

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDINANCE NO. 1066**

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Plan and Map Revisions Related to the Adoption of the North Lovejoy Project and the Tree and Landscaping Regulations in Compliance with Metro's Functional Plan and Declaring an Emergency

**The Multnomah County Board of Commissioners Finds:**

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On June 9, 2005, the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1063.
- f. Since the adoption of Ordinance 1063, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.

- h. The City Council adopted the land use code, plan and map amendments, set out in Section 1 below and attached as Exhibits 1 through 4. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

**Multnomah County Ordains as follows:**

**Section 1.** The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps and land use code chapters are amended to include the City land use code, plan and map amendments, attached as Exhibits 1 through 4, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Effective / Hearing Date
1	Ordinance adopting the North of Lovejoy Project and related amendments to the Portland Comprehensive Plan and Zoning Maps ( <b>PDX Ord. #179303</b> )	7/1/05
2	Exhibit A - Recommended Zoning Changes; North of Lovejoy Project	March 2005
3	Ordinance adopting the amendments to Tree and Landscaping Regulations ( <b>PDX Ord. #179316</b> )	7/8/2005
4	Exhibit A – Amendments to the Tree and Landscaping Regulations of the Portland Zoning Code.	6/8/2005

**Section 2.** In accordance with ORS 215.427(3), the changes resulting from Section 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective date of this ordinance and that is made complete prior to the applicable effective date of this ordinance or within 180 days of the initial submission of the application.

**Section 3.** In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

**Section 4.** Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Board acknowledges, authorizes and agrees that the Portland Planning Commission will act instead of the Multnomah Planning Commission in the subject unincorporated areas using the City's own procedures, to include notice to and participation by County citizens. The Board will consider the recommendations of the Portland Planning Commission when legislative matters for County unincorporated areas are before the Board for action.

**Section 5.** An emergency is declared in that it is necessary for the health, safety and general welfare of the people of Multnomah County for this ordinance to take effect concurrent with the City code, plan and map amendments. Under section 5.50 of the Charter of Multnomah County, this ordinance will take effect in accordance with Section 1.

FIRST READING AND ADOPTION: June 30, 2005




BOARD OF COUNTY COMMISSIONERS,  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Sandra Duffy, Assistant County Attorney

### EXHIBIT LIST FOR ORDINANCE

1. Ordinance adopting the North of Lovejoy Project and related amendments to the Portland Comprehensive Plan and Zoning Maps (**PDX Ord. #179303**)
2. Exhibit A - Recommended Zoning Changes; North of Lovejoy Project
3. Ordinance adopting the amendments to Tree and Landscaping Regulations (**PDX Ord. #179316**)
4. Exhibit A – Amendments to the Tree and Landscaping Regulations of the Portland Zoning Code

Prior to adoption, this information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda website ([www.co.multnomah.or.us/cc/WeeklyAgendaPacket/](http://www.co.multnomah.or.us/cc/WeeklyAgendaPacket/)). To obtain the adopted ordinance and exhibits electronically, please contact the Board Clerk at 503-988-3277. These documents may also be purchased on CD-Rom from the Land Use and Transportation Program. Contact the Planning Program at 503-988-3043 for further information.

## ORDINANCE No. 179303 As Amended

Adopt *North of Lovejoy Project: Recommended Zoning Changes* to modify existing base zones, floor area ratio allowances, and maximum building heights within River District subdistrict of Central City Plan District. (Ordinance; amend City Code 33.5 10 and amend Comprehensive Plan Map)

The City of Portland Ordains:

Section 1. The Council finds:

### General Findings

1. In April 1995, City Council adopted an update to the *Central City Plan* to incorporate amendments proposed by the *River District Plan*. These amendments included the creation of a new subdistrict within the Central City Plan District, the River District; a new River District Policy with related objectives and action items; a new urban design map for the district; and, amendments to other Central City Plan policies to reflect the adoption of the *River District Plan*.
2. In February 1996, City Council adopted the *River District Design Guidelines* to guide Design Commission decisions for development proposals within the subdistrict. These in conjunction with the *Central City Fundamental Design Guidelines* created mandatory approval criteria for new development projects subject to design review in this subdistrict. These additional design guidelines focused on two design sub-areas: Tanner Creek; and Waterfront Area.
3. The River District Urban Renewal Area was created in 1998 to provide public capital in the form of tax-increment financing to assist in the provision of infrastructure necessary to facilitate public and private redevelopment projects in the River District. The River District Urban Renewal Area is projected to reach maximum indebtedness by the year 2020.
4. In 1998 the City of Portland and the Hoyt Street Properties (a significant landowner in the River District) entered into a development agreement via the Portland Development Commission to provide public infrastructure to support private redevelopment efforts in the River District. In return fifteen percent of housing units must be affordable to those earning 0-50% of the Portland region's median family income (MFI); and twenty percent of housing units must be affordable to those earning 51-80% MFI. The development agreement also required escalating levels of density in the subdistrict such that: a minimum of 15 dwelling units was required to be built per acre until the Lovejoy viaduct was replaced; a minimum of 87 dwelling units per acre was required after the Lovejoy viaduct was replaced; a minimum of 109 units per acre was required after completion of Portland Streetcar; and, 131 units per acre following completion of Jamison Square park.
5. In 2001, the *Portland River District Park System Urban Design Framework Study* was commissioned by Portland Parks and Recreation and the Portland Development Commission to elaborate pre-existing recommendations regarding park development within the Tanner Creek design sub-area. This plan, also referred to as the *Peter Walker Master Plan* included: recommendations for the development and location of three parks in the River District (the first of which is Jamison Square); an aspiration for a Riverfront Park on the northeast side of Naito Parkway; and, the development of a "boardwalk" linking the three parks with Riverfront Park along the west side of NW 10th Avenue.
6. In 2001 the *Pearl District Development Plan* was created by the Pearl District Neighborhood Association and the Portland Development Commission to establish a vision and series of actions



intended to enable the district to retain important characteristics related to its architectural, commercial, and employment heritage. The plan included goals for the built environment, neighborhood amenities, housing, arts and culture, economic opportunities, edges and gateways, and transportation/parking. This plan also listed a reexamination of building height and bulk provisions in the area north of NW Lovejoy Street and east of NW 12th Avenue as a priority for future planning efforts by the City.

7. In late 2002, the Bureau of Planning initiated the *North of Lovejoy Project* to address issues related to building scale and park development which eventually was placed on hold in spring of 2003 due to budgetary constraints and uncertainty regarding development along the proposed three-park system identified in the *Peter Walker Master Plan*. This project was reinitiated by the Bureau of Planning in October 2004 and the scope of the project was expanded to include a Urban Design Framework Charrette, an examination of base zones, building heights and floor area ratio allowances within the study area.
8. On February 3-4, 2004, the Bureau of Planning conducted a design charrette to elaborate the desired urban design qualities for the North of Lovejoy study area. The charrette included 18 participants including representatives from the neighborhood, developers, city agencies and the design community. The charrette addressed a broad range of design issues and resulted in further recommendations to be addressed in a subsequent phase of the *North of Lovejoy Project*.
9. Publicly noticed Design Commission briefings were conducted on March 3 and April 17, 2005. The public was provided an opportunity to comment at these briefings.
10. A publicly noticed Planning Commission briefing was conducted on the Charrette on March 8, 2005.
11. On April 12, 2005, the Portland Planning Commission conducted a publicly noticed hearing regarding the *North of Lovejoy Project: Urban Design Assessment and Proposed Zoning Changes*. At this hearing the Commission heard a staff presentation and recommendations and took public testimony on the project and proposed amendments to the Comprehensive Plan Map and Title 33 zoning code amendments. At the end of this hearing, the Planning Commission voted to forward a recommendation to City Council that the amendments proposed by the *North of Lovejoy Project: Urban Design Assessment and Proposed Zoning Changes* be adopted and that the recommendations of the report be accepted by Council.
12. On May 25, 2005, City Council conducted an initial publicly noticed hearing regarding the Planning Commissions recommendations regarding the *North of Lovejoy Project: Urban Design Assessment and Proposed Zoning Changes*.

### Findings on Statewide Planning Coals

State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with state land use goals. Because of the limited scope of the amendments proposed by the *North of Lovejoy Project: Urban Design Assessment and Proposed Zoning Changes* only the state goals addressed below apply.

13. Goal 1, Citizen Involvement, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement, including:

- a) An urban design charrette was conducted on February 3-4, 2005, involving 18 participants representing neighborhood interests, developers, City agencies, and the design community. The charrette included discussions regarding the community's aspirations for the study area and resulted in the development of a conceptual urban design framework for the area. The concepts developed during the charrette were later shared at a Pearl District Neighborhood Association meeting held February 15, 2005.
  - b) A Notice of Proposed Amendment was sent to DLCD in February regarding the Portland Planning Commission hearing to receive public testimony on the North of Lovejoy project.
  - c) The public notice was sent of a briefing held with the Portland Planning Commission on March 8, 2005, to discuss the results of the design charrette.
  - d) The public notice was sent of two briefings held with the Portland Design Commission on March 3 and April 17, 2005, to discuss the North of Lovejoy Project and the results of the design charrette. At these meetings members of the public had an opportunity to testify before the commission.
  - e) The public notice was sent of a public hearing on April 12, 2005, where the Portland Planning Commission considered the Bureau of Planning's recommendations regarding the *North of Lovejoy Project: Urban Design Assessment and Proposed Zoning Changes* including proposed amendments to the Comprehensive Plan Map and Title 33, Zoning Code amendments. At this hearing the public was given the opportunity to testify regarding the proposed amendments.
  - f) In early May a public notice was sent regarding the Portland City Council's hearing on May 25, 2005, to consider the Planning Commission's recommendations regarding the *North of Lovejoy Project: Recommended Zoning Changes*.
14. **Goal 2, Land Use Planning**, requires the development of a process and policy framework that acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding of the facts relevant to the decision. The amendments support this goal because:
- a) The proposed Comprehensive Plan and Zoning Map amendments comply with the land use process and policy framework for the City of Portland. The regulations of the River District subdistrict of the Central City Plan District remain in effect. Additionally, the proposed map amendments are in conformance with the Comprehensive Plan and the Zoning Code criteria and general purpose and intent of the Central Employment base zone.
  - b) The proposed amendments, staff report for the *North of Lovejoy Project: Urban Design Assessment and Proposed Zoning Change*, and associated support materials have been placed on file and are available to the public. The amended process included coordination with other City bureaus, the Portland Development Commission, Metro, and the Oregon Department of Land Conservation and Development.
15. **Goal 8, Recreational Needs**, requires satisfaction of the recreational needs of both citizens and visitors to the state. The amendments support this goal because:
- a) The three park sites identified in the Peter Walker Master Plan will be rezoned from Central Employment (EX) to Open Space (OS), in part ensuring these areas will be developed and retain as public park space where passive and active recreation needs can be provided.
  - b) The building height provisions proposed by these amendments establish a framework for where additional building height can and can not be placed such that park space will not be impacted by excessive shading.

16. **Goal 10, Housing**, requires provision for the housing needs of citizens of the state. The amendments support this because:

The additional height and FAR allowed on EX zoned properties in the study area provides an opportunity to more residential development in the study area which will balance the loss of potential residential development due to the rezoning of the park sites from EX to OS. Additionally, a slight increase in residential densities would be allowed as result of these map amendments because they allow a net increase in FAR within the portions of the project area subject to these amendments.

17. **Goal 12, Transportation**, requires provision of a safe, convenient, and economic transportation system. The amendments support this goal because:

The Comprehensive Plan Map and Zoning Map amendments may result in a slight increase in residential or employment densities within the study area as they allow a net increase in total FAR available within the area subject to these amendments. However, only a nominal impact to the existing transportation system is likely to occur and a subsequent transportation study is scheduled to occur in 2005 to address overall transportation issues in the River District and north end of the Central City. This study will result in modifications to the transportation network should such changes be necessary following the comprehensive study.

The proposed amendments to the Comprehensive Plan Map and Zoning Map to re-designate the park sites from Central Employment (EXd) to Open Space (OS) and increase the allowed base Floor Area Ratio (FAR) from 2:1 to 4:1 will result in zero net change in allowed base FAR with in the River District.

The project area is currently designated Central Employment (EXd) and will remain so designated with the proposed amendments. The EXd zone allowed for a mix of employment, office, retail and residential uses. Mixed-use development allows a variety of work and housing opportunities and accompanying services to locate in close proximity. The close proximity of these trip origins and destinations better enables these trips to be made by walking, biking or taking transit. This reduced reliance on single occupant vehicles and reduces demand for vehicle lane capacity.

The proposed amendments will result in high density development with trip origins and destinations designed to be principally served by mass transit. The project area is currently served by streetcar and the #77-Broadway/Lovejoy bus route on NW Lovejoy and NW Northrup and limited peak bus service on NW Naito. Bus service is planned to increase as the intensity of development increases in this area.

The proposed amendments will not significantly affect existing or planned transportation facilities. After accounting for the down zoning of the River District park sites from EXd to Open Space (OS) and the number of blocks within the project area that recently redeveloped, the result is zero net increase in allowed base FAR. The proposed amendments would increase the allowed FAR from 2:1 to 4:1 for twelve blocks. However, all but four of the twelve blocks have already developed with full block mixed-use developments, have completed Master Plans with development in process, or are currently in for permit review. The blocks that have already developed are not likely to redevelop in the next twenty to thirty years. In essence, the FAR potential removed from the three park sites within the River District was transferred to the remaining four blocks where redevelopment is likely to occur within the next twenty years.



The increase in allowed base FAR on the eleven blocks is 2:1 base FAR per block. The gross increase would be 22:1 base FAR. The increase in allowed FAR allocated to the seven blocks that recently redeveloped is 14:1 FAR. Since the increase in base FAR allocated to these redeveloped blocks is not likely to be realized in the next twenty years, it too is subtracted from the gross increase in allowed base FAR. The remaining increase in base FAR that may be realized in the district is 8:1.

The re-designation of the three park sites from EXd to OS results in an 8:1 decrease of allowed base FAR. One of the park sites currently has a base FAR of 4:1. Allowed base FAR on the other two park sites is currently 2:1. One of these parks is the size of two standard city blocks, so the decrease in FAR in term of potential square footage is actually double. The 8:1 decrease in allowed base FAR is subtracted from the remaining 8:1 increase in allowed base FAR. The resulting net increase in allowed FAR that is likely to occur in the district is zero.

The proposed modifications to the allowed FARs in the North of Lovejoy area can be accommodated within the current and planned transportation system, and further Goal 12.

18. **Goal 14, Urbanization**, requires provision of an orderly and efficient transition of rural lands to urban use. The amendments support this goal because:

The Comprehensive Plan Map and Zoning Map amendments result in a more defined urban framework for new development adjacent to the River District park system. These amendments allow additional height and FAR in a manner that requires new development to be sculpted in various forms that respect and frame the subdistrict's public open space features.

#### **Findings on Metro Urban Growth Management Functional Plan**

Metro has adopted an Urban Growth Management Functional Plan (UGMFP) that requires local jurisdictions to adopt and amend comprehensive plans and land use regulations that are consistent with its provisions. Because of the limited scope of the amendments in this ordinance, only the following findings apply:

19. **Title 1, Requirements for Housing and Employment Accommodation**, requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through citywide analysis based on calculated capacities from land use designations.

The amendments are consistent with this title because they generally increase the development flexibility within the study area to encourage additional housing and commercial development. Also, the re-designation of the three River District park sites from the Central Employment (EX) to Open Space (OS) designation is off-set by map amendments allowing a slight net increase in the total FAR available for residential development within the River District.

20. **Title 4, Retail in Employment and Industrial Areas**, calls for retail development in Employment and Industrial areas that supports these areas and does not serve a larger market area.

The amendments are consistent with this title because changes are within the Central Employment (EX) zone, which is intended for mixed-use development. No changes are proposed for general employment or industrial zones.

21. **Title 7, Affordable Housing**, ensures opportunities for affordable housing at all income levels, and calls for a choice of housing types.

The amendments are consistent with this title because they may lead to more floor space developed to housing, which increases supply and may be a factor in retaining housing affordability.

22. **Title 8, Compliance Procedures**, outlines compliance procedures for amendments to comprehensive plans and implementing ordinances.

These River District amendments enhance implementation of the *Region 2040 Growth Concept Plan* through a process that has included notifications and reviews. Notification of the Design and Planning Commission's consideration of the proposed amendments were sent to Metro.

### Findings on Portland's Comprehensive Plan Goals

The City's *Comprehensive Plan* was adopted by the Portland City Council on October 16, 1980, and was acknowledged as being in conformance with the statewide planning goals by the Land Conservation and Development Commission (LCDC) on May 1, 1981. On May 26, 1995 and again on January 25, 2000, the LCDC completed its review of the City's final local periodic review order and periodic review work program and reaffirmed the plan's compliance with the statewide planning goals. Due to the limited scope of the amendments proposed as part of the *North of Lovejoy Project: Recommended Zoning Changes* only the following findings apply regarding compliance with adopted *Comprehensive Plan* goals and policies.

23. **Goal 1, Metropolitan Coordination**, calls for the Comprehensive Plan to be coordinated with federal and state law and to support regional goals, objectives and plans. The amendments support this goal because the regulatory changes enhance the ability of the City to better comply with adopted plan goals and policies.
- a. **Policy 1.1, Urban Growth Boundary**, calls for support of the concept of an urban growth boundary for the Portland metropolitan area. The amendments for the River District support this policy because they will foster the development of additional housing densities and provide additional opportunities for recreation and open space creation within the UGB.
  - b. **Policy 1.5, Compliance with Future Metro Planning Efforts**, calls for the review and update of Portland's *Comprehensive Plan* to comply with the *Regional Framework Plan* adopted by Metro. The amendments for the River District support this policy because they will help to foster the concentration of higher density development within the Central City.
24. **Goal 2, Urban Development**, calls for maintaining Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers. The amendments support this goal because they provide increased development flexibility and the provision of additional urban open space within an area of the Central City that has been experiencing rapid redevelopment.
- a. **Policy 2.1, Population Growth**, calls for accommodating the projected increase in city households. The amendments support this policy because they allow a greater number of households in the area through increased maximum building height and bulk allowances.
  - b. **Policy 2.2, Urban Diversity**, calls for promotion of a range of living environments and employment opportunities for Portland residents. The amendments support this policy

because they recognize that open spaces can serve a variety of uses, and the open spaces that are located in the Central City serve a more urban use and urban population with easy access to transit. The amendments also support greater diversity in urban design, building design and potentially the design of units within the study area.

