

Residential Infill Project

Summary of Changes Between the *Discussion Draft, October 2017* and the *Proposed Draft, April 2018*

The purpose of this document is to provide the public with a summary of what changed between the Discussion Draft, published in October 2017, and Proposed Draft, published in April 2018.

Community members provided many good ideas and astute observations and suggestions for ways to improve the proposals presented in the *Discussion Draft*. Thanks to this input, the draft presented to the Planning and Sustainability Commission – the *Proposed Draft* – is much improved.

In addition to the specific feedback we received, there were also several broad policy comments that will remain key issues for the Planning and Sustainability Commission and City Council to consider and discuss (e.g. the overlay map). Similarly, staff also heard some conflicting suggestions (e.g. size limits are too low/too high) that will continue to be discussed during the hearings process.

Below, is a summary of the more substantive changes to the proposed rules. The items in **bold typeface** are the changes reflected in the 8-page [Summary of Proposals](#).

SCALE OF HOUSES

A. SIZE LIMITS (proposal 1)

What changed?

- **For detached houses in the R2.5 zone, the maximum FAR is now the same as the maximum FAR in the R5 zone (i.e. FAR 0.5).** The higher FAR (0.7) now only applies to attached houses, which are more common on smaller-sized lots.
- The FAR limit is no longer adjustable. To gain additional square footage, one may either:
 - Pay the new affordability fee in lieu, or
 - For existing houses that are at least 5 years old—one addition up to 250 square feet is allowed in a five-year period. These incremental additions would not be limited by the FAR cap. The Discussion Draft limited incremental additions to 200 square feet and it applied to houses built prior to the FAR rules going into effect.
- A new definition for “basement” has been added. Basements are the portion of a building partly or completely below grade. A minimum of 50 percent of the total combined area of the basement walls must be below grade to be considered a basement. Floor area that meets the new definition are still excluded from FAR maximums.
- The new proposal increased flexibility for basement ADU conversions in existing houses. Now when converting a basement in an existing house, the 75%/800 square foot size limit does not apply.
- For rowhouse projects in the R2.5 zone, the FAR and building coverage is applied to the site and can be averaged for the units on the lots. This allows for greater consistency in rowhouse design.

Why?

The Discussion Draft included three maximum FAR limits that varied by the three zones. Higher FAR limits applied in zones with typically smaller lot sizes, lower FAR limits in zones with larger lot sizes. However, in the R2.5 zone, there are many lots that are 5,000 square feet or larger, and many of the proposed rezone areas include sites this large and larger. So, where an R5 zoned lot would have a maximum 2,500 sf house, the same size lot in R2.5 would have a maximum 3,500 sf house. The new proposal makes these consistent – treating a house the same whether it’s in the R5 or R2.5 zone and encourages duplexes and attached houses on these lots instead.

The Discussion Draft also included provisions that allowed FAR limits to be “adjusted” through a discretionary review process (Adjustment process). Changes to the affordable housing incentives in the Proposed Draft include the ability to pay a fee in lieu to increase the FAR (see Affordability Incentives, below). By prohibiting Adjustments to FAR limits, staff is prioritizing affordable housing over the Adjustment process

The previous draft included an allowance for homes built prior to these new rules going into effect (2019) one addition up to 200 square feet in a 5-year period. With the change to not allow FAR limits to be adjusted, we needed to increase the flexibility for longer-term adaptability and improve home retention. So the new proposal would allow any home that is at least 5 years old may make a one-time addition up to 250 s.f. every 5 years.

Staff also heard a lot about whether basements should or should not count toward FAR. Some expressed concern that their existing basement would be counted because it did not meet the 4’ depth from adjacent grade threshold. The draft is revised so that at least half of the basement area must be below grade. Since subgrade floor area does not contribute significantly to building bulk, we are proposing to exclude basements from the FAR limit.

We also heard concerns about basement ADUs where a single-level house with a basement was being converted. In some cases, the basement exceeded the size cap, requiring that the excess area be walled off or designed for use for both units. The new proposal allows conversions of basements into an ADU of any size.

