

Recommended Zoning Code For North Macadam

September 10, 2002



**CITY OF PORTLAND, OREGON
BUREAU OF PLANNING**

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The North Macadam Steering Committee was formed to develop the *North Macadam District Framework Plan*. The *Recommended North Macadam Plan* adapts and incorporates elements of the *Framework Plan* and for that reason the Steering Committee members are acknowledged here. The Steering Committee has taken no action regarding the *Recommended North Macadam Plan* or its elements.

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Introduction..... 1

Zoning Map Amendment.....3

Proposed Zoning Code Amendments5

33.272, Public Recreational Trails.....7

33.440, Greenway Zones 13

33.510, Central City Plan District 19

 General and Uses (33.510.030-33.510.118)..... 21

 Floor Area and Height (33.510.200-33.510.210)..... 23

 Building Lines, Windows, and Active Uses (33.510.215-33.510.226) 45

 Miscellaneous Regulations (33.510.230-33.510.252) 51

 North Macadam Greenway Regulations (33.510.253) 61

 Parking (33.510.261-33.510.267)..... 99

 Maps (510-1 – 510-15)..... 129

33.808, Central City Parking Review 155

33.815, Conditional Uses 165

33.851, North Macadam Greenway Review 169

Introduction to the Documents

The Bureau of Planning developed these separate but interrelated documents as proposals for the North Macadam District. These documents were subject to public review and revision by the Planning Commission or the Design Commission, as appropriate. For orientation, each of the resulting documents includes the chart below to show how the documents work together as a set. The cumulative effect of the recommendations, once they are adopted by City Council, will be to amend the *Central City Plan, North Macadam District Design Guidelines*, and the *Portland Zoning Code* for North Macadam. These amendments also include the creation of policies, zoning code and design guidelines specific to the Willamette River greenway setback for North Macadam.

RECOMMENDED NORTH MACADAM PLAN	
<p style="text-align: center;">Purpose</p> <ul style="list-style-type: none"> • Build upon the <i>Framework Plan</i> and the work of the North Macadam Steering Committee • Respond to new opportunities, issues and information • Provide detailed information about district concepts • Amend policies guiding land use processes • Set City priorities for future land use, transportation and greenway and parks projects • Identify priority projects and programs for the district 	<p style="text-align: center;">Authority/Review</p> <ul style="list-style-type: none"> • Bureau of Planning developed proposal reflecting policy and technical analysis, public input and technical advisors' recommendations • Planning Commission made recommendations based on public input and technical advice • City Council will review, revise and adopt the policies by ordinance, based on public testimony • City Council will review, revise and adopt the vision and action items by resolution, based on public testimony • All other elements are advisory
RECOMMENDED ZONING CODE FOR NORTH MACADAM	
<p style="text-align: center;">Purpose</p> <p>Provide land use regulations including development standards regulating:</p> <ul style="list-style-type: none"> • Building heights and building form • Floor area ratios • Building setbacks from streets and lot lines • Greenway standards including setbacks, allowed uses and landscaping requirements • Parking ratios and access limitations 	<p style="text-align: center;">Authority/Review</p> <ul style="list-style-type: none"> • Bureau of Planning developed proposal • Planning Commission made recommendations, based on public and technical input • City Council will review, revise and adopt by ordinance, based on public testimony
RECOMMENDED NORTH MACADAM DESIGN GUIDELINES AND GREENWAY DESIGN GUIDELINES FOR NORTH MACADAM	
<p style="text-align: center;">Purpose</p> <ul style="list-style-type: none"> • Guidelines for district-specific design issues • Development must also address the <i>Central City Fundamental Design Guidelines</i>. 	<p style="text-align: center;">Authority/Review</p> <ul style="list-style-type: none"> • Bureau of Planning developed proposal • Design Commission made recommendations, based on public and technical input • City Council will review, revise and adopt by ordinance, based on public testimony

Introduction

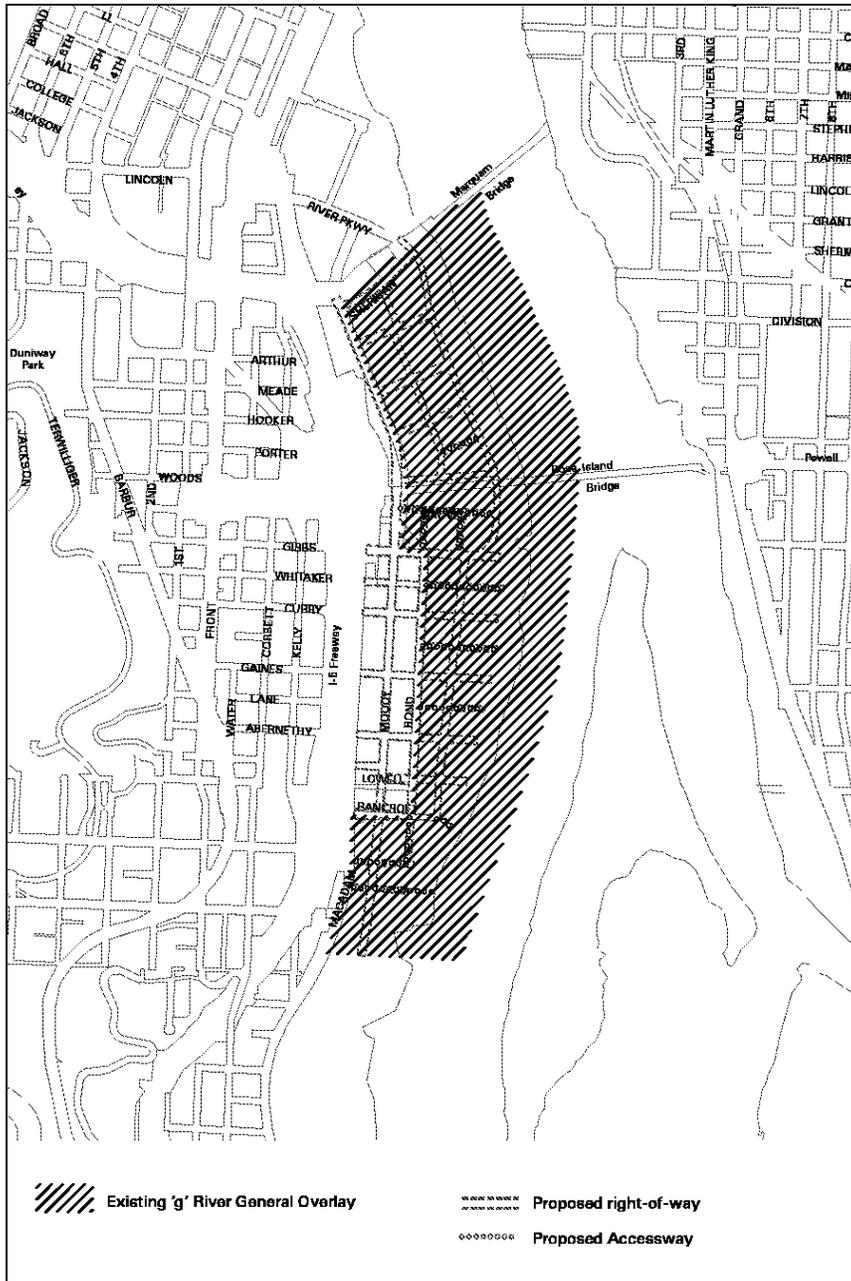
Summary

This document proposes amendments to the Zoning Map and Zoning Code regulations that apply to North Macadam; these amendments would implement the policies of the Recommended North Macadam Plan. Commentary is included throughout this report that addresses specific amendments being proposed. Additional background and discussion of the amendments proposed is included within the *Recommended North Macadam Plan* document.

This report incorporates amendments to the *Proposed North Macadam Zoning Code* that were approved conceptually by the Portland Planning Commission on July 30, 2002.

Existing boundary

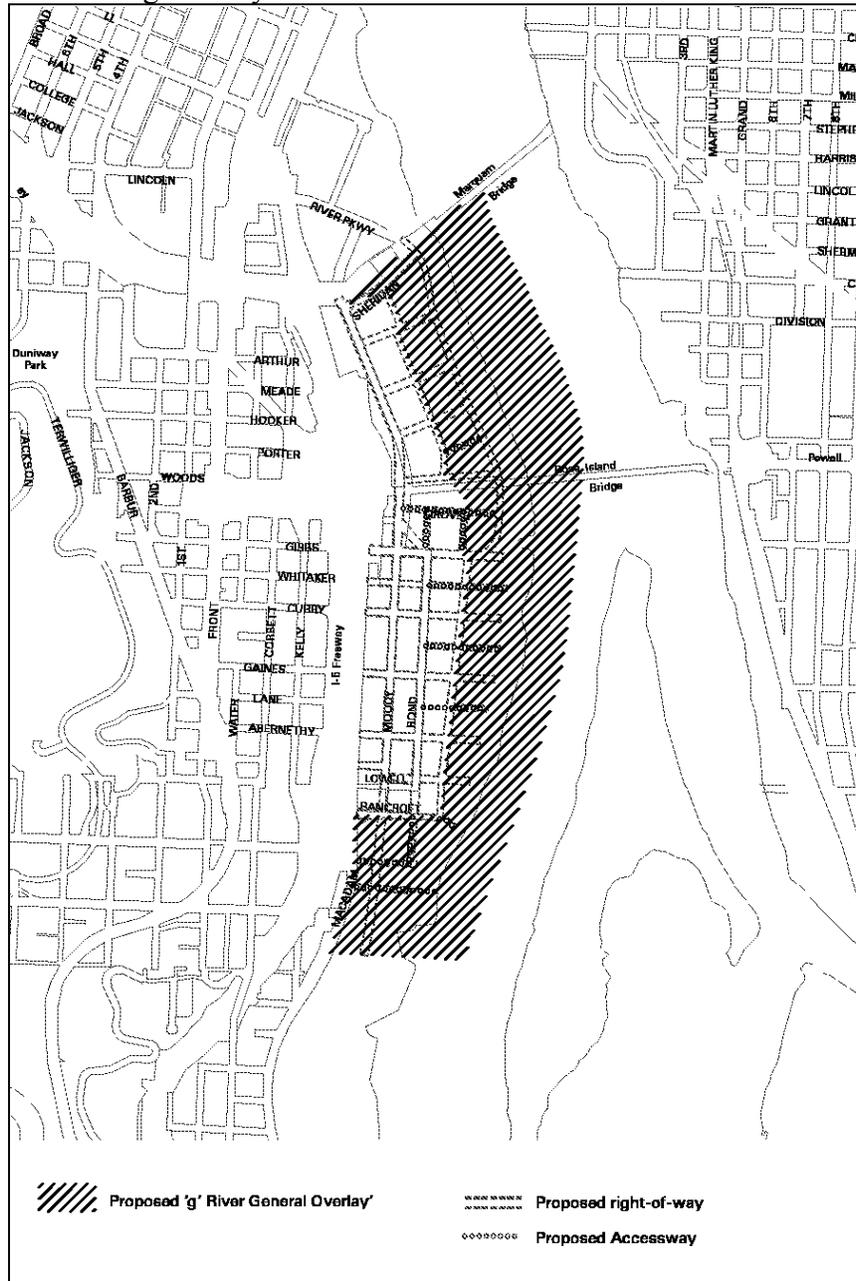
The “g” (River General) overlay zone, currently indicates which portion of the North Macadam subdistrict is subject to the special regulations of Chapter 33.440, Greenway Zones, including greenway review and the greenway design guidelines. The existing boundary includes some property that does not have frontage on the greenway; the greenway regulations and greenway review approval criteria that apply in the North Macadam subdistrict are focused primarily on development adjacent to the greenway.



Proposed Zoning Map Amendment

Proposed boundary

The proposal would amend the boundary of the “g” overlay zone within the North Macadam subdistrict to better reflect the focus of greenway regulations within the subdistrict on development near the riverfront. Under the proposal, the “g” overlay zone indicates which portion of the subdistrict is subject to the special regulations of Section 33.510.253, Greenway Overlay Zone in North Macadam Subdistrict, as well as the North Macadam greenway review.



Proposed Zoning Code Amendments

Proposal would amend or add the following chapters:

Chapter 33.272, Public Recreational Trails

Chapter 33.440, Greenway Zones

Chapter 33.510, Central City Plan District

Chapter 33.808, Central City Parking Review

Chapter 33.815, Conditional Uses

Chapter 33.851, North Macadam Greenway Review (New Chapter)

New code language is indicated with underline.

Code language to be removed is indicated with ~~striketrough~~

Note: Existing code sections where no change is being proposed have not been included in this document unless the information they contain is needed for better understanding of the amendments proposed in other sections.

CHAPTER 33.272 PUBLIC RECREATIONAL TRAILS

This chapter contains the standards related to construction and maintenance of trails required by the zoning code. Additional standards related to trail requirements along the North Macadam greenway will be added to Chapter 33.510, Central City Plan District. The North Macadam-specific standards may be moved back to 33.272 in the future, depending on the outcome of code changes adopted by a citywide greenway project.

33.272.020 Dedication of a Public Right-Of-Way or Easement

This existing section specifies that required trails may either be contained in an easement or donated to the city.

33.272.030 Construction of Trails

This section specifies what development on a site triggers the trail requirement.

Chapter 33.272, Public Recreational Trails

CHAPTER 33.272 PUBLIC RECREATIONAL TRAILS

Sections:

- 33.272.010 Purpose
- 33.272.020 Dedication of Public Right-Of-Way or Easement
- 33.272.030 Construction of the Trail
- 33.272.040 Use of Trail
- 33.272.050 Hours of Use
- 33.272.060 Trespass
- 33.272.070 Trail Maintenance and Liability
- 33.272.080 Standards for City Acceptance of Deeded Land

33.272.010 Purpose

The public recreational trail requirements are intended to:

- Increase recreational opportunities within the City of Portland and connect these recreational opportunities with a regional recreational trail system;
- Increase public access along the Willamette River and to other significant natural resource areas;
- Provide emergency vehicle access;
- Provide access to increase public safety;
- Assist in flood protection and control;
- Assist in shoreline anchoring;
- Support alternative modes of transportation;
- Provide connections to other transportation systems;
- Implement the City's Comprehensive Plan policies regarding public recreational trails;
- Help create a pleasant, aesthetically pleasing urban environment; and
- Provide consistent standards for trail development.

33.272.020 Dedication of a Public Right-Of-Way or Easement

All applicants for a land use review or for building permits on lands designated with a recreational trail symbol on the zoning map are required to grant an easement for the recreational trail. The easement must be done as part of recording a land use review and finalized prior to obtaining a final certificate of occupancy. The land may be donated to the City instead of granting an easement when the standards of Section 33.272.080 are met. Trails shown adjacent to public rights-of-way may be constructed in the public right-of-way, subject to approval from the Office of Transportation.

33.272.030 Construction of Trails

- A. Single-dwelling zones.** The construction of the recreational trail in single-dwelling residential zones is only required for subdivisions and PUDs that involve the creation of a street. Existing single-dwelling lots are not required to construct the trail.
- B. Columbia South Shore plan district.** Sites in the Columbia South Shore Slough Trail area and Cross-Levee Trail area must also comply with the regulations of Section 33.515.260. These areas are shown on Map 515-4. Other trails in the Columbia South Shore plan district must comply only with the regulations of this chapter.

Commentary

C. North Macadam subdistrict of the Central City plan district. The paragraph being added would specify development that triggers the required trail improvements in the North Macadam subdistrict. North Macadam sites would differ from other sites in the city—in North Macadam, all sites will be required to pay into a trail fund based on the anticipated impact of development on that site. Riverfront sites would be required to provide an easement and would work with parks to make trail improvements. See 33.510.252 and 33.510.253.

E. Prior to certificate of occupancy. Trail improvements in North Macadam would be made based on the specific timing provisions described under 33.510.253.D.4.

Chapter 33.272, Public Recreational Trails

C. North Macadam subdistrict of the Central City plan district. Sites in the North Macadam subdistrict must comply with the regulations of Section 33.510.253. The regulations of that section specify when recreational trails must be constructed within the North Macadam subdistrict.

C.D. All other zones. Construction of the recreational trail is required on lands designated with a recreational trail symbol on the zoning maps in any of the following situations listed below.

1. When there is new development;
2. When exterior alterations to existing development are 35 percent or greater of the assessed improvement value of the total improvements on the site;
or
3. When streets are constructed in a subdivision, industrial park, or PUD.

D.E. Prior to certificate of occupancy. The trail must be constructed prior to the issuance of a certificate of occupancy, unless the site is eligible for the trust fund provisions of 33.515.260.B, or the special timing provisions of Paragraph 33.510.253.D.4.

E.F. Trail standards. A public recreational trail must comply with City-Portland Parks and Recreation standards for recreational trails.

F.G. Environmental review. If the trail is located within the Environmental zones, the trail must comply with the requirements of Chapter 33.430.

33.272.040 Use of Trail

Public use and conduct on the recreational trail are subject to the regulations in Chapter 12, Prohibited Conduct, of Title 20, Parks and Recreation; and Chapter 50, Columbia South Shore Slough Trail of Title 20 except as otherwise limited by the terms of an easement between the applicant and the City.

33.272.050 Hours of Use

The recreational trail and access paths must be open to the public between the hours of 5 a.m. and 10 p.m., except as otherwise limited by the terms of an easement between the applicant and the City.

33.272.060 Trespass

Nothing in this chapter is intended to authorize public use of private property. Public use of private property is a trespass unless appropriate easements and access have been acquired.

Chapter 33.272, Public Recreational Trails

33.272.070 Trail Maintenance and Liability

- A. City maintenance.** The City will accept maintenance and liability, similar to its responsibilities for City-owned park property, for a recreational trail segment if the City Engineer or the Director of Portland Parks and Recreation finds all of the following:
1. The applicant requests that the City assume the responsibilities;
 2. The trail lies within an easement or right-of-way granted to the City for trail purposes;
 3. The trail has been constructed to City standards;
 4. The trail is physically continuous for at least 1/4-mile along the designated route. This requirement will be waived if the trail has not been made part of a physically continuous segment of at least 1/4-mile within 2 years after completion of the segment under consideration; and
 5. If the applicant desires to use a private security force to patrol the trail area, the owner has signed an agreement holding the City harmless from all claims, suits, or actions of any nature, caused or arising out of the actions of the private security force, its subcontractors, agents, or employees.
- B. Applicant maintenance.** The applicant retains maintenance and liability responsibilities unless these responsibilities are accepted by the City. Where the applicant retains maintenance and liability responsibilities, the trail segment must be maintained at a level at least equal to those segments maintained by the City.

33.272.080 Standards for City Acceptance of Deeded Land.

The land may be donated to the City instead of granting an easement if the following standards are met:

- A.** The trail is constructed and meets the City's trail construction standards or the trust fund option described under Subsection 33.515.260.B. has been applied.
- B.** The property owner meets the hazardous substances standards in the City's standard trail easement agreement.

CHAPTER 33.440 GREENWAY ZONES

This chapter implements the *Willamette Greenway Plan* and currently applies to all land along the Willamette River covered by a greenway overlay zone. The regulations of this chapter:

- provide development standards for all areas covered by one of the greenway overlay zones;
- require trail and viewpoint improvements called for by the *Greenway Plan*;
- describe the greenway review process and approval criteria; and
- describe the greenway goal exception process and approval criteria.

In areas of the North Macadam subdistrict that are covered by the "g" overlay zone, the regulations of this chapter currently apply in addition to the regulations of the "d" overlay zone and the Central City plan district.

Since adoption of the *Willamette Greenway Plan*, the framework of federal, state, and local policies and regulations that impact lands along the river has changed. This chapter will likely be revised by a citywide Willamette River-focused project in the future.

The North Macadam proposal will:

- remap the "g" overlay zone in North Macadam to better focus the regulations and design guidelines that apply along the greenway;
- incorporate a modified version of the greenway regulations into Chapter 33.510, Central City plan district (See 33.510.253); and
- incorporate a modified version of the greenway design guidelines into the North Macadam subdistrict design guidelines.

33.440.020 Application of the Greenway Regulations

This amendment would incorporate a cross reference to the North Macadam greenway regulations that are being added to Chapter 33.510, and would clarify that Chapter 33.440 will no longer apply within the North Macadam subdistrict.

Chapter 33.440, Greenway Zones

CHAPTER 33.440 GREENWAY ZONES

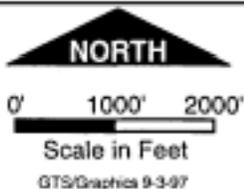
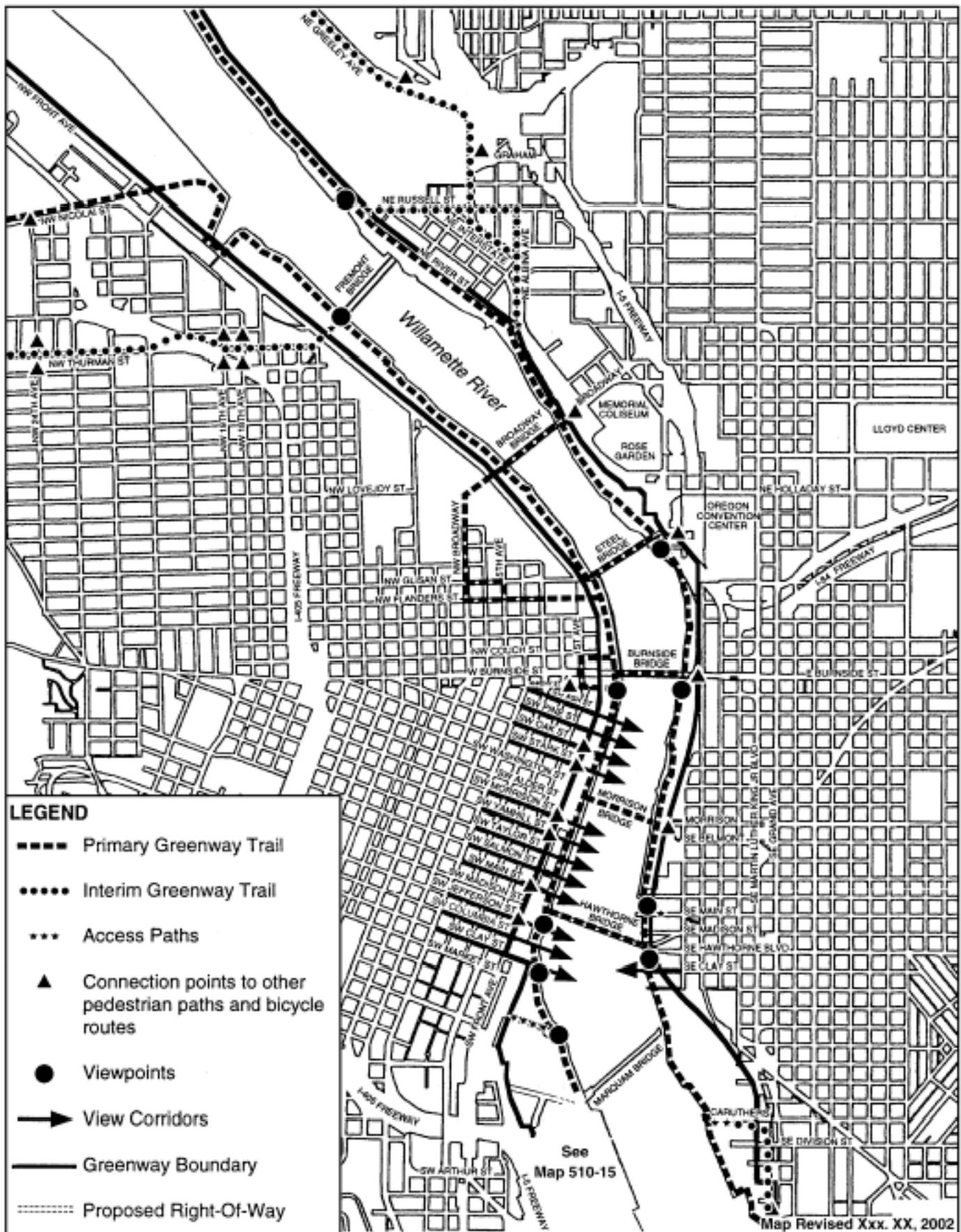
33.440.020 Application of the Greenway Regulations

This chapter applies to all land and fills and structures in water within the *Willamette Greenway Plan* boundary designated on the Official Zoning Maps with River Natural, River Recreational, River General, or River Industrial overlay zones. In addition, the public trail standards of 33.440.240 below apply to all lands designated on the *Willamette Greenway Plan* with the recreational trail symbol but which are outside of the greenway zones. However, the regulations of this chapter do not apply within the North Macadam subdistrict of the Central City plan district. Sites in the North Macadam subdistrict are instead subject to Section 33.510.253, Greenway Overlay Zone in North Macadam Subdistrict.

Commentary

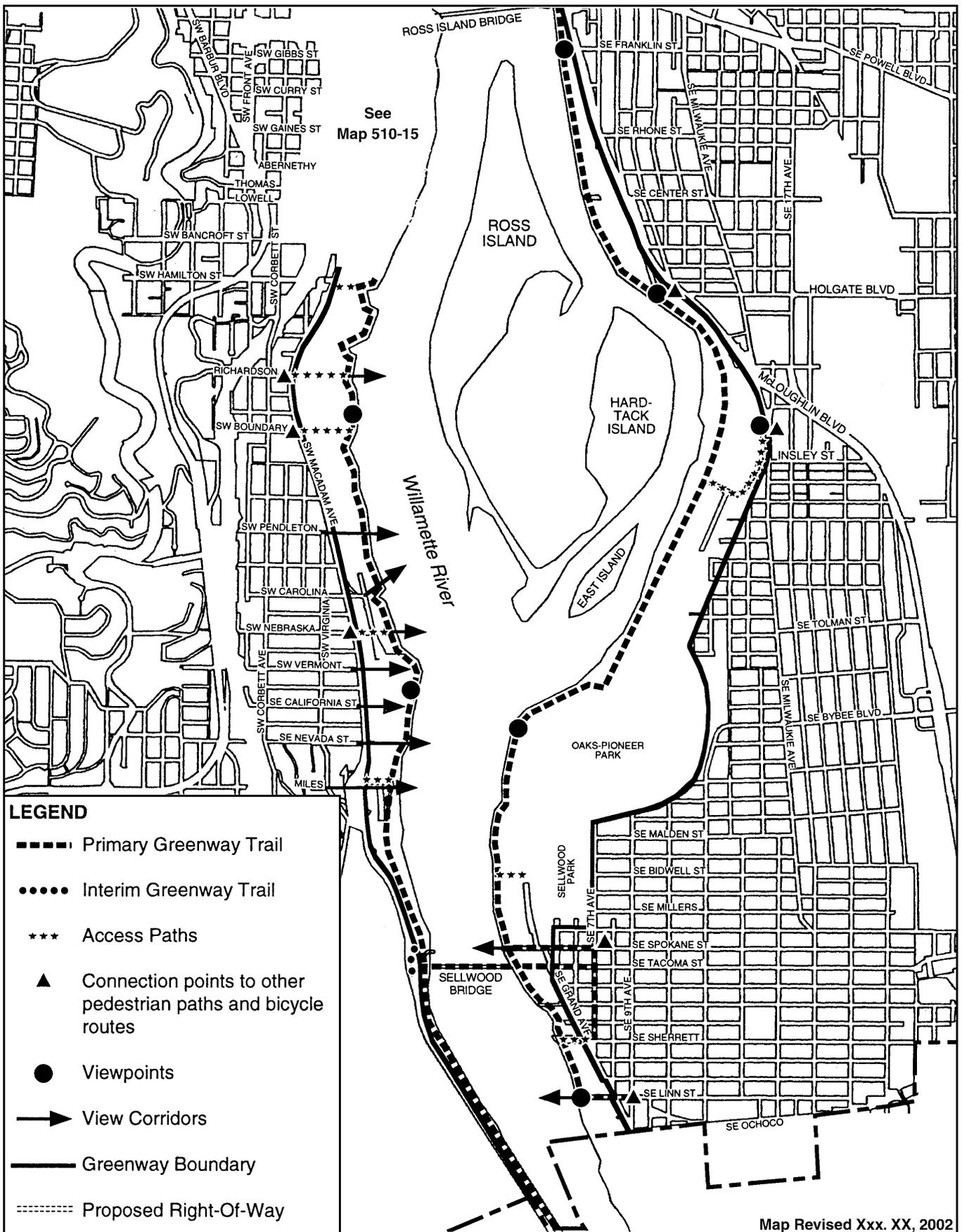
Map 440-1

Maps 4 and 5 are being amended to refer to a new map of the North Macadam greenway that will be included as Map 510-15.