- c. **Policy 2.6, Open Space**, calls for provision of opportunities for recreation and visual relief by preserving existing open space, establishing a loop trail that encircles the city and promoting recreational use of the city's rivers, creek, lakes and sloughs. The amendments support this policy because they will result in additional lands within the Open Space zoning designation in the Central City Plan District. Additionally, the designate Open Space sites are based on an open space plan that focused on differentiating the three sites to provide a diversity of urbanized park and open space areas and uses.
- d. **Policy 2.9, Residential Neighborhoods**, calls for allowing a range of housing types to accommodate increased population while improving and protecting the city's residential neighborhoods. The amendments for the River District support this policy by enabling the creation of a complete mixed-use neighborhood with opportunities for increased housing densities, as well as retail space, parks and open spaces, centered around an enhanced street grid served by streetcar and other transit uses.
- e. **Policy 2.10, Downtown Portland**, calls for reinforcement of downtown Portland as the principal commercial, service, cultural and high density housing center in the city and the region. Additionally, the policy calls for maintaining downtown as the principal retail center in the city. The amendments for the River District support this policy because they call for development of high-density housing and mixed-use employment opportunities within the Central City Plan District. New residents and employees within the River District will provide a nearby market for downtown's retail center. The amendments also support the development of public transit connections, including the Portland Streetcar linking the downtown area and the rapidly developing South Waterfront District at the south end of the downtown core.
- f. **Policy 2.12, Transit Corridors**, calls for providing a mixture of activities along major transit routes and Main Streets that supports the use of transit and is compatible with the surrounding area. The amendments support this policy because they allow development flexibility within the immediate service area for Portland Streetcar and other transit uses. They also do not affect established City policy regarding designated transit corridors.
- g. **Policy 2.15, Living Closer to Work**, calls for locating greater residential densities, including affordable housing, near major employment centers, to reduce vehicle miles traveled per capita and maintain air quality; and calls for encouraging home-based work where the nature of the work is not disruptive to the neighborhood. The amendments support this policy because the potential for increased residential densities will be allowed in this portion of the Central City. The proposed the urban design provisions also encourage more mixed use development by opening opportunities for more successful mixing of residential and nonresidential building types within the district.
- h. **Policy 2.19, Infill and Redevelopment**, calls for encouraging infill and redevelopment as a way to implement the Livable City growth principles and accommodate expected increases in population and employment. The amendments support this policy because they increase the attractiveness of infill and redevelopment in this portion of the Central City by allowing

additional development flexibility as well as designated open space areas within the downtown core.

- i. **Policy 2.20, Utilization of Vacant Land**, calls for providing for full utilization of existing vacant land except in those areas designated as open space. The amendments support this policy because they increase the attractiveness of infill and redevelopment in this portion of the Central City.
  - j. **Policy 2.25, Central City Plan**, calls for encouraging continued investment within Portland's Central City while enhancing its attractiveness for work, recreation and living through implementation of the Central City Plan. The amendments support this policy because the increased development flexibility they provide is likely to result in continued and increased investment in this portion of the Central City.
25. **Goal 3, Neighborhoods**, calls for the preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density. The River District amendments are consistent with this goal as they support a potential for increased residential development around the Portland Streetcar alignment, while providing additional urban open space areas. Also, the amendments do not change the land use and zoning patterns in the nearby existing neighborhoods, providing in effect increased stability to adjacent areas as a result.
- a. **Policy 3.5, Neighborhood Involvement**, provides for the active involvement of neighborhood residents and businesses in decisions affecting their neighborhood. The amendments support this policy because there were numerous opportunities for the Pearl District Neighborhood Association, the business community, landowners, and the public at large, to participate in the planning effort resulting in the proposed amendments. Also, the landowners, community and City are committed to a next phase planning process that will build upon the process that produced these amendments.
26. **Goal 4, Housing**, calls for enhancing Portland's vitality as a community at the center of the region's housing market by providing housing of different types, density, sizes, costs and locations that accommodates the needs, preferences, and financial capabilities of current and future households. The amendments are consistent with this goal because they are likely to result in additional housing opportunities within the River District. Additionally, it is anticipated that a range of new housing types will also be provided.
- a) **Policy 4.1, Housing Availability**, calls for ensuring that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of Portland's households now and in the future. The amendments support this policy because they include provisions that allow greater development flexibility, that would allow a diversity of floor plate sizes, potentially taller buildings, and generally more development flexibility which is intended to result in additional residential units and housing types.
  - b) **Policy 4.3, Sustainable Housing**, calls for encouraging housing that supports sustainable development patterns by promoting the efficient use of land, conservation of natural resources, easy access to public transit and other efficient modes of transportation, easy access to services and parks, resource efficient design and construction, and the use of renewable energy resources. The amendments support this policy because they allow greater development flexibility within a rapidly growing portion of the River District. This area, which is supported by Portland Streetcar and other transit uses, has seen the recent development of residential development that has received LEED certification and it is likely that future development will also seek such certification.



27. **Goal 5, Economic Development**, calls for the promotion of a strong and diverse economy that provides a full range of employment and economic choices for individuals and families in all parts of the city. The amendments are consistent with this goal because increased development flexibility in the Central Employment (EX) zone, where the amendments are located, are intended to result in vibrant mix of new retail and residential development.

a) **Policy 5.1, Urban Development and Revitalization**, calls for encouraging investment in the development, redevelopment, rehabilitation and adaptive reuse of urban land and buildings for employment and housing opportunities. The amendments support this policy as they allow increased development flexibility on vacant land within the EX designation inside the River District of the Central City Plan District.

b) **Policy 5.4, Transportation System**, calls for promotion of a multi-modal regional transportation system that encourages economic development. The amendments support this policy because they may support an increased number of transit patrons and transit oriented develop within the Portland Streetcar service area.

28. **Goal 6, Transportation**, calls for developing a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility.

The amendments are consistent with this goal because increased development flexibility in the Central Employment (EX) zone, where the amendments are located, and within an area supported by a range of transit services, including bus and Portland Streetcar. Additionally, pedestrian and bicycle mobility are currently being enhanced within and immediately surrounding the parcels to be rezoned to the Open Space zoning designation. Lastly, these amendments result in only a slight increase to the development potential of the River District because the FAR increases allowed on the EX designated sites is off-set by the re-designation of the three River District park sites to the Open Space Designation. Only a nominal impact to the existing transportation system is likely to occur and a subsequent transportation study is scheduled to occur in 2005 to address overall transportation issues in the River District and north end of the Central City. This study will result in modifications to the transportation network should such changes be necessary following the comprehensive study.

a) **Policy 6.9, Transit-Oriented Development**, calls for increasing residential densities on residentially-zoned lands and encouraging transit-oriented development along Major City Transit Streets and Regional Transit ways, as well as in activity centers, at existing and planned light rail transit stations, and at transit centers, in conformance with the Comprehensive Plan and Zoning Code. The amendments support this policy because changes focus on increased development flexibility in areas along and adjacent to the Portland Streetcar alignment and other transit service.

**Policy 6.41, Central City Transportation Management Plan**, calls for including portions of the Central City Transportation Management Plan as part of the Comprehensive Plan. The amendments support this policy because the increased development flexibility is likely to result in a more vital and dense urban environment. The City, landowners and community are committed to a subsequent transportation study scheduled to occur in 2005 to address overall transportation issues in the River District and north end of the Central City. This study will result in modifications to the transportation network should such changes be necessary following the comprehensive study.



29. **Goal 7, Energy**, calls for promotion of a sustainable energy future by increasing energy efficiency in all sectors of the city. Although the amendments do not directly support this goal nothing in the amendments promotes development that would conflict with these goals. Additionally, recently LEED certified residential development projects have been construction within the River District as well as within other areas of the Central City. The development of similar development within the River District is likely to occur and the increased development flexibility allowed by these amendments could also facilitate new sustainable residential development.
- a. **Policy 7.3, Energy Efficiency in Residential Buildings**, calls for encouraging energy efficiency in existing residences, focusing on the most energy-wasteful units, by helping to develop and promote public/private partnerships, utility, local, state, and federal programs. The amendments for the River District support this policy as increased development flexibility often facilitates the creation of high-density, high- and mid-rise development projects that better minimize costs for space heating and related energy consumption, through the use of shared or common wall/ceilings and floors. Recent residential development in the River District and Central City in general has focused on LEED certified projects. It is anticipated that increased development and design flexibility can increase the number of LEED certified buildings in the area subject to these amendments.
  - b. **Policy 7.6, Energy Efficient Transportation**, calls for providing opportunities for non-auto transportation and for reducing gasoline and diesel use by increasing fuel efficiency. The amendments for the River District support this policy as they provide development flexibility within an area served by street car and other transit uses, and that is supported by an comprehensive and expanding pedestrian and bicycle network. These factors contribute the "transit oriented development" nature of the River District.
30. **Goal 8, Environment**, calls for the maintenance and improvement of the quality of Portland's air, water, and land resources, as well as the protection of neighborhoods and business centers from noise pollution. The amendments are consistent with this goal because they allow greater development flexibility in a redeveloping area, which may assist in relieving development pressures on Portland's natural resource areas. Additionally, the rezoning of several lots to the Open Space zoning designation will allow these areas to be maintained with impervious surfaces and vegetation, contributing to the urban forest canopy, and assisting in urban air and water quality.
- a. **Policy 8.2, Central City Transportation Management Plan**, calls for the Central City Transportation Management Plan to be the guide for future city efforts to maintain air quality standards while allowing for expanded employment and housing opportunities throughout the Central City. The amendments support this policy because changes are limited to allowing greater development flexibility, which is intended to lead to expanded housing opportunities, and potentially employment, within this portion of the Central City.
  - b. **Policy 8.9, Open Space**, calls for the protection of Portland Parks and other open space areas through the use of an Open Space designation on the Comprehensive Map. The amendments support this policy as the Comprehensive Plan Map and Zoning Map would be amended to rezone Jamison Square, North Park Square, and Neighborhood Park from EX to OS. This rezone of these existing and future urban park spaces provides an additional layer of protection ensure these sites will continue to provide an urban open space amenity in the long term.

31. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process, and the implementation, review, and amendment of the Comprehensive Plan. The amendments support this goal for the reasons found in the findings for Statewide Planning Goal 1, Citizen Involvement.
32. **Goal 10, Plan Review and Administration**, calls for periodic review of the Comprehensive Plan, for implementation of the Plan, and addresses amendments to the Plan, to the Plan Map, and to the Zoning Code and Zoning Map. These amendments support this goal because they provide for the provision of open space and encourage development flexibility within the context of the existing and adopted land use framework for the River District and Central City Plan District.
  - a. **Policy 10.1, Comprehensive Plan Review**, calls for implementing a process for the review of the *Comprehensive Plan* goals, policies, objectives, and implementation provisions on a periodic basis. The amendments are consistent with this policy because they are updates of the River District subdistrict of the Central City Plan District and elements of the *Central City Plan District*.
  - b. **Policy 10.3, Long Range Planning Framework**, calls for adopting the land use goals and policies as the long range planning framework and guide to the development and redevelopment of the city. The amendments are consistent with this policy because they consist with long range goals, policies, objectives and actions established for the River District and *Central City Plan*.
  - c. **Policy 10.5, Corresponding Zones and Less Intense Zones**, calls for amending zones to those that generally correspond to those on adjacent parcels or to zones that are less intense with regard to allowed uses. The amendments are consistent with this policy because they will rezone three park parcels from the Central Employment (EX) to Open Space (OS) designation.
  - d. **Policy 10.7, Amendments to the Comprehensive Plan Map**, calls for the Planning Commission to review and make recommendations to the City Council on legislative amendments to the Comprehensive Plan Map. The amendments are consistent with this policy as the Comprehensive Plan Map amendments proposed have been reviewed by the Planning Commission, who forwarded the amendments to City Council for its consideration..
  - e. **Policy 10.8, Zone Changes**, calls for base zone changes to be consistent the corresponding Comprehensive Plan designations. The amendments are consistent with this policy as the *Comprehensive Plan* is being amended consistent with the applicable base zone changes. Specifically, the park parcels will have a Comprehensive Plan Map and Zoning Map change from Central Employment (EX) to Open Space (OS). Additionally, the additional Zoning Map amendments proposed, those addressing total height and FAR, are consistent with the EX base zone and Comprehensive Plan Map designations.
  - f. **Policy 10.10, Amendments to the Zoning and Subdivision Regulations**, requires amendments to the zoning and subdivision regulations to be clear, concise, and applicable to the broad range of development situations faced by a growing, urban city. The amendments support this policy because they make changes to maps that implement maximum building height and floor area ratio regulations in the Central City Plan District. These amendments also modify the zoning for existing and proposed park spaces from the Central Employment (EX) to Open Space (OS) designation.
33. **Goal 11 A, Public Facilities, General**, calls for provision of a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities. The amendments support this goal because the Open Space designation that will be

placed on the three park facilities, two of which are developed or under construction, will ensure these sites are reserved for public recreation and park space as additional development occurs within the River District.

34. **Goal 11 F, Parks And Recreation**, calls for maximizing the quality, safety and usability of parklands and facilities. The amendments support this goal by ensuring that Jamison Square, North Park Square, and Neighborhood Park, as identified in the Walker Master Plan, will be protected in the long term by the Open Space zoning and Comprehensive Plan Map designation. Jamison Square is developed, North Park Square is under development, and planning is occurring for Neighborhood Park. These three parks do and will provide a range of active to passive recreation opportunities for current and future residents of the River District and city at large. Thus, the Comprehensive and zoning map changes amending these facilities from the Central Employment (EX) to Open Space (OS ) designation are consistent with this goal.
35. **Goal 12.1, Urban Design**, calls for enhancing Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations. The amendments support this goal because they introduce greater flexibility for visual punctuation in a portion of the Central City that has been criticized for the perceived similarity of its newer development. Additionally, these amendments will help to frame the urban design context surrounding the three River District parks leading and eventually a pedestrian access route connecting the River District to the shore to the Willamette River.
  - a. **Policy 12.1, Portland's Character**, calls for the enhancement and extension of Portland's attractive identity. An emphasis is placed on building on design elements, features, and themes identified by the City. The amendments are consistent with this policy and several of its applicable objectives which state:
    - i. **Objective A**, calls for giving form to the City and extending the intimate and human scale that typifies Portland; preserving public access to light and air by managing and shaping the mass, height and bulk of new development; retaining the variety of alternative routes between locations that is produced by using a small block size; and focusing new development at locations where necessary services already exist such as near light rail transit stations and along transit streets. The amendments support this objective because they provide for development flexibility in manner that respects the alignment and development of the three River District parks.
    - ii. **Objective G**, calls for extending urban linear features such as linear parks, park blocks and transit malls; and integrating the growing system of linear features into the City's transportation system, including routes and facilities for pedestrians, bicyclists and boaters. The amendments support this objective because they support the development and long term protection of the parks and alignment proposed by the Walker Master Plan. A key feature of this plan involves a linear progression of parks linked by a pedestrian and bicycle network leading eventually to the Willamette River and its associate trail systems.

36. Subsection 33.500.050.D. The regulations of the plan district must be in conformance with the Comprehensive Plan and continue to meet the general purpose and intent of the base zone and any overlay zones applied in the district and not prohibit uses or development allowed by the base zone without clear justification. These amendments to the regulations of the Central City plan district are in conformance with the Comprehensive Plan as explained above and continue to meet the general purpose and intent of the base zones and any overlay zones applied in the district.

NOW, THEREFORE, the Council directs:

- a. Adopt Exhibit A, *North of Lovejoy Project: Recommended Zoning Changes*, dated March 2005;
- b. Amend Title 33, Portland Zoning Code 33.5 10, as shown in Exhibit A, *North of Lovejoy Project: Recommended Zoning Changes*, dated March 2005;
- c. Amend Comprehensive Plan Map, as shown in Exhibit A, *North of Lovejoy Project: Recommended Zoning*, changes, dated March 2005;
- d. Adopt the commentary in Exhibit A, *North of Lovejoy Project: Recommended Zoning Changes*, dated March 2005, as legislative intent and as further findings.

Passed by the Council: JUN 01 2005

Mayor Tom Potter  
Troy Doss  
May 11, 2005

GARY BLACKMER  
Auditor of the City of  
Portland.

B

*Susan Parsons*  
e  
Deputy

# North of Lovejoy Project:

## Recommended Zoning Changes



**Planning**

City of Portland, Oregon  
Bureau of Planning  
March 2005



*Central City Plan-era illustration, mid-1980s*



## FOR MORE INFORMATION, PLEASE CONTACT:

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Portland Bureau of Planning  
1900 SW Fourth Avenue, Rm. 4100  
Portland OR 97201-5350  
503.823.7815  
jzehnder@ci.portland.or.us

The regulatory changes recommended in this document will be presented at a City Council Public Hearing:

Thursday May 26, 2005, 2:00 PM  
City Council Chambers, City Hall

Please contact Joe Zehnder (503.823.7815) for further information.

To help ensure equal access to information, the Portland Bureau of Planning offers the following services to disabled citizens:

- Interpreter (please allow two working day's notice);
- Accessible meeting places;
- Hearing assistance devices available with advance notice for public hearings; and
- **Planning documents printed in large type sizes for the visually impaired (two working days' notice required).**

If you have a disability and need accommodations, please call 503/823-7700 (TDD 503/823-6868). Persons requiring a sign language interpreter must call at least 48 hours in advance.

## ACKNOWLEDGMENTS

### Portland City Council

Tom Potter, Mayor  
Sam Adams, Commissioner  
Randy Leonard, Commissioner  
Dan Saltzman, Commissioner  
Erik Sten, Commissioner

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## Executive Summary

The North of Lovejoy Project proposes changes to development regulations that have governed a northern portion of the Pearl District since the *Central City Plan* was adopted in 1988. Then, Hoyt Street Yards, the 34-acre rail yard that dominated the area, appeared likely to become a tilt-up office park. *Central City Plan* zoning allowed such development, but also included incentives for much-desired residential development. Seventeen years later, it is clear that the situation has changed dramatically.



For the purposes of this study, the area is termed "North of Lovejoy." This report posits a series of urban design qualities intended to improve the study area's, briefly describes an unfolding process for implementing these ideas, and proposes three specific revisions to development regulations that will improve the area's near-term development.

The area's ongoing changes raise questions about neighborhood development and character, desirable building types, and specifically the massing, height, and overall form of new buildings. Note that Terminal One South (north of the Fremont Bridge) and the properties to its west across NW Front Avenue are also included within the North of Lovejoy study area.

