.5.f for subarea 1 must be met.
3. Trail and pedestrian connections and public viewpoints. When development on a site, or alterations to structures, the site, or rights-of-way are made which add more than 50,000 square feet of floor area to the site, the applicant must provide public access easements that will accommodate a trail, pedestrian connections that meet the standards of Paragraph e.5.d., Trail and pedestrian connections; and Paragraph E.5.e., Public viewpoints. The square footage added to the site is calculated based on the total amount added, regardless of the amount demolished;
4. Timing of improvements. The applicant may choose one of the following options for making the improvements required by this subsection:
  - a. Option 1. Under Option 1, required improvements must be made as part of the development or alteration that triggers the required improvements;

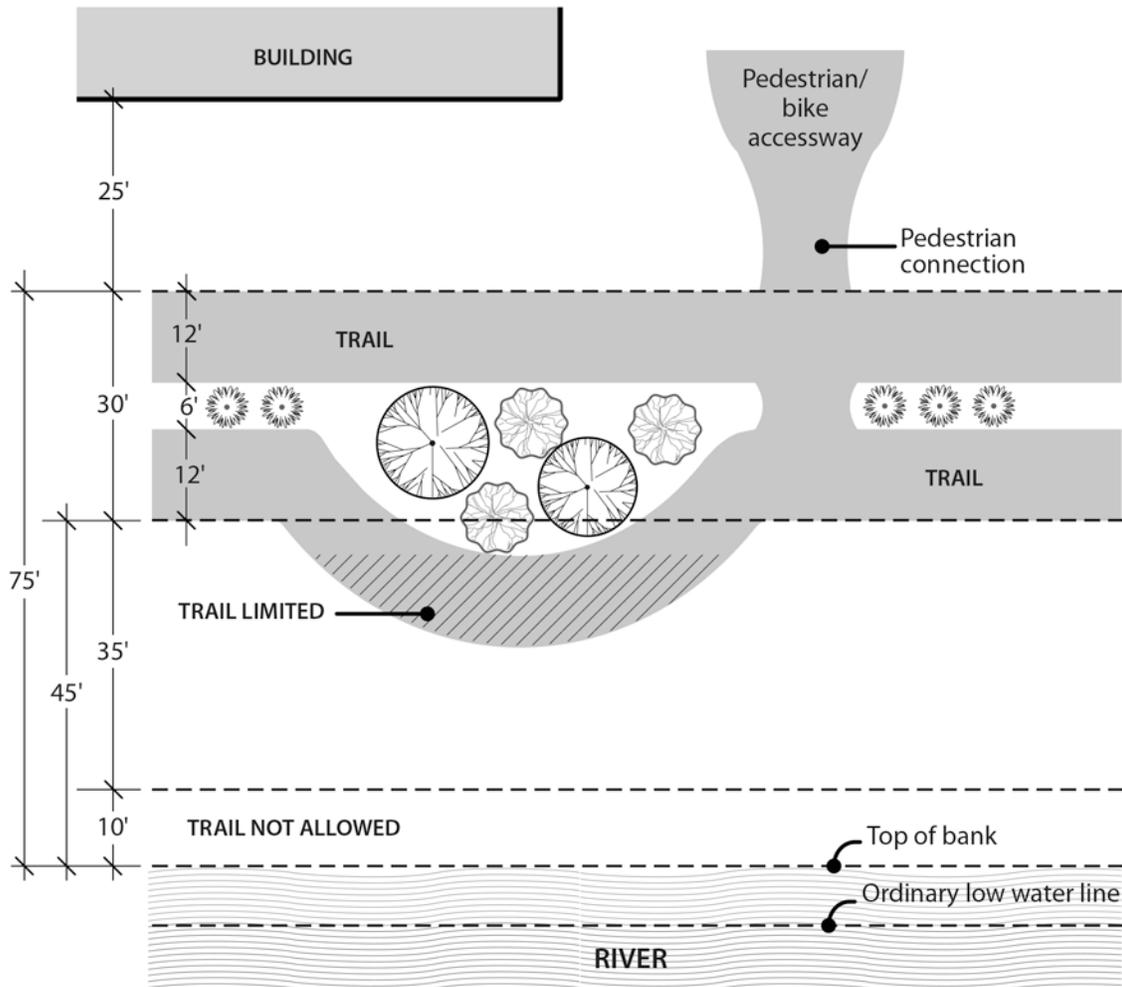


- f. The placement of up to four single piles, or two multiple-pile dolphins for each 100 feet of shoreline for an existing river-dependent or river-related use.
5. Development standards. The following development standards must be met unless the applicant chooses South Waterfront greenway review. Adjustments and modifications to these standards are prohibited.
    - a. Non-landscaped area. Limiting the percentage of non-landscaped area allowed in the South Waterfront Greenway Area ensures that the area will be configured to accommodate a minimum percentage of living plant cover. Non-landscaped area includes all aboveground structures and paving materials, including permeable paving materials.
      - (1) Subareas 1 and 2. Up to 20 percent of the portion of the site in subareas 1 and 2 may be covered by non-landscaped area; however, paved surfaces that are required under the provisions of Paragraph E.5.d., Public viewpoints, are exempt from this limitation. Non-landscaped area may be no closer than 10 feet of the top of bank line as shown on Map 510-17, South Waterfront 2002 Top of Bank Line;
      - (2) Subarea 3. Up to 20 percent of the portion of the site in subarea 3 may be covered by non-landscaped area. However, required trail and pedestrian connection improvements are exempt from this limitation.
    - b. Buildings. Buildings are allowed within the South Waterfront Greenway Area if they meet E.5.b.(1) and (2) and either E.5.b.(3) or (4). Other buildings or portions of buildings are not allowed within the South Waterfront Greenway Area.
      - (1) The site meets the non-landscaped area requirements under E.5.a., above; and
      - (2) The building does not obstruct required pedestrian connections and trails; and
      - (3) The building is river-dependent or river related; or
      - (4) All of the floor area of the building is in Retail Sales And Service uses and the following are met:
        - The building has less than 1,000 square feet of floor area;
        - The building is entirely within subarea 3; and
        - The building is located landward of the South Waterfront recreational trail.
    - c. Fences and walls. Fences and walls are allowed in subarea 3 of the South Waterfront Greenway Area if they are no more than 3 feet in height and do not obstruct the required pedestrian connections and trails. Fences and walls are not allowed in subareas 1 and 2 of the South Waterfront Greenway Area.
    - d. Trails and pedestrian connections.
      - (1) Purpose. Public recreational trails provide public access to and along both sides of the Willamette River. Public recreational trails are one of the tools

used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan. Pedestrian connections ensure that there is adequate, safe, and direct pedestrian access from the adjacent development and from the district as a whole to the trails.

- (2) Public recreational trails. Public recreational trails must meet the following standards. When required by Subsection D., sites with a public recreational trail symbol shown on the Official Zoning Maps must provide easements that would accommodate construction, maintenance, and public use of a trail that meets the following standards. See Figure 510-3.
  - Location. The trail must be located in the South Waterfront Greenway Area shown on Figure 510-2. All portions of the trail must be at least 10 feet and no more than 75 feet from the top of bank line as shown on Map 510-17, South Waterfront 2002 Top of Bank Line; however, any portion of the trail that is within 45 feet of the top of bank line as shown on Map 510-17, South Waterfront 2002 Top of Bank Line, is subject to the maximum non-landscaped area limitations of Subparagraph E.5.a.;
  - Width. The trail must consist of two paths, each at least 12 feet in width;
  - Landscaped median. The two paths must be separated by a landscaped median at least 6 feet wide. Landscaping within this median must meet the requirements of Paragraph E.7. The landscaping may be interrupted by pedestrian connections between the two paths;
  - Use. The path closest to the river must be designated for pedestrians only. The path farthest from the river must be designated for bicycles and other non-motorized transportation modes;
  - Connectivity.
    - The trail or trail easement must connect to the existing trails or trail easements on adjacent sites; and
    - The trail or trail easement must connect to the required pedestrian circulation system on the site.
  - Additional standards. In addition to the standards of this subparagraph, the standards of Chapter 33.272, Public Recreational Trails, must also be met.
- (3) Pedestrian connections. When a public recreational trail or trail easement is required, at least one pedestrian connection must be provided between the trail easement and any accessway that terminates on the site.

**Figure 510-3**  
**South Waterfront Greenway Trail**



e. Public viewpoints.

- (1) Purpose. Public viewpoints provide stopping places and clearings along the South Waterfront Greenway trail and the Willamette River where the public can view and enjoy the natural and scenic qualities of the Greenway and the river. Public viewpoints are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.
- (2) Viewpoint requirements. A public viewpoint must be provided on sites designated with a viewpoint symbol on Map 510-15. There are two types of viewpoints within the district:
  - Minor viewpoint. Minor viewpoints are locations along the South Waterfront Greenway trail where views of the Willamette River are provided through the use of special landscaping standards. The

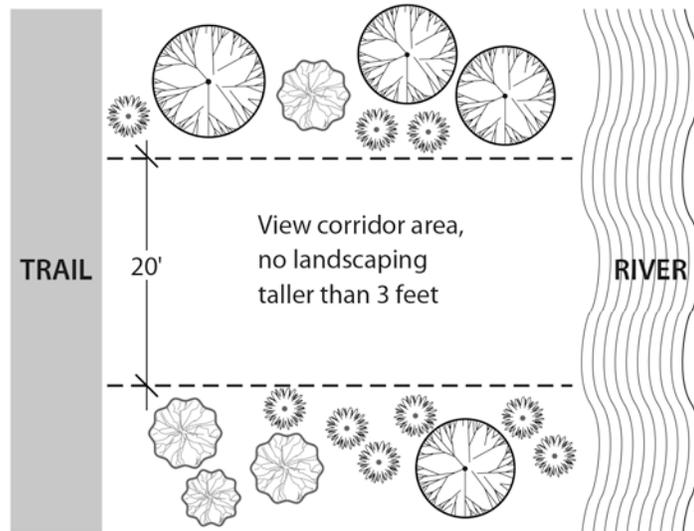
standards discourage plantings that will grow to block views of the river. Sites with a minor viewpoint designation shown on Map 510-15 must meet the following standards:

- A view corridor at least 20 feet wide must be provided and maintained between the trail and the river. See Figure 510-4;
  - If an accessway or street that is mapped as a special building height corridor on Map 510-15 terminates on the site, the view corridor must continue the projected centerline of the accessway or street;
  - Within the view corridor, landscaping must be no higher than 3 feet in height at maturity. The site must continue to meet the landscaping requirements of Paragraph E.5.f., below.
- Major viewpoint. Major viewpoints are locations along the South Waterfront Greenway trail where additional space is provided to allow people to safely stop and view the Willamette River and the Greenway. Where required by Subsection D.3, sites with a major viewpoint designation must provide a viewpoint that meets the following standards:
    - The viewpoint area must be at least 1,600 square feet in area;
    - The viewpoint area must abut the Greenway trail or a pedestrian connection must be provided from the Greenway trail to the viewpoint area;
    - The viewpoint area and any pedestrian connection to the viewpoint area from the Greenway trail must comply with the Use of Trail, Hours of Use, Trespass, and Trail Maintenance and Liability sections of Chapter 33.272, Public Recreational Trails;
    - Materials, benches, and lighting used in the viewpoint area must meet the requirements of the Portland Bureau of Parks and Recreation; and
    - A view corridor must be provided that meets the standards of the second bullet under E.5.e(2), above.

f. Landscaping.

- (1) Coverage. Eighty (80) percent of the area that is not covered by buildings, trails, or other allowed non-landscaped area must be covered by shrubs or ground cover, and all trees required by this paragraph must be installed in the ground and healthy;
- (2) Existing landscaping. Existing plants may be used to meet the standards of this paragraph, if protected and maintained during construction as specified in Section 33.248.065. However, the following plants must be removed:
  - Plants listed as a nuisance or prohibited on the Portland Plant List;
  - Plants listed in Table 510-4, South Waterfront Greenway Nuisance Plants.

**Figure 510-4  
Public Viewpoint View Corridor**



- (3) Required landscaping in subarea 1. In subarea 1, the area beginning 3 feet above the ordinary low water line must meet the following requirements:
- Shrubs. At least 80 percent of the required landscaped area must be planted in shrubs;
  - Trees. Trees are not required, but are allowed;
  - Ground cover. All of the required landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants;
  - Plant list. Only plants listed in Table 510-2, Subarea 1 Plant List, may be planted; and
  - Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within five years. Restoration size plant material, including bare-root, is allowed and recommended. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials. Planting is not allowed during the summer.
- (4) Required landscaping in subarea 2. In subarea 2 the required landscaping is:
- Shrubs. At least 80 percent of the landscaped area must be planted in shrubs;
  - Trees. At least one tree must be planted for every 400 square feet of landscaped area. Trees may be clustered;
  - Ground cover. All of the landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants;
  - Plant list. Only plants listed in Table 510-3, Subarea 2 and 3 Plant List, may be planted. At least eight different species must be planted; and

- Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within 5 years. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials.
- (5) Required landscaping in subarea 3. In subarea 3, the required landscaping is:
- Shrubs. At least 60 percent of the landscaped area must be planted in shrubs. At least 50 percent of the shrubs used to meet this requirement must be listed on Table 510-3, Subarea 2 and 3 Plant List;
  - Trees. At least 1 tree must be planted for every 1,000 square feet of landscaped area. At least 50 percent of the trees used to meet this requirement must be listed on Table 510-3, Subarea 2 and 3 Plant List;
  - Ground cover. All of the landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants. At least 50 percent of the ground cover plants must be listed on Table 510-2, Subarea 2 and 3 Plant List;
  - Plant list. Except as allowed by (1), (2) and (3), only plants listed on Table 510-3, Subarea 2 and 3 Plant List, may be planted. The following plants are prohibited:
    - Plants listed as a nuisance or prohibited on the *Portland Plant List*;
    - Plants listed in Table 510-4, South Waterfront Greenway Nuisance Plants.
  - Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within five years. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials.
- g. Other development. Other development is allowed within the South Waterfront Greenway Area if it meets Subparagraphs g.(1) and (2) and either g.(3) or (4).
- (1) The site meets the non-landscaped area requirements under E.2., above;
  - (2) The development does not obstruct required pedestrian connections and trails; and
  - (3) The development is located in subarea 3; or
  - (4) The development is river-dependent or river-related.
- F. Greenway goal exception.** Approval of an exception to Statewide Planning Goal 15, Willamette Greenway, is required to locate development or a right-of-way that is not river-dependent or river-related within 25 feet of the top of bank. A greenway goal exception is not required to add revetments to a riverbank. The approval criteria are in Section 33.440.360, Greenway Goal Exception.

<b>Table 510-2 Subarea 1 Plant List</b>		
Scientific Name	Common Name	Planting Notes
<b>Trees</b>		
Populus balsamifera var. trichoarpa	Black Cottonwood	Avoid use where falling limbs could be a safety or maintenance concern.
Fraxinus latifolia	Oregon Ash	Avoid use where falling limbs could be a safety or maintenance concern.
<b>Shrubs</b>		
Spirea douglasii	Western Spirea	
Cornus sericea spp Sericea	Red-osier Dogwood	
Rosa pisocarpa		
Salix fluviatilis	Columbia River Willow	
Salix lasiandra	Pacific Willow	
Salix sitchensis	Sitka Willow	
<b>Ground Cover</b>		
Carex obnupta	Slough Sedge	
Juncus ensifolius	Dagger-leaf Rush	
Scirpus microcarpus	Small-fruited Bullrush	

<b>Table 510-3 Subarea 2 and 3 Plant List</b>		
Scientific Name	Common Name	Planting Notes
<b>Trees</b>		
Abies grandis	Grand Fir	Avoid use where security concerns related to thick coverage are an issue.
Acer macrophyllum	Big-Leaf Maple	
Alnus rubra	Red Alder	
Arbutus menziesii	Pacific Madrone	
Crataegus douglasii	Black Hawthorn	
Crataegus suksdorfii	Black Hawthorn (upland)	Note limited availability.
Fraxinus latifolia	Oregon Ash	Avoid use where falling limbs could be a safety or maintenance concern.
Malus fusca	Western Crabapple	
Pinus ponderosa	Ponderosa Pine	
Populus balsamifera var. trichoarpa	Black Cottonwood	Avoid use where falling limbs could be a safety or maintenance concern.
Prunus emarginata	Bitter Cherry	
Pseudotsuga menziesii	Douglas Fir	
Quercus garryana	Garry Oak	
Rhamnus purshiana	Cascara	
Salix lucida ssp. lasiandra	Pacific Willow	
Salix rigida var. macrogemma	Rigid Willow	
Salix scouleriana	Scouler Willow	
Thuja plicata	Western Red Cedar	Avoid use of large size plant material in hot, exposed location.
Tsuga heterophylla	Western Hemlock	
Umbellularia californica	California Laurel	Use primarily in subarea 3.

**Table 510-3  
Subarea 2 and 3 Plant List**

Scientific Name	Common Name	Planting Notes
<b>Shrubs</b>		
<i>Acer circinatum</i>	Vine Maple	
<i>Amelanchier alnifolia</i>	Western Serviceberry	
<i>Berberis aquifolium</i>	Tall Oregongrape	
<i>Berberis nervosa</i>	Dull Oregongrape	
<i>Ceanothus sanguinens</i>	Oregon Tea-tree	
<i>Cornus sericea</i> spp. <i>Sericea</i>	Red-osier Dogwood	
<i>Gaultheria shallon</i>	Salal	
<i>Holodiscus discolor</i>	Ocean Spray	
<i>Mahonia aquifolium</i>	Tall Oregon Grape	
<i>Malus fusca</i>	Western Crabapple	
<i>Oemleria cerasiformis</i>	Indian Plum	
<i>Philadelphus lewisii</i>	Mockorange	
<i>Physocarpus capitatus</i>	Pacific Ninebark	
<i>Polystichum munitum</i>	Sword Fern	
<i>Prunus virginiana</i>	Common Chokecherry	
<i>Rhamnus purshiana</i>	Cascara Sagrada	
<i>Ribes</i>	Pioneer Gooseberry	Note limited availability.
<i>Ribes sanguineum</i>	Red-flowering Currant	
<i>Rosa gymnocarpa</i>	Baldhip Rose	
<i>Rosa pisocarpa</i>	Swamp Rose	
<i>Rubus parviflorus</i>	Thimbleberry	
<i>Rubus spectabilis</i>	Salmonberry	
<i>Salix fluviatilis</i>	Columbia River Willow	Suitable for bioengineering.
<i>Salix sessiligolia</i>	Soft-leaved Willow	Suitable for bioengineering.
<i>Salix sitchensis</i>	Sitka Willow	Suitable for bioengineering.
<i>Salix lucida</i> ssp. <i>Lasiandra</i>	Pacific Willow	Suitable for bioengineering.
<i>Salix rigia</i> var. <i>macrogemma</i>	Rigid Willow	Suitable for bioengineering.
<i>Salix scouleriana</i>	Scouler Willow	
<i>Sambucus mexicana</i>	Blue Elderberry	
<i>Sambucus racemosa</i>	Red Elderberry	
<i>Spiraea douglasii</i>	Douglas Spirea	
<i>Symphoricarpos albus</i>	Common Snowberry	
<i>Symphoricarpos mollis</i>	Creeping Snowberry	
<i>Viburnum edule</i>	Squashberry	Note limited availability.
<b>Ground Cover</b>		
<i>Achillea millefolium</i>	Yarrow	
<i>Aquilegia formosa</i>	Red Columbine	
<i>Arctostaphylos uva ursi</i>	Kinnikinnick	
<i>Aruncus sylvester</i>	Goatsbeard	
<i>Aster chilensis</i> ssp. <i>Hallii</i>	Common California Aster	
<i>Aster subspicatus</i>	Douglas's Aster	
<i>Athyrium filix-femina</i>	Lady Fern	
<i>Bromus carinatus</i>	California Brome-grass	
<i>Bromus sitchensis</i>	Alaska Brome	
<i>Calytonia perfoliata</i>	Miner's Lettuce	
<i>Carex obnupta</i>	Slough Sedge	

<b>Table 510-3 Subarea 2 and 3 Plant List</b>		
<b>Ground Cover</b>		
<i>Collinsia grandiflora</i>	Large-flowered Blue-eyed Mary	
<i>Collomia grandiflora</i>	Large-flowered Collomia	
<i>Elymus glaucus</i>	Blue Wildrye	
<i>Epilobium angustifolium</i>	Fireweed	
<i>Eriophyllum lanatum</i>	Woolly Sunflower	
<i>Eschscholzia californica</i>	California Poppy	Be careful of seed source.
<i>Festuca rubra commutata</i>	Red Fescue	
<i>Fragaria vesca</i>	Wood Strawberry	
<i>Fragaria vesca</i> var. <i>bracteata</i>	Wood Strawberry	
<i>Fragaria virginiana</i> var. <i>platypetala</i>	Broadpetal Strawberry	
<i>Gilia capitata</i>	Bluefield Gilia	
<i>Heracleum lanatum</i>	Cow-parsnip	
<i>Iris tenax</i>	Oregon Iris	
<i>Juncus ensifolius</i>	Dagger-leaf Rush	
<i>Lotus purshiana</i>	Spanish Clover	
<i>Lupinus latifolia</i>	Broadleaf Lupine	
<i>Lupinus polyphyllus</i>	Bigleaf Lupine	
<i>Lupinus rivularis</i>	Stream Lupine	
<i>Madia sativa</i>	Chile Tarweed	
<i>Mimulus guttatus</i>	Yellow Monkeyflower	
<i>Penstemon ovatus</i>	Broad-leaved Penstemon	
<i>Polystichum munitum</i>	Sword fern	
<i>Potentilla glandulosa</i>	Sticky Cinquefoil	
<i>Prunella vulgaris</i> var. <i>lanceolata</i>	Heal-all	
<i>Pteridium aquilinum</i>	Bracken	
<i>Ranunculus occidentalis</i>	Western Buttercup	
<i>Sidalcea campestris</i>	Meadow Sidalcea	
<i>Solidgo canadensis</i>	Canada Goldenrod	
<i>Tellima grandiflora</i>	Fringecup	
<i>Tolmiea menziesii</i>	Pig-a-back	
<i>Vancouveria hexandra</i>	White Inside-Out Flower	

<b>Table 510-4 South Waterfront Greenway Nuisance Plants</b>	
Scientific Name	Common Name
<i>Agropyron repens</i>	Quack grass
<i>Agrostis capillaris</i> [A. <i>tenuis</i> ]	Colonial bentgrass
<i>Agrostis stolonifera</i> [A. <i>alba</i> ]	Creeping bentgrass
<i>Anthoxanthum odoratum</i>	Sweet vernalgrass
<i>Arctium minus</i>	Common burdock
<i>Arrhenatherum elatius</i>	Tall oatgrass
<i>Borago officinalis</i>	Borage
<i>Bromus</i> sps.	Annual brome-grasses
<i>Buddleia alternifolia</i>	Fountain butterfly bush
<i>Buddleia davidii</i>	Butterfly bush

<b>Table 510-4</b>	
<b>South Waterfront Greenway Nuisance Plants</b>	
Centaurea cyanus	Bachelor buttons
Centaurea diffusa	Diffuse Knapweed
Centaurea maculosa	Spotted Knapweed
Centaurea pratensis	Meadow knapweed
Chrysanthemum leucanthemum	Ox-eye daisy
Chicorium intybus	Chicory
Chondrilla juncea	Rush Skeletonweed
Cyperus eragrostis	Flatsedge
Dactylis glomerata	Orchard grass
Daphne laureola	Daphne
Digitalis purpurea	Foxglove
Dipsacus sylvestris	Common teasel
Euphorbia esula	Leafy spurge
Euphorbia lathyrus	Mole plant
Festuca arundinacea	Tall fescue
Foeniculum vulgare	Fennel
Holcus lanatus	Velvet grass
Hydrilla verticillata	Hydrilla
Hypochaeris radicata	Spotted cat's ear
Juncus effusus v. effusus	European Soft Rush
Lactuca muralis	Wall lettuce
Lactuca seriola	Prickly lettuce
Ligustrum spp.	Privet
Lolium multiflorum	Annual ryegrass
Lolium perenne	Perennial ryegrass
Lotus corniculatus	Bird's foot trefoil
Matricaria matricariodes	Pineappleweed
Melissa officianalis	lemon balm
Melilotus alba	Sweetclover
Parentucellia viscosa	Perentucellia
Phalaris aquatica	Harding grass
Phlem praetensis	Timothy
Poa praetensis	Kentucky bluegrass
Polygonum cuspidatum	Japanese knotweed
Polygonum polystachum	Himalayan knotweed
Populus alba	White poplar
Prunus avium	sweet cherry
Prunus lusitanica	Portugal laurel
Prunus mahaleb	Mahaleb cherry [rootstock]
Ranunculus ficaria	
Ranunculus repens	Creeping buttercup
Robinia pseudoacacia	black locust
Rosa eglanteria	sweet briar
Rosa multiflora	Multiflora rose
Rumex acetosella	Red sorrel
Rumex crispus	Curly dock
Secale cereale	Cultivated rye
Silene alba	White campion

<b>Table 510-4 South Waterfront Greenway Nuisance Plants</b>	
Sisyrinchium officinale	Hedge Mustard
Sonchus arvensis ssp. Arvensis	Perennial sowthistle
Sorbus aucuparia	European mountain ash
Taeniatherum caput-medusa	Medusahead
Tanacetum vulgare	
Ulmus pumila	Siberian elm
Verbena bonariensis	Tall verbena
Verbascum thapsus	Mullein
Vicia villosa	Hairy vetch

### 33.510.255 Central City Master Plans

- A. Purpose.** The Central City master plan adds development potential and flexibility for projects in specified areas. The additional development potential and flexibility is possible because the plan is used to demonstrate that the policy objectives of the Central City Plan and the public service needs of the area are addressed. The Central City master plan is an option; it is not a requirement. A Central City master plan may also be created through a legislative process initiated by the City.
- B. Flexibility achieved.** An approved Central City master plan allows additional flexibility in any of the following situations:
1. Allocates allowed floor area to individual development sites that will not remain in the same ownership;
  2. Defers the building of any required housing; or
  3. Allows the development of required housing at a location outside of the required residential development area.
- C. Central City master plan contents.** In addition to the general application requirements for land use reviews, Central City master plans must contain the information listed below, as relevant to the area and proposal.
1. Floor area ratio. The plan must show the amount of allowable floor area which is to be assigned to each lot. Floor areas greater or less than shown on Map 510-2 may be assigned on a site-specific basis. The total combined floor area for all sites in the plan area must be within the maximum allowed for the plan area before any allocations. Floor area transfers outside of a master plan area is prohibited.
  2. Infrastructure capability. The adequacy of infrastructure must be addressed if there is a proposal to shift allowable floor area between separate development sites. The plan must identify and link the development of each phase of the project to the provision of services necessary to meet the infrastructure service needs of the development associated with that phase.

3. Circulation.
  - a. The plan must identify a clear internal circulation system that joins the surrounding street system at logical points and meets the needs of pedestrians, bicyclists, and drivers.
  - b. At locations adjacent to the Willamette River, the plan must include a proposal for access to the water as well as along the top of the bank.
  - c. The plan must identify open spaces that are convenient for use both by those living and working in the plan area and by the general public. At locations adjacent to the Willamette River, the open space areas must tie the pedestrian and bicycle circulation system to the Willamette River.
4. Views. The plan must identify significant public viewpoints and significant view corridors down rights-of-way. The plan must show how the views are being protected, including in situations where there is a proposal to increase the height above the base FAR of Map 510-3 in areas eligible for ultimate height.
5. Required housing. The plan must identify the location, density, and general type of housing to be built in compliance with the required residential development standards of 33.510.230. Required housing may be deferred subject to the requirements of Subparagraph a. below. Required housing may be built outside of the required residential area subject to the requirements of Subparagraph b. below.
  - a. If the required housing is not proposed to be built in advance or concurrently with other development, the plan must demonstrate that the proposed housing site is of suitable size and location, is reasonable, and is attractive for the housing. The proposed site must be reserved for housing through a concurrent application for a Comprehensive Plan map designation of Central Residential and an RX zone. The plan must identify a schedule or development phase when the required housing will be built.
  - b. If the required housing is proposed for a location outside of the required residential development area, the proposed site must meet the following requirements. The site must be under the applicant's control. The site must be vacant or used for surface parking, or have improvements with an assessed value less than one-third the value of the land. The site must be within the Central City plan district and be zoned CX or EX. The proposed housing site must be of suitable size and location to be attractive for the required amount of housing. The site must be reserved for housing through a concurrent application for a Comprehensive Plan map designation of Central Residential and an RX zone.
- D. Approval procedure.** Central City master plans requests are processed through a Type III procedure.
- E. Approval criteria.** A Central City master plan application will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:
  1. The proposed plan is consistent with the policy objectives of the Central City Plan;

2. The plan ensures that there will be adequate and timely infrastructure capacity for the proposed developments;
3. The plan provides for a useful and pleasant circulation system and for adequate open space within the plan boundaries;
4. Development will be placed and sized to protect significant public viewpoints and public view corridors; and
5. There are adequate assurances that required housing that is deferred or proposed for another site will be built.

**F. Development in conformance with Central City master plans.** Development within a Central City master plan boundary must be in full conformance with the approved plan. Review for conformance will be done as part of the design review of a specific proposal. Additional approval criteria for the design review are:

1. The proposed development is consistent with and conforms to the specific Central City master plan; and
2. Any transportation, water, stormwater disposal, or wastewater disposal systems identified in the plan as necessary to serve the development are in place or will be in place when the project is ready for occupancy.

**G. Central City master plan amendments.** Amendments to an approved Central City master plan are processed through a Type II procedure. The amendment may be approved if the proposed change results in a plan which continues to meet all of the approval criteria in Subsection E., above.

### **33.510.257 Signs for Additional Uses Allowed in the Open Space Zone**

The sign standards are stated in Title 32, Signs and Related Regulations.

## **Parking and Access**

### **33.510.261 Parking**

- A. Purpose.** The parking and access regulations implement the Central City Transportation Management Plan by managing the supply of off-street parking to improve mobility, promote the use of alternative modes, support existing and new economic development, maintain air quality, and enhance the urban form of the Central City.
- B. Description of types of parking.** In the Central City plan district, there are six types of parking. While a proposal may include several types of parking (for example, a garage may include both some Growth Parking and some Preservation Parking), each type of parking is an exclusive category. The same spaces can be more than one type of parking, such as both Growth Parking and Visitor Parking, if the regulations for both types are met.
1. **Growth Parking.** Growth Parking is created in conjunction with additions of floor area. Floor area is added either as part of new development or adding floor area to existing development. Parking for floor area that will be in residential or hotel use is not Growth Parking; it is Residential/Hotel Parking (see Paragraph B.5., below).

In the case of new development, the land use or building permit for the parking must be requested by the time the foundation is complete. If the parking is requested after the foundation is complete, it will be Preservation Parking.

In the case of additions of floor area to existing development, the land use or building permit for the parking must be requested by the time the building permit for the new floor area is issued. If it is requested after the building permit for the new floor area is issued, it will be Preservation Parking.

The ratios for Growth Parking are based on the needs of both employees and those who come to the building for other reasons, such as customers and clients.

2. Preservation Parking. Preservation Parking is created to serve existing, older buildings in nonresidential/non-hotel uses. For residential and hotel uses, see Paragraph B.5., below. The ratios for Preservation Parking are based on the needs of both employees and those who come to the building for other reasons, such as customers and clients.
3. Visitor Parking. Visitor Parking is created to serve shoppers, tourists, and other such visitors who make occasional trips to the area. It is not associated with particular development.
4. Undedicated General Parking. Undedicated General Parking is all parking, other than Visitor Parking, that is not associated with particular development.
5. Residential/Hotel Parking. Residential/Hotel Parking is created in conjunction with dwelling units or hotel rooms.
6. RX Zone Parking. RX Zone Parking is parking on a surface lot zoned RX that was operating as parking accessory to nonresidential uses on December 16, 1994, as shown in the RX Zone Surface Parking Use and Landscaping Inventory.

- C. Organization of parking regulations in the plan district.** This subsection describes the organization of parking regulations that follow, and provides a framework for understanding. See the sections that follow for the specific regulations described below.

There are six different kinds of parking. These are described in Subsection 33.510.261.B., above. Generally, Growth, Preservation, and Residential/Hotel Parking are allocated based on floor area of buildings or dwelling units. Visitor Parking may be located where demand is shown. Generally, RX Zone and Undedicated General Parking are "conversion categories;" they cover some existing parking.

Each type of parking is regulated differently. For some types of parking, we do not limit who may park there, even though the parking may have been created in conjunction with a particular development. There are some limitations, however, particularly for Preservation and Residential/Hotel Parking. Visitor Parking includes some operation limits: it is for short-term parking. There are some restrictions on how Undedicated General Parking may operate, depending on the zone and subdistrict. Other than these specific regulations, Undedicated General Parking is free to operate in any way the owner chooses.

Map 510-8 shows the subdistricts of the Central City plan district and the parking sectors. Downtown, the University District, and some areas north of Burnside are called the Core

Area. The regulations vary in different areas. In the Core Area, there are maximums for all parking. In Lloyd, Goose Hollow, River District sectors 2 and 3, Central Eastside, and Lower Albina, there are maximums only for parking created in conjunction with office uses. There are other differences among the areas.

Section 33.510.261 applies to all areas, while Sections 33.510.263 through .267 each apply to a different area. The regulations for each area are organized in the same way: A subsection on each type of parking, then a subsection that applies to all types of parking, and then one or more subsections with special regulations for surface parking lots that existed on January 8, 1996.

The two development types of parking—surface lots and structured parking—are regulated differently. There are also some special regulations affecting location of parking; for example, surface parking is not permitted next to a light rail line, and access near light rail is allowed only under certain circumstances. Depending on the zone and the area, there are other regulations about location of parking, access, landscaping, and other elements.

To determine whether a particular proposal is allowed, prohibited, or requires a Central City Parking Review, you need to look at all of the regulations that apply to the proposal. For example, while the number of spaces may be allowed, the access might require review; or the number of spaces may be allowed, but only in a structure, not a surface lot.

In addition to Central City Parking Review, some proposals may need adjustments. The approval criteria for adjustments (in Chapter 33.805) require analysis of the purpose of the regulation. The purpose of each regulation in Sections 33.510.261 through 33.510.267 is in the Central City Transportation Management Plan Policy.

- D. Where these regulations apply.** The regulations of Sections 33.510.261 through 33.510.267 apply to all parking in the plan district. The regulations of Sections 33.510.263 through .267 each apply to a different area. Where there is more than one type of parking included in a proposal, each type of parking must meet the regulations in the appropriate subsection.
- E. Sites split by subdistrict or parking sector boundaries.** Where the site of a parking lot or structure is split by subdistrict or parking sector boundaries, and the regulations in the two areas differ, the following applies:
1. Generally. If the site is split by the boundary of a subdistrict or parking sector, the following applies:
    - a. For Growth, Preservation, and Residential/Hotel Parking:
      - (1) Except as provided in Subparagraph E.1.a.(2), below, the portion of the site that contains the parking is subject to the regulations of that parking sector; and
      - (2) The maximum ratio, if any, is based on the regulations that apply to the site of the use the parking will be serving.
    - b. For all other parking: The more restrictive regulations apply.

2. Under bridges. If the site is split by the boundary of the Core Area, and all or a portion of the parking is under a bridge, the following applies:
  - a. For Growth, Preservation, and Residential/Hotel Parking:
    - (1) If the use the parking will be serving is in the Core Area, the regulations of the appropriate Core sector apply to the parking.
    - (2) If the use the parking will be serving is outside the Core Area, the regulations of the appropriate sector outside the Core apply to the parking.
  - b. For all other parking: The more restrictive regulations apply.

### **33.510.263 Parking in the Core Area**

The regulations of this section apply in the Core area shown on Map 510-8.

**A. Growth Parking.** The regulations of this subsection apply to Growth Parking. Adjustments to the regulations of this subsection are prohibited, except as specified in Paragraphs A.7. and A.9., below.

1. To determine whether Growth Parking is allowed, prohibited, or subject to Central City Parking Review (CCPR):
  - a. Determine the use or uses the parking will be created in conjunction with.
  - b. Determine whether the use the parking will be created in conjunction with is an allowed, conditional, nonconforming, or prohibited use where the parking is proposed. Find the appropriate line on Table 510-5.
  - c. Based on the regulations of this subsection and those in Subsection G., below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-5.
    - (1) If all aspects of a proposal are allowed, then the parking is allowed.
    - (2) If all aspects of a proposal are allowed or have been approved through an adjustment, then the parking is allowed.
    - (3) If any aspect of a proposal requires CCPR, then the parking is subject to CCPR.
    - (4) If any aspect of a proposal is prohibited, then the parking is prohibited.
2. Up to 20 parking spaces on a surface parking lot is an allowed use where the parking is adjacent to the building and the total number of parking spaces—of any type—on the site is less than 21.
3. Up to 20 spaces in a structure is an allowed use.

<b>Table 510-5</b>			
<b>Relationships Among Use Regulations for Growth Parking</b>			
If the <b>use</b> is:	And if the <b>parking</b> is:		
	Allowed	Subject to CCPR	Prohibited
Allowed, an expansion of a nonconforming use, or a conditional use	The parking is allowed	The parking is subject to CCPR	The parking is prohibited
Prohibited	The parking is prohibited	The parking is prohibited	The parking is prohibited
<p>Note: Some uses require a land use review, such as a Conditional Use or Nonconforming Situation Review. Criteria for those reviews may include consideration of traffic, transportation, design, or other elements that may also be addressed in this chapter. Compliance with the regulations of this chapter does not constitute compliance with those criteria.</p>			

4. More than 20 parking spaces is an allowed use where the following are met:
  - a. The parking is in a structure;
  - b. Carpool parking.
    - (1) Five spaces or five percent of the parking spaces, whichever is less, must be reserved for carpool use before 9:00 AM on weekdays. More spaces may be reserved, but they are not required.
    - (2) The spaces will be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking.
    - (3) Signs must be posted indicating these spaces are reserved for carpool use before 9:00 AM on weekdays.
5. Parking that is not an allowed use under Paragraphs A.2., A.3., and A.4., above, and is not otherwise prohibited, is subject to CCPR.
6. Maximum ratios. Parking is limited to the maximum ratios in Table 510-6. Where there is more than one use, the amount of parking allowed is calculated based on the net building area of each use.
7. Adjustments to the maximum ratios.
  - a. Adjustments to the maximum ratios for Theaters, Religious Institutions, Community Service uses, and all other uses where the maximum ratio is 0.25, may be requested.
  - b. Adjustments to the maximum ratio for supermarkets may be requested up to 2.0 spaces per 1,000 square feet of net building area; adjustments above 2.0 are prohibited.
  - c. Adjustments to the maximum ratio for anchor retail may be requested up to 1.5 spaces per 1,000 square feet of net building area; adjustments above 1.5 are

prohibited. Anchor retail is a single structure with more than 50,000 square feet of net building area in Retail Sales and Service uses.

- d. Adjustments to the other maximum ratios are prohibited.

<b>Table 510-6</b>					
<b>In the Core Area Growth Parking:</b>					
<b>Maximum Number of Parking Spaces Per 1,000 Square Feet of Net Building Area</b>					
	District/Sector (See Map 510-8):				
	Downtown 2, 3	Downtown 4	Downtown 1, 5; University District	River District 5	River District 3, 4; Downtown 6
Use:					
Office	0.7	0.8	1.0	1.5	2.0
Retail Sales and Service, except theaters, hotels, motels	1.0	1.0	1.0	1.5	2.0
Medical Centers	1.5	1.5	1.5	1.5	2.0
Schools, Colleges	1.0	1.0	1.0	1.5	2.0
Manufacturing and Production, Warehouse and Freight Movement, Wholesale Sales, Industrial Service	0.7				
Community Service, Religious Institutions, Theaters, Other Uses	0.25				
Hotels, Motels	See Subsection 33.510.263.E.				
Residential					

- 8. Operation. The parking may be operated as either accessory or commercial parking, at all times.
- 9. Operation reports. The requirements of this paragraph apply to all Growth Parking. For parking that is subject to CCPR, adjustments to this paragraph may be requested. For parking this is not subject to CCPR, adjustments are prohibited.
  - a. The applicant must have a signed agreement with the Parking Manager to provide the information specified in Paragraph A.9.b., below.
  - b. The applicant must provide annual operation reports to the City. The operation reports are based on a sample of four days during every 12-month reporting period, and include information on the following:
    - (1) Physical: Number of parking spaces, amount of net building area.
    - (2) Usage: How the parking spaces were used, based on the following categories. Percentage of parking used for:
      - Short-term
      - Long-term daily (four or more hours) and monthly permit (other than carpool)
      - Carpool monthly permit

- (3) Hours of Operation: What the hours of operation are on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.

**B. Preservation Parking.** The regulations of this subsection apply to Preservation Parking. Adjustments to the regulations of Subparagraph B.4.c. and B.4.i., below may be requested. Adjustments of the other regulations of this subsection are prohibited.

1. To determine whether Preservation Parking is subject to Central City Parking Review (CCPR) or prohibited:
  - a. Determine the use or uses the parking will be created to serve.
  - b. Determine whether the use the parking will serve is an allowed, conditional, nonconforming, or prohibited use on the property where the parking is proposed. Find the appropriate line on Table 510-7.
  - c. Based on the regulations of this subsection and those in Subsection G., below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-7.
    - (1) If all aspects of a proposal are allowed, have been approved through an adjustment, or are subject to CCPR, then the parking is subject to CCPR. If the parking is not otherwise prohibited, it is subject to CCPR.
    - (2) If any aspect of a proposal is prohibited, then the parking is prohibited.

