

# GATEWAY PLANNING REGULATIONS PROJECT

## **REVISIONS TO POLICY, COMPREHENSIVE PLAN DESIGNATIONS, AND THE ZONING CODE**



ADOPTED BY ORDINANCES #178423 AND #178424  
AND RESOLUTION #36215 ON MAY 19, 2004



CITY OF PORTLAND, OREGON  
BUREAU OF  
**Planning**

Effective June 18, 2004

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Tim Smith

### ***For more information, contact:***

Portland Bureau of Planning  
1900 SW 4<sup>th</sup> Avenue, Suite 4100  
Portland, Oregon 97201  
503-823-7700

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**EFFECTIVE JUNE 18, 2004**

## **ACKNOWLEDGEMENTS**

### ***Portland Bureau of Planning***

Vera Katz, Mayor, Commissioner-in-Charge  
Gil Kelley, Planning Director

### ***Project Staff***

Joe Zehnder, Principal Planner, Project Manager  
Ellen Ryker, City Planner  
Mark Raggett, City Planner  
Julia Gisler, City Planner

### ***Major Assistance From***

Jeanne Harrison, Senior Planner, Office of Transportation  
Jean Hester, Senior Planner, Bureau of Development Services  
Carmen Piekarski, GIS Analyst  
Jessica Richman, Senior Planner

### ***Technical Advisors***

Greg Acker, Office of Sustainable Development  
Janet Bebb, Portland Parks and Recreation  
Richard Bixby, Office of Neighborhood Involvement  
Howard Cutler, Bureau of Housing and Community Development  
Mike Dennis, Tri-Met  
Sue Donaldson, Portland Parks and Recreation  
Jeanne Harrison, Portland Office of Transportation  
Tim Heron, Bureau of Development Services  
Sara King, Portland Development Commission  
Jeff Joslin, Bureau of Development Services  
Michael Ray, Oregon Department of Transportation  
Stephanie Reid, Bureau of Water Works  
Sloan Schang, Portland Development Commission  
Carolyn Sharp, Bureau of Environmental Services  
Riley Whitcomb, Portland Parks and Recreation

## ***Opportunity Gateway Design and Development Subcommittee***

Arlene Kimura, Co-Chair  
Steve Dotterer, Co-Chair  
Dick Cooley, Chair of Opportunity Gateway Program Advisory Committee  
Bob Earnest  
Ted Gilbert  
Ken Grimes  
Lawrence Hudetz  
Kim Lofton  
Barbara Stickley  
Dorene Warner

### ***Other Bureau of Planning Staff***

Troy Doss, Senior Planner  
Donah Baribeau, Office Support Specialist III  
Gary Odenthal, GIS Coordinator  
Ralph Sanders, Graphic Designer III  
KT Prew, Image Coordinator  
Lori Hill, Graphic Designer II

### ***Image Credits***

Tom Bennett  
Bob Earnest  
Mark Raggett  
Ellen Ryker

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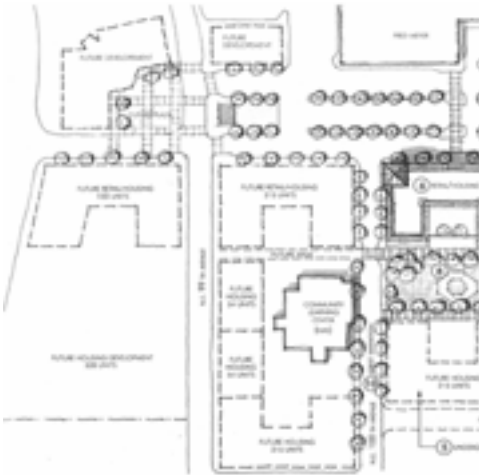
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***Top row: Cherrywood Village; SE 106<sup>th</sup> with the East Police Precinct in the foreground and the East Portland Community Center in the background. Second row: Gateway transit station; The Hazelwood senior housing and Safeway at NE 122<sup>nd</sup> and Glisan; rowhouses on East Burnside. Bottom row: Steele Street rowhouses; rear of Irvington Place as it transitions to adjacent neighborhood***