The North of Lovejoy Project was initiated late in 2002 as the third in a series of refinements to Pearl District development envelopes. The project's narrow scope and budget allowed only building scale and parks issues to be addressed. A draft proposal was developed in spring 2003 in consultation with the Pearl District Neighborhood Association (PDNA), area stakeholders, and those who participated in two North Park Square design workshops. Given the importance of the 2001 *River District Park System Urban Design Framework Study* in creating the area's framework, the proposal was closely tied to the parks' locations. During spring 2003, uncertainties regarding the funding, timeline, and edges of two of the district's parks forced the project to be shelved. Those uncertainties were resolved through various processes by the close of 2003.

The Bureau of Planning reinstituted the North of Lovejoy Project in October 2004 with several meetings with the PDNA, other

stakeholders, and City staff. By January, it was clear that the quantitative regulatory issues addressed in the project were insufficient to describe the urban design framework – the “design story” – and other qualitative aspects desired for the neighborhood as it grows north toward the Willamette River. To fill this void, the Bureau organized a design charrette (an intensive design workshop) as described below.

## Urban Design Framework Charrette

A charrette was held February 3-4 to elaborate the desired urban design qualities for this portion of the Pearl District. It included 18 participants including representatives from the neighborhood, developers, city agencies, and the design community. In the charrette, the participants considered design and other qualities desired for the North of Lovejoy area. The results of the charrette touched on broad issues and ideas that could shape the district. The ideas were well received at a subsequent February 15 neighborhood association meeting. Many of these ideas, listed below, require further development and ongoing collaboration with the neighborhood, landowners, and infrastructure bureaus:

- A shift in the north-south/east-west street grid toward the Willamette River in the district's northernmost reaches – to occur southwest of the Burlington Northern Santa Fe/NW Naito Parkway alignments;
- Re-envisioning Neighborhood Park as a “hinge,” bridging the Pearl District south of the railway and Naito Parkway with future attractions and/or open spaces at the riverfront;
- The need to determine the anchor function that will occur in the proximity of Centennial Mills/Riverfront Park, if the proposed grade-separated pedestrian

crossing of the Burlington Northern railroad tracks and Naito Parkway is to be successful;

- The desire to emphasize the NW 9<sup>th</sup> & Overton intersection as an urban portal, “wrapped” with active uses and building edges that build on The Pinnacle's (the nearly-complete building at the intersection's SW corner) gateway design; and
- The appropriate massing north of NW Overton Street surrounding the park, and at a finer scale, the interface between future buildings and the park. Charrette participants unanimously agreed that if the parks are to be successful, more density appears necessary in the environs.

Bureau of Planning staff and the other charrette participants are currently developing a timeline (including milestones) for advancing these bigger ideas. An urban design framework map is under development for use in evaluating individual future development proposals.

As charrette concepts are further honed, some regulatory changes beyond those proposed in the North of Lovejoy Project may be advanced. In the meantime, the charrette process confirmed that the regulatory changes proposed in the North of Lovejoy Project will enhance the neighborhood in the nearer term.

## Zoning Recommendations

At the public hearing on April 12, 2005, the Planning Commission considered the following proposed regulatory changes:

- **Designate the parks as open space.** Rezone and change the Comprehensive Plan designation for the



district's park spaces (Jamison Square, North Park Square, and Neighborhood Park) from Central Employment to Open Space.

- **Allow for additional building height in a way that protects the parks.** To protect the parks from excessive shading and to encourage a sense of enclosure, change maximum building heights on ten blocks at the south, southwest, and west edges of the parks. Limit buildings to 100 feet facing the parks. Allow as much as 225 feet for structures on the far sides of these blocks.
- **Allow additional development capacity.** Increase the base floor area ratio (FAR) to 4:1 on the twelve blocks between NW Overton and Lovejoy Streets, 12<sup>th</sup> Avenue, and the Burlington Northern railroad tracks. Existing FAR bonus provisions are not impacted – as much as 3:1 additional FAR remains available through the FAR bonus process.

The pages that follow provide detail about the project process, timeline, and proposal.

During the hearing the Planning Commission heard no testimony in opposition to the project and, through staff, heard that the Pearl District Neighborhood Association Land Use Committee had voted to support the project's recommendations.

There was general support among the Planning Commissioners for the proposed changes. However, there also was concern that slab buildings, rather than more slender towers, could result from the increased FAR and height. Such long and tall slab buildings could negatively impact the neighborhood, its design character and views. There was discussion of whether there should be limitation on the length of the slab in addition to requiring buildings to step back from

the street above certain heights. There was discussion of limiting the maximum width of the possible towers as was done in the South Waterfront regulations. There was discussion of how upper floor setbacks and the quality of the massing and design of the buildings could mitigate the possible impacts on the neighborhood from this new larger scale tower. In the end, the majority of Planning Commissioners agreed to support the proposed zoning regulation changes and to depend on the Design Commission and the design review process to ensure that proposed buildings will be attractive and successful additions to the neighborhood.

#### **Planning Commission Recommendation**

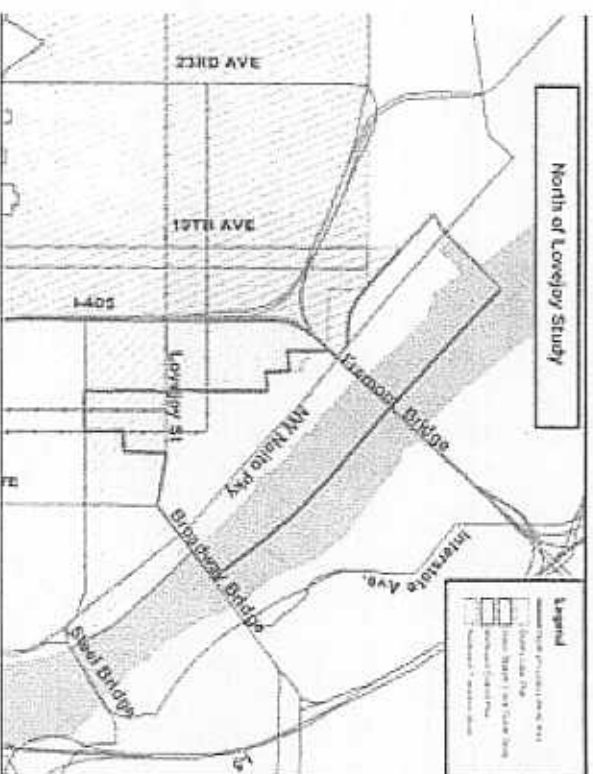
The Planning Commission recommends that City Council adopt the ordinance, recommended report, and proposed Zoning Code amendments proposed by the North of Lovejoy Project.

The Planning Commission also endorsed sending a letter from the Planning Commission to the Design Commission asking that they consider and address the design issues of concern to the Planning Commission when reviewing projects being built under these new provisions.

## Study Area and Context

The North of Lovejoy study area is bounded by the more developed areas of the Pearl District (to the south), the "transition area" immediately west (and extending beyond I-405) and the Willamette River to the north and east. The Portland Streetcar pivots near North Park Square (expected completion in summer 2005) in the heart of the study area.

Northward along the waterfront, the former Port of Portland Terminal One South is being redeveloped as River North, a waterfront residential development.



This study considers the area within the Northwest Triangle subdistrict of the Central City Plan.

## History and Trends

The area now called the River District is one of the oldest parts of Portland. Added to Portland's original town site in 1865, the area was predominantly residential by the 1880s. However, manufacturing facilities became increasingly common in the late 19th century, including breweries, iron works, stables, lumber mills and other industrial and commercial enterprises. Freight rail operations expanded in conjunction with the growth of the area's industry.

By the 1920s, the district had changed considerably. Residences were less common and industrial and wholesale operations began to dominate, often occupying half and full block sites. Transportation and trans-shipment functions became more firmly entrenched. Three cargo rail depots were located in the area: Union Depot near Union Station; the North Bank depot near NW Hoyt and 11th; and the Northern and Southern Depot on the site of what is now the Main Post Office. Rail lines were extended into the heart of the district along NW 15th, 13th, 12th, 10th, 4th, and Front avenues and NW Flanders Street. A thriving waterfront included grain, flour, coal and other cargo shipping facilities. Excellent rail connections made the district a vital transfer point for raw commodities and a variety of manufactured goods. These advantages, plus proximity to downtown and the concentration of related uses attracted manufacturing operations. Union Station's 1896 completion helped to solidify the district as a major transportation hub.

Industrial, wholesale and transportation land uses dominated the River District for much of the twentieth century. Following World War II, however, economic and land use trends began to affect the character and intensity of inner city industrial areas across the nation. Industry increasingly favored single-

story structures on large tracks of land near truck-friendly outer freeway belts instead of the vertically oriented, multi-story buildings in older, more confined areas such as the River District. Railroad operations consolidations made smaller yard like those in the River District obsolete.

By the early 1980s, people began to consider the declining importance of industrial and wholesale operations in the River District as a unique opportunity for Portland to add to previous Central City revitalization successes. A Regional Urban Design Action Team (RUDAT), a group organized by Portland's local chapter of the American Institute of Architects in 1983, recommended that urban housing become a focus of private and public revitalization efforts. Over time, citizens, property owners and policy makers seized the opportunity to reinvent the River District as a vital mixed-use community with a large resident population and a variety of urban amenities including art galleries, restaurants, and specialty retail. The burgeoning area's adaptable and relatively inexpensive spaces and their close proximity to the central business district made it attractive to non-industrial users.

Action plans like the *River District Development Plan* capitalized on existing infrastructure and honed public and private investments to encourage changes that are transforming the district. Major capital improvements include:

- the Transit Mall extension north of Burnside to Union Station (completed in 1993);
- the replacement of the Lovejoy viaduct with an at-grade street and now shortened Broadway Bridge connection (2001);
- the completion of the Portland Streetcar (2001); and
- the Pearl District's three parks – Jamison Square (complete), North Park Square (to be completed this

summer), and Neighborhood Park (likely to be completed in 2008-09).

This rapid pace of change is particularly notable in the area north of NW Hoyt Street, where redevelopment has been aided by the availability of a large tract of vacant former rail yard and a single dominant ownership.

*Central City Plan* policies, the *River District Design Guidelines*, and historic resource regulations are in place to help the area retain the flavor of its industrial and transportation heritage. Industry and warehousing, although greatly diminished in intensity, remain in portions of the River District.

## Planning and Policy Framework

Four major planning studies in the last several decades have shaped the future in this area. These are:

- the *Downtown Plan* (1972);
- the *Northwest Triangle Study* (1984);
- the *Central City Plan* (1988); and
- the *River District Plan* (1995) and the related *River District Design Guidelines* (1996).

Other studies have helped set the direction in the northern reaches of the Pearl District; these are described following the four major planning studies.

### Major Plans

#### **Downtown Plan (1972)**

The *Downtown Plan* proposed some future changes for the area then known as "North Downtown" by:

- recognizing the important supportive role played by an existing industrial and distribution center in close proximity to the central business district;
- calling for relocation of some industrial uses in response to market shifts in land use and development patterns;
- promoting mixed use development in portions of the area; and
- expecting that the railyards and waterfront would remain "Transportation Terminal Facilities."

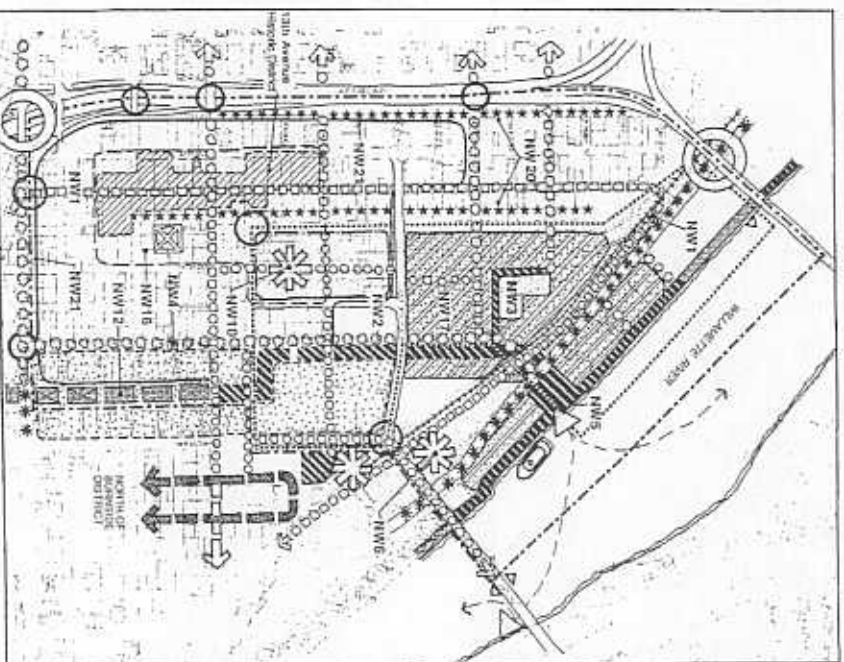
#### Northwest Triangle Study (1985)

The Northwest Triangle Study built upon the work of the Regional/Urban Design Assistance Team (R/UDAT) project, a joint effort by the American Institute of Architects and the City of Portland. The R/UDAT study, undertaken in 1983, documented the changing character of the area, presented alternative future scenarios, and called for the City to undertake a concerted planning effort for the northwest warehousing area. The R/UDAT team called for the area north of NW Lovejoy to be redeveloped as a business park.

- The City's response, *Northwest Triangle Study*, built upon this framework. The North of Lovejoy study area was divided into two subdistricts:
- Railyards: redevelopment was likely, but a broad economic/market analysis was recommended to identify impacts on downtown. Study results were to be folded into the *Central City Plan*.
  - Willamette Waterfront (south of the Fremont Bridge): the area, deemed obsolete for marine industrial uses, called for new manufacturing, distribution, office and commercial uses.

To implement the plan, specific zoning was designed to:

- guard against negative impact resulting from increased land use intensities (floor to site area ratio of 2:1, and 100 ft. building height);
- preserve open space and foster creation of new open space; and
- ensure visual and physical access to the river.



*Central City Plan (1988)*



### Central City Plan (1988)

The *Central City Plan* built upon the work of the *Downtown Plan*, embracing a greater geography and expanding its range of policy concerns. The *Central City Plan* encouraged changes to the River District by changing much of the district's zoning to Central Employment (CX). The CX zone is intended to foster a transition from an industrial past to a different future based on mixed-use development. Residential functions are encouraged through FAR bonuses. The plan's Urban Design Concept map illustrated a northward extension of the North Park Blocks, terminating with a water feature/public attraction at NW Front Avenue.

Retaining 2:1 FAR and 100 foot maximum building heights but adding bonuses:

- Up to 3:1 bonus FAR, especially for housing
- As much as 75 feet of additional available building height, through design review process

### River District Plan (1995)

In the early 1990s, citizens and landowners in the North Downtown area, cognizant of the challenges and opportunities presented by the changing character of the area, got together and crafted a vision for the transitioning district. The vision statement describes the newly named River District, made up of the former North of Downtown and Northwest Triangle districts, as a vital urban community of connected, diverse, and mixed-use neighborhoods.

The vision also called for the district to accommodate a significant portion of Portland's expected future population growth. Portland City Council acknowledged the *River District Vision* in March 1992 and called for the City and community to

craft strategies for its implementation. City Council endorsed the resulting *River District Development Plan* in May 1994 as the framework for directed change in the district.

The Bureau of Planning led the subsequent update to the *Central City Plan* to incorporate the River District changes. Adopted by City Council in April 1995, the *River District Plan* created:

- a new River District subdistrict (incorporating the former North of Burnside and Northwest Triangle subdistricts);
- a new River District Policy with related objectives and action items,
- a new urban design map for the district; and
- amendments to other *Central City Plan* policies to reflect the adoption of the *River District Plan*.

The new River District subdistrict, which incorporated the former North of Burnside and Northwest Triangle subdistricts, includes policy language that calls for the extension of "downtown development throughout the River District that is highly urban in character." The plan also calls for the district to house a substantial resident population with supporting jobs, services and recreation.

The *Central City Plan* Economic Development policy was updated to target 5,500 new housing units, 1.5 million square feet of new office space, and 500,000 square feet of new retail facilities. Housing objectives called for fostering a mix of housing types, prices and rent levels.

### River District Design Guidelines (1996)

The *River District Design Guidelines*, adopted in February 1996, guide Design Commission decisions on the district's development proposals. In conjunction with the *Central City Fundamental Design Guidelines*, the River District guidelines



constitute the mandatory approval criteria for new development projects subject to design review in the River District. The design guidelines recognize two distinct North of Lovejoy sub-areas:

- Tanner Creek Area: Identity for the Tanner Creek area will be established by designing Tanner Creek Park as both a neighborhood park and a key link in the cross-town park blocks corridor (Guideline B5-1)
- Waterfront Area: Identity will be reinforced with design solutions that contribute to the character of the Waterfront and acknowledge its heritage. (Guideline A5-1-8)

The Pearl District Neighborhood Association and others wish to update the *River District Design Guidelines* to incorporate changes to the Tanner Basin concept, to the former Industrial Sanctuary area to the west, and to reflect the building forms the district has produced that were largely unanticipated in the guidelines process.

## **Other Plans and Studies**

### **Union Station Clock Tower-Related FAR and Height Study (2000)**

This study revisited FAR and height limits in the vicinity of Union Station designed to protect the clock tower's visual prominence. Could FAR limits and bonus and associated height be changed to respond to "a decade's worth of district transformation?"

Based on the project's urban design analysis, City Council revised FAR and height limits in an area bounded by NW Hoyt and Lovejoy streets and I-405 and the Willamette River.

### **Guild's Lake Industrial Sanctuary Plan (2001)**

In 1999, City Council provided funding for the Bureau of Planning to review the industrial plan put forth by the Northwest Industrial Neighborhood Association (NINA). NINA sought to strengthen Comprehensive Plan policies that call for the continued industrial use of land in "industrial sanctuaries." In October 2001, City Council adopted the *Guild's Lake Industrial Sanctuary Plan*. New Comprehensive Plan policies and a new Zoning Code chapter limit commercial activities and their impact on industrial areas. The plan district's southern boundary is adjacent to that of the North of Lovejoy Project at Terminal One South/River North.

### **Northwest Transition Area Project (2001)**

In 1999, City Council directed the Bureau of Planning to propose regulatory changes to transition industrially zoned lands south of the Guild's Lake area to employment, residential and mixed-use zoning. The transition area extended between NW Lovejoy and Vaughn streets and 12th and 23rd avenues. City Council adopted *Northwest Transition Zoning Project* changes in August 2001.