<b>Table 510-7</b>		
<b>Relationships Among Use Regulations for Preservation Parking</b>		
If the parking is created in conjunction with a <b>use</b> that is:	And if the <b>parking</b> is:	
	<b>Allowed or Subject to CCPR</b>	<b>Prohibited</b>
Allowed, Nonconforming, or a Conditional Use	The parking is subject to CCPR	The parking is prohibited
Prohibited	The parking is prohibited	The parking is prohibited

2. Eligibility for Preservation Parking. Only buildings on the Preservation Parking Eligibility List, maintained by the Parking Manager, may apply for Preservation Parking. Preservation Parking for buildings not on the Preservation Parking Eligibility List is prohibited.
3. Parking created within or under the building. If the parking area is created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking is regulated the same as Growth Parking, except that it is subject to CCPR.
4. Parking that is not created within or under the building. If the parking area is not created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the following must be met:

- a. Maximum ratio.
  - (1) Parking based on net building area of buildings that are individually listed in the National Register of Historic Places or classified as contributing in the analysis done in support of a Historic District's creation is limited to the maximum ratios for Growth Parking;
  - (2) Parking based on net building area of buildings that are not individually listed in the National Register of Historic Places or identified as contributing to the historic significance of a Historic District or a Conservation District is limited to a maximum ratio of 0.7 spaces per 1,000 square feet of net building area.
- b. Preservation Parking will be allowed based on net building area of only the uses listed below. Preservation Parking for uses not listed below is prohibited. (Note: For Residential/Hotel Parking, see Subsection E., below.)
  - (1) Office;
  - (2) Retail Sales and Service, except theaters and hotels;
  - (3) Medical Centers;
  - (4) Schools, Colleges; and
  - (5) Manufacturing and Production, Warehouse and Freight Movement, Wholesale Sales, Industrial Service.
- c. Bicycle parking. Preservation Parking facilities must provide 1 long-term bicycle parking space for every 14 motor vehicle parking spaces.
- d. Common ownership. If the parking is based on the floor area of buildings under the same ownership as the parking, the following must be met:
  - (1) The owner must specify what buildings the parking is based on. When the parking begins operation, the buildings will be removed from the Preservation Parking Eligibility List, or have their numbers on that list adjusted to reflect the new parking; and
  - (2) The owner must have a signed agreement with the Parking Manager that the parking will be primarily for those buildings for at least 10 years.
- e. Different ownership. Where the parking structure is under different ownership than the buildings the parking will serve, the following must be met:
  - (1) For initial approval, the following must be met:
    - There must be agreements between the owner of the parking and the owners of buildings for which the parking will be provided. The agreements must cover 100 percent of the Preservation Parking, and be for at least 10 years from the date the garage begins operation.

When the parking begins operation, the buildings will be removed from the Preservation Parking Eligibility List, or have their numbers on that list adjusted to reflect the new parking; and

- The applicant must have a signed agreement with the Parking Manager to:
  - Notify the Parking Manager in writing of any of the changes listed in this subparagraph; and
  - Provide written documentation that the changes comply with the regulations of this Chapter.
- (2) Changes in existing agreements. Changes in existing agreements between the owner of the parking and owners of buildings for which the parking is provided are allowed only if the regulations of this Chapter are still met. The length of the agreements will not be decreased to cover less than the initial 10-year period from the date the garage begins operation.
- (3) New agreements. New agreements between the owner of the parking and the owners of buildings for which the parking will be provided are allowed only where the buildings are on the Preservation Parking Eligibility List, and where the regulations of this Chapter are still met. The agreements must, at a minimum, cover the initial 10-year period from the date the garage begins operation.
- (4) Conversion. Conversion of Preservation Parking to Growth, Visitor, or Residential/Hotel Parking is a CCPR. Conversions to other types of parking are prohibited.
- (5) Where an agreement between the owner of the parking and the owners of buildings is terminated, changes will not be made to the Preservation Parking Eligibility List until a new use or new agreement has been approved for the spaces covered by the agreement.
- f. The parking must be in a structure; parking that is not in a structure is prohibited.
- g. Operation. Preservation Parking may be operated as either accessory or commercial parking, with the following limitations. These limitations apply on weekdays between 7:00 AM and 6:00 PM. Parking spaces may be used only as follows:
  - (1) Where the parking is based on the floor area of buildings under the same ownership as the parking, the parking may be used by tenants of those buildings.
  - (2) Leased to buildings or tenants of buildings as described in Subparagraph B.4.e., above.
  - (3) Rented, on a monthly basis only, to the following. Sale of other monthly permits is prohibited:

- Individual tenants of buildings on the Preservation Parking Eligibility List. The Parking Manager maintains this list; or
  - Residents of the Central City plan district.
- (4) For long-term daily parking. "Early bird" discounts are prohibited.
- (5) For short-term parking.
- h. The applicant must have a signed agreement with the Parking Manager to provide the information specified in Subparagraph B.4.i., below.
- i. The applicant must provide operation reports to the City every six months. The operation reports are based on a sample of two days during every six-month reporting period, and include information on the following:
- (1) Physical: Number of parking spaces, amount of net building area.
- (2) Usage: How the parking spaces were used, based on the following categories. Percentage of parking used for:
- Short-term
  - Leased to buildings or tenants of buildings as described in Subparagraph B.4.e., above
  - Used by tenants of the buildings described in Subparagraph B.4.d., above
  - Monthly permits to individual tenants of buildings on the Preservation Parking Eligibility List
  - Monthly permits to residents of the Central City plan district
  - Carpool monthly permits for tenants of buildings as described in Subparagraph B.4.e., above; tenants of the buildings described in Subparagraph B.4.d., above; or individual tenants of buildings on the Preservation Parking Eligibility List
  - Long-term daily (four or more hours) and monthly permit (other than those listed above)
- (3) Hours of Operation: What the hours of operation are on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.
- C. Visitor Parking.** The regulations of this subsection apply to Visitor Parking. Adjustments to the regulations of Paragraphs C.5. and C.6., below, may be requested. Adjustments of the other regulations of this subsection are prohibited.
1. To determine whether Visitor Parking is subject to Central City Parking Review (CCPR) or prohibited:
- a. Determine the zone where the parking will be located. Then find the appropriate line on Table 510-8.
- b. Based on the regulations of this subsection and those in Subsection G., below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-8.

- (1) If all aspects of a proposal are allowed, have been approved through an adjustment, or are subject to CCPR, then the parking is subject to CCPR.
- (2) If any aspect of a proposal is prohibited, then the parking is prohibited.

<b>Table 510-8</b>		
<b>Relationships Among Regulations for Visitor Parking</b>		
If the <b>zone</b> is:	And if the <b>parking</b> is:	
	<b>Allowed or Subject to CCPR</b>	<b>Prohibited</b>
I, EX, EG, CX, CS, CG, or RX	The parking is subject to CCPR	The parking is prohibited
All other zones	The parking is prohibited	The parking is prohibited

2. Maximum ratios. There are no maximum ratios. The appropriate number of parking spaces allowed is determined based on a demand analysis, traffic analysis, and other considerations specified in the approval criteria.
3. The parking must be in a structure, unless it is part of an approved phased development plan.
4. Operation. Visitor Parking is operated as commercial parking, except that sale of monthly permits and "early bird" discounts are prohibited. Limitations on operation apply on weekdays between 7:00 AM and 6:00 PM.
5. The applicant must have a signed agreement with the Parking Manager to provide the information specified in Paragraph C.6., below.
6. The applicant must provide operation reports to the City every six months. The operation reports are based on a sample of two days during every six-month reporting period, and include information on the following:
  - a. Physical: Number of parking spaces.
  - b. Usage: How the parking spaces were used, based on the following categories. Percentage of parking used for:
    - (1) Short-term
    - (2) Long-term daily (four or more hours)
  - c. Hours of Operation: What the hours of operation are on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.

**D. Undedicated General Parking.** Undedicated General Parking is prohibited.

**E. Residential/Hotel Parking.** The regulations of this subsection apply to Residential/Hotel Parking. Adjustments to the regulations in Paragraphs E.1. and E.3. through E.10., below, are prohibited.

1. To determine whether Residential/Hotel Parking is allowed, prohibited, or subject to Central City Parking Review (CCPR):

- a. Determine whether the residential or hotel use the parking will be created in conjunction with is an allowed, conditional, nonconforming, or prohibited use on the property where the parking is proposed. Find the appropriate line on Table 510-9.
  - b. Based on the regulations of this subsection and those in Subsection G., below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-9.
2. Minimum required parking. There are no minimum parking requirements.

<b>Table 510-9 Relationships Among Use Regulations for Residential/Hotel Parking</b>			
If the <b>residential or hotel use</b> is:	And if the <b>parking</b> is:		
	<b>Allowed</b>	<b>Subject to CCPR</b>	<b>Prohibited</b>
Allowed, an expansion of a nonconforming use, or a conditional use	The parking is allowed	The parking is subject to CCPR	The parking is prohibited
Prohibited	The parking is prohibited	The parking is prohibited	The parking is prohibited
Note: Some uses require a land use review, such as a Conditional Use or Nonconforming Situation Review. Criteria for those reviews may include consideration of traffic, transportation, design, or other elements that may also be addressed in this chapter. Compliance with the regulations of this chapter does not constitute compliance with those criteria.			

3. Maximum ratios. Parking is limited to the maximum ratios of this paragraph.
- a. Dwelling units. The maximum parking ratios for dwelling units are in Table 510-10.
  - b. New hotel rooms. The maximum parking ratio in all sectors is 1.0 parking spaces for each new hotel room created.
  - c. Existing hotels. The maximum parking ratio in all sectors for existing hotels is 0.7 spaces for each 1,000 square feet of net building area.

<b>Table 510-10 In the Core Area Residential Parking: Maximum Number of Parking Spaces For Each Dwelling Unit</b>		
District/Sector (See Map 510-8):		
Downtown 1, 2, 3, 4, 5; University District	River District 5	River District 3, 4; Downtown 6
1.35 per dwelling unit	1.5 per dwelling unit	1.7 per dwelling unit

4. Parking is allowed when new dwelling units and hotel rooms are created.
  - a. Dwelling units are created:
    - (1) As part of new development;
    - (2) By adding net building area to existing development that increases the number of dwelling units;
    - (3) By conversion of existing net building area from nonresidential to residential uses; and
    - (4) By increasing the number of units within existing net building area already in residential use, for example, by converting a duplex to a triplex.
  - b. Hotel rooms are created:
    - (1) As part of new development;
    - (2) By adding net building area to existing development that increases the number of hotel rooms;
    - (3) By conversion of existing net building area from non-hotel to hotel uses; and
    - (4) By increasing the number of hotel rooms within existing net building area already in hotel use, for example, by converting a 10-room hotel to 20-room hotel.
5. Parking for existing dwelling units. Parking for existing dwelling units is subject to CCPR if the parking area is created through internal conversion of the building, by excavating under the building, or by adding gross building area to the building. Parking for existing dwelling units where the parking area is not created in this manner is prohibited.
6. Parking for existing hotel rooms. Parking for existing hotel rooms is allowed.
7. Operation.
  - a. Residential. Parking created to serve residential uses may be operated as either accessory or commercial parking, with the following limitations. Parking spaces may be used only as follows:
    - (1) For parking by residents of the units the parking was created in conjunction with;
    - (2) Rented, on a monthly basis only, to residents of the plan district; and
    - (3) Where the residential uses are part of a mixed-use project that includes at least 25,000 square feet of nonresidential uses, the parking spaces may be used for short-term parking between 7:00 AM and 6:00 PM.
  - b. Hotel. Parking created to serve hotel uses must be accessory. These limitations apply on weekdays between 7:00 AM and 6:00 PM.

8. Parking structures. Parking that is in a structure is allowed.
9. Surface parking for residential uses. Where a development includes any residential uses, and some or all of the parking will be on a surface lot, the developer may choose one of the following three options. Other surface parking is prohibited.
  - a. Up to 20 parking spaces is an allowed use, where the following are met:
    - (1) The parking is adjacent to the building occupied by the residential units it is created in conjunction with; and
    - (2) The total number of parking spaces—of any type—on the site is less than 21.

Where the provisions of this subparagraph are not met, the parking is subject to CCPR under the provisions of either Subparagraph E.9.b. or c., below.
  - b. More than 20 spaces is subject to CCPR where:
    - (1) The total surface parking area on the site is 40,000 square feet or less; and
    - (2) The parking is an interim use, as part of a phased development plan.
  - c. More than 20 spaces as a permanent use, and more than 40,000 square feet of surface parking area on a site, may be approved through CCPR if the following are met:
    - (1) There is no more than 1 surface space for each 1,000 square feet of site area, not including streets;
    - (2) The surface parking is serving the residential uses only; and
    - (3) The project creates more than 50 dwelling units per acre, not including streets.
10. Surface parking for hotels.
  - a. Up to 20 parking spaces is an allowed use, where the following are met:
    - (1) The parking is adjacent to the building occupied by the hotel rooms it is created in conjunction with; and
    - (2) The total number of parking spaces—of any type—on the site is less than 21.

Where the provisions of this subparagraph are not met, the parking is subject to CCPR under the provisions of Subparagraph E.10.b., below.
  - b. More than 20 spaces is subject to CCPR where:
    - (1) The total surface parking area on the site is 40,000 square feet or less; and
    - (2) The parking is an interim use, as part of a phased development plan.

- F. RX Zone Parking.** The regulations of this subsection apply to RX Zone Parking. Adjustments to the regulations of this subsection are prohibited.
1. Operation. RX Zone Parking must be accessory to uses in the portion of the Core Area zoned RX. This limitation applies on weekdays between 7:00 AM and 6:00 PM. The uses to which the parking is accessory may change without review, but they must be uses in the portion of the Core Area zoned RX.
  2. Commercial parking is prohibited.
- G. All parking.** The regulations of this subsection apply to all parking.
1. Minimum required parking. There are no minimum parking requirements in the Core area.
  2. The applicant has a signed agreement with the Parking Manager to provide the information specified in Paragraph G.3., below.
  3. The applicant will provide the following information within 30 days of the date the parking begins operation:
    - a. The number of parking spaces constructed; and
    - b. An as-built plan of the parking area, showing the configuration of the parking spaces. At least one copy of the plan must be 8-1/2" x 11" and suitable for microfilming.
  4. Surface parking lots.
    - a. Surface parking lots are prohibited as follows:
      - (1) Parking on surface lots where the total surface parking area on the site is larger than 40,000 square feet in area is prohibited, except for some residential developments, as specified in Subsection E., above.
      - (2) Surface parking is prohibited on the portion of a site within 100 feet of a light rail alignment.
    - b. Redevelopment of surface parking lots. When development occurs that removes parking spaces in surface lots, the parking spaces will automatically be added to the Parking Reserve except as provided in Subparagraphs G.4.c. through f., below.
    - c. Phased development plan. Parking spaces removed from a surface parking lot will not automatically be added to the Parking Reserve if they meet all of the elements listed in this subparagraph. Parking spaces removed from a surface lot that meet all elements of this subparagraph may be replaced in a structure within the area covered by the phased development plan; they will still be considered Growth Parking, and so will not be subject to the reduced ratio for Preservation Parking. The elements are:
      - (1) The parking lot is part of an approved phased development plan;

- (2) The parking spaces are Growth Parking; and
  - (3) The parking spaces will be replaced in a structure within the area covered by the phased development plan.
- d. Superblocks. Parking spaces removed from a surface parking lot will not automatically be added to the Parking Reserve if they meet all of the elements listed in this subparagraph. Parking spaces removed from a surface lot that meet all elements of this subparagraph may be replaced in a structure within the same parking sector. The elements are:
- (1) The parking spaces are Growth Parking on a superblock, as specified in Subparagraph J.1.b., below; and
  - (2) The owner has agreed to rededicate at least 20,000 square feet of vacated street area as public right-of-way.
- e. West End subarea. Undedicated General parking spaces removed from a surface parking lot in the West End subarea will not automatically be added to the Parking Reserve if they are relocated as allowed by this subparagraph. Undedicated General parking spaces may be relocated if all elements listed in this subparagraph are met. Adjustments to this subparagraph are prohibited. The Undedicated General spaces may be relocated in a structure and continue to be operated as Undedicated General parking. Central City Parking Review is required for the structure where the parking spaces are relocated.
- (1) The parking spaces to be removed are Undedicated General parking on a surface parking lot in the West End subarea;
  - (2) The parking spaces will be relocated in a structure within the West End subarea. Spaces that are not relocated in a structure within five years of their removal from a surface parking lot will be added to the Parking Reserve and will not be available for Undedicated General parking. Where a CCPR has been approved for the relocated spaces, those spaces will not be added to the Parking Reserve unless the spaces are not built and the CCPR expires;
  - (3) The owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that the spaces on the surface lots will not be used for parking after the date the structure with the relocated parking is occupied.
  - (4) Since February 1, 2002, the total number of spaces relocated under the provisions of this subparagraph, plus the spaces requested, does not exceed 750 spaces. The number of spaces relocated includes:
    - Spaces that have been relocated into structures; and
    - Spaces that have been approved through a Central City Parking Review that is not expired.
  - (5) No more than 250 Undedicated General parking spaces may be relocated to any single structure.

- (6) Structures containing any relocated Undedicated General parking must meet the Ground Floor Active Use area standard of Subsection 33.510.225.C.
  - f. Residential redevelopment. Parking spaces removed from a surface parking lot will not automatically be added to the Parking Reserve if they meet all of the elements listed in this subparagraph. For each parking space removed that meets all elements of this subparagraph, a maximum of 1.5 spaces may be replaced on the development site as specified in this subparagraph. The spaces will still be considered Undedicated General Parking. The elements are:
    - (1) The development site includes Undedicated General Parking on a surface parking lot. The development site is all of the lots, lots of record, and plots proposed for the development, including accessory uses. Lots, lots of record, and plots that are under the same ownership, and that are vacant or used for surface parking, and that abut those proposed for the development, are included in the development site;
    - (2) The parking spaces are Undedicated General Parking on a surface parking lot;
    - (3) The proposed redevelopment will remove all surface parking from the development site;
    - (4) All of the Undedicated General Parking will be within the development site, in a structure, and below grade;
    - (5) Since February 1, 2002, the total number of parking spaces added under the provisions of this subparagraph, plus the spaces requested to be added, does not exceed 400 spaces. The added spaces are those built in addition to those that exist on the site. Example: 100 Undedicated General spaces are removed from a surface parking lot and, under the provisions of this subparagraph, 150 Undedicated General Parking spaces are included in the proposed development. The result is that 50 Undedicated General Parking spaces are added, and count against the limit of 400 spaces; and
    - (6) The proposed redevelopment will meet minimum density requirements for the RX zone.
5. Parking structures. Where parking occupies more than 50 percent of the gross building area of a structure:
  - a. The structure may not be on any block bounded by both Fifth and Sixth Avenues between NW Glisan and SW Mill Streets. Location on these blocks is prohibited.
  - b. The site of the structure must be at least 100 feet from Fifth and Sixth Avenues between NW Glisan and SW Mill Streets. Proposals for structures within 100 feet of Fifth and Sixth Avenues between NW Glisan and SW Mill Streets must have their location approved through Central City Parking Review; an adjustment is not necessary.

- c. The structure may not be on any block bounded by both SW Morrison and SW Yamhill Streets between SW First and SW Eighteenth Avenues. Location on these blocks is prohibited.
- d. If the site is within a historic district, the building coverage of the portion of the parking structure within the district may not be larger than 20,000 square feet.
- e. Street-facing facades in the Downtown and University District subdistricts. Within the Downtown and University District subdistricts, 50 percent of the street-facing facade must be developed for Retail Sales And Service or Office uses. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to Retail Sales And Service or Office uses. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Ground Floor Active Uses.
- f. Street-facing facades in other subdistricts. In Parking Sectors RD 3, 4, and 5, structures must comply with either the standard of Subparagraph G.5.e., above or the structure must be set back at least 5 feet and landscaped to at least the L3 standard of Chapter 33.248, Landscaping and Screening. If the structure complies with the landscaped setback standard, it is exempt from the ground floor windows standard of Section 33.510.220.

On sites subject to the Required Building Lines or Ground Floor Active Use standard of Sections 33.510.215 and 33.510.225, the standard of Subparagraph G.5.e., above, must be met; the landscaped setback standard may not be used.

- 6. Parking access
  - a. Parking access near or on a light rail alignment. Motor vehicle access to any parking area or structure is not allowed within 75 feet of a light rail alignment, unless the access is approved through Central City Parking Review.
  - b. Parking access on the Transit Mall. Motor vehicle access to any parking area or structure is prohibited on Fifth and Sixth Avenues between NW Glisan and SW Mill Streets.
  - c. Parking access on other streets. Motor vehicle access to any parking area or structure is not allowed on the streets shown on Map 510-9.
- 7. Changes from one type of parking to another.
  - a. Changes from one type of parking to another are processed as if they were new parking. For example, changing Growth Parking to Preservation Parking requires a CCPR. All current regulations will apply.
  - b. Visitor Parking must operate as Visitor Parking for at least 10 years before it may be changed to Preservation Parking. Changing Visitor Parking that has been operating for less than 10 years is prohibited.
- 8. Bicycle parking. Bicycle parking regulations are in Chapter 33.266, Parking and Loading. For most types of development, bicycle parking requirements are based on

the primary use, such as Office or Retail Sales and Service. For Commercial Parking, which includes Visitor and Undedicated General Parking, bicycle parking is based on the number of motor vehicle parking spaces. There are special bicycle parking requirements for Preservation Parking, as set out in Subsection B., above; these regulations apply in addition to the requirements of Chapter 33.266.

9. Parking in a building in the West End subarea. In the West End subarea, parking on the ground floor of a building is not allowed unless the requirements of this paragraph are met. Ground level includes any area less than 9 feet above grade that is not below grade. Where parking occupies more than 50 percent of the gross building area of a structure, the regulations of G.5., above, also must be met.

One parking space per 5,000 square feet of site area may be on the ground floor of a building if one of the following standards is met:

- a. The parking spaces and any vehicles parked in the spaces must be completely screened from all adjacent rights-of-way; or
- b. The parking spaces must be at least 20 feet from all property lines.

#### **H. Special regulations for existing parking.**

1. Purpose. With adoption of the Central City Transportation Management Plan in 1995, the regulations for parking in the Central City plan district were significantly revised. To simplify and streamline regulations for parking that existed when the regulations changed, most parking in the Core Area is automatically given Central City Parking Review (CCPR) status. Some surface lots have to apply to convert to CCPR status.

The purpose of the special regulations for some existing surface parking lots is to convert surface parking lots approved under the Downtown Plan and Downtown Parking and Circulation Policy to be consistent with the approaches of the CCTMP. These regulations focus more on physical improvements than operational elements. In addition, a CCPR approval under this process, by superceding previous approvals and conditions of Conditional Uses, Downtown Development Reviews, and Revocable Permits for parking on the parking lot—will simplify future reviews and provide more flexibility for the operators on how the parking may be managed and used. The new CCPR does not automatically supersede other types of approvals such as design review and adjustments.

2. Where these regulations apply. The regulations of Subsections H. through L. apply to all parking that legally existed on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later. The regulations also apply to all parking where a complete application was received before January 8, 1996, or parking that received either a land use or building permit before January 8, 1996.
3. Changes. Changes to parking regulated by this subsection are regulated as follows.
  - a. Changes that would be prohibited if requested for new parking are prohibited.

- b. Changes from one type of parking to another are processed as if they were new parking, except that changing from Preservation to any other type of parking requires a CCPR. For example, changing Growth Parking to Preservation Parking requires a CCPR, and changing Preservation Parking to Growth Parking requires a CCPR. All current regulations will apply.
- c. Changes in conditions of approval requires CCPR.
- d. An increase in the number of spaces requires CCPR for the additional spaces only.
- e. A decrease in the number of spaces by reconfiguration is allowed without review. Replacement of those spaces is allowed, but the number of spaces on the site may not exceed the number for the site in the Central City Plan District Parking Inventory.
- f. Reconfiguration that does not change the number of spaces is allowed without CCPR, but may require design review.
- g. Placing vending carts in surface parking lots is allowed without CCPR review, but design review may be required. Spaces occupied by such carts are not considered a decrease in spaces. The spaces may be returned to parking use without review.
- h. Physical changes to the site, such as an increase in the amount of landscaping or addition of other pedestrian amenities, is allowed without CCPR review, but design review may be required. This does not include an increase in the number of spaces, or any changes that violate conditions of approval or current regulations. Those changes require CCPR review.

**I. The regulations of this subsection apply to parking in a structure.**

- 1. In the CX and EX zones:
  - a. Parking that was operating on January 1, 1995, and has never operated under a conditional use is subject to the following:
    - (1) If the parking was legally operating as Commercial Parking or as accessory to uses other than hotel or residential, it is Undedicated General Parking.
    - (2) If the parking was legally operating as accessory to hotel or residential uses, it is Residential/Hotel Parking.
  - b. Parking that received a conditional use and was operating on January 18, 1996 or on the date when the site became part of the Central City plan district, whichever is later, is subject to the following:
    - (1) All previous conditions of approval continue to apply.
    - (2) If the parking was last approved as accessory parking for uses other than hotel or residential, it is Growth Parking.

- (3) If the parking was last approved as accessory parking for hotel or residential uses, it is Residential/Hotel Parking.
    - (4) If the parking was last approved as short-term commercial parking, it is Visitor Parking.
    - (5) If the parking was last approved as long-term commercial parking, it is Undedicated General Parking.
  2. In the RX zone:
    - a. If the parking was last approved as commercial parking, it is Undedicated General parking.
    - b. If the parking was last approved as accessory to residential or hotel uses, it is Residential/Hotel Parking.
    - c. If the parking was last approved as accessory to nonresidential, non-hotel uses, it is RX Zone Parking.
- J.** The regulations of this subsection apply to parking in a surface lot that was operating on January 1, 1995, and has never operated under a conditional use that required periodic reapplication.
  1. In the CX and EX zones:
    - a. Except as provided in Subparagraph J.1.b., below, the parking is Undedicated General Parking;
    - b. Superblocks. Where the parking is on a superblock which includes at least 20,000 square feet of vacated street area, and where the owner agrees to rededicate at least 20,000 square feet of vacated street area as public right-of-way, the parking is Growth Parking.
  2. Parking in the RX zone is subject to the following:
    - a. If the parking was operating as commercial parking on December 16, 1994, as shown in the RX Zone Surface Parking Use and Landscaping Inventory, it is Undedicated General Parking.
    - b. If the parking was operating as accessory parking on December 16, 1994, as shown in the RX Zone Surface Parking Use and Landscaping Inventory, it is RX Zone Parking.
  3. In all zones, no additional landscaping is required, unless the parking lot abuts a parking lot regulated by Subsection K., below. If the parking lot abuts such a parking lot, the regulations of Subsection L., below must be met:
- K.** The regulations of this subsection apply to parking in a surface lot that received a revocable permit or a conditional use that required periodic reapplication, and was operating on January 8, 1996.
  1. Review required. All parking lots are subject to Central City Parking Review (CCPR).

2. Application for Central City Parking Review.
  - a. The Parking Manager will mail notice to all owners of these parking lots. The notice will be mailed on or before January 8, 1996. The notice will inform the owner of the deadline for their application, as specified in Subparagraph K.2.b., below.
  - b. A complete application must be received by July 8, 1996, or six months after the notice in Subparagraph K.2.a., above, is mailed, whichever is later. If a complete application is not received by this date, the Director of BDS may initiate enforcement proceedings.
  - c. In addition to the standard application requirements of Section 33.730.060, the following is required:
    - (1) Additional information necessary to show the approval criteria are met;
    - (2) A signed agreement between the applicant and the Parking Manager to provide the information specified in Subparagraph K.6.a., below; and
    - (3) A landscape/screening plan for the parking lot.
      - If the landscape/screening plan is not implementing one of the landscape/screening options of Paragraph K.7., below, an application for Design Review must be submitted along with the application for CCPR.
      - If the landscape plan is implementing landscaping/screening Option 1, as set out in Subparagraph K.7.a., below, the application must include a written statement as to how the landscape plan meets prior conditions.
  - d. The Central City Parking Review is processed through a Type III procedure. Approval criteria are in Section 33.808.300.
3. Approval of Central City Parking Review supersedes previous approvals and conditions of Conditional Uses, Downtown Development Reviews, and Revocable Permits for parking on the parking lot. It does not automatically supersede other types of approvals, such as design review or adjustments.
4. Regulations in the CX, EX, and OS zones. In the CX, EX, and OS zones, the following regulations apply.
  - a. All parking is Undedicated General Parking, subject to the limitations and regulations of this paragraph.
  - b. Carpool parking.
    - (1) Monthly carpool parking must be offered. If the parking lot has an attendant at any time between 7:00 and 10:00 AM on weekdays, 15 percent of the parking spaces must be offered to carpools. If the parking lot does not have an attendant at any time between 7:00 and 10:00 AM on weekdays, 20 percent of the parking spaces must be offered to carpools.
    - (2) The carpool parking must be marketed by:

- A sign at each entrance of the lot advertising the availability of carpool parking; and
  - Participation in the City's carpool program. Participation includes two elements. The owner of the parking lot must:
    - Pay a fee to the City for each carpool permit sold each month. The fee is 5.5 percent of the rate charged for the carpool permits.
    - Permit the City employees or representatives to enter the parking lot to promote carpooling to those who park there. The owner may limit this access to every six months.
- (3) Carpool permits must cost at least 10 percent less than monthly non-carpool permits on the lot.
- (4) If no permits are available for carpool parking when the Central City Parking Review approval is final, the operator of the parking lot must maintain a waiting list, and those requesting carpool permits will receive permits before any others.
- c. Short-term parking.
- (1) If the parking lot has an attendant at any time between 7:00 and 10:00 AM on weekdays, short-term parking will be offered by:
- Offering an hourly rate for parking, and
  - Where there is a sign at an entry, the sign must either advertise the availability of hourly parking, or include the initial hourly or half-hourly rate. The size of lettering for the time increment will be at least 40 percent of the size of the lettering for the rate.
- (2) If the parking lot does not have an attendant at any time between 7:00 and 10:00 AM on weekdays, no short-term parking is required.
5. Regulations in the RX zone. In the RX zone, the following regulations apply.
- a. All parking that was operating as commercial parking on December 16, 1994, as shown in the RX Zone Surface Parking Use and Landscaping Inventory, is Undedicated General Parking, subject to the limitations and regulations of this subparagraph.
- (1) Where the most recent land use approval for the parking was a conditional use permit, it will be subject to the regulations and procedures for the CX, EX, and OS zones in Paragraph K.4., above.
- (2) Where the most recent land use approval for the parking was a revocable permit, it will be converted to Undedicated General Parking subject to the following limitations:
- Parking for residents will be offered. Parking will be offered to residents of buildings in the portion of the Core Area zoned RX.
  - Parking for these residents will be offered on a monthly basis, and cost no more than any other monthly parking permit for the lot.

- The availability of parking for residents will be included on a sign at each entrance of the lot.
  - If no permits are available for parking for these residents when the Central City Parking Review approval is final, the operator of the parking lot will maintain a waiting list, and those residents requesting permits will receive permits before any others.
- b. Parking that was operating as parking accessory to residential uses on December 16, 1994, as shown in the RX Zone Surface Parking Use and Landscaping Inventory, is Residential/Hotel Parking. It will be subject to the same regulations as other Residential/Hotel Parking in the Core Area.
- c. Parking that was operating as parking accessory to nonresidential uses on December 16, 1994, as shown in the RX Zone Surface Parking Use and Landscaping Inventory, is RX Zone Parking.
6. Regulations in all zones.
- a. The applicant must provide operations reports to the City every six months. The operation reports are based on a sample of two days during every six-month reporting period, and include information on the following:
- (1) Physical: Number of parking spaces.
  - (2) Usage: How the parking spaces were used, based on the following categories. Percentage of parking used for:
    - Short-term
    - Long-term daily (four or more hours) and monthly permit (other than carpool)
    - Carpool monthly permit
    - If the parking spaces are in the RX zone, monthly permit for a resident of the RX zone
  - (3) For RX Zone Parking, what uses the parking was accessory to during the preceding six months.
  - (4) Hours of Operation: What the hours of operation are on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.
- b. Wheel stops. Wheel stops are required adjacent to perimeter screening and landscaping. The wheel stops must be at least 3-1/2 feet from the centerline of the tree trunks and hedges or fence or wall in the perimeter landscaping and screening.
- c. Landscaping. All parking lots must either meet one of the landscaping and screening standards in Paragraph K.7., below, or obtain approval of an alternative landscaping and screening design through the Design Review process. The applicant may choose one of these options. The application for Design Review must be submitted with the application for Central City Parking Review.

The standard must be met within 9 months of the final approval of the Central City Parking Review unless there is an approved development for the site. If an alternative design is approved through the Design Review process, the landscaping and screening must be installed within 9 months of the final Design Review approval, unless there is an approved development for the site. Approved development means a project approved through design review.

7. Special landscaping and screening standards.
  - a. Landscaping/screening Option 1; Prior conditions. Install the landscaping and screening required by the previous land use approvals. No additional landscaping and screening will be required except where the previous approvals required no landscaping or screening. In that case, the standard of either Subparagraph K.7.b. or K.7.c., below must be met.
  - b. Landscaping/screening Option 2; Narrow hedge. Install the following hedge and trees:
    - (1) A hedge along all street lot lines, except where there is a driveway. The hedge must consist of plants that:
      - Completely fill the area between the street lot line and a line at least 3 feet in from the lot line;
      - Are at least 3 and no more than 3-1/2 feet in height; and
      - Form a continuous screen at least 95 percent opaque year-round.The hedge may be interrupted by trees; the gap in the hedge may be up to 2-1/2 feet wide.
    - (2) Trees along all street lot lines, as follows:
      - Number: At least one tree for every 30 feet of street property line, including driveways.
      - Location: The trees must:
        - Be within 3 feet of the street property line;
        - Be no more than 30 feet from each other, except where a driveway is wider than 30 feet. Where the driveway is wider than 30 feet, the trees must be as close as possible to the edges of the driveway.
      - Type:
        - If there are street trees adjacent to the street property line, the trees must be one or more of the types listed in Subparagraph K.7.d., below.
        - If there are not street trees adjacent to the street property line, the trees must be one or more of the types listed in Subparagraph K.7.e., below.
    - (3) Trees within the parking area, as follows:
      - Number: At least one tree for every 5,000 square feet of parking area.
      - Location: The trees must:
        - Be at least 10 feet from the street property line; and

- Be at least 25 feet from each other.
  - Type: The trees must be one or more of the types listed in Subparagraph K.7.e., below.
- c. Landscaping/screening Option 3; Urban fence. Install the following fence and trees:
  - (1) A fence along all street lot lines, except where there is a driveway. The fence must:
    - Be at least 4 and no more than 6 feet in height;
    - Include vertical elements, such as pickets, that are:
      - At least 1 inch wide; and
      - No more than 6 inches apart, on center;
    - Be made of wrought iron or similar metal; and
    - Be black or a dark color.

The fence may be interrupted by trees; the gap in the fence may be up to 2-1/2 feet wide.
  - (2) Trees along all street lot lines, as follows:
    - Number: At least one tree for every 30 feet of street property line, including driveways.
    - Location: The trees must:
      - Be within 3 feet of the street property line;
      - Be no more than 30 feet from each other, except where a driveway is wider than 30 feet. Where the driveway is wider than 30 feet, the trees must be as close as possible to the edges of the driveway;
    - Type:
      - If there are street trees adjacent to the street property line, the trees must be one or more of the types listed in Subparagraph K.7.d., below.
      - If there are not street trees adjacent to the street property line, the trees must be one or more of the types listed in Subparagraph K.7.e., below.
  - (3) Trees within the parking area, as follows:
    - Number: At least one tree for every 5,000 square feet of parking area.
    - Location: The trees must:
      - Be at least 10 feet from the street property line; and
      - Be at least 25 feet from each other;
    - Type: The trees must be one or more of the types listed in Subparagraph K.7.e., below.
- d. Small and columnar trees. The following trees have minimal "litter," and have a branching structure that will not interfere with street trees.
  - Glorybower tree
  - Newport Plum
  - Flowering Ash

- Capital Pear
  - Armstrong Red Maple
  - Tschonoskii Crabapple
- e. Large trees. The following trees have minimal "litter," and are taller and wider than the trees in Subparagraph K.7.d., above.
- Scarlet Oak
  - Green Beech
  - Copper Beech
  - Yellowwood
  - Katsura
  - Urbanite Ash
  - Zelcova
  - Royal Burgundy Cherry
8. Special landscaping and screening standards for sites where a surface parking lot regulated by Subsection J., above, abuts a surface parking lot regulated by this subsection. Where a surface parking lot regulated by Subsection J., above, abuts a surface parking lot regulated by this subsection, the regulations of Subsection L., below, must be met.
- L. The regulations of this subsection apply to sites where a surface parking lot regulated by Subsection J., above, abuts a surface parking lot regulated by Subsection K., above. One of the standards of this subsection must be met or approval of an alternative landscaping and screening design must be obtained through the Design Review process. The applicant may choose one of these options.
1. Where landscaping and screening required by the previous land use approvals on the portion of the lot regulated by Subsection K. included a hedge, either standard a. or b., below, must be met:
    - a. Install the landscaping and screening required by the previous land use approvals on the portion regulated by Subsection K., and, on the portion regulated by Subsection J. either:
      - (1) Install landscaping and screening to meet the standards of K.7.b.(1) and (2), above; or
      - (2) Where a hedge was previously required on the portion of the lot regulated by Subsection J., install the hedge and add trees to the hedge to meet the standards of K.7.b.(2).
    - b. Install landscaping and screening on the portion of the lot regulated by Subsection K. to meet the standard of Subparagraph K.7.c., above, and install landscaping and screening on the balance of the parking lot to meet the standards of K.7.c.(1) and (2), above.
  2. Where the previous land use approvals on the portion of the lot regulated by Subsection K. required no landscaping or screening, the standard of either Subparagraph K.7.b. or K.7.c., above must be met for the portion of the lot regulated

by Subsection K., and the standards of either K.7.b.(1) and (2) or K.7.c.(1) and (2) must be met for the balance of the lot.

**33.510.264 Parking in Lloyd District**

The regulations of this section apply in the Lloyd District, shown on Map 510-8.

**A. Growth Parking.** The regulations of this subsection apply to Growth Parking. Adjustments to the regulations of Paragraphs A.1. through A.5. are prohibited.

1. To determine whether Growth Parking is allowed, prohibited, or subject to Central City Parking Review (CCPR):
  - a. Determine the use or uses the parking will be created in conjunction with.
  - b. Determine whether the use the parking will be created in conjunction with is an allowed, conditional, nonconforming, or prohibited use where the parking is proposed. Find the appropriate line on Table 510-11.
  - c. Based on the regulations of this subsection and those in Subsection F., below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-11.
    - (1) If all aspects of a proposal are allowed, then the parking is allowed.
    - (2) If all aspects of a proposal are allowed or have been approved through an adjustment, then the parking is allowed.
    - (3) If any aspect of a proposal requires CCPR, then the parking is subject to CCPR.
    - (4) If any aspect of a proposal is prohibited, then the parking is prohibited.

<b>Table 510-11</b>			
<b>Relationships Among Use Regulations for Growth Parking</b>			
If the <b>use</b> is:	And if the <b>parking</b> is:		
	Allowed	Subject to CCPR	Prohibited
Allowed, an expansion of a nonconforming use, or a conditional use	The parking is allowed	The parking is subject to CCPR	The parking is prohibited
Prohibited	The parking is prohibited	The parking is prohibited	The parking is prohibited
Note: Some uses require a land use review, such as a Conditional Use or Nonconforming Situation Review. Criteria for those reviews may include consideration of traffic, transportation, design, or other elements that may also be addressed in this chapter. Compliance with the regulations of this chapter does not constitute compliance with those criteria.			

2. Office uses. Parking created in conjunction with office uses is regulated as follows:

- a. Maximum ratio. Parking is limited to a maximum ratio of 2.0 parking spaces per 1,000 square feet of net building area in office use.
  - b. Allowed. Growth Parking for office uses is an allowed use.
  - c. Operation. The parking may be operated as either accessory or commercial parking, at all times.
3. Uses other than office. Parking created in conjunction with uses other than office is regulated as follows:
- a. Maximum ratio. There is no maximum ratio.
  - b. Review required. Up to 60 parking spaces is an allowed use where the total number of parking spaces on the site is less than 61. More than 60 spaces is subject to CCPR.
  - c. Operation. The parking must be accessory. These limitations apply on weekdays between 7:00 AM and 6:00 PM.
4. Mixed office and other uses. Parking created in conjunction with both office and non-office uses is regulated as follows:
- a. Maximum ratio. Parking for the office uses is limited to a maximum ratio of 2.0 parking spaces per 1,000 square feet of net building area in office use. There is no maximum ratio for the other uses.
  - b. Review required. Review is required as follows:
    - (1) Where parking for all uses is limited to a maximum ratio of 2.0 parking spaces per 1,000 square feet of net building area, the parking is an allowed use.
    - (2) Up to 60 spaces for all the non-office uses on the site are an allowed use.
    - (3) Where there are more than 60 spaces on the site for non-office uses, and the amount of parking for the non-office uses exceeds 2.0 parking spaces per 1,000 square feet of net building area, the parking is subject to CCPR.
  - c. Operation.
    - (1) Parking that is an allowed use under Subparagraph A.4.b., above, may be operated as either accessory or commercial parking, at all times.
    - (2) Parking that is subject to CCPR under the provisions of Subparagraph A.4.b., may operate as accessory parking. The parking spaces that are created in conjunction with the office uses may be operated as either accessory or commercial parking. The parking spaces that are created in conjunction with the non-office uses must be operated as accessory parking. These limitations apply on weekdays between 7:00 AM and 6:00 PM.
5. Parking that is not an allowed use under Paragraphs A.2., A.3., and A.4., above, and is not otherwise prohibited, is subject to CCPR.

6. Operation reports. The requirements of this paragraph apply to Growth Parking where there are more than 60 parking spaces on the site.
    - a. The applicant must have a signed agreement with the Parking Manager to provide the information specified in Paragraph A.6.b., below.
    - b. The applicant must provide annual operation reports to the City. The operation reports are based on a sample of four days during every 12-month reporting period, and include information on the following:
      - (1) Physical: Number of parking spaces, amount of net building area.
      - (2) Usage: How the parking spaces were used, based on the following categories. Percentage of parking used for:
        - Short-term
        - Long-term daily (four or more hours) and monthly permit (other than carpool)
        - Carpool monthly permit
        - Spaces used as accessory parking.
      - (3) Hours of Operation: What the hours of operation are on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.
- B. Preservation Parking.** The regulations of this subsection apply to Preservation Parking. Except for Paragraphs B.2.d. and B.4.d., adjustments to the regulations of Paragraphs B.1. through B.4. are prohibited.
1. To determine whether Preservation Parking is subject to Central City Parking Review (CCPR) or prohibited:
    - a. Determine the use or uses the parking will be created to serve.
    - b. Determine whether the use the parking will serve is an allowed, conditional, nonconforming, or prohibited use on the property where the parking is proposed. Find the appropriate line on Table 510-12.
    - c. Based on the regulations of this subsection and those in Subsection F., below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-12.
      - (1) If all aspects of a proposal are allowed, have been approved through an adjustment, or are subject to CCPR, then the parking is subject to CCPR. If the parking is not otherwise prohibited, it is subject to CCPR.
      - (2) If any aspect of a proposal is prohibited, then the parking is prohibited.