Rowhouse projects in the R2.5 zone, where there are middle units between end units, have smaller middle lots. When combined with FAR and building coverage limits, these middle lots would have smaller units than the end units, which creates added complexity in building design and construction, and unnecessarily increases costs. Therefore, the new proposal is for FAR and building coverage to be calculated on the whole project, rather than by individual lot.

B. SETBACKS AND BUILDING DESIGN (proposals 3 and 4)

What changed?

- **The front setback in the R2.5 zone is no longer proposed to be increased from 10 feet to 15 feet.**
- **The facade articulation requirements were removed.**
- **The limit on maximum number of front steps was replaced with the front door being a maximum of 4' above grade.**
- The reduced setback matching only applies to the dwelling unit, not the garage, and only for properties in the same base zone.
- The proposal consolidated the measurement method for low and steep pitched roofs.

Why?

R2.5 lots are typically smaller (2,500 sf on average, 1,600 sf minimum) and can be as shallow as 40 feet. Increasing the front setback on these lots directly impacts the ability to site a house on the lot and nearly forces the rear yard to be 5'.

The façade articulation rules required that large street facing building planes (over 500 square feet) be broken into smaller distinct areas. Upon subsequent research, we found only one instance where this requirement would have applied, and this was on a building that was far in excess of the proposed FAR limits.

We heard feedback that the limitation on front steps could lead to much taller and steeper steps. There was also concern that the rules could be easily circumvented. The intent is to limit how far the front door or porch sit above the grade. The standard was modified to limit this distance rather than the number of steps.

The ability to reduce setbacks to match an adjacent lot was clarified to exclude reducing garage entrance setbacks, as there are potential visibility and safety concerns resulting from short driveways. Also, clarity was added that the adjacent lot had to be in the same base zone, since different zones can have smaller setbacks (e.g. a commercial zone with 0' front setback).

The proposed changes to roof measurements treat shallow and steep gabled roofs the same, consistent with building code methodology. While steeper pitched roofs may be taller, in conjunction with the FAR limits the building profile is less bulky in appearance than buildings with lower-pitched roofs.

C. ACCESSORY STRUCTURES (not described in the summary)

What changed?

- Limiting height for detached accessory structures to 4' above the height of the house, or 20 feet, whichever is less.
- Changed how rules apply to accessory structures that are not attached to the house with a common wall or a shared floor/ceiling. (i.e. attached via only a breezeway)

Why?

We heard a lot of concerns about the size of these backyard structures becoming more prominent than the primary structure. Allowing for backyard “accessory” structures to dominate the primary structure negates the relationship between these two buildings and breaks from a more traditional form. Therefore, the new proposal maintains this relationship by relating the height of the detached accessory structure to the primary structure. A small additional increment of height is less perceptible and allows for greater flexibility to address siting, design and modern construction method issues

Detached accessory structures are regulated differently than attached accessory structures (like a garage). The new proposal provides additional clarification of what is an attached versus detached accessory structure.

- Detached structures (including structures attached but don't share a wall or floor/ceiling with the primary structure) are limited in height and building coverage. They have added flexibility for reduced setbacks and there is an additional .15 FAR allowed
- Attached structures (that share a wall or floor/ceiling with the primary structure) can be up to the max height for the base zone (typically 30') and do not have exterior material limits, but are subject to setbacks and are included with the FAR for the primary structure.

D. PARKING – SEE LAST TOPIC

HOUSING OPTIONS

A. HOUSING TYPES (proposal 5)

What changed?

- **The visitability standards now require a no-step entry, rather than an option between low-step and no-step entry. The bathroom standards were also modified.**
- The minimum lot size requirements for duplexes and triplexes were consolidated.

Why?

The visitability requirements have been changed to reflect feedback related to the barrier that even a single step presents for those with mobility impairments. The change now means that when there are three units on a site, one of the units must be accessed with no steps.

The other visitability standard change provides for a more flexible bathroom configuration in recognition of smaller bathroom spaces in smaller sized units. The other “T-shape” clearance option supplements the previous “circle” clearance standard.

The Discussion Draft included three sets of lot sizes, depending on whether there was a house, a duplex or a triplex on the lot. To reduce complexity, lot sizes for duplexes (with or without an ADU) and triplexes were consolidated. The current smaller lot size requirements continue to apply for single houses (with or without an ADU).