East of I-405, the Northwest Transition Area Project changes are generally summarized as follows:

- Areas north of NW Lovejoy and west of NW 12th were changed from the industrial sanctuary Comprehensive Plan designation to a Central Employment designation with a design review overlay (from IG1 to EXd);
- The maximum base height became 100 feet, with a 5:1 floor area ratio (FAR) within one block of the freeway and one block of the streetcar, and a 4:1 FAR for the remaining areas west of NW 12th Avenue;

- Active use and window requirements were adopted for sites located within one block of the streetcar alignment.

#### **Northwest District Plan (2003)**

The Northwest District Plan updated the 1977 *Northwest District Policy* Plan with a comprehensive land use, urban design, transportation, housing, and economic development framework adopted in 2003. Further studies were completed by late 2003.

Among other actions, the Northwest District Plan increased allowed land use intensities in the Northwest Transition Area, immediately west of the Pearl District. This area is expected to take advantage of Portland Streetcar service and other locational advantages to intensify as a more vibrant urban district.

The Northwest District Association challenged some of the adopted plan's provisions, taking an appeal to the Oregon Land Use Board of Appeals. LUBA remanded plan provisions that increased land use intensities, informing the City of Portland that transportation system capacity issues were not adequately addressed. On appeal from NWDA, the Oregon Court of Appeals remanded to LUBA part of the plan remanded to LUBA in March 2005. LUBA has not made its final determination.

#### **Urban Renewal Plans and Agreement**

##### **River District Urban Renewal Plan (1998)**

The River District Urban Renewal Area, created in 1998, provides public capital in the form of tax-increment financing. Portland has used urban renewal to provide the infrastructure necessary to "prime the pump" of the private development that

follows. Within the urban renewal area's boundary, property assessments are "frozen" at the initial year's level. Increases in assessments during the life of the plan go to pay off the bonds that provided the capital for the infrastructure investments. The River District Urban Renewal is projected to reach maximum indebtedness (after which it could finance no more projects) in the year 2020.

##### **Development Agreement between Hoyt Street Properties and the City of Portland (1998)**

Development in the North of Lovejoy study area is also guided by a development agreement between the landowner (Hoyt Street Properties) and the City of Portland via the Portland Development Commission. Under this public-private agreement, the City to provide infrastructure to support development, and in return the Hoyt Street Properties provides identified amenities. Specifically the Development Agreement requires the following:

###### **Housing Affordability Components:**

- Fifteen percent of housing units must be affordable to those earning 0-50% of the Portland region's median family income (MFI); and
- Twenty percent of housing units must be affordable to those earning 51-80% MFI.

###### **Minimum Density Components:**

- At the agreement's onset, a minimum of 15 dwelling units must be built per acre;
- Upon the demolition and replacement of the Lovejoy viaduct, a minimum of 87 dwelling units must be built per acre;

- Upon completion of the Portland Streetcar, a minimum of 109 dwelling units must be built per acre; and
- Upon the completion of the area's first park (now known as Jamison Square), a minimum of 131 dwelling units must be built per acre.

Hoyt Street Properties has met its housing requirements to date, and the City has provided the infrastructure it agreed to provide.

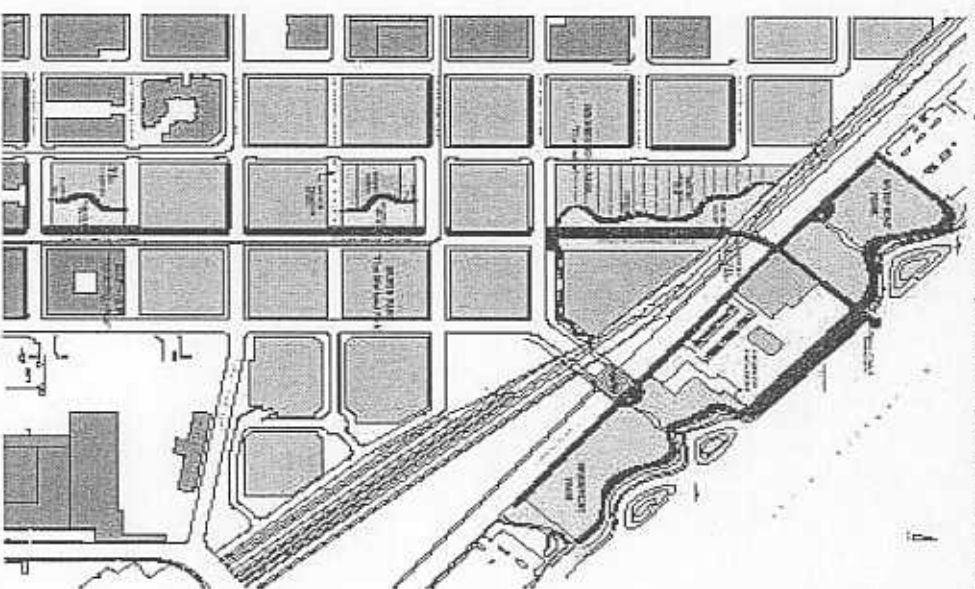
### **Portland River District Park System Urban Design Framework Study (2001)**

To further elaborate the recommendations of the 1998 Tanner Creek Park and Water Feature Steering Committee, Portland Parks and Recreation teamed with the PDC to commission the River District Park System Urban Design Framework Study, which was led by consultant Peter Walker and is commonly referred to as the "Peter Walker Master Plan." The plan was refined in 1998 due to concerns about the feasibility of some elements. The plan as revised identifies:

- the locations of the North of Lovejoy area's three parks – Jamison Square, North Park Square, and Neighborhood Park – all between 10<sup>th</sup> and 11<sup>th</sup> avenues;
- the aspiration for a Riverfront Park across NW Naito Parkway characterized by green spaces; and
- a boardwalk along the west side of NW 10<sup>th</sup> Avenue linking all of these features, including a grade-separated railroad and Naito Parkway crossing.

Jamison Square was completed in 2002. North Park Square will be completed this summer. Boardwalk extensions are completed as their adjacent properties come online; North Park Square's completion this summer will extend the

boardwalk to three blocks, though they are not yet continuous. The design process for Neighborhood Park is likely to get under way in 2006, with park completion by 2008-9.



*Park System Urban Design Framework Study (2001)*

## Pearl District Development Plan (2001)

The Pearl District Development Plan represents a set of priorities for the Pearl District Neighborhood Association and for the Portland Development Commission as the neighborhood continues to change. The plan elaborates a vision and a series of actions that will enable the district to retain important characteristics (especially of architectural, commercial, and employment heritage) in the face of continued change and increasing land values. The plan includes goals for the built environment, neighborhood amenities, housing, arts and culture, economic opportunities, edges and gateways, and transportation/parking.

The PDDP specifically lists a reexamination of building height and bulk provisions in the area north of NW Lovejoy Street and east of NW 12<sup>th</sup> Avenue as a priority; the North of Lovejoy Project was undertaken partially in response to these desires.

## Existing North of Lovejoy Area Development Regulations

The *Comprehensive Plan*, the Planning and Zoning Code (especially the Central City Plan District Chapter 33.510) and the official Zoning Map regulate new development. This section summarizes the regulations most pertinent to the study area. Note that the North of Lovejoy Project focused on zoning/Comprehensive Plan designations, maximum building height, and maximum floor area ratio provisions due to budget and scope limitations.

## Area Zoning and Comprehensive Plan Designations

South of the Fremont Bridge, the study area is designated and zoned Central Employment (EX), a zone that allows a wide variety of industrial, commercial and residential uses. The EX zone is intended to foster urban, mixed-use development in central areas that are predominantly industrial in nature.

North of Lovejoy areas north of the Fremont Bridge and east of NW Front Avenue are designated and zoned Central Residential (RX), which allows the highest dwelling units density of any residential zone. Density is not regulated by a maximum number of units per acre. Instead, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other development standards.

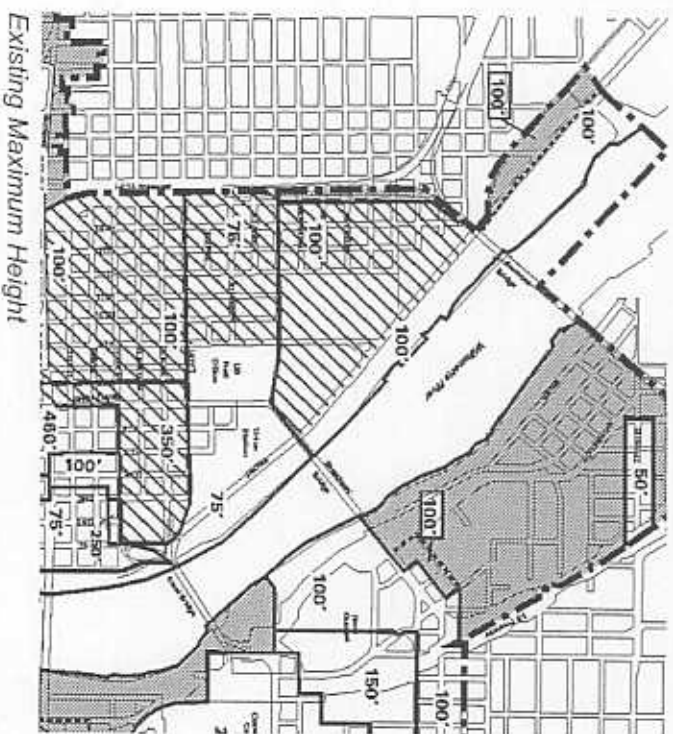
North of the Fremont Bridge and west of NW Front Avenue, the area is designated Central Employment (EX) but retains Heavy Industrial (IH) zoning. Heavy Industrial zoning implements the *Comprehensive Plan*'s Industrial Sanctuary policies. Though this area is outside the Guild's Lake Industrial Sanctuary, the North of Lovejoy Project does not propose amending the zoning to conform to the Comprehensive Plan designation.

## Plan District Regulations

### Maximum Building Bulk and Height (33.510.200 and 205)

The study area's current maximum building bulk and height limits were established by the *Central City Plan*. The maps on the following page show the existing building height limits and shows the existing building bulk limits, expressed as floor area ratio (FAR). A project's FAR is calculated as the ratio of the total floor area of all buildings on a site to the site's area. For example, a 2-story building that covers its entire site has a





Existing Maximum Height

FAR of 2:1; a two-story building that only covers half of its site has an FAR of 1:1. Vehicle parking at or above grade is counted as FAR; below-grade parking is not. Generally, the highest FARs in the Central City area are closest to concentrated transit service, especially along the Transit Mall.

Today, the North of Lovejoy area's maximum building height is 100 feet, and the maximum FAR is 2:1 (note that several study area blocks south of NW Lovejoy Street have slightly different regulations).



Existing Maximum FAR

#### Bonus Options for Building Height and FAR (33.510.210)

Central City plan district regulations allow additional development potential beyond the base FAR and height limitations under certain circumstances. The additional development potential is granted in exchange for providing amenities that implement the policies of the *Central City Plan*. FAR bonuses available in the North of Lovejoy study area may be awarded for providing housing, day care facilities, rooftop gardens, public art, water features, or locker rooms, among other options. Generally, bonus FAR of up to 3:1 in addition to the base allowed FAR may be awarded for the provision of these amenities. All but one of the study area's completed projects has made use of the residential bonus provision.



In some areas, bonus building height beyond the base allowed height may be awarded in conjunction with earned bonus FAR or for providing housing. Height bonuses may be awarded in the North of Lovejoy area only west of NW Naito Parkway. Area projects that exceed 100 feet have made use of this provision.

#### Northwest Triangle Subarea (33.510.245 and 250)

Among the outcomes of the *Northwest Triangle Study* was the requirement for new connections and sufficient open space in areas transitioning from waterfront industrial or rail yard uses. These requirements promote adequate light and air, visual relief, outdoor recreation, and a robust pedestrian network. The frequent connections requirement applies to both areas; waterfront regulations apply only east of NW Naito Parkway.

### **Overlay Regulations**

#### Greenway Regulations (33.440)

The River General (g) greenway overlay zone applies to North of Lovejoy properties that border the Willamette River. The Greenway Zones chapter (33.440) contains both use restrictions and development standards and a review process. Applicable development standards include:

- setbacks;
- required landscaping;
- recreation trail/required viewpoints; and
- viewpoints and view corridors

Proposed changes are subject to greenway review, which focuses on development riverward of the greenway setback. The greenway setback extends from the top of the bank to a point 25 feet landward of the top of the bank. As part of greenway review, the Willamette Greenway design guidelines are reviewed for compliance.

#### Design Review (33.420)

North of Lovejoy properties generally are within the Design (d) overlay zone, which indicates areas subject to design review; the exception is the area of Heavy Industrial properties west of NW Front Avenue. Design review is intended to ensure that new development conserves and enhances recognized special design values. Design review is required for all new development and certain modifications to existing development.

Depending on the type of review, the Portland Design Commission and/or the Portland Historic Landmarks Commission serve as the review body for development proposals subject to design review. Several sets of design review approval criteria apply within the study area:

- the *Central City Fundamental Design Guidelines* and Zoning Code development standards apply to all Central City areas outside the Industrial Sanctuary.
- Within the River District, except in historic districts, the River District Design Guidelines apply in addition to the Central City guidelines.
- Proposals involving a recognized historic landmark must satisfy the criteria for historic design review contained in Zoning Code chapter 33.846. Proposals for historic landmarks listed in the National Register of Historic Places must meet certain federal guidelines in addition to applicable local criteria. In the North of Lovejoy study area, only Albers Mill is a listed historic resource.
- In the eastern portion of the study area within the River General (g) overlay zone, the Willamette Greenway Design Guidelines apply in addition to both the River District and Central City guidelines.

## Recent Pearl District Development Characteristics

The table in this section summarizes data on Pearl District development since 1996. Research was initiated to provide a framework for understanding the relationships between building mass and height and the space devoted to residential, commercial, and vehicle parking uses.

Two caveats are necessary about of the table's contents:

- Project information is based on information submitted by the project's applicant during the Design Review process. While slight project revisions sometimes occur following design review, these revisions are unlikely to significantly change the project characteristics.
- Several of the projects provide vehicle parking that serves nearby functions – more than just the immediate project. These projects include The Edge, the Louisa, One Waterfront Place, and Station Place.

In very general terms, project size, expressed as FAR, has increased from the mid-1990s as illustrated at right.

Recent Pearl District Project Massing

FAR	1996 or earlier	1997	1998	1999	2000	2001	2002	2003	2004
9-10								The Eliza-beth 9.64/175'	
8-9				The Gregory 8.4/141'			The Edge 8.5/145'		
7-8					Marshall Wells Lofts 7.77/110'	The Henry 7.69/173' (13.54 FAR on the 20,000 sq ft site)	The Louisa 7.25/175'		
6-7						Park Place 5.4/150'		The Pinnacle 6.43/175'	
5-6							Burlington Tower 4.93/124'		
4-5		River-stone 4.6/72'	Tanner Place 4.66/75'	Lovejoy Station 4.25/56'	Street-car Lofts 4.96/93'	Bridgeport 4.71/91' The Lexis 4.25/80'	10th @ Hoyt 4.7/88' The Lexis 4.55/80'	The Silka 4.3/75'	
3-4	Pearl Court 3.35/40'		Kearney Plaza 3.26/56'			Station Place 3.51/144'			Water-front Pearl 3.48/115'
2-3						One Water-front Place 2.92/145'			
Less than 2	Pearl Town-homes West 1.42/35'		Johnson St. Town-houses 1.88/37'					NW Front Town-homes 1.2/35'	

**Table 1: Bulk, Height, and Floor Area Characteristics of Recent Pearl District Projects**

Project Name	Address	FAR	Building Height	Res. Units	LUR File #	Res. Sq. Ft.	Comm'l Sq. Ft.	Bldg Sq. Ft.	Site Sq. Ft.	Parking
The Avenue Lofts	1415 NW Hoyt	3.76	120'	225	03-106858	270,724	0	270,724	72,000	187
Bridgeport Condominiums	1130-1133 NW 12 <sup>th</sup>	4.71	91'	124	01-00360	180,587	7,852	188,439	40,000	138
Burlington Tower	900 NW Lovejoy	4.93	124'	163	02-127082	142,723	11,052	211,966	43,000	163
The Edge	805 NW 14 <sup>th</sup>	8.5	145'	117	02-132006	287,481	40,000	340,000	40,000	N/A
The Elizabeth	NW 9 <sup>th</sup> & Glisan	9.64	175'	182	03-153965	264,500	15,000	337,326	35,000	213
The Gregory	420 NW 11 <sup>th</sup>	8.4	141'	145	99-00379	150,000	48,000	336,000	40,000	201
The Henry	128 NW 11 <sup>th</sup>	7.69	173'	123	01-00632	191,340	14,800	270,731	20,000	159
Johnson St. Townhouses	NW 11 <sup>th</sup> & Johnson	1.88	37'	13	98-00702	31,068	0	35,582	18,898	13
Kearney Plaza	930 NW 12 <sup>th</sup>	3.26	56'	131	98-00298	106,000	9,000	140,000	43,000	159
The Lexis	1125 NW 9 <sup>th</sup>	4.55	80'	139	01-106334	135,561	9,000	182,883	40,000	143
The Louisa	1201 NW Couch	7.25	175'	244	02-154552	258,346	-32,000	290,346	40,000	3 levels
Lovejoy Station	915 NW Lovejoy	4.25	56'	177	99-00897	164,000	6,000	170,000	40,000	88
Marshall Wells Lofts	1420 NW Lovejoy	7.77	110'	164	00-00637	179,000	5,180	310,800	40,000	179
NW Front Townhomes	NW Riverside	1.2	35'	71	03-102995	159,246	0	159,246	130,897	137
One Waterfront Place	701 NW Naito Pkwy	2.92	145'	0	01-00165	0	256,000	418,000	143,090	700
Park Place	NW 10 <sup>th</sup> & Lovejoy	5.4	150'	124	01-00431	172,010	14,800	216,000	43,000	134
Pearl Court	920 NW Kearney	3.35	4 levels	194	98-00233	134,000	0	134,000	40,000	18
Pearl Townhomes West	601-637 NW 11th	1.42	35'	10	93-00279	29,135	0	29,135	20,500	6
The Pinnacle	NW 9 <sup>th</sup> & Overton	6.43	175'	179	03-100642	238,000	6,950	257,200	40,000	205
Riverstone	1030 NW Johnson	4.62	72'	122	97-00238	175,000	10,000	185,000	40,000	130
The Silka	NW 11 <sup>th</sup> & Overton	4.3	75'	217	03-168997	160,000	12,000	172,000	40,000	130
Station Place	NW 9 <sup>th</sup> & Marshall	3.51	144.5'	175	01-00776	150,000	28,200	185,765	52,857	500
Streetcar Lofts	1030 NW 12 <sup>th</sup>	4.98	93.5'	152	00-00021	123,365	10,960	199,110	40,000	146
Tanner Place	809 NW 11 <sup>th</sup>	4.86	75'	122	98-00866	187,900	11,350	199,250	41,000	146
10 <sup>th</sup> @ Hoyt	911 NW Hoyt	4.7	68.5'	175	02-125719	135,194	12,997	188,000	40,000	160
Waterfront Pearl	1200-1300 NW Naito	3.48	115'	370	04-036771	602,535	3,250	673,683	193,561	843

## Project Process

The North of Lovejoy Project was initiated late in 2002, as the third in a series of refinements to Pearl District development entitlements and standards. The project was scoped and funded only to consider building scale and parks issues. A draft proposal was developed in spring 2003 in consultation with the Pearl District Neighborhood Association (PDNA), area stakeholders, and those who participated at two North Park Square design workshops.