Map 440-1 Willamette Greenway Public Access Map

Map 4 of 5

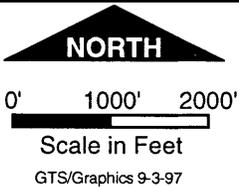


See
Map 510-15

LEGEND

- Primary Greenway Trail
- Interim Greenway Trail
- *** Access Paths
- ▲ Connection points to other pedestrian paths and bicycle routes
- Viewpoints
- ➔ View Corridors
- Greenway Boundary
- Proposed Right-Of-Way

Map Revised Xxx. XX, 2002



**Map 440-1
Willamette Greenway Public Access Map**

Map 5 of 5

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CHAPTER 33.510 CENTRAL CITY PLAN DISTRICT

Most of the new regulations applying in the North Macadam subdistrict would be incorporated as modifications to the regulations and maps of the "Central City Plan District" chapter, which already applies to the area. The modifications would either:

- move the content of existing regulations from other chapters, such as 33.440, *Greenway Zones*;
- add North Macadam-specific regulations;
- expand an existing regulation to apply in North Macadam; or
- exclude North Macadam from an existing regulation that currently applies to the area.

The proposal would not change the overall structure of the Central City plan district, and the regulations that apply in North Macadam will continue to be located by topic throughout the chapter (rather than consolidated into a single section or additional chapter, as proposed previously).

The regulations that apply to the greenway in North Macadam will be included under a new section of the "Central City Plan District" chapter, 33.510.253, *Greenway Overlay Zone* in the North Macadam Subdistrict.

Chapter 33.510, Central City Plan District

CHAPTER 33.510 CENTRAL CITY PLAN DISTRICT

Sections:

General

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

Use Regulations

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

Development Standards

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

Parking and Access

- 33.510.261 Parking
- 33.510.263 Parking in the Core Area
- 33.510.264 Parking in Lloyd District
- 33.510.265 Parking in the Goose Hollow Subdistrict, Lower Albina Subdistrict, Central Eastside Subdistrict , and River District Sectors 1 and 2
- 33.510.267 Parking in the North Macadam Subdistrict

General

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

Adding this language will clarify application of regulations along streets shown on maps 510-1 through 510-15 as "proposed". The actual locations of these facilities will be determined external to the North Macadam Plan. (i.e. The actual location of many of the streets in the subdistrict will be determined through individual development reviews and land division reviews against the revised North Macadam Street Plan that will be developed by the Portland Office of Transportation and accepted by the City Council.)

Chapter 33.510, Central City Plan District

Map 510-1 Central City Plan District and Subdistricts
Map 510-2 Maximum Floor Area
Map 510-3 Maximum Heights
Map 510-4 Bonus Options Target Areas
Map 510-5 Required Residential Development Areas
Map 510-6 Required Building Lines
Map 510-7 Active Building Use Areas
Map 510-8 Core and Parking Sectors
Map 510-9 Parking Access Restricted Streets
Map 510-10 Areas Where Additional Uses are Allowed in the OS Zone
Map 510-11 Special Areas
Map 510-12 Streetcar Alignment
Map 510-13 Park Blocks Frontages
Map 510-14 Areas Where Additional Uses are Allowed in the RX Zone
Map 510-15 North Macadam Greenway Public Access Map
Map 510-16 North Macadam Greenway Trail Fund Subareas

General

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

Where Maps 510-1 through 510-15 identify a right-of-way as a “proposed right-of-way” or “proposed accessway,” the location of the right-of-way or accessway on the map represents only a conceptual location. When dedicated or improved, the location of the right-of-way or accessway may vary from the conceptual location shown on these maps. Regulations of this chapter that are based on the location of a proposed right-of-way or accessway apply as follows:

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

Commentary

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

- B. **CX Zone limitation.** The amendment would limit the size of Retail Sales And Service uses within the North Macadam subdistrict. Uses larger than 40,000 square feet would be required to go through a conditional use review. (See 33.815.304 for specific approval criteria.) This amendment is intended to allow a small neighborhood-serving grocery store, while limiting retail uses that could overly burden the transportation system.

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

- A. Purpose.** Limits on the size of Retail Sales And Service uses promote neighborhood-serving commercial development and help reduce traffic congestion associated with large-scale retailers.
- B. CX Zone limitation.** On sites in the CX zone within the North Macadam subdistrict, Retail Sales And Service uses are allowed up to 40,000 square feet of floor area for each use. Retail Sales And Service uses larger than 40,000 square feet for each use are a conditional use. Retail Sales And Service uses larger than 60,000 square feet for each use are prohibited.
- C. EX Zone Ilimitation.** On sites in the EX zone within the area shown on Map 510-11, Retail Sales And Service uses are allowed up to 40,000 square feet of floor area for each use. Retail Sales And Service uses larger than 40,000 square feet of floor area for each use are prohibited.

Development Standards

33.510.200 Floor Area Ratios

- A. Purpose.** The maximum floor area ratio (FAR) standards are intended to accomplish several purposes of the Central City Plan. These include coordinating private development with public investments in transportation systems and other infrastructure, limiting and stepping down building bulk to the Willamette River, residential neighborhoods, and historic districts. While consistent with these purposes, the floor area ratios are intended to be the largest in the Portland region.

B. Floor area ratio standard.

1. This amendment would correct a reference. Maximum floor area would be amended in North Macadam. See Map 510-2.
4. This provision would provide an incentive for sites in North Macadam to include parking in automated parking facilities. These facilities, also known as "robotic" parking, allow much less space within the building to be used for parking. This provision would encourage more compact parking structures within the district. (The provision replaces an FAR bonus for automated parking that was included in the proposed draft of the North Macadam Plan.)

C. Limit on increased floor area.

1. This amendment would correct a reference
3. This amendment would clarify the maximum floor area increases allowed on sites in the North Macadam subdistrict. In general, if sites took advantage of all floor area bonuses available, the western portion of the subdistrict would be limited to 8:1 FAR and the eastern portion of the subdistrict would be limited to 7:1 FAR.

Additional flexibility could be gained transferring floor area from one site to another; however, a particular site could not exceed an FAR of 9:1 under the proposal, unless transferring FAR from the greenway under the provisions of C.3.b. The increase in floor area on a receiving site would be balanced by a decrease in allowed floor area on a sending site.

Note: Sites would be allowed to include the site area contained within the greenway setback in the total site area when calculating allowed floor area. The provisions for transferring floor area from the greenway would apply when the greenway area was being dedicated to the city.

Chapter 33.510, Central City Plan District

B. Floor area ratio standard.

1. Generally. The maximum floor area ratios for all sites in the Central City plan district are shown on Map 510-2 at the end of this chapter. Floor area ratios greater than shown on Map 510-2 are prohibited unless allowed by Subsections D., ~~or E.~~, through G., below, or by 33.510.210.
- 2.-3. [No change]
4. North Macadam subdistrict. In the North Macadam subdistrict, floor area used for automated parking is not counted towards maximum FAR for the site. The automated parking facility must rely on a mechanical system instead of a vehicle operator to transport vehicles to a storage space within the facility.

C. Limit on increased floor area.

1. Generally. In situations where FAR increases are allowed, whether by transfers of floor area or bonus floor area options, increases more than 3 to 1 above those shown on Map 510-2 are prohibited, except as allowed in ~~Sub~~Paragraphs C.2 and 3;
2. [No change]
3. In the North Macadam subdistrict the following applies:
 - a. Generally. In situations where FAR increases are allowed, no more than 2:1 FAR may be earned on a site through the use of bonuses. There is no maximum to the amount of floor area that may be transferred to a site. However, the total floor area on a site, including bonus floor area and transferred floor area, may not be more than 9:1, except as allowed by C.3.b, below,.
 - b. Exception. Floor area above the 9:1 maximum limit in C.3.a is allowed if all of the following are met:
 - (1) The floor area must be transferred from the North Macadam greenway area; and
 - (2) The portion of the North Macadam greenway area that floor area is being transferred from:
 - Must have been under the same ownership as the receiving site on September 1, 2002; and
 - Must have been dedicated to the City since September 1, 2002.

Commentary

- G. Transfer of floor area within the North Macadam subdistrict.** This amendment would clarify that floor area transfers could occur relatively freely within the North Macadam subdistrict. Sending and receiving sites would not need to be abutting and would not be required to be developed jointly. Floor area would be able to be bought and sold among property owners provided no site exceeds an FAR of 9:1 and all buildings continue to meet the maximum height limits.

33.510.205 Height

- B. The height standard.** The map has been amended in North Macadam. See Map 510-3.
- E. Open space height transfers.** This option would no longer be available in North Macadam. The option would be redundant of new provisions in the North Macadam subdistrict that would allow floor area to be transferred from these sites. The floor area transfer would trigger a height bonus for the building taking advantage of the transferred floor area.

Chapter 33.510, Central City Plan District

D. – F. [No Change]

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

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

33.510.205 Height

A. [No Change]

B. The height standard. The maximum building height for all sites in the Central City plan district is shown on Map 510-3 at the end of this chapter. Heights greater than shown on Map 510-3 are prohibited unless allowed by Subsections C. through F. below or by 33.510.210.D., ~~E., or F~~ through G., below.

C. – D. [No Change]

E. Open space height transfers.

1. Purpose. These regulations provide an incentive for the creation and development of needed open space in the Central City plan district.
2. Requirements for open space areas eligible for the height transfer.
 - a. The proposed open space area must be in the Central City plan district outside of the North Macadam subdistrict. If the open space is at a Proposed Open Space location, as shown on the Central City plan map, the site is eligible by right. If the site is not a Proposed Open Space location, the site is subject to the review requirements stated in Paragraph 4. below. Open space sites resulting from the Northwest Triangle open area requirement are not eligible for the height transfer.

b.-c. [No change]

3.-4. [No change]

F. [No Change]

6. Sites that have frontage on the river north of Lowell Street would be required to take advantage of the floor area bonus available for providing additional public space along the greenway before they would be able to take advantage of any other floor area bonus. This requirement supports the primary policy goals of the North Macadam subdistrict. This requirement does not apply to sites south of Lowell Street because of site constraints and the configuration of the ownerships in the southern portion of the district. (See Map 510-4)

C. Bonus floor area options.

1. Residential bonus option. This bonus would no longer be available in the North Macadam subdistrict. There are several other bonuses and requirements that will continue to support residential development in the district. In general, the bonuses that will be available in the North Macadam subdistrict will be carefully targeted to provide for an amenity that is critical to supporting the vision of the district.

33.510.210 Floor Area and Height Bonus Options

- A. Purpose.** Floor area and height bonus options are offered as incentives to encourage facilities and amenities which implement the Central City Plan.
- B. General regulations.**
1. The bonus options are only allowed in situations where stated. Only new developments are eligible for the bonuses unless specifically stated otherwise. Exceptions to the requirements and the amount of bonus floor area or height earned are prohibited.
 2. Projects may use more than one bonus option unless specifically stated otherwise. Bonuses may be done in conjunction with allowed transfers of floor area.
 3. The maximum floor area increase that may be earned through the bonus options must be within the limits for overall floor area increases stated in 33.510.200.C.
 4. Buildings using bonus floor area must not exceed the maximum height limits shown on Map 510-3 unless eligible for bonus height.
 5. In residential bonus target areas, as shown on Map 510-4, the residential bonus option must be used before any other bonus. A bonus floor area ratio of at least 1.5 to 1 from the residential bonus option must be earned before the project qualifies for other bonus options.
 6. If any portion of the site is in the greenway bonus target area, as shown on Map 510-4, the North Macadam Willamette River greenway bonus option must be used before any other bonus. Bonus floor area of at least 7,500 square feet from the North Macadam Willamette River greenway bonus option must be earned before the project qualifies for other bonus options.
- C. Bonus floor area options.** Additional development potential in the form of floor area is earned for a project when the project includes any of the specified features listed below. The bonus floor area amounts are additions to the maximum floor area ratios shown on Map 510-2.
1. Residential bonus option.
 - a. In the CX and EX zones outside of the North Macadam subdistrict, projects providing housing receive bonus floor area. New development and alterations to existing development are eligible for this bonus. For each square foot of floor area developed and committed as housing, a bonus of 1 square foot of additional floor area is earned, up to an additional floor area ratio of 3 to 1. Projects in the required residential opportunity areas are eligible for this bonus.
 - b.-c. [No Change]

Commentary

2. Day care bonus option. This bonus would no longer be available in the North Macadam subdistrict. In general, the bonuses that will be available in the North Macadam subdistrict will be carefully targeted to provide for an amenity that is critical to supporting the vision of the district.
3. Retail use bonus option. Map 510-4 will be revised to remove this bonus from North Macadam. Development of retail in the district is supported by requirements for ground floor building spaces that will enable active uses along certain streets. In general, the bonuses that will be available in the North Macadam subdistrict will be carefully targeted to provide for an amenity that is critical to supporting the vision of the district. The proposal seeks to allow neighborhood-serving retail uses rather than encouraging retail that will draw from a larger regional market and impact the transportation system.
4. Rooftop gardens option. This bonus would no longer be available in the North Macadam subdistrict. However, the bonus for eco-roofs will continue to be available in the district. In general, the bonuses that will be available in the North Macadam subdistrict will be carefully targeted to provide for an amenity that is critical to supporting the vision of the district.
6. "Percent for Art" bonus option. This bonus would no longer be available in the North Macadam subdistrict. In general, the bonuses that will be available in the North Macadam subdistrict will be carefully targeted to provide for an amenity that is critical to supporting the vision of the district. Many of the projects anticipated for the North Macadam subdistrict will be required to provide a percent for art because they will be utilizing public funds.

Chapter 33.510, Central City Plan District

2. Day care bonus option. In the CX, EX, and RX zones outside of the North Macadam subdistrict, projects providing day care facilities for children receive bonus floor area. For each square foot of area developed and committed to exclusive use as a day care facility, a bonus of three square feet of additional floor area is earned. To qualify for this bonus, the day care facility must meet all of the following requirements:

a.-c. [No Change]

3. Retail use bonus option. In the retail use bonus target area, shown on Map 510-4, projects providing retail uses receive bonus floor area. To qualify for this bonus option, floor area equal to at least 1/2 of the site area must be committed to retail space. For each square foot of retail space over this amount, one additional square foot of floor area is earned. The property owner must execute a covenant with the City attached to the deed of the site ensuring continuation and maintenance of the qualifying retail spaces by the property owner. The covenant must comply with the requirements of 33.700.060.

4. Rooftop gardens option. In CX, EX, and RX zones outside of the North Macadam subdistrict, developments with rooftop gardens receive bonus floor area. For each square foot of rooftop garden area, a bonus of one square foot of additional floor area is earned. To qualify for this bonus option, rooftop gardens must meet all of the following requirements.

a.-b. [No Change]

5. [No Change]

6. "Percent for Art" bonus option. In all zones outside of the North Macadam subdistrict, new development or alterations to existing development which commit funds to public art receive bonus floor area. Projects which commit 1 percent of their threshold value to public art earn additional floor area equal to the size of the site. Projects committing more than 1 percent to public art earn additional floor area equal to 0.1 of the site area for each additional 0.1 percent of the project's threshold value up to a maximum total floor area increase of 2 times the site area. **For new development**, threshold value is the sum of all construction costs shown on all building permits associated with the project, including site preparation. Where some or all of the bonus floor area is being transferred, this includes costs for both the lot transferring the bonus and the site receiving the transfer of floor area. **For alterations to existing development**, the threshold value is the sum of all construction costs as defined above plus the value of existing improvements to the property, as listed in the County Assessor's records. Where some or all of the bonus floor area is being transferred, this includes costs and values for both the lot transferring the bonus and the site receiving the transfer of floor area. To qualify for this bonus, the public art must meet the following requirements.

a.-f. [No Change]

Commentary

7. Water features or public fountains bonus option. This bonus would continue to be available in North Macadam. Water features are consistent with the district vision of providing connections between the built environment and natural elements of the greenway and river.
8. Locker room bonus option. This bonus would be replaced by a requirement for locker rooms and bike parking in larger projects. See 33.510.252.C, Locker rooms and additional bicycle parking.

Chapter 33.510, Central City Plan District

7. Water features or public fountains bonus option. In CX, EX, and RX zones projects which provide water features or public fountains as part of the development receive bonus floor area. For each 0.1 percent of their threshold value that a project commits to development of water features or public fountains, an additional floor area equal to 0.1 of the site area is earned, up to a maximum of 0.5 of the site area. **For new development**, threshold value is the sum of all construction costs shown on all building permits associated with the project, including site preparation. Where some or all of the bonus floor area is being transferred, this includes costs for both the lot transferring the bonus and the site receiving the transfer of floor area. **For alterations to existing development**, the threshold value is the sum of all construction costs as defined above plus the value of existing improvements to the property, as listed in the County Assessor's records. Where some or all of the bonus floor area is being transferred, this includes costs and values for both the lot transferring the bonus and the site receiving the transfer of floor area. To qualify for this bonus, the water feature or public fountain must meet all of the following requirements.

a.-e. [No change]

8. Locker room bonus option. To encourage bicycling, projects in the CX and EX zones outside of the North Macadam subdistrict that provide locker room facilities and extra long-term bicycle parking receive bonus floor area. For each square foot of area developed and committed to locker room facilities, a bonus of 40 square feet of additional floor area is earned. To qualify for the bonus, the following must be met:

a.-c. [No Change]

Commentary

9. North Macadam Willamette River Greenway Bonus Option. This existing bonus would be amended to clarify the requirements and to better work within the framework of the proposed North Macadam greenway regulations. In addition, the bonus would be amended to increase the amount of floor area a site would gain through the use of the bonus. Sites with river frontage north of Lowell Street would be required to take advantage of this bonus before they could take advantage of any other bonus.

Chapter 33.510, Central City Plan District

9. North Macadam Willamette River Greenway Bonus Option. To complement and enhance the existing public corridor, projects along the Willamette River greenway in the North Macadam subDistrict, as identified on Map 510-4, that provide open space for public activity will receive bonus floor area. For each square foot of open space, a bonus of ~~one square foot~~ three square feet of additional floor area is earned. ~~The bonus floor area may be used on the site or transferred to another site within the North macadam District subject to the following.~~ Open space that will earn bonus floor area under 33.510.210.C.17, Open Space bonus option, may not be used to earn additional floor area under this bonus. To qualify for this bonus, the following requirements must be met:
- a. Location. The open space must abut the North Macadam greenway area, as shown on Figure 510-1;
 - b. Size and dimensions. The open space must include at least 2,500 square feet of contiguous area; the north-south dimension of the area must be at least twice as long as the east-west dimension of the area;
 - c. Connection to the recreational trail. A direct pedestrian connection must be provided between the open space and any required recreational trail or recreational trail easement on the site;
 - d. Ownership and use. One of the following must be met:
 - (1) The open space and pedestrian connection must be dedicated to the City; or
 - (2) A public access easement must be provided that allows for public access to and use of all the open space and the pedestrian connection.
 - e. Maintenance. The property owner must execute a covenant with the City that ensures the installation, preservation, maintenance, and replacement, if necessary, of the open space features, and that meets the requirements of 33.700.060, Covenants with the City;
 - f. Landscaping. The open space must be landscaped to meet the requirements of Paragraphs 33.510.253.E.2 and E.7 that apply to North Macadam greenway subarea 3;
 - g. Open space features. Public seating such as benches must be provided at a ratio of at least 5 seats per 1,000 square feet of open space; and
 - h. Timing. The requirements of this paragraph must be met before a building permit for any building using the bonus floor area is issued.

Chapter 33.510, Central City Plan District

- a. ~~Approval process. Approval of this bonus is processed as part of the design review for the development project. It will be approved if it complies with subparagraphs C.9.b. through g. below and if it is consistent with the design guidelines that apply to the site;~~
- b. ~~The building on the receiving site must meet the development standards of the base zone and plan district except floor area ratio. However, adjustments to accommodate the transferred floor area may be requested;~~
- c. ~~A minimum of 2,500 square feet of open space adjacent to the required greenway setback must be deeded as a public easement for public access to the City as part of the Willamette River Greenway for public use;~~
- d. ~~The property owner will implement the North Macadam District Street Plan including required accessways to the Willamette River Greenway;~~
- e. ~~The property owner must execute a covenant with the City that:
 - (1) ~~Ensures the installation, preservation, maintenance, and replacement, if necessary, of the open space features;~~
 - (2) ~~Is attached and recorded with the deed of both the lot transferring and the lot receiving the floor area and reflects the respective increase and decrease of potential floor area; and~~
 - (3) ~~Meets the requirements of 33.700.060, Covenants with the City;~~~~
- f. ~~The additional open space must be provided and the requirements of sub paragraphs C.9.c and d. above, must be met before a building permit using the bonus FAR is issued for the receiving site; and~~
- g. ~~Within the deeded open space easement, the following amenities must be provided prior to the issuance of a Certificate of Occupancy for development using the bonus FAR:
 - (1) ~~The dedicated open space must be adjacent and directly connected to the Greenway Trail;~~
 - (2) ~~At least 50 percent of the dedicated open space must be planted with native species as identified by the Portland Plant list; and~~
 - (3) ~~Public seating such as benches, gazebos, or piers with viewpoints, must be provided at a ratio of at least 5 seats per 1,000 square feet of dedicated open space.~~~~

10. Eco-roof bonus option. This bonus would continue to be available in North Macadam. Eco-roofs are consistent with the district vision of providing connections between the built environment and natural elements. Eco-roofs also provide stormwater management benefits in terms of improved stormwater quality and reduce stormwater quantity.
11. Large dwelling unit bonus option. This bonus, recently adopted as part of the West End planning effort, would continue to apply only in the West End.
12. Large household dwelling unit bonus option. This new bonus would encourage the creation of dwelling units with more than two bedrooms in North Macadam. The bonus would support the desire to see a diversity of housing types within the North Macadam subdistrict. The proposed draft included an amendment that would have expanded the large dwelling unit bonus option under 11, above, to apply in the North Macadam subdistrict. This new bonus reflects the Planning Commission decision to create a North Macadam-specific bonus that would encourage the development of housing units better suited for large households.

Chapter 33.510, Central City Plan District

10. Eco-roof bonus option. Eco-roofs are encouraged in the Central City because they reduce stormwater run-off, counter the increased heat of urban areas, and provide habitat for birds. An eco-roof is a rooftop stormwater facility that has been certified by the Bureau of Environmental Services (BES). Proposals that include eco-roofs receive bonus floor area. A proposal may not earn bonus floor area for both the eco-roof option and the rooftop gardens option; only one of these options may be used.
 - a. Bonus. Proposals that include eco-roofs receive bonus floor area as follows:
 - (1) Where the total area of eco-roof is at least 10 percent but less than 30 percent of the building's footprint, each square foot of eco-roof earns one square foot of additional floor area.
 - (2) Where the total area of eco-roof is at least 30 percent but less than 60 percent of the building's footprint, each square foot of eco-roof earns two square feet of additional floor area.
 - (3) Where the total area of eco-roof is at least 60 percent of the building's footprint, each square foot of eco-roof earns three square feet of additional floor area.
 - b. Before an application for a land use review will be approved, the applicant must submit a letter from BES certifying that BES approves the eco-roof. The letter must also specify the area of the eco-roof.
 - c. The property owner must execute a covenant with the City ensuring installation, preservation, maintenance, and replacement, if necessary, of the eco-roof. The covenant must comply with the requirements of 33.700.060.
11. Large dwelling unit bonus option. [No change.]
12. Large household dwelling unit bonus option. In the North Macadam subdistrict, new development that includes dwelling units with more than two bedrooms receives bonus floor area. To be counted towards this bonus, a bedroom must be at least 70 square feet in area, have at least one window that can be opened, have at least one closet, and be separated by walls and or doors from kitchen, bath, and garage. In addition, the bedroom may not provide the sole access to any other room except a bathroom. Each dwelling unit with more than two bedrooms receives floor area based on the number of bedrooms in excess of two bedrooms. Each additional bedroom earns 150 square feet of bonus floor area. To qualify for this bonus option, the property owner must execute a covenant with the City ensuring that the units used for bonuses will not be reduced in number of bedrooms. The covenant must comply with the requirements of Section 33.700.060.

Commentary

13. Middle-income housing bonus option. This bonus was recently adopted to apply throughout the *Central City* plan district as part of the West End planning process and would continue to apply in North Macadam. This bonus supports the development of housing at a range of costs throughout the *Central City* plan district. The bonus would be amended to require units at a more affordable level than required by the existing bonus. The amendment would allow the bonus to better reflect city housing goals.

15. Affordable Housing Replacement Fund bonus option. This bonus would continue to apply in North Macadam.

Chapter 33.510, Central City Plan District

~~12-~~13. Middle-income housing bonus option. Housing for middle-income residents receives bonus floor area. For each square foot of floor area certified by the Portland Development Commission, three square feet of bonus floor area is earned. To qualify for this bonus, the proposed development must meet all of the following requirements:

- a. The applicant must submit with the development application a letter from the Portland Development Commission (PDC) certifying that at least 30 percent of new dwelling units in the proposed development will be affordable to those earning no more than ~~150~~ 120 percent of the area median family income;
- b. The property owner must execute a covenant with the City that complies with the requirements of 33.700.060. This covenant must ensure that:
 - (1) Rental units used for this bonus will remain affordable to those earning no more than ~~150~~ 120 percent of the area median family income for at least 60 years after an occupancy permit is issued; and
 - (2) Units for sale used for this bonus will be initially sold at a price that is affordable to those earning no more than ~~150~~ 120 percent of area median family income.
- c. Residential portions of mixed-use projects using this bonus must be completed and receive an occupancy permit in advance of or at the same time as an occupancy permit for any nonresidential portion of the project.

~~13-~~14. [No Change]

~~14-~~15. Affordable Housing Replacement Fund bonus option. Contributors to the Affordable Housing Replacement Fund (AHRF) receive floor area bonuses. For each \$10 in 1990 dollars contributed to the AHRF, one square foot of bonus floor area is earned, up to a maximum of two square feet per square foot of site area. To qualify for this bonus, the following requirements must be met:

- a. The applicant must submit with the development application a letter from the Portland Development Commission (PDC) documenting the amount, in current year and 1990 dollars, that has been contributed to the AHRF;
- b. The bonus floor area may be used only in the Central City plan district.
- c. The Affordable Housing Replacement Fund is to be collected and administered by the Portland Development Commission (PDC). The funds collected may be used only within the Central City plan district, either for acquisition, rehabilitation, remodeling or construction of housing affordable to those households earning no more than 60 percent of area median income.

Commentary

16. Below-grade parking bonus option. This bonus is available only in the West End subarea. Under the proposal, this option would continue to only be available in the West End.
17. Open space bonus option. This bonus would allow sites in North Macadam to gain bonus floor area in exchange for providing acceptable park space on site. The bonus will support the parks plan for the district.
18. Open space fund bonus option. This bonus would allow sites in North Macadam to gain bonus floor area in exchange for paying into an open space fund. The fund would be used for acquisition, improvement, and maintenance of parks within the subdistrict and could also be used towards city-sponsored riverbank improvements along the Willamette. The dollar amount has been set at the same value as that required under the affordable housing replacement fund bonus that currently applies throughout the Central City.

Chapter 33.510, Central City Plan District

~~15,16.~~ Below-grade parking bonus option. [No Change]

17. Open Space bonus option. In the North Macadam subdistrict, proposals that provide open space that may be used by the public will receive bonus floor area. For each square foot of open space provided, a bonus of one square foot of additional floor area is earned. Open space that will earn bonus floor area under 33.510.210.C.9, North Macadam Willamette River Greenway Bonus Option, may not be used to earn additional floor area under this bonus. To qualify for this bonus, the following requirements must be met:

- a. Size and dimensions. The open space must include at least 2500 square feet of contiguous area;
- b. Ownership and use. One of the following must be met:
 - (1) The open space must be dedicated to the City; or
 - (2) A public access easement must be provided that allows for public access to and use of all the open space;
- c. Maintenance. The property owner must execute a covenant with the City that ensures the installation, preservation, maintenance, and replacement, if necessary, of the open space features, and that meets the requirements of 33.700.060, Covenants with the City;
- d. Parks approval. The applicant must submit with the building permit application a letter from Portland Parks and Recreation stating that the open space features meet the requirements of the bureau, and that the space is acceptable to the bureau; and
- e. The bonus floor area may be used only in the North Macadam subdistrict.

18. Open space fund bonus option. Contributors to the North Macadam Public Open Space Fund (NMPOSF) receive floor area bonuses. For each \$10 in 1990 dollars contributed to the NMPOSF, one square foot of bonus floor area is earned. To qualify for this bonus, the following requirements must be met:

- a. The applicant must submit with the building permit application a letter from Portland Parks and Recreation documenting the amount, in current year and 1990 dollars, that has been contributed to the NMPOSF;
- b. The bonus floor area may be used only in the North Macadam subdistrict; and
- c. The NPOSF is to be collected and administered by Portland Parks and Recreation. The funds collected may be used only within the North Macadam subdistrict of the Central City plan district, either for acquisition, improvement, or maintenance of public open space or for bank restoration or improvement projects along the Willamette River.

- G. Bonus height in the North Macadam subdistrict.** This amendment would allow buildings in North Macadam to gain additional height if they take advantage of bonus or transferred floor area. Buildings on sites with a base height of 125' would be able to build to a height of 250' if they took advantage of bonus or transferred floor area. There is no minimum floor area required to take advantage of this bonus.

The bonus height will not affect the maximum height of buildings in the western portion of the district that are allowed a maximum of 250' by right. The bonus height also will not affect buildings within 150 feet of top of bank that would be limited to either 125' or 75' (see map 510-3).