<b>Table 510-12</b>		
<b>Relationships Among Use Regulations for Preservation Parking</b>		
If the parking is created in conjunction with a <b>use</b> that is:	And if the <b>parking</b> is:	
	Allowed or Subject to CCPR	Prohibited
Allowed, Nonconforming, or a Conditional Use	The parking is subject to CCPR	The parking is prohibited
Prohibited	The parking is prohibited	The parking is prohibited

2. Office uses. Parking created to serve existing office uses is regulated as follows:

- a. Eligibility for Preservation Parking. Only buildings on the Preservation Parking Eligibility List, maintained by the Parking Manager, may apply for Preservation Parking. Preservation Parking for buildings not on the Preservation Parking Eligibility List is prohibited.
- b. Maximum ratio. Parking is limited to a maximum ratios of 2.0 parking spaces per 1,000 square feet of net building area in office use.
- c. Review required. Preservation Parking for office uses is subject to CCPR.
- d. Bicycle parking. Preservation Parking facilities must provide 1 long-term bicycle parking space for every 40 motor vehicle parking spaces.
- e. Common ownership. If the parking will be based on the floor area of buildings under the same ownership as the parking, the following must be met:
  - (1) The owner must specify what buildings the parking is based on. When the parking begins operation, the buildings will be removed from the Preservation Parking Eligibility List, or have their numbers on that list adjusted to reflect the new parking; and
  - (2) The owner must have a signed agreement with the Parking Manager that the parking will be primarily for those buildings for at least 10 years.
- f. Different ownership. Where the parking structure is under different ownership than the buildings the parking will serve, the following must be met:
  - (1) For initial approval, the following must be met:
    - There must be agreements between the owner of the parking and the owners of buildings for which the parking will be provided. The agreements must cover 100 percent of the Preservation Parking, and be for at least 10 years from the date the garage begins operation.

When the parking begins operation, the buildings will be removed from the Preservation Parking Eligibility List, or have their numbers on that list adjusted to reflect the new parking; and

- The applicant must have a signed agreement with the Parking Manager to:
    - Notify the Parking Manager in writing of any of the changes listed in this subparagraph; and
    - Provide written documentation that the changes comply with the regulations of this Chapter.
  - (2) Changes in existing agreements. Changes in existing agreements between the owner of the parking and owners of buildings for which the parking is provided are allowed only if the regulations of this Chapter are still met. The length of the agreements will not be decreased to cover less than the initial 10-year period from the date the garage begins operation.
  - (3) New agreements. New agreements between the owner of the parking and the owners of buildings for which the parking will be provided are allowed only where the buildings are on the Preservation Parking Eligibility List, and where the regulations of this Chapter are still met. The agreements must, at a minimum, cover the initial 10-year period from the date the garage begins operation.
  - (4) Conversion. Conversion of Preservation Parking to Growth, Visitor, or Residential/Hotel Parking is a CCPR. Conversions to other types of parking are prohibited.
  - (5) Where an agreement between the owner of the parking and the owners of buildings is terminated, changes will not be made to the Preservation Parking Eligibility List until a new use or new agreement has been approved for the spaces covered by the agreement.
- g. Operation.
- (1) Parking created within or under the building. If the parking area is created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking may be operated as either accessory or commercial parking, at all times.
  - (2) Parking that is not created within or under the building. If the parking area is not created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking may be operated as either accessory or commercial parking, with the following limitations. These limitations apply on weekdays between 7:00 AM and 6:00 PM. Parking spaces may be used only as follows:
    - Where the parking is based on the floor area of buildings under the same ownership as the parking, the parking may be used by tenants of those buildings.
    - Leased to buildings or tenants of buildings as described in Subparagraph B.2.f., above.
    - Rented, on a monthly basis only, to the following. Sale of other monthly permits is prohibited:

- Individual tenants of buildings on the Preservation Parking Eligibility List. The Parking Manager maintains this list; or
    - Residents of the Central City plan district.
  - For long-term daily parking. "Early bird" discounts are prohibited.
  - For short-term parking.
- 3. Uses other than office. Parking created to serve existing uses other than office is regulated as follows:
  - a. Eligibility for Preservation Parking. All buildings may apply for Preservation Parking.
  - b. Maximum ratio. There is no maximum ratio.
  - c. Review required. Up to 60 parking spaces is an allowed use where the total number of parking spaces on the site is less than 61. More than 60 spaces is subject to CCPR.
  - d. Operation. The parking must be accessory parking. This limitation applies on weekdays between 7:00 AM and 6:00 PM.
  - e. Bicycle Parking. The bicycle parking requirements are based on the primary use.
- 4. Mixed office and other uses. Parking created to serve both existing office and non-office uses is regulated as follows:
  - a. Eligibility for Preservation Parking. Only buildings on the Preservation Parking Eligibility List, maintained by the Parking Manager, may apply for Preservation Parking. Preservation Parking for buildings not on the Preservation Parking Eligibility List is prohibited.
  - b. Maximum ratio. Parking for the office uses is limited to a maximum ratio of 2.0 parking spaces per 1,000 square feet of net building area in office use. There is no maximum ratio for the other uses.
  - c. Review required. Preservation Parking is subject to CCPR.
  - d. Bicycle parking. Preservation Parking facilities must provide 1 long-term bicycle parking space for every 40 motor vehicle parking spaces.
  - e. Common ownership. If the parking will be based on the floor area of buildings under the same ownership as the parking, the following must be met:
    - (1) The owner must specify what buildings the parking is based on. When the parking begins operation, the buildings will be removed from the Preservation Parking Eligibility List, or have their numbers on that list adjusted to reflect the new parking; and
    - (2) The owner must have a signed agreement with the Parking Manager that the parking will be primarily for those buildings for at least 10 years.
  - f. Different ownership. Where the parking structure is under different ownership than the buildings the parking will serve, the following must be met:

- (1) For initial approval, the following must be met:
  - There must be agreements between the owner of the parking and the owners of buildings for which the parking will be provided. The agreements must cover 100 percent of the Preservation Parking, and be for at least 10 years from the date the garage begins operation.

When the parking begins operation, the buildings will be removed from the Preservation Parking Eligibility List, or have their numbers on that list adjusted to reflect the new parking; and

- The applicant must have a signed agreement with the Parking Manager to:
  - Notify the Parking Manager in writing of any of the changes listed in this subparagraph; and
  - Provide written documentation that the changes comply with the regulations of this Chapter.
- (2) Changes in existing agreements. Changes in existing agreements between the owner of the parking and owners of buildings for which the parking is provided are allowed only if the regulations of this Chapter are still met. The length of the agreements will not be decreased to cover less than the initial 10-year period from the date the garage begins operation.
- (3) New agreements. New agreements between the owner of the parking and the owners of buildings for which the parking will be provided are allowed only where the buildings are on the Preservation Parking Eligibility List, and where the regulations of this Chapter are still met. The agreements must, at a minimum, cover the initial 10-year period from the date the garage begins operation.
- (4) Conversion. Conversion of Preservation Parking to Growth, Visitor, or Residential/Hotel Parking is a CCPR. Conversions to other types of parking are prohibited.
- (5) Where an agreement between the owner of the parking and the owners of buildings is terminated, changes will not be made to the Preservation Parking Eligibility List until a new use or new agreement has been approved for the spaces covered by the agreement.

g. Operation.

- (1) Office uses. Parking created to serve office uses must be operated as follows:
  - Parking created within or under the building. If the parking area is created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking may be operated as either accessory or commercial parking, at all times.

- Parking that is not created within or under the building. If the parking area is not created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking may be operated as either accessory or commercial parking, with the following limitations. These limitations apply on weekdays between 7:00 AM and 6:00 PM. Parking spaces may be used only as follows:
  - Where the parking is based on the floor area of buildings under the same ownership as the parking, the parking may be used by tenants of those buildings.
  - Leased to buildings or tenants of buildings as described in Paragraph B.4.f., above.
  - Rented, on a monthly basis only, to the following. Sale of other monthly permits is prohibited:

Individual tenants of buildings on the Preservation Parking Eligibility List. The Parking Manager maintains this list; or

Residents of the Central City plan district.

- For long-term daily parking. "Early bird" discounts are prohibited.
- For short-term parking.

(2) Non-office uses. Parking created to serve non-office uses must be operated as follows:

- Parking created within or under the building. If the parking area is created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking may be operated as either accessory or commercial parking.
- Parking that is not created within or under the building. If the parking area is not created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking may be operated as accessory parking. It may be operated as commercial parking, with the limitations specified for office uses in (1), above, if the following are met. If the following are not met, it must be operated as accessory parking on weekdays between 7:00 AM and 6:00 PM:
  - There are no more than 60 spaces on the site for non-office uses; or
  - The amount of parking for the non-office uses does not exceed 2.0 spaces per 1,000 square feet of net building area.

5. Operation reports. The requirements of this paragraph apply to Preservation Parking where there are more than 60 parking spaces on the site.

- a. The applicant must have a signed agreement with the Parking Manager to provide the information specified in Paragraph B.5.b., below.

- b. The applicant must provide operation reports to the City every six months. The operation reports are based on a sample of two days during every 6-month reporting period, and include information on the following:
  - (1) Physical: Number of parking spaces, amount of net building area.
  - (2) Usage: How the parking spaces were used, based on the following categories. Percentage of parking used for:
    - Used by tenants of the buildings described in Subparagraph B.4.e., above
    - Leased to buildings as described in Subparagraph B.4.f., above
    - Short-term
    - Long-term daily (four or more hours) and monthly permit (other than carpool)
    - Carpool monthly permits for tenants of buildings as described in Subparagraph B.4.e., above; tenants of the buildings described in Subparagraph B.4.f., above; or individual tenants of buildings on the Preservation Parking Eligibility List
    - Accessory parking and commercial parking
    - Rented to individual tenants buildings on the Preservation Parking Eligibility List
    - Rented to residents of the Central City plan district
  - (3) Hours of Operation: What the hours of operation are on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.
- C. Visitor Parking.** The regulations of this subsection apply to Visitor Parking. Adjustments to the regulations of this subsection are prohibited.
  1. To determine whether Visitor Parking is subject to Central City Parking Review (CCPR) or prohibited:
    - a. Determine the zone where the parking will be located. Then find the appropriate line on Table 510-13.
    - b. Based on the regulations of this subsection and those in Subsection F., below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-13.
      - (1) If all aspects of a proposal are allowed, have been approved through an adjustment, or are subject to CCPR, then the parking is subject to CCPR.
      - (2) If any aspect of a proposal is prohibited, then the parking is prohibited.

<b>Table 510-13</b>		
<b>Relationships Among Regulations for Visitor Parking</b>		
If the <b>zone</b> is:	And if the <b>parking</b> is:	
	<b>Allowed or Subject to CCPR</b>	<b>Prohibited</b>
I, EX, EG, CX, CS, CG, or RX	The parking is subject to CCPR	The parking is prohibited
All other zones	The parking is prohibited	The parking is prohibited

2. Maximum ratios. There are no maximum ratios. The appropriate number of parking spaces allowed is determined based on a demand analysis, traffic analysis, and other considerations specified in the approval criteria.
3. Review required. All Visitor Parking is subject to CCPR.
4. Operation. Visitor Parking is operated as commercial parking, except that sale of monthly permits and "early bird" discounts are prohibited. Limitations on operation apply on weekdays between 7:00 AM and 6:00 PM.
5. The applicant must have a signed agreement with the Parking Manager to provide the information specified in Paragraph C.6., below.
6. The applicant must provide operation reports to the City every six months. The operation reports are based on a sample of two days during every six-month reporting period, and include information on the following:
  - a. Physical: Number of parking spaces.
  - b. Usage: How the parking spaces were used, based on the following categories. Percentage of parking used for:
    - (1) Short-term
    - (2) Long-term daily (four or more hours)
  - c. Hours of Operation: What the hours of operation are on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.

**D. Undedicated General Parking.** Undedicated General Parking is prohibited.

**E. Residential/Hotel Parking.** The regulations of this subsection apply to Residential/Hotel Parking.

1. To determine whether Residential/Hotel Parking is allowed, prohibited, or subject to Central City Parking Review (CCPR):
  - a. Determine whether the residential use the parking will be created in conjunction with is an allowed, conditional, nonconforming, or prohibited use on the property where the parking is proposed. Find the appropriate line on Table 510-14.

- b. Based on the regulations of this subsection and those in Subsection F., below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-14.
- 2. Minimum required parking. There is no minimum parking requirement.
- 3. Maximum ratios. There are no maximum ratios.
- 4. Allowed. Residential/Hotel Parking is an allowed use.
- 5. Mixed residential and other uses. Where there is another type of parking included in the same project as Residential/Hotel Parking, each type of parking must meet the regulations for that type of parking.

<b>Table 510-14</b>			
<b>Relationships Among Use Regulations for Residential/Hotel Parking</b>			
If the <b>residential</b> or <b>hotel use</b> is:	And if the <b>parking</b> is:		
	<b>Allowed</b>	<b>Subject to CCPR</b>	<b>Prohibited</b>
Allowed, an expansion of a nonconforming use, or a conditional use	The parking is allowed	The parking is subject to CCPR	The parking is prohibited
Prohibited	The parking is prohibited	The parking is prohibited	The parking is prohibited
Note: Some uses require a land use review, such as a Conditional Use or Nonconforming Situation Review. Criteria for those reviews may include consideration of traffic, transportation, design, or other elements that may also be addressed in this chapter. Compliance with the regulations of this chapter does not constitute compliance with those criteria.			

- 6. Operation.
  - a. Residential. Parking spaces created to serve residential uses must be accessory at all hours.
  - b. Hotel. Parking created to serve hotel uses must be accessory. These limitations apply on weekdays between 7:00 AM and 6:00 PM.

**F. All parking.** The regulations of this subsection apply to all parking.

- 1. Minimum required parking. There are no minimum parking requirements.
- 2. The applicant has a signed agreement with the Parking Manager to provide the information specified in Paragraph F.3., below.
- 3. The applicant will provide the following information within 30 days of the date the parking begins operation:
  - a. The number of parking spaces constructed; and

- b. An as-built plan of the parking area, showing the configuration of the parking spaces. At least one copy of the plan must be 8-1/2" x 11" and suitable for microfilming.
4. Surface parking lots.
  - a. Parking on surface lots where the total surface parking area on the site is up to 40,000 square feet in area is allowed. Parking on surface lots where the total surface parking area on the site is larger than 40,000 square feet in area is subject to CCPR.
  - b. Surface parking is prohibited on the portion of a site within 100 feet of a light rail alignment.
  - c. Redevelopment of surface parking lots. When development occurs that removes parking spaces in surface lots, the parking spaces will automatically be added to the Parking Reserve except as provided in Subparagraph F.4.d, below.
  - d. Parking spaces removed from a surface parking lot will not automatically be added to the Parking Reserve if:
    - (1) The parking lot is part of an approved phased development plan;
    - (2) The parking spaces are Growth Parking; and
    - (3) The parking spaces will be replaced in a structure within the area covered by the phased development plan.
  - e. Parking spaces removed from a surface lot that meet all elements of Subparagraph F.4.d, above may be replaced in a structure within the area covered by the phased development plan; they will still be considered Growth Parking, and so will not be subject to the reduced ratio for Preservation Parking.
5. Parking structures. Where parking occupies more than 50 percent of the gross building area of a structure:
  - a. If the site is within a historic district, the building coverage of the portion of the parking structure within the district may not be larger than 20,000 square feet.
  - b. Street-facing facades. Street-facing facades must meet one of these standards:
    - (1) Active uses standard. Fifty percent of the street-facing facade must be developed for Retail Sales And Service or Office uses. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to Retail Sales And Service or Office uses. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Ground Floor Active Uses; or
    - (2) Landscape setback standard. The structure must be set back at least 5 feet and landscaped to at least the L3 standard of Chapter 33.248, Landscaping and Screening. If the structure complies with the landscaped setback

standard, it is exempt from the ground floor windows standard of Section 33.510.220.

On sites subject to the Required Building Lines or Ground Floor Active Use standard of Sections 33.510.215 and 33.510.225, the standard of Subparagraph F.5.b.(1), above, must be met; the landscaped setback standard may not be used.

6. Parking access.
  - a. Parking access near or on a light rail alignment. New motor vehicle access to any parking area or structure is not allowed within 75 feet of a light rail alignment, unless the access is approved through Central City Parking Review.
  - b. Parking access on other streets. New motor vehicle access to any parking area or structure is not allowed on the streets shown on Map 510-9.
7. Changes from one type of parking to another.
  - a. Changes from one type of parking to another are processed as if they were new parking. For example, changing Growth Parking to Preservation Parking requires a CCPR. All current regulations will apply.
  - b. Visitor Parking must operate as Visitor Parking for at least 10 years before it may be changed to Preservation Parking. Changing Visitor Parking that has been operating for less than 10 years is prohibited.
8. Bicycle parking. Bicycle parking regulations are in Chapter 33.266, Parking and Loading. For most types of development, bicycle parking requirements are based on the primary use, such as Office or Retail Sales and Service. For Commercial Parking, which includes Visitor and Undedicated General Parking, bicycle parking is based on the number of motor vehicle parking spaces. There are special bicycle parking requirements for Preservation Parking, as set out in Subsection B., above; these regulations apply in addition to the requirements of Chapter 33.266.

**G. Special regulations for existing parking.**

1. Purpose. With adoption of the Central City Transportation Management Plan in 1995, the regulations for parking in the Central City plan district were significantly revised. To simplify and streamline regulations for parking that existed when the regulations changed, the parking in the plan district is automatically given Central City Parking Review (CCPR) status.

In addition, a CCPR approval under this process, by superceding some previous land use approvals for parking for the site—Conditional uses and Revocable Permits—will simplify future reviews and provide more flexibility for the operators on how the parking may be managed and used.

2. Where these regulations apply. The regulations of this subsection apply to all parking that legally existed on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later. The regulations also apply to all

parking where a complete application was received before January 8, 1996, or parking that received either a land use or building permit before January 8, 1996.

3. Changes. Changes to parking regulated by this subsection are regulated as follows.
  - a. Changes that would be prohibited if requested for new parking are prohibited.
  - b. Changes from one type of parking to another are processed as if they were new parking. For example, changing Growth Parking to Visitor Parking requires a CCPR. All current regulations will apply.
  - c. Changes in conditions of approval requires CCPR.
  - d. Where new parking would require CCPR, an increase in the number of spaces requires CCPR for the additional spaces only.
  - e. A decrease in the number of spaces by redevelopment or reconfiguration is allowed without review. Replacement of those spaces will be treated as new parking.
  - f. Reconfiguration that does not change the number of spaces is allowed without CCPR, but may require design review.
  - g. Placing vending carts in surface parking lots is allowed without CCPR review, but design review may be required. Spaces occupied by such carts are not considered a decrease as specified in Subparagraph G.3.d., above. The spaces may be returned to parking use without review.
  - h. Physical changes to the site, such as an increase in the amount of landscaping or addition of other pedestrian amenities, is allowed without CCPR review, but design review may be required. This does not include an increase in the number of spaces, or any changes that violate conditions of approval or current regulations. Those changes require CCPR review.
4. If the parking was operating as commercial parking on January 8, 1996 or on the date when the site became part of the Central City plan district, as shown in the 1995 Inventory of Commercial Parking Outside the Core Area, it is Undedicated General Parking. All previous conditions of approval continue to apply.
5. If the parking was operating as accessory to office uses on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later, it is Growth Parking for office uses.
6. If the parking was operating as accessory to uses other than office, residential, or hotel, on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later, it is Growth Parking for non-office uses.
7. If the parking was operating as accessory to both office and non-office uses on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later, it is Growth Parking for both office and non-office uses.

8. If the parking was operating as accessory to residential or hotel uses on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later, it is Residential/Hotel Parking.

**33.510.265 Parking in the Goose Hollow Subdistrict, Lower Albina Subdistrict, Central Eastside Subdistrict, and River District Sectors 1 and 2.**

The regulations of this section apply in the Goose Hollow Subdistrict, Lower Albina Subdistrict, Central Eastside Subdistrict, and River District Sectors 1 and 2, shown on Map 510-8.

**A. Growth Parking.** The regulations of this subsection apply to Growth Parking. Adjustments to the regulations of Paragraphs A.1. through A.5. are prohibited.

1. To determine whether Growth Parking is allowed, prohibited, or subject to Central City Parking Review (CCPR):
  - a. Determine the use or uses the parking will be created in conjunction with.
  - b. Determine whether the use the parking will be created in conjunction with is an allowed, conditional, nonconforming, or prohibited use where the parking is proposed. Find the appropriate line on Table 510-15.
  - c. Based on the regulations of this subsection and those in Subsection F., below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-15.
    - (1) If all aspects of a proposal are allowed, then the parking is allowed.
    - (2) If all aspects of a proposal are allowed or have been approved through an adjustment, then the parking is allowed.
    - (3) If any aspect of a proposal requires CCPR, then the parking is subject to CCPR.
    - (4) If any aspect of a proposal is prohibited, then the parking is prohibited.
2. Office uses. Parking created in conjunction with office uses is regulated as follows:
  - a. Maximum ratio. Parking is limited to the maximum ratios in Table 510-16.
  - b. Allowed. Growth Parking for office uses is an allowed use.
  - c. Operation. The parking may be operated as either accessory or commercial parking, at all times.
3. Uses other than office. Parking created in conjunction with uses other than office is regulated as follows:
  - a. Maximum ratio. There is no maximum ratio.
  - b. Review required. Up to 60 parking spaces is an allowed use where the total number of parking spaces on the site is less than 61. More than 60 spaces is subject to CCPR.

- c. Operation. The parking must be accessory on weekdays between 7:00 AM and 6:00 PM.

<b>Table 510-15</b>			
<b>Relationships Among Use Regulations for Growth Parking</b>			
If the use is:		And if the parking is:	
	<b>Allowed</b>	<b>Subject to CCPR</b>	<b>Prohibited</b>
Allowed, an expansion of a nonconforming use, or a conditional use	The parking is allowed	The parking is subject to CCPR	The parking is prohibited
Prohibited	The parking is prohibited	The parking is prohibited	The parking is prohibited
Note: Some uses require a land use review, such as a Conditional Use or Nonconforming Situation Review. Criteria for those reviews may include consideration of traffic, transportation, design, or other elements that may also be addressed in this chapter. Compliance with the regulations of this chapter does not constitute compliance with those criteria.			

<b>Table 510-16</b>					
<b>In the Goose Hollow Subdistrict, Lower Albina Subdistrict, Central Eastside Subdistrict, and River District Sectors 1 and 2</b>					
<b>Growth Parking: Maximum Number of Parking Spaces Per 1,000 Square Feet of Net Building Area in Office Use</b>					
District/Sector (See Map 510-8):					
Central Eastside 2 and 3	Central Eastside 1, 4, 5 and 6	Goose Hollow	Lower Albina	River District 2	River District 1
2.5	3.4	2.0	2.5	2.0	2.0

- 4. Mixed office and other uses. Parking created in conjunction with both office and non-office uses is regulated as follows:
  - a. Maximum ratio. Parking for the office uses is limited to the maximum ratios in Table 510-16. There is no maximum ratio for the other uses.
  - b. Review required. Review is required as follows:
    - (1) Where parking for all uses is limited to the maximum ratios in Table 510-16 for all uses, the parking is an allowed use.
    - (2) Up to 60 spaces for all the non-office uses on the site are an allowed use.
    - (3) Where there are more than 60 spaces on the site for non-office uses, and the amount of parking for the non-office uses exceeds the maximum ratios in Table 510-16, the parking is subject to CCPR.

- c. Operation.
    - (1) Parking that is an allowed use under Subparagraph A.4.b., above, may be operated as either accessory or commercial parking at all times.
    - (2) Parking that is subject to CCPR under the provisions of Subparagraph A.4.b., may operate as accessory parking. The parking spaces that are created in conjunction with the office uses may be operated as either accessory or commercial parking at all times. The parking spaces that are created in conjunction with the non-office uses must be operated as accessory parking on weekdays between 7:00 AM and 6:00 PM.
  5. Parking that is not an allowed use under Paragraphs A.2., A.3., and A.4., above, and is not otherwise prohibited, is subject to CCPR.
  6. Operation reports. The requirements of this paragraph apply to Growth Parking where there are more than 60 parking spaces on the site.
    - a. The applicant must have a signed agreement with the Parking Manager to provide the information specified in Paragraph A.6.b., below.
    - b. The applicant must provide annual operation reports to the City. The operation reports are based on a sample of four days during every 12-month reporting period, and include information on the following:
      - (1) Physical: Number of parking spaces, amount of net building area.
      - (2) Usage: How the parking spaces were used, based on the following categories. Percentage of parking used for:
        - Short-term
        - Long-term daily (four or more hours) and monthly permit (other than carpool)
        - Carpool monthly permit
        - Spaces used as accessory parking.
      - (3) Hours of Operation: What the hours of operation are on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.
- B. Preservation Parking.** The regulations of this subsection apply to Preservation Parking. Except for Paragraphs B.2.d. and B.4.d., adjustments to the regulations of Paragraphs B.1. through B.4. are prohibited.
1. To determine whether Preservation Parking is allowed, subject to Central City Parking Review (CCPR), or prohibited:
    - a. Determine the use or uses the parking will be created to serve.
    - b. Determine whether the use the parking will serve is an allowed, conditional, nonconforming, or prohibited use on the property where the parking is proposed. Find the appropriate line on Table 510-17.

- c. Based on the regulations of this subsection and those in Subsection F., below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-17.
  - (1) If all aspects of a proposal are allowed, then the parking is allowed.
  - (2) If all aspects of a proposal are allowed or have been approved through an adjustment, then the parking is allowed.
  - (3) If any aspect of a proposal requires CCPR, then the parking is subject to CCPR.
  - (4) If any aspect of a proposal is prohibited, then the parking is prohibited.

<b>Table 510-17</b>			
<b>Relationships Among Use Regulations for Preservation Parking</b>			
If the parking is created in conjunction with a use that is:	And if the parking is:		
	<b>Allowed</b>	<b>Subject to CCPR</b>	<b>Prohibited</b>
Allowed, Nonconforming, or a Conditional Use	The parking is allowed	The parking is subject to CCPR	The parking is prohibited
Prohibited	The parking is prohibited	The parking is prohibited	The parking is prohibited
Note: Some uses require a land use review, such as a Conditional Use or Nonconforming Situation Review. Criteria for those reviews may include consideration of traffic, transportation, design, or other elements that may also be addressed in this chapter. Compliance with the regulations of this chapter does not constitute compliance with those criteria.			

- 2. Office uses. Parking created to serve existing office uses is regulated as follows:
  - a. Eligibility for Preservation Parking. Only buildings on the Preservation Parking Eligibility List, maintained by the Parking Manager, may apply for Preservation Parking. Preservation Parking for buildings not on the Preservation Parking Eligibility List is prohibited.
  - b. Maximum ratio. Parking is limited to the maximum ratios in Table 510-16.
  - c. Review required. Preservation Parking for office uses is allowed.
  - d. Bicycle parking. Preservation Parking facilities must provide 1 long-term bicycle parking space for every 50 motor vehicle parking spaces.
  - e. Common ownership. If the parking will be based on the floor area of buildings under the same ownership as the parking, the following must be met:
    - (1) The owner must specify what buildings the parking is based on. When the parking begins operation, the buildings will be removed from the Preservation Parking Eligibility List, or have their numbers on that list adjusted to reflect the new parking; and

- (2) The owner must have a signed agreement with the Parking Manager that the parking will be primarily for those buildings for at least 10 years.
- f. Different ownership. Where the parking structure is under different ownership than the buildings the parking will serve, the following must be met:
- (1) For initial approval, the following must be met:
    - There must be agreements between the owner of the parking and the owners of buildings for which the parking will be provided. The agreements must cover 100 percent of the Preservation Parking, and be for at least 10 years from the date the garage begins operation.  
  
When the parking begins operation, the buildings will be removed from the Preservation Parking Eligibility List, or have their numbers on that list adjusted to reflect the new parking; and
    - The applicant must have a signed agreement with the Parking Manager to:
      - Notify the Parking Manager in writing of any of the changes listed in this subparagraph; and
      - Provide written documentation that the changes comply with the regulations of this chapter.
  - (2) Changes in existing agreements. Changes in existing agreements between the owner of the parking and owners of buildings for which the parking is provided are allowed only if the regulations of this Chapter are still met. The length of the agreements will not be decreased to cover less than the initial 10-year period from the date the garage begins operation.
  - (3) New agreements. New agreements between the owner of the parking and the owners of buildings for which the parking will be provided are allowed only where the buildings are on the Preservation Parking Eligibility List, and where the regulations of this Chapter are still met. The agreements must, at a minimum, cover the initial 10-year period from the date the garage begins operation.
  - (4) Conversion. Conversion of Preservation Parking to Growth, Visitor, or Residential/Hotel Parking is a CCPR. Conversions to other types of parking are prohibited.
  - (5) Where an agreement between the owner of the parking and the owners of buildings is terminated, changes will not be made to the Preservation Parking Eligibility List until a new use or new agreement has been approved for the spaces covered by the agreement.
- g. Operation.
- (1) Parking created within or under the building. If the parking area is created through internal conversion of a building, by excavating under the building,

or by adding gross building area to the building, the parking may be operated as either accessory or commercial parking, at all times.

- (2) Parking that is not created within or under the building. If the parking area is not created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking may be operated as either accessory or commercial parking, with the following limitations. These limitations apply on weekdays between 7:00 AM and 6:00 PM. Parking spaces may be used only as follows:
  - Where the parking is based on the floor area of buildings under the same ownership as the parking, the parking may be used by tenants of those buildings.
  - Leased to buildings or tenants of buildings as described in Subparagraph B.2.f., above.
  - Rented, on a monthly basis only, to the following. Sale of other monthly permits is prohibited:
    - Individual tenants of buildings on the Preservation Parking Eligibility List. The Parking Manager maintains this list; or
    - Residents of the Central City plan district.
  - For long-term daily parking. "Early bird" discounts are prohibited.
  - For short-term parking.
3. Uses other than office. Parking created to serve existing uses other than office is regulated as follows:
  - a. Eligibility for Preservation Parking. All buildings may apply for Preservation Parking.
  - b. Maximum ratio. There is no maximum ratio.
  - c. Review required. Up to 60 parking spaces is an allowed use where the total number of parking spaces on the site is less than 61. More than 60 spaces is subject to CCPR.
  - d. Operation. The parking must be accessory parking on weekdays between 7:00 AM and 6:00 PM.
  - e. Bicycle Parking. The bicycle parking requirements are based on the primary use.
4. Mixed office and other uses. Parking created to serve both existing office and non-office uses is regulated as follows:
  - a. Eligibility for Preservation Parking. Only buildings on the Preservation Parking Eligibility List, maintained by the Parking Manager, may apply for Preservation Parking. Preservation Parking for buildings not on the Preservation Parking Eligibility List is prohibited.
  - b. Maximum ratio. Parking for the office uses is limited to the maximum ratios in Table 510-16. There is no maximum ratio for the other uses.
  - c. Review required. The parking is subject to CCPR.

- d. Bicycle parking. Preservation Parking facilities must provide 1 long-term bicycle parking space for every 50 motor vehicle parking spaces.
- e. Common ownership. If the parking will be based on the floor area of buildings under the same ownership as the parking, the following must be met:
  - (1) The owner must specify what buildings the parking is based on. When the parking begins operation, the buildings will be removed from the Preservation Parking Eligibility List, or have their numbers on that list adjusted to reflect the new parking; and
  - (2) The owner must have a signed agreement with the Parking Manager that the parking will be primarily for those buildings for at least 10 years.
- f. Different ownership. Where the parking structure is under different ownership than the buildings the parking will serve, the following must be met:
  - (1) For initial approval, the following must be met:
    - There must be agreements between the owner of the parking and the owners of buildings for which the parking will be provided. The agreements must cover 100 percent of the Preservation Parking, and be for at least 10 years from the date the garage begins operation.

When the parking begins operation, the buildings will be removed from the Preservation Parking Eligibility List, or have their numbers on that list adjusted to reflect the new parking; and
    - The applicant must have a signed agreement with the Parking Manager to:
      - Notify the Parking Manager in writing of any of the changes listed in this subparagraph; and
      - Provide written documentation that the changes comply with the regulations of this chapter.
  - (2) Changes in existing agreements. Changes in existing agreements between the owner of the parking and owners of buildings for which the parking is provided are allowed only if the regulations of this Chapter are still met. The length of the agreements will not be decreased to cover less than the initial 10-year period from the date the garage begins operation.
  - (3) New agreements. New agreements between the owner of the parking and the owners of buildings for which the parking will be provided are allowed only where the buildings are on the Preservation Parking Eligibility List, and where the regulations of this Chapter are still met. The agreements must, at a minimum, cover the initial 10-year period from the date the garage begins operation.
  - (4) Conversion. Conversion of Preservation Parking to Growth, Visitor, or Residential/Hotel Parking is a CCPR. Conversions to other types of parking are prohibited.

- (5) Where an agreement between the owner of the parking and the owners of buildings is terminated, changes will not be made to the Preservation Parking Eligibility List until a new use or new agreement has been approved for the spaces covered by the agreement.

g. Operation.

- (1) Office uses. Parking created to serve office uses must be operated as follows:

- Parking created within or under the building. If the parking area is created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking may be operated as either accessory or commercial parking at all times.
- Parking that is not created within or under the building. If the parking area is not created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking may be operated as either accessory or commercial parking, with the following limitations. These limitations apply on weekdays between 7:00 AM and 6:00 PM. Parking spaces may be used only as follows:
  - Where the parking is based on the floor area of buildings under the same ownership as the parking, the parking may be used by tenants of those buildings.
  - Leased to buildings or tenants of buildings as described in Paragraph B.4.f., above.
  - Rented, on a monthly basis only, to the following. Sale of other monthly permits is prohibited:

Individual tenants of buildings on the Preservation Parking Eligibility List. The Parking Manager maintains this list; or

Residents of the Central City plan district. |

For long-term daily parking. "Early bird" discounts are prohibited.

- For short-term parking.

- (2) Non-office uses. Parking created to serve non-office uses must be operated as follows:

- Parking created within or under the building. If the parking area is created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking may be operated as either accessory or commercial parking.
- Parking that is not created within or under the building. If the parking area is not created through internal conversion of a building, by excavating under the building, or by adding gross building area to the

building, the parking may be operated as accessory parking. It may be operated as commercial parking, with the limitations specified for office uses in (1), above, if the following are met. If the following are not met, it must be operated as accessory parking on weekdays between 7:00 AM and 6:00 PM:

- There are no more than 60 spaces on the site for non-office uses, or
  - The amount of parking for the non-office uses does not exceed the maximum ratios in Table 510-16.
5. Operation reports. The requirements of this paragraph apply to Preservation Parking where there are more than 60 parking spaces on the site.
- a. The applicant must have a signed agreement with the Parking Manager to provide the information specified in Paragraph B.5.b., below.
  - b. The applicant must provide operation reports to the City every six months. The operation reports are based on a sample of two days during every 6-month reporting period, and include information on the following:
    - (1) Physical: Number of parking spaces, amount of net building area.
    - (2) Usage: How the parking spaces were used, based on the following categories. Percentage of parking used for:
      - Used by tenants of the buildings described in Subparagraph B.2.e., above
      - Leased to buildings as described in Subparagraph B.2.e., above
      - Short-term
      - Long-term daily (four or more hours) and monthly permit (other than carpool)
      - Carpool monthly permits for tenants of buildings as described in Subparagraph B.4.e., above; tenants of the buildings described in Subparagraph B.4.f., above; or individual tenants of buildings on the Preservation Parking Eligibility List
      - Accessory parking and commercial parking
      - Rented to individual tenants of office buildings with less than the maximum ratios in Table 510-16 for all uses.
      - Rented to residents of the Central City plan district
    - (3) Hours of Operation: What the hours of operation are on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.
- C. **Visitor Parking.** The regulations of this subsection apply to Visitor Parking. Adjustments to the regulations of this subsection are prohibited.
- 1. To determine whether Visitor Parking is subject to Central City Parking Review (CCPR) or prohibited:

- a. Determine the zone where the parking will be located. Then find the appropriate line on Table 510-18.
  - b. Based on the regulations of this subsection and those in Subsection F., below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-18.
    - (1) If all aspects of a proposal are allowed, have been approved through an adjustment, or are subject to CCPR, then the parking is subject to CCPR.
    - (2) If any aspect of a proposal is prohibited, then the parking is prohibited.
2. Maximum ratios. There are no maximum ratios. The appropriate number of parking spaces allowed is determined based on a demand analysis, traffic analysis, and other considerations specified in the approval criteria.

<b>Table 510-18</b>		
<b>Relationships Among Regulations for Visitor Parking</b>		
If the <b>zone</b> is:	And if the <b>parking</b> is:	
	Allowed or Subject to CCPR	Prohibited
I, EX, EG, CX, CS, CG, or RX	The parking is subject to CCPR	The parking is prohibited
All other zones	The parking is prohibited	The parking is prohibited

3. Review required. All Visitor Parking is subject to CCPR.
4. Operation. Visitor Parking is operated as commercial parking, except that sale of monthly permits and "early bird" discounts are prohibited. Limitations on operation apply on weekdays between 7:00 AM and 6:00 PM.
5. The applicant must have a signed agreement with the Parking Manager to provide the information specified in Paragraph C.6., below.
6. The applicant must provide operation reports to the City every six months. The operation reports are based on a sample of two days during every six-month reporting period, and include information on the following:
  - a. Physical: Number of parking spaces
  - b. Usage: How the parking spaces were used, based on the following categories. Percentage of parking used for:
    - (1) Short-term
    - (2) Long-term daily (four or more hours)
  - c. Hours of Operation: What the hours of operation are on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.

- D. Undedicated General Parking.** Undedicated General Parking is prohibited, except as provided below. Adjustments to the provisions of this subsection are prohibited.
1. Purpose. Development of a light rail line may remove critically needed on- and off-street parking. Under certain circumstances, it is appropriate to provide replacement parking to mitigate this impact, and to locate it close to the light rail alignment.
  2. Location. The site must be within the Goose Hollow Subdistrict. Undedicated General Parking in other subdistricts is prohibited.
  3. Review required. Undedicated General Parking is subject to CCPR review.
  4. Ownership. The land must be owned by the city or a public, regional transit agency.
  5. Surface parking. Surface parking within 100 feet of a light rail alignment may be approved subject to CCPR.
- E. Residential/Hotel Parking.** The regulations of this subsection apply to Residential/Hotel Parking.
1. To determine whether Residential/Hotel Parking is allowed, prohibited, or subject to Central City Parking Review (CCPR):
    - a. Determine whether the residential use the parking will be created in conjunction with is an allowed, conditional, nonconforming, or prohibited use on the property where the parking is proposed. Find the appropriate line on Table 510-19.
    - b. Based on the regulations of this subsection and those in Subsection F., below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-19.
  2. Minimum required parking. There is no minimum parking requirement.
  3. Maximum ratios. There are no maximum ratios, except in River District Sectors 1 and 2 where the maximum ratio is 1.7 spaces for each dwelling unit.
  4. Allowed. Residential/Hotel Parking is an allowed use.
  5. Mixed residential and other uses. Where there is another type of parking included in the same project as Residential/Hotel Parking, each type of parking must meet the regulations for that type of parking.

<b>Table 510-19</b>			
<b>Relationships Among Use Regulations for Residential/Hotel Parking</b>			
If the <b>residential</b> or <b>hotel use</b> is:		And if the <b>parking</b> is:	
	<b>Allowed</b>	<b>Subject to CCPR</b>	<b>Prohibited</b>
Allowed, an expansion of a nonconforming use, or a conditional use	The parking is allowed	The parking is subject to CCPR	The parking is prohibited
Prohibited	The parking is prohibited	The parking is prohibited	The parking is prohibited
<p>Note: Some uses require a land use review, such as a Conditional Use or Nonconforming Situation Review. Criteria for those reviews may include consideration of traffic, transportation, design, or other elements that may also be addressed in this chapter. Compliance with the regulations of this chapter does not constitute compliance with those criteria.</p>			

6. Operation.

- a. Residential. Parking spaces created to serve residential uses must be accessory at all hours.
- b. Hotel. Parking created to serve hotel uses must be accessory. These limitations apply on weekdays between 7:00 AM and 6:00 PM.

**F. All parking.** The regulations of this subsection apply to all parking.

- 1. Minimum required parking. There are no minimum parking requirements.
- 2. The applicant has a signed agreement with the Parking Manager to provide the information specified in Paragraph F.3., below.
- 3. The applicant will provide the following information within 30 days of the date the parking begins operation:
  - a. The number of parking spaces constructed; and
  - b. An as-built plan of the parking area, showing the configuration of the parking spaces. At least one copy of the plan must be 8-1/2" x 11" and suitable for microfilming.
- 4. Surface parking lots.
  - a. Parking lot size.
    - (1) In the Goose Hollow Subdistrict, Central Eastside Sectors 2 and 3, and River District Sectors 1 and 2, parking on surface lots where the total surface parking area on the site is up to 40,000 square feet in area is allowed. Parking on surface lots where the total surface parking area on the site is larger than 40,000 square feet in area is subject to CCPR.

- (2) In the Lower Albina Subdistrict and Central Eastside Sectors 1, 4, 5, and 6, parking on surface lots where the total surface parking area on the site is up to 40,000 square feet or where the surface parking area covers up to 30 percent of the site – whichever is larger – is allowed. Parking on surface lots where the total surface parking area on the site is larger than 40,000 square feet and where the surface parking area covers more than 30 percent of the site is subject to CCPR.
  - b. Surface parking is prohibited on the portion of a site within 100 feet of a light rail alignment, except as provided in Subsection D., above.
  - c. Parking spaces removed from a surface parking lot may be replaced in a structure within the same parking sector and remain Growth Parking, if all of the following are met:
    - (1) The surface parking lot must be located in River District Sector 1;
    - (2) The parking spaces are Growth Parking;
    - (3) The surface parking lot must be within or adjacent to a Willamette Greenway Overlay Zone;
    - (4) The application for a building permit for the parking spaces must include a performance guarantee for removal of the asphalt and other paving materials. The performance guarantee must meet the requirements of Section 33.700.050, Performance Guarantees.
5. Parking structures. Where parking occupies more than 50 percent of the gross building area of a structure:
  - a. If the site is within a historic district, the building coverage of the portion of the parking structure within the district may not be larger than 20,000 square feet.
  - b. The structure may not be on any block bounded by both SW Morrison and SW Yamhill Streets between SW First and SW Eighteenth Avenues. Location on these blocks is prohibited.
  - c. Street-facing facades. Street-facing facades must meet one of these standards:
    - (1) Active uses standard. Fifty percent of the street-facing facade must be developed for Retail Sales And Service or Office uses. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to Retail Sales And Service or Office uses. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Ground Floor Active Uses; or
    - (2) Landscape setback standard. The structure must be set back at least 5 feet and landscaped to at least the L3 standard of Chapter 33.248, Landscaping and Screening. If the structure complies with the landscaped setback standard, it is exempt from the ground floor windows standard of Section 33.510.220.

On sites subject to the Required Building Lines or Ground Floor Active Use standard of Sections 33.510.215 and 33.510.225, the standard of Subparagraph F.5.c.(1), above, must be met; the landscaped setback standard may not be used.