The location and nature of the park blocks described in the 2001 *River District Park System Urban Design Framework* are among the most critical parts of the area's ongoing development. During spring 2003, uncertainties regarding the funding, timeline, and other aspects of the district's parks forced the project to be shelved. These issues were resolved by the close of 2003. The Bureau of Planning reinstituted the North of Lovejoy Project in October 2004.

By January, it was clear that the quantitative regulatory issues addressed in the project were insufficient to describe the urban design framework – the “design story” – and other qualitative aspects desired for the neighborhood as it grows north toward the Willamette River. These included growing questions on how best to relate development to the waterfront, and questions about the overall composition and form of the emerging neighborhood. To fill this void, the Bureau organized a design charrette (an intensive design workshop) as described below.

### The North of Lovejoy Charrette

A charrette was held February 3-4 to consider current and future neighborhood qualities and development in the northern portion of the Pearl District generally and in a more focused way for the North of Lovejoy area including the waterfront. Eighteen participants including neighborhood representatives, developers, city agencies and the design

community attended. In the charrette, the participants considered community aspirations for the North of Lovejoy area. The event's opening session consisted of an afternoon spent discussing larger hopes for the Pearl District and the North of Lovejoy area. This was done by examining the area both internally and within the larger context of the district's immediate edges.

The charrette concluded with collective clarity on broad issues and ideas that could shape the district. These ideas were subsequently well received at a February 15 neighborhood association meeting. Identified in the charrette only as broad approaches and concepts, many of these ideas (listed below) require further development and ongoing collaboration with the neighborhood, land owners, and infrastructure bureaus. Day one of the charrette was spent placing North of Lovejoy in its context. Highlights of that discussion are as follows:

- **The North of Lovejoy study area** presents a real opportunity to envision how the northward expansion of the Pearl District is completed as it nears the BNSF tracks, Naito Parkway, and riverfront properties.
- **The NW Pearl**, west of the North of Lovejoy study area, is expected to continue the Pearl's transition from industrial use to more mixed use residential and commercial uses. Regarding this western part of the Pearl, charrette participants expressed a desire to preserve jobs, allow larger buildings against I-405, retain and improve connections beneath the freeway, and explore recreational or other uses for the parcels beneath the freeway.
- **The Pearl waterfront** (Centennial Mills and of the area the Peter Walker Master Plan identifies as Riverfront Park) has an uncertain future, but charrette participants uniformly agreed that this riverfront site must be an important destination and amenity for downtown – a



counterpoint to the focus of the Brewery Blocks to the south.

- **The U.S. Main Post Office site** should not be redeveloped to be more of the same street grid and uses that predominate the area. It is a unique and major opportunity to add to the Central City in a different, distinct and supporting way.
- **Enhanced connectivity** to Union Station, under I-405 and on alternative paths through the neighborhood were considered important characteristics for the future of the area.
- **Focused Retail Corridors** with local serving emphasis on Overton between 9<sup>th</sup> and 13<sup>th</sup>, area serving emphasis on Lovejoy between 9<sup>th</sup> and 13<sup>th</sup> and better use of the boardwalk extending along 10<sup>th</sup> Avenue from Jamison Square to the waterfront. Strategies for achieving such focus were not developed.

Having set the larger context for the neighborhood, the event's second day was devoted to a more focused discussion of the area between Northrup and the waterfront. The area's design story was described in terms of use, form, and amenities. The discussion raised the importance of considering creating hierarchies of movement and open space; creating shifts in scale; and maintaining diversity. Specific ideas discussed include:

- **Orientation to the waterfront:** Participants supported re-envisioning the Neighborhood Park as a "hinge," shifting its orientation and that of the street grid the south of the railway and Naito Parkway to better connect the Pearl with future attractions and/or open spaces at the riverfront;

- **The future of the waterfront:** There was concern about the need to determine the nature of Centennial Mills/Riverfront Park, whether any of the buildings would be reused and the implications of this for the proposed pedestrian crossing over the railroad tracks and Naito Parkway;

- **Gateway to the Pearl:** Participants shared an interest in emphasizing NW 9<sup>th</sup> & Overton as a portal, "wrapped" with active uses and building edges that build on The Pinnacle's (the nearly-complete building at the intersection's SW corner) gateway design;

- **Buildings on the park:** There was interest in treating the buildings along the Neighborhood Park differently than the blocks to the south in terms of massing, fineness of scale, the interface between buildings and the park, i.e., buildings with residential entrances directly on the park and the possibility of vacating parts of streets.

- **Markers for the park:** Block 19 and a future taller "iconic" feature at the northern terminus of 11<sup>th</sup> should be treated as visual landmarks for the park and neighborhood.

- **Future development intensity:** Charrette participants agreed that residential density in the vicinity would greatly support a vibrant park and that this together with larger considerations of diversity in family structure, mix of housing types and focused retail corridors could open consideration for increased development capacity in the final phases of North of Lovejoy development.





The diagram on the previous page summarizes the charrette's results. These are initial ideas that will require further development and collaboration with the neighborhood, landowners, and infrastructure bureaus.

### Public Reaction

The charrette created enthusiasm among the event participants and at a subsequent February 15 neighborhood association meeting. On March 1, the Pearl District Neighborhood Association's Land Use and Transportation Committee voted to support the North of Lovejoy development regulation changes as summarized in this report with the proviso that work on the urban design framework be continued and concluded prior to any additional changes.

### Next Steps

Bureau of Planning staff is developing a timeline for the continued review and development of ideas from the charrette. This will produce an urban design framework map for use in evaluating future individual development proposals. As charrette concepts are further honed, there may be some more regulatory changes proposed. In the meantime, the charrette findings confirmed that the changes proposed in the current North of Lovejoy Project will enhance the neighborhood in the nearer term.

Out of the charrette, there was agreement that increased density in the blocks north of NW Overton Street could contribute to the success of the Neighborhood Park and of the Riverfront Park/Centennial Mill. However, this cannot be considered without evaluating the area's transportation issues through a transportation modeling process. The area has three constraints that taken together may prove serious:

- Relatively distant access to the regional freeway system and even to major city traffic streets;
- Relatively distant transit service (the Portland Streetcar service only reaches Lovejoy and Northrup and bus service is limited to infrequent service along NW Naito Parkway and Lovejoy or the Transit Mall at Union Station).
- The BNSF railway line limits the street grid connections to NW Naito Parkway intersections with NW 9<sup>th</sup> and 14<sup>th</sup> avenues. No other crossing points are available to the north/east; thus, vehicle demand is concentrated on these two intersections.

The transportation system analysis process could begin in summer 2005 and by fall, transportation modeling results should help form the outlines of the transportation system's ability to handle density, as well as the steps that could be undertaken, including transit enhancements, to improve the transportation situation in the area.

The charrette also confirmed that the North of Lovejoy regulatory proposal is appropriate. It will improve the neighborhood in the short term while broader charrette issues are further developed and advanced. Rezoning the parks to open space needs to occur, despite uncertainty about the eventual edges on the northern half of Neighborhood Park. Maximum building height provisions around the parks should be changed to protect the parks from excessive shadowing and to promote a sense of enclosure. And maximum floor area ratio limits should be increased to allow somewhat larger buildings, but with FARs no more than 4:1 (7:1 with bonuses), the height envelope will be much larger than the available FAR can fill.

## North of Lovejoy – Recommended Changes

The Bureau recommends several limited regulatory changes that the Planning Commission will consider at the public hearing scheduled for April 12. The recommended changes are as follows:

- **Designate the parks as open space:** Rezone and change the Comprehensive Plan designation for the district's park spaces (Jamison Square, North Park Square, and Neighborhood Park) from Central Employment to Open Space.
- **Allow for additional building height in a way that protects the parks:** To protect the parks from excessive shading and to encourage a sense of enclosure, change maximum building heights on ten blocks at the south, southwest, and west edges of the parks. Limit buildings to 100 feet facing the parks. Allow as much as 225 feet for structures on the far sides of these blocks.
- **Allow additional development capacity:** Increase the base floor area ratio (FAR) to 4:1 on the twelve blocks between NW Overton and Lovejoy streets, 12<sup>th</sup> Avenue, and the Burlington Northern railroad tracks. Existing FAR bonus provisions are not impacted – as much as 3:1 additional FAR remains available through the FAR bonus process.

## Rezoning the Parks

The Central Employment (EX) zoning on the district's three parks – Jamison Square, North Park Square, and Neighborhood Park – was put in place by the Central City Plan in 1988. Rezoning these parks is merely recognizing

them for their new purposes. In chapter 22.100, the Portland Zoning Code describes the purpose of the Open Space (OS) zone:

*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;*
- *Preserving the capacity and water quality of the stormwater drainage system; and*
- *Providing pedestrian and bicycle transportation connections.*

The edges of Jamison and North Park squares are certain – the park properties will end at the street right-of-way. In the case of Jamison Square, the NW Kearney Street pedestrianway forms the northern edge; the pedestrianway is not proposed for rezoning.

The edges of Neighborhood Park are somewhat more fluid. Portland Parks and Recreation owns the property bounded by NW Overton Street, 11<sup>th</sup> Avenue, a line between Raleigh and Quimby streets, and a line near the extended centerline of 10<sup>th</sup> Avenue, which is not intended to become a public street. The total parcel is 90,200 square feet, or about 2.2 acres. But the Peter Walker Master Plan depicts the park extending northward to the BNSF railway tracks; an agreement for a triangular parcel about 26,000 square feet that would fulfill that intention has not been completed. Further, the charrette considered a "hinge" function where

the park's orientation would shift from north-south, instead toward the river, somewhere just north of Pettygrove Street. Other property transactions would be necessary to fulfill this change in orientation. However, rezoning the property now owned by Portland Parks and Recreation (the two parcels that end just south of NW Quimby Street) is warranted to reflect the site's future.

### **Changing Maximum Building Height**

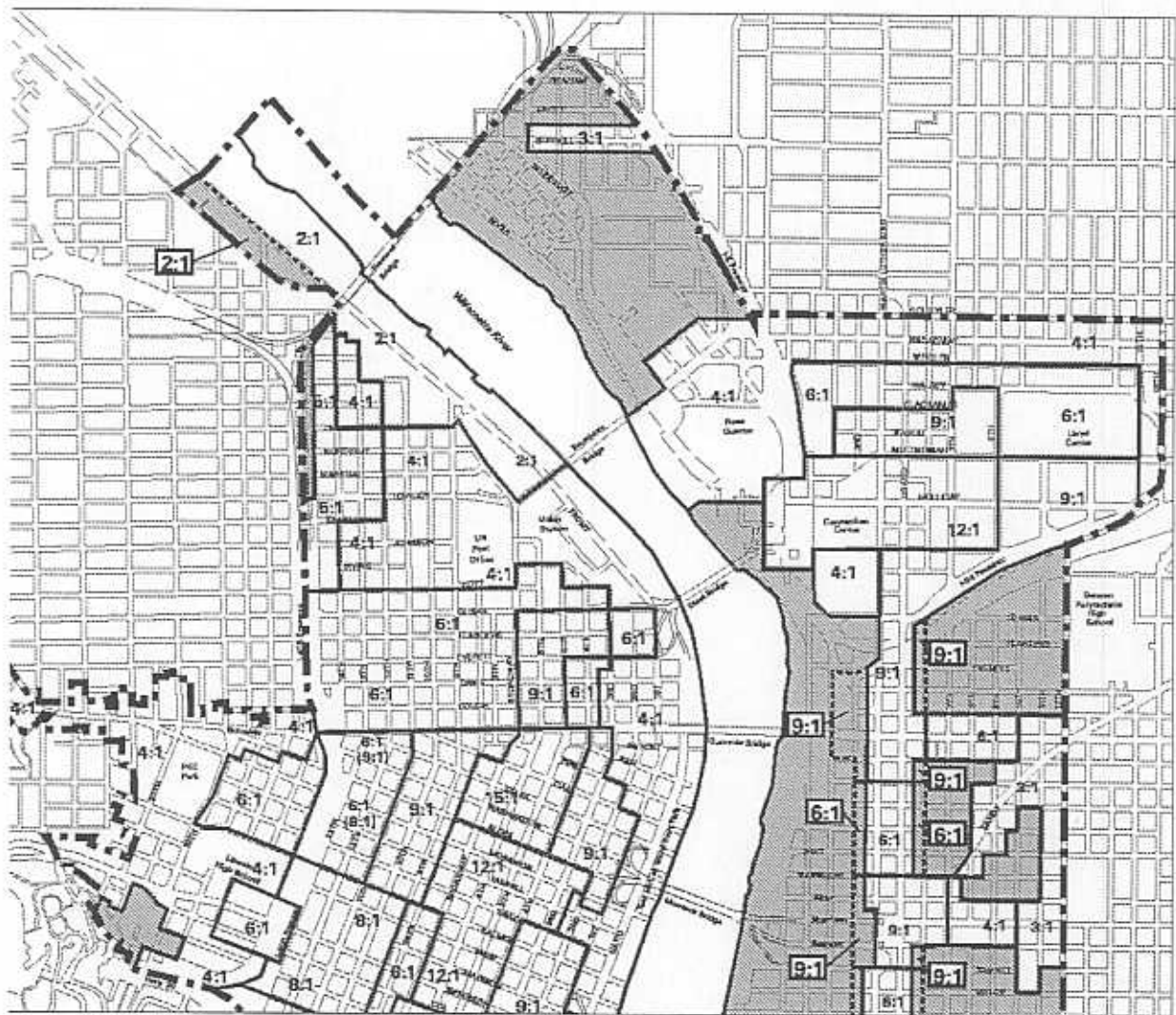
The North of Lovejoy Project proposes to amend maximum building height provisions around the Parks' South, Southwest, and West Edges. This approach has been applied elsewhere in the Central City; the nearby example is the North Park Blocks, where building heights are limited to 100 feet on the parks' west edge. The Central City Plan limits maximum building heights on these edges to limit shadowing during times when the parks are intensively used. Buildings along Jamison Square's south, southwest, and west edges vary from 75 feet to 35 feet and back to 75 feet.

Buildings along North Park Square's southwest and west edges are approximately 90 feet.

Zoning Code provisions require any proposed incursion into these edges to analyze the shadow conditions at both Noon and 3:00 PM on April 21.




### **Increasing Maximum FAR**

The district's allowed building mass as expressed by floor area ratio (FAR) today is 2:1, which is the lowest in the Central City. Recent housing projects in the area indicate continued market enthusiasm for living in this part of the Pearl District. The completion of North Park Square and, later, Neighborhood Park, are both likely to extend this enthusiasm. An increase to 4:1 will match properties to the south and west, both of which were updated in the last several years. Analysis of the district's development characteristics as captured on Table 1 (pg. 15) indicates that 1 FAR may yield approximately 25 housing units.