33.510.215 Required Building Lines

D. Building line standards.

1. In North Macadam, landscaping would be allowed in the space between the building and the required building line. Allowing landscaping will support the stormwater management goals of the district and will support the urban design goals of the district that encourage landscaping. The L2 standard is a low (less than 3 foot high) screen of shrubs.

Chapter 33.510, Central City Plan District

D. - F. [No change]

G. Bonus height in the North Macadam subdistrict. Within the North Macadam subdistrict, buildings receive bonus height if they include bonus floor area or floor area transferred onto the site. Buildings that include any floor area achieved through bonuses or from transfers onto the site earn a height bonus of 125 feet, up to a maximum building height of 250 feet. The additional height may not be applied to any portion of a building within 150 feet of top of bank.

33.510.215 Required Building Lines

A. Purpose. Required building lines are intended to enhance the urban quality of the Central City plan district.

B. Sites and development subject to the building line standard. Sites subject to this standard are shown on Map 510-6 at the end of this chapter.

C. [No change]

D. Building line standards.

1. New development and major remodeling projects along a frontage containing a required building line must comply with either Subparagraphs a or b below, except where there is also a special building line. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high.
 - a. The building must extend to the street lot line along at least 75 percent of the lot line; or
 - b. The building must extend to within 12 feet of the street lot line for 75 percent of the lot line. Except in the North Macadam subdistrict, and the space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places;" In the North Macadam subdistrict, the space between the building and the street lot line may contain landscaping if one of the following is met:
 - (1) The proposed landscaping must meet the L2 standard;
 - (2) The proposed landscaping must meet the landscaping regulations of 33.510.253.E.7 that apply to subarea 3 of the North Macadam greenway area. However, trees are not required; or
 - (3) BES approval. The applicant must submit with the application for a land use review a letter from the Bureau of Environmental Services stating that the landscaping meets the guidelines of the Stormwater Management Manual.
2. [No change]

33.510.221 Required Windows Above the Ground Floor

- B. **Where this regulation applies.** This requirement would be expanded to apply near the streetcar line in the North Macadam subdistrict. Expansion is consistent with citywide policy and with the specific policy goals of the North Macadam subdistrict.

Note: The current requirements for ground floor windows would continue to apply. See Section 33.130.230, *Ground Floor Windows (CX zone)* and 33.510.220, *Ground Floor Windows (Central City plan district)* of the Portland Zoning Code for more details.

33.510.225 Ground Floor Active Uses

- B. **Sites and development subject to the ground floor active use standard.** This map would be amended to reflect proposed revisions to the street plan in North Macadam. See Map 510-7.

33.510.221 Required Windows Above the Ground Floor

- A. Purpose.** Windows on building facades above the ground floor ensure opportunities for active uses, contribute to the skyline, and add interest to the built environment in the area near the streetcar alignment.
- B. Where this regulation applies.** The regulation of this section applies to sites near the streetcar alignment shown on Map 510-12.
1. In the River District, the regulation applies to the portion of a site within 200 feet of a streetcar alignment, if the site is in the EX zone.
 2. In the West End, the regulation applies to the portion of a site within 200 feet of a streetcar alignment.
 3. In the North Macadam subdistrict, the regulation applies to the portion of a site within 200 feet of a streetcar alignment. The regulation also applies to the portion of a site within 200 feet of a proposed streetcar alignment, as shown on the street plan for the area that has been accepted by City Council. The street plan is maintained by the Portland Office of Transportation.
- C. Standard.** Windows must cover at least 15 percent of the area of street-facing facades above the ground level wall areas. This requirement is in addition to any required ground floor windows. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade.

33.510.225 Ground Floor Active Uses

- A. Purpose.** The ground floor active use standards are intended to reinforce the continuity of pedestrian-active ground-level building uses. The standards are also to help maintain a healthy urban district through the interrelationship of ground-floor building occupancy and street level accessible public uses and activities. Active uses include but are not limited to: lobbies, retail, residential, commercial, and office.
- B. Sites and development subject to the ground floor active use standard.** Ground floor active use areas are shown on Map 510-7 at the end of this chapter. On identified sites, all new development and all major remodeling projects must meet the standard below.

Commentary

- C. **Ground floor active use standard.** The existing standard would continue to apply.
- D. **Parking restriction in the North Macadam subdistrict.**
 - 2. **Regulation.** This would be amended to clarify that the requirement applies to the space being created within the building under the provisions of these regulations. This regulation is not intended to prohibit surface parking, or to prohibit parking in the portion of the building outside of the space created for active uses. For example, a building could meet this requirement by wrapping retail or other nonparking floor area around the parking uses on the ground floor.

Chapter 33.510, Central City Plan District

- C. Ground floor active use standard.** Buildings must be designed and constructed to accommodate uses such as those listed in Subsection A. above. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to active uses. This standard must be met along at least 50 percent of the ground floor of walls which front onto a sidewalk, plaza, or other public open space.

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

1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
2. The area must be at least 25 feet deep, measured from the street frontage wall;
3. The area may be designed to accommodate a single tenant or multiple tenants. In either case, the area must meet the standards of the Accessibility Chapter of the State of Oregon Structural Specialty Code. This code is administered by OPDR; and
4. The street frontage wall must include windows and doors, or be structurally designed so doors and windows can be added when the space is converted to active building uses.

D. Parking restriction in the North Macadam subdistrict.

1. Purpose. The North Macadam subdistrict is intended to be a multi-modal, mixed-use, pedestrian-oriented neighborhood. Developments are anticipated to include larger site areas than in other parts of the Central City where ground floor active uses are applied. These larger sites afford greater flexibility in the planning and design of ground-level uses. Also, due to the larger block size, the potential impact of less-active uses, such as structured parking, along expanses of street frontage is greater. Disallowing parking in ground floor active use areas lessens this impact. It also encourages either the provision of active building uses at the time of initial construction or a quicker transition from less-active to more active uses. This provision will encourage and maintain a pedestrian-oriented street environment of exceptional quality that is safe, active with uses, and comfortable for residents, visitors, and others moving through the subdistrict.
2. Regulation. ~~The following regulation applies to~~ In the North Macadam subdistrict, parking in vehicle areas are not allowed in areas the portions of a building that are required to meet the ground floor active building uses standard of Subsection C., above.

- E.** [No Change]

33.510.230 Required Residential Development Areas

- B. **Sites and development subject to the required residential standard.** The existing mapped area would continue to apply.

- C. **Required residential standard for new development.** This amendment would increase the amount of residential development that would need to be provided in the required residential development area in North Macadam. The requirement would essentially require residential development at an R1 density on sites within this area. However, the overall floor area allowed would continue to allow for development of commercial floor area on the site, and additional flexibility would be added to allow some or all of the required housing units to be transferred to another site in the subdistrict. Residential uses could be clustered in part of a development site to allow other parts of the site to be used exclusively for nonresidential uses, as long as the residential requirement is met for the entire site.

Providing housing within the district helps limit demands on the transportation system by allowing people to both live and work within the district.

Chapter 33.510, Central City Plan District

33.510.230 Required Residential Development Areas

- A. Purpose.** The requirements of this section promote new housing in areas suitable and attractive for housing. The requirement is imposed as an alternative to the creation of exclusively residential zoning. This maintains development flexibility while still promoting the housing objectives of the Central City Plan.
- B. Sites and development subject to the required residential standard.** Sites subject to this standard are shown on Map 510-5 at the end of this chapter. On identified sites, all new development and building additions must meet the standards below.
- C. Required residential standard for new development.** ~~New development must include housing at the minimum rate of 1 unit per 2,900 square feet of net site area (15 units per acre).~~ For this standard, net site area is the total site area minus land dedicated to public rights-of-way or public open spaces, or land used for a regional public attraction such as a museum or aquarium.
1. Outside of North Macadam subdistrict. Outside of the North Macadam subdistrict, new development must include at least 1 dwelling unit per 2,900 square feet of net site area (15 units per acre). The floor area of the required housing units qualifies for the floor area bonus option stated in 33.510.210.C.1.
 2. North Macadam subdistrict. In the North Macadam subdistrict, new development must include at least 1 dwelling unit per 1,000 square feet of net site area (43 units per acre).
- D. Required residential standard for building additions.** Floor area additions which increase the existing floor area by 50 percent or 10,000 square feet, whichever is less, must meet the standard of Subsection C., above.
- E. Timing and location of the housing.**
1. Generally. Required housing must be located on the site and if developed as part of a mixed-use project must receive an occupancy permit in advance of or at the same time as an occupancy permit for nonresidential portions of the project. Exceptions to this may be approved as part of a Central City master plan. See 33.510.255, Central City Master Plans.
 2. North Macadam subdistrict. In the North Macadam subdistrict, housing units required by Subsection C., above, may be transferred to another site if the following requirements are met:
 - a. The receiving site must be located within the North Macadam subdistrict;
 - b. The required housing must receive an occupancy permit in advance of or at the same time as an occupancy permit is issued for any non-residential development on the sending site; and
 - c. The property owners must execute a covenant with the city which is attached to and recorded with the deed of both the sending and receiving sites reflecting the respective increase and decrease of required housing units. The covenant must meet the requirements of 33.700.060.

33.510.240 Drive-Through Facilities

This amendment would expand the applicability of this prohibition to North Macadam. Prohibiting drive-through facilities supports the urban design goals of the district, and prevents the district from overly burdening the transportation system by attracting additional auto trips into the district.

33.510.252 Additional Standards in the North Macadam Subdistrict

A. Special building height corridors and tower orientation.

2. *Special building heights.* This requirement would enhance several east-west street facilities by limiting the mass of the portion of the building adjacent to specific east-west streets. This allows for additional light and air at the street level, as well as encouraging views through the district down these east-west corridors.
3. *Maximum north-south dimension.* This requirement would ensure the visual permeability of the district by setting a maximum dimension on building towers as they are viewed from the east or west and requiring a minimum tower spacing on sites. A maximum dimension of 125 feet in tower width would allow for construction of a "point tower" or "blade" tower while limiting the north-south dimension of buildings above 75 feet. The east-west tower dimension would not be limited. Modifications to the standard would be allowed through design review, to allow flexibility on sites within the district to meet the purpose of the regulation through alternate means.

Chapter 33.510, Central City Plan District

33.510.240 Drive-Through Facilities

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

33.510.252 Additional Standards in the North Macadam Subdistrict

Sites in the North Macadam subdistrict must meet the following standards:

A. Special building height corridors and tower orientation.

1. Purpose. Special building heights along designated east-west corridors and tower orientation standards provide visual access to the greenway from the western edge of the district, provide visual access to the ridge line of the Tualatin Hills from east of the district, provide for additional light along designated streets, and encourage an urban form that is visually permeable and varied.
2. Special building heights. The portion of a building that is within 50 feet of the centerline of a street or accessway designated as a special building height corridor on Map 510-15 may be no more than 75 feet in height.
3. Maximum north-south dimension. The north-south dimension is measured as specified in 3.e., below. See Figure 510-1. Adjustments to this paragraph are prohibited; however, modifications to the standards of this paragraph may be requested through design review. The north-south dimensions of buildings are limited as follows:
 - a. Less than 75 feet in height. For the portion of a building less than 75 feet in height, there is no limit on the north-south dimension, and no required space between buildings or portions of buildings;
 - b. 75 feet in height and above. The portion of a building that is at least 75 feet in height may have a north-south dimension up to 125 feet in width;
 - c. Where there is more than one building on a site there must be at least 50 feet between the portions of the buildings that are at least 75 feet in height. If there is less than 50 feet between these portions of the buildings, the north-south dimension is the total of the north-south dimension of each building and the north-south dimension of the space between them. The total may be up to 125 feet in width;
 - d. Where a building has more than one element that is at least 75 feet in height, the two elements are measured and regulated as two separate buildings.

Chapter 33.510, Central City Plan District

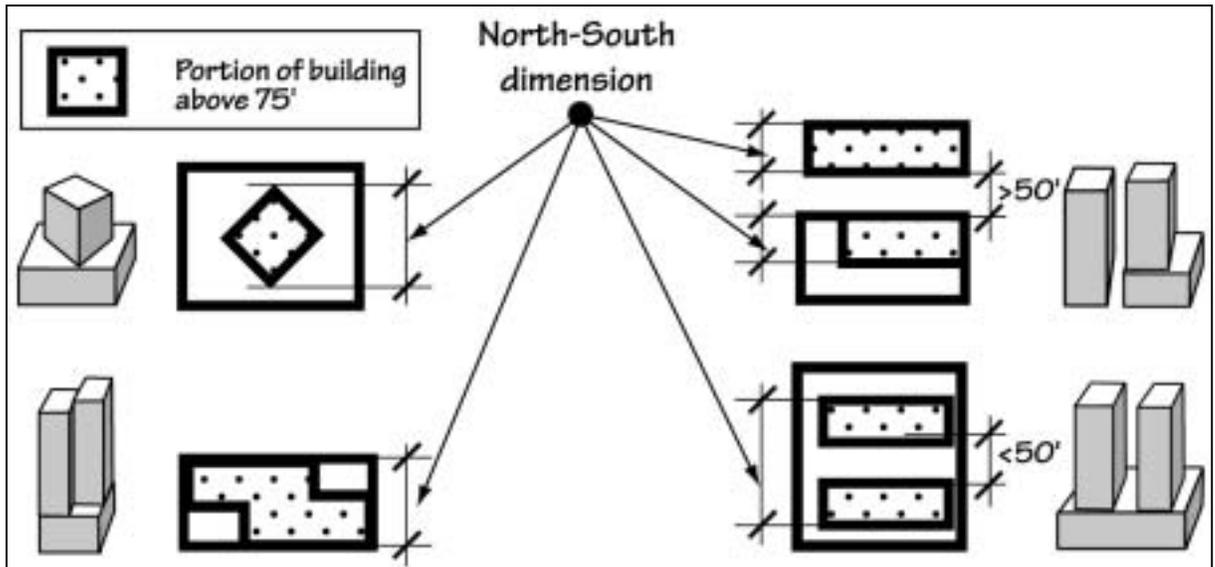
e. Measurements for this paragraph. The measurements for the regulations of this paragraph are as follows. See Figure 510-1:

(1) The north-south dimension of a building is measured as follows:

- From the northernmost point of the portion of a building that is at least 75 feet in height, a line is drawn running due east-west;
- From the southernmost point of the portion of a building that is at least 75 feet in height, a line is drawn running due east-west;
- A line drawn at right angles between the two east-west lines is the north-south dimension;

(2) The space between buildings on a site is measured using the east-west lines created under A.3.e(1). A line drawn at right angles between the northern east-west line of one building and the southern east-west line of the other is the distance between the buildings.

Figure 510-1
Measuring North-South Dimension



- B. Accessways.** These regulations would apply to accessways shown on the North Macadam street plan as providing access from River Parkway to the greenway. The standards would only apply to sites adjacent to the accessways, and not to the accessways themselves. The requirements are intended to provide a continuous building line along these facilities, and to support landscaping that provides a transition from the greenway to the more urban interior of the district. The standards allow views of the greenway down these accessways in certain locations.

These standards strike a balance between various policy goals for these facilities. They include providing pedestrian and bicycle access to the greenway trail, providing a visual transition from the greenway to the rest of the district, providing the opportunity for surface stormwater management, and providing a lively space which functions as an extension of the more human-intensive portions of the greenway.

The regulations rely on the "centerline" of the accessway because these facilities could vary in width to accommodate some vehicle access to the adjacent development.

- C. Locker rooms and additional bicycle parking.** These amendments will add a requirement for locker rooms and bike parking in larger commercial projects. This requirement replaces an existing floor area bonus in the district and will encourage the use of alternative modes of transportation into the district, supporting the transportation policies of the district.

B. Accessways.

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

C. Locker rooms and additional bicycle parking.

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

- D. These provisions recognize that the greenway trail in North Macadam will provide private benefits as a recreational and transportation facility to development within the district as well as public benefits to the community at large. The code ensures that the responsibility for private provision of trail improvements under the code is roughly proportional with the impacts of the development being proposed. A Design Coordination Plan for the greenway could result in the development of additional negotiated strategies for the greenway trail that would enhance its role beyond the minimum level required by the code. The proposal bases the cost that would be assigned to a particular development on expectations related to how many trips on the trail will originate in the North Macadam District, and on transportation assumptions related to trip-generation, mode-split, and proximity of development to the trail.

The overall approach of the code would be to require riverfront property owners to provide a public access easement that would cover all trail improvements, and to require property owners throughout the district to pay into a fund based on the anticipated impacts of any proposed development. Parks and Recreation would then administer this fund to construct the trail improvements through public-private partnership on properties adjacent to the river. As crafted this approach could generate approximately 50% of the estimated cost of the improvements by 2019 based on the development of 10,000 jobs and 1500 housing units in the district. This approach may need to be revised to provide an opportunity for property owners to provide trail improvements themselves.

Assumptions and Methodology

The amounts in Table 510-1 are derived from the following formula:

$$(\text{distance factor by subarea} \times \text{pedestrian trips by use}) \times 150 \text{ dollars}$$

Distance Factors:*

- Subarea A: .5
- Subarea B: .4

Daily pedestrian trip generation assumptions:**

- Office: 4 trips/1000 square feet
- Retail: 8 trips/1000 square feet
- Residential: 1.1 trips per unit

Notes:

*The distance factors account for the fact that development adjacent to the trail will have a greater impact on the trail facility than development further away in the district. The distance factors are not intended as an exact estimate of how many of the district's pedestrian trips will actually use the trail.

**Trip generation assumptions are derived from multiple sources including analysis of the district completed by Portland Office of Transportation in 2000.

Chapter 33.510, Central City Plan District

D. North Macadam Greenway Trail Fund. In the North Macadam subdistrict, applicants are required to contribute to a greenway trail fund a dollar amount corresponding with the anticipated impacts of the proposed development on the North Macadam greenway trail.

1. When net building area is added to the site, the applicant must contribute to the North Macadam Greenway Trail Fund the amount in 1990 dollars in Table 510-1, below;
2. The applicant must submit with the building permit application a letter from the Portland Bureau of Parks and Recreation documenting the amount, in current year and 1990 dollars, that has been contributed to the North Macadam Greenway Trail Fund;
3. The North Macadam Greenway Trail Fund is to be collected and administered by the Portland Bureau of Parks and Recreation. The funds collected may be used only within the North Macadam subdistrict of the Central City plan district, either for improvement or maintenance of the North Macadam greenway trail.

Table 510-1		
Required payment into North Macadam Trail Fund by use and subarea		
Use	North Macadam Trail Fund Subarea	
	Subarea A	Subarea B
Residential	\$80/ dwelling unit	\$60/ dwelling unit
Office and other uses	\$300/1000 sq. foot net building area	\$200/1000 sq. foot net building area
Retail	\$600/1000 sq. foot net building area	\$400/1000 sq. foot net building area

33.510.253 North Macadam Interim Transportation Review

The specific transportation plan and the zoning code standards being proposed would replace the need for these interim provisions.

33.510.253 Greenway Overlay Zone in North Macadam Subdistrict

This proposal modifies the way in which development along the Willamette greenway in North Macadam is regulated and reviewed, modifies the level of improvements required along the greenway, and modifies the development triggers for these improvements. This proposal enhances existing requirements that apply in the subdistrict today under 33.440, *Greenway Overlay Zones*. The proposal would restructure the code significantly in order to clarify the requirements and to shift some existing review responsibilities. Currently, development within the greenway overlay zones in North Macadam must meet the regulations of 33.440, *Greenway Zones*. Depending on the location and type of development being proposed, development proposals may be required under the current regulations to go through a greenway review and meet particular greenway design guidelines; development may also be subject to design review. The proposal would include all greenway-related standards that apply in North Macadam within 33.510.253, and would create a new North Macadam greenway review (Chapter 33.851). In addition, the greenway design guidelines for North Macadam would be revised and would be applied as part of design review in the subdistrict. In general, the regulations of 33.440 and greenway review would no longer apply in the subdistrict. Future citywide revision of Chapter 33.440 could result in a reintegration of the North Macadam greenway regulations.

- A. **Purpose.** The purpose statement of the Chapter 33.440, *Greenway Zones*, has been included here and revised to reflect recent policy work such as City Council's endorsement of the River Renaissance vision in 2001.
- B. **Where these regulations apply.** The greenway overlay zone is being remapped slightly as part of this proposal. (See Zoning Map Amendment, above). Many of the standards only apply within 150 feet of top of bank; however, development elsewhere on the ownership could trigger improvement requirements and some of the greenway design guidelines are relevant for development further from the bank.
- C. **Greenway design coordination plan.** Parks and Recreation is in the early stages of work to develop a "Design Coordination Plan" for the greenway. The plan will be developed through a public-private partnership and will be able to look at the full extent of the North Macadam greenway. The details of this plan are still being fleshed out, but, once completed, the plan could offer an option to the prescriptive timing and standards of the code. The code allows the property owner to use a completed Design Coordination Plan to support their request to vary from the standards through North Macadam greenway review. Based on the outcome of the Greenway Design Coordination Plan process, it may be appropriate for a future legislative planning project to revise these regulations to create a different relationship between the Greenway Design Coordination Plan and the regulations of this title.

Chapter 33.510, Central City Plan District

~~33.510.253 North Macadam Interim Transportation Review~~

[Delete existing Section 33.510.253 and replace with new section, below]

33.510.253 Greenway Overlay Zone in North Macadam Subdistrict

A. Purpose. The regulations of this section:

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

B. Where these regulations apply. The regulations of this section apply to ownerships within the North Macadam subdistrict where any portion of the ownership is in the greenway overlay zone, shown on the Official Zoning Map.

C. Greenway design coordination plan. If the site is included in the greenway design coordination plan, it may be eligible for special provisions for the timing of improvements. See Paragraph 33.510.253.D.4, Timing of improvements. The site may also be eligible for special provisions allowing greenway improvements that would not otherwise meet the standards of Section 33.510.253. See Subsection 33.510.253.H, North Macadam greenway review.

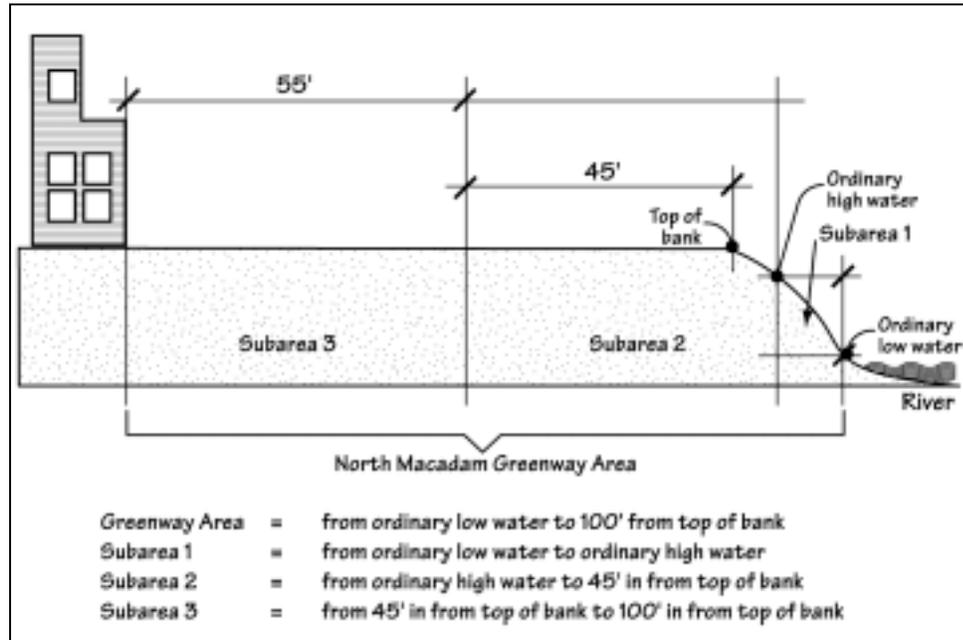
Figure 510-2
North Macadam Greenway Area and Subareas

The North Macadam greenway area coincides with the minimum regulated setback in the subdistrict of 100 feet. The subareas coincide with ecological emphases within the greenway area. Subareas 1 and 2 have the highest level of required landscaping and the least allowance for human activity and nonriver dependent development. Subarea 3 begins 45 feet from top of bank and is where the trail improvements will be located as well as outdoor uses that provide for a transition from the adjacent development and other human activity and the more ecological areas near and on the riverbank. Outdoor uses anticipated in subarea 3 include outdoor cafes, play areas, and outdoor markets.

A Note about top of bank: Top of bank is currently determined on a site-by-site basis based on the definition contained in 33.910. As part of the actions of the North Macadam Plan, we will be requesting the City Council direct PDOT to survey actual top of bank in the district, and that the code be amended in the future to reflect a mapped boundary in North Macadam based on that survey.

- D. Required North Macadam greenway improvements.** This subsection describes the circumstances under which required improvements in the greenway are triggered. The property owner is not required to install any of the landscaping or trail improvements described under Subsection E until they trigger one of these thresholds. If the property owner chooses to install the improvements earlier, they will still be required to meet the standards of Subsection E.
1. Landscaping. The landscaping thresholds are based on the development thresholds that apply to required nonconforming upgrades.

**Figure 510-2
North Macadam Greenway Area and Subareas**



D. Required North Macadam greenway improvements. Adjustments to this subsection are prohibited.

1. Landscaping. When development on the ownership, or alterations to structures, the site, or rights-of-way are made which are over the thresholds of this paragraph, the ownership must be brought into conformance with the requirements of Paragraph E.7 that apply to subareas 2 and 3 of the North Macadam greenway area. The value of the alterations is based on the entire project, not individual building permits. It is the responsibility of the applicant to document the value of the required improvements.
 - a. Thresholds. Mandatory improvements for fire, life safety and accessibility do not count toward the thresholds. The thresholds are:
 - (1) The value of the proposed alterations is 35 percent or greater than the assessed value of all improvements on the ownership. On ownerships with multiple tenants in one or more buildings, the threshold applies to any alteration that is 35 percent or greater of the assessed value of all improvements on the ownership; or
 - (2) The value of the proposed alterations, as determined by OPDR, is more than \$100,000.

Commentary

- b. This language provides a guarantee that the cost of installing landscaping will be proportional with the cost of the proposed development. The priority of landscaping improvements is based on policy discussions that the ecological features of the greenway setback are critical.
2. Bank improvements. The landscaping requirements that apply below top of bank only need to be met if bank work is already being proposed.

Chapter 33.510, Central City Plan District

- b. Caps on the cost of required landscaping. Required landscaping costing more than 10 percent of the value of the proposed alterations does not have to be installed. When all required landscaping is not being installed, the priority for which landscaping is to be installed is:
- (1) Trees in subarea 2;
 - (2) Shrubs in subarea 2;
 - (3) Ground cover in subarea 2;
 - (4) Trees in subarea 3;
 - (5) Shrubs in subarea 3;
 - (6) Ground cover in subarea 3; and
 - (7) Other required landscaping;
- c. Supplemental application requirement. Where landscaping is required by this paragraph, the applicant must submit a landscape plan to OPDR that shows that the landscaping will grow to meet the landscape standards of Subparagraph E.7, below, within five years. The landscape plan must be certified by a licensed landscape architect, or by a qualified restoration specialist as part of a formal City revegetation project under authority of Portland Parks and Recreation or the Bureau of Environmental Services.
2. Bank improvements. In subarea 1, when there is any regrading, bank stabilization, or other activities affecting the contours and composition of soil, the requirements of Paragraph E.7 for subarea 1 must be met.

3. Trail and pedestrian connections and public viewpoints. Under the recommended code, the private costs of installing the trail would be spread throughout the North Macadam subdistrict, recognizing that trail users will come from sites throughout the district. Riverfront property owners would be required to provide a public access easement for the trail. The trail fund collected using this approach would be administered by Parks working with individual property owners along the river to construct the trail.

This approach allows district-wide sharing of the private portion of the responsibility towards trail improvements, and allows any segments of the trail that are constructed under the provisions of the code to interface with adjacent properties that may be constructing nonstandard trail improvements through the *Greenway Design Coordination Plan*. See related commentary under 33.510.252, above.

4. These regulations provide several options for timing the installation of required improvements.
 - b. Option 2. Parks and Recreation is in the early stages of work to develop a "Design Coordination Plan" for the greenway. The plan could apply to one or more sites and participation in the plan is voluntary. This option would enable the applicant to defer installation of required improvements until after completion of the plan.
5. Landscaping monitoring and reporting. This would put the burden on the applicant to document that landscaping requirements were being met. The proposed landscaping regulations allow considerable flexibility in the methods of planting as long as the developer adheres to a specified plant list and ensures that the site "grows out" to the standards within five years. Refinements still need to be made to codify an appropriate enforcement mechanism.