6. Parking access
  - a. Parking access near or on a light rail alignment. New motor vehicle access to any parking area or structure is not allowed within 75 feet of a light rail alignment, unless the access is approved through Central City Parking Review.
  - b. Parking access on other streets. New motor vehicle access to any parking area or structure is not allowed on the streets shown on Map 510-9.
7. Changes from one type of parking to another.
  - a. Changes from one type of parking to another are processed as if they were new parking. For example, changing Growth Parking to Preservation Parking requires a CCPR. All current regulations will apply.
  - b. Visitor Parking must operate as Visitor Parking for at least 10 years before it may be changed to Preservation Parking. Changing Visitor Parking that has been operating for less than 10 years is prohibited.
8. Bicycle parking. Bicycle parking regulations are in Chapter 33.266, Parking and Loading. For most types of development, bicycle parking requirements are based on the primary use, such as Office or Retail Sales and Service. For Commercial Parking, which includes Visitor and Undedicated General Parking, bicycle parking is based on the number of motor vehicle parking spaces. There are special bicycle parking requirements for Preservation Parking, as set out in Subsection B., above; these regulations apply in addition to the requirements of Chapter 33.266.

**G. Special regulations for existing parking.**

1. Purpose. With adoption of the Central City Transportation Management Plan in 1995, the regulations for parking in the Central City plan district were significantly revised. To simplify and streamline regulations for parking that existed when the regulations changed, the parking in the plan district is automatically given Central City Parking Review (CCPR) status.

In addition, a CCPR approval under this process, by superceding some previous land use approvals for parking for the site—Conditional uses and Revocable Permits—will simplify future reviews and provide more flexibility for the operators on how the parking may be managed and used.
2. Where these regulations apply. The regulations of this subsection apply to all parking that legally existed on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later. The regulations also apply to all parking where a complete application was received before January 8, 1996, or parking that received either a land use or building permit before January 8, 1996.
3. Changes. Changes to parking regulated by this subsection are regulated as follows.

- a. Changes that would be prohibited if requested for new parking are prohibited.
  - b. Changes from one type of parking to another are processed as if they were new parking. For example, changing Growth Parking to Visitor Parking requires a CCPR. All current regulations will apply.
  - c. Changes in conditions of approval requires CCPR.
  - d. Where new parking would require CCPR, an increase in the number of spaces requires CCPR for the additional spaces only.
  - e. A decrease in the number of spaces by redevelopment or reconfiguration is allowed without review. Replacement of those spaces will be treated as new parking.
  - f. Reconfiguration that does not change the number of spaces is allowed without CCPR, but may require design review.
  - g. Placing vending carts in surface parking lots is allowed without CCPR review, but design review may be required. Spaces occupied by such carts are not considered a decrease as specified in Subparagraph G.3.d., above. The spaces may be returned to parking use without review.
  - h. Physical changes to the site, such as an increase in the amount of landscaping or addition of other pedestrian amenities, is allowed without CCPR review, but design review may be required. This does not include an increase in the number of spaces, or any changes that violate conditions of approval or current regulations. Those changes require CCPR review.
4. If the parking was operating as commercial parking on January 8, 1996 or on the date when the site became part of the Central City plan district, as shown in the 1995 Inventory of Commercial Parking Outside the Core Area, it is Undedicated General Parking. All previous conditions of approval continue to apply.
  5. If the parking was operating as accessory to office uses on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later, it is Growth Parking for office uses.
  6. If the parking was operating as accessory to uses other than office, residential, or hotel, on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later, it is Growth Parking for non-office uses.
  7. If the parking was operating as accessory to both office and non-office uses on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later, it is Growth Parking for both office and non-office uses.
  8. If the parking was operating as accessory to residential or hotel uses on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later, it is Residential/Hotel Parking.

**33.510.267 Parking in the South Waterfront Subdistrict.**

The regulations of this section apply to the South Waterfront Subdistrict shown on Map 510-8.

**A. Growth Parking.** The regulations of this subsection apply to Growth Parking. Adjustments to the regulations of Paragraphs A.1. through A.7., below, are prohibited.

1. To determine whether Growth Parking is allowed, prohibited, or subject to Central City Parking Review (CCPR):
  - a. Determine the use or uses the parking will be created in conjunction with.
  - b. Determine whether the use the parking will be created in conjunction with is an allowed, conditional, nonconforming, or prohibited use where the parking is proposed. Find the appropriate line on Table 510-20.
  - c. Based on the regulations of this subsection and those in Subsection F., below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-20.
    - (1) If all aspects of a proposal are allowed, then the parking is allowed.
    - (2) If all aspects of a proposal are allowed or have been approved through an adjustment, then the parking is allowed.
    - (3) If any aspect of a proposal requires CCPR, then the parking is subject to CCPR.
    - (4) If any aspect of a proposal is prohibited, then the parking is prohibited.
2. Parking that is not an allowed use under the regulations of this chapter, and is not otherwise prohibited, is subject to CCPR.
3. Office, College, and Medical Center uses. Parking created in conjunction with Office, College, and Medical Center uses is regulated as follows:
  - a. Maximum ratios. Except as allowed by A.3.b., parking is limited to a maximum ratio of 2.4 parking spaces per 1,000 square feet of net building area in Office, College, or Medical Center use;
  - b. Supplemental parking. Up to 1 additional parking space per 1,000 square feet of net building area in Office, College, or Medical Center use may be approved through a CCPR if the site is located at least  $\frac{1}{4}$  mile from a bus stop with 20-minute peak-hour bus or streetcar service and more than  $\frac{1}{2}$  mile from a transit station with 20-minute peak-hour light rail service. Peak-hour service is measured on weekdays between 7:00 AM and 8:30 AM and between 4:00 PM and 6:00 PM. Applicants requesting this exception must provide a map identifying the site and all transit stops and stations within  $\frac{1}{4}$  mile of the site and Tri-met schedules for all transit routes within  $\frac{1}{2}$  mile of the site.
  - c. Allowed. Growth parking for Office, College, and Medical Center uses is an allowed use, except as specified in A.3.b.

- d. Operation. The parking may be operated as either accessory or commercial parking at all times.
4. Retail Sales And Service uses. Parking created in conjunction with Retail Sales And Service uses is regulated as follows:
  - a. Maximum ratios. There are no maximum ratios.
  - b. Review required. Up to 20 parking spaces is an allowed use where the total number of parking spaces on the site is less than 21. More than 20 spaces is subject to CCPR.
  - c. Operation. The parking must be accessory on weekdays between 7:00 AM and 6:00 PM.
5. Uses other than Retail Sales And Service, Office, College, and Medical Center uses. Parking created in conjunction with uses other than Retail Sales And Service, Office, College, and Medical Center uses is regulated as follows:
  - a. Maximum ratios. There are no maximum ratios.
  - b. Review required. Up to 60 parking spaces is an allowed use where the total number of parking spaces on the site is less than 61. More than 60 spaces is subject to CCPR.
  - c. Operation. The parking must be accessory on weekdays between 7:00 AM and 6:00 PM.
6. Mixed use. Where a proposal includes any of the combinations of uses listed in A.6.a., parking created in conjunction with these uses is subject to the regulations of this paragraph.
  - a. Combinations of uses:
    - (1) Retail Sales And Service uses with Office, College, or Medical Center uses;
    - (2) Retail Sales And Service uses with uses other than Office, College, or Medical Center uses;
    - (3) Retail Sales And Service uses with Office, College, or Medical Center uses and with uses other than Office, College, or Medical Center uses;
    - (4) Office, College, or Medical Center uses with uses other than Retail Sales And Service, Office, College, or Medical Center uses.
  - b. Regulations. Parking created in conjunction with any of the combinations of uses listed in A.6.a. is regulated as follows:
    - (1) Maximum ratios. Parking created in conjunction with Office, College, or Medical Center uses is limited to the maximum ratio of A.3.a., above. There are no maximum ratios for parking created in conjunction with other uses;
    - (2) Review required.

- If any of the parking is created in conjunction with Office, College, or Medical Center uses, it is allowed, except as specified in A.3.b. Parking using the provisions of A.3.b. is subject to CCPR;
  - If any of the parking is created in conjunction with Retail Sales And Service uses, and the total number of parking spaces—of any type—on the site is less than 21, it is allowed. If there are more than 20 parking spaces of any type on the site, the parking is subject to CCPR;
  - If any of the parking is created in conjunction with uses other than Retail Sales And Service, Office, College, or Medical Center uses, and the total number of parking spaces—of any type—on the site is less than 61, it is allowed. If there are more than 60 parking spaces of any type on the site, the parking is subject to CCPR;
- (3) Operation.
- The parking spaces that are created in conjunction with Office, College, or Medical Center uses may be operated as either accessory or commercial parking at all times;
  - The parking spaces that are created in conjunction with uses other than Office, College, or Medical Center uses must be operated as accessory parking on weekday between 7:00 AM and 6:00 PM;
7. Operation reports. The requirements of this paragraph apply to Growth Parking where there are more than 60 parking spaces on the site.
- a. The applicant must have a signed agreement with the Parking Manager to provide the information specified in Subparagraph A.7.b., below.
  - b. The applicant must provide annual operation reports to the City. The operation reports are based on a sample of four days during every 12-month reporting period, and include information on the following:
    - (1) Physical: Number of parking spaces, amount of net building area.
    - (2) Usage: How the parking spaces were used, based on the following categories. Percentage of parking used for:
      - Short-term
      - Long-term daily (four or more hours) and monthly permit (other than carpool)
      - Carpool monthly permit
      - Spaces used as accessory parking.
    - (3) Hours of Operation: What the hours of operation are on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.
- B. Preservation Parking.** Preservation Parking is subject to the same regulations as Growth Parking in Subsection A., above.

<b>Table 510-20</b>			
<b>Relationships Among Use Regulations for Growth Parking</b>			
If the <b>use</b> is:		And if the <b>parking</b> is:	
	<b>Allowed</b>	<b>Subject to CCPR</b>	<b>Prohibited</b>
Allowed, an expansion of a nonconforming use, or a conditional use	The parking is allowed	The parking is subject to CCPR	The parking is prohibited
Prohibited	The parking is prohibited	The parking is prohibited	The parking is prohibited
Note: Some uses require a land use review, such as a Conditional Use or Nonconforming Situation Review. Criteria for those reviews may include consideration of traffic, transportation, design, or other elements that may also be addressed in this chapter. Compliance with the regulations of this chapter does not constitute compliance with those criteria.			

- C. Visitor Parking.** The regulations of this subsection apply to Visitor Parking. Adjustments to the regulations of Paragraphs C.1. through C.5., below, are prohibited.
1. To determine whether Visitor Parking is subject to Central City Parking Review (CCPR) or prohibited:
    - a. Determine the zone where the parking will be located. Then find the appropriate line on Table 510-21.
    - b. Based on the regulations of this subsection and those in Subsection F., below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-21.
      - (1) If all aspects of a proposal are allowed, have been approved through an adjustment, or are subject to CCPR, then the parking is subject to CCPR.
      - (2) If any aspect of a proposal is prohibited, then the parking is prohibited.

<b>Table 510-21</b>		
<b>Relationships Among Regulations for Visitor Parking</b>		
If the <b>zone</b> is:	And if the <b>parking</b> is:	
	<b>Allowed or Subject to CCPR</b>	<b>Prohibited</b>
I, EX, EG, CX, CS, CG, or RX	The parking is subject to CCPR	The parking is prohibited
All other zones	The parking is prohibited	The parking is prohibited

2. Maximum ratios. There are no maximum ratios. The appropriate number of parking spaces allowed is determined based on a demand analysis, traffic analysis, and other considerations specified in the approval criteria.

3. Operation. Visitor Parking is operated as commercial parking, except that sale of monthly permits and "early bird" discounts are prohibited. Limitations on operation apply on weekdays between 7:00 AM and 6:00 PM.
4. The applicant must have a signed agreement with the Parking Manager to provide the information specified in Paragraph C.5., below.
5. The applicant must provide operation reports to the City every six months. The operation reports are based on a sample of two days during every six-month reporting period, and include information on the following:
  - a. Physical: Number of parking spaces
  - b. Usage: How the parking spaces were used, based on the following categories. Percentage of parking used for:
    - (1) Short-term
    - (2) Long-term daily (four or more hours)
  - c. Hours of Operation: What the hours of operation are on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.

**D. Undedicated General Parking.** Undedicated General Parking is prohibited.

**E. Residential/Hotel Parking.** The regulations of this subsection apply to Residential/Hotel Parking. Adjustments to the regulations of this subsection are prohibited.

1. To determine whether Residential/Hotel Parking is allowed, prohibited, or subject to Central City Parking Review (CCPR):
  - a. Determine whether the residential use the parking will be created in conjunction with is an allowed, conditional, nonconforming, or prohibited use on the property where the parking is proposed. Find the appropriate line on Table 510-22.
  - b. Based on the regulations of this subsection and those in Subsection F., below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-22.
2. Minimum required parking. There is no minimum parking requirement.
3. Maximum ratios. Parking is limited to the maximum ratios of this paragraph.
  - a. New dwelling units. The maximum parking ratio for dwelling units is 1.7 spaces for each new dwelling unit created.
  - b. New hotel rooms. The maximum parking ratio is 1.0 parking spaces for each new hotel room created.
  - c. Existing hotels. The maximum parking ratio for existing hotels is 0.7 spaces for each 1,000 square feet of floor area.

<b>Table 510-22</b>			
<b>Relationships Among Use Regulations for Residential/Hotel Parking</b>			
If the <b>residential</b> or <b>hotel use</b> is:	And if the <b>parking</b> is:		
	<b>Allowed</b>	<b>Subject to CCPR</b>	<b>Prohibited</b>
Allowed, an expansion of a nonconforming use, or a conditional use	The parking is allowed	The parking is subject to CCPR	The parking is prohibited
Prohibited	The parking is prohibited	The parking is prohibited	The parking is prohibited
<p>Note: Some uses require a land use review, such as a Conditional Use or Nonconforming Situation Review. Criteria for those reviews may include consideration of traffic, transportation, design, or other elements that may also be addressed in this chapter. Compliance with the regulations of this chapter does not constitute compliance with those criteria.</p>			

4. Parking is allowed when new dwelling units and hotel rooms are created.
  - a. Dwelling units are created:
    - (1) As part of new development;
    - (2) By adding net building area to existing development that increases the number of dwelling units;
    - (3) By conversion of existing net building area from nonresidential to residential uses; and
    - (4) By increasing the number of units within existing net building area already in residential use, for example, by converting a duplex to a triplex.
  - b. Hotel rooms are created:
    - (1) As part of new development;
    - (2) By adding net building area to existing development that increases the number of hotel rooms;
    - (3) By conversion of existing net building area from non-hotel to hotel uses; and
    - (4) By increasing the number of hotel rooms within existing net building area already in hotel use, for example, by converting a 10-room hotel to a 20-room hotel.
  
5. Parking for existing dwelling units. Parking for existing dwelling units is subject to CCPR if the parking area is created through internal conversion of the building, by excavating under the building, or by adding gross building area to the building. Parking for existing dwelling units where the parking area is not created in this manner is prohibited.

6. Parking for existing hotel rooms. Parking for existing hotel rooms is allowed.
7. Operation.
  - a. Residential. Parking spaces created to serve residential uses may be operated as either accessory or commercial parking with the following limitations. Parking spaces may only be used as follows:
    - (1) The parking spaces may be used by residents of the units the parking was created in conjunction with or may be rented, on a monthly basis only, to residents of the plan district; or
    - (2) The parking spaces may be used for short-term commercial parking if all of the following are met:
      - The parking will be limited to a maximum ratio of 1.3 spaces for each dwelling unit created; and
      - The parking is approved through CCPR.
  - b. Hotel. Parking created to serve hotel uses must be accessory. These limitations apply on weekdays between 7:00 AM and 6:00 PM.

**F. All parking.** The regulations of this subsection apply to all parking.

1. Minimum required parking and maximum ratios. There is no minimum parking requirement. Parking is limited to the maximum ratios of 33.510.267.A-E. Where there is more than one use, the amount of parking allowed is calculated based on the net building area of each use.
2. The applicant has a signed agreement with the Parking Manager to provide the information specified in Paragraph F.3., below.
3. The applicant will provide the following information within 30 days of the date the parking begins operation:
  - a. The number of parking spaces constructed; and
  - b. An as-built plan of the parking area, showing the configuration of the parking spaces. At least one copy of the plan must be 8-1/2" x 11" and suitable for microfilming.
4. Surface parking lots.
  - a. Parking on surface lots where the total surface parking area on the site is up to 40,000 square feet or where the surface parking area covers up to 30 percent of this site—whichever is larger—is allowed. Parking on surface lots where the total surface parking area on the site is larger than 40,000 square feet and where the surface parking area covers more than 30 percent of the site is subject to CCPR.
  - b. Surface parking is prohibited on the portion of a site within 100 feet of a light rail alignment.
  - c. Surface parking is prohibited on the portion of a site within 300 feet of the top of bank line as shown on Map 510-17, South Waterfront 2002 Top of Bank Line.

- d. No more than 200,000 square feet of new surface parking area may be created in the South Waterfront Subdistrict after January 20, 2003.

Surface parking is prohibited if it will exceed the district-wide limit; however, the following are exempt from the limitations of this subparagraph and are not counted towards the 200,000 square foot total:

- (1) Surface parking that is operated by the City on a site to be developed as a park in the future. The property owners must execute a covenant with the City which is attached to an recorded with the deed of the site reflecting the future development and use of the site as a park. The covenant must meet the requirements of 33.700.060; and
- (2) Supplemental growth parking allowed through a CCPR.

5. Parking structures.

- a. Parking that is in a structure is allowed.
- b. Where parking occupies more than 50 percent of the gross building area of a structure:
  - (1) If the site is within a historic district, the building coverage of the portion of the parking structure within the district may not be larger than 20,000 square feet.
  - (2) Street, Greenway area, and accessway frontage. Building walls that face and are within 50 feet of streets, accessways, or the South Waterfront Greenway Area, must meet one of these standards:
    - Active uses standard. Fifty percent of the wall must be developed for Retail Sales And Service or Office uses. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to Retail Sales And Service or Office uses. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Ground Floor Active Uses; or
    - Landscape setback standard. The structure must be set back at least 5 feet and landscaped to at least the L3 standard of Chapter 33.248, Landscaping and Screening. If the structure complies with the landscaped setback standard, it is exempt from the ground floor windows standard of Section 33.510.220.

On sites subject to the Required Building Lines or Ground Floor Active Use standard of Sections 33.510.215 and 33.510.225, the Active uses standard, above, must be met; the landscaped setback standard may not be used.

6. Parking access.
  - a. Parking access near or on a light rail alignment. New motor vehicle access to any parking area or structure is not allowed within 75 feet of a light rail alignment, unless the access is approved through Central City Parking Review.
  - b. Parking access on other streets. New motor vehicle access to any parking area or structure is not allowed on the streets shown on Map 510-9.
7. Changes from one type of parking to another.
  - a. Changes from one type of parking to another are regulated as if they were new parking. All current regulations will apply.
  - b. Visitor Parking must operate as Visitor Parking for at least 10 years before it may be changed to Preservation Parking. Changing Visitor Parking that has been operating for less than 10 years is prohibited.
8. Bicycle parking. Bicycle parking regulations are in Chapter 33.266, Parking and Loading. For Commercial Parking, which includes Visitor and Undedicated General Parking, bicycle parking is based on the number of motor vehicle parking spaces. For other types of development, the bicycle parking requirements are based on the primary use, such as Office or Retail Sales and Service.

**G. Special regulations for existing parking.**

1. Purpose. With adoption of the Central City Transportation Management Plan in 1995, the regulations for parking in the Central City plan district were significantly revised. To simplify and streamline regulations for parking that existed when the regulations changed, the parking in the plan district is automatically given Central City Parking Review (CCPR) status. In addition, a CCPR approval under this process, by superceding some previous land use approvals for parking for the site—Conditional uses and Revocable Permits—will simplify future reviews and provide more flexibility for the operators on how the parking may be managed and used.
2. Where these regulations apply. The regulations of this subsection apply to all parking that legally existed on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later. The regulations also apply to all parking where a complete application was received before January 8, 1996, or parking that received either a land use or building permit before January 8, 1996.
3. Changes. Changes to parking regulated by this subsection are regulated as follows.
  - a. Changes that would be prohibited if requested for new parking are prohibited.
  - b. Changes from one type of parking to another are processed as if they were new parking. For example, changing Growth Parking to Visitor Parking requires a CCPR. All current regulations will apply.
  - c. Changes in conditions of approval requires CCPR.
  - d. Where new parking would require CCPR, an increase in the number of spaces requires CCPR for the additional spaces only.

- e. A decrease in the number of spaces by redevelopment or reconfiguration is allowed without review. Replacement of those spaces will be treated as new parking.
  - f. Reconfiguration that does not change the number of spaces is allowed without CCPR, but may require design review.
  - g. Placing vending carts in surface parking lots is allowed without CCPR review, but design review may be required. Spaces occupied by such carts are not considered a decrease as specified in Subparagraph G.3.d., above. The spaces may be returned to parking use without review.
  - h. Physical changes to the site, such as an increase in the amount of landscaping or addition of other pedestrian amenities, is allowed without CCPR review, but design review may be required. This does not include an increase in the number of spaces, or any changes that violate conditions of approval or current regulations. Those changes require CCPR review.
4. If the parking was operating as commercial parking on January 8, 1996, as shown in the 1995 Inventory of Commercial Parking Outside the Core Area, it is Undedicated General Parking. All previous conditions of approval continue to apply.
  5. If the parking was operating as accessory parking to uses other than residential or hotel uses, it is Growth Parking.
  6. If the parking was operating as accessory parking to residential or hotel uses, it is Residential/Hotel Parking.

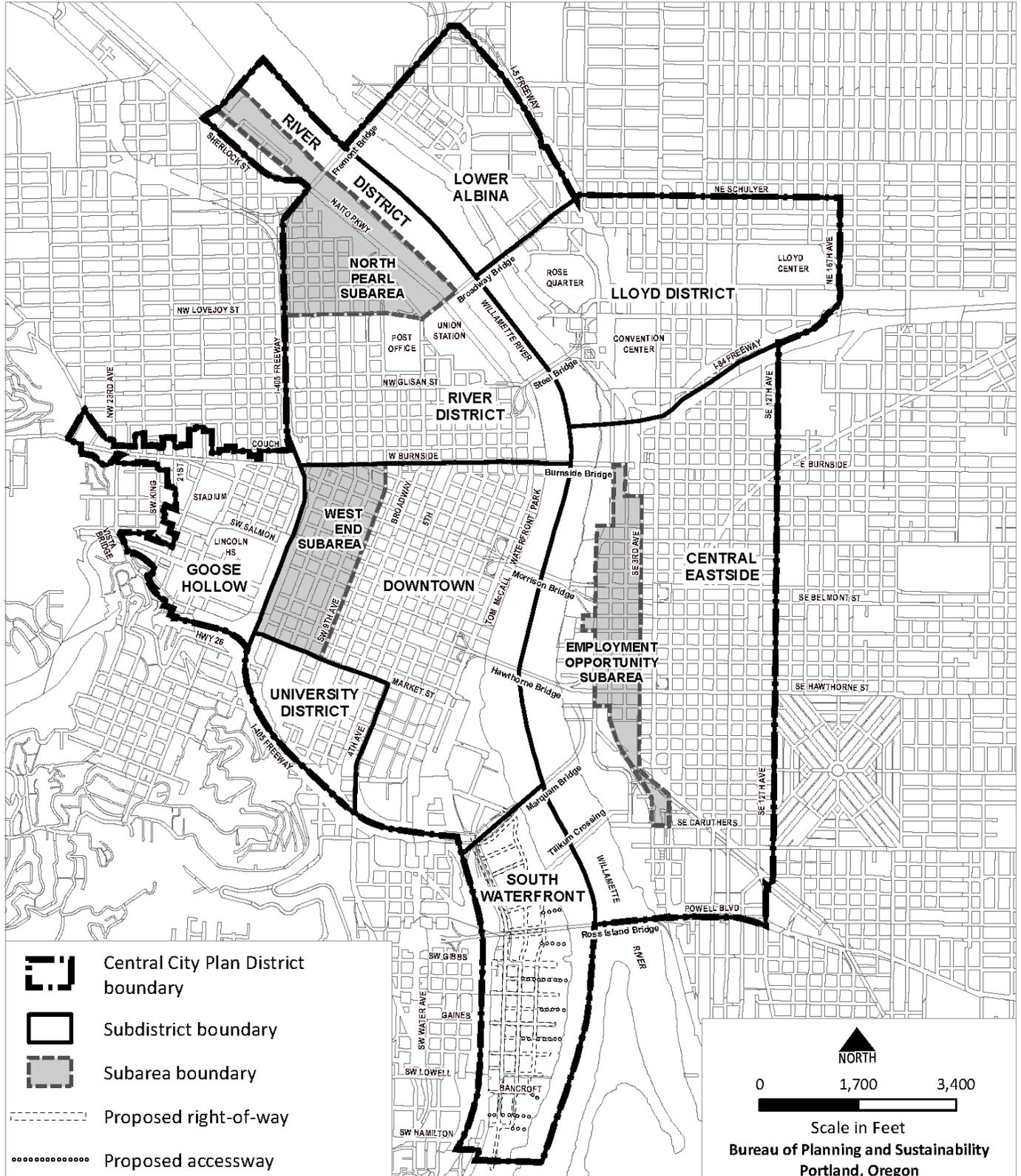
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*(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167189, effective 1/14/94; Ord. No. 167515, effective 3/30/94; Ord. No. 167464, effective 4/15/94; Ord. No. 167650, effective 6/10/94; Ord. No. 169535, effective 1/8/95; Ord. No. 168702, effective 7/1/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169699, effective 2/7/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171522, effective 9/19/97; Ord. No. 171648, effective 10/8/97; Ord. No. 172040, effective 3/13/98; Ord. No. 173259, effective 5/14/99; Ord. No. 174160, effective 2/9/00; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175163, effective 1/1/01; Ord. No. 175204, effective 3/1/01; Ord. No. 175294, effective 3/2/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175877, effective 9/21/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 176024 and 176193, effective 2/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177920, effective 11/8/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178425, effective 5/20/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179084, effective 3/26/05; Ord. No. 179092, effective 4/1/05; Ord. No. 179925, effective 3/17/06; Ord. No. 179980, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 180667, effective 1/12/07; Ord. No. 181357, effective 11/9/07; Ord. No. 182319, effective 12/5/08; Ord. No. 182429, effective 1/16/09; Ord. No. 183517, effective 3/5/10; Ord. No. 183269, effective 10/21/09; Ord. No. 183518, effective 03/05/10; Ord. No. 183598, effective 4/24/10; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14.)*

# Central City Plan District and Subdistricts

# Map 510-1

Map Revised March 1, 2015

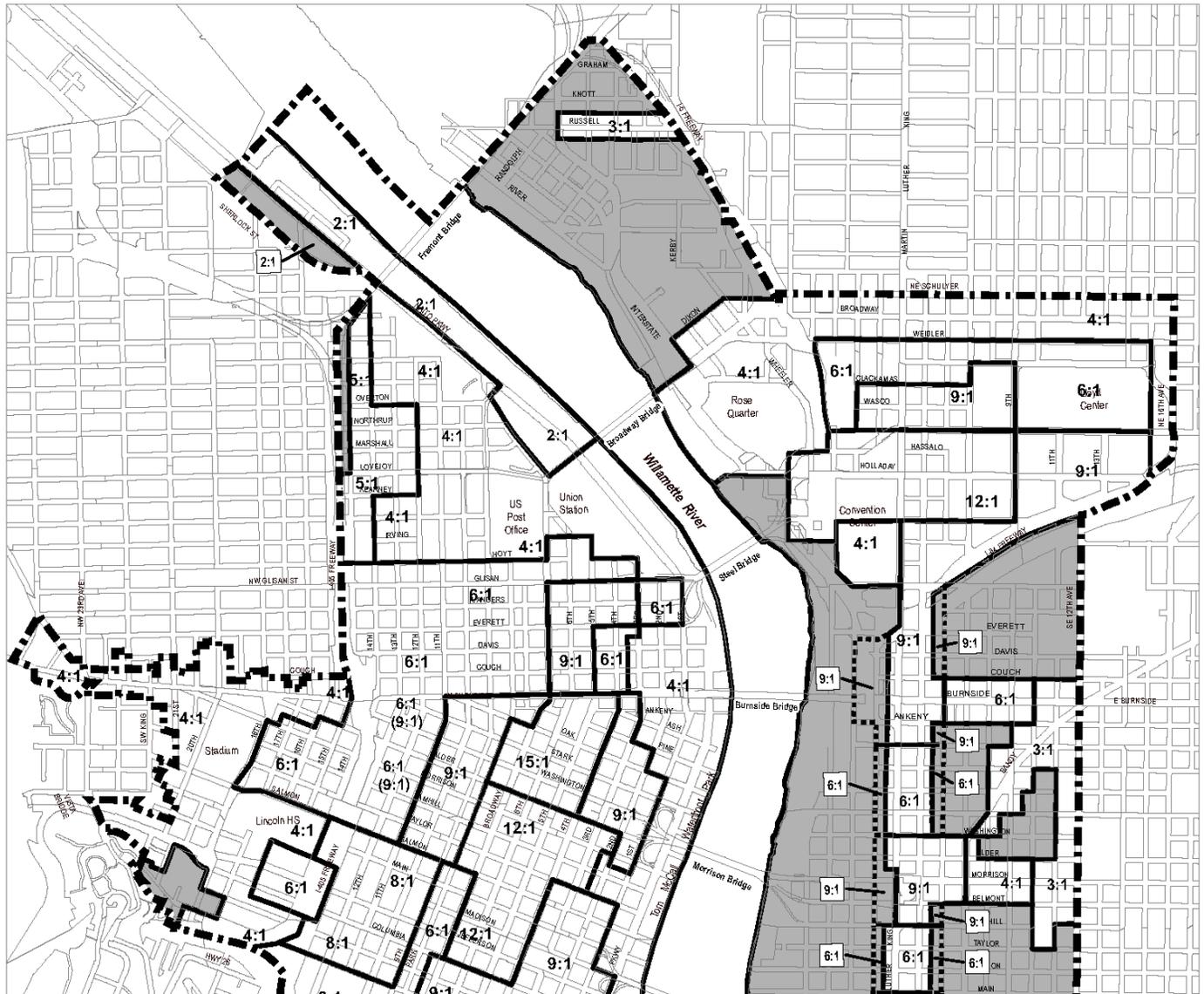


# Floor Area Ratios

# Map 510-2

Map 1 of 2

Map Revised March 1, 2015



### Legend

- X = Gross square foot of building
- Y = Square foot of site
- X:Y Maximum FAR
- (X:Y) Residential maximum FAR (33.510.56.200.B)
- X:Y Allowable FAR when rezoned to EX

- Area where floor area ratio (FAR) is determined by base zone
- FAR area boundary
- Boundary of allowable FAR when rezoned to EX



Central City Plan District boundary



0 1,400 2,800



Scale in Feet

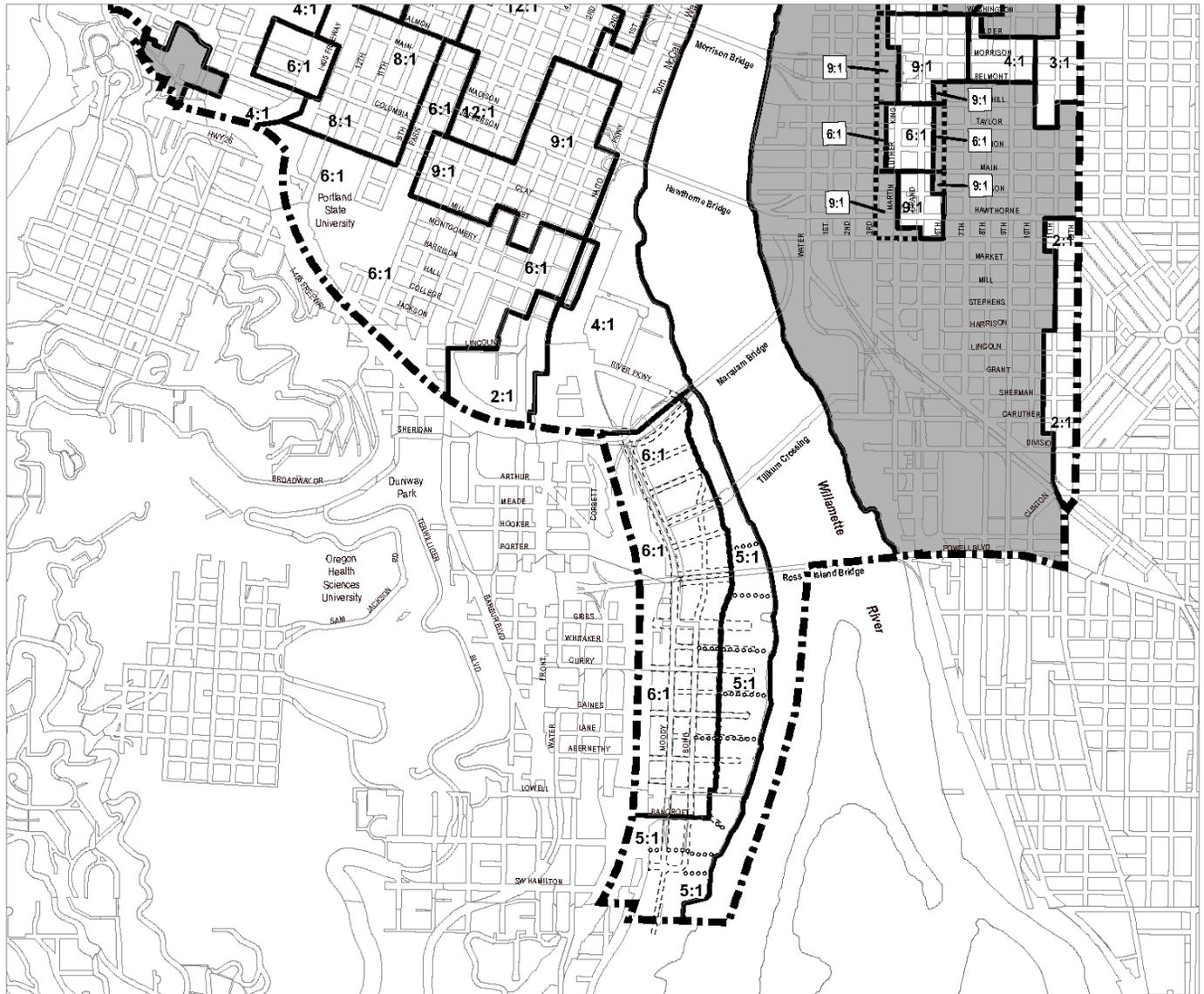
Bureau of Planning and Sustainability  
Portland, Oregon

# Floor Area Ratios

# Map 510-2

Map 2 of 2

Map Revised March 1, 2015



### Legend

- X = Gross square foot of building
- Y = Square foot of site
- X:Y Maximum FAR
- (X:Y) Residential maximum FAR (33.510.56.200.B)
- X:Y Allowable FAR when rezoned to EX

- Area where floor area ratio (FAR) is determined by base zone
- FAR area boundary
- Boundary of allowable FAR when rezoned to EX



Central City Plan District boundary



0 1,400 2,800



Scale in Feet

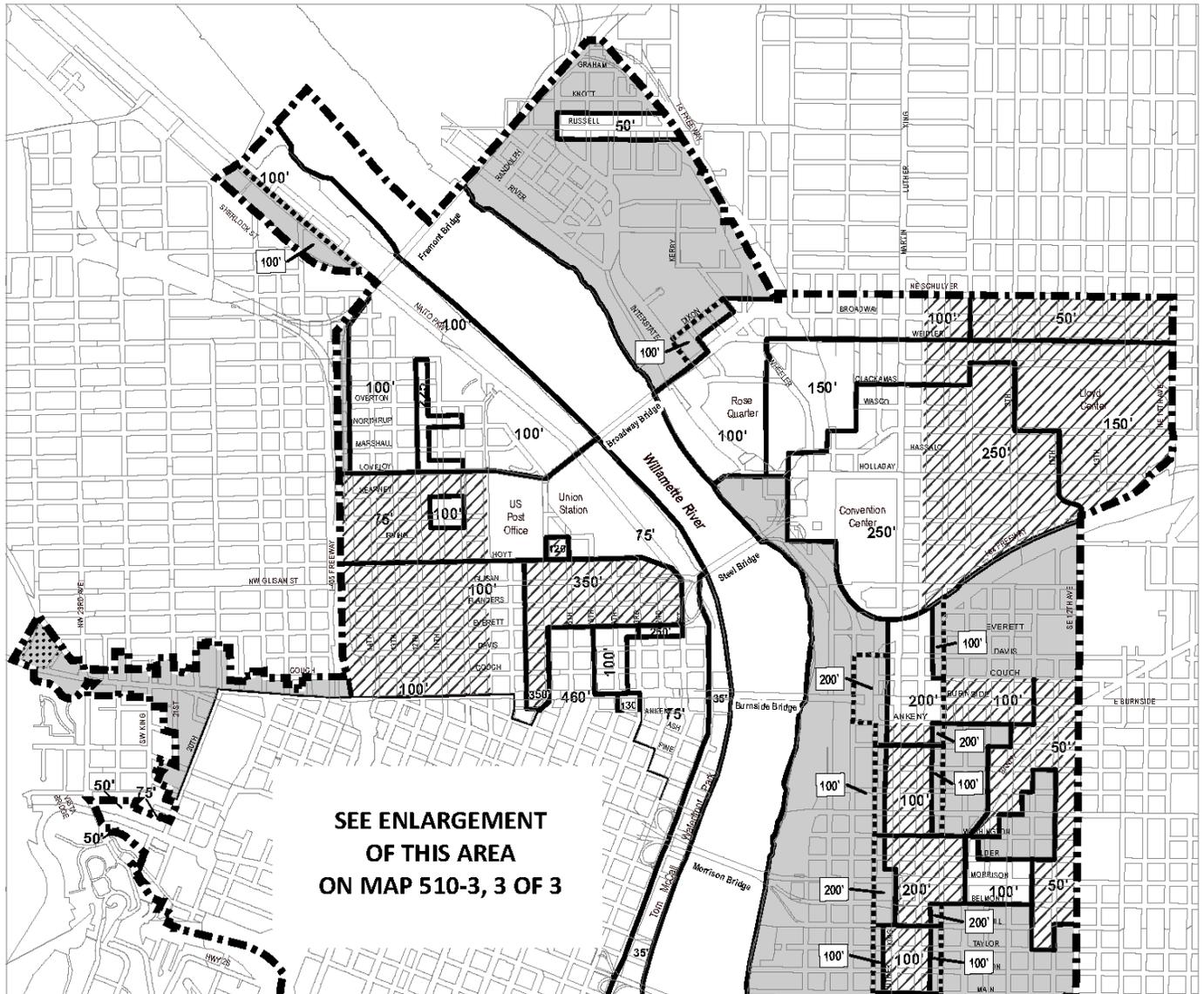
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# Maximum Heights

# Map 510-3

Map 1 of 3

Map Revised March 1, 2015



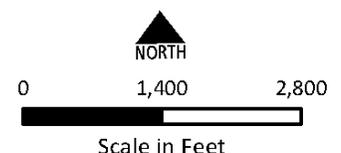
### Legend

- X' Maximum building height
- X' Allowable building height when rezoned to EX or CX

Areas where maximum height is determined by base zone

- Area eligible for general and housing height bonus
- Area eligible for housing height bonus only

- Central City Plan District boundary
- Maximum heights area boundary
- Boundary of area when building heights are tied to rezoning to EX or CX



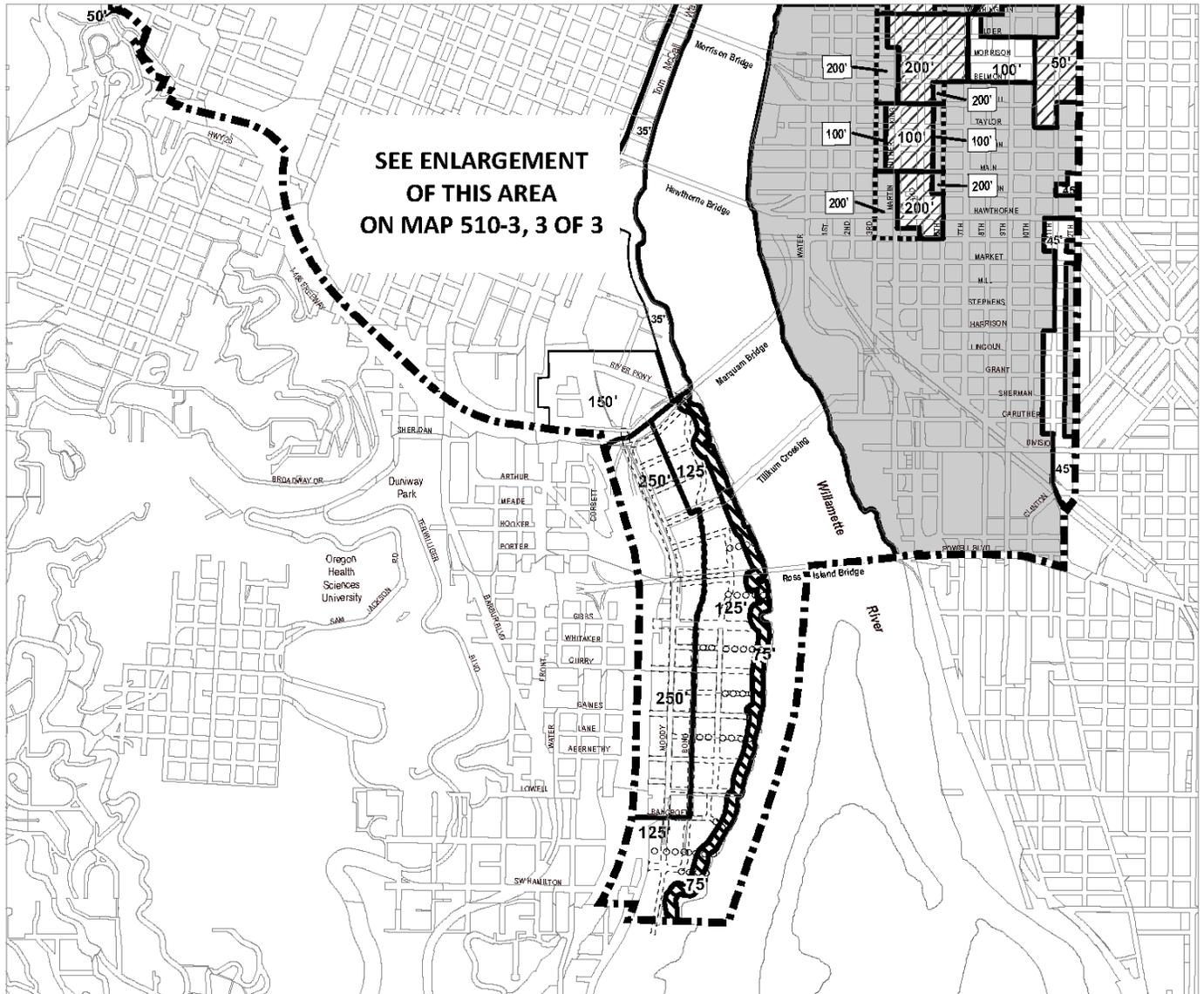
Scale in Feet  
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Portland, Oregon