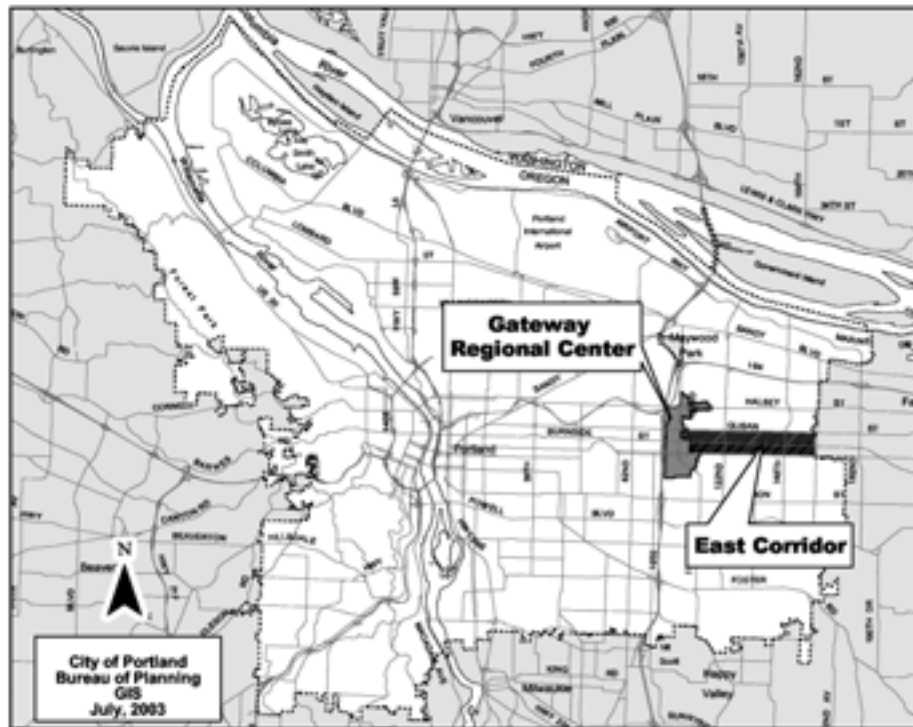


# Introduction

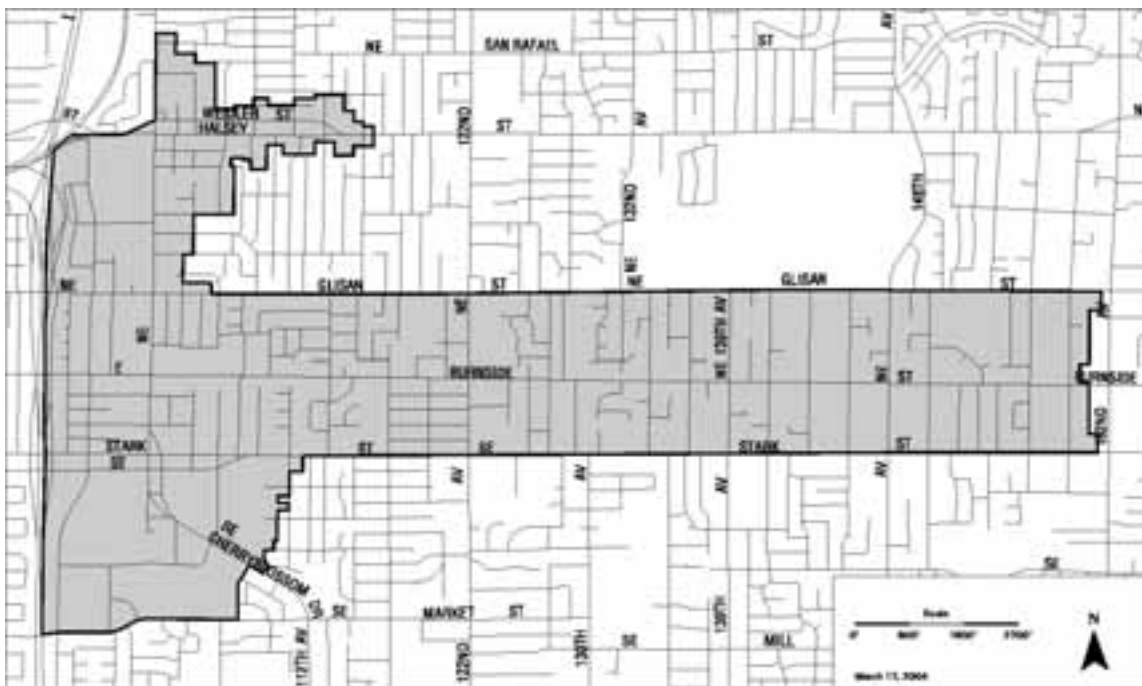


*Clockwise from top left: SW Lincoln Street, showing motel surface parking lot adjacent to landscaped sidewalk; Fred Meyer, approximately 1955; Marriott Residence Inn; Conceptual drawing of NE 99<sup>th</sup> and Pacific*

# Gateway Planning Regulations Project



**Map 1. The Gateway Regional Center and East Corridor are located east of the I-205 Freeway and south of the I-84 Freeway in Outer Southeast Portland.**



**Map 2. Gateway Planning Regulations Project Study Boundary**

# Gateway Planning Regulations Project

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## Summary

The Gateway Planning Regulations Project (“the Gateway Project”) implements several adopted plans. These include the *Outer Southeast Community Plan*, the *Opportunity Gateway Concept Plan*, the *Region 2040 Growth Concept Plan*, and the *Gateway Regional Center Urban Renewal Plan*, among others.

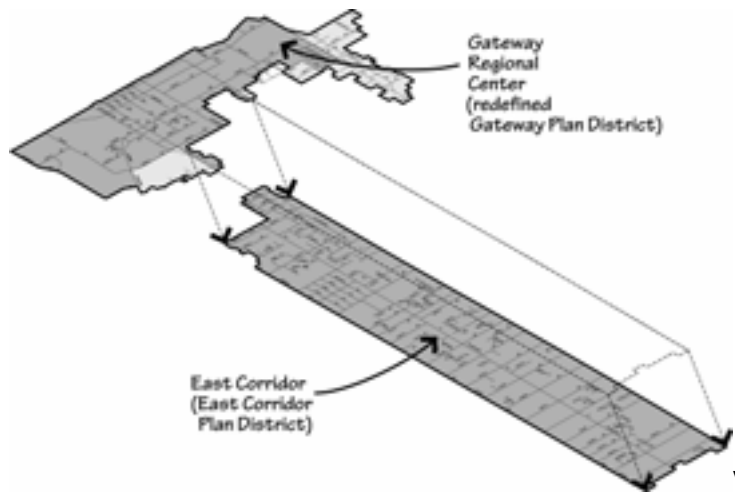
The Gateway plan district prior to the adoption of this project contained both the Gateway Regional Center and the Burnside Transit Corridor. The vision for the Gateway Regional Center is for it to transition from a low-density, automobile-oriented area to a high-density, pedestrian-oriented community. The vision for the Burnside Transit Corridor is for compact transit neighborhoods around the stations at Burnside and 122<sup>nd</sup>, 148<sup>th</sup> and 162<sup>nd</sup>, where their development and design benefit the community and support the investment in light rail. Because the vision for these two areas are so different, the Gateway Project divides the current plan district into two separate districts - Gateway and East Corridor.

### Gateway Plan District

The Regional Center as defined by the urban renewal area boundaries is the new Gateway Plan District. Most of the changes in the Gateway Project focus on the Regional Center. These changes include an urban design concept, based on previous Gateway urban design plans, which describes how the future development and urban form of Gateway should evolve, as well as *Comprehensive Plan* and zoning amendments, revisions to the *Zoning Code*, and new design review provisions to implement the development concept.