Chapter 33.510, Central City Plan District

3. Trail and pedestrian connections and public viewpoints. When development on an ownership, or alterations to structures, the site, or rights-of-way are made which are over the thresholds of Paragraph D.1, above, the applicant must provide public access easements that will accommodate a trail, pedestrian connections, and viewpoints that meet the standards of Paragraph E.5, Trail and pedestrian connections; and Paragraph E.6, Public viewpoints;
4. Timing of improvements. The applicant may choose one of the following options for making the improvements required by this subsection:
 - a. Option 1. Under Option 1, required improvements must be made as part of the development or alteration that triggers the required improvements;
 - b. Option 2. Under Option 2, the required improvements may be deferred if the following are met:
 - (1) The applicant must provide OPDR with a performance guarantee for the improvements. See 33.700.050, Performance Guarantees; and
 - (2) The required improvements must be constructed or installed within 4 years of issuance of the performance guarantee or within the timeline approved through a North Macadam Greenway Design Coordination Plan, whichever is earlier;
5. Landscaping monitoring and reporting. Monitoring required landscaping is the ongoing responsibility of the property owner. If landscaping is required by this subsection, the owner must submit a report to OPDR documenting that the landscape standards of Subparagraph E.7, below, have been met on the site. The report must be submitted within 5 years of the date that building permits are issued for the development triggering the landscaping requirement.

E. Development standards.

2. These regulations provide a maximum limit for the portions of the greenway area that can be configured for development and surfaces other than landscaping. These regulations provide a minimum area for the landscaping requirements and upper limit for buildings, hardscaping, and other nonlandscaped areas.

The provisions limit site stormwater runoff associated with pervious surfaces, provide landscaping consistent with the policies and objectives of the North Macadam Plan and support the City's goals for the Willamette River.

E. Development standards. Development and alterations to structures, sites, and rights-of-way must meet the following standards. Adjustments to this subsection are prohibited; however, development that does not meet the standards of this subsection may be approved through a North Macadam greenway review.

1. Where these regulations apply. The regulations of this subsection apply in the North Macadam greenway area as shown on Figure 510-2.
2. Nonlandscaped area. Limiting the percentage of nonlandscaped area allowed in the North Macadam greenway area ensures that the area will be configured to accommodate a minimum percentage of living plant cover. Nonlandscaped area includes all above-ground structures and paving materials, including permeable paving materials.
 - a. Subareas 1 and 2. Up to 20 percent of the portion of the site in subareas 1 and 2 may be covered by nonlandscaped area; however, paved surfaces that are required under the provisions of paragraph E.6, Public viewpoints, are exempt from this limitation. Nonlandscaped area is not allowed within 10 feet of top of bank;
 - b. Subarea 3. Up to 20 percent of the portion of the site in subarea 3 may be covered by nonlandscaped area. However, required trail and pedestrian connection improvements are exempt from this limitation.

Commentary

3. Buildings. The regulated greenway setback would be increased to 100 feet. River-dependent buildings would be allowed but would be subject to non-landscaped area limitations. See *North Macadam Plan* document for additional discussion of this amendment. Limited modifications to this standard could be requested through North Macadam greenway review.
 - a. Buildings in subareas 1 and 2. The proposal has taken an approach which emphasizes the ecological function of these areas
 - b. Buildings in subarea 3. Only river-dependent/river-related buildings or small buildings, such as coffee kiosks, that support the active outdoor function of the greenway are allowed inside the setback line without a North Macadam greenway review.

Chapter 33.510, Central City Plan District

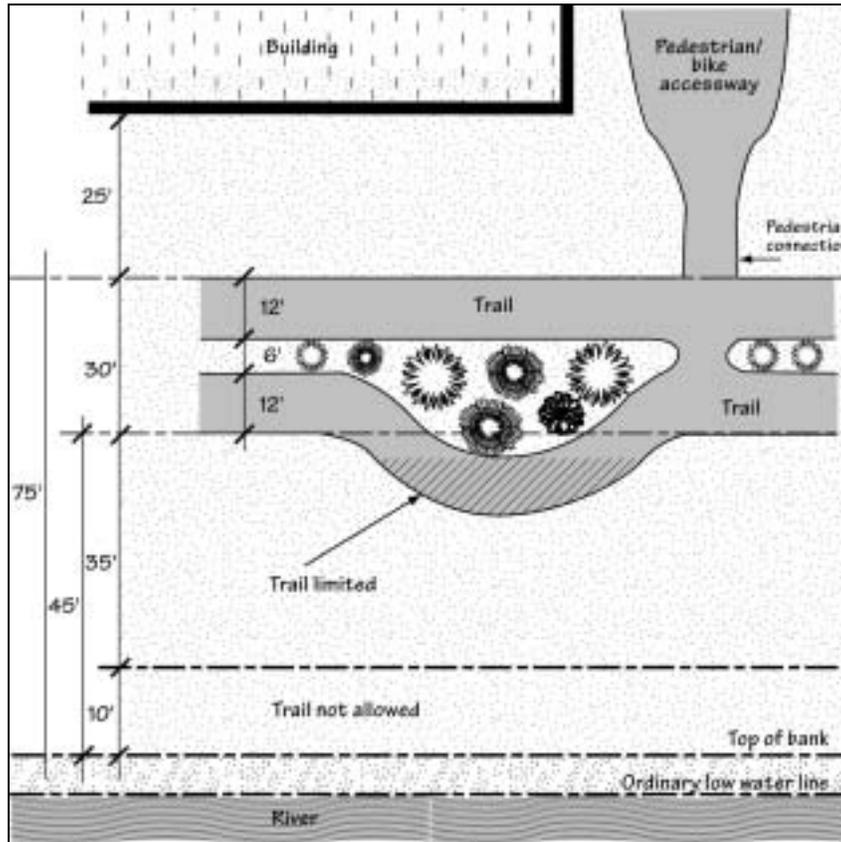
3. Buildings. Buildings are allowed within the North Macadam greenway area if they meet E.3.a. and b. and either E.3.c. or d., below. Other buildings or portions of buildings are not allowed within the North Macadam greenway area.
- a. The site meets the nonlandscaped area requirements under E.2, above; and
 - b. The building does not obstruct required pedestrian connections and trails; and
 - c. The building is river-dependent or river related; or
 - d. All of the floor area of the building is in Retail Sales And Service uses and the following are met:
 - (1) The building has less than 1,000 square feet of floor area;
 - (2) The building is entirely within subarea 3; and
 - (4) The building is located landward of the North Macadam recreational trail.

4. Fences and walls. The proposal limits the height of fences and walls and ensures that they do not block pedestrian connections in the greenway area.
5. Trails and pedestrian connections. The trail standards require a split trail facility in the subdistrict. The regulations require a trail which consists of two 12-foot wide paths and a landscaped buffer. This type of "split" trail allows for pedestrians and bicycles to safely use the trail. A split trail reduces the risks of collision accidents, and appears "greener" than a single trail because of the landscaped buffer. The recommended code would require riverfront property owners to grant an easement that would accommodate the trail—trail improvements would be made through a collaborative public-private effort. See related commentary under Subsection D., above.
 - b. Public recreational trails. Under the existing regulations, trails are required to meet "City construction standards." These standards are administered by Portland Parks and Recreation, and typically require a 12-foot wide trail. The amendments would add more specific dimensional requirements for the required North Macadam greenway trail. Standards relating to materials, furnishings, and lighting would continue to be administered by Parks, as referenced by 33.272. The trail standards of this subsection could be modified through North Macadam greenway review—the greenway review would be able to propose alternate trail locations and standards that could be based on a more comprehensive look of at the North Macadam greenway as a whole through a "greenway design coordination plan."

Chapter 33.510, Central City Plan District

4. Fences and walls. Fences and walls are allowed in the North Macadam greenway area if they are no more than 3 feet in height and do not obstruct the required pedestrian connections and trails.
5. Trails and pedestrian connections.
 - a. Purpose. Public recreational trails provide public access to and along both sides of the Willamette River. Public recreational trails are one of the tools used to comply with the public access requirements of the *Comprehensive Plan* and the *Willamette Greenway Plan*. Pedestrian connections ensure that there is adequate, safe, and direct pedestrian access from the adjacent development and from the district as a whole to the trails.
 - b. Public recreational trails. Public recreational trails must meet the following standards. When required by Subsection D., ownerships with a public recreational trail symbol shown on the Official Zoning Maps must provide easements that would accommodate construction, maintenance, and public use of a trail that meets the following standards. See Figure 510-3:

Figure 510-3
North Macadam Greenway Trail



- (1) Location. The preferred location of the trail is within the middle portion of the North Macadam greenway setback. As shown on Figure 272-1, the trail would not be allowed in the area of the setback closest to the building—requiring space between the trail and development allows space for active transitional uses such as outdoor restaurant seating, outdoor markets, and play areas adjacent to development. While the trail may meander closer to the river, impervious surface requirements will limit the amount of trail that can be constructed within 45 feet of top of bank, to support the primary ecological functions of the area. Because of the possible negative impacts on the primarily ecological portion of the setback, the regulations would require North Macadam greenway review to propose more extensive trail within 45 feet of top of bank.
- (2) Width. The greenway trail in North Macadam will be a split trail facility consisting of two 12-foot wide paths. The path closest to the river will be used by pedestrians; the path closest to development will be used by bicyclists. Requiring a split trail ensures adequate space for users, minimizes risks related to collisions, and allows the visual impact of the trail to be softened by landscaping.
- (3) Landscaped buffer. The area between the bicycle and pedestrian portions of the split trail would be landscaped with plantings to soften the look and feel of the trail and support the habitat and stormwater function of the setback.

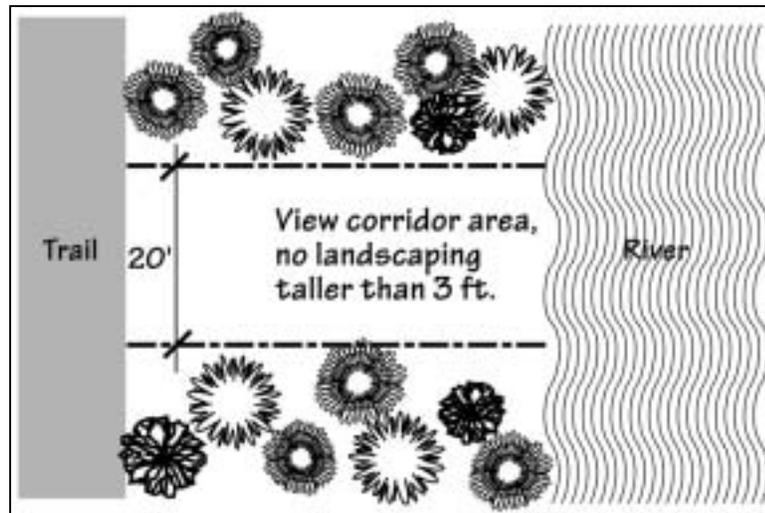
Chapter 33.510, Central City Plan District

- (1) Location. The trail must be located in the North Macadam greenway area shown on Figure 510-2. All portions of the trail must be at least 10 feet and no more than 75 feet from the top of bank; however, any portion of the trail that is within 45 feet of the top of bank is subject to the maximum nonlandscaped area limitations of Paragraph E.2;
 - (2) Width. The trail must consist of two paths, each at least 12 feet in width;
 - (3) Landscaped median. The two paths must be separated by a landscaped median at least 6 feet wide. Landscaping within this median must meet the requirements of Paragraph E.7. The landscaping may be interrupted by pedestrian connections between the two paths;
 - (4) Use. The path closest to the river must be designated for pedestrians only. The path farthest from the river must be designated for bicycles and other nonmotorized transportation modes;
 - (5) Connectivity.
 - The trail or trail easement must connect to the existing trails or trail easements on adjacent sites; and
 - The trail or trail easement must connect to the required pedestrian circulation system on the site.
 - (6) Additional standards. In addition to the standards of this subparagraph, the standards of Chapter 33.272, Public Recreational Trails, must also be met.
- c. Pedestrian connections. When a public recreational trail or trail easement is required, at least one pedestrian connection must be provided between the trail easement and any accessway that terminates on the site.

Commentary

6. Public viewpoints. The proposal identifies two types of viewpoint. Major viewpoints are intended to provide resting places along the trail. Minor viewpoints are intended to provide for clearings in the vegetation where trail users and those farther west in the district can see through the ecological areas to the river. Because of the ecological emphasis of the land within 45 feet of top of bank, major viewpoints are not required on every site under the regulations. Additional major viewpoints could be provided through a North Macadam greenway review.

Figure 510-4
Public Viewpoint View Corridor



6. Public viewpoints.

- a. Purpose. Public viewpoints provide stopping places and clearings along the North Macadam greenway trail and the Willamette River where the public can view and enjoy the natural and scenic qualities of the greenway and the river. Public viewpoints are one of the tools used to comply with the public access requirements of the *Comprehensive Plan* and the *Willamette Greenway Plan*.
- b. Viewpoint requirements. A public viewpoint must be provided on sites designated with a viewpoint symbol on Map 510-15. There are two types of viewpoints within the district:
- (1) Minor viewpoint. Minor viewpoints are locations along the North Macadam greenway trail where views of the Willamette River are provided through the use of special landscaping standards. The standards discourage plantings that will grow to block views of the river. Sites with a minor viewpoint designation shown on Map 510-15 must meet the following standards:
 - A view corridor at least 20 feet wide must be provided and maintained between the trail and the river. See Figure 510-4;
 - If an accessway or street that is mapped as a special building height corridor on Map 510-15 terminates on the site, the view corridor must continue the projected centerline of the accessway or street;
 - Within the view corridor, landscaping must be no higher than three feet in height at maturity. The site must continue to meet the landscaping requirements of Paragraph E.7, below.

Chapter 33.510, Central City Plan District

(2) Major viewpoint. Major viewpoints are locations along the North Macadam greenway trail where additional space is provided to allow people to safely stop and view the Willamette River and the greenway. Where required by Subsection D., sites with a major viewpoint designation must provide a viewpoint that meets the following standards:

- The viewpoint area must be at least 1,600 square feet in area;
- The viewpoint area must abut the greenway trail or a pedestrian connection must be provided from the greenway trail to the viewpoint area;
- The viewpoint area and any pedestrian connection to the viewpoint area from the greenway trail must comply with the Use of Trail, Hours of Use, Trespass, and Trail Maintenance and Liability sections of Chapter 33.272, Public Recreational Trails;
- Materials, benches, and lighting used in the viewpoint area must meet the requirements of the Portland Bureau of Parks and Recreation; and
- A view corridor must be provided that meets the standards of E.6.b(1), above.

7. Landscaping. The landscaping standards are intended to support the ecological goals of the greenway area while providing the developer with flexible and clear standards.

The standards move away from requiring equally spaced plantings of a particular size, and instead set requirements for percentage cover by various plant types after five years. The applicant will be required to submit a landscape plan certified by a landscape architect. The landscape plan will be required to document that planting on the site will grow out to meet the standards in five years. After five years, the property owner will be required to submit a monitoring report that certifies that the landscaping requirements have been met.

The proposal requires that most plants be planted from plant lists that are intended to focus on the native species that will grow along the river and will aid in the recovery of ecological function.

Outside of the ecological subareas, a limited amount of nonnative species of trees, shrubs, and grasses are allowed.

The standards and plant lists are derived in part from standards that the Bureau of Environmental Services and Portland Parks and Recreation use for restoration planting in riparian areas.

Chapter 33.510, Central City Plan District

7. Landscaping.

- a. Coverage. 80 percent of the area that is not covered by buildings, trails, or other allowed nonlandscaped area must be covered by shrubs or ground cover, and all trees required by this paragraph must be installed in the ground and healthy;
- b. Existing landscaping. Existing plants may be used to meet the standards of this paragraph, if protected and maintained during construction as specified in Section 33.248.065. However, the following plants must be removed:
 - (1) Plants listed as a nuisance or prohibited on the *Portland Plant List*;
 - (2) Plants listed in Table 510-4, North Macadam Greenway Nuisance Plants.
- c. Required landscaping in subarea 1. In subarea 1, the area beginning 3 feet above the ordinary low water line must meet the following requirements:
 - (1) Shrubs. At least 80 percent of the required landscaped area must be planted in shrubs;
 - (2) Trees. Trees are not required, but are allowed;
 - (3) Ground cover. All of the required landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants;
 - (4) Plant list. Only plants listed in Table 510-2, Subarea 1 Plant List, may be planted; and
 - (5) Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within five years. Restoration size plant material, including bare-root, is allowed and recommended. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials. Planting is not allowed during the summer.

Chapter 33.510, Central City Plan District

- d. Required landscaping in subarea 2. In subarea 2 the required landscaping is:
- (1) Shrubs. At least 80 percent of the landscaped area must be planted in shrubs;
 - (2) Trees. At least one tree must be planted for every 400 square feet of landscaped area. Trees may be clustered;
 - (3) Ground cover. All of the landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants;
 - (4) Plant list. Only plants listed in Table 510-3, Subarea 2 and 3 Plant List, may be planted. At least eight different species must be planted; and
 - (5) Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within 5 years. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials.
- e. Required landscaping in subarea 3. In subarea 3, the required landscaping is:
- (1) Shrubs. At least 60 percent of the landscaped area must be planted in shrubs. At least 50 percent of the shrubs used to meet this requirement must be listed on Table 510-3, Subarea 2 and 3 Plant List;
 - (2) Trees. At least 1 tree must be planted for every 1000 square feet of landscaped area. At least 50 percent of the trees used to meet this requirement must be listed on Table 510-3, Subarea 2 and 3 Plant List;
 - (3) Ground cover. All of the landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants. At least 50 percent of the ground cover plants must be listed on Table 510-2, Subarea 2 and 3 Plant List;
 - (4) Plant list. Except as allowed by (1) (2) and (3), only plants listed on Table 510-3, Subarea 2 and 3 Plant List may be planted. The following plants are prohibited:
 - Plants listed as a nuisance or prohibited on the *Portland Plant List*;
 - Plants listed in Table 510-4, North Macadam Greenway Nuisance Plants.
 - (5) Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within five years. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials.

- F. **Relationship to other regulations.** Development on sites along the river is subject to other regulations at the local, state and federal levels (particularly development occurring below top of bank). Complying with the regulations of the zoning code does not ensure compliance with any other regulations.

Chapter 33.510, Central City Plan District

8. Other development. Other development is allowed within the North Macadam greenway area if it meets Subparagraphs 8.a. and b., and either 8.c. or 8.d.
- a. The site meets the nonlandscaped area requirements under E.2, above;
 - b. The development does not obstruct required pedestrian connections and trails; and
 - c. The development is located in subarea 3; or
 - d. The development is river-dependent or river-related.

F. Relationship to other regulations. Development within the Greenway Overlay Zone in the North Macadam subdistrict is also subject to other regulations of the Portland City Code. Development within the Greenway Overlay Zone may also be subject to the regulations and review procedures of state and federal agencies including the Oregon Division of State Lands, the National Marine Fisheries Service, the US Army Corps of Engineers, and the Oregon Department of Fish and Wildlife.

- G. Design review.** This language clarifies that design review against the greenway design guidelines will be required for development, fill, and other site development activities within the North Macadam greenway area
- H. North Macadam greenway review.** This language clarifies that North Macadam greenway review will be required to propose development that does not meet the standards of 33.510.253. The language also clarifies that all development below top of bank will continue to be subject to specific approval criteria, as it is today.
- I. Exempt from design review and North Macadam greenway review.** This language incorporates existing exemptions from Chapter 33.440, *Greenway Overlay Zones*.
- J. Greenway goal exception.** A greenway goal exception would continue to be required for nonriver-related development activities within 25 feet of top of bank. It is unlikely that development activities would trigger this requirement under the regulations being proposed; however, these provisions have been included to ensure that the subdistrict continues to comply with Statewide Planning Goal 15, *Willamette River Greenway*.

Chapter 33.510, Central City Plan District

- G. Design review.** Within the North Macadam greenway area shown on Figure 510-2, all new development, and changes to the land or structures including excavations and fills, bridges, and docks are subject to design review, unless exempted by Subsection I., below.
- H. North Macadam greenway review.** Within the North Macadam greenway area shown on Figure 510-2, North Macadam greenway review is required for the following:
1. Proposals for new development or exterior alterations that do not meet the standards of Subsection 33.510.253.E., above.
 2. New development, or changes to the land or structures, riverward of top of bank, including excavations and fills, bridges, and docks, unless exempted by Subsection I., below.
- I. Exempt from design review and North Macadam greenway review.** The following are exempt from design review and North Macadam greenway review within the North Macadam greenway area:
1. Changes to the interior of a building where there are no exterior alterations;
 2. Normal maintenance and repair;
 3. Excavations and fills of less than 50 cubic yards;
 4. Dredging, channel maintenance, and the removal of gravel from the river;
 5. Emergency procedures necessary for safety or the protection of property; and
 6. The placement of up to four single piles, or two multiple-pile dolphins for each 100 feet of shoreline for an existing river-dependent or river-related use.
- J. Greenway goal exception.** Approval of an exception to Statewide Planning Goal 15, Willamette Greenway, is required to locate development or a right-of-way that is not river-dependent or river-related within 25 feet of the top of bank. A greenway goal exception is not required to add revetments to a riverbank. The approval criteria are in Section 33.440.360, Greenway Goal Exception.

Commentary

These plant lists supplement the Portland Plant List in North Macadam. The supplemental plant lists were developed by a group of staff with expertise in riparian restoration planting. The regulations, in combination with the plant lists, are designed to allow limited use of ornamental trees and shrubs and nonnative grasses in subarea 3 of the North Macadam greenway area. The lists may need additional refinement to add technical commentary regarding availability and best soil conditions for the plants listed.

Chapter 33.510, Central City Plan District

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

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

Chapter 33.510, Central City Plan District

Table 510-3		
Subarea 2 and 3 Plant List , continued		
<u>Scientific Name</u>	<u>Common Name</u>	<u>Planting Notes</u>
Shrubs		
<u>Acer circinatum</u>	Vine Maple	
<u>Amelanchier alnifolia</u>	Western Serviceberry	
<u>Berberis aquifolium</u>	Tall Oregongrape	
<u>Berberis nervosa</u>	Dull Oregongrape	
<u>Ceanothus sanguinens</u>	Oregon Tea-tree	
<u>Cornus sericea spp. Sericea</u>	Red-osier Dogwood	
<u>Gaultheria shallon</u>	Salal	
<u>Holodiscus discolor</u>	Ocean Spray	
<u>Mahonia aquifolium</u>	Tall Oregon Grape	
<u>Malus fusca</u>	Western Crabapple	
<u>Oemleria cerasiformis</u>	Indian Plum	
<u>Philadelphus lewisii</u>	Mockorange	
<u>Physocarpus capitatus</u>	Pacific Ninebark	
<u>Polystichum munitum</u>	Sword Fern	
<u>Prunus virginiana</u>	Common Chokecherry	
<u>Rhamnus purshiana</u>	Cascara Sagrada	
<u>Ribes</u>	Pioneer Gooseberry	Note limited availability.
<u>Ribes sanguineum</u>	Red-flowering Currant	
<u>Rosa gymnocarpa</u>	Baldhip Rose	
<u>Rosa pisocarpa</u>	Swamp Rose	
<u>Rubus parviflorus</u>	Thimbleberry	
<u>Rubus spectabilis</u>	Salmonberry	
<u>Salix fluviatilis</u>	Columbia River Willow	Suitable for bioengineering.
<u>Salix sessiligolia</u>	Soft-leafed Willow	Suitable for bioengineering.
<u>Salix sitchensis</u>	Sitka Willow	Suitable for bioengineering.
<u>Salix lucida ssp. lasiandra</u>	Pacific Willow	Suitable for bioengineering.
<u>Salix rigia var. macrogemma</u>	Rigid Willow	Suitable for bioengineering.
<u>Salix scouleriana</u>	Scouler Willow	
<u>Sambucus mexicana</u>	Blue Elderberry	
<u>Sambucus racemosa</u>	Red Elderberry	
<u>Spirea douglasii</u>	Douglas Spirea	
<u>Symphoricarpos albus</u>	Common Snowberry	
<u>Symphoricarpos mollis</u>	Creeping Snowberry	
<u>Viburnum edule</u>	Squashberry	Note limited availability.

Chapter 33.510, Central City Plan District

Table 510-3		
Subarea 2 and 3 Plant List , continued		
Scientific Name	Common Name	Planting Notes
Ground Cover		
<u>Achillea millefolium</u>	Yarrow	
<u>Aquilegia formosa</u>	Red Columbine	
<u>Arctostaphylos uva ursi</u>	Kinnikinnick	
<u>Aruncus sylvestris</u>	Goatsbeard	
<u>Aster chilensis ssp. hallii</u>	Common California Aster	
<u>Aster subspicatus</u>	Douglas's Aster	
<u>Athyrium filix-femina</u>	Lady Fern	
<u>Bromus carinatus</u>	California Brome-grass	
<u>Bromus sitchensis</u>	Alaska Brome	
<u>Calytonia perfoliata</u>	Miner's Lettuce	
<u>Carex obnupta</u>	Slough Sedge	
<u>Collinsia grandiflora</u>	Large-flowered Blue-eyed Mary	
<u>Collomia grandiflora</u>	Large-flowered Collomia	
<u>Elymus glaucus</u>	Blue Wildrye	
<u>Epilobium angustifolium</u>	Fireweed	
<u>Eriophyllum lanatum</u>	Woolly Sunflower	
<u>Eschscholzia californica</u>	California Poppy	Be careful of seed source.
<u>Festuca rubra commutata</u>	Red Fescue	
<u>Fragaria vesca</u>	Wood Strawberry	
<u>Fragaria vesca var. bracteata</u>	Wood Strawberry	
<u>Fragaria virginiana var. platypetala</u>	Broadpetal Strawberry	
<u>Gilia capitata</u>	Bluefield Gilia	
<u>Heracleum lanatum</u>	Cow-parsnip	
<u>Iris tenax</u>	Oregon Iris	
<u>Juncus ensifolius</u>	Dagger-leaf Rush	
<u>Lotus purshiana</u>	Spanish Clover	
<u>Lupinus latifolia</u>	Broadleaf Lupine	
<u>Lupinus polyphyllus</u>	Bigleaf Lupine	
<u>Lupinus rivularis</u>	Stream Lupine	
<u>Madia sativa</u>	Chile Tarweed	
<u>Mimulus guttatus</u>	Yellow Monkeyflower	
<u>Penstemon ovatus</u>	Broad-leaved Penstemon	
<u>Polystichum munitum</u>	Sword Fern	
<u>Potentilla glandulosa</u>	Sticky Cinquefoil	
<u>Prunella vulgaris var. lanceolata</u>	Heal-all	
<u>Pteridium aquilinum</u>	Bracken	
<u>Ranunculus occidentalis</u>	Western Buttercup	
<u>Sidalcea campestris</u>	Meadow Sidalcea	
<u>Solidago canadensis</u>	Canada Goldenrod	
<u>Tellima grandiflora</u>	Fringecup	
<u>Tolmiea menziesii</u>	Pig-a-back	
<u>Vancouveria hexandra</u>	White Inside-Out Flower	

Chapter 33.510, Central City Plan District

Table 510-4 North Macadam Greenway Nuisance Plants	
<u>Scientific Name</u>	<u>Common Name</u>
<u>Agropyron repens</u>	<u>Quack grass</u>
<u>Agrostis capillaris [A. tenuis]</u>	<u>Colonial bentgrass</u>
<u>Agrostis stolonifera [A. alba]</u>	<u>Creeping bentgrass</u>
<u>Anthoxanthum odoratum</u>	<u>Sweet vernalgrass</u>
<u>Arctium minus</u>	<u>Common burdock</u>
<u>Arrhenatherum elatius</u>	<u>Tall oatgrass</u>
<u>Borago officinalis</u>	<u>Borage</u>
<u>Bromus sps.</u>	<u>Annual brome-grasses</u>
<u>Buddleia alternifolia</u>	<u>Fountain butterfly bush</u>
<u>Buddleia davidii</u>	<u>Butterfly bush</u>
<u>Centaurea cyanus</u>	<u>Bachelor buttons</u>
<u>Centaurea diffusa</u>	<u>Diffuse Knapweed</u>
<u>Centaurea maculosa</u>	<u>Spotted Knapweed</u>
<u>Centaurea pratensis</u>	<u>Meadow knapweed</u>
<u>Chrysanthemum leucanthemum</u>	<u>Ox-eye daisy</u>
<u>Chicorium intybus</u>	<u>Chicory</u>
<u>Chondrilla juncea</u>	<u>Rush Skeletonweed</u>
<u>Cyperus eragrostis</u>	<u>Flatsedge</u>
<u>Dactylis glomerata</u>	<u>Orchard grass</u>
<u>Daphne laureola</u>	<u>Daphne</u>
<u>Digitalis purpurea</u>	<u>Foxglove</u>
<u>Dipsacus sylvestris</u>	<u>Common teasel</u>
<u>Euphorbia esula</u>	<u>Leafy spurge</u>
<u>Euphorbia lathyris</u>	<u>Mole plant</u>
<u>Festuca arundinacea</u>	<u>Tall fescue</u>
<u>Foeniculum vulgare</u>	<u>Fennel</u>
<u>Holcus lanatus</u>	<u>Velvet grass</u>
<u>Hydrilla verticillata</u>	<u>Hydrilla</u>
<u>Hypochaeris radicata</u>	<u>Spotted cat's ear</u>
<u>Juncus effusus v. effusus</u>	<u>European Soft Rush</u>
<u>Lactuca muralis</u>	<u>Wall lettuce</u>
<u>Lactuca seriola</u>	<u>Prickly lettuce</u>
<u>Ligustrum spp.</u>	<u>Privet</u>
<u>Lolium multiflorum</u>	<u>Annual ryegrass</u>
<u>Lolium perenne</u>	<u>Perennial ryegrass</u>
<u>Lotus corniculatus</u>	<u>Bird's foot trefoil</u>
<u>Matricaria matricarioides</u>	<u>Pineappleweed</u>
<u>Melissa officianalis</u>	<u>lemon balm</u>
<u>Melilotus alba</u>	<u>Sweetclover</u>
<u>Parentucellia viscosa</u>	<u>Perentucellia</u>
<u>Phalaris aquatica</u>	<u>Harding grass</u>
<u>Phlem praetensis</u>	<u>Timothy</u>
<u>Poa praetensis</u>	<u>Kentucky bluegrass</u>
<u>Polygonum cuspidatum</u>	<u>Japanese knotweed</u>
<u>Polygonum polystachum</u>	<u>Himalayan knotweed</u>
<u>Populus alba</u>	<u>White poplar</u>
<u>Prunus avium</u>	<u>sweet cherry</u>
<u>Prunus lusitanica</u>	<u>Portugal laurel</u>
<u>Prunus mahaleb</u>	<u>Mahaleb cherry [rootstock]</u>
<u>Ranunculus ficaria</u>	

Chapter 33.510, Central City Plan District

Table 510-4	
North Macadam Greenway Nuisance Plants, continued	
<u>Scientific Name</u>	<u>Common Name</u>
<u>Ranunculus repens</u>	<u>Creeping buttercup</u>
<u>Robinia pseudoacacia</u>	<u>black locust</u>
<u>Rosa eglanteria</u>	<u>sweet briar</u>
<u>Rosa multiflora</u>	<u>Multiflora rose</u>
<u>Rumex acetosella</u>	<u>Red sorrel</u>
<u>Rumex crispus</u>	<u>Curly dock</u>
<u>Secale cereale</u>	<u>Cultivated rye</u>
<u>Silene alba</u>	<u>White campion</u>
<u>Sisyrinchium officinale</u>	<u>Hedge Mustard</u>
<u>Sonchus arvensis ssp. arvensis</u>	<u>Perennial sowthistle</u>
<u>Sorbus aucuparia</u>	<u>European mountain ash</u>
<u>Taeniatherum caput-medusa</u>	<u>Medusahead</u>
<u>Tanacetum vulgare</u>	
<u>Ulmus pumila</u>	<u>Siberian elm</u>
<u>Verbena bonariensis</u>	<u>Tall verbena</u>
<u>Verbascum thapsus</u>	<u>Mullein</u>
<u>Vicia villosa</u>	<u>Hairy vetch</u>

Parking and Access

33.510.261 Parking

In the Central City plan district, parking is regulated by a complex system of regulations that were developed to implement the *Central City Transportation Management Plan*. The proposal would bring the North Macadam subdistrict into compliance with regional requirements for maximum parking ratios, and would enact several provisions supporting the transportation and design goals of the subdistrict. The proposal would not include any other significant amendments to the parking regulations that apply in the Central City, which are included here for reference

Parking and Access

33.510.261 Parking

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

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

Chapter 33.510, Central City Plan District

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

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

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

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

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

Chapter 33.510, Central City Plan District

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

Map 510-8 shows the subdistricts of the Central City plan district and the parking sectors. Downtown, the University District, and some areas north of Burnside are called the Core Area. The regulations vary in different areas. In the Core Area, there are maximums for all parking. In Lloyd, Goose Hollow, River District sectors 2 and 3, Central Eastside, and Lower Albina, there are maximums only for parking created in conjunction with office uses. There are other differences among the areas.