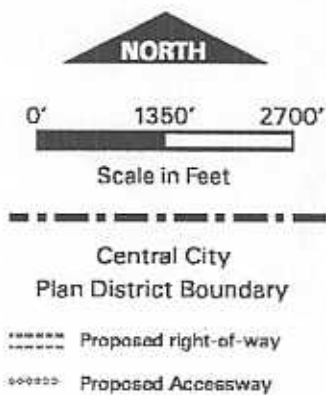


**LEGEND**

- X = Gross sq. ft. of building
- Y = Square ft. 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

Map Revised xxx. xx, 2004



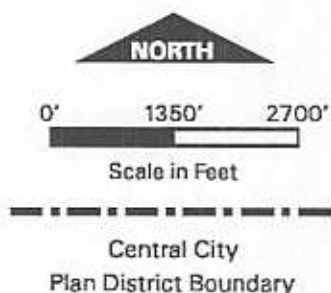
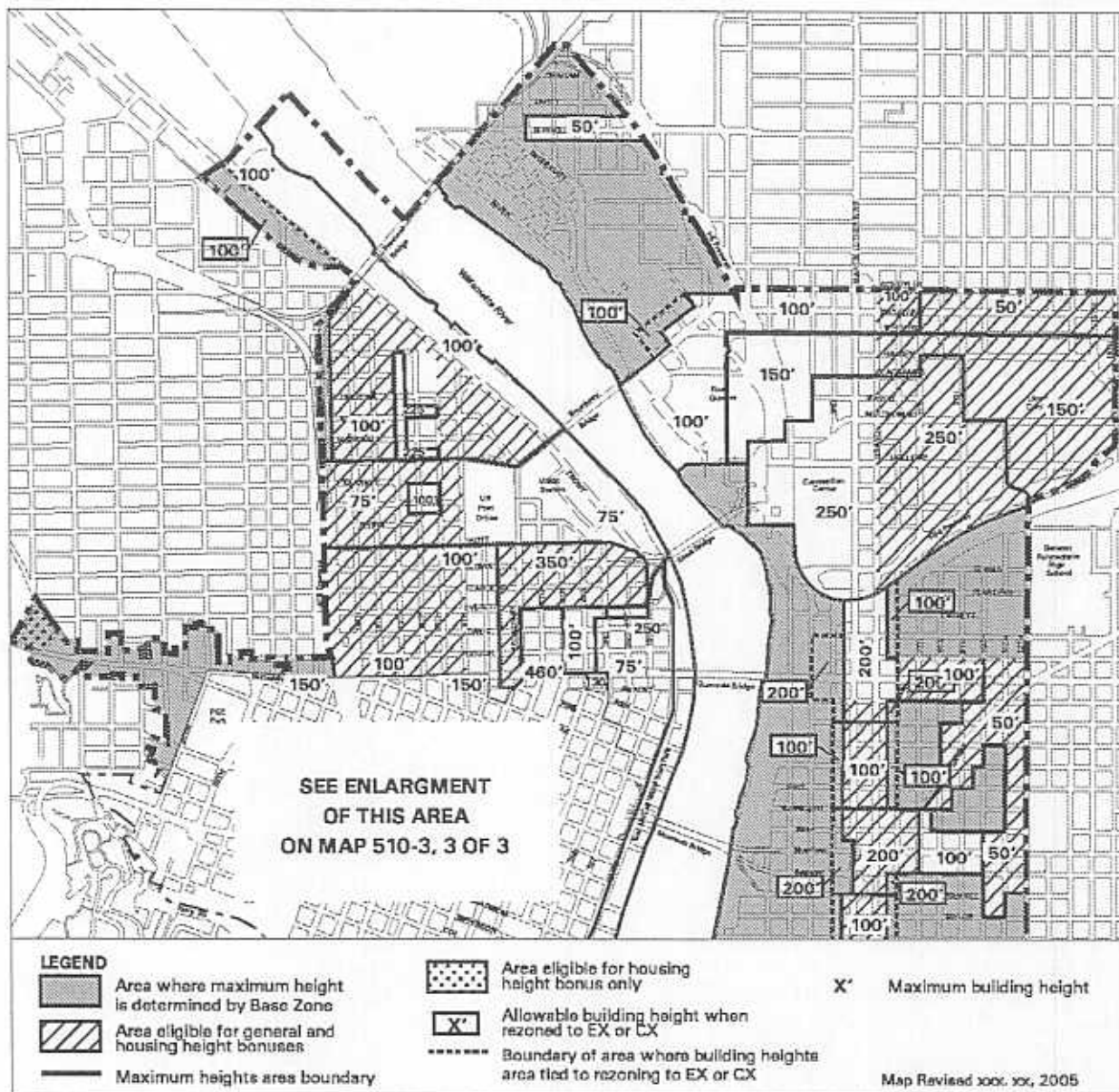
# Map 510-2

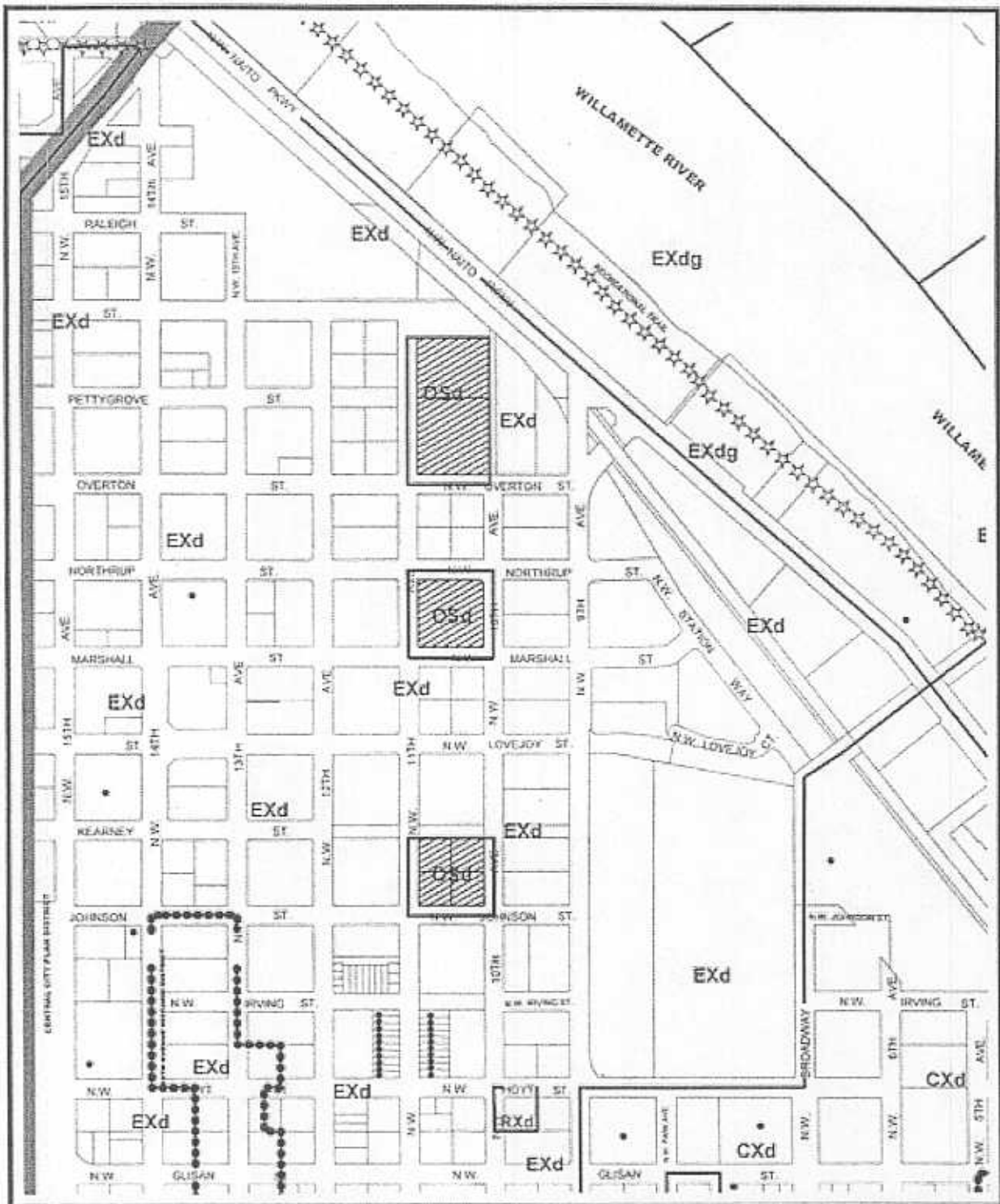
## Proposed Floor Area Ratios

Map 1 of 2

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# PROPOSED ZONING



Site



Historic Landmark



NORTH

This site lies within the:  
CENTRAL CITY PLAN DISTRICT

File No. North of Lovejoy Project  
1/4 Section 2929, 2928  
Scale 1 inch = 400 feet  
State-Id 1N1E34BB 2641+  
Exhibit B (Apr 12, 2005)

8. On January 21, 2005, the Bureau of Development Services issued the Proposed Draft of the Amendments to the Tree and Landscaping Regulations of the Zoning Code to be considered by the Portland Planning Commission.
9. On February 22, 2005, the Portland Planning Commission heard the proposed amendments, and voted 5-0 to recommend that the Portland City Council adopt the report and code amendments presented in Exhibit A.
10. The recommended amendments remove overlapping landscaping requirements in the Zoning Code, simplify the affected sections, and provide a basis for quick approval of alternate landscaping methods in many situations.

### Statewide Planning Goals Findings

11. State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with the state land use goals. Because of the limited scope of the amendments in this ordinance, only the state goals addressed below apply.
12. **Goal 1, Citizen Involvement**, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement. Portland Comprehensive Plan findings on Goal 9, Citizen Involvement, and its related policies and objectives also support this goal. The amendments are supportive of this goal in the following ways:
  - a) On March 31 and April 1, 2003, the Bureau of Development Services held two public meetings intended to develop the scope of the amendments to be proposed. Fifteen citizens attended these meetings and provided comments. In addition, staff briefed the City's Development Review Advisory Committee in Spring 2003.
  - b) On March 15, 2004, a Citizens' Advisory Committee met for the first time to review and comment on project proposals. The Committee met four more times between April and October to consider successive modifications to the proposals. This committee consisted of seven citizens with interest in or professional involvement with landscaping or stormwater issues. Members were selected to represent different interests and included the land use chair of a neighborhood association, the executive director of a native plant society, a stormwater management professional, the representative of a contractors' association, a small commercial real estate developer, an urban forestry advocate, and a landscape architect.
  - c) Bureau of Development Services staff made a presentation to the Citywide Land Use Group in April 2004 and sent members of the group a draft of a proposal in June 2004 for comment. Staff received comments from the group.
  - d) Staff presented the project to the Urban Forestry Commission in June 2004 and received comments. Staff also briefed the Planning Commission in June 2004.

- e) The Bureau of Development Services issued the Public Discussion Draft of the project on July 30, 2004, and held two public open houses to receive comment on August 18 and August 19, 2004. Seven people attended the public meetings.
  - f) Staff made presentations to neighborhood association representatives at the East Portland Neighborhood Office and at the Southeast Uplift office in September 2004 and received comments on the proposals at both meetings.
  - g) Staff met with a committee of the Urban Forestry Commission in November 2004 and received comments on the proposal.
  - h) The Bureau issued the Proposed Draft of the Amendments to the Tree and Landscaping Regulations of the Zoning Code on January 21, 2005.
  - i) Staff made a presentation of the project to the Citywide Land Use Group in January 2005 and the Development Review Advisory Committee in February 2005. Staff received comments from both groups.
  - j) The Planning Commission heard the project on February 22, 2005. One citizen testified and supported the proposal. The draft was approved by a 5-0 vote.
13. **Goal 2, Land Use Planning**, requires the development of a process and policy framework which acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding of the facts relevant to the decision. The amendments are supportive of this goal because they follow the City's legislative process and are based on factual research and analysis that is presented and explained in the accompanying report and commentary. Portland Comprehensive Plan findings on Goal 1, Metropolitan Coordination, and its related policies and objectives also support this goal.
14. **Goal 5, Open Space, Scenic and Historic Areas, and Natural Resources**, requires the conservation of open space and the protection of natural and scenic resources. The amendments are consistent with this goal because by enhancing the diversity of plant species used and prohibiting the use of nuisance plants in required landscaping, they contribute to better plant health and habitat throughout Portland, thereby helping to protect the City's natural resources.
15. **Goal 6, Air, Water and Land Resource Quality**, requires the maintenance and improvement of the quality of air, water and land resources. The amendments are consistent with this goal because they will promote better plantings in required landscaping. These plantings contribute to maintaining and improving air and stormwater runoff quality in Portland. Portland Comprehensive Plan findings on Goal 8, Environment, and its related policies and objectives also support this goal.
16. **Goal 9, Economic Development**, requires provision of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity. The amendments are consistent with this goal because streamlining of landscaping regulations will reduce the time and cost for applicants to develop landscaping plans and the time and cost for the City to review and approve them. These reduced costs will in turn reduce



regulatory barriers to development and redevelopment. Portland Comprehensive Plan findings on Goal 5, Economic Development, and its related policies and objectives also support this goal.

17. **Goal 11, Public Facilities and Services**, requires planning and development of timely, orderly and efficient public service facilities that serve as a framework for urban and rural development. The amendments are consistent with this goal because they will have the effect of improving the City's tree canopy. Improved tree canopy will contribute to better stormwater runoff quality and reduced volumes of stormwater runoff, which will in turn help to maintain the efficiency and effectiveness of the City's stormwater management infrastructure. Portland Comprehensive Plan findings on Goals 11 A through I, Public Facilities, and related policies and objectives also support this goal.
18. **Goal 13, Energy Conservation**, requires development of a land use pattern that maximizes the conservation of energy based on sound economic principles. The amendments are consistent with this goal because the amendments will improve landscaping and the amount of shade in Portland. Improved landscaping and shade will help reduce the "heat island" effect in Portland and will contribute to a reduction in the use of energy for cooling. Portland Comprehensive Plan findings on Goal 7, Energy, and its related policies and objectives also support this goal.
19. The amendments do not affect **Goal 3, Agricultural Lands, Goal 4, Forest Lands, Goal 7, Areas Subject to Natural Disasters, Goal 8, Recreational Needs, Goal 10, Housing, Goal 12, Transportation, Goal 14, Urbanization, or Goal 15, Willamette River Greenway**. This is because the amendments concern the selection of plant materials for required landscaping, do not change the average amount of landscape materials required, and do not affect the amount of area to be landscaped or the situations in which landscaping is required. Therefore, the amendments have no effect on the listed statewide planning goals.
20. **Goals 16, 17, 18, and 19 deal with Estuarine Resources, Coastal Shorelines, Beaches and Dunes, and Ocean Resources**, respectively, and are not applicable to Portland as none of these resources are present within the city limits.

### **Metro Urban Growth Management Functional Plan Finding**

21. The amendments do not affect **Title 1, Requirements for Housing and Employment Accommodation, Title 2, Regional Parking Policy, Title 3, Water Quality and Flood Management Conservation, Title 4, Retail in Employment and Industrial Areas, Title 5, Neighbor Cities and Rural Reserves, Title 6, Regional Accessibility, Title 7, Affordable Housing, or Title 8, Compliance Procedures**, because the amendments focus on how to determine the types and amounts of landscaping materials required. The amendments will change how the regulations are administered, and will require approximately the same amounts, types, and locations of landscaped areas as are currently required.



## Portland Comprehensive Plan Goals Findings

22. The City's Comprehensive Plan was adopted by the Portland City Council on October 16, 1980, and was acknowledged as being in conformance with the statewide planning goals by the Land Conservation and Development Commission on May 1, 1981. On May 26, 1995 and again on January 25, 2000, the LCDC completed its review of the City's final local periodic review order and periodic review work program, and reaffirmed the plan's compliance with the statewide planning goals.
23. This ordinance amends the Zoning Code. The amendments do not change the Comprehensive Plan, Comprehensive Plan Map, Zoning Maps, or any land use regulation other than the Zoning Code. Therefore, the following Comprehensive Plan goals, policies and objectives apply to the amendments and the amendments satisfy the applicable goals, policies and objectives for the reasons stated below.
24. During the course of public hearings, the Bureau of Planning, the Planning Commission, and the City Council provided all interested parties opportunities to identify, either orally or in writing, any other Comprehensive Plan goal, policy or objective that might apply to the amendments. No additional provisions were identified.
25. **Goal 1, Metropolitan Coordination**, calls for the Comprehensive Plan to be coordinated with federal and state law and to support regional goals, objectives, and plans. The amendments are consistent with this goal because on August 25, 2005, the Bureau of Development Services notified both the Oregon Department of Land Conservation and Development and Metro of the proposals under consideration by this project. This notification took place more than 45 days in advance of the first scheduled public hearing for this project.
26. **Policy 4.15, Regulatory Costs and Fees**, calls for considering the impact of regulations and fees in the balance between housing affordability and other objectives such as environmental quality, urban design, maintenance of neighborhood character, and protection of public health, safety, and welfare. The amendments support this policy because the amendments will streamline and simplify the regulations, making it faster and less expensive for customers to develop landscaping plans and for the City to review them.
27. **Goal 5, Economic Development**, calls for promotion of a strong and diverse economy which provides a full range of employment and economic choices for individuals and families in all parts of the city. The amendments are consistent with this goal because they will make it faster and less expensive for customers to develop landscaping plans and for the City to review them. This in turn will reduce regulatory barriers to development and redevelopment in the City, thereby promoting a strong economy.
28. **Policy 5.1, Urban Development and Revitalization**, calls for encouraging investment in the development, redevelopment, rehabilitation and adaptive reuse of urban land and buildings for employment and housing opportunities. The amendments support this policy because they will reduce the costs and time required to develop landscaping plans

and for the City to review them. The reduced costs and time reduce regulatory costs and barriers to the development, redevelopment, rehabilitation, and adaptive reuse of urban land and buildings.

**Objective F** calls for recognizing and supporting environmental conservation and enhancement activities for their contribution to the local economy and quality of life for residents, workers and wildlife in the city. The amendments support this objective because they will lead to enhanced tree canopy, greater species diversity, and the prohibition of nuisance plants in required landscaping. These factors support the conservation and enhancement of the City's wildlife habitat and natural environment.

29. **Policy 7.4, Energy Efficiency through Land Use Regulations**, calls for promoting residential, commercial, industrial, and transportation energy efficiency and the use of renewable resources. **Objective E** calls for promoting tree planting as a way to reduce summer cooling loads and air pollution, making sure the trees do not cause the need for additional street lighting. The amendments support this policy and objective because the amended tree planting regulations will promote enhanced tree canopy and shade in required landscaping on private property. The enhanced tree canopy will contribute to reducing summer cooling loads and air pollution.
30. **Goal 8, Environment**, calls for maintenance and improvement of the quality of Portland's air, water, and land resources, as well as protection of neighborhoods and business centers from noise pollution. The amendments are consistent with this goal because they will promote enhanced tree canopy and shade in required landscaping on private property. The enhanced tree canopy and shade will contribute to improved stormwater quality and quantity management. They will also contribute to reduced air temperatures and "heat island" effects, which will help maintain better air quality in Portland.
31. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process. The amendments are consistent with this goal because the Bureau of Development Services solicited citizen involvement throughout the project as detailed in the finding concerning Statewide Planning **Goal 1, Citizen Involvement**.
32. **Policy 9.1, Citizen Involvement Coordination**, calls for encouraging citizen involvement in land use planning projects through coordination with community organizations, availability of planning reports and notice of public hearings. The project was consistent with this policy because the Bureau of Development Services coordinated with community organizations by meeting with neighborhood representatives at the East Portland Neighborhood Office and the Southeast Uplift office, the Citywide Land Use Group, and the Urban Forestry Commission. Successive drafts of the planning reports have been available for viewing or downloading on the Bureau of Development Services website and have also been distributed either electronically or as hard copies to those who have requested copies. Thirty-day notice was posted on the Internet, and mailed to interested parties for public meetings held in March and April 2003 and in August 2004. Thirty-day notice was posted on the Internet and mailed to the Bureau of Planning's legislative notice list for the Planning Commission hearing of February 22, 2005. Notice

of the City Council hearing was given to interested parties at least 10 days in advance of the hearing.