### East Corridor Plan District

The remainder of the earlier Gateway plan district is the new East Corridor plan district. This is the transit corridor east of the Regional Center along the MAX line between NE Glisan and SE Stark from roughly 108<sup>th</sup> to 162<sup>nd</sup>. The Gateway Project limited its recommendations for the East Corridor to the minimum changes needed to separate the two districts and focus transit-oriented development around the light rail stations. The intent was not to undertake major policy or zoning changes in the East Corridor.



**Map 3. Division of Gateway Plan District**

## Documents

The Final Report of the Gateway Planning Regulations Project (Gateway Project) contains three volumes, each under separate cover.

# Gateway Planning Regulations Project

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## **Revisions to Policy, Comprehensive Plan Designations, and Zoning Code**

### **Introduction**

The **Introduction** explains the organization, purpose, and boundaries of this project and the division of the Gateway Plan District.

### **Gateway Regional Center provisions**

**Urban Design Concept.** This section summarizes the adopted urban design concept, which was used as a framework for developing the Gateway Project's recommendations.

**Gateway Plan District Boundary Changes.** This section describes how the plan district will be divided into two separate districts.

**Comprehensive Plan and Zoning Map Amendments.** Most changes to zoning and *Comprehensive Plan* designations fall into three categories:

- Properties that had not been re-evaluated since their annexation into the City from Multnomah County;
- Properties for which the zone was made equivalent to its current *Comprehensive Plan* designation; and
- Properties that would gain greater flexibility through the increase in residential, commercial and employment use possibilities.

**Zoning Code Amendments.** This section contains the changes to Gateway plan district regulations. It also includes the commentary that explains the intent of the regulations. Most amendments simplify earlier regulations or better implement adopted plans. The revisions include new development standards, changes to height and floor area regulations, new design review provisions, and provisions offering greater flexibility for developers.

**Outer Southeast Community Plan Amendments.** This section identifies changes to Subarea Policy IV, Gateway Regional Center.

### **East Corridor Plan District provisions**

**East Corridor Plan District Boundary Changes.** This section describes how the East Corridor will be given its own plan district.

**Zoning Code Amendments.** This section identifies the earlier Gateway plan district provisions that will continue in the East Corridor plan district and the limited changes proposed for the East Corridor plan district provisions. It also includes the commentary that explains the intent of the regulations.

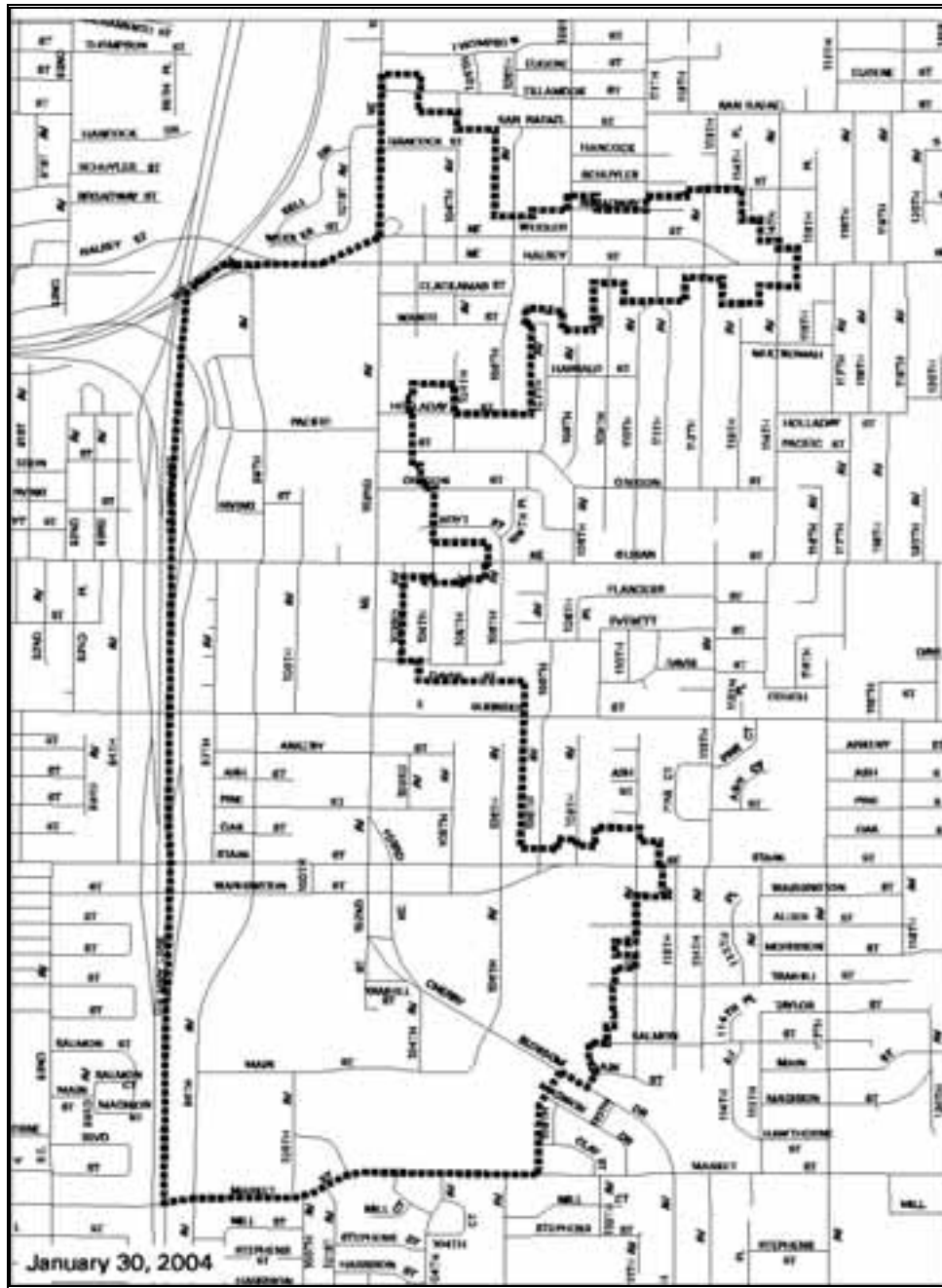
## **Gateway Regional Center Design Guidelines**

All properties in the Regional Center are now subject to discretionary design review. The specific design guidelines for Gateway will help Gateway reach the high level of design quality desired by the community and embodied in the aspirations of the City and the region for this Regional Center.