B. ‘a’ OVERLAY ZONE MAP (proposal 6)

What changed?

- **Modest reductions were made to the overlay boundary to remove medium and high value Natural Resource Inventory (NRI) areas.**
- **Modest increases in the overlay boundary were made in the Northeast quadrant.**
- **Displacement Risk Areas continue to be outside the overlay boundary, but programs are proposed to bolster the City’s anti-displacement efforts.**

Why?

The Natural Resource Inventory (NRI) inventories areas that have natural resource value but are not necessarily included in the current environmental zones. Where this situation was present, the ‘a’ overlay was removed from these environmentally-sensitive properties.

In a small area of northeast Portland, the overlay was extended to fill a gap to make a more consistent and logical boundary.

With the Discussion Draft, staff identified the areas with concentrations of communities vulnerable to displacement, and showed these areas as not being included in the ‘a’ overlay. We heard from many housing advocates and community members within these areas who shared this concern but didn’t think that this was the appropriate approach. They argued that the risk of displacement can and should be mitigated through a programmatic approach. As current programs do not address the unique needs

of renters and homeowners across all single-dwelling zones, the proposal continues to exclude these areas but calls for the establishment or bolstering of housing and anti-displacement programs.

More information about the overlay mapping decisions is also included in [Appendix F](#).

C. AFFORDABILITY BONUS (proposal 7)

What changed?

- **Instead of earning one bonus unit by providing all the units as affordable units, three options are proposed:**
 - **Earn extra FAR by providing one affordable unit**
 - **Earn extra FAR by paying a fee-in lieu of providing one affordable unit**
 - **Earn a bonus unit and FAR on a corner lot (4 total) when the 4th unit is affordable.**

Why?

The previous affordability bonus allowed four units on any lot when all four of the units were affordable to those making up to 80% of the median family income. We heard from housing advocates that this bonus was not workable. We additionally heard concerns about the effect of not allowing for affordable family size units. We also heard concern about allowing four units on a lot.

The first option allows earning extra FAR by providing an affordable unit. This provides more space to create family-sized units, as well as make the overall project more economically feasible. By requiring that only one unit be affordable, this permits the market rate units to help offset the costs of the affordable unit.

The second option offers the ability to buy up FAR by paying a fee in lieu of providing an affordable unit. This generates funds that can be used to support housing programs or supplement affordable housing subsidies to create those units elsewhere.

Finally, we limited the 4-unit option to corners because on non-corner lots we heard concerns about the inability to orient 4 units to the street, meaning that the units were more likely to be oriented to the neighboring lot, negatively impacting privacy and having fewer opportunities for separation for light and air. Corner lots with their larger street frontages make this more feasible.

D. PARKING – SEE LAST TOPIC

NARROW LOTS

A. REZONING FROM R5 TO R2.5 (proposal 9)

What changed?

- In the Northeast District the R2.5 proposal was removed in two areas: the first lots south of Ainsworth from 22nd to 33rd; and in the Cully Neighborhood north of Sandy
- In the North District the R2.5 proposals were taken out of a 3 ½ block area south of Kenton Park to Terry west of Brandon.
- The only new R2.5 zoning proposed is in 4-block area between Tillamook and Rose City Golf Course and I-84 from 74th to 78th.

Why?

Along the Ainsworth park blocks staff wanted to keep the zoning consistent on both sides of this promenade. So the current R5 zoning was left in place. In select other areas, the previous rezoning proposal extended farther than 2-3 blocks, and this has been corrected. Near the Rose City Golf Course, a 4 block area was added as this area has access to good neighborhood amenities including multiple transit options along 82nd (e.g. MAX Light Rail 82nd station, bus)

More information about the R2.5 rezone mapping decisions is also included in [Appendix G](#).

B. DESIGN OF NARROW LOTS (proposal 10)

What changed?

- **Simplify rules by considering narrow lots to be those less than 32 feet wide, rather than 36 feet wide.**
- Attached houses will now be required in more cases.
- The requirements for material finishes, trim, and eave requirements were removed.
- The Lot Confirmation process was substantially revised.