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

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

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

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

D.-E. [No Change]

Tables 510-1 - 510-15 [Renummer 510-5 - 510-19]

Chapter 33.510, Central City Plan District

33.510.267 Parking in the North Macadam Subdistrict.

The regulations of this Section apply to the North Macadam subdistrict shown on Map 510-8.

A. Growth Parking. The regulations of this Subsection apply to Growth Parking. Adjustments to the regulations of Paragraphs A.1. through ~~A.4~~ A.7, below, are prohibited.

1. To determine whether Growth Parking is allowed, prohibited, or subject to Central City Parking Review (CCPR):
 - a. Determine the use or uses the parking will be created in conjunction with.
 - b. Determine whether the use the parking will be created in conjunction with is an allowed, conditional, nonconforming, or prohibited use where the parking is proposed. Find the appropriate line on Table 510-~~1620~~.
 - c. Based on the regulations of this Subsection and those in Subsection F, below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-~~1620~~.
 - (1) If all aspects of a proposal are allowed, then the parking is allowed.
 - (2) If all aspects of a proposal are allowed or have been approved through an adjustment, then the parking is allowed.
 - (3) If any aspect of a proposal requires CCPR, then the parking is subject to CCPR.
 - (4) If any aspect of a proposal is prohibited, then the parking is prohibited.

Table 510-1620			
Relationships Among Use Regulations for Growth Parking			
If the use is:	And if the parking is:		
	Allowed	Subject to CCPR	Prohibited
Allowed, an expansion of a nonconforming use, or a conditional use	The parking is allowed	The parking is subject to CCPR	The parking is prohibited
Prohibited	The parking is prohibited	The parking is prohibited	The parking is prohibited
Note: Some uses require a land use review, such as a Conditional Use or Nonconforming Situation Review. Criteria for those reviews may include consideration of traffic, transportation, design, or other elements that may also be addressed in this chapter. Compliance with the regulations of this chapter does not constitute compliance with those criteria.			

A. Growth Parking.

3. Office, College, and Medical Center uses. The current regulations do not include parking maximums for these uses in the North Macadam subdistrict, but require that the parking be accessory to the uses.

The proposal would set maximum ratios for office and certain institutional parking, and would allow this parking to be operated as commercial parking, i.e., shared by other uses in the district.

The maximum ratio for permanent by-right parking would be set at 2.4 spaces per 1000 square feet, comparable to other Central City Plan subdistricts with good transit service. If light-rail is extended into the North Macadam subdistrict in the future, a legislative project should revisit this maximum ratio to ratchet it down to a lower number in all or part of the subdistrict based on the presence of light-rail.

The code also would allow up to an additional 1.0 spaces per 1000 square feet of "supplemental parking" through a Central City parking review. This supplemental parking would be allowed in order to provide an incentive for early development, and to recognize the transit constraints of the district. As the district builds out and becomes more transit-supported, projects would no longer qualify for this supplemental parking. Parking built under this exception would be subject to a Type II CCPR against specific approval criteria related to the impacts of the parking. Surface parking built under this exception would not be subject to the district cap on surface parking, but would be required to be interim through CCPR (See related commentary under 33.808). PDC would work to ensure that supplemental parking in PDC supported projects is utilized, reallocated, or redeveloped appropriately over time.

The proposed ratios are based in part on the "Transit, Transportation Demand Management and Parking Strategies" developed in September 2000 in cooperation with Tri-Met, various city bureaus, and other stakeholders.

Chapter 33.510, Central City Plan District

2. Parking that is not an allowed use under the regulations of this chapter, and is not otherwise prohibited, is subject to CCPR.
3. Office, College, and Medical Center uses. Parking created in conjunction with Office, College, and Medical Center uses is regulated as follows:
 - a. Maximum ratios. Except as allowed by A.3.b, parking is limited to a maximum ratio of 2.4 parking spaces per 1,000 square feet of net building area in Office, College, or Medical Center use;
 - b. Supplemental parking. Up to 1 additional parking space per 1,000 square feet of net building area in Office, College, or Medical Center use may be approved through a CCPR if the site is located at least 1/4 mile from a bus stop with 20-minute peak-hour bus or streetcar service and more than 1/2 mile from a transit station with 20 minute peak-hour light rail service. Peak hour service is measured on weekdays between 7:00 am and 8:30 am and between 4:00 pm and 6:00 pm. Applicants requesting this exception must provide a map identifying the site and all transit stops and stations within 1/4 mile of the site and Tri-met schedules for all transit routes within 1/2 mile of the site.
 - c. Allowed. Growth parking for Office, College, and Medical Center uses is an allowed use, except as specified in A.3.b.
 - d. Operation. The parking may be operated as either accessory or commercial parking at all times.

Commentary

4. Retail Sales And Services. Up to 20 spaces of parking per use would be allowed by right for Retail Sales And Service uses. Additional spaces could be proposed through CCPR.
5. Uses not called out specifically by these regulations. All other uses in the district would be allowed up to 60 spaces of parking per use. Additional spaces could be proposed through CCPR. This is consistent with other parking sectors of the Central City plan district.

Chapter 33.510, Central City Plan District

4. Retail Sales And Service uses. Parking created in conjunction with Retail Sales and Service uses is regulated as follows:
- a. Maximum ratios. There are no maximum ratios.
 - b. Review required. Up to 20 parking spaces is an allowed use where the total number of parking spaces on the site is less than 21. More than 20 spaces is subject to CCPR.
 - c. Operation. The parking must be accessory on weekdays between 7:00 AM and 6:00 PM.
5. Uses other than Retail Sales And Service, Office, College, and Medical Center uses. Parking created in conjunction with uses other than Retail Sales And Service, Office, College, and Medical Center uses is regulated as follows:
- ~~a.~~ Maximum ratios. There are no maximum ratios.
 - b. Review required. Up to 60 parking spaces is an allowed use where the total number of parking spaces on the site is less than 61. More than 60 spaces is subject to CCPR.
- 4.c. Operation. The parking must be accessory on weekdays between 7:00 AM and 6:00 PM.

6. These provisions describe how to calculate parking maximums and thresholds and how to determine whether CCPR is required for mixed use projects.

Chapter 33.510, Central City Plan District

6. Mixed use. Where a proposal includes any of the combinations of uses listed in A.6.a, parking created in conjunction with these uses is subject to the regulations of this paragraph.
- a. Combinations of uses:
- (1) Retail Sales And Service uses with Office, College, or Medical Center uses;
 - (2) Retail Sales And Service uses with uses other than Office, College, or Medical Center uses;
 - (3) Retail Sales And Service uses with Office, College, or Medical Center uses and with uses other than Office, College, or Medical Center uses;
 - (4) Office, College, or Medical Center uses with uses other than Retail Sales And Service, Office, College, or Medical Center uses
- b. Regulations. Parking created in conjunction with any of the combinations of uses listed in A.6.a is regulated as follows:
- (1) Maximum ratios. Parking created in conjunction with Office, College, or Medical Center uses is limited to the maximum ratio of A.3.a above. There are no maximum ratios for parking created in conjunction with other uses;
 - (2) Review required.
 - If any of the parking is created in conjunction with Office, College, or Medical Center uses, it is allowed, except as specified in A.3.b. Parking using the provisions of A.3.b is subject to CCPR;
 - If any of the parking is created in conjunction with Retail Sales And Service uses, and the total number of parking spaces—of any type—on the site is less than 21, it is allowed. If there are more than 20 parking spaces of any type on the site, the parking is subject to CCPR;
 - If any of the parking is created in conjunction with uses other than Retail Sales And Service, Office, College, or Medical Center uses, and the total number of parking spaces—of any type—on the site is less than 61, it is allowed. If there are more than 60 parking spaces of any type on the site, the parking is subject to CCPR;

Chapter 33.510, Central City Plan District

(3) Operation.

- The parking spaces that are created in conjunction with Office, College, or Medical Center uses may be operated as either accessory or commercial parking at all times;
- The parking spaces that are created in conjunction with uses other than Office, College, or Medical Center uses must be operated as accessory parking on weekdays between 7:00 AM and 6:00 PM;

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

a. The applicant must have a signed agreement with the Parking Manager to provide the information specified in Subparagraph A.7.b, below.

b. The applicant must provide annual operation reports to the City. The operation reports are based on a sample of four days during every 12-month reporting period, and include information on the following:

(1) Physical: Number of parking spaces, amount of net building area.

(2) Usage: How the parking spaces were used, based on the following categories. Percentage of parking used for:

- Short-term
- Long-term daily (four or more hours) and monthly permit (other than carpool)
- Carpool monthly permit
- Spaces used as accessory parking.

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

B. Preservation Parking. Preservation Parking is subject to the same regulations as Growth Parking in Subsection A, above.

Chapter 33.510, Central City Plan District

- C. Visitor Parking.** The regulations of this Subsection apply to Visitor Parking. Adjustments to the regulations of Paragraphs C.1 through C.5, below, are prohibited.
1. To determine whether Visitor Parking is subject to Central City Parking Review (CCPR) or prohibited:
 - a. Determine the zone where the parking will be located. Then find the appropriate line on Table 510-~~1721~~.
 - b. Based on the regulations of this Subsection and those in Subsection F, below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-~~1721~~.
 - (1) If all aspects of a proposal are allowed, have been approved through an adjustment, or are subject to CCPR, then the parking is subject to CCPR.
 - (2) If any aspect of a proposal is prohibited, then the parking is prohibited.

Chapter 33.510, Central City Plan District

Table 510-1721		
Relationships Among Regulations for Visitor Parking		
If the zone is:	And if the parking is:	
	Allowed or Subject to CCPR	Prohibited
I, EX, EG, CX, CS, CG, or RX	The parking is subject to CCPR	The parking is prohibited
All other zones	The parking is prohibited	The parking is prohibited

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

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

- E. Residential/Hotel Parking.** The parking maximums being proposed were informed by the parking strategy developed by the North Macadam Technical Management Team in 2000. The maximums are similar to the maximums in other subdistricts of the Central City plan district. The maximum may allow for parking beyond what is actually needed for a typical residential project; this flexibility is intended to allow developers to construct the number of parking spaces needed to ensure financing for a particular project. Because of the flexibility of the standard, residential spaces are required to be accessory to a residential use at all times, in order to prevent overbuilding of parking which would be incompatible with the transportation goals of the district.

Chapter 33.510, Central City Plan District

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

1. To determine whether Residential/Hotel Parking is allowed, prohibited, or subject to Central City Parking Review (CCPR):
 - a. Determine whether the residential use the parking will be created in conjunction with is an allowed, conditional, nonconforming, or prohibited use on the property where the parking is proposed. Find the appropriate line on Table 510-~~1822~~.
 - b. Based on the regulations of this Subsection and those in Subsection F, below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-~~1822~~.

Table 510-1822 Relationships Among Use Regulations for Residential/Hotel Parking			
If the residential or hotel use is:	And if the parking is:		
	Allowed	Subject to CCPR	Prohibited
Allowed, an expansion of a nonconforming use, or a conditional use	The parking is allowed	The parking is subject to CCPR	The parking is prohibited
Prohibited	The parking is prohibited	The parking is prohibited	The parking is prohibited
Note: Some uses require a land use review, such as a Conditional Use or Nonconforming Situation Review. Criteria for those reviews may include consideration of traffic, transportation, design, or other elements that may also be addressed in this chapter. Compliance with the regulations of this chapter does not constitute compliance with those criteria.			

2. Minimum required parking. There is no minimum parking requirement.
3. Maximum ratios. ~~There are no maximum ratios.~~ Parking is limited to the maximum ratios of this paragraph.
 - a. New dwelling units. The maximum parking ratio for dwelling units is 1.7 spaces for each new dwelling unit created.
 - b. New hotel rooms. The maximum parking ratio is 1.0 parking spaces for each new hotel room created.
 - c. Existing hotels. The maximum parking ratio for existing hotels is 0.7 spaces for each 1,000 square feet of floor area.

Chapter 33.510, Central City Plan District

- ~~4. Parking is allowed for new and existing dwelling units and hotel rooms.~~
4. Parking is allowed when new dwelling units and hotel rooms are created.
- a. Dwelling units are created:
- (1) As part of new development;
 - (2) By adding net building area to existing development that increases the number of dwelling units;
 - (3) By conversion of existing net building area from nonresidential to residential uses; and
 - (4) By increasing the number of units within existing net building area already in residential use, for example, by converting a duplex to a triplex.
- b. Hotel rooms are created:
- (1) As part of new development;
 - (2) By adding net building area to existing development that increases the number of hotel rooms;
 - (3) By conversion of existing net building area from non-hotel to hotel uses; and
 - (4) By increasing the number of hotel rooms within existing net building area already in hotel use, for example, by converting a 10-room hotel to a 20-room hotel.
5. Parking for existing dwelling units. Parking for existing dwelling units is subject to CCPR if the parking area is created through internal conversion of the building, by excavating under the building, or by adding gross building area to the building. Parking for existing dwelling units where the parking area is not created in this manner is prohibited.
6. Parking for existing hotel rooms. Parking for existing hotel rooms is allowed.
- ~~5.7. Operation.~~
- a. Residential. Parking spaces created to serve residential uses must be accessory at all hours.
 - b. Hotel. Parking created to serve hotel uses must be accessory. These limitations apply on weekdays between 7:00 AM and 6:00 PM.

F. All parking.

4. Surface parking lots.

- c. This amendment would limit surface parking adjacent to the greenway. Surface parking would be allowed elsewhere in the district if it is within the parking cap described under F.4.d., below.
- d. This amendment would cap the amount of new surface parking allowed in the subdistrict. The amendment would also allow for the development of temporary surface parking on undeveloped park sites. While limiting the potential of over-building of surface parking without assurance that it would be replaced later by development. Supplemental growth parking would not be included in the cap.

Chapter 33.510, Central City Plan District

- F. All parking.** The regulations of this Subsection apply to all parking.
1. Minimum required parking and maximum ratios. There is no minimum parking requirement. Parking is limited to the maximum ratios of 33.510.267.A-E. Where there is more than one use, the amount of parking allowed is calculated based on the net building area of each use.
 2. The applicant has a signed agreement with the Parking Manager to provide the information specified in Paragraph F.3, below.
 3. The applicant will provide the following information within 30 days of the date the parking begins operation:
 - a. The number of parking spaces constructed; and
 - b. An as-built plan of the parking area, showing the configuration of the parking spaces. At least one copy of the plan must be 8-1/2" x 11" and suitable for microfilming.
 4. Surface parking lots.
 - a. Parking on surface lots where the total surface parking area on the site is up to 40,000 square feet or where the surface parking area covers up to 30 percent of this site—whichever is larger—is allowed. Parking on surface lots where the total surface parking area on the site is larger than 40,000 square feet and where the surface parking area covers more than 30 percent of the site is subject to CCPR.
 - b. Surface parking is prohibited on the portion of a site within 100 feet of a light rail alignment.
 - c. Surface parking is prohibited on the portion of a site within 300 feet of top of bank.
 - d. No more than 200,000 square feet of new surface parking area may be created in the North Macadam subdistrict after {the effective date of these regulations}. Surface parking is prohibited if it will exceed the district-wide limit; however, the following are exempt from the limitations of this subparagraph and are not counted towards the 200,000 square foot total:
 - (1) Surface parking that is operated by the City on a site to be developed as a park in the future. The property owners must execute a covenant with the City which is attached to and recorded with the deed of the site reflecting the future development and use of the site as a park. The covenant must meet the requirements of 33.700.060.; and
 - (2) Supplemental growth parking allowed through a CCPR.

5. Parking structures.
 - b. This amendment would require that structured parking developed along the greenway and accessways meet the same landscaping and active use standards that parking along streets is required to meet. Structured parking will not be disallowed in these locations, but will be required to mitigate for its appearance at the ground floor.

Chapter 33.510, Central City Plan District

- e-e Renewal of Central City Parking Review (CCPR) permits for surface parking lots. All CCPR permits for surface parking lots in OS, C, E, and R zones where the total surface parking area on the site is larger than 40,000 square feet in area, approved after January 8, 1996, must be renewed every 5 years. Surface parking lots created in conjunction with a regional attractor are exempt from this requirement.

The renewal is a Type III process; the criteria are in Section 33.808.200, Renewal of Surface Parking Lots in the Central City Plan District. The owner must apply for the renewal within 4-1/2 years of the date of final approval of either the initial approval or the last renewal. If application is not made by that date, the Director of OPDR may initiate reconsideration as set out in Section 33.700.040, Reconsideration of Land Use Approvals.

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

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

Commentary

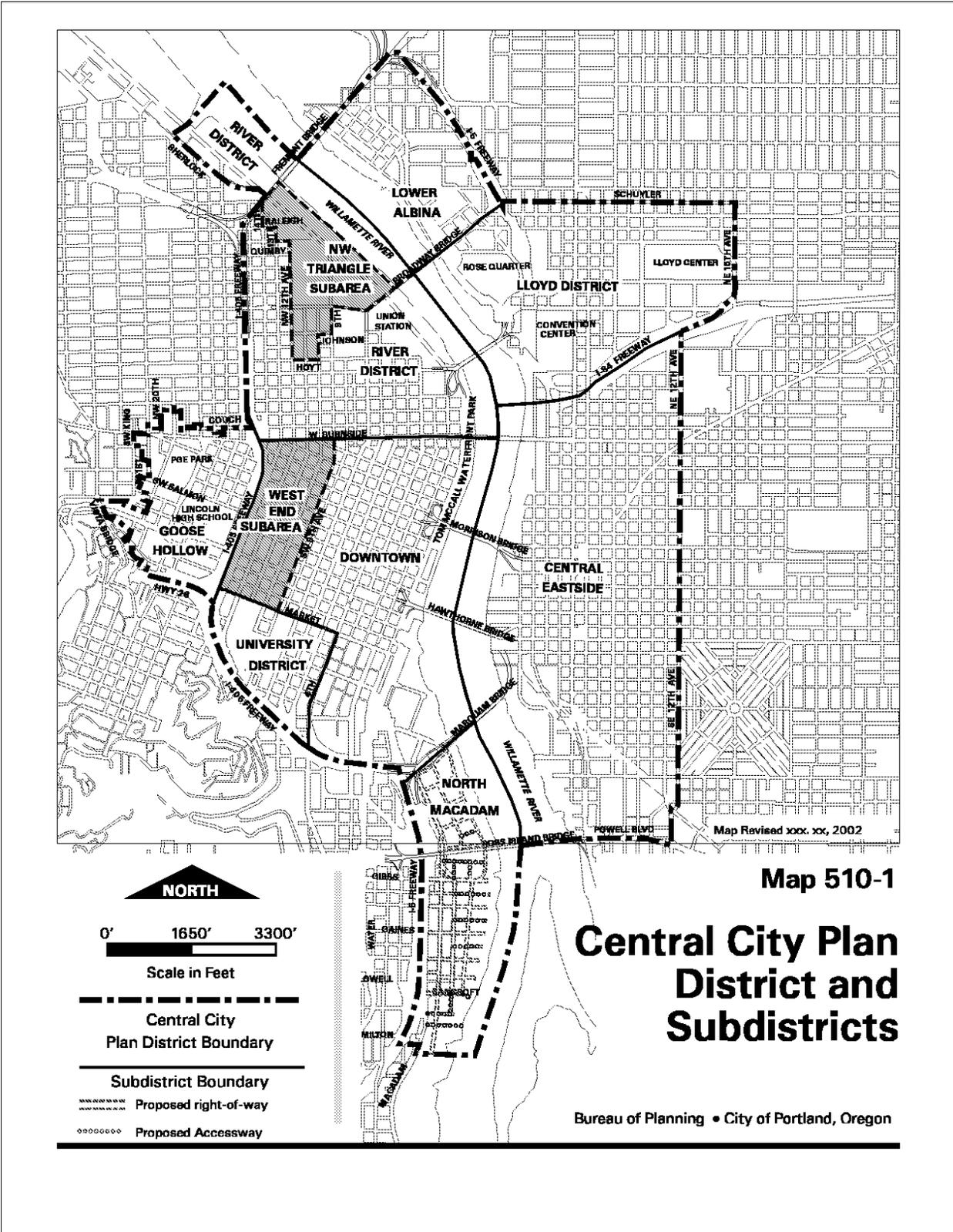
6. Parking access

- b. Under the proposal, this map would be amended to reflect the revised *North Macadam Street Plan*.

Chapter 33.510, Central City Plan District

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

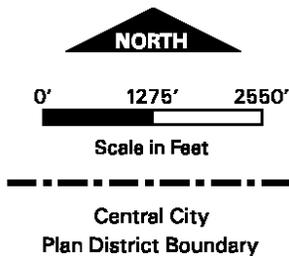
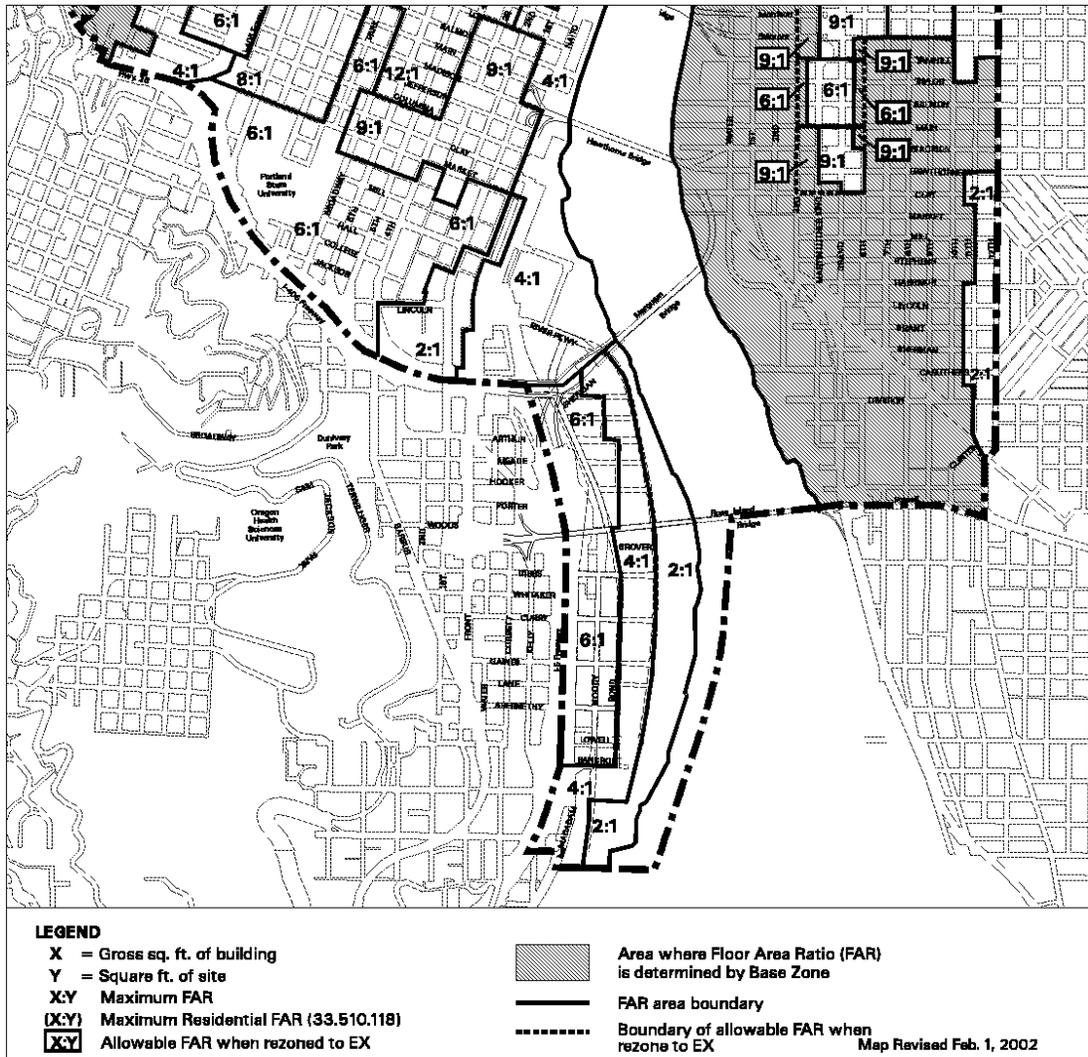
G. [No Change]