## **Appendices**

This volume contains 12 appendices that supplement material in the Revisions and Design Guideline documents.

# Part I: Gateway Regional Center

**Map 4. Gateway Regional Center**

# Gateway Planning Regulations Project

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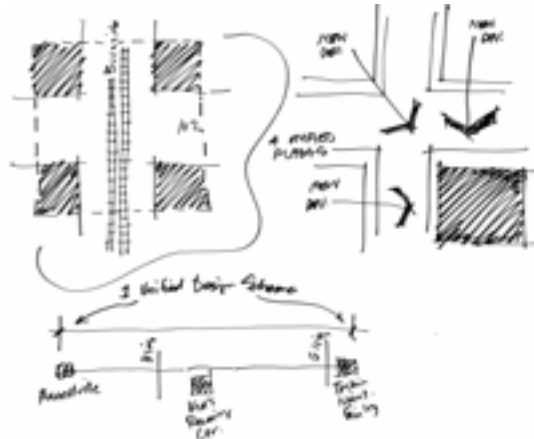
Photos of desirable development from 2001 tours taken by members of the Opportunity Gateway Program Advisory Committee



*Clockwise from top left: Heritage Place, Vancouver, WA; Heritage Place sidewalk; Courtyard at Water Tower on SW Macadam; Columbia River development, Vancouver, WA; Lake Oswego plaza, park, and housing complexes; Open space at Water Tower*



# Adopted Gateway Plan District Boundary



*Clockwise from top left: Vignette of potential development at NE 99<sup>th</sup> and Pacific intersection, by Brian Bennett, James Ponto, & Seth Moran (2003); SE Washington at 102<sup>nd</sup> looking east (2001); Sketch from 102<sup>nd</sup> and Burnside neighborhood walk, 2001; Pedestrian walkway (similar to a woonerf) in the Pearl District (2001)*

# Gateway Planning Regulations Project

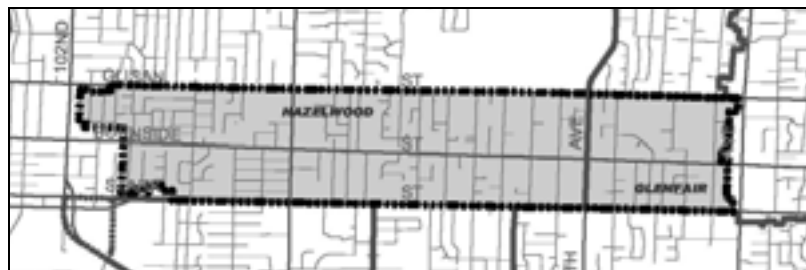
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**Map 5. Gateway Plan District Prior to Adoption**