# Maximum Heights

# Map 510-3

Map 2 of 3

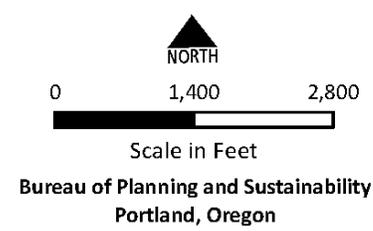
Map Revised March 1, 2015



**Legend**

- x'** Maximum building height
- x'** Allowable building height when rezoned to EX or CX
- Areas where maximum height is determined by base zone
- Area eligible for general and housing height bonus
- Maximum height limit of 75' for first 125 feet from top of bank
- Proposed right-of-way
- Proposed accessways

- Central City Plan District boundary
- Maximum heights area boundary
- Boundary of area when building heights are tied to rezoning to EX or CX

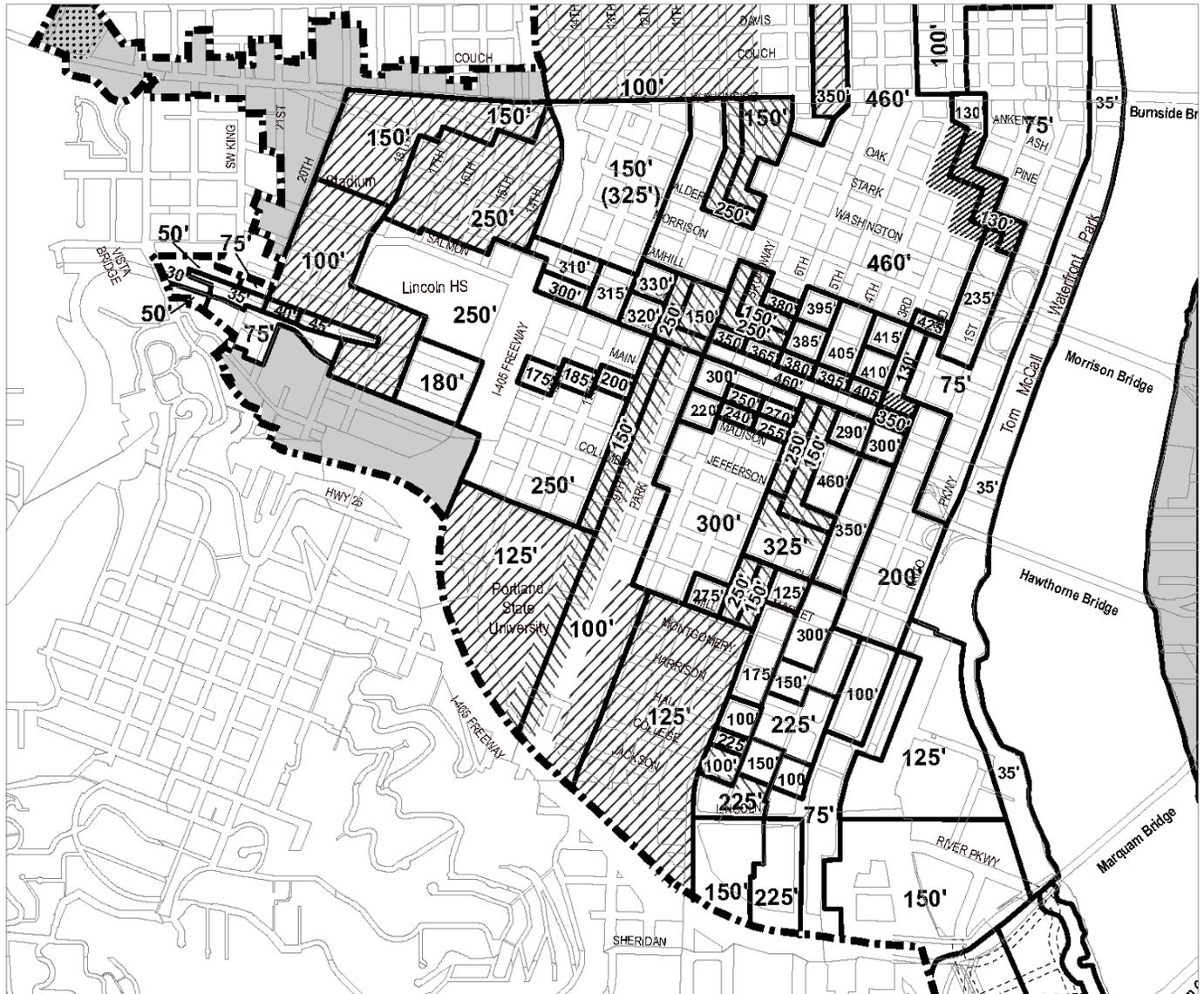


# Maximum Heights

# Map 510-3

Map 3 of 3

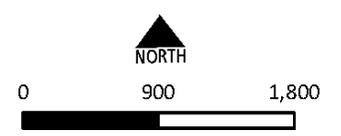
Map Revised March 1, 2015



**Legend**

- x'** Maximum building height
- (x')** Allowable height for residential (33.510.205.F)
- Areas where maximum height is determined by base zone
- Area eligible for general and housing height bonus
- Area eligible for housing height bonus only
- Area eligible for Open Space performance standards
- Area eligible for historic step-down exception

- Central City Plan District boundary
- Maximum heights area boundary



Scale in Feet  
 Bureau of Planning and Sustainability  
 Portland, Oregon

# Bonus Options Target Areas

# Map 510-4

Map 1 of 2

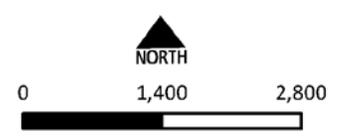
Map Revised March 1, 2015



**Legend**

 Residential bonus target area	 Theaters on Broadway bonus target area	 North Pearl subarea bonus target area
 Retail use bonus target area	 Greenway bonus target area extends 150' back from top of bank	

 Central City Plan District boundary



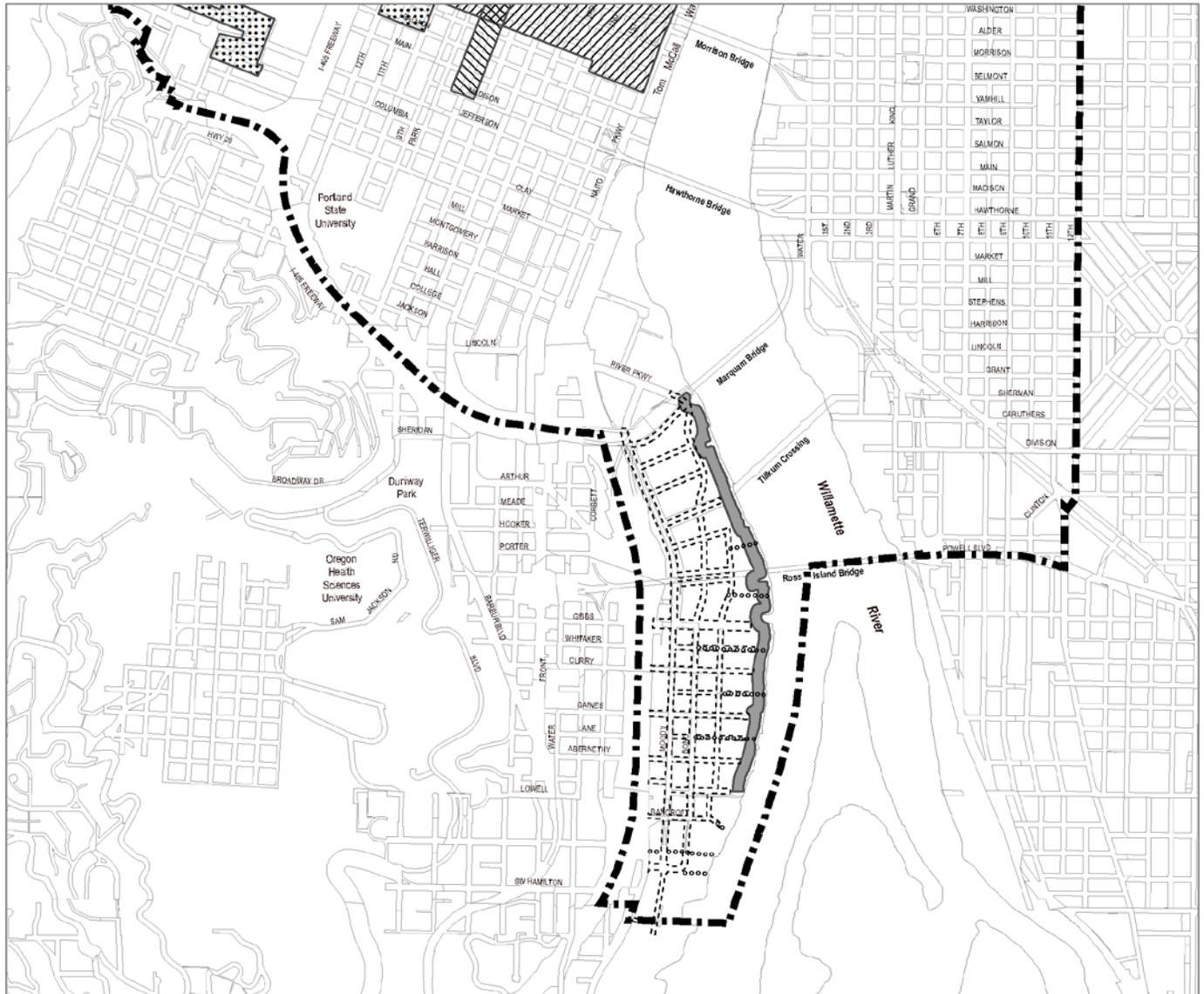
Scale in Feet  
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 Portland, Oregon

# Bonus Options Target Areas

# Map 510-4

Map 2 of 2

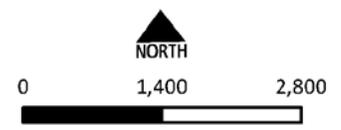
Map Revised March 1, 2015



**Legend**

-  Residential bonus target area
-  Theaters on Broadway bonus target area
-  Proposed right-of-way
-  Retail use bonus target area
-  Greenway bonus target area extends 150' back from top of bank
-  Proposed accessway

 Central City Plan District boundary



Scale in Feet  
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# Required Residential Development Areas

# Map 510-5

Map 1 of 2

Map Revised March 1, 2015



**Legend**



Required residential development area



Central City Plan District boundary



0 1,400 2,800



Scale in Feet

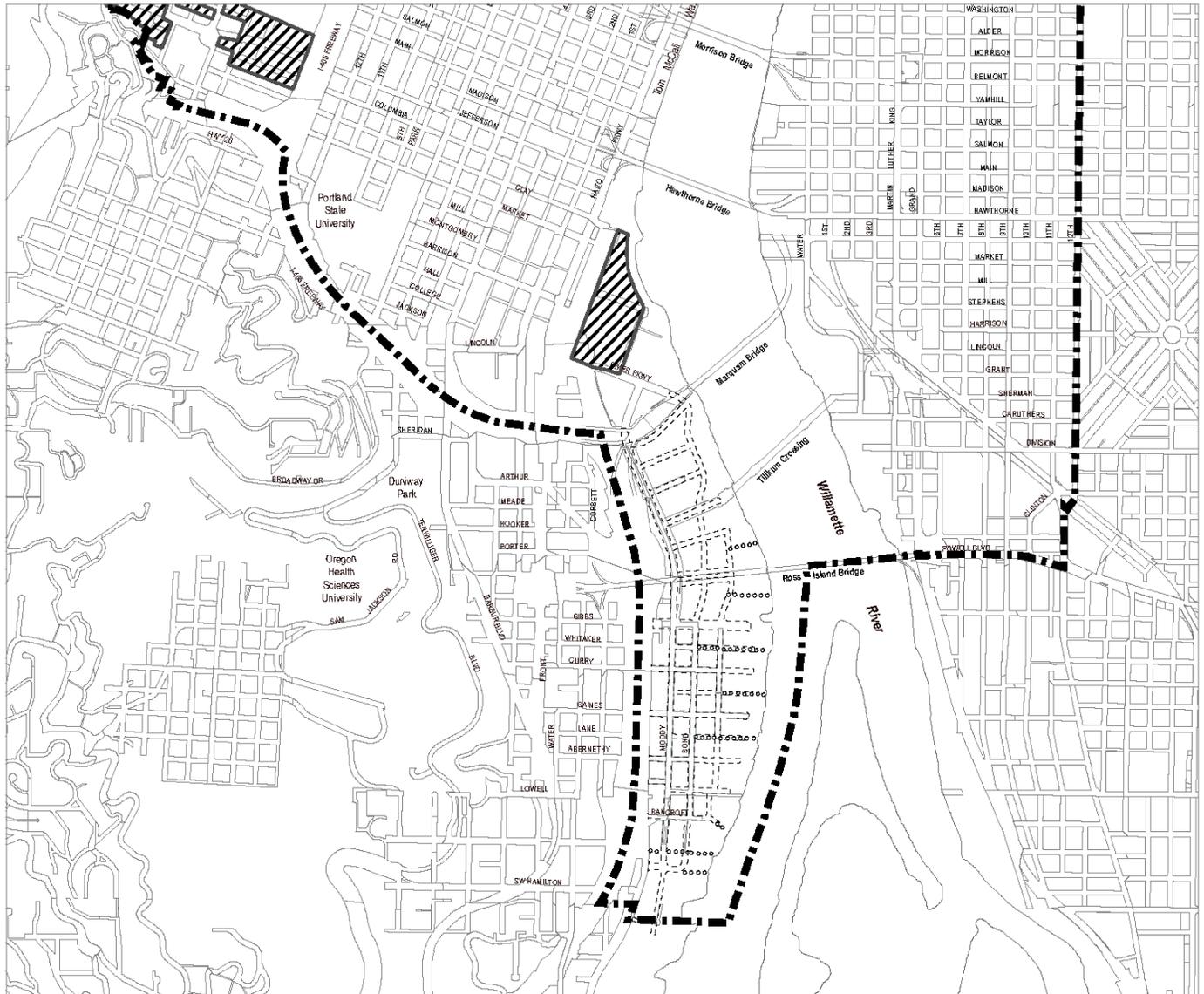
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# Required Residential Development Areas

# Map 510-5

Map 2 of 2

Map Revised March 1, 2015



### Legend



Required residential development area

----- Proposed right-of-way

..... Proposed accessway



Central City Plan District boundary



0 1,400 2,800

Scale in Feet

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Portland, Oregon

# Required Building Lines

# Map 510-6

Map 1 of 2

Map Revised March 1, 2015



**Legend**

-  Required building lines
-  Special required building lines

 Central City Plan District boundary



0 1,400 2,800



Scale in Feet

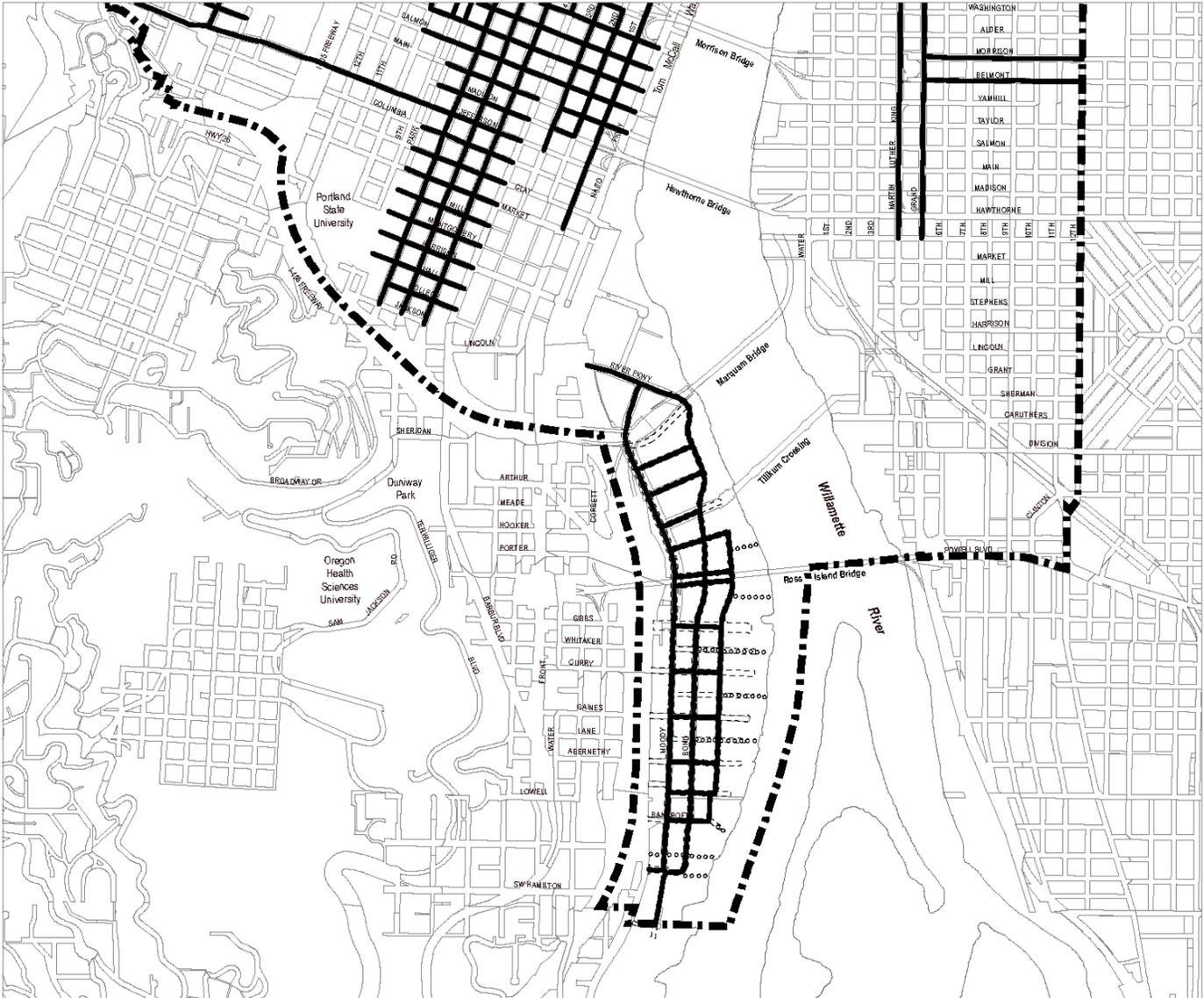
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# Required Building Lines

# Map 510-6

Map 2 of 2

Map Revised March 1, 2015



### Legend

-  Required building lines
-  Special required building lines
-  Proposed right-of-way
-  Proposed accessway



Central City Plan District boundary



0 1,400 2,800



Scale in Feet

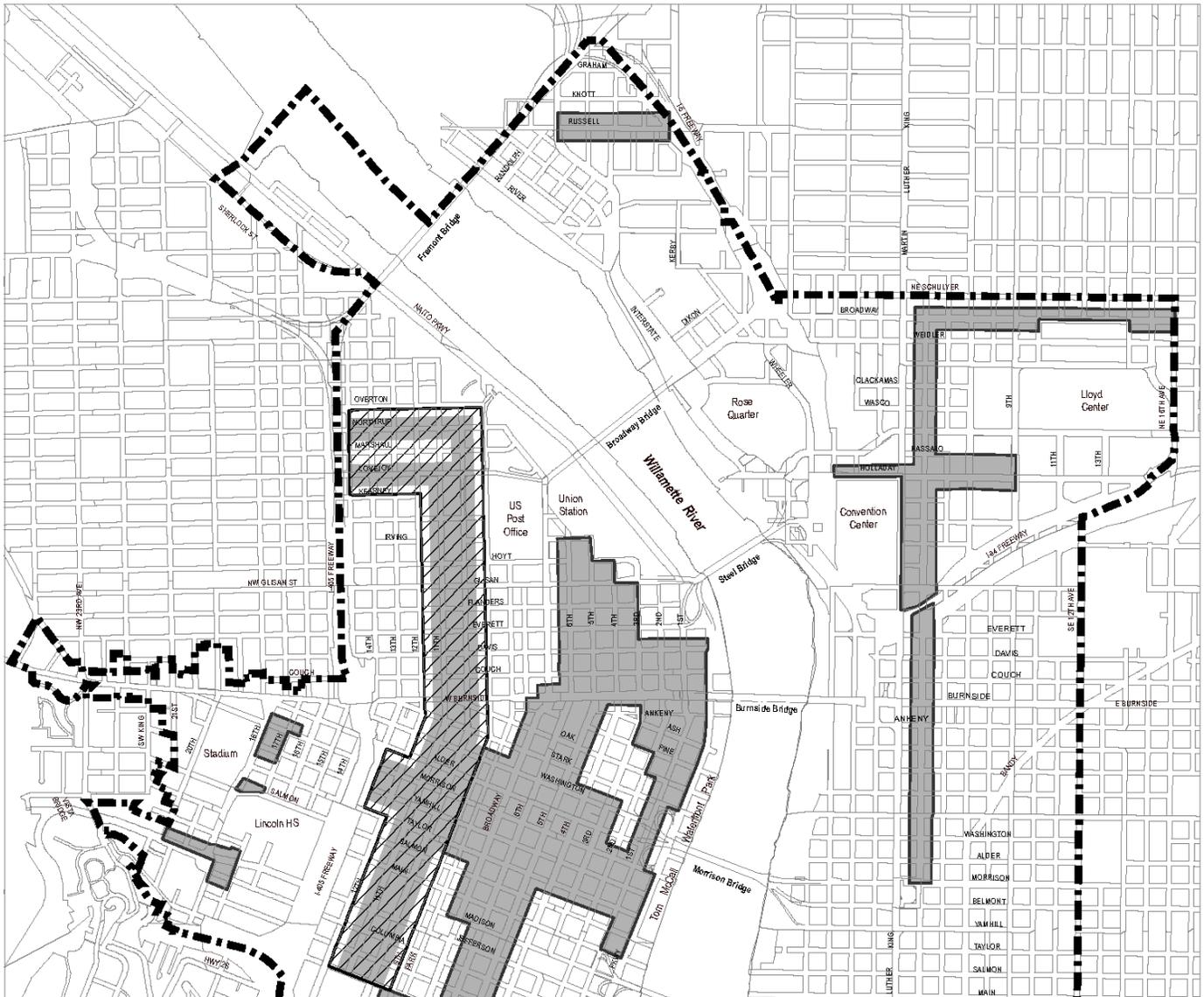
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Portland, Oregon

# Active Use Areas

# Map 510-7

Map 1 of 2

Map Revised March 1, 2015



**Legend**

-  Ground floor active use
-  Minimum active floor area

 Central City Plan District boundary



0 1,400 2,800



Scale in Feet

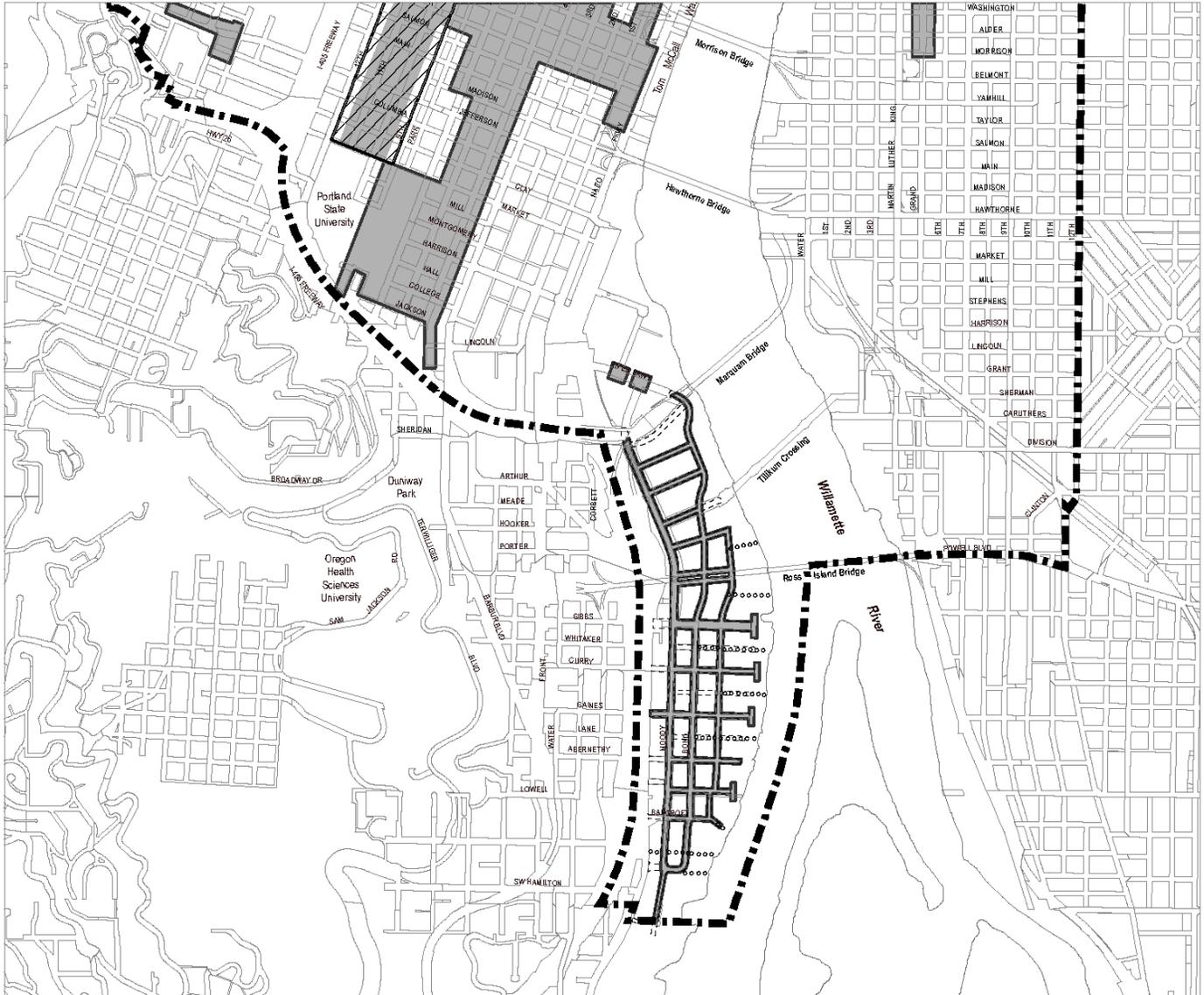
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# Active Use Areas

# Map 510-7

Map 2 of 2

Map Revised March 1, 2015



**Legend**



Ground floor active use  
Minimum active floor area



Proposed right-of-way



Proposed accessway



Central City Plan District boundary



0 1,400 2,800



Scale in Feet

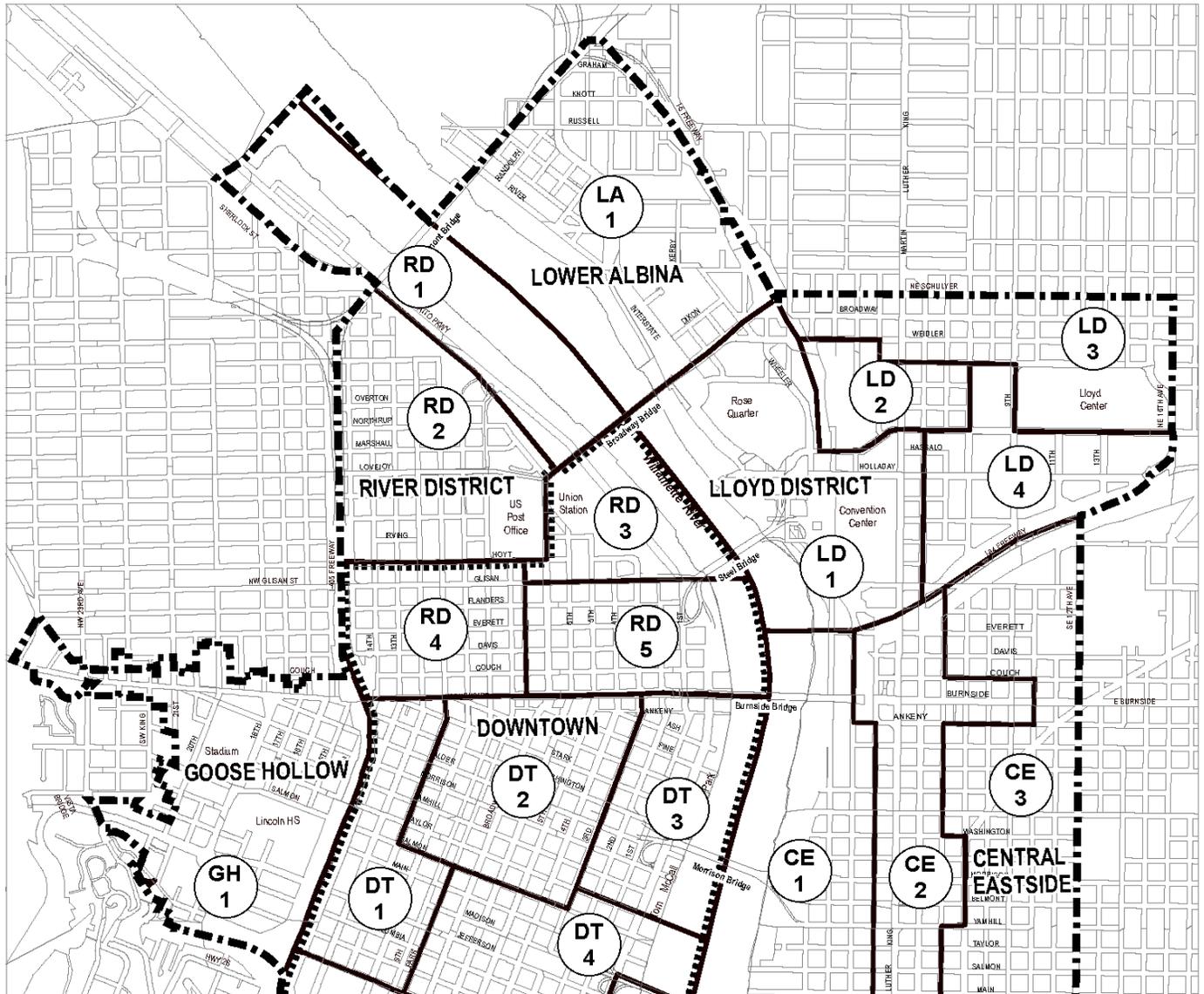
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# Core and Parking Sectors

# Map 510-8

Map 1 of 2

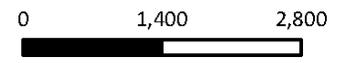
Map Revised March 1, 2015



**Legend**

-  Sector
-  Central city core
-  Sector boundary

 Central City Plan District boundary



Scale in Feet

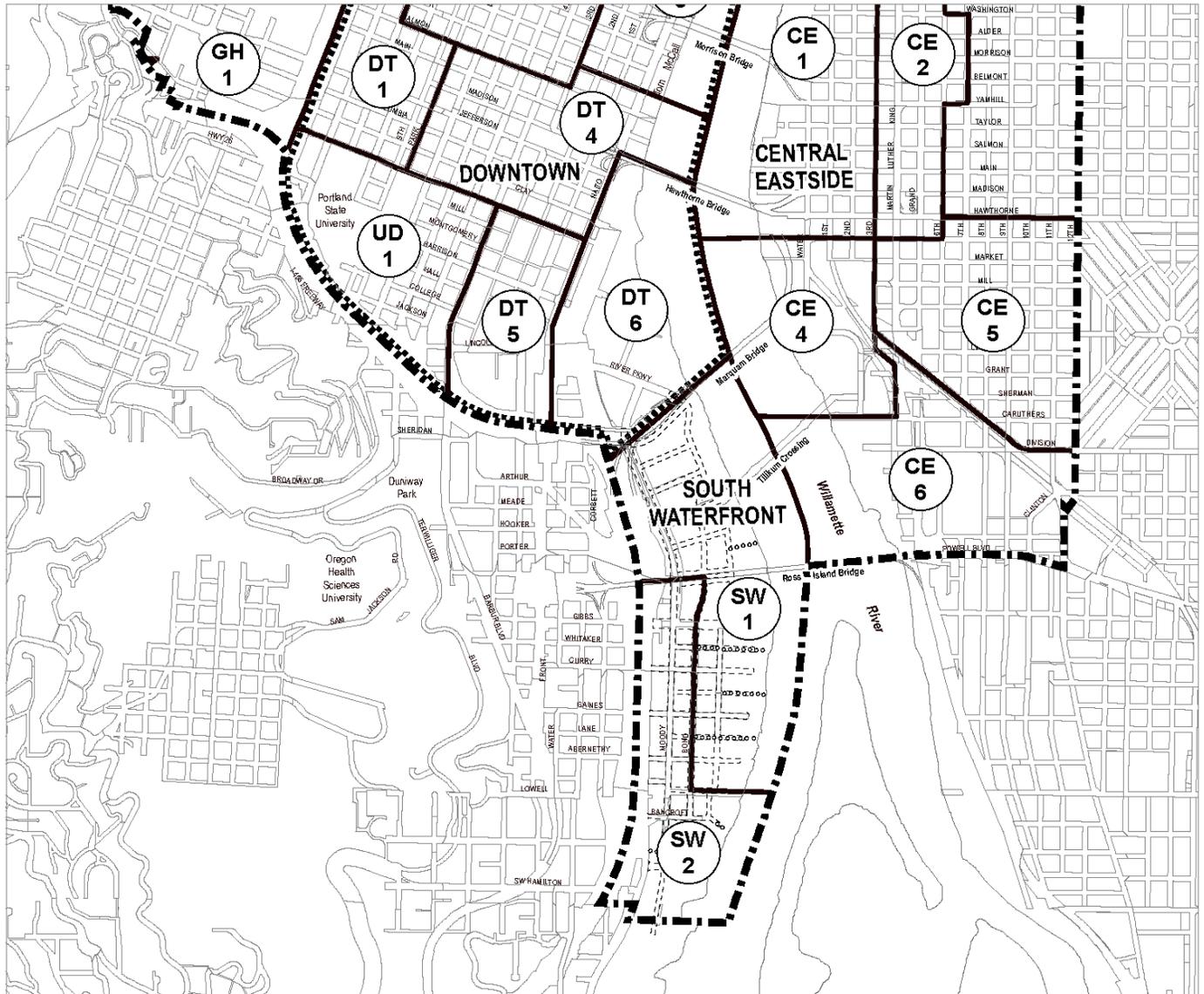
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# Core and Parking Sectors

# Map 510-8

Map 2 of 2

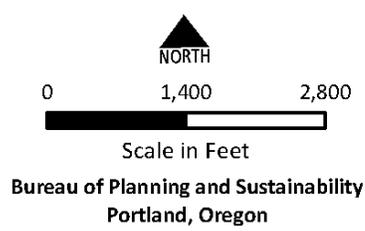
Map Revised March 1, 2015



**Legend**

- Sector
- Central city core
- Sector boundary
- Proposed right-of-way
- Proposed accessway

Central City Plan District boundary



# Parking Access Restricted Streets

# Map 510-9

Map 1 of 2

Map Revised March 1, 2015



### Legend

**-----** Streets where access to parking is prohibited

**.....** Streets where access to parking will not be approved within 75' except when granted through Central City Parking Review

**—————** Streets where access to parking will not be approved except when granted under adjustment procedures

**-----** Central City Plan District boundary



0 1,400 2,800



Scale in Feet

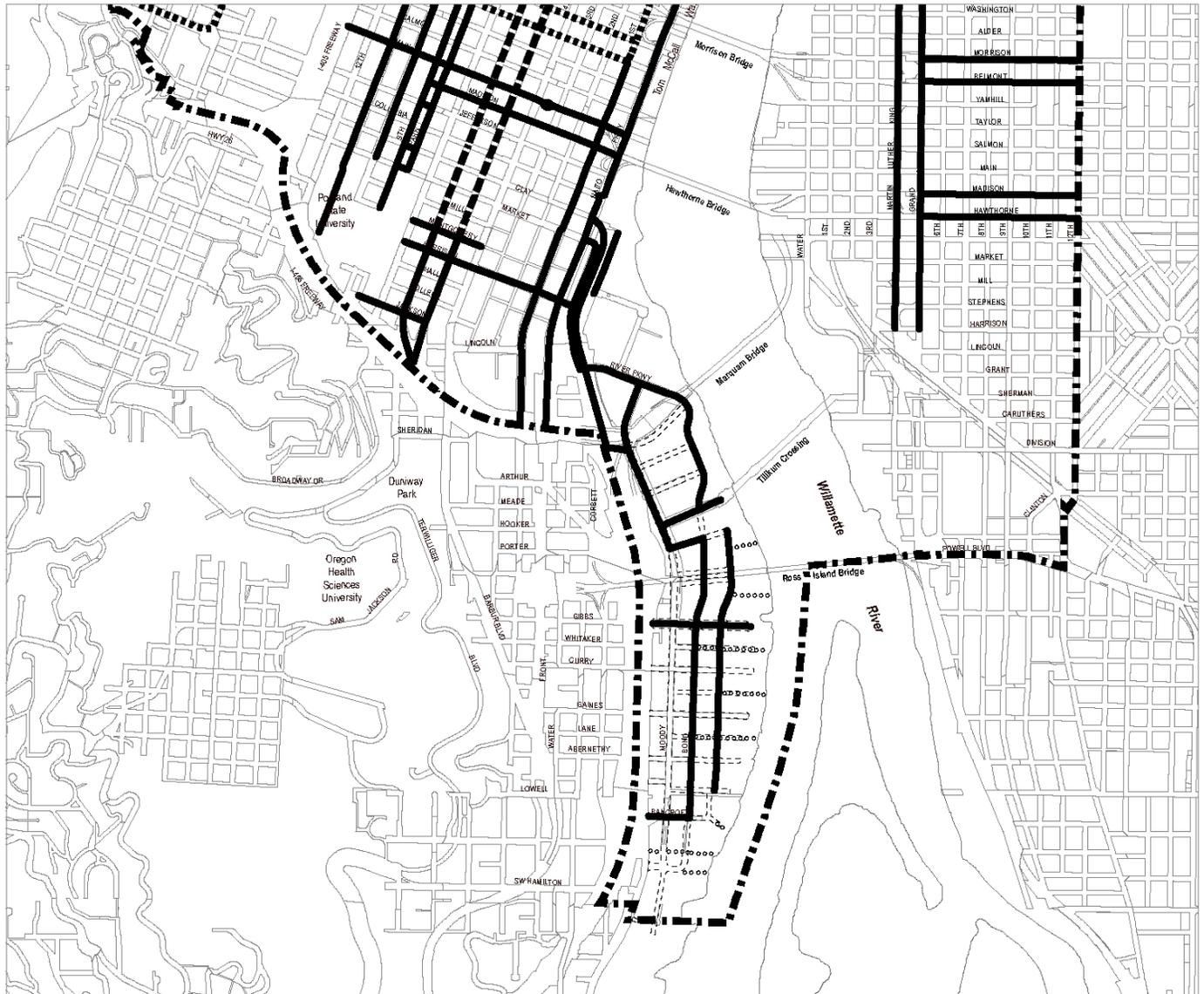
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# Parking Access Restricted Streets

# Map 510-9

Map 2 of 2

Map Revised March 1, 2015



**Legend**

———— Streets where access to parking is prohibited

..... Streets where access to parking will not be approved within 75' except when granted through Central City Parking Review

———— Streets where access to parking will not be approved except when granted under adjustment procedures

□ Central City Plan District boundary

----- Proposed right-of-way

..... Proposed accessway



0 1,400 2,800



Scale in Feet

Bureau of Planning and Sustainability  
Portland, Oregon

# Areas Where Additional Uses are Allowed in the OS Zone

# Map 510-10

Map 1 of 2

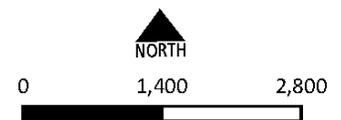
Map Revised March 1, 2015



**Legend**

 OS sites where additional uses are allowed

-  Central City Plan District boundary
-  Subdistrict boundary
-  Subarea boundary



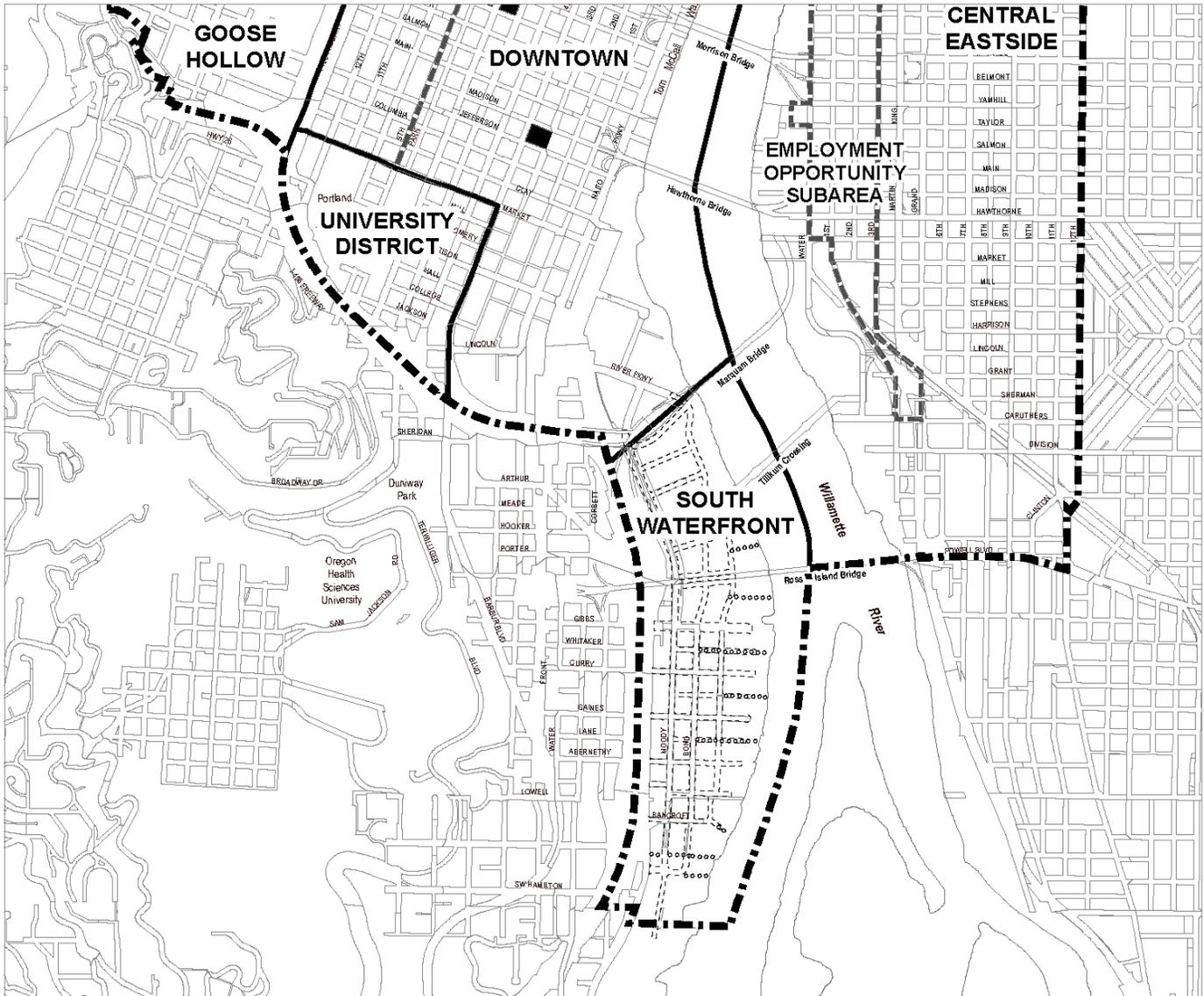
Scale in Feet  
 Bureau of Planning and Sustainability  
 Portland, Oregon