Why?

Houses that are at least 22 feet wide can accommodate a garage without adversely affecting the visual connection between the dwelling and the street. A 22-foot wide house with 5-foot side setbacks on each side equals 32 feet. Also, the house height to width relationship maintains proportions when the house is at least 20 feet wide. Therefore, lots wider than 32 feet do not necessitate special additional treatment or restrictions.

Attached houses will be required on any lot that is 25 feet wide or less. There is an exception if there is existing development that precludes an attached house. However, on a vacant narrow lot that abuts another 25-foot wide vacant lot, an attached house will be required (even if the lots are under separate ownership).

Material finish requirements were removed from the narrow lot standards. These standards primarily applied to narrow lots in the R5 zone. With the changes that restrict building on substandard R5 narrow

lots, the applicability of these standards is greatly reduced. Therefore the standards were no longer deemed necessary.

The Proposed Draft includes a Lot Confirmation chapter to address the need for a process to separate historically narrow lots into separate tax accounts. Confirming lots as individual pieces of property has been an evolving practice. What was once an informal verification of the legality of the lot's creation has become more formalized to include reviews by service bureaus for changes to utility access, deed research to confirm the validity and ownership status of the lot over time, and an examination of some development standards to ensure the separation of a site does not create non-conforming situations. This process helps prevent potential buyers from purchasing a piece of property that is not "buildable." This process also ensures that any utility encroachments are removed or resolved before the ownership is separated and subsequent resolution becomes a much more difficult civil matter.

B. PARKING – SEE LAST TOPIC

PARKING RULES (proposals 4, 5 and 10)

Parking rules are summarized in all three project topics – scale of houses, housing options and narrow lots. This document consolidates the changes proposed into this section because the reasons for the changes are similar across topics.

What changed?

- **Alleys** -- Parking is not required on lots abutting an alley. **Access from the alley would be required when parking is provided.**
- **'a' overlay** -- **Parking is not required for the additional housing types (house with two ADUs, duplex, duplex with one detached ADU, or triplex on corner lot) in the 'a' overlay.** .
 - A house or a house with one ADU would still have to provide one parking space UNLESS it is within 500 feet of transit (with 20-minute peak headways) or is on an alley.
- **Narrow lots** -- **For narrow lots (less than 32 feet wide), parking is not required. Parking and driveways are prohibited between the building and a street. Parking to the side, between or behind the building is still allowed.**

Why?

Staff heard a lot of concern about the proposed allowance for tuck-under garages on narrow lots. There are many community goals that relate to parking and its impacts, and there are a number of tradeoffs. The negative impacts that parking can have mean it doesn't make sense to *require* parking in every situation.

- Building parking adds costs – it can add thousands of dollars to construction costs – so not requiring parking could mean less expensive homes.
- While on-site parking is more convenient to the residents, not every resident needs or desires to pay the added cost to have parking.
- Accounting for a single car driveway, curb cut and driveway aprons, providing an on-site parking space removes an on-street parking space.

- On street parking can be utilized more efficiently by more users throughout the day, whereas an on-site parking space may sit unused most of the day.
- Frequent curb cuts, and tuck-under parking with steep slopes create more potential conflicts making the sidewalk less safe for people walking.
- More parking means less room for street trees, yards, and landscaping, and more impervious area that affects stormwater infiltration.
- Garages taking up the front of a house can lead to a poor visual connection between the house and the public realm and fewer “eyes on the street.”
- Tuck-under parking, the only possible configuration in some situations, adds to the building height and overall apparent bulk of the house.
- Less convenient parking alternatives reinforces support for active transportation alternatives and transit use. The ‘a’ overlay is partly based on proximity to frequent transit as well as areas near services and amenities.

We heard that in combination with other requirements like setbacks, building coverage limits, outdoor area requirements and limits on how much of a façade a garage can occupy, requiring parking for a duplex or triplex could make those projects less feasible.

Parking continues to be required for a single house or a house with an ADU (the housing types that are allowed today). This, coupled with making parking optional for duplexes and triplexes, encourages the construction of these other housing types that can accommodate more families.