**Map 6. Adopted Gateway Plan District**



**Map 7. Adopted East Corridor Plan District**

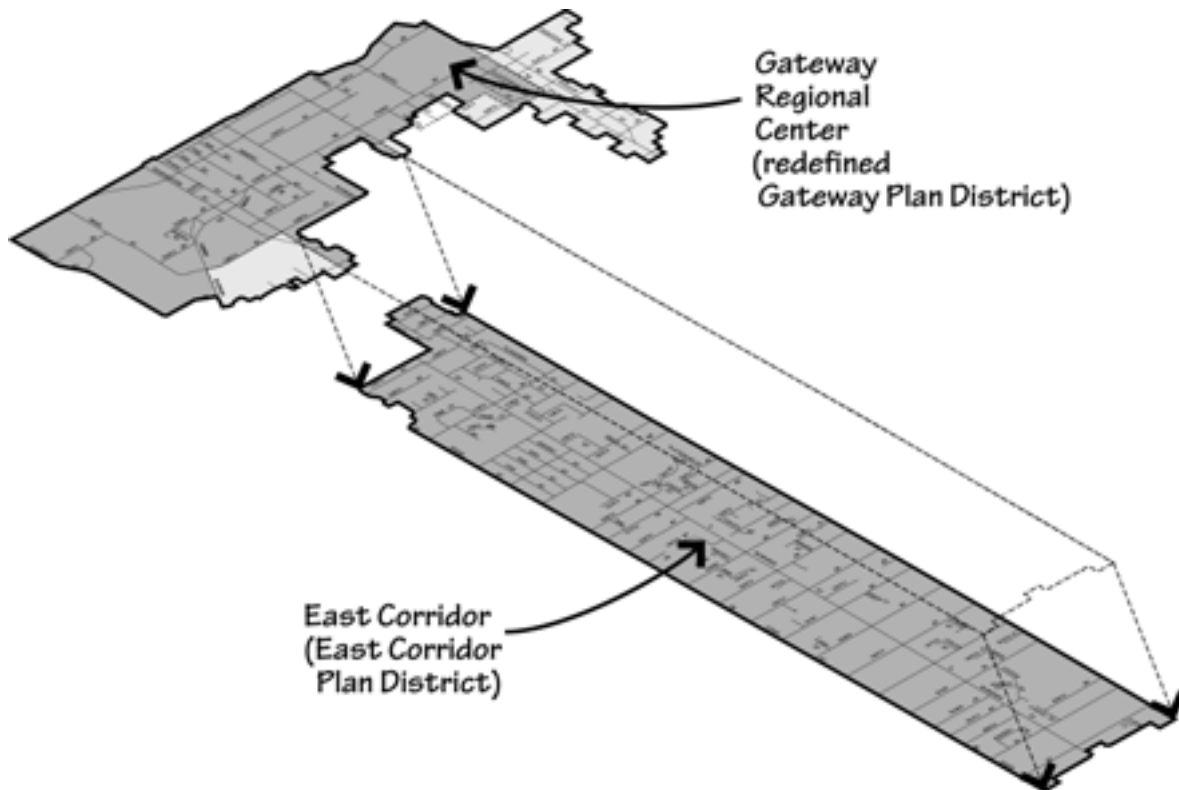


## Adopted Division of the Gateway Plan District

The primary focus of the Gateway Planning Regulations Project was the Gateway Regional Center. The aspirations for the regional center are quite distinct from both the existing development and future vision for the East Corridor. To deal with this distinction, the City Council agreed with the Planning Commission's recommendation to divide the Gateway Plan District into two separate plan districts: 1) the expanded Gateway Plan District (*same name*) and 2) the revised, renamed East Corridor Plan District.

The opposite page shows the three plan districts under discussion: 1) the Gateway plan district prior to adoption, 2) the adopted Gateway plan district, and 3) the adopted East Corridor plan district. The diagram below shows the same thing but in a slightly different manner.

**This section, Part I, of the document deals specifically with the Gateway Regional Center.**



**Map 8. Division of the Gateway Plan District**

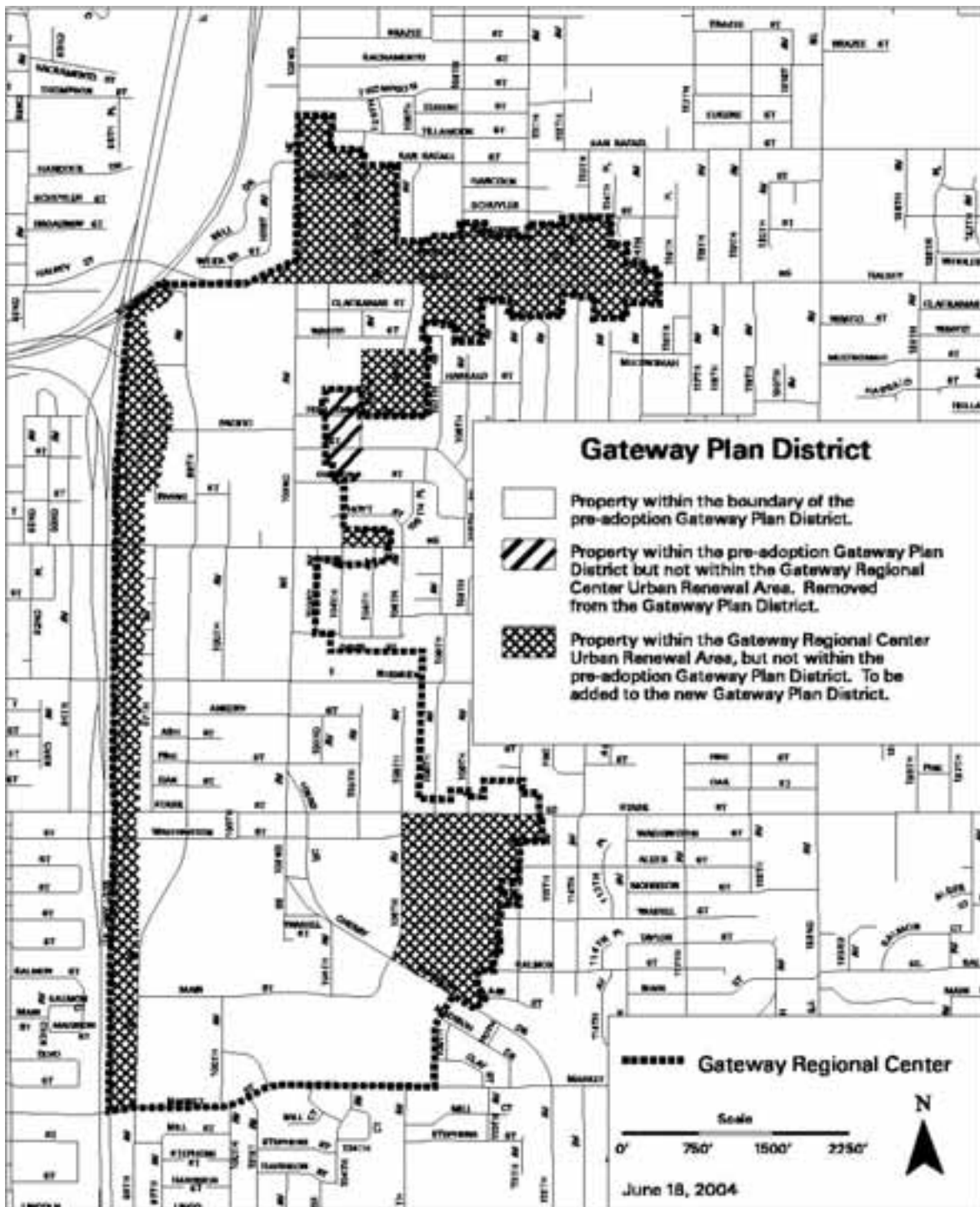
## Commentary

*This and the next three pages contain a listing of the properties that are and are not included in the redefined Gateway plan district, a map of the Gateway Regional Center, and comments on why these particular properties are included or not.*

### **Revised Gateway Plan District Boundary**

Map 9, on the following page, shows the Gateway Regional Center urban renewal area (URA), properties in the earlier Gateway plan district that have been removed, and properties that have been added to the new Gateway plan district. It also shows properties that are no longer in the Gateway plan district. Pages I-8 and I-9 more explicitly identify these properties.