# Areas Where Additional Uses are Allowed in the OS Zone

# Map 510-10

Map 2 of 2

Map Revised March 1, 2015



### Legend



OS sites where additional uses are allowed

----- Proposed right-of-way

..... Proposed accessway



Central City Plan District boundary



Subdistrict boundary



Subarea boundary



0 1,400 2,800

Scale in Feet

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Portland, Oregon

# Special Areas

# Map 510-11

Map 1 of 2

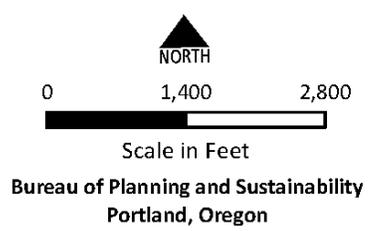
Map Revised March 1, 2015



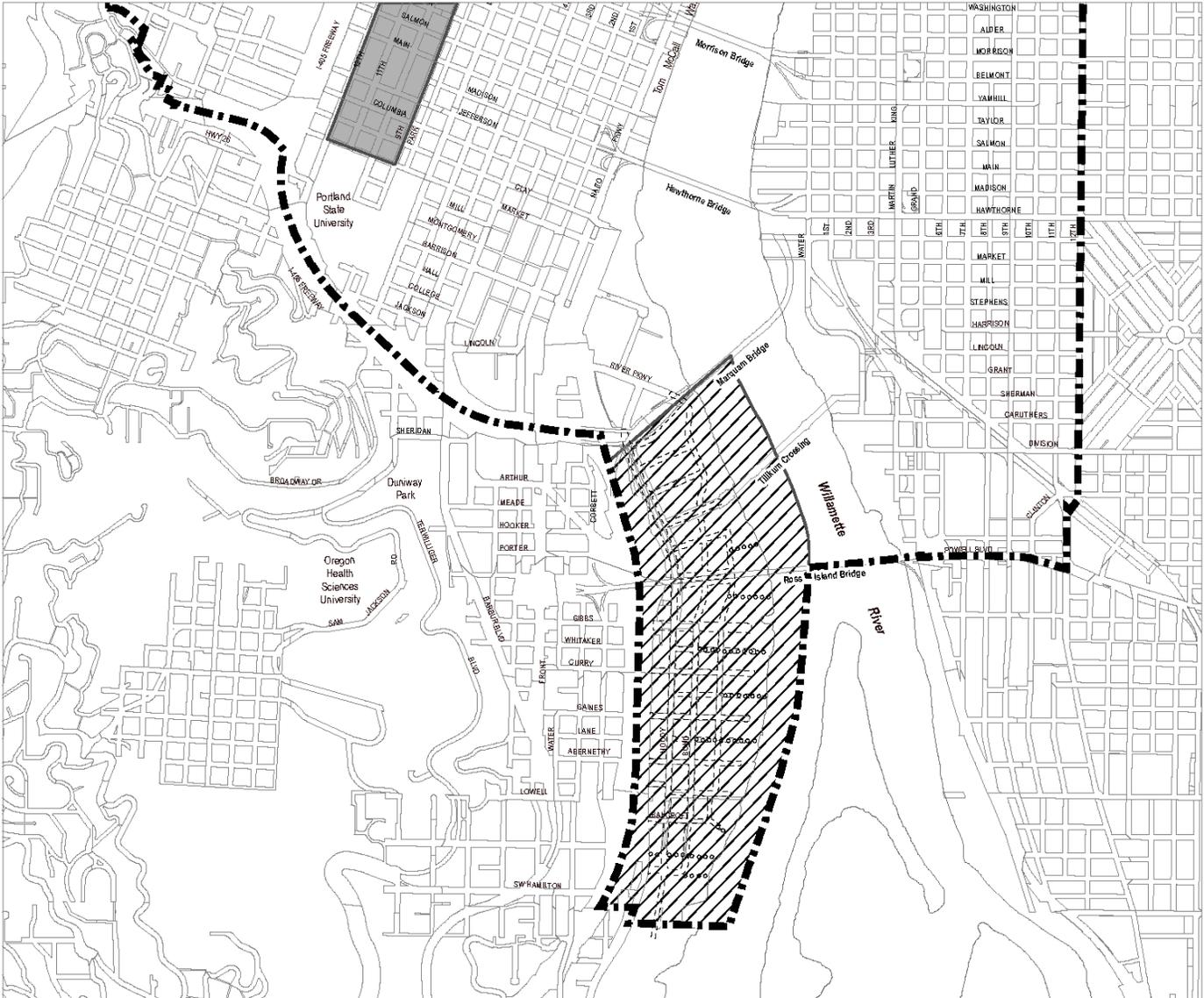
**Legend**

-  Areas where size of retail sales and service uses is limited (33.510.116)
-  Areas where mechanical equipment must be screened (33.510.224)

 Central City Plan District boundary



Map Revised March 1, 2015



**Legend**



Areas where size of retail sales and service uses is limited (33.510.116)



Areas where mechanical equipment must be screened (33.510.224)

----- Proposed right-of-way

..... Proposed accessway



Central City Plan District boundary



0 1,400 2,800



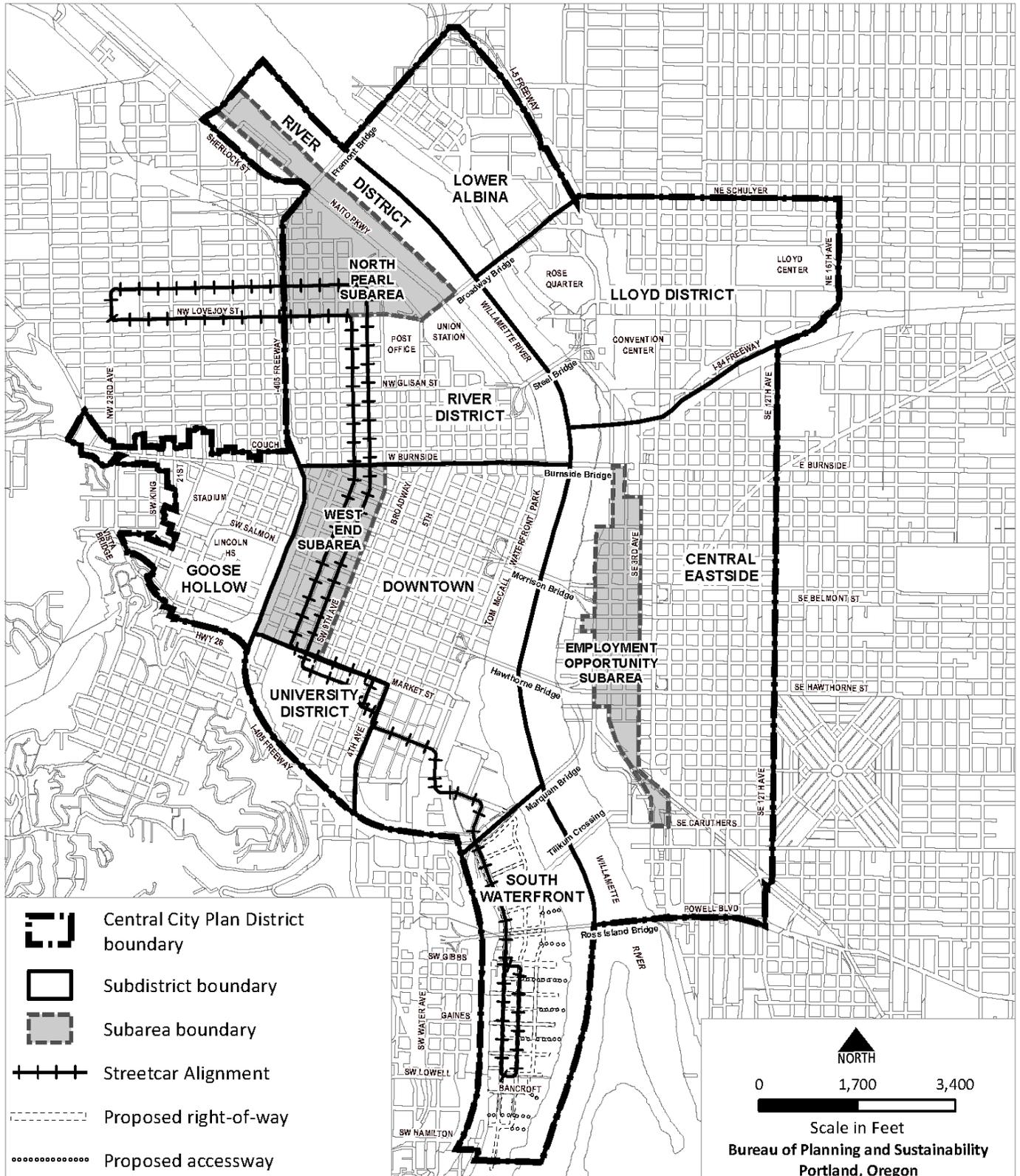
Scale in Feet

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Portland, Oregon

# Streetcar Alignment

# Map 510-12

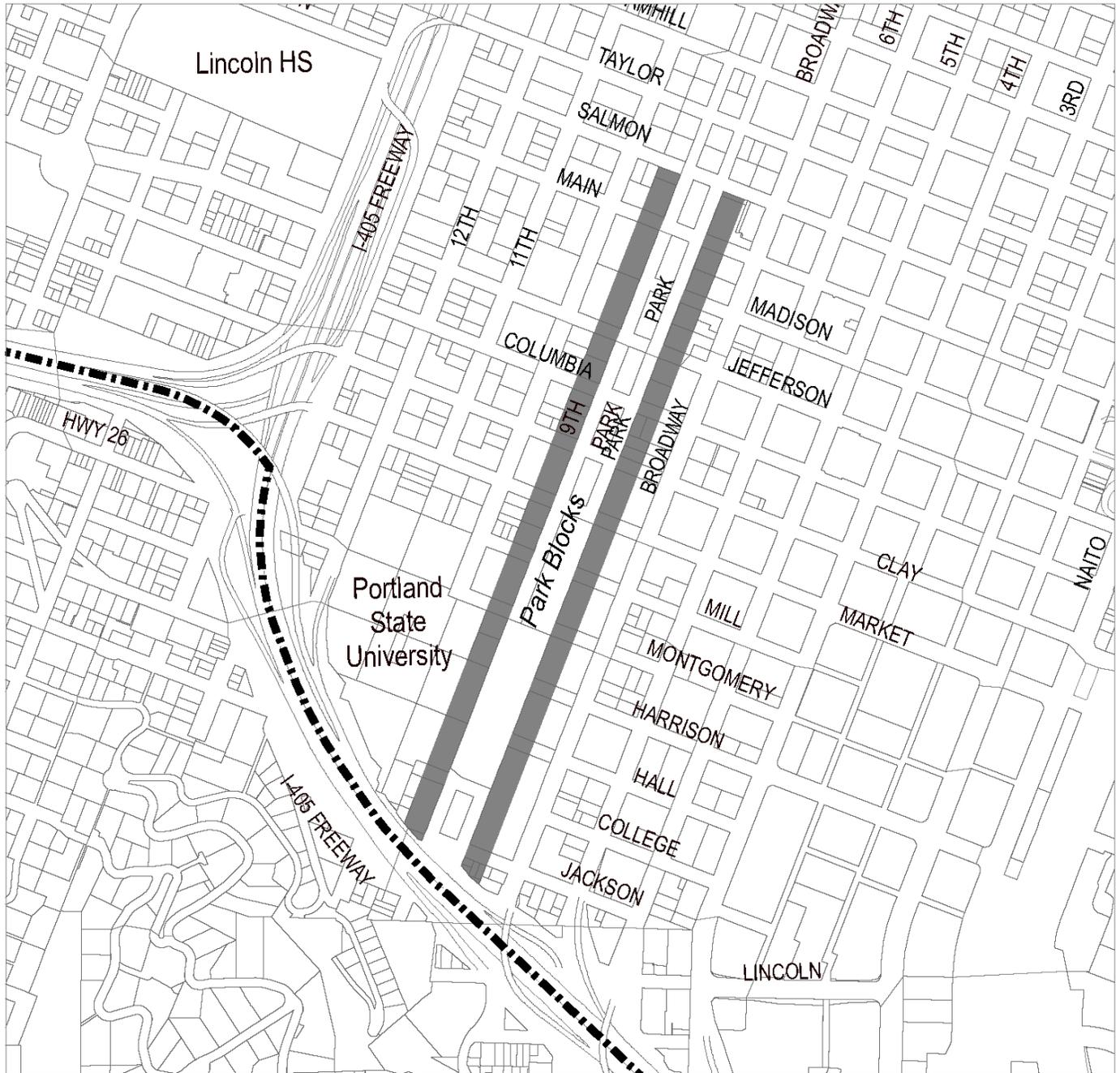
Map Revised March 1, 2015



# Park Block Frontages

# Map 510-13

Map Revised March 1, 2015



Central City Plan District Boundary



Park block frontage



0 500 1,000



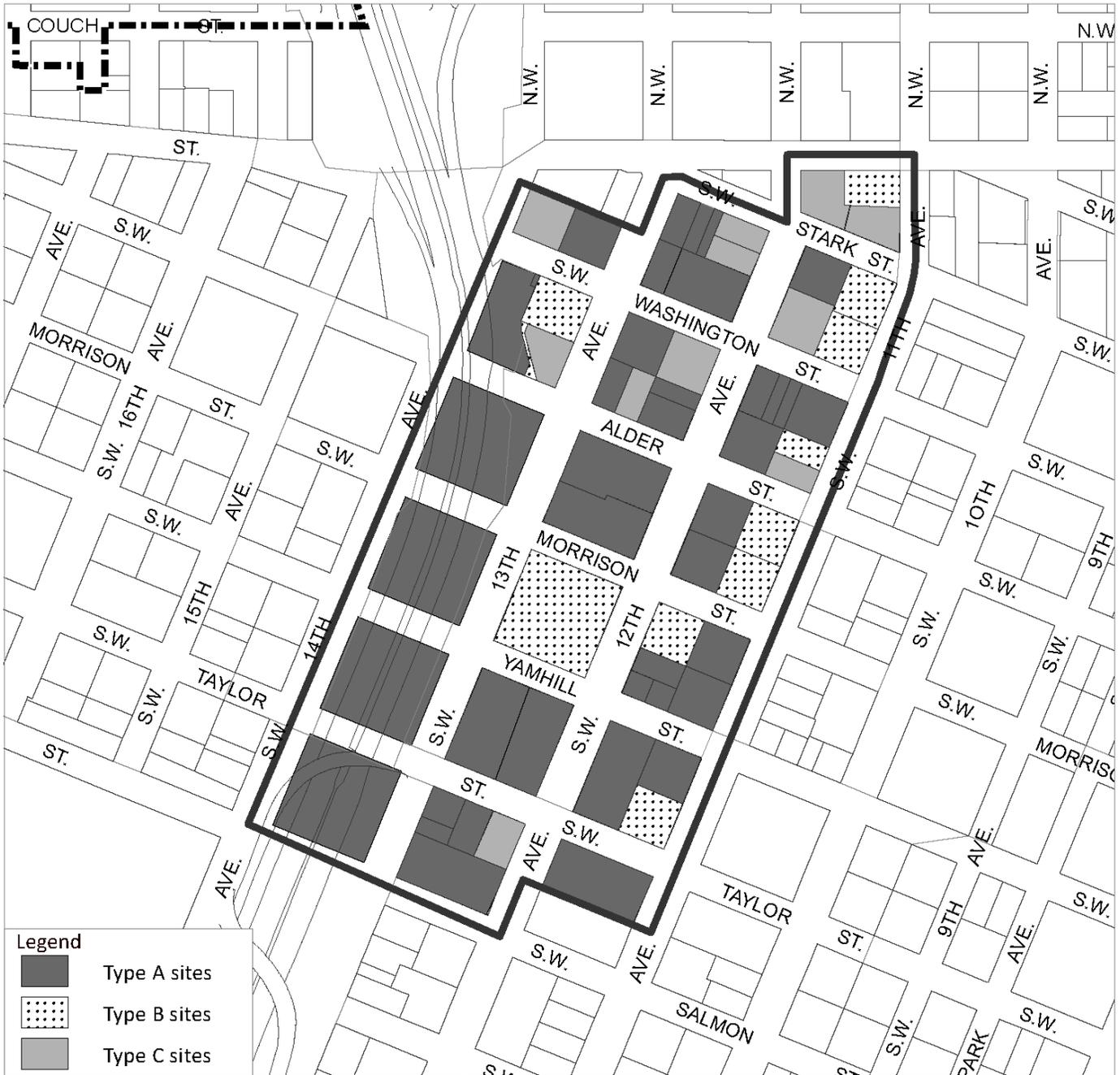
Scale in Feet

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Portland, Oregon

# Areas Where Additional Uses may be Allowed in the RX Zone

# Map 510-14

Map Revised March 1, 2015



**Legend**

- Type A sites
- Type B sites
- Type C sites

- Central City Plan District boundary
- Area Boundary



Scale in Feet  
Bureau of Planning and Sustainability  
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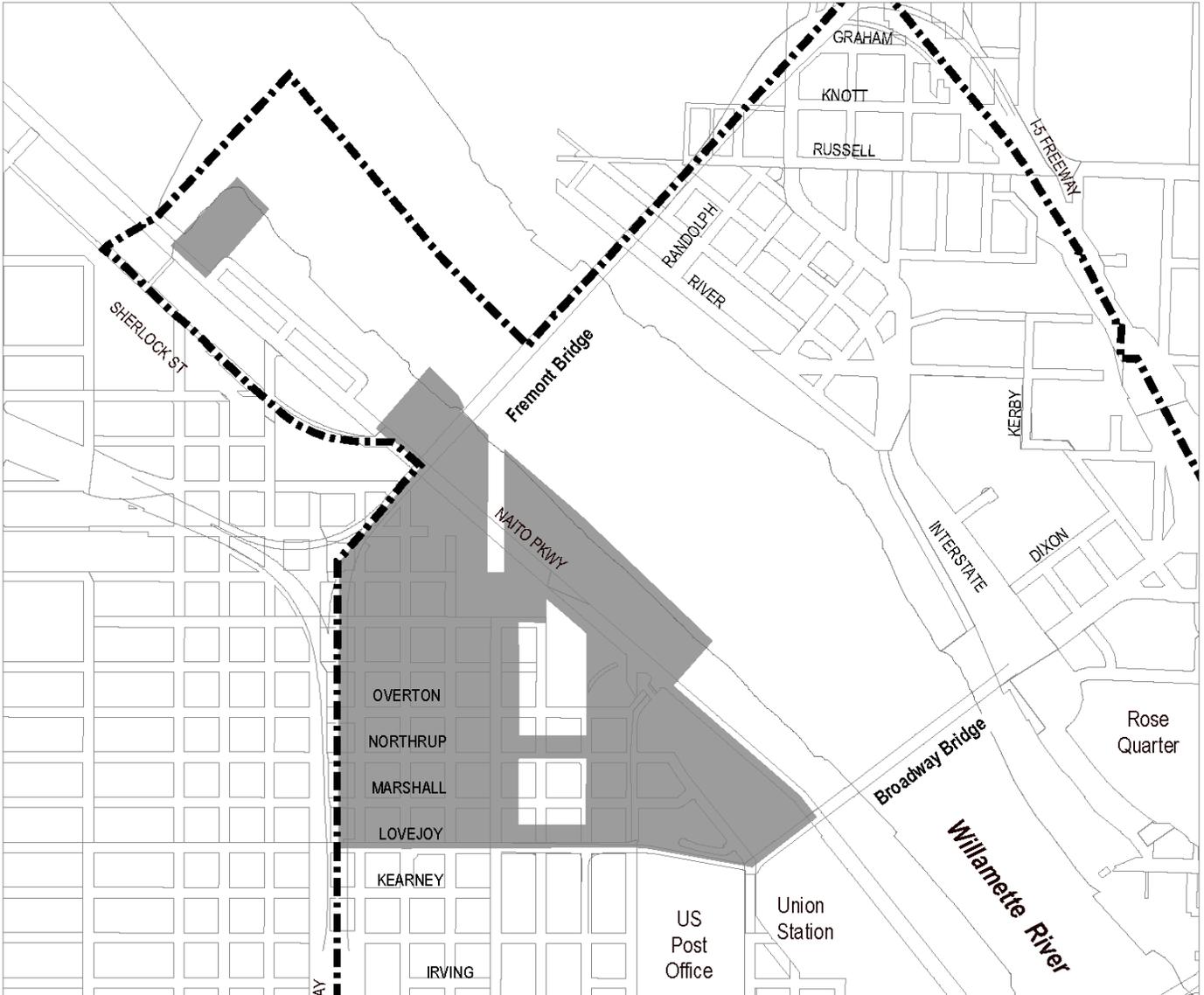


# North Pearl Height Opportunity Area

# Map 510-16

Map 1 of 2

Map Revised March 1, 2015



### Legend

-  Area eligible for additional height under 33.510.205.H



Central City Plan District boundary



0 700 1,400

Scale in Feet

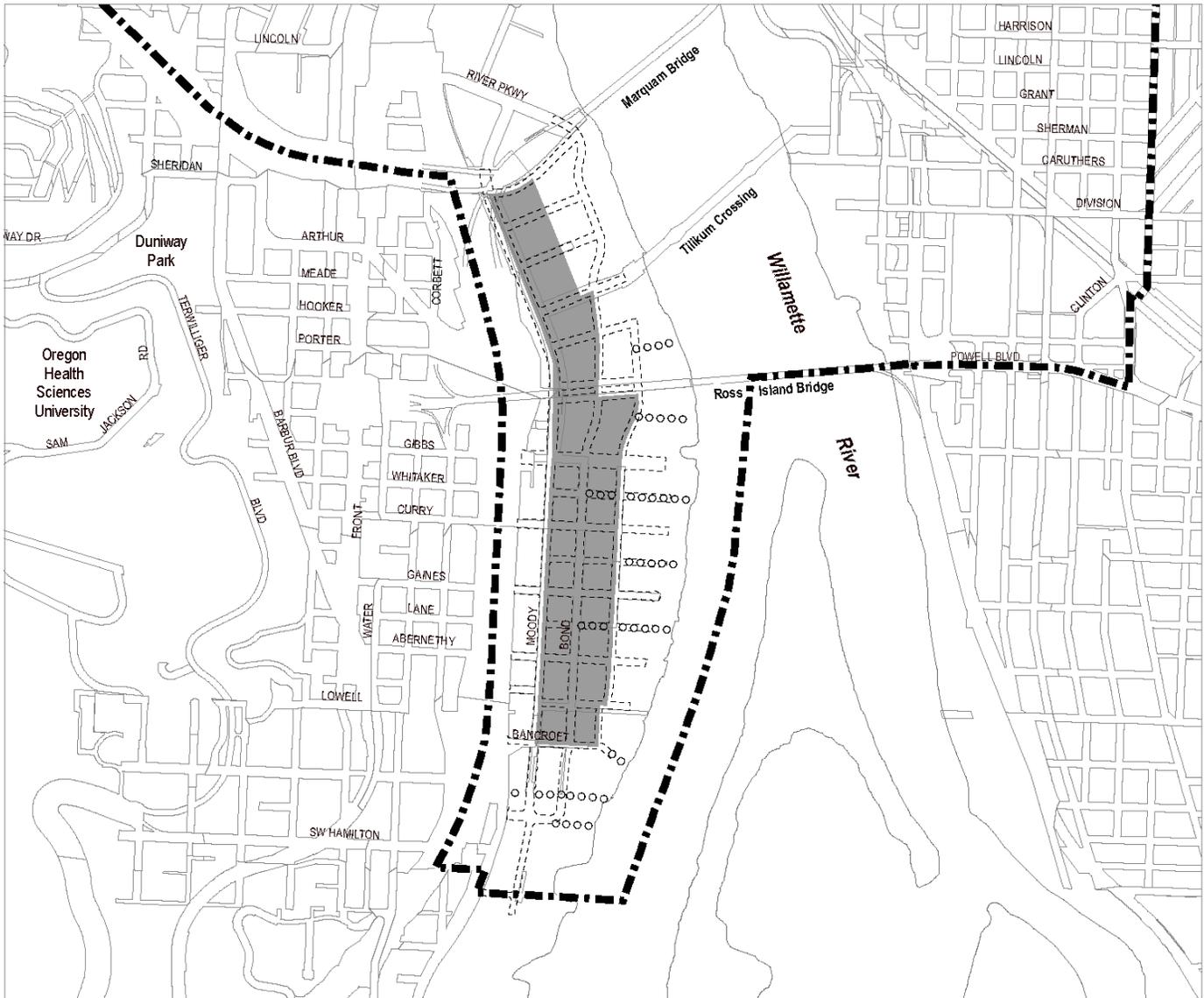
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# South Waterfront Height Opportunity Area

# Map 510-16

Map 2 of 2

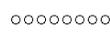
Map Revised March 1, 2015



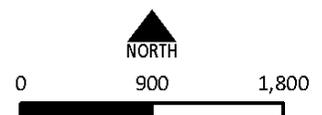
**Legend**

 Area eligible for additional height under 33.510.205.G

 Proposed right-of-way

 Proposed accessway

 Central City Plan District boundary



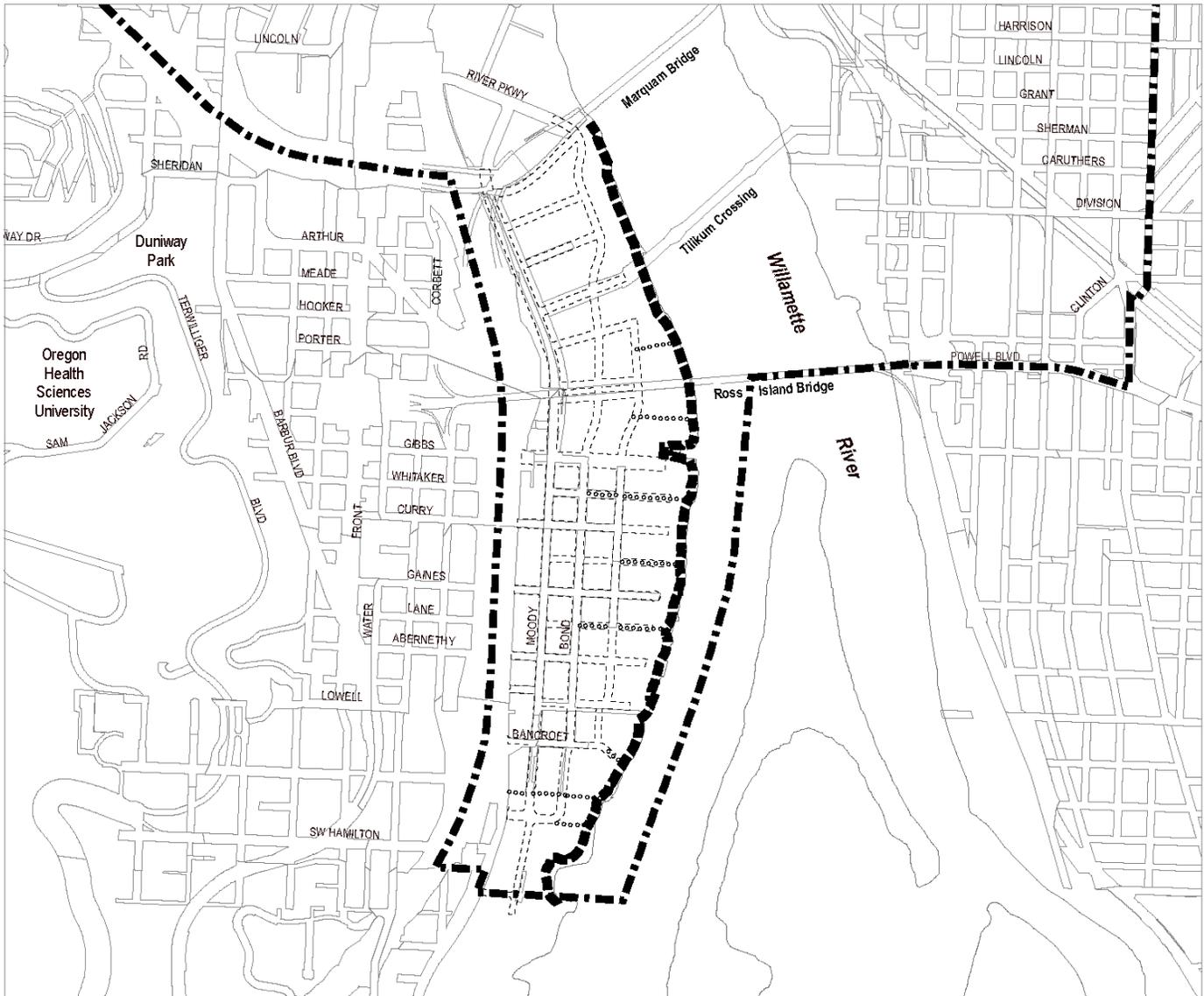
Scale in Feet

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# South Waterfront 2002 Top of Bank Line

# Map 510-17

Map Revised March 1, 2015



**Legend**

■ ■ ■ ■ ■ 2002 Top of Bank line

----- Proposed right-of-way

Note: See map in Development Services Center for more detail

..... Proposed accessway



Central City Plan District boundary



0 900 1,800

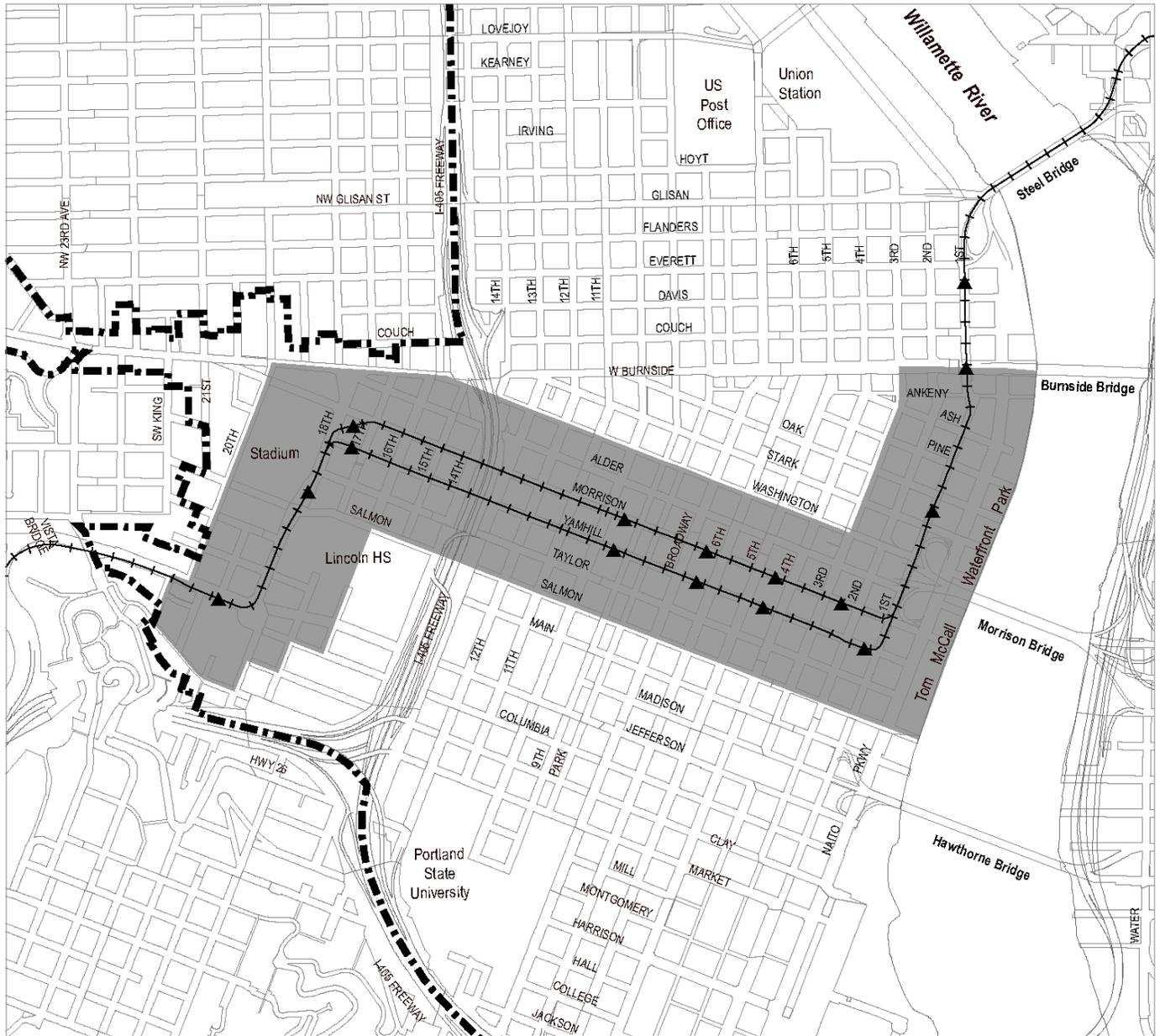
Scale in Feet

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# Area Where Vehicle Sales and Leasing, and Exterior Display and Storage are Restricted

# Map 510-18

Map Revised March 1, 2015



### Legend



Area where restrictions apply



MAX Light Rail line and stops



Central City Plan District boundary



0 900 1,800



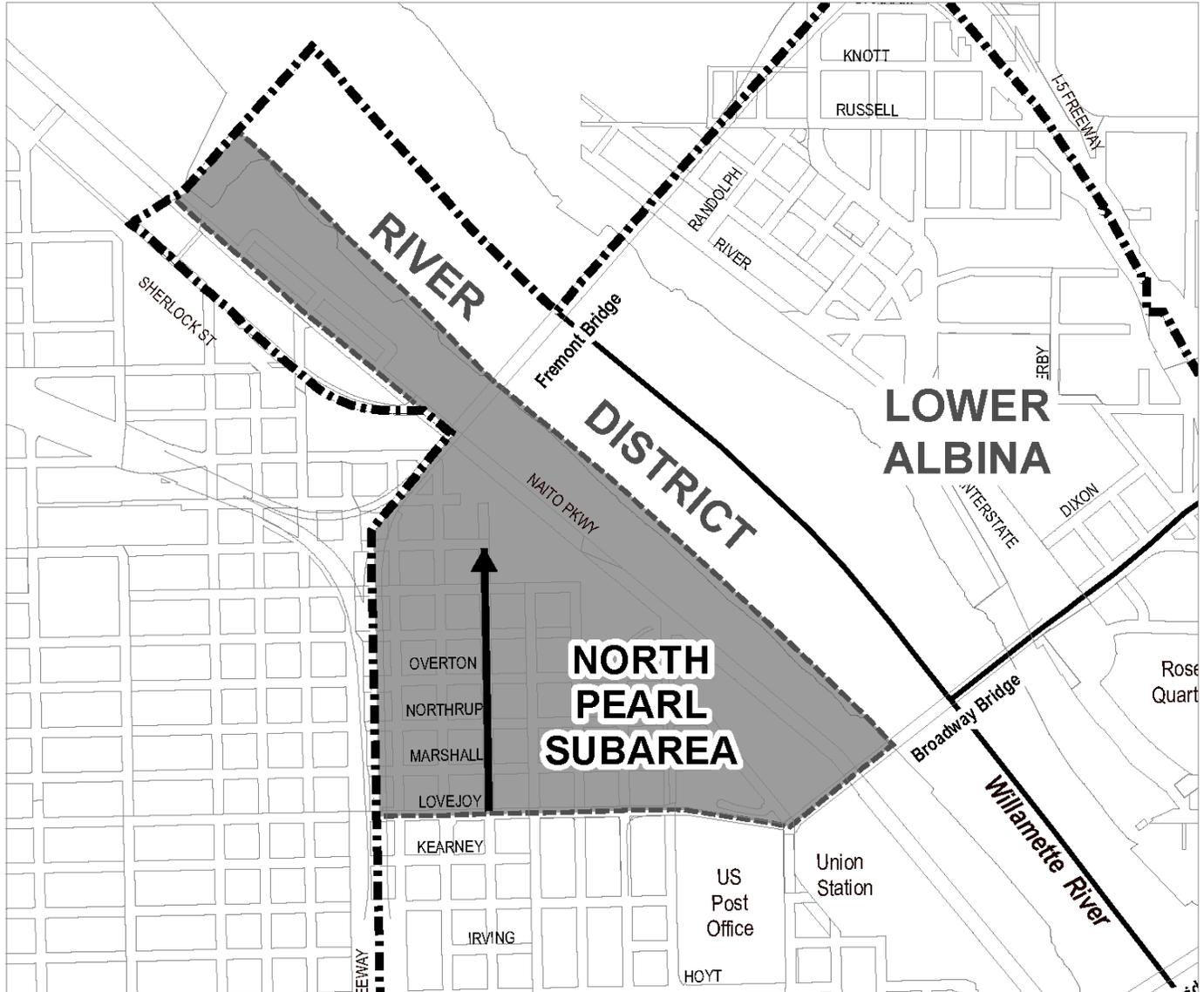
Scale in Feet

Bureau of Planning and Sustainability  
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# North Pearl Subarea Special Building Height Corridor

# Map 510-19

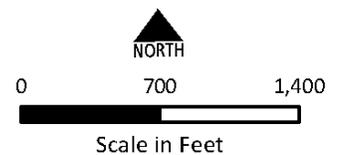
Map Revised March 1, 2015



**Legend**

-  Special building height corridor
-  North Pearl Subarea

-  Central City Plan District boundary
-  Subdistrict Boundary
-  Subarea boundary