Commentary

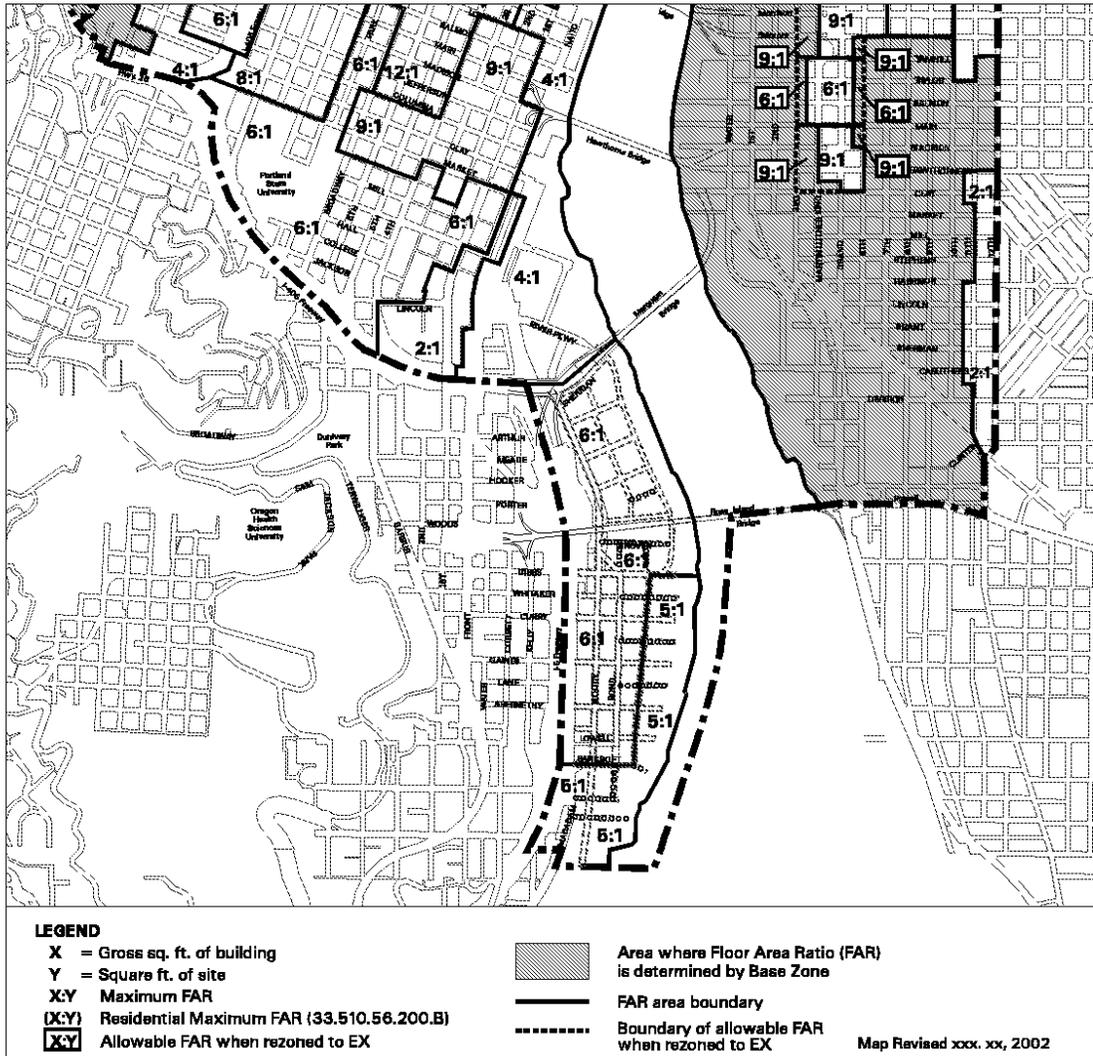
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Existing map:



Map 510-2 Floor Area Ratios Map 2 of 2

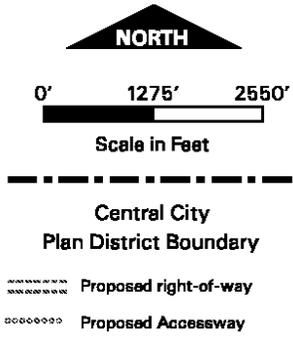
Bureau of Planning • City of Portland, Oregon



Map 510-2

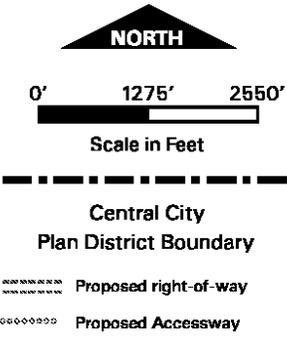
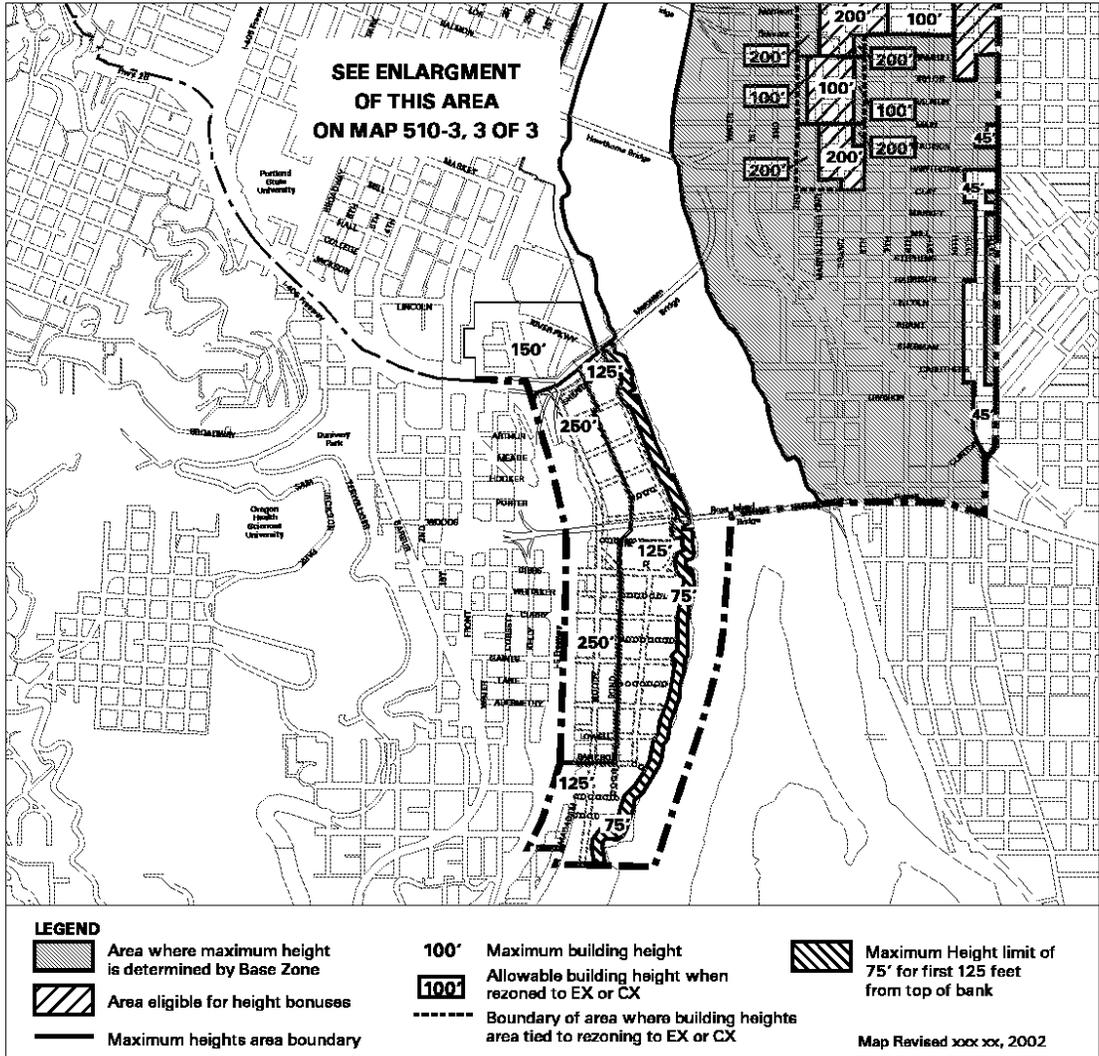
Floor Area Ratios

Map 2 of 2



Bureau of Planning • City of Portland, Oregon

Chapter 33.510, Central City Plan District



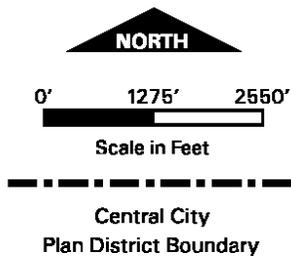
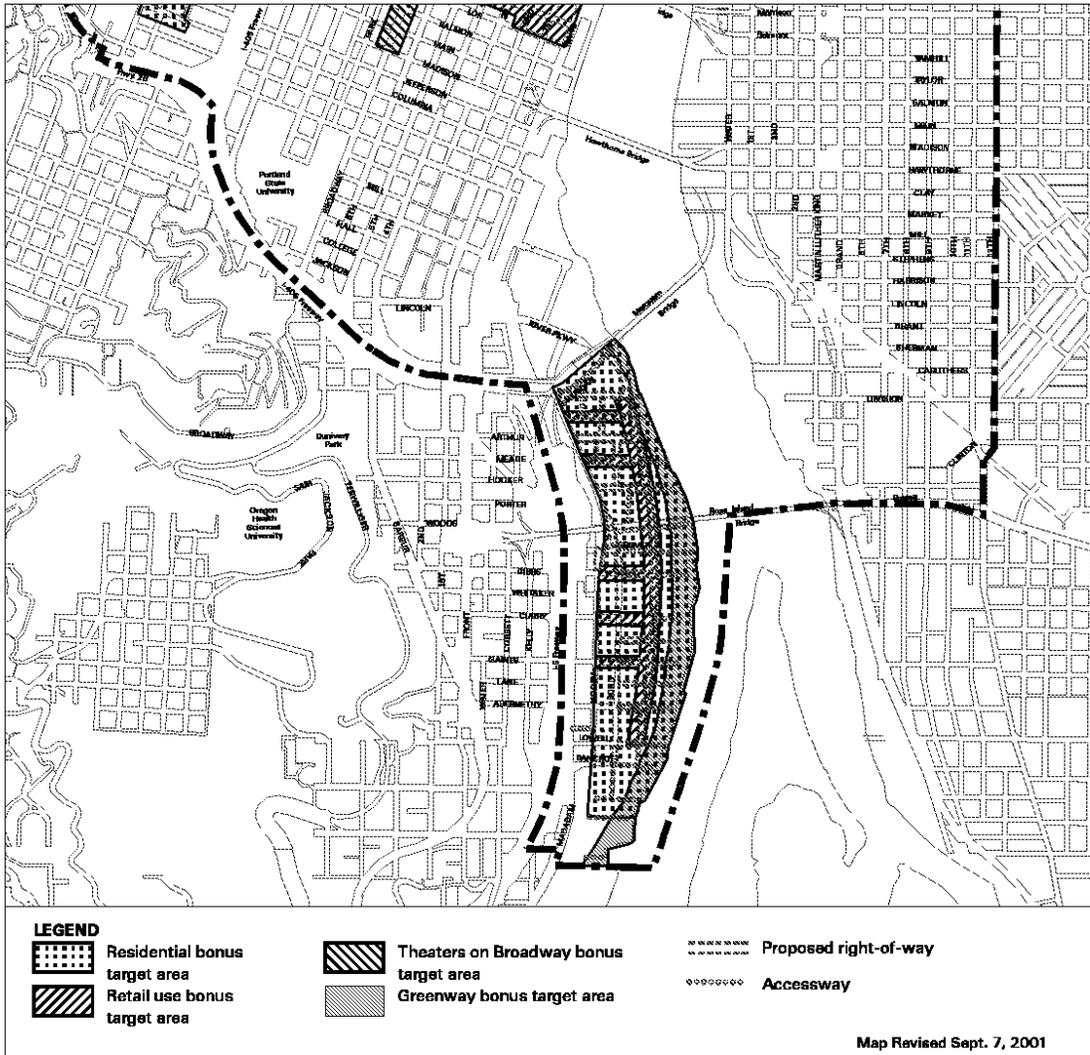
Map 510-3
Maximum Heights
Map 2 of 3

Bureau of Planning • City of Portland, Oregon

Commentary

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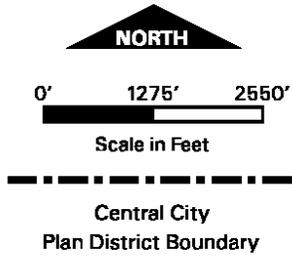
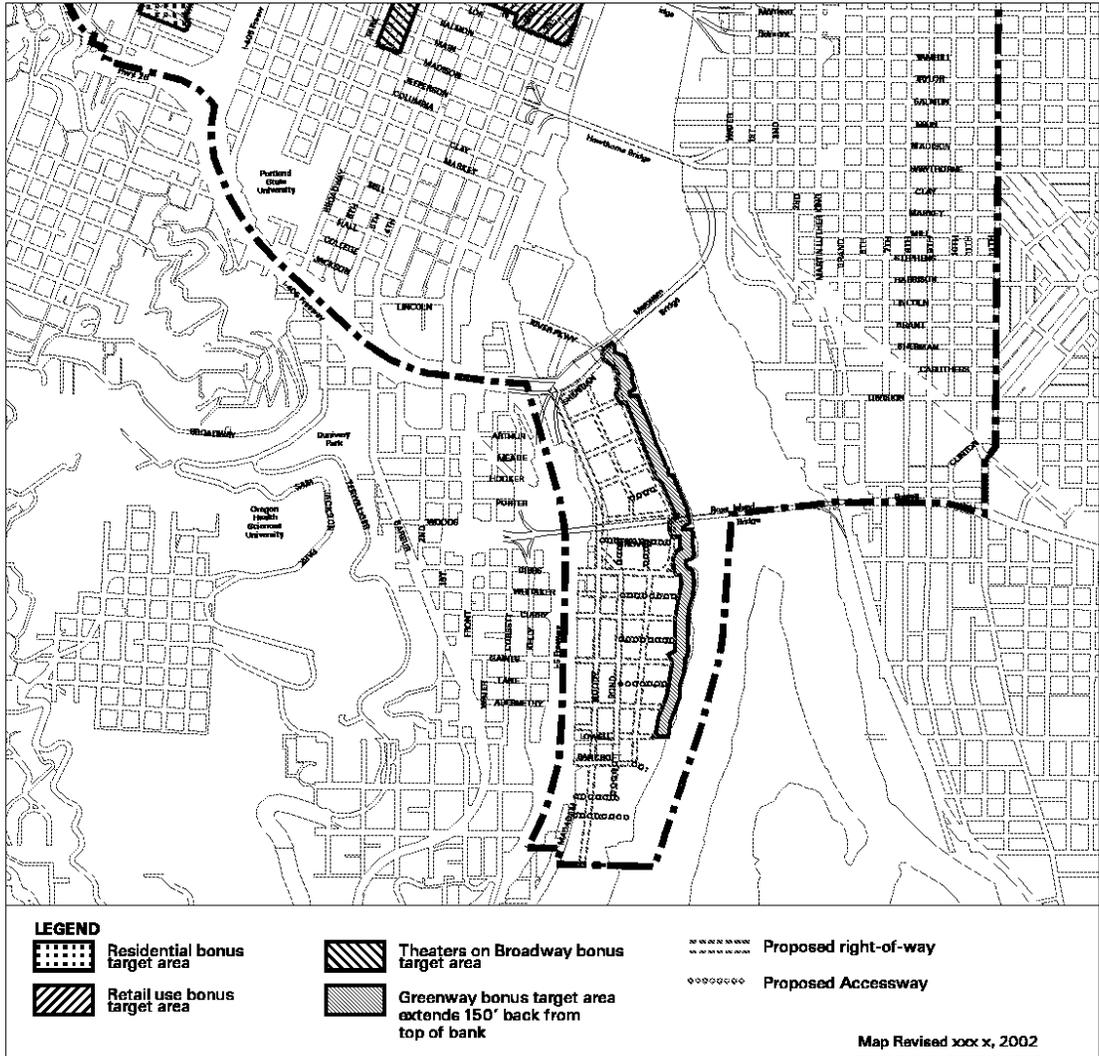
Existing map:



Map 510-4 Bonus Options Target Areas

Map 2 of 2

Bureau of Planning • City of Portland, Oregon



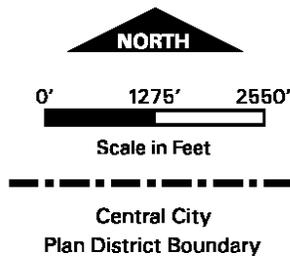
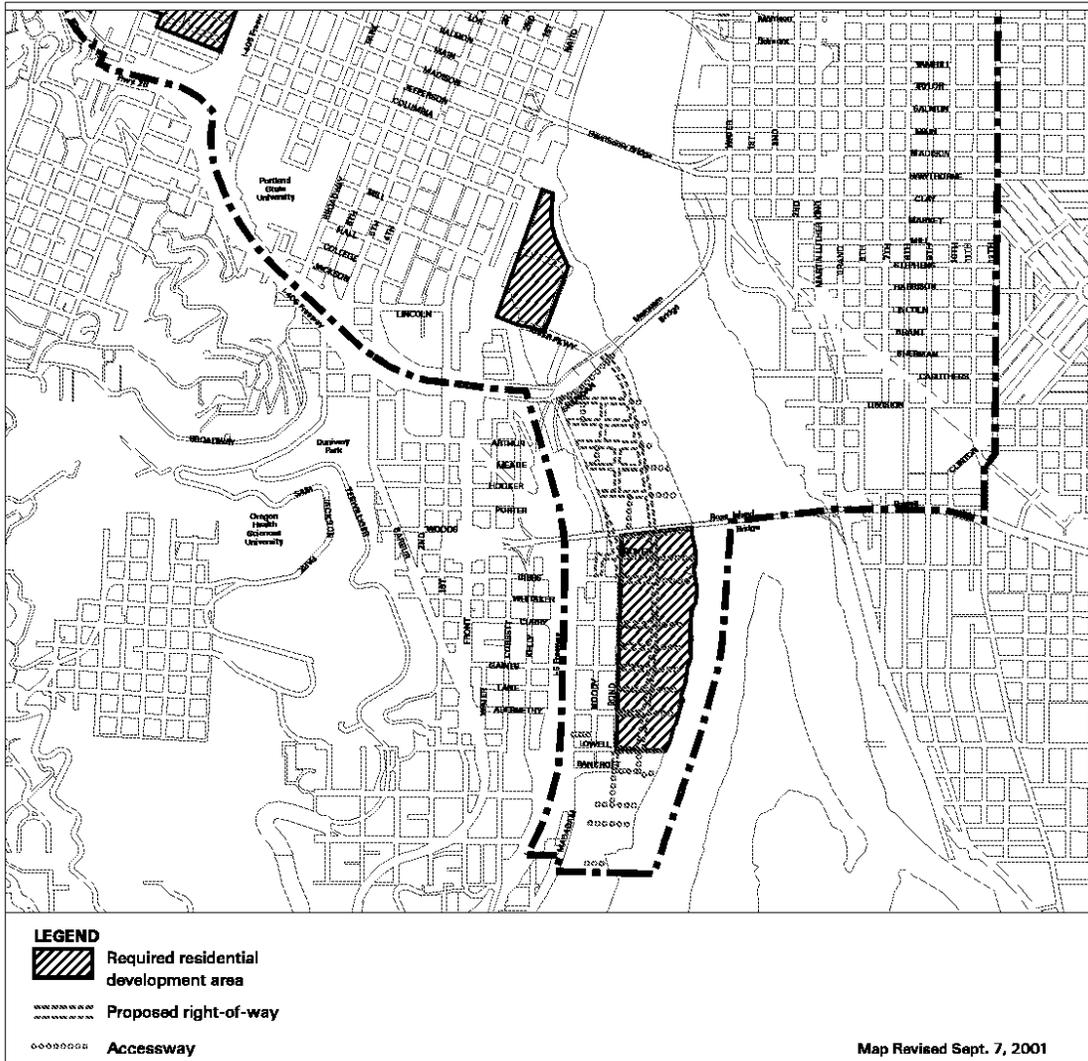
Map 510-4
Bonus Options Target Areas
 Map 2 of 2

Bureau of Planning • City of Portland, Oregon

Commentary

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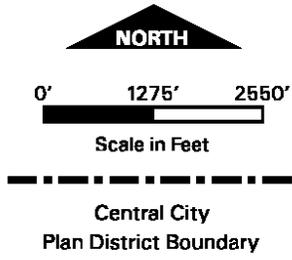
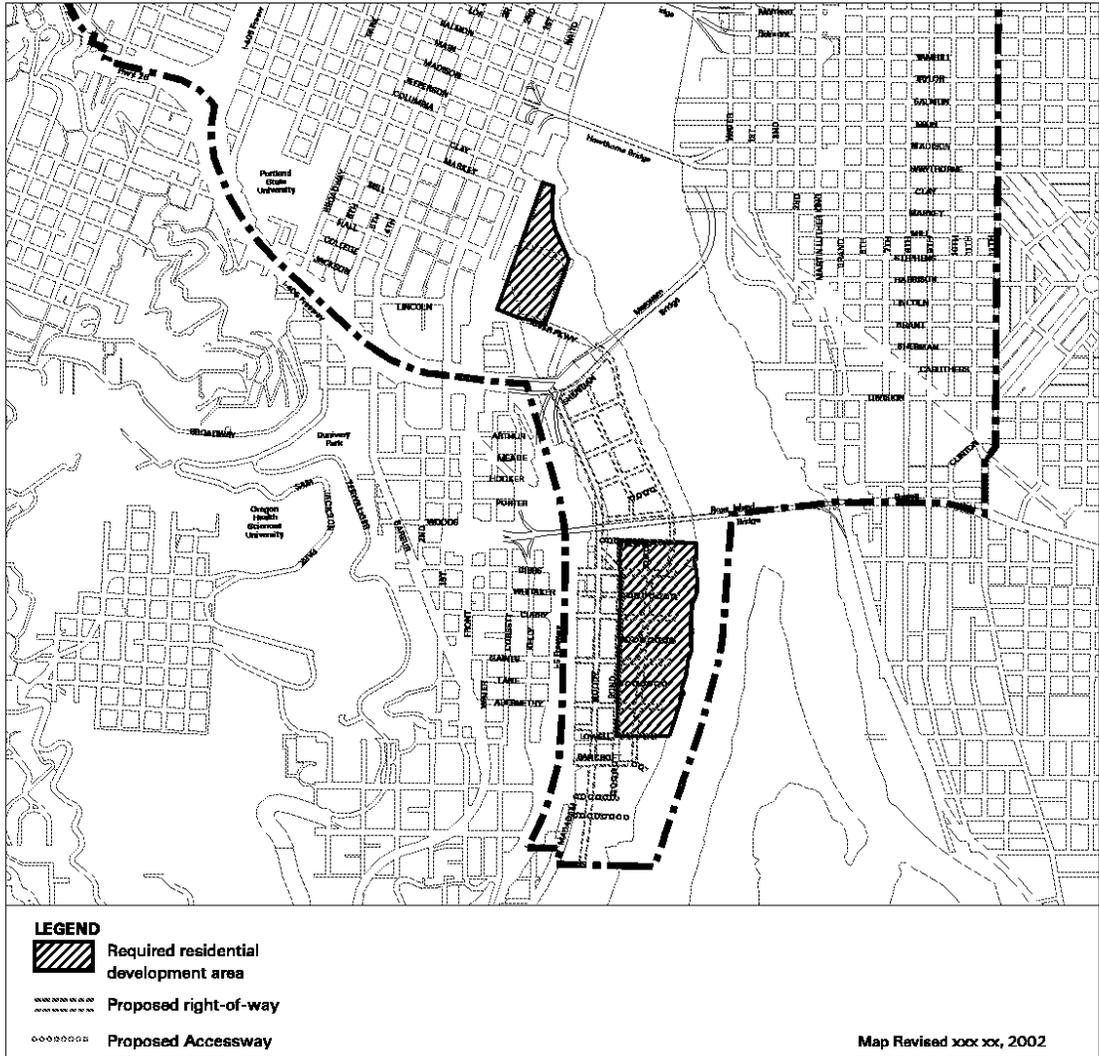
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Map 510-5 Required Residential Development Areas Map 2 of 2

Bureau of Planning • City of Portland, Oregon

Chapter 33.510, Central City Plan District



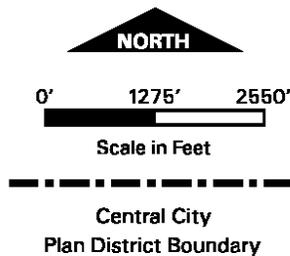
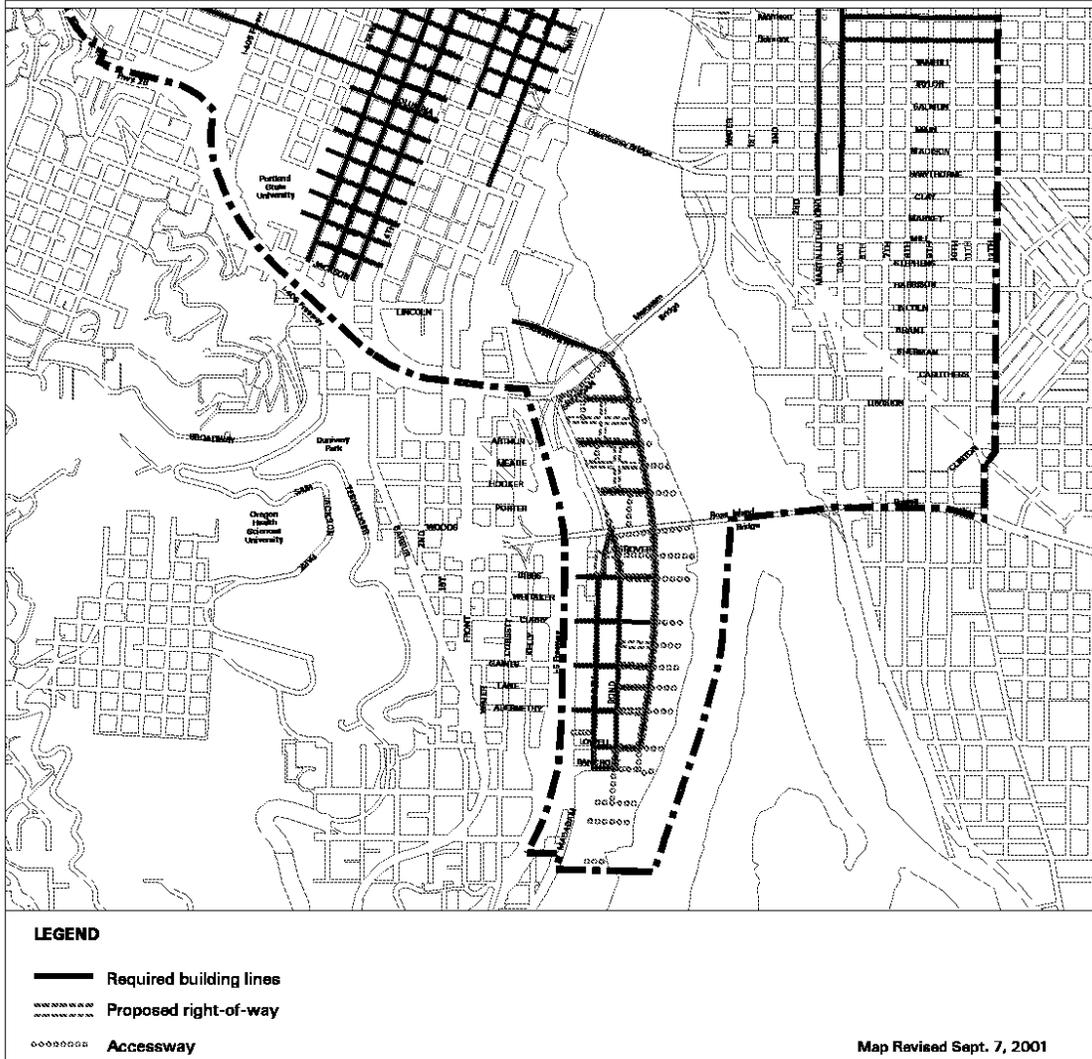
Map 510-5 Required Residential Development Areas Map 2 of 2