33. **Policy 10.6, Amendments to the Comprehensive Plan Goals, Policies, and Implementing Measures**, requires that all proposed amendments to implementing ordinances be reviewed by the Planning Commission prior to action by the City Council. The amendments support this policy because the Planning Commission reviewed all of the proposed amendments at a hearing on February 22, 2005. The Planning Commission recommendation is presented as part of Exhibit A, the Recommended Draft of the Amendments to the Tree and Landscaping Regulations of the Zoning Code.
34. **Policy 10.10, Amendments to the Zoning and Subdivision Regulations**, requires amendments to the zoning and subdivision regulations to be clear, concise, and applicable to the broad range of development situations faced by a growing urban city. The amendments support this policy because they streamline the Zoning Code by eliminating overlapping and repetitive provisions of the Zoning Code and simplifying the organization of regulations in the Zoning Code concerning landscaping standards.
35. **Goal 12, Urban Design**, calls for the enhancement of Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations. The amendments are consistent with this goal because the requirements for greater plant species diversity and the improved approach to creating tree canopy will result in more natural-appearing landscaping and better tree canopy that reflect Portland's setting and natural history.
36. **Policy 12.1, Portland's Character**, calls for enhancing and extending Portland's attractive identity by building on design elements, features, and themes identified within the city. Objective C calls for enhancing the sense Portlanders have that they are living close to nature; improving access to the City's rivers, lakes, creeks and sloughs; establishing a system of trails that connect Portland's urbanized areas with nearby woods, forests, meadows, wetlands and riparian areas; increasing the degree to which natural areas and public open spaces penetrate the City; extending forest and water corridors and join them to provide a network of fish and wildlife habitat areas that mesh with the City's parks, open spaces and circulation system for pedestrians; and designing new development to enhance the natural environment that is so much a part of Portland's character. The amendments support this objective because they prohibit nuisance plants that invade natural environments, require greater plant species diversity, including native plants, and will result in better tree canopy. The resulting landscaping will support Portland's "nature in the city" character.

NOW, THEREFORE, the Council directs:

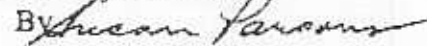
- a. Adopt the Planning Commission Report and Recommendation on the Amendments to the Tree and Landscaping Regulations of the Zoning Code, labeled Exhibit A and dated April 12, 2005.
- b. Amend Title 33, Planning and Zoning as shown in Exhibit A, the Planning Commission Report and Recommendation on the Amendments to the Tree and Landscaping Regulations of the Zoning Code, dated April 12, 2005.
- c. Adopt the commentary in Exhibit A, the Planning Commission Report and Recommendation on Amendments to the Tree and Landscaping Regulations of the Zoning Code, dated April 12, 2005, as legislative intent and as further findings.

JUN 08 2005

Passed by the Council,

Mayor Tom Potter  
Tom Carter, Sr. Planner  
June 1, 2005

GARY BLACKMER  
Auditor of the City of Portland

By   
Deputy

**Exhibit A**

**AS ADOPTED**

# **Amendments to the Tree and Landscaping Regulations of the Zoning Code**

**TREE AND LANDSCAPING  
COMPLIANCE PROJECT**



**City of Portland  
Bureau of Development Services**

**June 8, 2005**



For more information on the Amendments to the  
Tree and Landscaping Regulations of the Zoning  
Code, please contact:

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The City of Portland is committed to providing equal access to information and hearings. If you need special accommodations, please call (503) 823-7700 (TTY (503) 823-6868).



# CITY OF PORTLAND, OREGON PLANNING COMMISSION

c/o Bureau of Planning  
1900 S.W. 4th Ave., Suite 4100  
Portland, OR 97201-5350  
Telephone: 503-823-7700  
Fax: 503-823-7800

March 10, 2005

Mayor Tom Potter and Members of the Portland City Council  
Portland City Hall  
1221 SW Fourth Avenue  
Portland, OR 97204

**Re: Amendments to the Tree and Landscaping Regulations of the Zoning Code project**

Dear Mayor Potter and City Commissioners:

On behalf of the Portland Planning Commission, I am forwarding our recommendation regarding the Amendments to the Tree and Landscaping Regulations of the Zoning Code project. This proposal contains a limited number of amendments focused primarily on specific aspects of Chapter 33.248, Landscaping and Screening, and Chapter 33.266, Parking and Loading.

The amendments are intended to contribute to better compliance with the city's tree and landscaping regulations. The amendments will simplify and streamline elements of the Zoning Code, provide greater flexibility in meeting the code, and encourage better landscaping outcomes. At the same time, the city's customers should find it easier to prepare landscape plans, and city staff should find it faster to review them. As an adjunct to the code amendments, the Bureau of Development Services has prepared a Tree and Landscaping Manual that provides clear illustrations and plain-language guidance to the regulations. Information in the manual will assist both the city's development customers and staff.

Only one citizen testified at the Planning Commission hearing. A representative of the Urban Forestry Commission expressed that commission's support for the proposal. The Planning Commission voted 6-0 to recommend the proposed amendments for adoption.

Earlier phases of the project considered two issues that the Planning Commission believes are important, though they are not part of the current proposal. We urge you to consider further pursuing these issues in future:

- The project explored two approaches to code consolidation. Early on, the project considered consolidating all site development codes (codes dealing with everything outside the building envelope) into a single code. Later, the project considered a single tree and landscaping code. Both approaches were dropped because of the difficulty of resolving conflicting policy goals, administrative approaches, and enforcement policies.
- The project proposed that BDS hire a Landscape Inspector to provide expertise to all aspects of administering, inspecting, and enforcing landscaping regulations. In the

current budget situation, it appears impractical to fill this position, but the Planning Commission feels that such a person would provide valuable customer service and staff support while ensuring better landscaping outcomes.

Although it is not to be adopted by ordinance, the Tree and Landscaping Manual is integral to successfully improving compliance with the city's tree and landscaping codes. As conditions of its approval, the Planning Commission directed BDS staff to make the following improvements to the manual:

- Create a worksheet at the front of the manual for customers to use in identifying their landscaping requirements and developing their plans,
- Add of one or more illustrations and explanation of how to maintain sight lines and avoid encroachment of plants onto walkways and vehicle areas, and
- Expand the "frequently asked questions" section to include guidance to additional common questions, such as tree cutting rules.

#### **Recommendation**

The Planning Commission recommends that the City Council adopt this ordinance and Recommended Draft and amend the Zoning Code as shown in the Recommended Draft. We also recommend that the City Council direct staff to make improvements to the Tree and Landscaping Manual as indicated in this letter.

In addition, the Planning Commission recommends that the City Council direct the affected city bureaus to jointly produce a report on the challenges, opportunities, and potential efficiencies presented by consolidating 1) the city's site development codes, and 2) the city's tree and landscaping codes.

Thank you for considering the recommendations of the Portland Planning Commission.

Sincerely,



Ingrid Stevens, President  
Portland Planning Commission

c: Portland Planning Commission

## **Acknowledgements**

### **Portland City Council**

Tom Potter, Mayor  
Sam Adams, Commissioner  
Randy Leonard, Commissioner  
Dan Saltzman, Commissioner  
Erik Sten, Commissioner

### **Portland Planning Commission**

Ingrid Stevens, President  
Paul R. Schlesinger, Vice-President  
Timothy Smith, Vice-President  
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## **PROPOSED DRAFT**

### **AMENDMENTS TO THE TREE AND LANDSCAPING REGULATIONS OF THE ZONING CODE**

#### **Project Summary**

##### **Purpose of the Proposed Amendments**

The Bureau of Development Services recognizes that compliance with landscaping and other site development regulations has been inadequate. Through this project, the Bureau is seeking to improve compliance with the tree and landscaping regulations of the Zoning Code.

Compliance differs from enforcement. Compliance refers to meeting code requirements routinely in the ordinary course of permitting and inspection. Enforcement refers to taking actions beyond ordinary permitting and inspection in order to compel the meeting of code requirements.

This project is intended to improve administration of and compliance with the portions of the Zoning Code that deal with trees and landscaping. It will achieve this by simplifying the Zoning Code, streamlining the administration of the code, creating better public information, and adding flexibility to the ways the technical aspects of the code can be met while still satisfying the purposes of the landscaping requirements. At the same time, this project proposes code improvements that will lead to better landscaping outcomes, both environmentally and aesthetically.

This proposal involves amending the Zoning Code and creating a new Tree and Landscaping Manual. While the regulations will remain in the Zoning Code, the Tree and Landscaping Manual will provide easy-to-understand explanations, lists, and illustrations of plant materials, planting densities, maintenance requirements, and other technical requirements. The manual will provide guidance to both staff and the public.

##### **Proposed changes to the code**

First, this project proposes to move landscaping provisions governing plant materials out of Chapter 33.266, Parking and Loading, and into Chapter 33.248, Landscaping and Screening. The code provisions dealing with parking lot layout will remain in Chapter 33.266.

Many of the provisions to be moved were adopted by City Council in 2001 to improve parking lot landscaping and to help the Zoning Code's landscaping requirements conform with the city's stormwater management regulations. The code changes were successful in achieving improved parking lot landscaping, but several features of the new code have proven time-consuming or difficult to administer. In addition, as stormwater management technology has advanced, the city's stormwater management planting requirements have changed. As result, some aspects of the Zoning Code's landscaping requirements no longer match the city's stormwater management regulations.

## TREE AND LANDSCAPING CODE AMENDMENTS

Second, in addition to moving some landscaping regulations, it is proposed to modify several provisions in order to simplify administration of the code. The most significant changes are proposed in calculating the required amount of interior parking lot landscaped area and the required number of trees. The proposed changes will both simplify the calculations and enhance the resulting tree canopy.

Third, it is proposed to expand the city's plant diversity requirements. Current code requires the use of more than one species of tree only in parking lots. Because using multiple species contributes to plant health, habitat values, and aesthetics, a tree and shrub diversity standard is proposed for all landscaping installations that exceed a certain size. The proposed diversity standard is found in 33.248.030.E, and discussion is presented in the Commentary on the page facing the standard.

The following table summarizes the most significant proposed changes. The changes are explained in the Commentary on pages facing the proposed code amendments.

<i>Requirement</i>	<i>Current Code</i>	<i>Proposed Code</i>
Amount of interior parking lot landscaping	10% of the parking and loading area, with exceptions for Employment and Industrial zones.	45 square feet of landscaping per parking space.
Trees required	1 tree per 120 square feet of landscaped area	1 large tree per 4 parking spaces, 1 medium tree per 3 parking spaces, or 1 small tree per 2 parking spaces.
Shrubs required	1 shrub per 30 square feet.	1.5 shrubs per parking space.
Screening	High-screen or low-screen plantings depending on the zone. Screening shrubs required in addition to other shrubs in planted areas deeper than 5 feet. Requirements detailed in 33.266.	L2 or L3 landscaping depending on the zone. Requirements detailed in 33.248, and are the same as screening in other situations.
Ground cover plants	Plants must be in 4-inch pots spaced 1 foot apart in triangular spacing.	Plants must be in 4-inch pots spaced according to their mature size in triangular spacing.
Tree diversity	At least 20 per cent evergreen trees in parking lots.	If more than 8 trees, no more than 40 percent of one species. If more than 24 trees, no more than 20 per cent one species.
Shrub diversity	None.	If more than 25 shrubs, no more than 75 per cent one species.

**The Tree and Landscaping Compliance Project**

The current proposal is part of a larger project called the Tree and Landscaping Compliance Project. The Compliance Project grew out of the "Site Development Process Review," (SDP Review) completed by the Bureau of Development Services in August 2002. The SDP Review proposed a number of process and code improvements aimed at improving compliance with Portland's site development regulations, such as erosion control, stormwater management, and landscaping.

Many of the SDP Review proposals have already been implemented, while others are still in progress or have been dropped. The changes include pre-permit-issuance on-site meetings for sites with steep slopes or environmental zoning, third party or self-certification of landscape installations, and several internal procedural improvements.

The proposed amendments to the Zoning Code and the Tree and Landscaping Manual are meant to work in concert with the other changes to improve compliance with tree and landscaping regulations. The changes including the proposed amendments and manual will:

- Provide enhanced guidance to applicants;
- Streamline plan review by simplifying parts of the Zoning Code and providing enhanced information to staff planners and reviewers;
- Become the basis for inspection staff training in landscape inspection; and
- Enhance the consistency of landscaping inspections.

**Frequently Asked Questions*****Why is the Bureau proposing these changes?***

In combination with other improvements the bureau is making, the Bureau of Development Services expects this project to provide greater flexibility in landscape design, provide improved information for city staff and the public, streamline certain landscaping requirements, and improve compliance with tree and landscaping regulations.

***How will compliance improve?***

This project will improve compliance in several ways:

- Public information. The manual will provide easy-to-follow guidance that will make it easier for applicants to understand and apply the City's landscape rules.
- Streamlined code. The streamlined code, along with the information in the manual, will support speedier plan checking and review.
- Staff guidance. The new manual will provide guidance to staff in reviewing plans and inspecting landscaping.
- Enhanced inspection. Site inspectors, who already conduct a Permanent Measures erosion control inspection at each site, will also conduct a brief landscape inspection to look for obvious deficiencies.

***How will the changes provide greater flexibility?***

The manual will contain both performance standards for plant materials and lists of suggested plants. Landscape designers may select any plant materials they desire by

## TREE AND LANDSCAPING CODE AMENDMENTS

providing the Bureau of Development Services data that show that the plants meet the performance standards. For those who prefer, plants may be selected from the lists of suggested plants, which list the performance specifications for each plant.

In addition, the Bureau of Development Services will be exploring additional approaches to improve customer service. For example, it may be possible to develop procedures to allow field inspectors to make limited revisions to approved plans under certain circumstances. Today, inspectors cannot allow field revisions to elements of a development that are regulated by the Zoning Code. Any such changes must be reviewed and approved by a planner back in the office.

A common situation is for a developer to be unable to get the exact plants that have been approved. For situations where plant materials are approved as generally meeting the standards, the inspector could approve substitutions that still meet the standards. On the other hand, where plant species are specifically approved in the plans, no substitutions would be allowed without using the appropriate land use review. This is similar to the authority that building inspectors have with regard to the building codes.

The new Tree and Landscaping Manual would support such field revision procedures by providing an objective source of information about trees and plants with similar characteristics. Inspectors could use the manual to ensure that proposed plant substitutions would give equivalent performance in meeting the standards.

***What does this project do to improve inspections?***

The recommended code amendments support the following programs and procedures that are intended to improve landscaping inspections and compliance:

- For smaller landscape installations, the Site Inspector will inspect the landscaping during the Permanent Measures erosion control inspection.
- For larger installations, the City has instituted a Landscape Certification program. At these sites, a qualified party must certify that the landscaping was installed according to the approved plans. The qualified party will normally be the landscape designer of record. The Permanent Measures erosion control inspection will not be performed until the landscaping is certified, and the permit will not be closed out without this inspection.
- At sites where the landscaping is certified, the Site Inspector will spot-check the landscaping during the Permanent Measures erosion control inspection. This will not be a detailed inspection, but is intended to reveal significant discrepancies between the Landscape Certification and the actual landscape installation. The Permanent Measures inspection is conducted after long-term soil stabilization is in place.
- The new Tree and Landscaping Manual will provide easy-to-follow guidance for staff to use in reviewing, inspecting, and enforcing landscaping regulations.



## TREE AND LANDSCAPING CODE AMENDMENTS

***If the inspector can approve changes in the field, how can neighbors be sure that developers will provide the landscaping that was approved?***

Today, when developers or owners wish to change landscape materials from the approved plans, they must submit a revision to the Bureau of Development Services. A staff planner reviews the proposed revisions. As long as the changes still meet the standards, they are approved.

This project considered approaches to granting the inspector authority to approve such changes in the field. The Bureau of Development Services will further evaluate and may develop procedures to allow field revisions when meeting landscaping standards. In any case, the owner or developer will still have to submit the amended drawings to the Bureau of Development Services for the final record.

On the other hand, if the landscape materials were specified as a condition of approval or as a specific part of a land use review, changes cannot be approved without an adjustment or other land use review. This will not change.

***Will the Manual contain regulations? How can it be changed?***

The Tree and Landscaping Manual will not contain regulations. The manual will be a guidance document issued by the Bureau of Development Services. It will not have any regulatory force, but instead will help both the public and city staff understand the landscaping regulations in the Zoning Code. As a guidance document, it must reflect the requirements of the Zoning Code, and will be changed if the Zoning Code is amended.

The suggested plant lists will be updated periodically to include additional trees and plants. Although the city does not intend to seek out additional plants to add to the lists, when applicants supply the Bureau of Development Services with the necessary plant information, the bureau will update the list. The bureau's new landscape inspector will be responsible for updating the lists.

**Summary**

Adoption of the proposed amendments to the Zoning Code and creation of the Tree and Landscaping Manual are two of several procedural and code improvement measures intended to improve compliance with the City's tree and landscaping regulations.

If adopted, the recommended amendments will provide for better compliance with the city's Tree and Landscaping regulations in the Zoning Code and enhance meeting their purposes. The amendments will simplify and streamline portions of the Zoning Code, making those portions easier for customers to understand and implement. They will also facilitate the work of Bureau of Development Services staff in reviewing and approving landscape plans, provide guidance to inspectors in the field, and will provide better public information, all of which will promote better compliance with landscaping rules and regulations.

June 8, 2005



### History of Public Involvement for this Project

On October 20, 2002, City Council included the improvements to tree and landscaping standards as one of the 2002-2003 "Top Ten" projects to be pursued by the Regulatory Improvement Project (Resolution #36102). It was recognized at that time that work on the tree and landscaping standards would require more than one year to complete. The Tree and Landscaping Compliance Project is the outcome of that regulatory improvement effort.

In Spring 2003, the Bureau of Development Services held two public meetings seeking input concerning the concept of moving "technical" landscaping standards out of the Zoning Code and into a manual. The comments received at that time helped shape the issues to be considered as the project moved forward. Through the summer and fall of 2003, the Bureau of Development Services worked with staff from other city bureaus to evaluate the public input and reach agreement on the scope of this project.

In January 2004, the Bureau of Development Services staff began work with a consultant preparing potential code revisions and illustrations. In March 2004, two advisory committees were convened to give input to staff as proposals were developed and refined. The Citizens' Advisory Committee consisted of citizens interested in tree and landscape issues and professionals working with landscaping or stormwater. This committee met five times between March and October 2004. The Technical Advisory Committee consisted of City of Portland staff representing affected bureaus. This committee met four times between March and October 2004.

#### Citizens' Advisory Committee

(Affiliations indicate members' interests, not official representation.)

Steve Adamson, PlantNative Society	Roslyn Hill, Developer
Amanda Fritz, West Portland Park Neighborhood Association	Michael O'Brien, ASLA, Veridian Environmental Design, LLC
Kathi Futornick, Environmental Consulting Associates, Stormwater Advisory Committee	Debbie Stoller, Neighborhood Tree Liaison
Tammy Hawkes, Associated Builders and Contractors of the Pacific Northwest	

Note: Participation in the CAC does not necessarily imply agreement with the proposals contained in this report.