# Gateway Planning Regulations Project



Map 9. Adopted Changes to the Boundary of the Gateway Plan District

## Commentary

1. **All properties that were included in the *Outer Southeast Community Plan*, are within the Gateway Regional Center urban renewal area (URA), and were not within the earlier Gateway plan district are now included in the new Gateway plan district.**  
The *Outer Southeast Community Plan* set the policy framework for development on these sites. With this project's adoption, all properties within the Gateway Regional Center plan district will have the same boundary as the URA.
2. **All properties that are within the Gateway Regional Center urban renewal area (URA), but were not considered as part of the *Outer Southeast Community Plan* are now in the new Gateway plan district.**  
The decision to include these properties in the Gateway Regional Center URA was made to incorporate the significant intersection of 102<sup>nd</sup> and Halsey/Weidler, as well as Woodland Park Hospital, the multifamily apartments north of NE Hancock, and the entire Halsey/Weidler couplet between 102<sup>nd</sup> and 114<sup>th</sup>. Adding these properties into the Gateway plan district makes the plan district boundary the same as the URA. The latest plan that addresses development within this area is the reformatted *Cully/Parkrose Community Plan*, adopted by the Portland City Council on August 27, 1988. Policies in the plan relevant to the proposed zoning and *Comprehensive Plan* map changes are:
  - Policy 2.B. Arrangement of Land Uses: The area(s) surrounding Woodland Park Hospital (and near the Gateway freeway interchange) should foster a mix of high density residential and ground floor commercial uses.
  - Design Area Guidelines, Halsey/Weidler Strip, Development Objective: To convert a strip commercial area into a linear mixed use area with neighborhood commercial centers.
3. **R5-zoned properties north of Glisan are not included in the new Gateway plan district.**  
There are approximately 30 properties that were in the earlier Gateway plan district, but are outside of and immediately adjacent to the Gateway Regional Center urban renewal area (URA). The URA was drawn specifically to exclude single-dwelling, residentially-zoned properties, with the exception of the Floyd Light Middle School and East Portland Community Center properties. There is no reason to keep single-family, residentially-zoned properties that are neither in the URA nor inside the MAX corridor in the plan district.

## The following changes were made to the revised Gateway Plan District Boundary:

1. Include in the Gateway plan district all properties that were considered as part of the *Outer Southeast Community Plan*, are within the Gateway Regional Center urban renewal area, and are not currently within the Gateway plan district. These include:
  - Properties immediately south of and adjacent to Halsey currently zoned CS (Storefront Commercial), CO2 (Office Commercial 2), and CN2 (Neighborhood Commercial 2)
  - Several R2- and R3-zoned properties between Halsey and Glisan
  - Several CS-zoned properties immediately north of and adjacent to East Burnside
  - A group of properties between 106<sup>th</sup> and the boundary of the URA and between Stark and Cherry Blossom Dr. that include the following current zones: R5 (a single-family zone that contains Floyd Light Middle School and East Portland Community Center), OS (Open Space), CO2, (Office Commercial 2), CO1 (Office Commercial 1), and R1a (medium density multidwelling zone)
2. Include in the Gateway plan district all properties that are within the Gateway Regional Center urban renewal area, but were not considered as part of the *Outer Southeast Community Plan*. These include:
  - Properties north of Halsey that are zoned General Commercial (CG)
  - Properties between Halsey and Weidler that are zoned CN2
  - The OS-zoned property between Halsey and Weidler
  - Properties north of Halsey and Weidler currently zoned R1-, R2-, and R3.
  - A CO1-zoned property immediately east of and adjacent to NE 102<sup>nd</sup>
3. Remove R5-zoned sites north of Glisan and adjacent to the Gateway Regional Center urban renewal area from the Gateway plan district.

## Gateway Planning Regulations Project

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*I-205 park strip in Maywood Park: 2003*