Bureau of Planning • City of Portland, Oregon

Commentary

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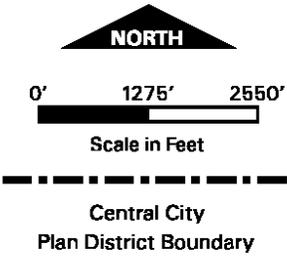
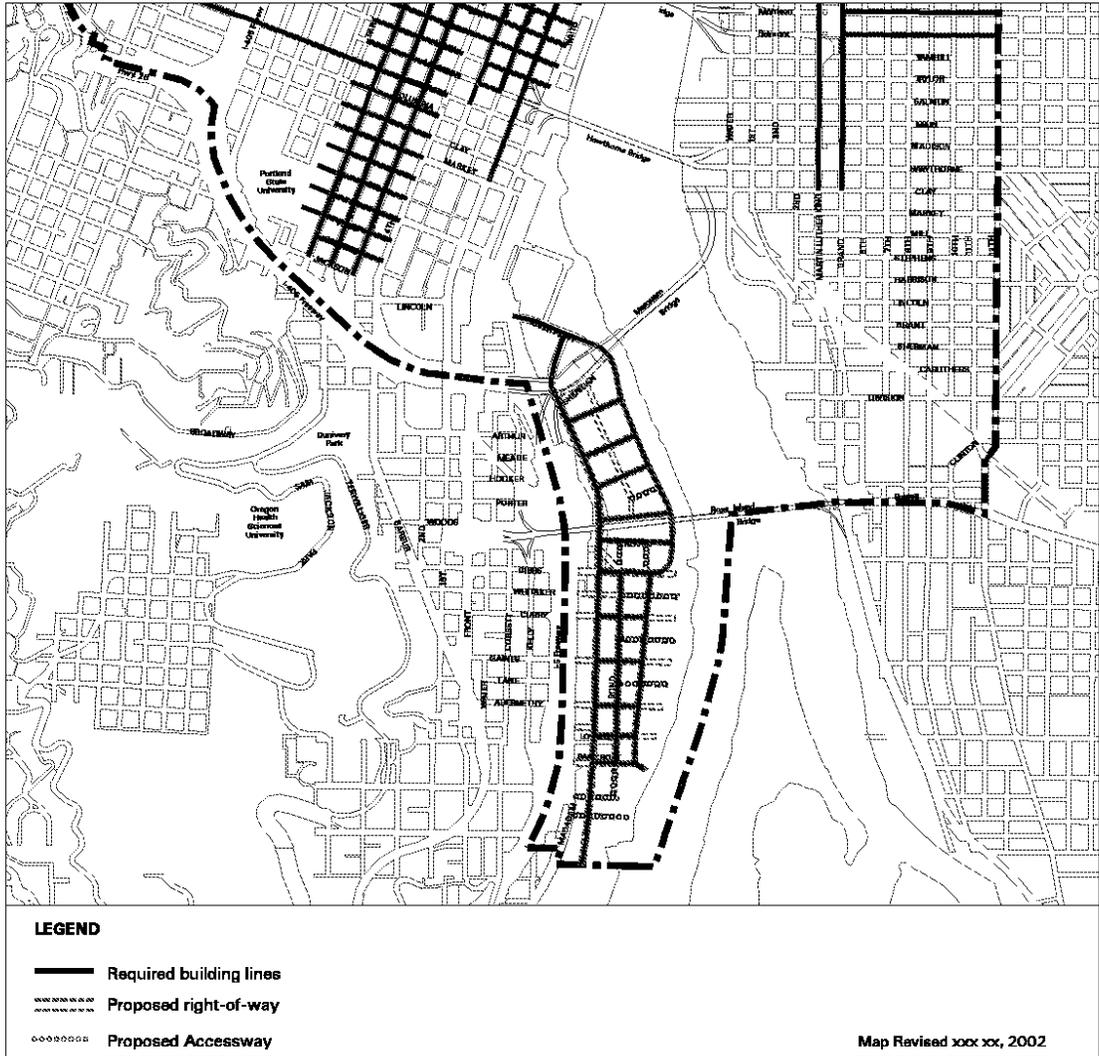
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Map 510-6 Required Building Lines Map 2 of 2

Bureau of Planning • City of Portland, Oregon

Chapter 33.510, Central City Plan District



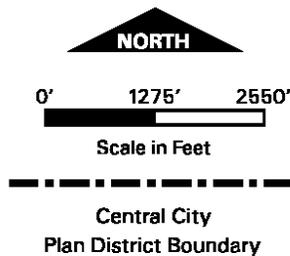
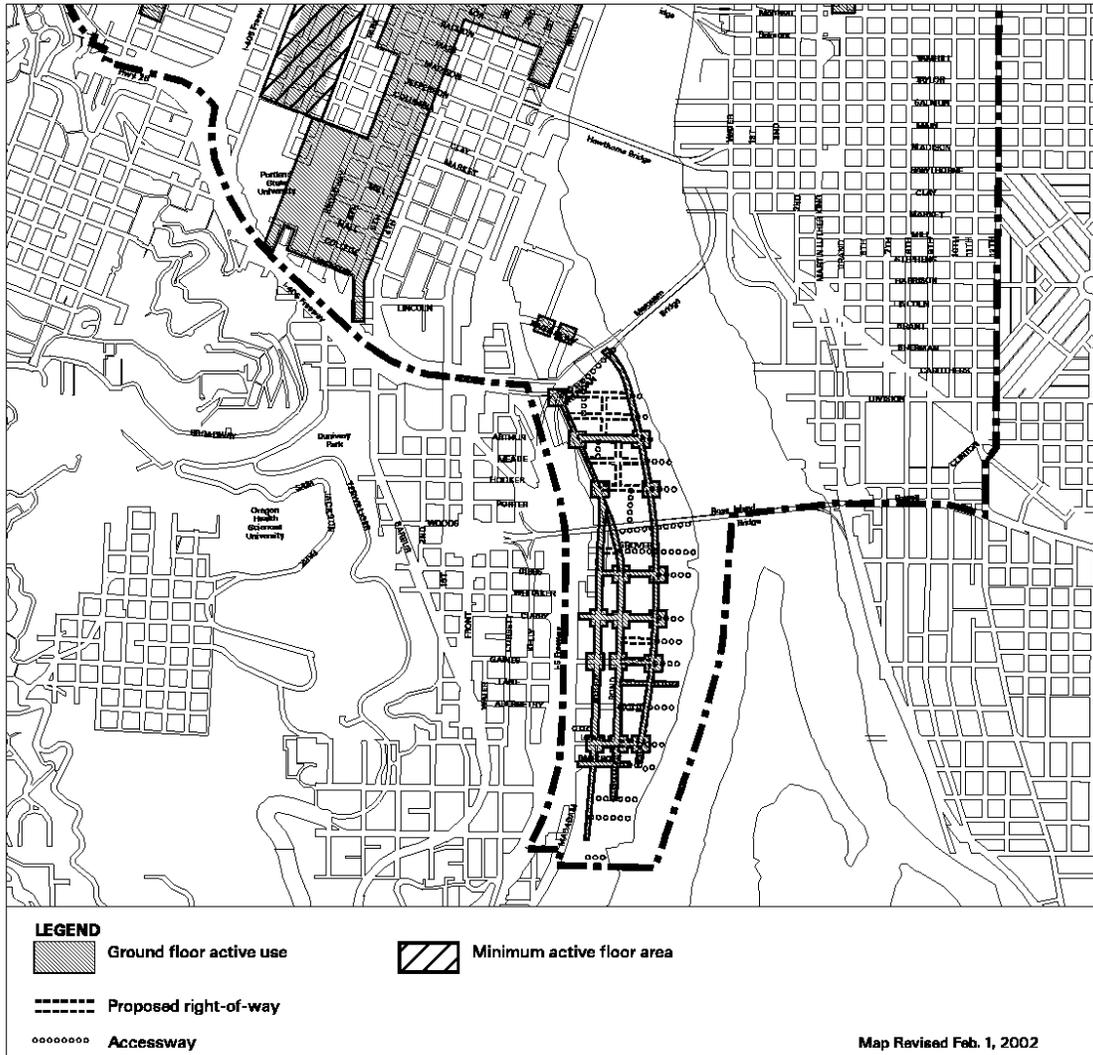
Map 510-6 Required Building Lines Map 2 of 2

Bureau of Planning • City of Portland, Oregon

Commentary

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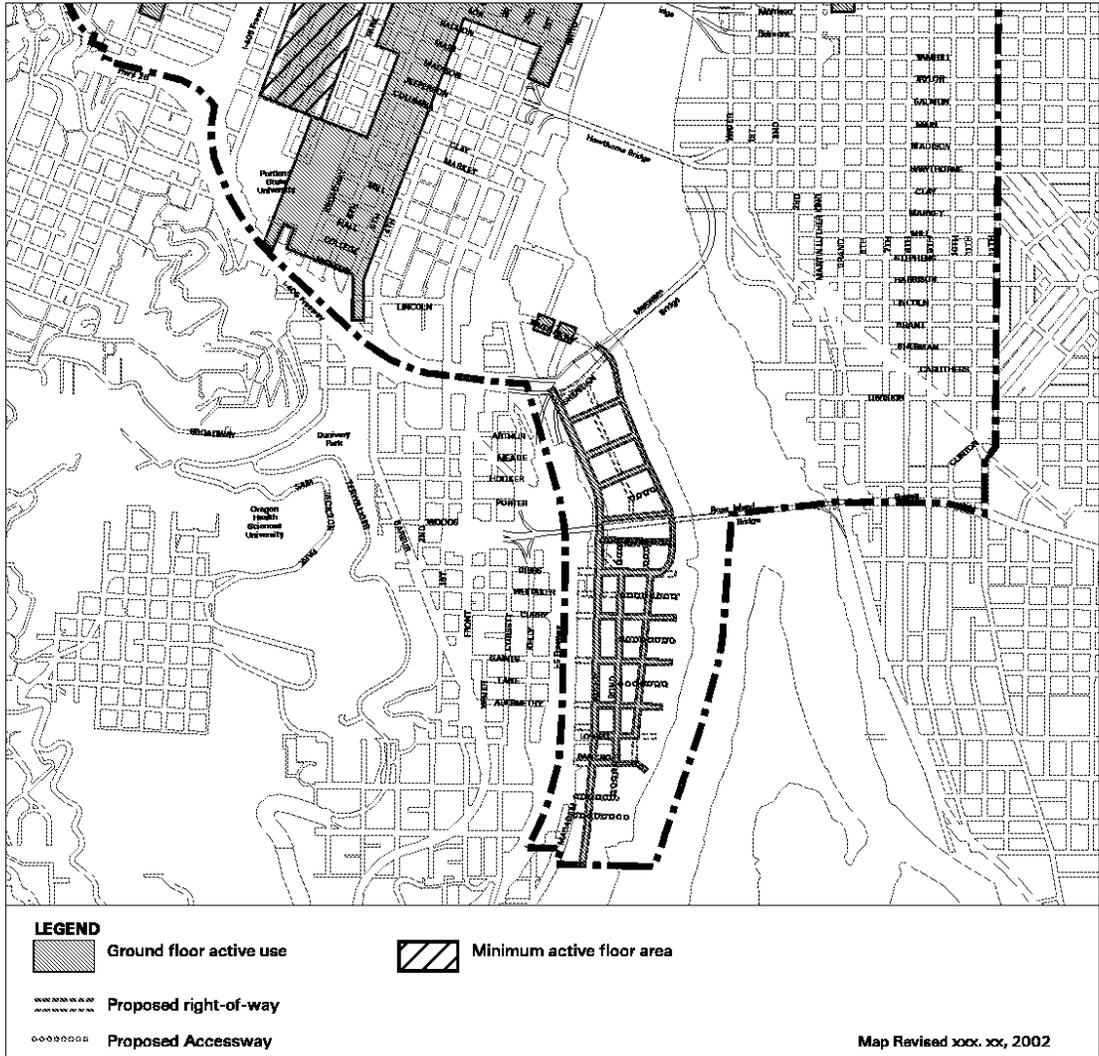
Existing map:



Map 510-7 Active Use Areas Map 2 of 2

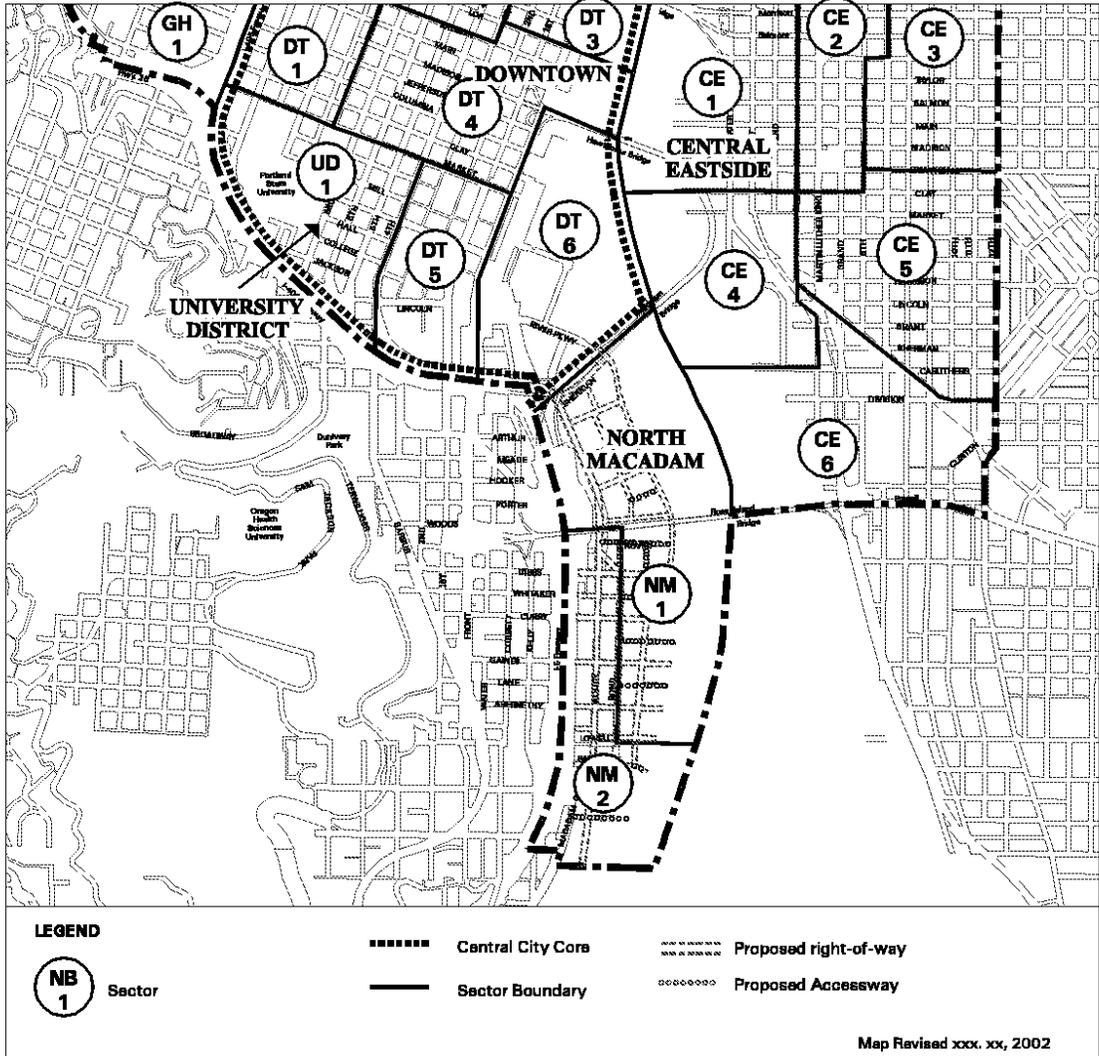
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Chapter 33.510, Central City Plan District



Commentary

Delete **existing map** and replace with **proposed map (shown on next page)**:



LEGEND

NB 1 Sector

----- Central City Core
 ——— Sector Boundary

..... Proposed right-of-way
 ○○○○○○ Proposed Accessway

Map Revised xxx. xx, 2002



 Central City
 Plan District Boundary

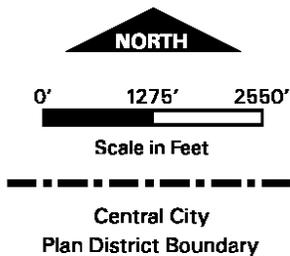
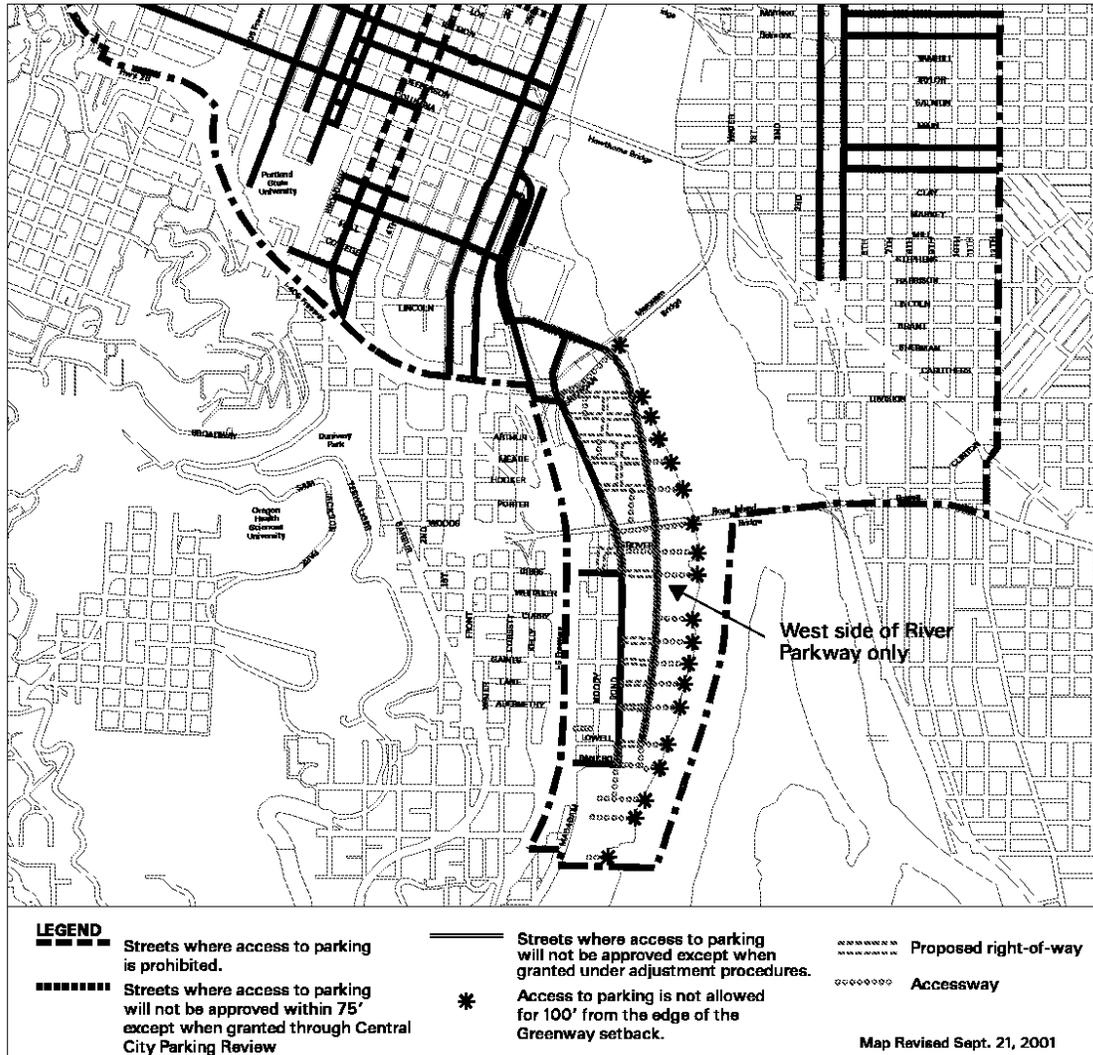
Map 510-8
Core and Parking Sectors
 Map 2 of 2

Bureau of Planning • City of Portland, Oregon

Commentary

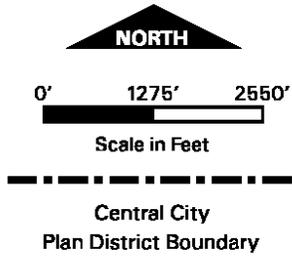
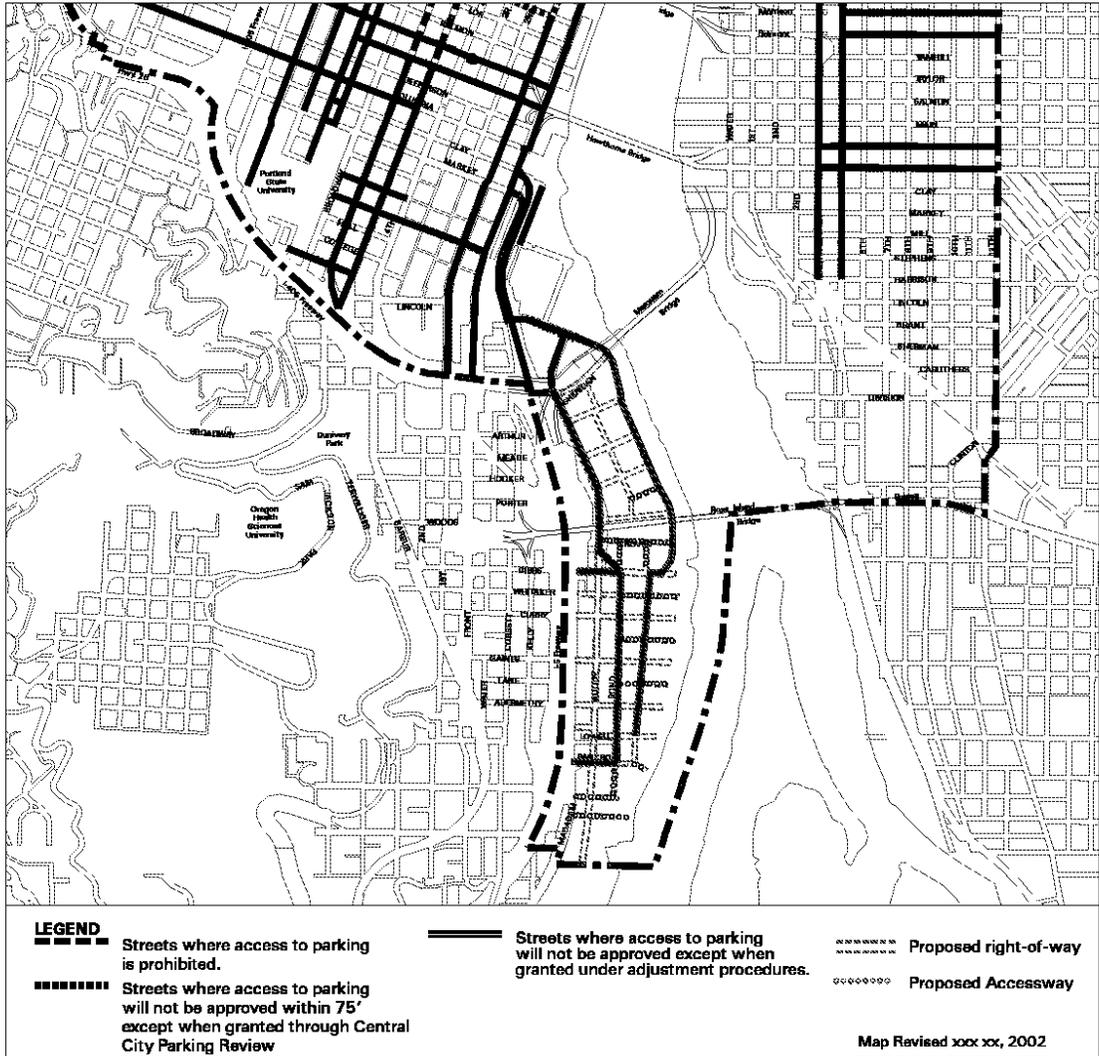
Delete existing map, and replace with proposed map (shown on next page):

Existing map:



Map 510-9
Parking Access
Restricted Streets
 Map 2 of 2

Bureau of Planning • City of Portland, Oregon

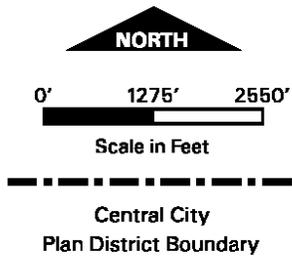
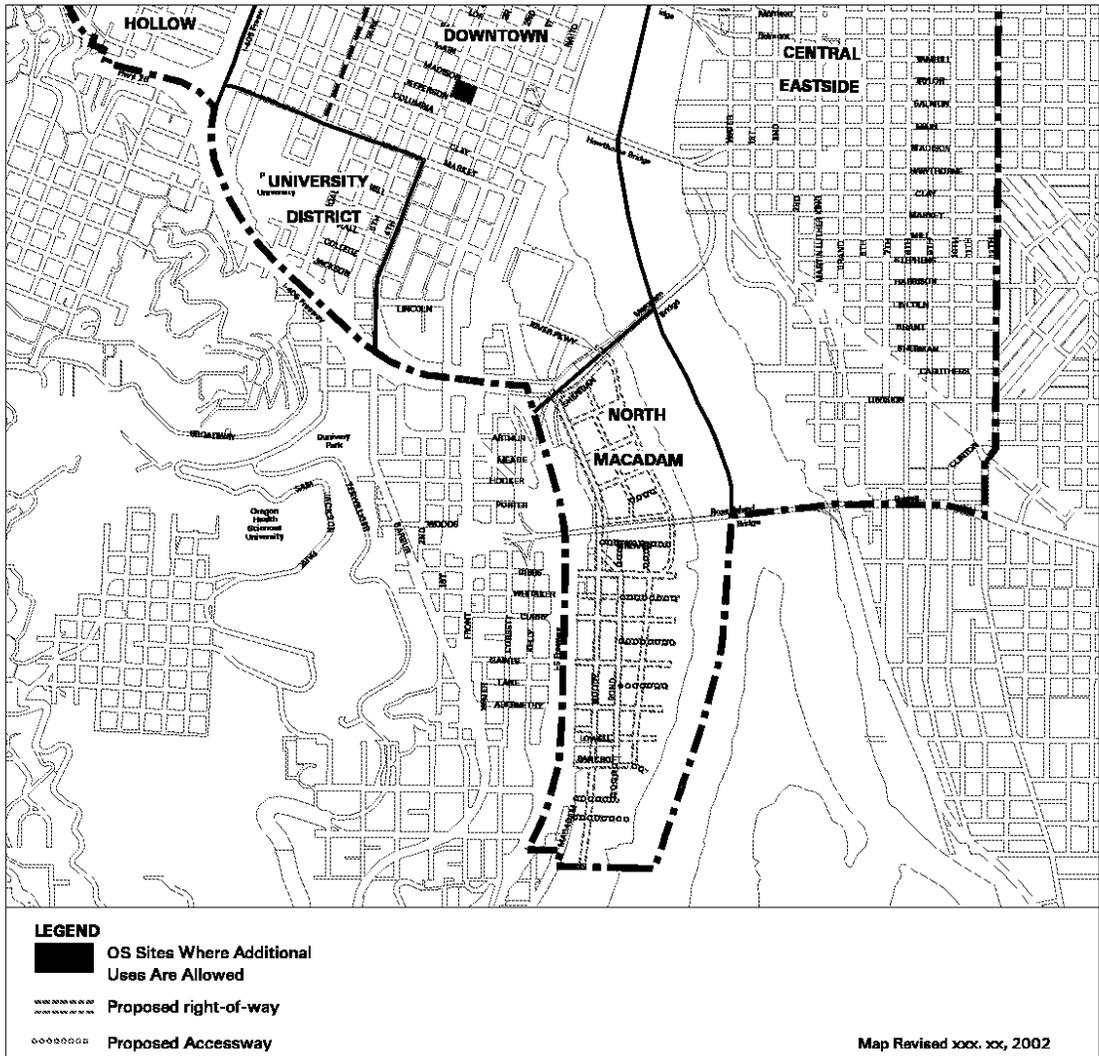


Map 510-9
Parking Access
Restricted Streets
 Map 2 of 2

Bureau of Planning • City of Portland, Oregon

Commentary

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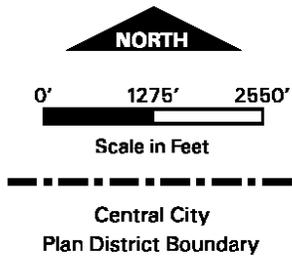
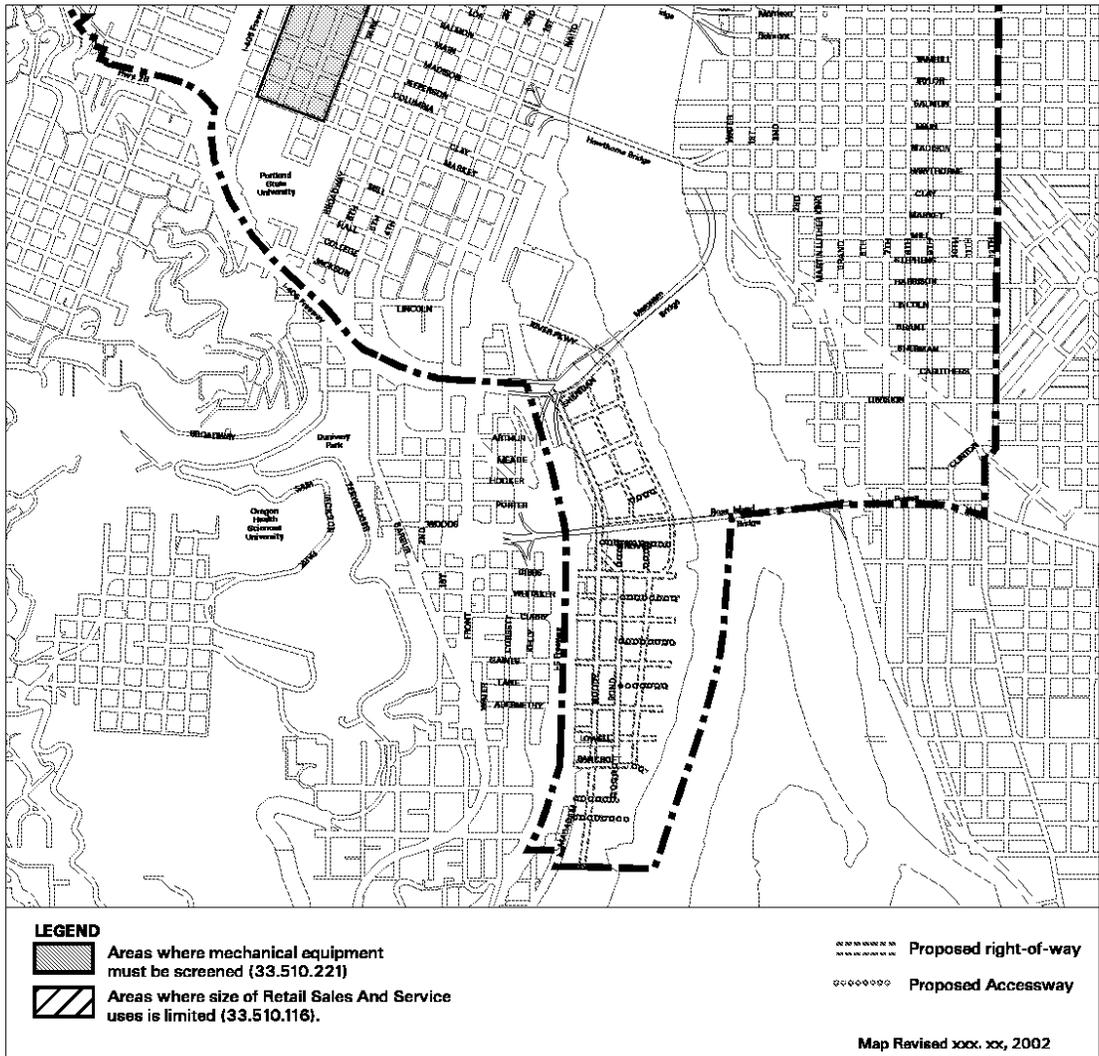
Map 510-10