#### Technical Advisory Committee

Marisol Caron, Bureau of Development Services	Mike Hayakawa, Bureau of Development Services
Mary Anne Cassin, Parks Bureau	Dawn Hottenroth, Bureau of Environmental Services
Rob Crouch, Parks Bureau	Rick Lapp, Water Bureau
Troy Doss, Planning Bureau	Brian McNerney, Parks Bureau
Steve Fancher, Bureau of Environmental Services	Stacey Wenger Castleberry, Bureau of Development Services

## TREE AND LANDSCAPING CODE AMENDMENTS

Bureau of Development Services staff made a presentation about the project to the Citywide Land Use Chairs Group in April 2004 and sent its members an advance draft of the proposals in May 2004. The group was invited to submit comments on the draft. Bureau of Development Services staff also presented the project concepts to the Urban Forestry Commission in June 2004 and received comments. Project staff also briefed the Development Review Advisory Committee in Spring 2003 and the Planning Commission in November 2003 and June 2004.

After the Proposed Draft was issued, BDS staff returned to the Citywide Land Use Chairs Group in January 2005 to brief them in advance of the first Planning Commission hearing of February 22, 2005.

At the February 22, 2005, Planning Commission hearing, one citizen testified: a representative of the Urban Forestry Commission supported approval of the proposed amendments. The Planning Commission unanimously approved the amendments as presented, and added three conditions for improvement of the Tree and Landscaping Manual. The improvements are:

- Creation of a worksheet for customers to use in identifying their landscaping requirements and developing their plans,
- Addition of one or more illustrations of maintaining sight lines and avoiding encroachment of plants onto walkways and vehicle areas, and
- Expansion of the "frequently asked questions" section to include guidance to additional common questions, such as tree cutting rules.

Deletions are shown in ~~strikethrough~~.

Additions are underlined.

Many unchanged paragraphs of the Zoning Code are included to provide context for the proposed amendments.

Staff commentary is on left-hand pages in Comic Sans font.

## TREE AND LANDSCAPING CODE AMENDMENTS

**CHAPTER 33.248  
LANDSCAPING AND SCREENING**

## Sections:

- 33.248.010 Purpose
- 33.248.020 Landscaping and Screening Standards
- 33.248.030 Plant Materials
- 33.248.040 Installation and Maintenance
- 33.248.050 Landscaped Areas on Corner Lots
- 33.248.060 Landscape Plans
- 33.248.065 Tree Preservation Plans
- 33.248.068 Tree Protection Requirements
- 33.248.070 Completion of Landscaping
- 33.248.080 Street Trees
- 33.248.090 Mitigation and Restoration Plantings

**33.248.010 Purpose**

The City recognizes the aesthetic, ecological, and economic value of landscaping and requires its use to:

- Preserve and enhance Portland's urban forest;
- Promote the reestablishment of vegetation in urban areas for aesthetic, health, and urban wildlife reasons;
- Reduce stormwater runoff pollution, temperature, and rate and volume of flow;
- Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
- Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses;
- Unify development, and enhance and define public and private spaces;
- Promote the retention and use of existing vegetation;
- Aid in energy conservation by providing shade from the sun and shelter from the wind;
- Restore natural communities through re-establishment of native plants; and
- Mitigate for loss of natural resource values.

This chapter consists of a set of landscaping and screening standards and regulations for use throughout the City. The regulations address materials, placement, layout, and timing of installation. Specific requirements for mitigation plantings are in 33.248.090.

The Portland Tree and Landscaping Manual contains additional information about ways to meet the regulations of this chapter.

A. General landscaping.

2. Required materials. This paragraph introduces the use of tree size categories. The categories are based on the expected canopy spread of a typical specimen at maturity. Refer to 33.248.030 (OR .025) for more discussion of size categories.

The current code only requires one tree per 30 lineal feet, no matter the size of the tree. As a result, tree canopy is often inadequate to provide the shade, stormwater management, aesthetic, and other benefits intended by the regulations.

The proposed code language requires smaller trees to be more closely spaced than larger, which will provide an enhanced tree canopy. Using predetermined size categories (documented for many species in the Tree and Landscaping Manual) allows this improvement to be made while keeping the review and approval process streamlined.



## TREE AND LANDSCAPING CODE AMENDMENTS

**33.248.020 Landscaping and Screening Standards**

Subsections A through H name the different landscaping and screening standards to be applied throughout the City and the intent of each standard. Subsections A. through H. state the different levels of landscaping and screening standards to be applied throughout the City. The locations where the landscaping or screening is required and the depth of the landscaping or screening are stated in various places throughout the Code. **All** landscaping and screening required by this Title must comply with all of the provisions of this chapter, unless specifically superseded. The landscaping standards are generally in a hierarchical order. The landscaping standards are minimums; higher standards can be substituted as long as all fence or vegetation height limitations are met. Crime prevention and safety should be remembered when exceeding the landscaping standards (height and amount of vegetation may be an issue).

**A. L1, general landscaping.**

1. Intent. The L1 standard is a landscape treatment for open areas. It is intended to be applied in situations where distance is used as the principal means of separating uses or development, and landscaping is required to enhance the area in-between. While primarily consisting of ground cover plants, it also includes a mixture of trees, high shrubs, and low shrubs.
2. Required materials. The L1 standard has two different requirements for trees and shrubs. Ground cover plants must fully cover the remainder of the landscaped area. ~~See Figure 248-1.~~
  - a. Where the area to be landscaped is less than 30 feet deep, the standard is one large tree per 30 linear feet, one medium tree per 22 lineal feet, or one small tree per 15 lineal feet. Trees of different sizes may be combined to meet the standard. Trees may be grouped.
  - b. Where the area is 30 feet deep or greater, the requirement is ~~one tree per 800 square feet and either two high shrubs or three low shrubs per 400 square feet of landscaped area~~ in addition to the trees required in 2.a, above. The shrubs and trees may be grouped.

## COMMENTARY

## B. L2, low screen

For the L2 standard, the requirement that shrubs be 95% opaque year-round is changed to require that screening shrubs be evergreen. In practice, the opacity standard has resulted in the near-universal planting of evergreen shrubs. When a permit is reviewed, the planner can directly determine whether a shrub is evergreen or not, but cannot determine whether a shrub will be 95% opaque three years in the future.

The changes to the L2 standard also call for different spacing for large, medium, and small trees. The purpose of this change is to provide enhanced tree canopy in the city. Currently, trees are planted 30 feet apart, which allows for growth of large trees with abundant canopy. Most trees planted in required landscaping are species that will never become large or fill in the available space, so the environmental and aesthetic purposes of tree canopy are not achieved. This standard calls for planting smaller trees closer together, thus providing a greater degree of canopy coverage when smaller trees are used.

Tree sizes are specified in the Portland Tree and Landscaping Manual using a formula that considers ultimate height, ultimate crown spread or width, and growth rate. These factors interact to determine whether a tree quickly provides a high degree of canopy cover or not. For details of the formula and lists of large, medium, and small trees, refer to the Portland Tree and Landscaping Manual.

## Figures 248-1 through 248-5

The current figures 248-1 through 248-5 are being removed from the Zoning Code. These figures do not accurately reflect the actual requirements of the current code, and new illustrations are needed. Larger, more detailed, accurate figures are being included in the Portland Tree and Landscaping Manual, where they are being reproduced at a size that will be much easier to read. It is not proposed to include the new figures in the Zoning Code itself.

**B. L2, low screen.**

1. Intent. The L2 standard is a landscape treatment which uses a combination of distance and low level screening to separate uses or development. The standard is applied where a low level of screening is adequate to soften the impact of the use or development, or where visibility between areas is more important than a total visual screen. It is usually applied along street lot lines.
2. Required materials. The L2 standard requires enough low shrubs to form a continuous screen 3 feet high ~~and 95 percent opaque year around.~~ The shrubs must be evergreen. In addition, one large tree is required per 30 lineal feet of landscaped area, one medium tree per 22 lineal feet of landscaped area, or one small tree per 15 lineal feet of landscaped area, or ~~as appropriate to provide a tree canopy over the landscaped area.~~ Trees of different sizes may be combined to meet the standard. Ground cover plants must fully cover the remainder of the landscaped area. A 3 foot high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, any required or nonrequired screen, wall, or fence is to be placed along the interior side of the landscaped area. ~~See Figure 248-2.~~

Figure 248-1  
L1 - General Landscaping

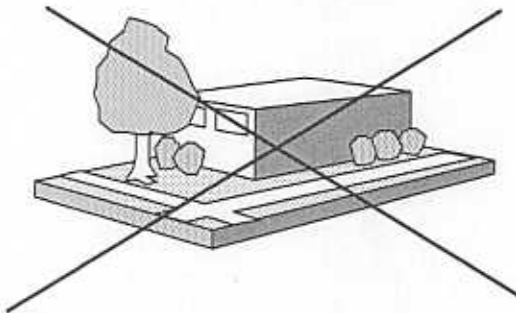
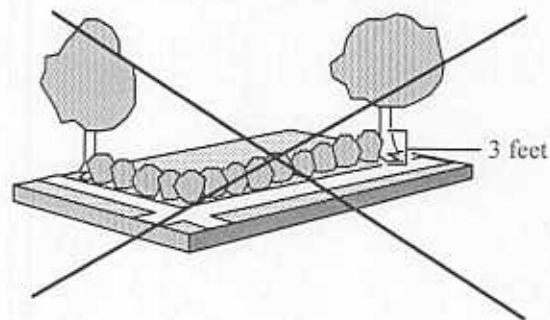


Figure 248-2  
L2 - Low Screen Landscaping



C. L3, High screen

The L3 standard calls for evergreen shrubs and variable tree spacing, just as the L2 standard does.

D. L4, High wall

The L4 standard calls for variable tree spacing.

**C. L3, high screen.**

1. Intent. The L3 standard is a landscape treatment which uses screening to provide the physical and visual separation between uses or development. It is used in those instances where visual separation is required.
2. Required materials. The L3 standard requires enough high shrubs to form a screen 6 feet high ~~and 95 percent opaque year around.~~ The shrubs must be evergreen. In addition, one large tree is required per 30 lineal feet of landscaped area, one medium tree per 22 lineal feet of landscaped area, or one small tree per 15 lineal feet of landscaped area. ~~or as appropriate to provide a tree canopy over the landscaped area.~~ Trees of different sizes may be combined to meet the standard. Ground cover plants must fully cover the remainder of the landscaped area. A 6 foot high masonry wall may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, any required or nonrequired screen, wall, or fence is to be placed along the interior side of the landscaped area. ~~See Figure 248-3.~~

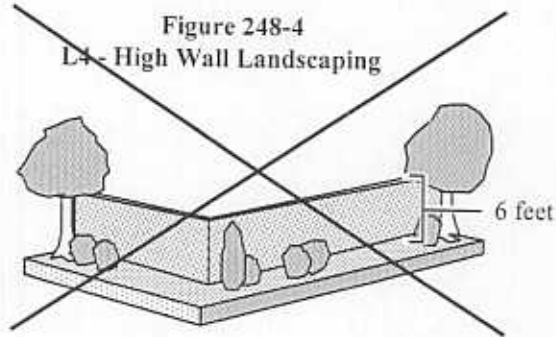
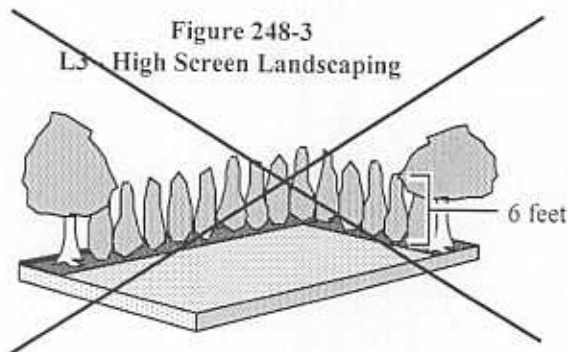
**D. L4, high wall.**

1. Intent. The L4 standard is intended to be used in special instances where extensive screening of both visual and noise impacts is needed to protect abutting sensitive uses in areas and where there is little space for separation.
2. Required materials. The L4 standard requires a 6 foot high masonry wall along the interior side of the landscaped area. One large tree is required per 30 lineal feet of wall, one medium tree per 22 lineal feet of wall, or one small tree per 15 lineal feet of wall. ~~or as appropriate to provide a tree canopy over the landscaped area.~~ Trees of different sizes may be combined to meet the standard. In addition, four high shrubs are required per 30 lineal feet of wall. Ground cover plants must fully cover the remainder of the landscaped area. ~~See Figure 248-4.~~



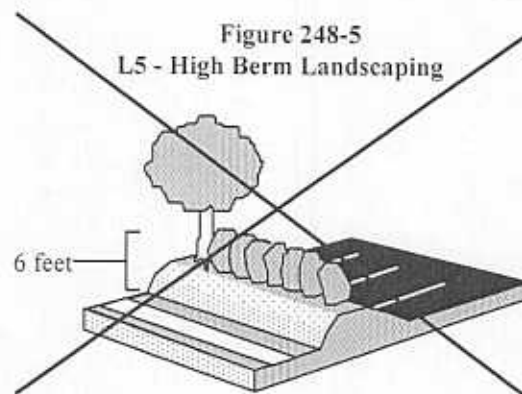
E. L5, High berm

The L5 standard calls for variable tree spacing. By referencing L2, it also requires use of evergreen shrubs.



**E. L5, high berm.**

1. Intent. The L5 standard is intended to be used in special instances where extensive screening of both visual and noise impacts is needed to protect abutting sensitive uses, and where it is desirable and practical to separate a use by distance as well as sight-obscuring materials.
2. Required materials. The L5 standard requires a berm between 4 and 6 feet high. If the berm is less than 6 feet high, low shrubs that meet the L2 standard must be planted on top of the berm to assure that the overall screen height is 6 feet. In addition, one large tree is required per 30 lineal feet of berm, one medium tree per 22 lineal feet of berm, or one small tree per 15 lineal feet of berm, or as appropriate to provide a tree canopy over the landscaped area. Trees of different sizes may be combined to meet the standard. Ground cover plants must fully cover the remainder of the landscaped area. ~~See Figure 248-5.~~



No changes are proposed to these sections.

**F. F1, partially sight-obscuring fence.**

1. Intent. The F1 fence standard provides a tall, but not totally blocked visual separation. The standard is applied where a low level of screening is adequate to soften the impact of the use or development, or where visibility between areas is more important than a total visual screen. It is applied in instances where landscaping is not necessary and where nonresidential uses are involved.
2. Required materials. Fences must be 6 feet high and at least 50 percent sight-obscuring. Fences may be made of wood, metal, bricks, masonry or other permanent materials. See Figure 248-6 1.

**G. F2, fully sight-obscuring fence.**

1. Intent. The F2 fence standard provides a tall and complete visual separation, and is intended to be used in special instances where complete screening is needed to protect abutting uses, and landscaping is not practical. It is usually applied in nonresidential situations.
2. Required materials. Fences must be 6 feet high and 100 percent sight-obscuring. Fences may be made of wood, metal, bricks, masonry or other permanent materials. See Figure 248-7 2.

Figure 248-6 1  
F1 - Partially Sight-Obscuring

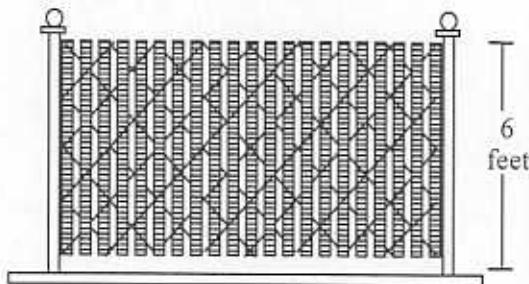
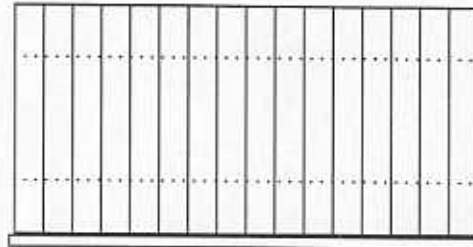


Figure 248-7 2  
F2 - Totally Sight-Obscuring



I. P1, parking lot interior landscaping

The P1 standard eliminates the need for separate planting standards in Chapter 33.266.

A significant change from current practice is that the number of trees and shrubs required will be based on the number of parking spaces, rather than the size of the area to be landscaped.

One tree is currently required for every 120 square feet of parking lot landscaping. This tree requirement applies to both perimeter and interior landscaping. Where the landscaped area is 4 feet wide (the minimum for interior landscaping), trees are spaced at 30 feet. When the landscaping is 5 feet wide (the usual minimum for perimeters), trees are spaced at 24 feet. As the landscaped area becomes wider, the spacing of the trees becomes tighter. This has created situations where it is difficult to meet the standards. In addition, the code provides no incentive for using larger trees. Applicants often select small or columnar trees, which provide less environmental and aesthetic benefit in parking lots.

This project proposes to require one large tree per 4 parking spaces, one medium tree per 3 spaces, or one small tree per 2 spaces. These figures are based on a review of eight parking lots recently constructed under the current code. The parking lots ranged from 395 stalls to 9 stalls. The number of parking spaces per tree ranged from 1.8 to 3.3. The parking lots were in different zones, serving different uses, and had a variety of layouts.

Today's standards call for 10 per cent of the parking and loading area to be devoted to interior parking lot landscaping, and also require perimeter landscaping. This project proposes to change this standard to 45 square feet of landscaped area per parking space (see 33.266.130.G.3 for commentary).

The intent is to achieve a similar level of landscaping while improving the resulting tree canopy. Applicants will have the flexibility to select the trees that they desire. Because of the proposed standard, smaller trees will be planted closer together, better achieving the benefits envisioned by the Zoning Code. In effect, one small tree will be required for each 90 square feet of landscaping, one medium tree per 135 square feet of landscaping, or one large tree per 180 square feet of landscaping.



**H. T1, Trees.** (No changes)

**I. P1, Parking Lot Interior Landscaping**

1. Intent. The P1 standard is a landscape treatment which uses a combination of trees, shrubs, and ground cover to provide shade, stormwater management, aesthetic benefits, and screening to soften the impacts of large expanses of pavement and vehicle movement. It is applied to landscaped areas within parking lots and associated vehicle areas.
2. Required materials.
  - a. Trees. The P1 standard requires one large tree per 4 parking spaces, one medium tree per 3 parking spaces, or one small tree per 2 parking spaces. At least 20 percent of trees must be evergreen. Trees of different sizes may be combined to meet the standard.