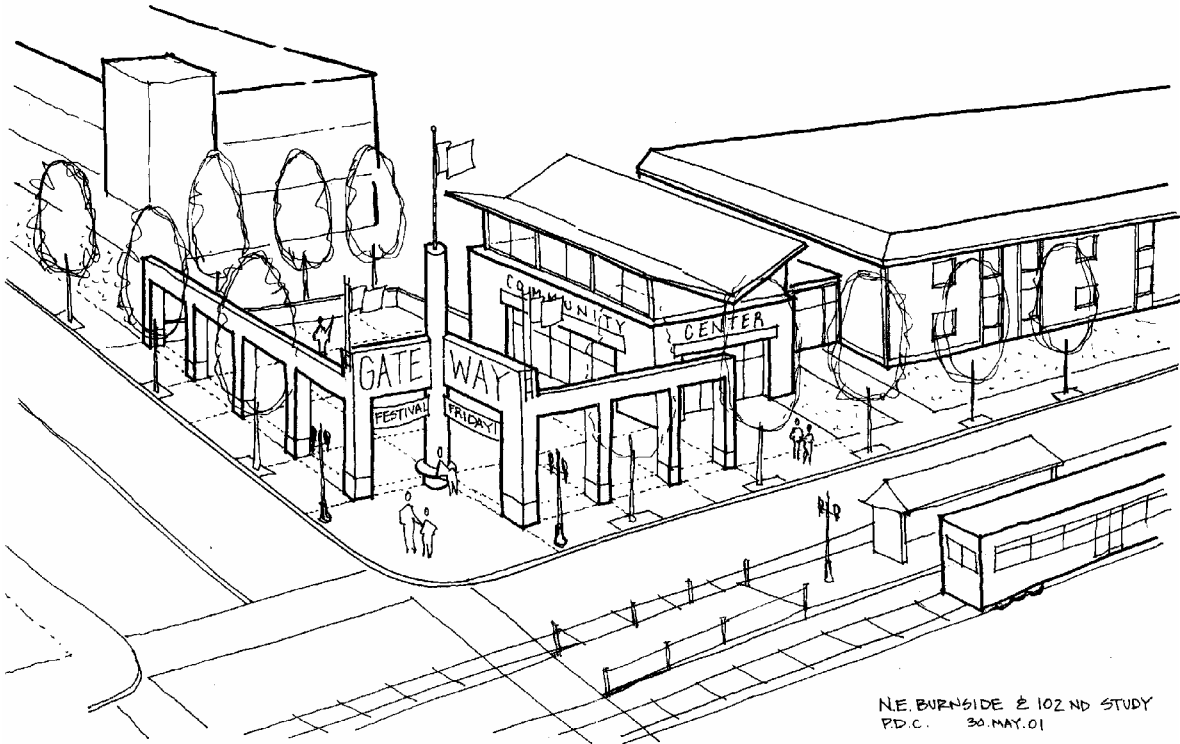
*Potzdamer Platz, Berlin, Germany*



# Urban Design



# Gateway Planning Regulations Project



NE. BURNSIDE & 102ND STUDY  
P.D.C. 30 MAY 01

**Garry Papers, 2001**



**Mark Raggett, 2001**



## Gateway Regional Center Subareas

### Subarea 1: Halsey/Weidler Corridor

#### **Challenges**

- Many surface parking areas between building and sidewalk
- Primarily low-density, single-use buildings
- Many buildings in need of repair or restoration
- High traffic volumes and vehicle speeds along couplet
- Lacks open space or parks

#### **Opportunities**

- Historically Gateway's main commercial streets, with many thriving businesses
- Predominant pedestrian-orientation with building placement at street edge and on-street parking
- Outstanding visibility and accessibility provided by high traffic volumes – tremendous potential for continued successful retail and neighborhood-serving uses

#### **City Council Adopted**

- Design review for all properties
- Redesignation of much of the current neighborhood and general commercial zoning to central commercial (CX) at the 102<sup>nd</sup> intersection and storefront commercial (CS) to reflect the CS zoning south of Halsey
- Development regulations: building fronts to the sidewalk, requirements for ground floor windows and active use space(s)

### Subarea 2: Gateway Station

#### **Challenges**

- Surface park and ride lot adjacent to Gateway transit center
- Impacts of the I-205 Freeway along western edge
- Significant amount of surface parking
- Concern that potential gentrification will force out low-income residents
- Lacks open space or parks

#### **Opportunities**

- Major portal to multiple destinations in the city and region
- Development parcel adjacent to the Gateway transit center in public ownership providing a highly-visible, precedent-setting, and potentially catalytic development opportunity
- Close proximity to Fred Meyer grocery store significant for dense new development
- Strategic implementation of new open space(s) and street enhancements that could catalyze redevelopment

#### **City Council Adopted**

- Design review for all properties
- Zone change from high-density residential (RH) to central residential (RX), in addition to other changes at targeted locations where pedestrian activity is critical

# Gateway Planning Regulations Project

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- Development regulations: new master plan option for flexibility, new bonus options, height and floor area ratio revisions, building fronts to the sidewalk, requirements for ground floor windows and active use space(s)

## Subarea 3: 102<sup>nd</sup> and Burnside

### ***Challenges***

- Impacts of the I-205 Freeway along western edge
- Lacks open space or parks
- Configuration of light rail infrastructure (rails and track beds) a barrier to pedestrian crossings
- Prevalence of small lot sizes, making parcel consolidation difficult
- Lack of street connectivity here as well as area north of Burnside

### ***Opportunities***

- Burnside has lower traffic volumes and vehicle speeds
- Publicly-owned parcel adjacent to 102<sup>nd</sup>/Burnside station a catalytic/organizing opportunity
- Creation of new open space(s) and street enhancements that could catalyze redevelopment
- Good access to transit at 102<sup>nd</sup>/Burnside station from new development to north and south

### ***City Council Adopted***

- Design review for all properties
- Development regulations: building lines to the sidewalk, requirements for ground floor windows and active use space(s)
- Change of the auto-oriented general employment zone (EG) to the more flexible central employment zone (EX)