**Areas Where Additional Uses
are Allowed in the OS Zone**

Map 2 of 2

Commentary

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**Map 510-11
Special Areas**

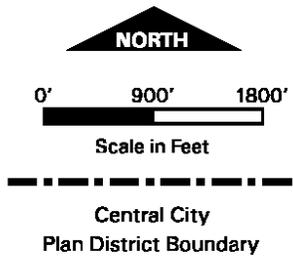
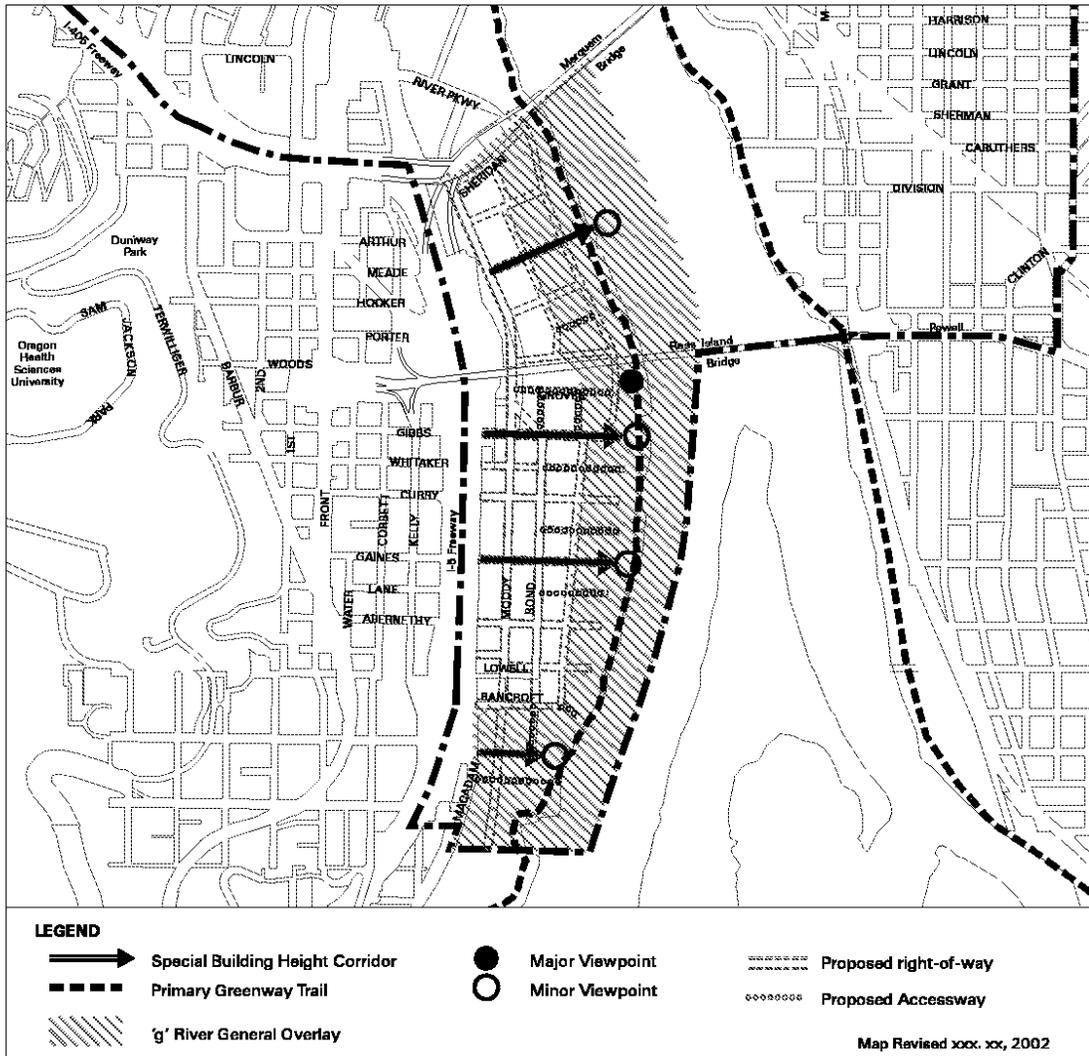
Map 2 of 2

Bureau of Planning • City of Portland, Oregon

Commentary

Add the **proposed map (shown on the next page)**.

The map includes an updated version of information that is currently mapped on maps 440-1 and 440-2.



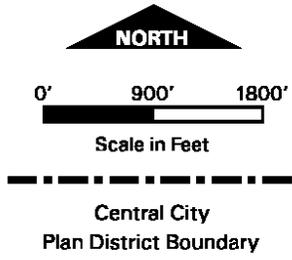
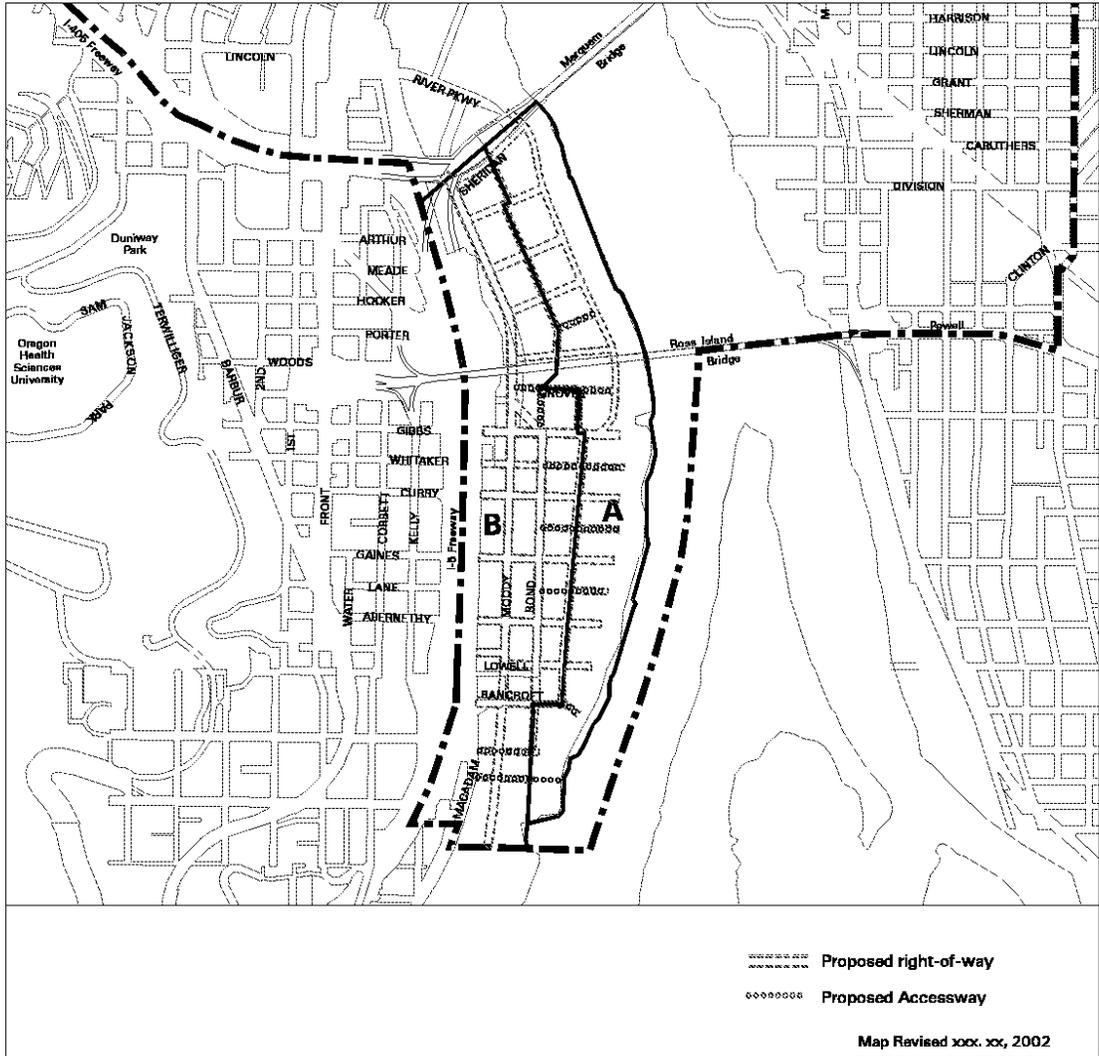
Map 510-15
North Macadam Greenway
Public Access

Bureau of Planning • City of Portland, Oregon

Commentary

Add the **proposed map (shown on the next page)**.

Chapter 33.510, Central City Plan District



Map 510-16
North Macadam
Trail Fund Subareas

Bureau of Planning • City of Portland, Oregon

Chapter 33.808, Central City Parking Review

CHAPTER 33.808 CENTRAL CITY PARKING REVIEW

Sections:

- 33.808.010 Purpose
- 33.808.020 Organization Of This Chapter
- 33.808.030 Automatic Central City Parking Review Status
- 33.808.040 Review Procedures
- 33.808.050 Loss of Central City Parking Review Status
- 33.808.100 General Approval Criteria for Central City Parking Review
- 33.808.200 Renewal of Surface Parking Lots in the Central City Plan District
- 33.808.300 Conversion of Surface Parking Lots

33.808.010 Purpose.

The purpose of Central City Parking Review is to allow for parking that supports Central City development, and is consistent with the goals and policies of the Central City Plan and Central City Transportation Management Plan. The approval criteria ensure that the demand for parking will be managed, and the negative effects of parking minimized, while still providing sufficient parking to meet the goals of the City for the Plan District.

33.808.020 Organization Of This Chapter.

This chapter contains approval criteria for all Central City Parking Reviews (CCPR). The criteria in Section 33.808.100 apply to all CCPRs except Renewal of Surface Parking Lots, which is addressed in Section 33.808.200, and Conversion of Surface Parking Lots, which is addressed in Section 33.808.300.

33.808.030 Automatic Central City Parking Review Status.

[No Change]

33.808.040 Review Procedures.

- A. Type III.** Except as specified in Subsection B, r Requests for Central City Parking Review are processed through a Type III procedure;
- B. Type II.** In the North Macadam Subdistrict, requests for supplemental growth parking as specified in 33.510.267.A.3.b are processed through a Type II procedure.

33.808.050 Loss of Central City Parking Review Status

If the site of a Central City Parking Review is not used for parking for 3 continuous years, the Central City Parking Review rights are lost. Any new parking on the site will be subject to current regulations, and will be reviewed as a new use. Parking spaces in surface parking lots occupied by vending carts are still considered to be parking spaces.

Commentary

33.808.100 General Approval Criteria for Central City Parking Review.

The recommendation would not amend approval criteria A-M, however, several of these central citywide approval criteria would apply to parking being proposed in North Macadam that requires a Central City Parking Review. The code language of those criteria are included here for reference.

Chapter 33.808, Central City Parking Review

33.808.100 General Approval Criteria for Central City Parking Review.

The request will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

- A.** The proposal will not by itself, or in combination with other parking facilities in the area, significantly lessen the overall desired character of the area. The desired character of the area is determined by City-adopted area, neighborhood, or development plans; by Comprehensive Plan designations and zoning, and by allowed densities.
- B.** The transportation system is capable of safely supporting the proposed facility in addition to the existing uses in the area. Evaluation is based on the transportation impact analysis and includes factors such as street capacity and level of service, on-street parking impacts, access requirements, impacts on transit operations and movement, impacts on the immediate and adjacent neighborhoods, and pedestrian and bicycle safety.
- C.** The parking facility is in conformance with the street classifications of the Central City Plan District and the Central City Transportation Management Plan.
- D.** If the proposal will generate more than 100 vehicle trips during the peak hour commute; and is Growth Parking or is Preservation Parking where the parking area is created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building: The Transportation Management Plan includes measures to increase the number of trips taken by alternatives to the single-occupant vehicle during the peak hour commute.
- E.-I.** [No Change.]

Chapter 33.808, Central City Parking Review

- J.** If the site is outside the Core Area:
1. If the proposal is for Growth or Visitor Parking: The parking management plan supports alternatives to the single-occupant commuting vehicle through accommodations for carpooling, short-term parking, and other demand management measures appropriate to the type, size, and location of the parking facility, and consistent with the Central City Transportation Management Plan. If the proposal is for Visitor Parking, the parking management plan ensures that the parking will be primarily used for short-term parking.
 2. If the proposal is for new access for motor vehicles within 75 feet of a Light Rail Alignment, but not on the alignment itself, criteria J.2.a through J.2.c, below, apply. If the proposal is for new access for motor vehicles on a Light Rail Alignment, criteria J.2.a through J.2.d, below, apply.
 - a. There will not be a significant adverse impact on transit operations;
 - b. There will not be a significant adverse impact on operation and safety of vehicle and bicycle circulation;
 - c. There will not be a significant adverse impact on the overall pedestrian, bicycle, and transit environment and safety. A driveway is not automatically considered such an impact. On blocks where stations are located, the pedestrian environment on both sides of the streets will be considered and protected; and
 - d. Motor vehicles can enter and exit the parking facility without being required to cross the tracks of a light rail alignment.
- K.-M.** [No Change.]

Chapter 33.808, Central City Parking Review

N. If the site is in the North Macadam Subdistrict:

1. If the proposal is for parking on a surface lot where the total surface parking area on the site exceeds the threshold of Paragraph N.~~2~~3, below, criteria N.~~3~~4.a through N.~~5~~4.c, below, apply. If the site proposal is in an R, C, E, or OS zone; and is for Growth, Preservation, Visitor, or Residential/Hotel Parking; and is not created in conjunction with a regional attractor, criteria N.~~3~~4.d through N.~~8~~4.f, below, also apply.
2. If the proposal is for Growth or Preservation parking on a surface lot, and if the proposal includes supplemental parking as specified in subparagraph 33.510.267.A.3.b, criteria N.4.a through N.4.f, below, apply.
- ~~2~~3. Threshold: The amount of surface parking area on the site is larger than 40,000 square feet, or the parking area covers more than 30 percent of the site, whichever is larger.
4. Approval criteria.
 - ~~3~~a. There will not be a significant adverse impact on transit operations;
 - ~~4~~b. There will not be a significant adverse impact on operation and safety of vehicle and bicycle circulation;
 - ~~5~~c. There will not be a significant adverse impact on the overall pedestrian, bicycle, and transit environment and safety. A driveway is not automatically considered such an impact;
 - ~~6~~d. Interim use.
 - (1) If the amount of parking area exceeds the threshold in Paragraph N.~~2~~3, above, the amount of parking area that exceeds the threshold will be an interim use only, as documented by the phased development plan; and
 - (2) If the proposal includes supplemental parking as specified in subparagraph 33.510.267.A.3.b, the supplemental parking will be an interim use only, as documented by the phased development plan;
 - ~~7~~e. The first phase of development in the phased development plan includes creation of gross building area, and uses other than parking; and
 - ~~8~~f. The phased development plan ensures:
 - ~~a~~(1) That the later phases of development are realistically feasible, taking into account such factors as location of buildings on the site and zoning of the site; and
 - ~~b~~(2) After the final phase is built, the threshold in Paragraph N.~~2~~3, above, will not be exceeded.

Commentary

33.808.200-300.

The recommendation would not amend these sections; however the sections would apply to certain parking in North Macadam that requires a *Central City Parking Review*. The code language of these sections is included here for reference.

Chapter 33.808, Central City Parking Review

33.808.200 Renewal of Surface Parking Lots in the Central City Plan District

These approval criteria ensure that conditions of approval continue to be met and that, for those with a phased development plan, that reasonable progress towards development continues. The request will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

- A.** The surface parking lot is in compliance with all conditions of approval and applicable provisions of the Zoning Code; and
- B.** If there is an approved phased development plan for the parking lot, reasonable progress is being made towards meeting the plan.

33.808.300 Conversion of Surface Parking Lots

These approval criteria ensure that surface parking lots will be converted in a manner consistent with the Central City Transportation Management Plan. The review focuses more on physical improvements than operational elements, and encourages better urban design and mitigation of negative impacts. The request will be approved if the review body finds that the applicant has shown that the surface parking lot is in compliance with all of the regulations in Subsection 33.510.263.H through L of the Zoning Code.

Chapter 33.815 Conditional Uses

CHAPTER 33.815 CONDITIONAL USES

Sections:

General

- 33.815.010 Purpose
- 33.815.020 How to Use this Chapter
- 33.815.030 Automatic Conditional Use Status
- 33.815.040 Review Procedures
- 33.815.050 Loss of Conditional Use Status
- 33.815.060 Development Standards for Conditional Uses
- 33.815.070 Sites With Split Zoning
- 33.815.080 Approval Criteria in General

Approval Criteria

- 33.815.100 Uses in the Open Space Zone
- 33.815.105 Institutional and Other Uses in R Zones
- 33.815.107 Short Term Housing in R Zones
- 33.815.110 Office and Retail Sales And Service Uses in the RX Zone
- 33.815.115 Specified Uses in Commercial Zones
- 33.815.120 Commercial Parking Facilities in the RX, CX, CG, and E Zones, Outside the Central City Plan District, the Columbia South Shore Plan District and the Cascade Station/Portland International Center Plan District
- 33.815.121 Commercial Parking Facilities in the RX, CS, and CX Zones, in the Hollywood Plan District
- 33.815.122 Nonresidential Uses on Specified Sites located in the RX Zone within the Central City Plan District
- 33.815.125 Specified Uses in Industrial Zones
- 33.815.126 Office Uses in the IG1 Zone in the Central City Plan District
- 33.815.127 Accessory Offices and Headquarters Offices in the IH Zone in the Guild's Lake Industrial Sanctuary Plan District
- 33.815.128 Retail Sales And Service Uses in the EG Zones
- 33.815.130 Residential Uses in the EG1, EG2, IG1, IG2, and IH Zones
- 33.815.140 Specified Group Living Uses in the C and EX Zones
- 33.815.200 Aviation And Surface Passenger Terminals
- 33.815.205 Detention Facilities
- 33.815.210 Helicopter Landing Facilities
- 33.815.215 Major Event Entertainment
- 33.815.220 Mining and Waste-Related
- 33.815.223 Public Safety Facilities
- 33.815.225 Radio Frequency Transmission Facilities
- 33.815.230 Rail Lines and Utility Corridors
- 33.815.300 Commercial Parking Facilities in the Columbia South Shore Plan District
- 33.815.301 Industrial Businesses in the Columbia South Shore Plan District
- 33.815.302 Professional / Technical Facilities in the Columbia South Shore Plan District
- 33.815.303 Retail Sales and Service Uses in the Columbia South Shore Plan District
- 33.815.304 Retail Sales And Service Uses in the North Macadam Subdistrict
- 33.815.305 Replacement Parking Facilities in the Central City Plan District
- 33.815.310 Industrial Uses in the IR Zone

Commentary

33.815.304 Retail Sales And Service Uses in the North Macadam Subdistrict

These approval criteria would ensure that Retail Sales And Service uses larger than 40,000 square feet in size are compatible with the policy goals of the district.

Chapter 33.815 Conditional Uses

33.815.304 Retail Sales And Service Uses in the North Macadam Subdistrict

For Retail Sales And Service uses in the North Macadam subdistrict of the Central City plan district with more than 40,000 square feet of floor area, the approval criteria are:

- A. The use needs to be located in the North Macadam subdistrict because it primarily serves those who live or work in the subdistrict;
- B. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety;
- C. The traffic generated by the use will not have significant adverse impacts on the subdistrict's ability to achieve jobs and housing targets stated in the *North Macadam Plan*; and
- D. City-designated scenic resources are preserved.

CHAPTER 33.851 NORTH MACADAM GREENWAY REVIEW

The North Macadam greenway review:

1) Allows property owners the flexibility to develop the greenway in a way that meets the objectives of the North Macadam Plan, but does not meet the clear and objective standards of 33.510.253.

2) Ensures continued review of development reviewed currently under greenway review. (Note: Development that is currently reviewed only against the greenway design guidelines will be reviewed as part of design review and not as part of North Macadam greenway review under the proposed regulations.)

33.851.300 Approval Criteria

- A. Consistent with purpose.** All proposals must be found to be consistent with the purposes of the North Macadam greenway regulations.

33.851.200 Notice to State Parks and Recreation Division.

This language incorporates a notice requirement that currently applies citywide under 33.440, *Greenway Zones*.

Chapter 33.851, North Macadam Greenway Review

CHAPTER 33.851 **NORTH MACADAM GREENWAY REVIEW**

Sections:

- 33.851.010 Purpose
- 33.851.100 Review Procedures
- 33.851.200 Notice to State Parks and Recreation Division.
- 33.851.300 Approval Criteria

33.851.010 Purpose

North Macadam greenway review provides flexibility within the North Macadam greenway area and ensures that:

- Development will not have a detrimental impact on the use and function of the river and abutting lands;
- Development will conserve, enhance and maintain the scenic qualities;
- Development will contribute to enhanced ecological functions to improve conditions for fish and wildlife;
- Development will conserve the water surface of the river by limiting structures and fills riverward of the greenway setback; and
- Development that does not meet the standards of 33.510.253, North Macadam Greenway Regulations, will be consistent with the *Willamette Greenway Plan* and the *Central City Plan*.

33.851.100 Review Procedures

North Macadam greenway reviews are processed through a Type II procedure. Greenway goal exceptions are processed through a Type III procedure, and must be approved by City Council. See Section 33.440.360, Greenway Goal Exception, and Chapter 33.850, Statewide Planning Goal Exceptions.

33.851.200 Notice to State Parks and Recreation Division.

OPDR will send a copy of all applications for North Macadam greenway review to the Parks and Recreation Division of the Oregon Department of Transportation. The applications will be sent certified mail-return receipt requested. The notice of decision on all North Macadam greenway reviews will also be sent to the Parks and Recreation Division.

33.851.300 Approval Criteria

Requests for a North Macadam greenway review will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

Chapter 33.851, North Macadam Greenway Review

A. Consistent with the purpose of the North Macadam greenway. The following approval criteria must be met for all proposals:

1. When compared to the development required by the standards of 33.510.253, the proposal will better enhance the natural, scenic, historical, economic, and recreational qualities of the greenway;
2. When compared to the development required by the standards of 33.510.253, the proposal will better ensure a clean and healthy river for fish, wildlife, and people;
3. When compared to the development required by the standards of 33.510.253, the proposal will better embrace the river as Portland's front yard; and
4. When compared to the development required by the standards of 33.510.253, the proposal will better provide for stormwater management.

Commentary

- B. **Development riverward of top of bank.** This approval criterion is a modified version of existing greenway review approval criteria that apply to the district. This approval criterion will need to be updated in the future to reflect the work of a citywide river-focused project.
- C. **Proposals that do not meet the requirements of 33.510.253.** All proposals that vary from the clear and objective greenway standards will need to implement the key policy objectives of the *North Macadam Plan*.
- D. **Buildings within the North Macadam greenway area.** Any proposal to modify the 100 foot regulated greenway setback will need to demonstrate that it is better meeting the purpose of that regulations by increasing ecological function; the *Greenway Design Coordination Plan* may also have provided for an alternate setback based on a more comprehensive plan for the greenway.

Chapter 33.851, North Macadam Greenway Review

B. Development riverward of top of bank. If development is proposed riverward of top of bank, the following approval criteria must be met:

1. The riverbank will be protected from wave and wake damage; and
2. The proposal will not:
 - a. Result in the significant loss of biological productivity in the river;
 - b. Restrict boat access to adjacent properties;
 - c. Interfere with the commercial navigational use of the river, including transiting, turning, passing, and berthing movements;
 - d. Interfere with fishing use of the river;
 - e. Significantly add to recreational boating congestion; and
 - f. Significantly interfere with beaches that are open to the public.

C. Proposals that do not meet the requirements of 33.510.253.E. If the proposal does not meet all of the standards of Subsection 33.510.253.E, the following approval criteria must be met:

1. The proposal will restore and enhance the natural character of the area adjacent to the river and will allow more significant creation of habitat for fish and wildlife that could aid in supporting the recovery of native species of fish; and
2. The proposal will support or enhance the function of the greenway area as an active and vibrant waterfront and will provide sufficient opportunities for human interaction with the greenway.

D. Buildings within the North Macadam greenway area. If the proposal includes buildings that do not meet the standards of 33.510.253.E.3, at least one of the following approval criteria must be met:

1. The proposal will increase the area available for riparian plant communities on the site by regrading within the greenway area to decrease the slope of the river bank (i.e. laying back the bank). Proposals meeting this approval criteria must show that the modified slope of the bank will be no steeper than 5:1, and that buildings will be set back at least 100 feet from ordinary high water and at least 30 feet from the modified top of bank;
2. The proposal will compensate for the reduction in setback through near shore and bank treatments that mimic the conditions found in more natural river systems. Proposals meeting this approval criteria must show that buildings will be set back at least 75 feet from the top of bank and must demonstrate that the proposed near shore and bank treatments will aid in reestablishing multiple ecological functions and creating river channel and river bank complexity;

- E. **Trails, viewpoints, and pedestrian connections.** Proposed modifications to the clear and objective standards for trails and viewpoints need to be found to continue to serve these functions and respond to site conditions that require an alternate approach. The greenway design coordination plan may also provide for alternate trails, viewpoints, or pedestrian connections based on a more comprehensive plan for the greenway.

- F. **Landscaping and nonlandscaped area.** Proposed modifications to the clear and objective standards for landscaping and impervious surfaces need to mitigate for any functional losses, and better implement a competing policy goal in the district.

Chapter 33.851, North Macadam Greenway Review

3. The proposal will set all buildings back an average of 100 feet from top of bank; proposals meeting this approval criteria must show that buildings will be set back at least 75 feet from top of bank, that at least 50 percent of the length of all building walls facing the North Macadam greenway area will be set back at least 125 feet from top of bank, and that averaging will better enhance the recreational and ecological functions of the greenway area; or
4. The proposal meets all of the requirements of a greenway design coordination plan and a modified setback distance has been identified on the site by the City as part of the plan.

E. Trails, viewpoints, and pedestrian connections. If the proposal will include trails, viewpoints, or pedestrian connections that do not meet the standards of Subsection 33.510.253.E.5 or E.6., the proposal must meet approval criteria E.1. and E.2., and either E.3. or E.4:

1. The proposed trail, viewpoints, and pedestrian connections will safely accommodate expected users;
2. The trail will include one or two paths and the width of the proposed trail, or the combined width of the paths that make up the trail, will be at least 18 feet; and
3. The proposed trail, viewpoints, and pedestrian connections will respond to topographic constraints of the site; or
4. The proposal meets all of the requirements of a greenway design coordination plan and the proposed trail viewpoints and pedestrian connections comply with those identified on the site as part of the plan.

F. Landscaping and nonlandscaped area. If the proposal will include landscaping or non-landscaped area that does not meet the standards of Subsection 33.510.253.E.2 or E.7, the proposal must meet the following approval criteria:

1. The proposal will mitigate for any reductions in vegetative cover through the use of methods including near shore and bank restoration work, bioengineering, or green building technologies, including innovative stormwater management, on the site; and
2. The proposal meets one of the following:
 - a. The proposal will better support the water quality goals of the City's *Stormwater Management Manual*;
 - b. The landscaping standards cannot be met on the site because of existing bank and soil conditions such the presence of riprap or other obstructions;
 - c. The proposal is necessary to ensure bank stability; or
 - d. The proposal will allow greater visual access between the trail and other segments of the greenway, and will enhance safety for trail users.