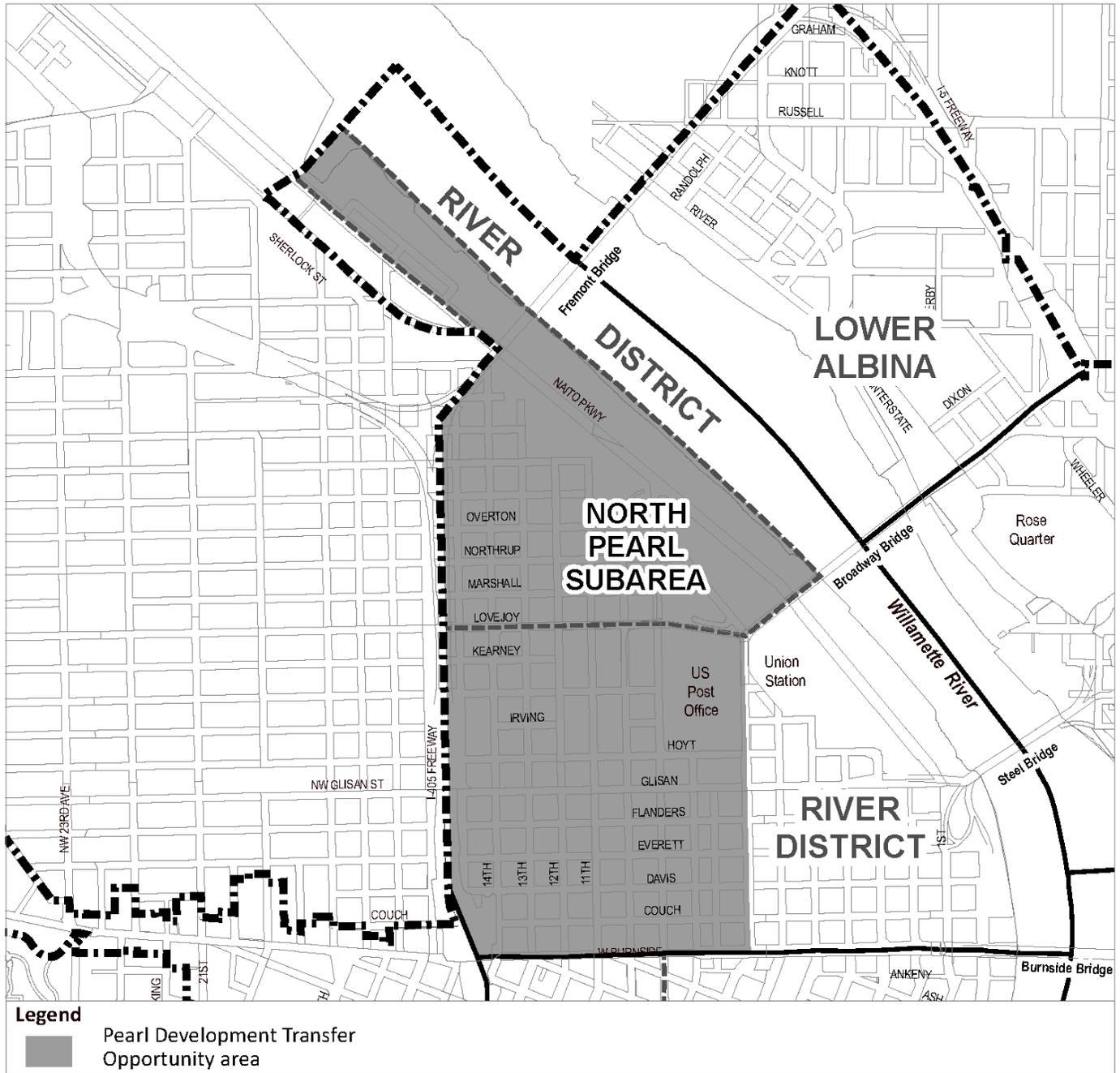


Bureau of Planning and Sustainability  
Portland, Oregon

# Pearl Development Transfer Opportunity Area

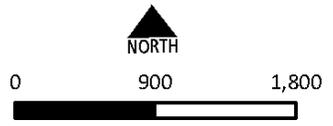
# Map 510-20

Map Revised March 1, 2015



**Legend**  
 Pearl Development Transfer Opportunity area

- Central City Plan District boundary
- Subdistrict boundary
- Subarea boundary

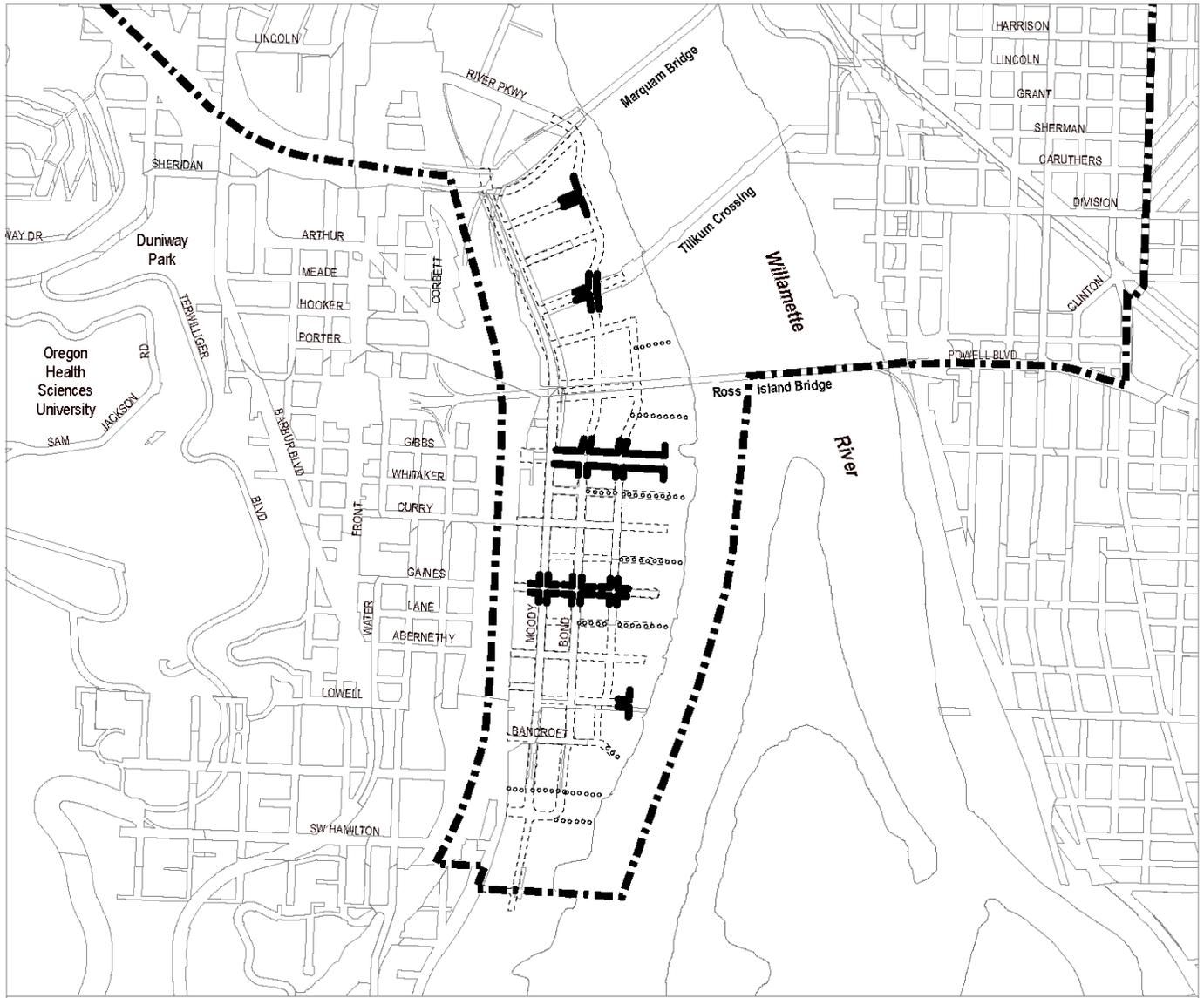


Scale in Feet  
 Bureau of Planning and Sustainability  
 Portland, Oregon

# Required Retail Sales and Service Use in South Waterfront

# Map 510-21

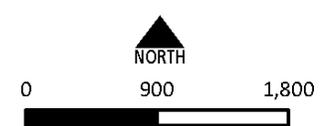
Map Revised March 1, 2015



**Legend**

-  Required active retail uses
-  Proposed right-of-way
-  Proposed accessway

 Central City Plan District boundary





- c. Self inspection. Areas where the ground is disturbed must be inspected by or under the direction of the owner at least once every 7 calendar days, within 24 hours of any storm event greater than one-half inch of rain in any 24-hour period, or at any time when water runoff occurs. These measures must be met until issuance of any occupancy permit or final inspection; and
  - d. Record keeping. Records must be kept of all inspections. Instances of measurable erosion must be recorded with a brief explanation of corrective measures taken. This record must be available to the City and retained until final inspection.
6. Stormwater discharge must pass through water quality facilities which conform to Chapter 17.38, Drainage and Water Quality.
7. Stormwater discharge into a mitigation area is not allowed unless it is part of the mitigation plan.
8. Except for stormwater discharges, industrial or sanitary discharges, including wastewater and overflow, into the slough system is not allowed.
9. Construction and ongoing maintenance for overhead or underground utilities, including sanitary sewer connections to individual properties and stormwater outfalls, cannot affect more than a 25-foot-wide corridor across the resource. These activities cannot result in the killing or removal of trees over 6 inches in diameter, measured 4-1/2 feet above the ground.
10. Road improvements across the slough must be by bridge unless a water control structure is a necessary part of the design.
11. Water quality monitoring facilities may be up to 100 square feet in area.
12. In Employment and Industrial zones, new lots completely within the environmental protection zone are exempt from minimum lot size and shape requirements of Chapter 33.614 and chapter 33.615. All other new lots must meet the minimum size and shape requirements of Chapter 33.614 and Chapter 33.615, outside of land zoned environmental protection.
13. Location and design of any trail or recreation facilities must conform to standards of the Columbia South Shore plan district. All new trail easements must be in the outer 25 feet of the environmental zone, except as necessary to connect to existing easements or trails on adjacent sites.
14. Construction of the trail or recreation facilities cannot result in the removal of trees that are 6 or more inches in diameter, with the exception that trees listed on the Nuisance Plants List may be removed. The trail or recreation facility cannot be located within wetlands subject to state or federal regulations.
15. Staging areas for slough and drainageway maintenance may have up to 5,000 square feet of gravel, paving, structures, or other ground-disturbing uses or activities exclusive of an access road. Access roads within an environmental zone may be up to 300 feet in length.

16. Water levels in the slough will be maintained at an elevation of between 5 and 10 feet mean sea level in order to preserve wetlands that are protected by an Environmental zone. An exception to this standard is for maintenance or emergency situations when a lower level is necessary.
17. Nonconforming situations
  - a. Required improvements.
    - (1) Paved areas in Environmental Overlay Zones. When the value of proposed alterations on the site, as determined by BDS, is more than \$153,450, paved areas that do not meet plan district regulations must be removed from environmental zoned areas. The value of the alterations is based on the entire project, not individual building permits.
    - (2) Unpaved exterior areas. When development is proposed or alterations are made to a site, unpaved exterior improvements must comply fully with development standards.
    - (3) The cost of meeting the standards of B.17.a(1) and (2), above, may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the requirements of B.17.a(1) and (2) must be met first.
  - b. Area of required improvements. Except as provided in 33.258.070.D.2.c(2), Exception for Sites With Ground Leases, required improvements must be made to the entire site.
  - c. Timing and cost of required improvements. The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in subparagraph 33.258.070.D.2.b, the standards of B.17.a(1) and (2), above, are also included.
  - d. Removal of existing bridges, utilities, or public improvements is not required.
18. Land divisions. The following standards apply to land divisions where at least half of the site is within an environmental zone:
  - a. In residential zones, at least 40 percent of the land division site not in streets must be devoted to open areas;
  - b. In nonresidential zones, at least 20 percent of the land division site not in streets must be devoted to open areas; and
  - c. In all zones, at least half of the open area must be in common ownership.

### **33.515.280 Columbia South Shore Environmental Review**

- A. Purpose of the review.** Environmental review of uses and development in the Environmental zones is intended to provide adequate protection for the identified natural resources. The review provides for flexibility and reasonable development opportunities when development is sensitive to the special environmental concerns of the site. Within the plan district, the applicant should be aware that if an archaeological resource exists on

## 33.560 North Cully Plan District

# 560

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### Sections:

- 33.560.010 Purpose
- 33.560.020 Where the Regulations Apply
- 33.560.030 Procedures
- 33.560.040 Submittal Requirements
- 33.560.050 Approval Criteria
- 33.560.060 Amendments to an Approved Development Plan

### Map 560-1 North Cully Plan District

#### **33.560.010 Purpose**

The regulations of the North Cully Plan District are intended to ensure compatible redevelopment of certain large parcels as set forth in the Cully Neighborhood Plan. These parcels are developed with gravel pits, a number of smaller, older single family dwellings and trailer parks with redevelopment probable in the next two decades. Properties should be developed in a cohesive pattern in order to encourage compatible development with the neighborhood to the south. North Cully Development review is a master plan review which will ensure compatibility and cohesive design.

#### **33.560.020 Where the Regulations Apply**

The regulations for North Cully Development review apply to development within the North Cully Plan District. The boundaries are shown on Map 560-1 at the end of this chapter and on the official zoning map. New construction, building additions and land divisions within the Plan District are regulated by this chapter. Sites under 5 acres and improvements with a value less than \$210,100 and modifications to existing single family dwellings and trailer park facilities are exempt from review.

#### **33.560.030 Procedures**

Requests for a North Cully Development review are processed through a Type III procedure.

#### **33.560.040 Submittal Requirements**

All North Cully Development review applications must comply with 33.730.060, Application Requirements, and the following:

- A. General statement.** Applications must include a narrative which describes the development plans for the duration of the development plan and an explanation of how the proposed plan meets the Cully Neighborhood Plan.
- B. Boundaries of the use.** All application submittals must show the current boundaries and possible future boundaries of the development for the duration of the development plan. The boundaries must show all the adjacent properties owned or under the control of the applicant.

- C. Uses and functions.** All applications must include a description of present and proposed uses.
- D. Site plan.** All applications must include a site plan, showing the existing and proposed temporary and permanent buildings and other structures, the pedestrian and vehicular circulation system, parking areas, open spaces, and other improvements required by the zoning regulations. All development plans must show the paved areas, landscaping, physical constraints including soil or geologic instability or anomalies. Conceptual plans for possible future uses will be included when possible, but will require an amendment to the approved plan if the location of facilities is changed or not included in the approval decision.
- E. Urban services.** All application submittals must show the location and size of urban services. Urban services include but are not limited to: water, stormwater, sewers, streets, fire hydrants and private utilities. Applicants should work with the affected service agency to resolve service concerns prior to application. Utilities should be underground wherever possible.
- F. Land divisions.** All application submittals must show how land divisions will not fragment the site or cause piecemeal development. A separate land division application will be required. Land divisions will not be approved prior to the North Cully Development review. A concurrent land division application is encouraged.
- G. Other reviews.** If other reviews are required, the North Cully Development review master plan must include information on any other discretionary reviews. If requested as part of the plan approval, all applicable criteria must be met.
- H. Area south of NE Killingsworth.** Excavation or mining and filling of sites located south of NE Killingsworth will terminate by December 2002. If excavation or filling activities are proposed to continue past this date, the site will be subject to North Cully Development review.

### **33.560.050 Approval Criteria**

All North Cully Development review applications must meet the following approval criteria.

- A.** The applicable goals and objectives of the adopted neighborhood plan will be met.
- B.** The boundaries of the North Cully Development review application coincide with one of the subareas as shown in the adopted Cully Neighborhood Plan or adequate rationale is provided for any deviation.
- C.** The uses proposed are allowed in the base zone and overlay zones.
- D.** Public services for water supply, streets, police and fire protection are capable of serving the proposed development and sanitary waste disposal, stormwater disposal systems, streets and traffic circulation meet the requirements of Title 17.
- E.** The development plan shows a completely developed site which is compatible with the surrounding area. In a phased development, the code requirements will be met at each phase in development.

- F. Any land division proposed as part of the application must facilitate the goals and objectives of the adopted Cully Neighborhood Plan and must not cause piecemeal or fragmented development.
- G. The proposal must not adversely impact the livability of nearby residential zoned land due to noise, glare from lights, late-night operations, odors and litter.
- H. In addition to the approval criteria listed above, development south of NE Killingsworth will meet the following approval criteria:
  - 1. Vehicular access will be prohibited from NE Alberta through the area. A buffer will be established along the southern portion of the area if commercial or industrial uses are proposed along the southern edge. Pedestrian access from NE Alberta will be provided.
  - 2. Development of the eastern portion of the area will support park acquisition and expansion of Sacajawea Park with service and recreational facilities.
  - 3. Development will include a mixture of uses such as housing and commercial or light industrial.

**33.560.060 Amendments to an Approved Development Plan**

Amendments to an approved North Cully Development plan are processed as a Type II procedure superseding section 33.730.140, Requests for Change to Conditions of Approval.

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*(Added by Ord. No. 165190, effective 4/10/92. Amended by: Ord. No. 167650, effective 6/10/94; Ord. No. 181357, effective 11/9/07.)*







## 33.565 Portland International Airport Plan District

# 565

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### Sections:

#### General

- 33.565.010 Purpose
- 33.565.020 Where These Regulations Apply
- 33.565.030 Relationship to Other Regulations and Agencies

#### Use Regulations

- 33.565.100 Additional Allowed Uses in the Airport Subdistrict

#### Development Regulations

- 33.565.110 Archaeological Resource Protection

#### Regulations in the Airport Subdistrict

- 33.565.200 Supplemental Application Requirement
- 33.565.210 New Airport Capacity
- 33.565.220 Landscaping
- 33.565.230 Pedestrian Standards for Specified Uses
- 33.565.240 Transportation Impact Analysis Review
- 33.565.250 Development and Availability of Public Services in the SW Quadrant

#### Special Notification Requirements in the Airport Subdistrict

- 33.565.310 Mailed Public Notice for Proposed Development
- 33.565.320 Posted Public Notice Requirements for Land Use Reviews

#### Environmental Overlay Zones

- 33.565.500 Purpose
- 33.565.510 Relationship to Other Environmental Regulations
- 33.565.520 Where and When These Regulations Apply
- 33.565.530 Measuring Setbacks
- 33.565.540 Exemptions
- 33.565.550 Development Standards
- 33.565.560 Special Procedures for Wildlife Hazard Management

#### Notice and Review Procedure for Permits Within Environmental Overlay Zones

- 33.565.600 Purpose
- 33.565.610 When These Regulations Apply
- 33.565.620 Procedure

Map 565-1 Portland International Airport Plan District

Map 565-2 Portland International Airport Plan District Areas of Archaeological Interest

### General

#### 33.565.010 Purpose

The regulations of this chapter implement elements of the Airport Futures Land Use Plan by addressing the social, economic, and environmental aspects of growth and development at Portland International Airport (PDX). PDX is a unique land use within the City and requires tailored regulations to address wildlife hazards and impacts to transportation and natural resources. The

plan district provides flexibility to the Port of Portland—owner of PDX—to address a constantly changing aviation industry, while addressing the broader community impacts of operating an airport in an urban context.

The regulations of this plan district protect significant identified environmental resources consistent with the requirements of airport operations, while maintaining or enhancing the capacity of public and private infrastructure within and serving the district. Additionally, the regulations protect significant archaeological features of the area.

The plan district has two subdistricts: the Airport Subdistrict and the Middle Columbia Slough Subdistrict.

The Airport Subdistrict includes the airport passenger terminal, terminal roadway area, airfield, and other support facilities most of which are owned and operated by the Port of Portland. Also included are other airport-related uses which are generally tenants of the Port. Within the Airport Subdistrict are two unmapped areas known as airside and landside (See Chapter 33.910, Definitions). Airside includes an area defined by a perimeter security fence and the airside uses associated with the airfield which includes runways, taxiways, lighting, etc. The perimeter security fence is not mapped since the fence may move over time due to federal and operational requirements. An area outside the fence—the runway protection zone—is also part of Airside. The airfield and airside uses are also treated differently due to federal regulations. Landside includes the passenger terminal, airport access roadways, parking lots, aircraft maintenance facilities, cargo hangars, maintenance buildings, fire and rescue facilities, and other similar types of development. Also within the Airport Subdistrict is the SW Quadrant Subarea, shown on Map 565-1.

The remainder of the plan district is the Middle Columbia Slough Subdistrict. The primary purpose of the regulations for this subdistrict is to address the unique circumstances related to mitigation and enhancement for development within the Environmental Overlay Zones.

### **33.565.020 Where These Regulations Apply**

The regulations of this chapter apply to the Portland International Airport plan district. The boundaries of the plan district and subdistricts are shown on Map 565-1 at the end of this chapter and on the Official Zoning Map.

The regulations of Sections 33.565.010 through .030 and .110 apply to the entire plan district. The regulations of Sections 33.565.100 and 200 through .240 and 33.565.310 through .320 apply only in the Airport Subdistrict. Section 33.565.250 applies only to the SW Quadrant subarea of the Airport Subdistrict. Sections 33.565.500 through .560 apply in the Environmental Overlay Zones.

Because Federal regulation preempts local rules, development in the Airside portion of the plan district — other than new runways — is not subject to the regulations of this chapter.

### **33.565.030 Relationship to Other Regulations and Agencies**

This chapter contains only some of the City's regulations for the plan district. Other chapters of the Zoning Code may apply in the plan district, including the Noise Impact Overlay Zone, the Aircraft Landing Overlay Zone, and the Environmental Overlay Zones. Activities the City regulates through the Zoning Code may also be regulated by other agencies. In particular, because a large area of the plan district is owned by the Port of Portland and was originally purchased for aviation use, the Federal Aviation Administration (FAA) reviews development proposals and amendments to this chapter to ensure that there are no adverse impacts on airport operations. While the regulations of

this plan district have been designed to minimize any potential conflicts, City approval does not imply approval by the FAA or other agencies.

### **Use Regulations**

#### **33.565.100 Additional Allowed Uses in the Airport Subdistrict**

The following additional uses are allowed in the IG2 zone in the Airport Subdistrict:

- A.** Aviation and Surface Passenger Terminals; and
- B.** Hotels and motels.

### **Development Regulations**

#### **33.565.110 Archaeological Resource Protection**

Archaeological evidence has confirmed that American Indians used the plan district area prior to entry of EuroAmericans to the Portland area. The Port of Portland continuously updates an inventory of cultural resource sites on Port-owned property and is required by Federal regulations to address cultural resources in any development project.

Although the zoning code does not address new discoveries of archaeological resources found during project construction, applicants should be aware of state and federal regulations that apply to such discoveries.

Areas shown on Map 565-2 must meet the requirements of Section 33.515.262 Archeological Resources Protection.

### **Regulations in the Airport Subdistrict**

#### **33.565.200 Supplemental Application Requirement**

Applications for building permits, zoning permits, or land use reviews in the IG2 zone must include documentation of current activity levels in terms of Million Annual Passengers. This demonstrates whether a Transportation Impact Analysis Review is required. See Section 33.565.240, Transportation Impact Analysis Review.

#### **33.565.210 New Airport Capacity**

- A. Purpose.** Because the potential impacts of a third parallel runway at the airport are so significant, this section prohibits additional runways. The effect of the prohibition is that a legislative project to amend this plan district would be necessary to add a third runway. The legislative project would require the City and Port of Portland to engage the regional community in a cooperative effort to create a development plan for the airport that addresses transportation and infrastructure needs, as well as community impacts, by exploring alternatives to a potential third runway.
- B. Regulations:**
  - 1. New runways are prohibited; however, extending, widening, or reconfiguring existing runways, taxiways, or airfield roadways is allowed; and

2. New passenger terminals.
  - a. New passenger terminals for General Aviation are allowed.
  - b. New commercial passenger terminals with passenger processing facilities are allowed only if they have access directly from Airport Way; if they do not have access directly from Airport Way, they are prohibited.

### 33.565.220 Landscaping

- A. Purpose.** Plant selection is an especially important component of the plan district. Collisions between birds and aircraft ("bird strikes") are a significant hazard to aircraft, birds, and public safety in and around Portland International Airport due to existing natural features and ecosystems. In an effort to reduce this hazard, the Airport Plant List provides a selection of appropriate plant materials and spacing standards that increase the distance between plants that may be used in the plan district. The Airport Plant List is part of the *Portland Plant List*. These plants were selected because they are generally non-seeding or non-fruiting and therefore do not attract wildlife. In addition, they do not provide attractive roosting habitat for species posing a threat to aviation safety. The airport landscaping standards:
- Preserve and enhance Portland's urban forest;
  - Promote the reestablishment of vegetation in urban areas for aesthetic reasons;
  - Establish and enhance a pleasant visual character which recognizes aesthetics, wildlife hazard, and aviation safety issues;
  - Unify development, and enhance and define public and private spaces; and
  - Define the parking and circulation areas
- B. Airport subdistrict.** No landscaping is required inside the perimeter fence or within 300 feet of the perimeter fence. All landscaping, screening, and development outside the perimeter fence in the Airport Subdistrict must meet the following requirements:
1. Only trees and shrubs listed in the Airport Plant List section of the *Portland Plant List* may be planted. An applicant may request to use a tree or shrub not listed in the Airport Plant List by using the process outlined in the Airport Plant List.
  2. All trees and shrubs must meet the spacing and diversity requirements of this section.
  3. Where meeting the spacing standards results in fewer plants or less plant diversity than required by other provisions of this Title, the number of plants required is reduced to meet the spacing standard of this section.
  4. Spacing standards:
    - a. Non-columnar trees must be planted at a distance of at least 40 feet on center.
    - b. Columnar trees must be planted at a distance of at least 25 feet on center.
    - c. Evergreen shrubs may be planted adjacent to each other in groups of up to five. If there is more than one group of evergreen shrubs, there must be at least 10

feet between each group of shrubs. If shrubs are not planted in groups, there must be at least 10 feet between each shrub.

- d. There must be at least 10 feet between trees and shrubs.
5. Plant diversity standards
  - a. Tree diversity
    - (1) If there are more than 8 required trees, no more than 40 percent of them can be of one species. If there are more than 24 required trees, no more than 24 percent of them can be of one species. This standard applies only to trees being planted to meet the regulations of this Title, not to existing trees.
    - (2) No more than 20 percent of trees may be evergreen trees.
  - b. Shrub diversity
    - (1) No more than 50 percent of shrubs may be evergreen.
    - (2) If more than 25 shrubs are required, no more than 75 percent of them can be of one species.
6. Ground cover. The remainder of the required landscaped area must be planted in ground cover plants.

### **33.565.230 Pedestrian Standards for Specified Uses**

- A. Purpose.** The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system for Retail Sales And Service and Office uses. They ensure direct pedestrian connections among sidewalks, paths used by both bicycles and pedestrians, buildings, and other activities.
- B. The standards.** The pedestrian standards of the EG and EX zones apply to all sites in the Airport subdistrict with Retail Sales And Service or Office uses, except:
  1. The standards apply to the area of each ground lease, rather than to each site; and
  2. Paths used by both bicycles and pedestrians may substitute for required sidewalks or pedestrian-only connections.

### **33.565.240 Transportation Impact Analysis Review**

- A. Purpose.** The regulations of this section ensure that the impacts of airport growth on the surface transportation system will be identified and mitigated.
- B. When a Transportation Impact Analysis (TIA) Review is Required.** An Airport Transportation Impact Analysis Review is required for any proposed development in the IG2 zone once the airport begins serving more than 21 Million Annual Passengers (MAP). As part of the review, the Port of Portland may request approval of development for an additional increment up to 6 MAP. Each time the airport begins serving the additional increment of 6 MAP, another TIA Review is required. The Port of Portland may not request approval of an increment larger than 6 MAP.

The Port may also request a TIA Review at any time.

- C. Supplemental application requirements.** In addition to the application requirements of Section 33.730.060, the applicant must submit the following:
1. A description of proposed development, or growth scenarios;
  2. A Transportation Impact Analysis (TIA) that includes the following:
    - a. Delineation of the study area, and rationale for the delineation;
    - b. Traffic forecasts and distribution;
    - c. Where development is proposed, primary traffic access routes to and from the study area;
    - d. Evaluation of:
      - (1) Access requirements;
      - (2) Impacts on street function, capacity and level of service;
      - (3) Impacts on transit operations and movements;
      - (4) Impacts on pedestrian and bicycle routes and safety; and
      - (5) Impacts on the immediate airport area and adjacent neighborhoods.
    - e. Recommended mitigation measures, including transportation system management, transportation demand management, and transportation improvements.

### **33.565.250 Development and Availability of Public Services in the Southwest Quadrant**

- A. Purpose.** The regulations of this section ensure that adequate public services are available prior to development in the Southwest Quadrant.
- B. When a Southwest Quadrant Public Services Review is required.** A Southwest Quadrant Public Services Review is required when a proposal will increase development in the land side of the Southwest Quadrant by more than 40,000 square feet. The area of development includes the square footage of any floor area plus the square footage of any exterior development. See Chapter 33.806, Airport Reviews.

### **Special Notification Requirements in the Airport Subdistrict**

#### **33.565.310 Mailed Public Notice for Proposed Development**

When development is proposed within the Airport Subdistrict, all of the steps in this section must be completed before an application for a building or zoning permit is submitted.

- A. Purpose.** Mailed public notice informs interested neighborhood associations and district neighborhood coalitions of proposed airport development that is not subject to a land use review and provides them with an opportunity to attend a public meeting to get more information and discuss the proposed development.

**B. Where and when mailed public notice is required.** Proposals that were part of a land use review are exempt from the requirement of this subsection. Mailed public notice is required in the IG2 zone:

1. When the proposed development will add more than 10,000 square feet of gross building area to the site; or
2. When the value of the proposed development will exceed \$557,300.

**C. Requirements.** The requirements for mailed public notice are:

1. The applicant must send a letter to the neighborhood associations and district neighborhood coalitions of the site or adjacent to the site, by registered or certified mail. The letter must contain, at a minimum, contact information for the applicant, the date, time and location that the project will be presented at a public meeting and a description of the proposed development, including the purpose of the project, total project square footage and project valuation. The letter must be sent at least 14 days before the public meeting where the project will be presented.
2. Copies of letters required by this section, and registered or certified mail receipts, must be submitted with the application for building or zoning permit.

### **33.565.320 Posted Public Notice Requirements for Land Use Reviews**

Posting of notice on the site is required for Type III land use reviews. The requirements for posting notices in Section 33.730.080 apply to sites in the plan district zoned IG2; however, the number and location on the site, specified in Subsection 33.730.080.A, are superseded by the requirements of this section.

**A. Outdoor notices.** Posted notices must be placed at the following outdoor locations:

1. At each of the two main crosswalks in the arrivals roadway area; and
2. At each of the two pedestrian bridges to the P1 parking garage.

**B. Indoor notices.** Posted notices must be placed at the following locations inside the terminal building and must be visible to passengers and others in the building:

1. On the second floor of the terminal at each of the two main escalators;
2. On the second floor at each of the two circulation throats; and
3. On the first floor of the terminal at each of the two main escalators.

**C. Roadway notice.** One posted notice must be placed along a roadway within 800 feet of the proposed structure or development activity. If the nearest roadway is more than 800 feet from the proposed structure or development activity, the notice must be placed at the intersection closest to the proposed structure or development activity.

## Environmental Overlay Zones

### 33.565.500 Purpose

The environmental regulations in the Portland International Airport plan district work in conjunction with the standards of Chapter 33.430 to:

- Protect inventoried significant natural resources and their functional values specific to the plan district, as identified in the Comprehensive Plan;
- Address activities required to manage Port facilities, drainageways and wildlife on and around the airfield for public and avian safety;
- Address resource mitigation and enhancement opportunities consistent with managing wildlife and vegetation on and around the airfield for public safety; and
- Encourage coordination between City, county, regional, state, and federal agencies concerned with airport safety and natural resources.
- Protect inventoried significant archaeological resources where those resources overlap with an environmental protection zone or environmental conservation zone.

### 33.565.510 Relationship to Other Environmental Regulations

The regulations of Sections 33.565.510 through 33.565.620 either supplement or supersede the regulations of Chapter 33.430. Whenever a provision of this plan district conflicts with Chapter 33.430, the plan district provision supersedes.

The following sections supersede or supplement the regulations of Chapter 33.430:

- Exemptions in Section 33.565.540 supplement exemptions in section 33.430.080;
- Standards in Section 33.565.550 supplement or supersede standards in Sections 33.430.140 through .190;
- When wildlife hazard management is proposed and an environmental review is required the procedure type specified in Subsection 33.565.560.A supersedes the procedure type specified in Section 33.430.230;
- When wildlife hazard management is proposed and an environmental review is required the requirements of Subsection 33.565.560.B supersede the requirements of Subsection 33.430.240.B;
- When wildlife hazard management is proposed and an environmental review is required the approval criteria of Subsection 33.565.560.C supersede the approval criteria of Subsections 33.430.250.E through .F;
- The environmental Plan Check notice and review procedures of Sections 33.565.600 through .620 supersede the notice and review procedures of Sections 33.430.410 through .430.

This chapter contains only the City's environmental regulations. Activities that the City regulates through this chapter may also be regulated by other agencies. City approval does not imply approval by other agencies.

### 33.565.520 Where and When These Regulations Apply

The regulations of Sections 33.565.510 through 33.565.620 apply to all environmental zones in the Portland International Airport plan district. The boundaries of this plan district and the subdistricts are shown on Map 565-1. Unless exempted by section 33.565.540, the regulations of Sections 33.565.500 through 33.565.620 apply to the activities listed below. Items not specifically addressed in these sections must comply with the regulations of Chapter 33.430.

- A. Development;
- B. Removing, cutting, mowing, clearing, burning or poisoning native vegetation listed in the *Portland Plant List*;
- C. Planting or removing nuisance plants listed in the *Portland Plant List*;
- D. Changing topography, grading, excavating, and filling;
- E. Dedications, expansions, and improvements within rights-of-way;
- F. Road improvements; and
- G. Resource enhancement.

### **33.565.540 Exemptions**

In addition to the exemptions listed in 33.430.080, the following items are exempt from both the environmental regulations of the Airport Plan District and Chapter 33.430, Environmental Zones. Other City regulations, including Title 10, Erosion Control, and Title 11, Trees, still apply:

- A. When performed to comply with the FAA Part 77 Regulated Surface requirements or a FAA authorized Wildlife Hazard Management Plan:
  - 1. Crown maintenance of trees that project above, or will upon maturity project above, the height limit delineated by the h overlay zone;
  - 2. Crown maintenance of trees that are identified in the FAA authorized Wildlife Hazard Management Plan as attracting wildlife species of concern;
  - 3. Mechanical removal of grasses and shrubs less than 3 feet in height;
  - 4. Discing to reduce habitat that attracts wildlife species of concern as identified in the FAA authorized Wildlife Hazard Management Plan; and
  - 5. Grading or filling of ponding water; ponding water does not include water bodies identified as a slough, stream, drainageway or wetland in the natural resources inventory.
- B. When performed within the existing landscaped area of a golf course in a transition or resource area of an environmental zone:
  - 1. Existing development, operations, and improvements, including the following activities:
    - a. Maintenance, repair, and replacement of structures and exterior improvements. Replacement is not exempt whenever coverage is increased;
    - b. Continued maintenance of existing planted areas, including but not limited to topdressing, leveling tees, and rebuilding greens, and pruning trees and shrubs within proper arboricultural practices. Such pruning is exempt from Title 11 permits. Topping trees is prohibited.
    - c. Installation and removal of irrigation and drainage facilities, erosion control features, signage, and fencing; and

- d. Changing topography, grading, excavating, and filling in areas that are within an environmental conservation zone. Removal of trees or snags is not included in this exemption.
  - e. When removing dead, dying, or dangerous trees from existing planted areas, the requirement that sections of wood greater than 12 inches in diameter remain, or be placed, within the resource area as required by Section 33.430.080 does not apply.
- C. Existing exterior work activities associated with existing development. Expansion of these areas is not included in this exemption.

**33.565.550 Development Standards**

Unless exempted by section 33.565.540 or by 33.430.080, the standards of this section and the standards of 33.430 must be met. Compliance with the standards is determined as part of a development or zoning permit application process and processed according to the procedure described in 33.565.600 through .620. For proposals that cannot meet the standards, environmental review is required as described in Sections 33.430.210 through .280 and, where applicable, 33.565.560. Adjustments to the standards are prohibited. Other City regulations, including Title 10, Erosion Control, and Title 11, Trees, still apply.

**A. General development standards**

- 1. Tree and snag removal.
  - a. If the tree or snag, 6 inches or greater in diameter, is removed as part of a resource enhancement project, the requirements of 33.565.550.B apply;
  - b. If the tree or snag, 6 inches or greater in diameter, is removed for either of the following reasons, then the standards in Subparagraphs 1.c through 1.g, below must be met instead of 33.430.140.K:
    - (1) the tree or snag currently projects, or the tree will upon maturity project, above the height limit of the h overlay zone; or
    - (2) the tree or snag is identified in the FAA authorized Wildlife Hazard Management Plan as attracting wildlife species of concern.
  - c. Each tree or snag, 6 inches or greater in diameter, removed must be replaced as specified in Table 565-1, Tree and Snag Replacement;

<b>Table 565-1 Tree and Snag Replacement</b>		
<b>Size of tree or snag to be removed (inches in diameter)</b>	<b>Option A (no. of trees to be planted)</b>	<b>Option B (combination of trees and shrubs)</b>
6 to 12	2	not applicable
13 to 18	3	1 tree and 3 shrubs
19 to 24	5	3 trees and 6 shrubs
25 to 30	7	5 trees and 9 shrubs
over 30	10	7 trees and 12 shrubs

- d. Replacement trees and shrubs must be native and selected from the *Portland Plant List*;
  - e. Replacement shrubs must be in at least a 2-gallon container or the equivalent in ball or burlap;
  - f. Replacement trees must:
    - (1) Be at least one-half inch in diameter and have a maximum height-at-maturity that will not project above the height limit of the h overlay zone; and
    - (2) Be planted within a transition area or resource area on a property owned by the applicant; or for which the applicant possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure success of the mitigation; or can demonstrate legal authority to acquire the site through eminent domain.
  - g. If the replacement trees are planted within 100 feet of the Columbia Slough main channels or secondary drainageways, the trees must be planted above the Base Floodplain Elevation (BFE), as defined on the Federal Emergency Management Agency Flood Insurance Rate Maps.
2. Wildlife exclusions. Instead of standards listed in 33.430.140, all of the following standards must be met when installing wildlife exclusionary structures or fencing to comply with the FAA authorized Wildlife Hazard Management Plan within the resources area or transition area of the conservation or protection overlay zone:
    - a. Trees or snags, 6 inches or greater in diameter, that are removed must be replaced to meet the standards in Subparagraphs 1.c through 1.g, above; and
    - b. Temporary disturbance areas must be replanted so that the area achieves a 90 percent vegetation cover within one year. Vegetation must be native and selected from the *Portland Plant List*.
  3. Golf cart paths. Instead of the standards listed in 33.430.140, all of the following standards must be met for new or relocated golf cart paths:
    - a. The disturbance area must be set back at least 5 feet from the resource area of any environmental protection zone;
    - b. The golf cart path is no more than eight feet wide;
    - c. The disturbance area is no more than 18 feet wide;
    - d. Trees or snags, 6 inches or greater in diameter, removed must be replaced and meet the standards in Subparagraphs 1.c through 1.g above;
    - e. Temporary disturbance areas must be replanted so that the area achieves a 90 percent vegetation cover within one year; and
    - f. Exterior lights must be spaced at least 25 feet apart. Incandescent lights exceeding 200 watts, or other light types exceeding the brightness of a 200-watt

incandescent light, must be placed so they do not shine directly into the resource area of the protection overlay zone.

4. Golf course vegetation. References to the *Portland Plant List* in Chapter 33.430 are superseded by the following:
    - a. Grasses and forbs planted in the existing landscaped portions of the resource or transition area on a golf course may be non-native; and
    - b. *Poa annua* may be planted to maintain existing landscaped portions of the resource or transition area on a golf course.
  5. Golf course disturbance. Instead of standards listed in 33.430.140, any activity that changes topography or results in grading, excavating, or filling of areas in an environmental protection zone must meet the following standards:
    - a. The activity is in an existing landscaped area of the golf course; and
    - b. The activity results in disturbance of less than 10,000 square feet;
  6. Vehicle or pedestrian crossings. New or altered vehicle or pedestrian crossings of the Middle Columbia Slough, Whitaker Slough, Buffalo Slough, or Elrod Slough must be by bridge except as follows:
    - a. At locations where BES determines that a water control structure is necessary;
    - b. The addition of guard rails to an existing crossing.
- B. Standards for resource enhancement.** An applicant may choose to meet all of the standards of 33.430.170 or all of the standards of this section. In either case, the applicant must meet the standards of 33.430.170.D through F.
1. Wetland habitat conversion. Within the Airport Subdistrict, conversion from an emergent or herbaceous wetland to a scrub-shrub or forested wetland is allowed if all of the following are met:
    - a. There may be no excavation, fill, grading or construction activity;
    - b. The habitat conversion area must be replanted, at a minimum, in accordance with one of the following options:
      - (1) Ten native shrubs for every 100 square feet of area and a native grass and forb seed mix at a ratio of 20 pounds per acre; or
      - (2) One native tree, three native shrubs and four other native plants for every 100 square feet. Trees may be clustered;
    - c. Trees must have a maximum height at maturity that will not project above the height limit delineated by the h overlay zone; and
    - d. Permanent irrigation is not allowed.

2. Forest or woodland habitat conversion. Within the Airport Subdistrict, forest or woodland conversion to a different native tree association is allowed if all of the following are met:
  - a. There may be no excavation, fill, grading or construction activity;
  - b. The habitat conversion area must be replanted, at a minimum, with one native tree, three native shrubs and four other native plants for every 100 square feet of area. Trees may be clustered;
  - c. The habitat conversion area must be replanted, at a minimum, to meet one of the following:
    - (1) Generally. One native tree, three native shrubs and four other native plants for every 100 square feet of area. Trees may be clustered. Trees must have a maximum height at maturity that will not project above the height limit delineated by the h overlay zone;
    - (2) Exception. If the maximum height of all appropriate tree species would project above the height limited delineated by the h overlay zone, the habitat conversion area must be replanted with at least 10 native shrubs for every 100 square feet of area and a native grass and forb seed mix at a ratio of 20 pounds per acre;
  - d. Permanent irrigation is not allowed.

### **33.565.560 Special Provisions for Wildlife Hazard Management**

These provisions apply to wildlife hazard management activities that are required in order to implement a Federal Aviation Administration (FAA) authorized Wildlife Hazard Management Plan within environmental overlay zones in the Airport Subdistrict.

- A. Procedure type.** Within the Airport Subdistrict, all activities required in order to implement an FAA authorized Wildlife Hazard Management Plan within the resource area or transition area of the conservation or protection overlay zones that require environmental review are processed through the Type II procedure.
- B. Application requirements.** Within the Airport Subdistrict and for activities required to implement an FAA authorized Wildlife Hazard Management Plan, an alternatives analysis is not required. Specifically, instead of the supplemental narrative requirements of 33.430.230.B, the following is required:
  1. Activity description. Describe the activity and why it is necessary to implement an FAA authorized Wildlife Hazard Management Plan;
  2. Documentation of resources and functional values. Documentation of resources and functional values is required to determine compliance with the approval criteria. In the case of a violation, documentation of resources and functional values is used to determine the nature and scope of significant detrimental impacts.
    - a. Identification, by characteristics and quantity, of the resources and their functional values found on the site;

- b. In the case of a violation, determination of the impact of the violation on the resources and functional values.
  3. Construction management plan. Identify measures that will be taken during the activity or remediation to protect the remaining resources and functional values at and near the site and a description of how undisturbed areas will be protected. For example, describe how trees will be protected, erosion controlled, equipment controlled, and the timing of activity; and
  4. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to compensate for unavoidable significant detrimental impacts that result from the chosen activity or violation as identified in the impact evaluation. A mitigation or remediation plan includes:
    - a. Resources and functional values to be restored, created, or enhanced on the mitigation or remediation site;
    - b. Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;
    - c. Activity timetables;
    - d. Operations and maintenance practices;
    - e. Monitoring and evaluation procedures;
    - f. Remedial actions for unsuccessful mitigation; and
    - g. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.
- C. Approval criteria.** The following approval criteria apply to activities required in order to implement an FAA authorized Wildlife Hazard Management Plan within the resource area or transition area of the conservation or protection overlay zones that require environmental review. These criteria supersede the criteria in 33.430.250.E and F:
  1. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;
  2. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;
  3. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and
  4. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

## **Notice and Review Procedure for Permits Within Environmental Overlay Zones**

### **33.565.600 Purpose**

The purpose of this notice and review procedure is to notify the public of the permit review process for development proposed in areas having identified significant resources and functional values.

### **33.565.610 When These Regulations Apply**

These regulations apply when a building permit or development permit application is requested within an environmental overlay zone and is subject to the Development Standards of Section 33.430.110 through .190, 33.430.405.B, or 33.430.405.C, or 33.565.510 through .580. These regulations apply instead of the regulations of 33.430.410 through .430. These regulations do not apply to building permit or development permit applications for development that has been approved through environmental review.

### **33.565.620 Procedure**

Applications for building permits or development permits as specified in Section 33.430.420 or 33.565.610 will be processed according to the following procedures:

- A. Application.** The applicant must submit a site plan with an application for a permit. The site plan must contain all information required by 33.430.130, Permit Application Requirements, and any additional information required for a building permit or development permit review.
- B. Notice of an application.**
  1. Notice on website. Upon receipt of a complete application for a building or development permit, the Director of BDS will post a notice of the application on the BDS website and mail a notice of the request to all recognized organizations within 400 feet of the site. The posted notice of the application will contain at least the following information:
    - A statement that a building or development permit has been applied for that is subject to the Development Standards of Section 33.430.110 through .190, 33.430.405.B, 33.430.405.C, or 33.565.510 through .580.
    - The legal description and address of the site;
    - A copy of the site plan;
    - The place where information on the matter may be examined and a telephone number to call; and
    - A statement that copies of information on the matter may be obtained for a fee equal to the City's cost for providing the copies.

The notice will remain on the website until the permit is issued and administrative decision is made, or until the application is withdrawn.

2. E-mailed notice to recognized neighborhood associations. At the time a notice is posted on the BDS website, the Director of BDS will e-mail information about the internet posting to all recognized neighborhood associations and neighborhood

coalition offices within 400 feet of the site. When an e-mail address is not available, the notice will be mailed to the neighborhood association and coalition office.

- C. Posting the site and marking development.** The applicant must post notice information on the site and identify disturbance areas as specified below.
1. Posting notice on the site. The applicant must post public notice of the proposed activity or development following the procedure listed in 33.565.320.C. The posted notice will contain the same information as the notice posted on the internet.
  2. Marking proposed development on site. Prior to inspection of the site, the applicant will mark all trees over six inches diameter to be removed on the site and the building and pavement outlines with high visibility tape. The extent of the disturbance area must be marked with orange construction fencing or similar highly visible material. For corrections to violations, the disturbance area and remediation area to be planted must be identified with high visibility tape or similar high visibility material.
- D. Site inspection.** A BDS inspector will inspect the site prior to issuance of the permit and will provide the Director of BDS with one of the following:
1. An inspection report that confirms the accuracy of the site plan and conformance with the applicable development standards; or
  2. A check sheet identifying the deficiencies in the plan. Deficiencies must be corrected before a building permit is approved, or they may be addressed through environmental review as described in Sections 33.430.210 through 33.430.280.
- E. Comments.** Any interested person may comment on the permit application by writing and specifically identifying errors or non-compliance with development standards.
- F. Response to comments.** If a comment is received, the Director of BDS will respond in writing or in a manner suitable to the comment. The response will specifically address each comment that concerns compliance with the development standards of Section 33.430.140 through .190 and 33.565.560 through .580. The Director of BDS will recheck permits for compliance with development standards and approve the permit if compliance is reaffirmed or when identified deficiencies are corrected, and when all applicable standards and regulations of the Zoning Code are met.

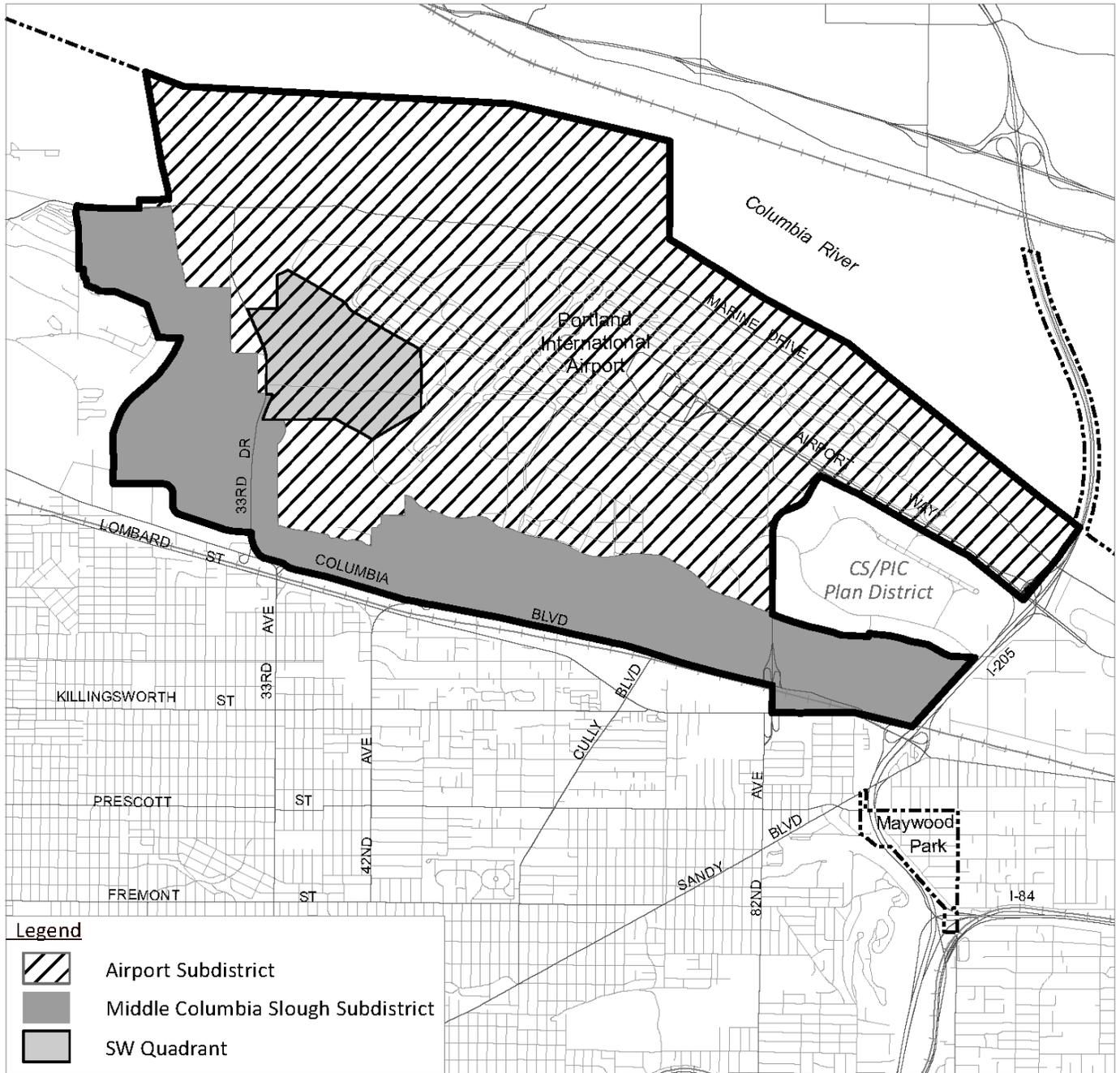
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*(Added by Ord. No. 184521, effective 5/13/11. Amended by: Ord. No. 186639, effective 7/11/14.)*

# Portland International Airport Plan District and Subdistricts

# Map 565-1

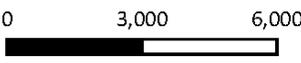
Map Revised March 1, 2015



**Legend**

-  Airport Subdistrict
-  Middle Columbia Slough Subdistrict
-  SW Quadrant

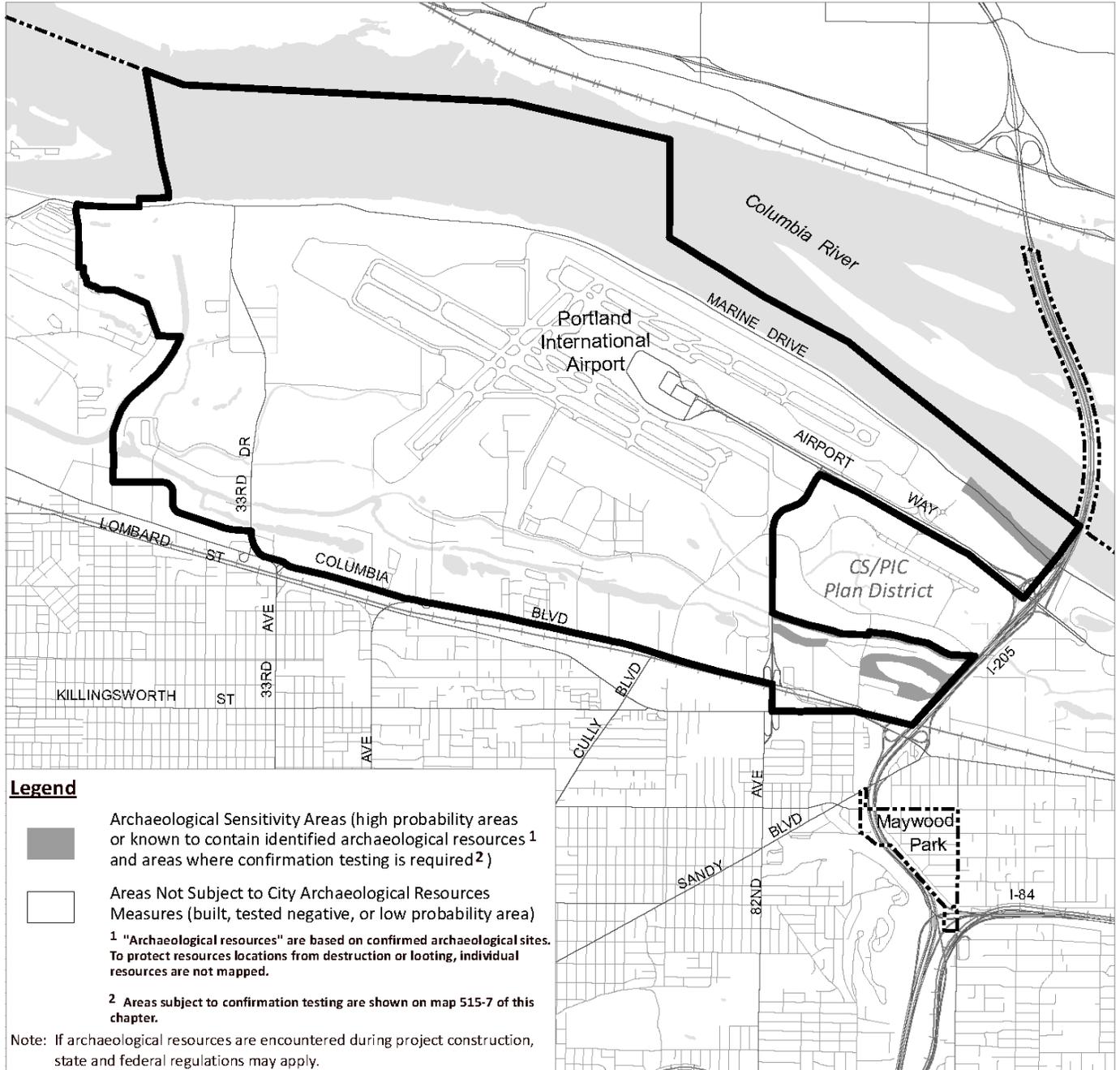
-  City Boundary
-  Plan District Boundary

  
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 Bureau of Planning and Sustainability  
 Portland, Oregon

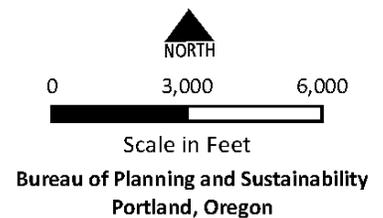
# Portland International Airport Plan District Areas of Archaeological Interest

# Map 565-2

Map Revised March 1, 2015



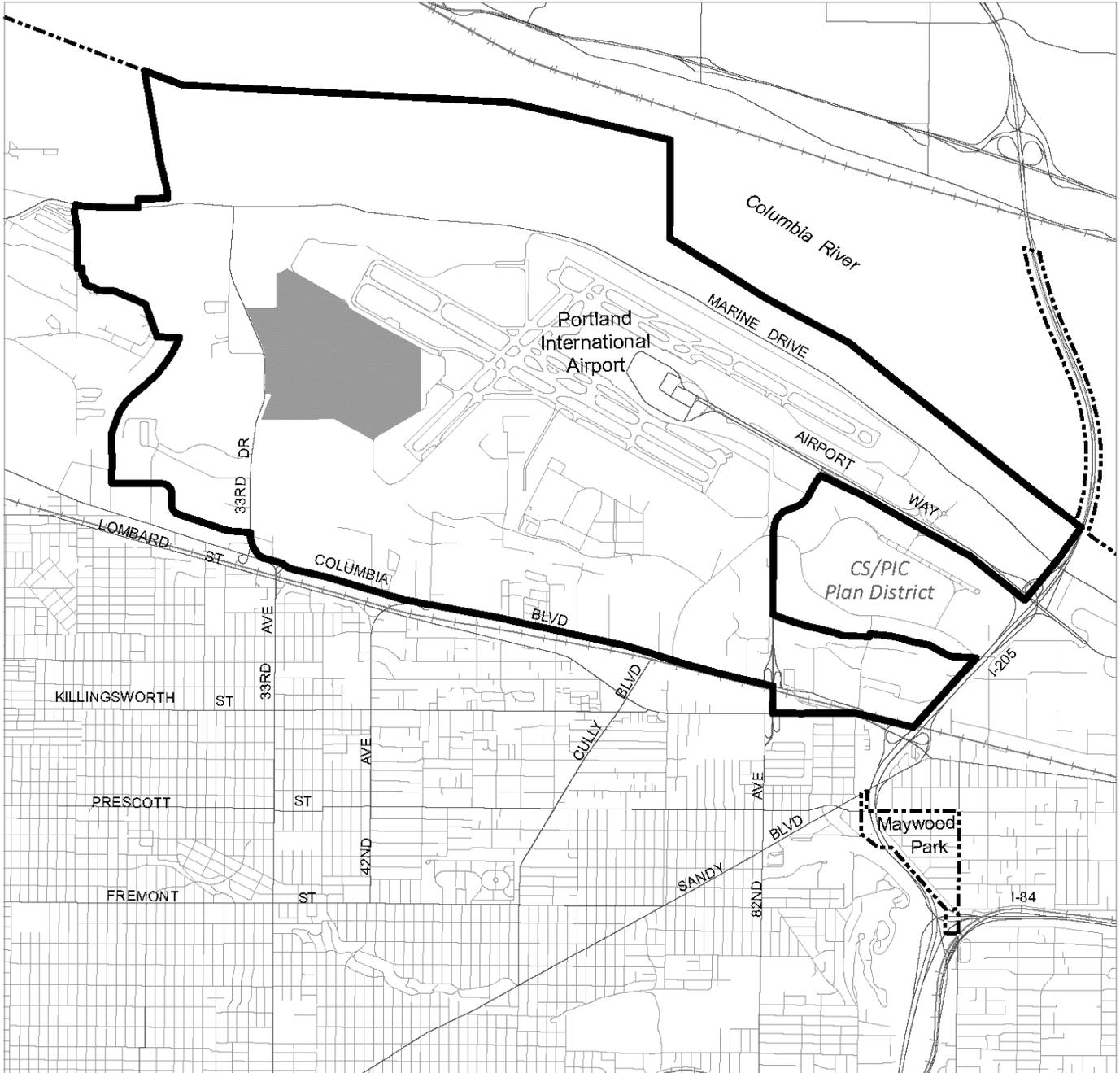
- City Boundary
- Plan District Boundary



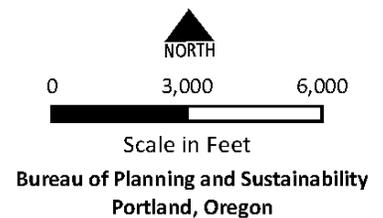
# Portland International Airport Plan District SW Quadrant

# Map 565-3

Map Revised March 1, 2015



-  City Boundary
-  Plan District Boundary
-  SW Quadrant





## Land Use Reviews

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33.800 General Information on Land Use Reviews

33.805 Adjustments

33.806 Airport Reviews

33.807 Cascade Station/Portland International Center Transportation Impact Analysis Review

33.808 Central City Parking Review

33.809 Comprehensive Natural Resource Plans

33.810 Comprehensive Plan Map Amendments

33.815 Conditional Uses

33.820 Conditional Use Master Plans

33.825 Design Review

33.833 Gateway Master Plan Review

33.835 Goal, Policy, and Regulation Amendments

33.846 Historic Resource Reviews

33.848 Impact Mitigation Plans

33.849 Marquam Hill Parking Review

33.850 Statewide Planning Goal Exceptions

33.851 South Waterfront Greenway Review

33.853 Tree Review

33.855 Zoning Map Amendments



## 33.825 Design Review

# 825

### Sections:

- 33.825.010 Purpose
- 33.825.025 Review Procedures
- 33.825.035 Factors Reviewed During Design Review
- 33.825.040 Modifications That Will Better Meet Design Review Requirements
- 33.825.055 Approval Criteria
- 33.825.065 Design Guidelines
- 33.825.075 Relationship to Other Regulations

Map 825-1 Area Where Models of Proposals Are Required

Map 825-2 Albina Community Plan Area

Map 825-3 Outer Southeast Community Plan Area

Map 825-4 Southwest Community Plan Area

### 33.825.010 Purpose

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area and to promote quality development near transit facilities. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

### 33.825.025 Review Procedures

This section lists procedures for design review for proposals in design overlay zones. These procedures also apply where design review is required by the regulations of a plan district or overlay zone, or as a condition of approval of a quasi-judicial decision. Procedures for design review vary with the type of proposal being reviewed and the design district in which the proposal's site is located.

The procedures stated in this section supersede procedural and threshold statements in the City's adopted design guidelines documents.

- A. Procedures for design review.** Procedures for design review vary with the type of proposal being reviewed and the design district in which the site is located. Design review in some design districts requires an additional procedural step, the Neighborhood Contact requirement, as set out in Section 33.700.025, Neighborhood Contact. Some proposals in the Central City plan district must provide a model of the approved proposal, as set out in Paragraph A.5, below.

1. Type III. The following proposals are processed through a Type III procedure:
  - a. Proposals in the Downtown Design District that are over 1,000 square feet in area, or require an exterior alteration and have a value over \$430,850;

- b. Proposals in the River District Design District that are over 1,000 square feet in area, are in a CX or OS zone, and have a value over \$430,850;
  - c. Proposals in the Terwilliger Parkway Design District that will be visible from Terwilliger Boulevard, other than single-dwelling development;
  - d. Proposals in the a, Alternative Design Density Overlay Zone, that are using the provisions of Section 33.405.050, Bonus Density for Design Review; or
  - e. Proposals in the following design districts with a value over \$2,154,200:
    - (1) Lloyd District;
    - (2) Central Eastside District;
    - (3) Goose Hollow District;
    - (4) River District;
    - (5) South Waterfront District;
    - (6) South Auditorium Plan District;
    - (7) Areas subject to design review within the Central City plan district, except Lower Albina;
    - (8) Macadam Design District; and
    - (9) Design overlay zones not included in a design district that has its own design guidelines, except for proposals listed in Paragraph A.2, below.
  - f. Proposals in the Gateway Design District that have a value over \$2,154,200, or will be included in a Gateway master plan.
2. Type II. The following proposals are processed through a Type II procedure:
- a. Proposals in the Downtown Design District that are up to 1,000 square feet in area, or require an exterior alteration with a value of \$430,850 or less;
  - b. Proposals in the River District Design District that are up to 1,000 square feet in area and are in a CX or OS zone, and have a value of \$430,850 or less;
  - c. Proposals in the design districts identified in Subparagraph 1.e that have a value of \$2,154,200 or less;
  - d. Proposals for single-dwelling developments in the Terwilliger Parkway Design District that will be visible from Terwilliger Boulevard;
  - e. Proposals in the Southwest Community Plan area's design overlay zones, except for the following proposals:
    - (1) Proposals in the Macadam Design District;
    - (2) Proposals in the Terwilliger Parkway Design District; and

- (3) Proposals required to go through design review by provisions in Chapter 33.405, Alternative Design Density Overlay Zone;
  - f. Proposals within the Albina Community Plan area's design overlay zones, including Lower Albina;
  - g. Proposals within the Outer Southeast Community Plan area's design overlay zones except in the Gateway Design District;
  - h. Proposals required to go through design review by provisions in Chapter 33.405, Alternative Design Density Overlay Zone, or Chapter 33.505, Albina Community plan district. However, proposals that are using the provisions of Section 33.405.050, Bonus Density for Design Review, are processed through a Type III procedure;
  - i. Proposals for signs;
  - j. Proposals for installation of mechanical equipment on the exterior of a building;
  - k. Proposals in C, E, I, and RX zones for alteration of a facade when 500 square feet or less of the structure's facade is being altered;
  - l. Proposals for the installation of new or replacement awnings; or
  - m. Proposals within an IR zone where the site has an approved impact mitigation plan (IMP), and where the IMP includes qualitative design review guidelines. Proposals exempted from design review by the institution's approved IMP are exempt;
  - n. Proposals within the Hollywood plan district, Main Street Node Overlay Zone, and Main Street Corridor Overlay Zone;
  - o. Proposals within the Sellwood-Moreland design district;
  - p. Proposals in the Marquam Hill design district;
  - q. Proposals subject to the standards of section 33.110.213, Additional Development Standards in R5 and R2.5 Zones;
  - r. Proposals in the Gateway Design District except for those listed in Paragraph A.1.f, above;
  - s. Proposals within the St. Johns plan district; and
  - t. Proposals within the North Interstate plan district.
3. Type Ix. The following proposals are processed through a Type Ix procedure: Proposals within an IR zone where the site has an approved impact mitigation plan (IMP), and where the IMP includes quantitative or objective design review guidelines. Proposals exempted from design review by the institution's approved IMP are exempt.

4. Phased design plans.
  - a. For multi-phased projects. Applicants may submit design plans for multi-phased projects, provided the application includes adequate information to allow review of the immediate and later phases of the project, including anticipated timelines.
  - b. Benefits of a phased design plan. Development in conformance with an approved phased design plan does not have to go through a separate design review for each phase.
  - c. Procedure. A phased design plan application is reviewed using the same procedure and with the same guidelines as a design review for a specific development.
5. Models of proposals in the Central City plan district. For proposals located in the area of the Central City plan district shown on Map 825-1, a three dimensional cardboard model of the proposal is required with an application for Design Review. This requirement applies only to new developments or changes in the bulk of existing buildings. The scale of the model must be 1 inch equals 50 feet.

Before a building permit is issued, a three dimensional wooden model of the proposal as approved must be submitted to be placed in the City's downtown model. The scale of the model must be 1 inch equals 50 feet. The model requirements will be waived if the application does not involve a change in the bulk of buildings on a site for which the City possesses an accurate wooden model.

**B. Neighborhood Contact.** The following proposals are subject to the Neighborhood Contact requirement, as specified in Section 33.700.025, Neighborhood Contact, if they are in the a, Alternative Design Density Overlay Zone, in the Albina Community Plan Area shown on Map 825-2, or in the Outer Southeast Community Plan Area shown on Map 825-3:

1. Proposals that create more than three new dwelling units. Dwelling units are created:
  - a. As part of new development;
  - b. By adding net building area to existing development that increases the number of dwelling units;
  - c. By conversion of existing net building area from non-residential to residential uses; and
  - d. By increasing the number of units within existing net building area already in residential use, for example, by converting a duplex to a triplex;
2. Proposals that create more than 10,000 square feet of gross building area for uses in the Commercial or Industrial use categories; or
3. Proposals in the IR zone where the site is not covered by an Impact Mitigation Plan or Conditional Use Master Plan.

## 33.846 Historic Resource Reviews

# 846

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### Sections:

#### General

- 33.846.010 Purpose
- 33.846.020 Review Procedures
- 33.846.025 Additional Notification Required
- 33.846.030 Historic Designation Review
- 33.846.040 Historic Designation Removal Review
- 33.846.050 Historic Preservation Incentive Review
- 33.846.060 Historic Resource Review
- 33.846.070 Modifications Considered During Historic Resource Review
- 33.846.080 Demolition Review

### General

#### **33.846.010 Purpose**

This chapter provides procedures and establishes the approval criteria for all historic resource reviews. The approval criteria protect the region's historic resources and preserve significant parts of the region's heritage. The reviews recognize and protect the region's historic and architectural resources, ensuring that changes to a designated historic resource preserve historic and architectural values and provide incentives for historic preservation.

#### **33.846.020 Review Procedures**

The review procedures in this chapter supersede procedural and threshold statements in the City's adopted design guidelines documents for historic districts.

#### **33.846.025 Additional Notification Required**

In addition to the notifications provided for by Chapter 33.730, Quasi-Judicial Procedures, when a Conservation District or Historic District has a Historic District Advisory Committee that is recognized by a Neighborhood Association, notice of all historic resource reviews will also be sent to the District's advisory committee.

#### **33.846.030 Historic Designation Review**

- A. Purpose.** The Historic Designation Review is a process for the City of Portland to designate Historic Landmarks, Conservation Landmarks, Historic Districts, or Conservation Districts. This review does not affect a property or district's listing on the National Register of Historic Places. These provisions promote the protection of historic resources by:
- Enhancing the city's identity through the protection of the region's significant historic resources;
  - Fostering preservation and reuse of historic artifacts as part of the region's fabric; and

- Encouraging new development to sensitively incorporate historic structures and artifacts.
- B. Review procedure.** Historic designation reviews are processed through a Type III procedure.
- C. Approval criteria.** Proposals to designate a historic resource as a Historic Landmark, Conservation Landmark, Historic District, or Conservation District will be approved if the review body finds that all of the following approval criteria are met:
1. Significant value. The resource has significant historical or architectural value, demonstrated by meeting at least three of the following:
    - a. The resource represents a significant example of a development, architectural style, or structural type once common or among the last examples in the region;
    - b. The resource represents a significant work of a developer, architect, builder, or engineer noted in the history or architecture of the region;
    - c. The resource represents a particular material, method of construction, quality of composition, or craft work which is either associated with the region's history or which enriches the region's character;
    - d. The resource is associated with culture, activities, events, persons, groups, organizations, trends, or values that are a significant part of history;
    - e. The resource is associated with broad patterns of cultural, social, political, economic, or transportation history of the region, state, or nation;
    - f. The resource significantly contributes to the historic or cultural development of the area or neighborhood;
    - g. The resource symbolizes a significant idea, institution, political entity, or period;
    - h. The resource retains sufficient original design characteristics, craft work, or material to serve as an example of a significant architectural period, building type, or style;
    - i. The resource significantly contributes to the character and identity of the neighborhood district or city;
    - j. The resource includes significant site development or landscape features that make a contribution to the historic character of a resource, neighborhood, district, or the city as a whole;
    - k. The resource represents a style or type of development which is, or was, characteristic of an area and which makes a significant contribution to the area's historic value; or
    - l. The resource contributes to the character of a grouping of resources that together share a significant, distinct, and intact historic identity.

2. Appropriate level of protection. The proposed designation is appropriate, considering the historical or architectural value of the resource and other conflicting values. Levels of protection are Historic Landmark designation, Conservation Landmark designation, Historic District designation, Conservation District designation, and no designation; and
3. Owner consent.
  - a. For Historic Landmark or Conservation Landmark designation, the property owner must consent, in writing, to the Historic Landmark or Conservation Landmark designation;
  - b. For Historic District or Conservation District designation, all owners of property in the district must consent, in writing, to the Historic District or Conservation District designation at the time of designation.

#### **33.846.040 Historic Designation Removal Review**

- A. Purpose.** These provisions allow for the removal of the City's historic designation when it is no longer appropriate. This review does not affect a property or district's listing on the National Register of Historic Places.
- B. Review procedure.** Historic designation removal reviews are processed through a Type III procedure.
- C. Approval criteria.** Proposals to remove the historic designation from a historic resource will be approved if the review body finds that all of the following approval criteria are met:
  1. Loss of public benefit. The benefits to the public and the property owner of retaining the historic designation no longer outweigh the benefits of removing the designation; or
  2. Owner consent.
    - a. For Historic Landmarks or Conservation Landmarks. The property owner at the time of designation must have objected, on the record, to the historic designation.
    - b. For individual sites not designated as Historic Landmarks or Conservation Landmarks in Historic Districts or Conservation Districts. The property owner at the time of designation must have objected, on the record, to inclusion in the district.

#### **33.846.050 Historic Preservation Incentive Review**

- A. Purpose.** These provisions increase the potential for Historic Landmarks and Conservation Landmarks, and contributing structures to be used, protected, renovated, and preserved.
- B. Review procedure.** Historic preservation incentive reviews for sites in the RX zone are processed through a Type II procedure. Historic preservation incentive reviews for sites in all other zones are processed through a Type III procedure.

- C. Approval criteria.** The use of a historic preservation incentive in a Historic Landmark, Conservation Landmark, or a resource identified as contributing to the historic significance of a Historic District or a Conservation District will be approved if the review body finds that all of the following approval criteria are met:
1. Establishment of the use will not conflict with adopted provisions of neighborhood plans for the site and surrounding area;
  2. If the site is in an R zone:
    - a. The approval criteria of Section 33.815.105, Institutional and Other Uses in R Zones, are met; and
    - b. Proposals on sites larger than one acre will not reduce the amount of new housing opportunity in the City. These criteria may be met by using the methods to mitigate for housing loss in Comprehensive Plan Map amendments in Subparagraph 33.810.050.A.2.c.; and
  3. The regulations of 33.445.610, Historic Preservation Incentives are met.

### **33.846.060 Historic Resource Review**

- A. Purpose.** Historic resource review ensures the conservation and enhancement of the special characteristics of historic resources.
- B. Review procedure.** Certain proposals specified in B.1 are subject to neighborhood contact requirements. Procedures for historic resource reviews are shown in Tables 846-1 through 846-4.
1. **Neighborhood Contact.** The following proposals are subject to the Neighborhood Contact requirement, as specified in Section 33.700.025, Neighborhood Contact, if they are in the a, Alternative Design Density Overlay Zone; in the Albina Community Plan area shown on Map 825-2; or in the Outer Southeast Community Plan area shown on Map 825-3:
    - a. Proposals that create more than three new dwelling units. Dwelling units are created:
      - (1) As part of new development;
      - (2) By adding net building area to existing development that increases the number of dwelling units;
      - (3) By conversion of existing net building area from nonresidential to residential uses; and
      - (4) By increasing the number of units within existing net building area already in residential use, for example, by converting a duplex to a triplex;
    - b. Proposals that create more than 10,000 square feet of gross building area for uses in the Commercial or Industrial use categories; or

- c. Proposals in the IR zone where the site is not covered by an Impact Mitigation Plan or Conditional Use Master Plan.
2. For Historic Landmarks, including those in Historic Districts or Conservation Districts, when proposals are not exempt from review as specified in Subsection 33.445.140.B, the review procedure is determined by Table 846-1, below:

<b>Table 846-1</b>			
<b>Procedure Types for proposals affecting Historic Landmarks</b>			
<b>Proposal</b>	<b>Zone</b>	<b>Threshold</b>	<b>Procedure</b>
Alterations of a landmark-designated interior public space	All	Project value > \$430,850	Type III
		Project value < \$430,850	Type II
Mechanical equipment	All	Exterior	Type Ix
Awnings	All	New or replacement	Type Ix
Signs	C, E, I, RX	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure	C, E, I, RX	Affected façade area < 500 sq. ft.	Type Ix
Historic restoration	RF-RH		Type I
Any other non-exempt exterior alteration or historic restoration proposal	All	Project value > \$430,850	Type III
		Project value < \$430,850	Type II

3. For Conservation Landmarks, including those in Historic Districts or Conservation Districts, when proposals are not exempt from review as specified in Subsection 33.445.230.B, the review procedure is determined by Table 846-2, below:

<b>Table 846-2</b>			
<b>Procedure Types for proposals affecting Conservation Landmarks</b>			
<b>Proposal</b>	<b>Zone</b>	<b>Threshold</b>	<b>Procedure</b>
Signs	C, E, I, RX	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure	C, E, I, RX	Affected façade area < 500 sq. ft.	Type Ix
Historic restoration	RF-RH		Type I
Any other non-exempt exterior alteration or historic restoration proposal	All		Type II

4. For Historic Districts, excluding Historic or Conservation Landmarks, when proposals are not exempt from review as specified in Subsection 33.445.320.B, the review procedure is determined by Table 846-3, below:

<b>Table 846-3</b>			
<b>Review procedures for proposals within Historic Districts</b>			
<b>Proposal</b>	<b>Zone</b>	<b>Threshold</b>	<b>Review Type</b>
New structure	All	Project value > \$430,850	Type III
		Project value < \$430,850	Type II
New accessory structure	RF-RH		Type I
Signs	C, E, I, RX	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure	C, E, I, RX	Affected façade area < 500 sq. ft.	Type Ix
Alteration to the exterior of a structure	RF-RH	Affected façade area < 150 sq. ft.	Type I
Historic restoration	RF-RH		Type I
Any other non-exempt exterior alteration or historic restoration proposal	All	Project value > \$430,850	Type III
		Project value < \$430,850	Type II

- For Conservation Districts, excluding Historic or Conservation Landmarks, when proposals are not exempt from review as specified in Subsection 33.445.420.B, the review procedure is determined by Table 846-4, below:

<b>Table 846-4</b>			
<b>Review procedures for proposals within Conservation Districts</b>			
<b>Proposal</b>	<b>Zone</b>	<b>Threshold</b>	<b>Review Type</b>
New structure	All		Type II
New accessory structure	RF-RH		Type I
Signs	C, E, I, RX	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure	C, E, I, RX	Affected façade area < 500 sq. ft.	Type Ix
Alteration to the exterior of a structure	RF-RH	Affected façade area < 150 sq. ft.	Type I
Historic restoration	RF-RH		Type I
Any other non-exempt exterior alteration or historic restoration proposal	All		Type II

**C. Phased proposals.**

- For phased proposals. Applicants may submit design plans for a phase proposal, provided the application includes adequate information to allow review of all phases of the proposal, including anticipated timelines.
- Benefits of a phased design plan. Development in conformance with an approved phased design plan does not have to go through a separate historic resource review for each phase.

3. Procedure. A phased design plan application is reviewed using the same procedure and with the same guidelines as a historic resource review for a specific development.
- D. Models of proposals in the Central City plan district.** For proposals located in the area of the Central City plan district shown on Map 825-1, a three dimensional cardboard model of a proposal located in a Historic District or Conservation District is required with an application for historic resource review. This requirement applies only to new developments or changes in the bulk of existing buildings. The scale of the model must be 1 inch equals 50 feet. Before a building permit is issued, a three dimensional wooden model of the proposal as approved must be submitted to fit into the City's downtown model. This model must be at a scale of 1 inch equals 50 feet. The model requirements will be waived if the application does not involve a change in the bulk of buildings on a site for which the City possesses an accurate wooden model.
- E. Approval criteria outside the Central City plan district.** Outside the Central City plan district, requests for historic resource review will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met. Conflicts among guidelines and criteria are resolved as specified in Paragraph E.4, below. The approval criteria for historic resource review outside the Central City plan district are as follows:
1. Historic Districts. When historic resource review is required for any resource in a Historic District, including Historic Landmarks and Conservation Landmarks, the approval criteria are:
    - a. Historic Districts with district-specific guidelines. Historic Districts may have guidelines that are specific to the district, such as the King's Hill Historic District Guidelines. When historic resource review is required in such districts, the guidelines specific to the district are the approval criteria;
    - b. Historic Districts without district-specific guidelines. Where there are no guidelines that are specific to the Historic District, the criteria in Section 33.846.060.G are the approval criteria; or
    - c. Alphabet Historic District. In the Alphabet Historic District, the approval criteria are the Community Design Guidelines and the Historic Alphabet District Community Design Guidelines Addendum.
  2. Conservation Districts. When historic resource review is required for any resource in a Conservation District, including Historic Landmarks and Conservation Landmarks, the approval criteria are:
    - a. Conservation Districts with district-specific guidelines. Conservation Districts may have guidelines that are specific to the district. When historic resource review is required in such districts, the guidelines specific to the district are the approval criteria; or
    - b. Conservation Districts without district-specific guidelines. Where there are no guidelines that are specific to the Conservation District, the Community Design Guidelines are the approval criteria;

3. Historic Landmarks and Conservation Landmarks located outside of Historic Districts or Conservation Districts. When historic resource review of a Historic Landmark or Conservation Landmark located outside of a Historic District or Conservation District is required, the criteria in 33.846.060.G are the approval criteria.
  4. Conflicts among guidelines and criteria. When a criterion in Section 33.846.060.G conflicts with any guideline, the criterion in Section 33.846.060.G supersedes the guideline.
- F. Approval criteria in the Central City plan district.** In the Central City plan district, requests for historic resource review will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met. Conflicts among guidelines and criteria are resolved as specified in Paragraph F.5, below. The approval criteria for historic resource review in the Central City plan district are as follows:
1. Historic Districts. When historic resource review is required for any resource in a Historic District, including Historic Landmarks and Conservation Landmarks, the approval criteria are:
    - a. Historic Districts with district-specific guidelines. Historic Districts may have guidelines that are specific to the district, such as the NW 13th Avenue Historic District Design Guidelines. When historic resource review is required in such districts, the approval criteria are the Central City Fundamental Design Guidelines and the guidelines specific to the Historic District. If the resource is a Historic Landmark or Conservation Landmark, the criteria in Section 33.846.060.G must also be met;
    - b. Historic Districts without district-specific guidelines.
      - (1) Where there are no guidelines that are specific to the Historic District and the site is also in a subdistrict of the Central City plan district that has subdistrict design guidelines, the approval criteria are the Central City Fundamental Design Guidelines and the subdistrict design guidelines. If the resource is a Historic Landmark or Conservation Landmark, the criteria in Section 33.846.060.G must also be met;
      - (2) Where there are no guidelines that are specific to the Historic District and the site is not in a subdistrict of the Central City plan district that does not have subdistrict design guidelines, the approval criteria are the Central City Fundamental Design Guidelines and the criteria in Section 33.846.060.G;
    - c. Alphabet Historic District. In the portion of the Alphabet Historic District within the Central City plan district, when historic resource review is required for any resource, including Historic Landmarks and Conservation Landmarks, the approval criteria are the Central City Fundamental Design Guidelines and the Historic Alphabet District Community Design Guidelines Addendum. If the resource is a Historic Landmark or Conservation Landmark, the criteria in Section 33.846.060.G must also be met;
    - d. Irvington Historic District. In the portion of the Irvington Historic District within the Central City plan district, when historic resource review is required for any

- resource, including Historic Landmarks and Conservation Landmarks, the approval criteria are the Central City Fundamental Design Guidelines, the design guidelines for the Lloyd District subdistrict of the Central City plan district, and the criteria in Subsection 33.846.060.G;
2. Russell Street Conservation District. When historic resource review is required for any resource in the Russell Street Conservation District, including Historic Landmarks and Conservation Landmarks, the approval criteria are the Community Design Guidelines. If the resource is a Historic Landmark or Conservation Landmark, the criteria in Section 33.846.060.G must also be met;
  3. Historic Landmarks and Conservation Landmarks located outside of Historic Districts and Conservation Districts. When historic resource review of a Historic Landmark or Conservation Landmark located outside of Historic Districts and Conservation Districts is required, the approval criteria are:
    - a. Subdistricts with design guidelines. If the resource is in a subdistrict of the Central City plan district that has subdistrict design guidelines, the approval criteria are the Central City Fundamental Design Guidelines, the subdistrict design guidelines and the criteria in 33.846.060.G;
    - b. Subdistricts without design guidelines. If the resource is not in a subdistrict of the Central City plan district that has subdistrict design guidelines, the approval criteria are the Central City Fundamental Design Guidelines and the criteria in Section 33.846.060.G;
  4. Specified sites along N. Broadway. When historic resource review is required for a historic resource on a site in the CXd zone, and the site fronts on and is within 300 feet of N. Broadway between N. Interstate and N. Wheeler streets, the approval criteria are the Central City Fundamental Design Guidelines and the Special Design Guidelines for the Design Zone of the Lloyd District of the Central City Plan District. If the resource is a Historic Landmark or Conservation Landmark, the criteria in Section 33.846.060.G must also be met.
  5. Conflicts among guidelines and criteria. Conflicts among guidelines and criteria are resolved as specified in this paragraph.
    - a. When a criterion in Section 33.846.060.G conflicts with any other guideline, the criterion in Section 33.846.060.G supersedes the other guideline.
    - b. When a guideline that is specific to a historic district, such as one of the NW 13th Avenue Historic District Design Guidelines, conflicts with one of the Central City Fundamental Guidelines or with a subdistrict design guideline, such as one of the River District Design Guidelines, the guideline specific to the historic district supersedes the Central City Fundamental Guideline and the subdistrict guideline.
    - c. When a subdistrict design guideline, such as one of the Goose Hollow District Design Guidelines, conflicts with one of the Central City Fundamental Design Guidelines, the subdistrict guideline supersedes the Central City Fundamental Guideline.

- d. When a guideline from the Historic Alphabet District Addendum to the Community Design Guidelines conflicts with one of the Central City Fundamental Design Guidelines, the Alphabet District Guideline supersedes the Central City Fundamental Guideline.
  - e. When a Lloyd District Design Guideline conflicts with a Central City Fundamental Design Guideline, the Lloyd District Guideline supersedes the Central City Fundamental Guideline.
- G. Other approval criteria.** Requests for historic resource review will be approved if the review body finds that the applicant has shown that all of the applicable approval criteria have been met. The approval criteria are:
1. Historic character. The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided;
  2. Record of its time. The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided;
  3. Historic changes. Most properties change over time. Those changes that have acquired historic significance will be preserved;
  4. Historic features. Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence;
  5. Historic materials. Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used;
  6. Archaeological resources. Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken;
  7. Differentiate new from old. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old;
  8. Architectural compatibility. New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource;
  9. Preserve the form and integrity of historic resources. New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the

future, the essential form and integrity of the historic resource and its environment would be unimpaired; and

10. Hierarchy of compatibility. Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

### **33.846.070 Modifications Considered During Historic Resource Review**

The approval criteria for modifications considered during historic resource review are:

- A. Better meets historic resource review approval criteria.** The resulting development will better meet the approval criteria for historic resource review than would a design that meets the standard being modified; and
- B. Purpose of the standard.**
  1. The resulting development will meet the purpose of the standard being modified; or
  2. The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.

### **33.846.080 Demolition Review**

- A. Purpose.** Demolition review protects resources that have been individually listed in the National Register of Historic Places or are identified as contributing to the historic significance of a Historic District or a Conservation District. It also protects Historic Landmarks and Conservation Landmarks that have taken advantage of an incentive for historic preservation and historic resources that have a preservation agreement. Demolition review recognizes that historic resources are irreplaceable assets that preserve our heritage, beautify the city, enhance civic identity, and promote economic vitality.
- B. Review procedure.** Demolition reviews are processed through a Type IV procedure.
- C. Approval criteria.** Proposals to demolish a historic resource will be approved if the review body finds that one of the following approval criteria is met:
  1. Denial of a demolition permit would effectively deprive the owner of all reasonable economic use of the site; or
  2. Demolition of the resource has been evaluated against and, on balance, has been found supportive of the goals and policies of the Comprehensive Plan, and any relevant area plans. The evaluation may consider factors such as:
    - a. The merits of demolition;
    - b. The merits of development that could replace the demolished resource, either as specifically proposed for the site or as allowed under the existing zoning;
    - c. The effect demolition of the resources would have on the area's desired character;

- d. The effect that redevelopment on the site would have on the area's desired character;
  - e. The merits of preserving the resource, taking into consideration the purposes described in Subsection A; and
  - f. Any proposed mitigation for the demolition.
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*(Added by: Ord. No. 169987, effective 7/1/96. Amended by: Ord. No. 171589, effective 11/1/97; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179980, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184016, effective 1/2/11; Ord. No. 185915, effective 5/1/13.)*