## Subarea 4: Southern Triangle

### ***Challenges***

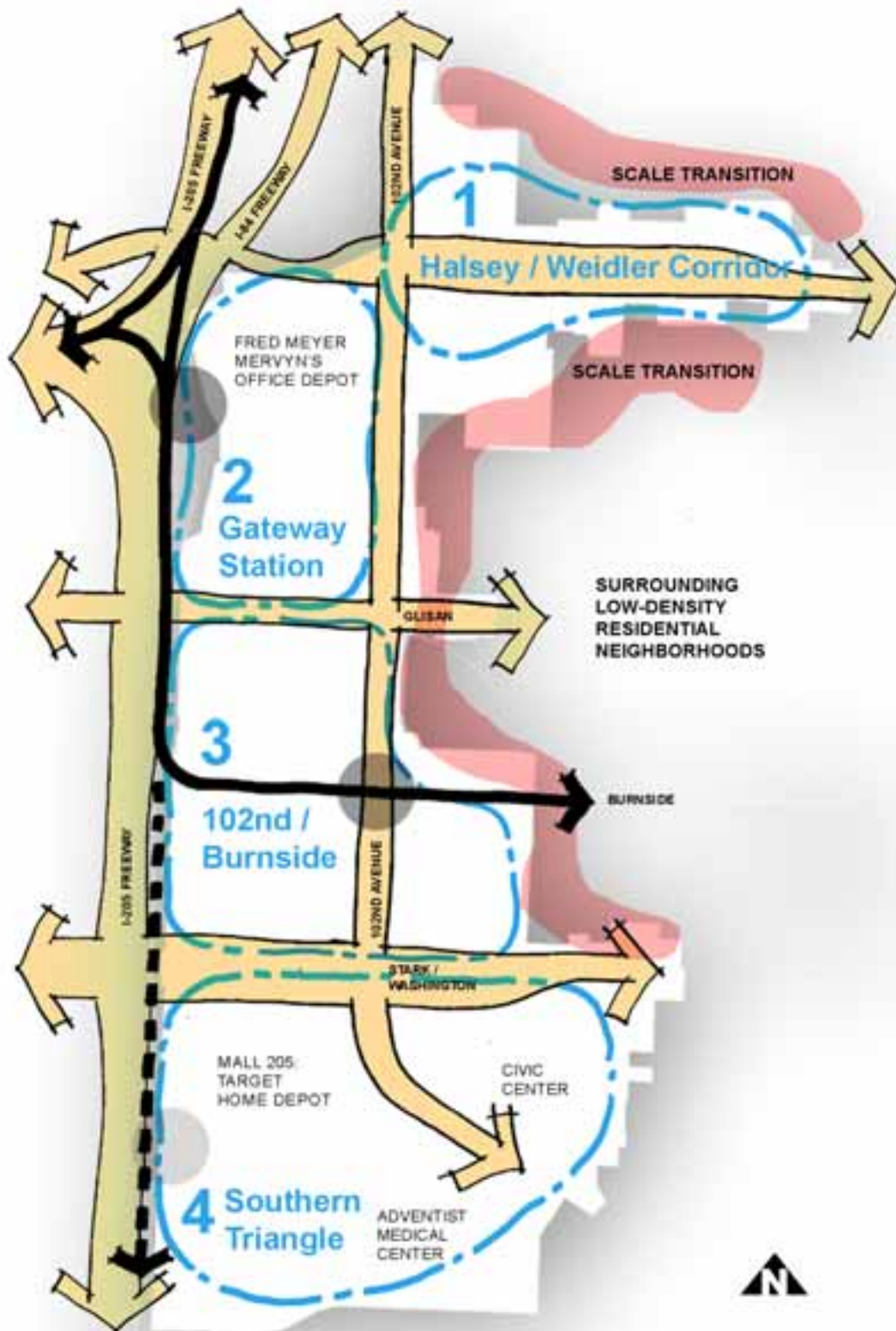
- Significant amount of surface parking
- Mall 205 recently renovated with few connections to surrounding neighborhoods
- Adventist Medical Center, Mall 205, and civic facilities on 106<sup>th</sup> separated from each other
- Impacts of the I-205 Freeway along western edge
- High traffic volumes and vehicle speeds along Stark/Washington couplet at northern edge

### ***Opportunities***

- Close proximity to Mall 205 home improvement stores (Home Depot and Target), as well as the Adventist Medical Center, its associated medical facilities and senior housing
- The Portland Adventist Academy adjacent to the proposed light rail transit station at 96<sup>th</sup> and Main, a potential redevelopment site
- Proximity to concentration of civic buildings along 106<sup>th</sup>, existing open space at Floyd Light Middle School and the East Portland Community Center

### ***City Council Adopted***

- Design review for all properties
- Development regulations: new master plan option for flexibility, new bonus options, height and floor area ratio revisions
- Limited allowances for retail and office uses in the Institutional Residential (IR) zone



Map 10. Challenges, Opportunities, and Subareas of the Gateway Regional Center

## Gateway Planning Regulations Project

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*SE 102<sup>nd</sup> just north of East Burnside*



*Adventist Medical Center*

## Urban Design Concept Elements

The urban design concept, shown on map 11 on page 19, identifies a future for Gateway as an urban and prosperous regional center, to be obtained by developing and enhancing the following three elements:

- A hierarchy of streets
- An urban system of parks and open spaces
- Focussing density

### Element 1: A Hierarchy of Streets

The Gateway Regional Center has a dominant set of east-west streets, including Glisan, Halsey/Weidler, Burnside, Stark/Washington, and to a lesser extent, Market, Main, and Pacific. Most of these east-west streets occur at quarter-mile intervals or so, and all save Pacific cross the I-205 Freeway. Main crosses I-205 as a pedestrian bridge. In the north-south orientation, 102<sup>nd</sup> Avenue is the dominant street, one of only two to cross the light rail tracks along Burnside.

The Opportunity Gateway Program Advisory Committee (PAC) determined that 102<sup>nd</sup> Avenue should be redeveloped as an urban-scaled boulevard and serve as the commercial and retail “spine” for the regional center. The exact configuration of 102<sup>nd</sup> is still being determined, but one element — the widening of the sidewalks to 15 feet — has already been approved. Glisan and the Stark/Washington couplet, due to their high-volumes and vehicle speeds, would likewise benefit from wider sidewalks, more street trees, and generally more protection for pedestrians from moving motor vehicles. They could continue to serve as commercial-use emphasis streets, providing necessary arteries for high-density office development.

The Halsey/Weidler couplet (especially Halsey) possesses many of the “main street” attributes typical of sections of SE Hawthorne, Belmont, or Division. Both streets are narrower than most of the other east-west streets – about 60 feet in width. Many of the buildings are set close to the sidewalk and contribute to a sense of enclosure. Although relatively minor street improvements would be necessary along this couplet, the streets would benefit from more mixed-use development, particularly those with residential units above ground-floor commercial or retail space. At the other end of the regional center, where a new light rail station is being proposed, Main Street between the I-205 Freeway and the Adventist Medical Center would also benefit from this type of development character.

Ninety-ninth Avenue, the only street other than 102<sup>nd</sup> to cross Burnside and a secondary north-south spine for the regional center, is targeted to attract the main entrances and lobbies of new, high-density residential development. Similarly, the redevelopment of Pacific Street to the north, with potentially more of a mixed-use emphasis, is poised to play a critical role in linking the Gateway transit center to 102<sup>nd</sup> Avenue.

East Burnside, through its function as a light rail corridor, continues to be a defining street for Gateway. Due to its relatively limited motor vehicle access, it will likely continue to foster the development of new residential buildings. However, as Burnside is a wide right-of-way, new buildings should be sited at or very close to the sidewalk to provide more enclosure. In addition, there are very few places where a pedestrian can cross the light rail tracks other than at signalized

# Gateway Planning Regulations Project

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intersections with major streets. Limited crossing opportunities decreases the functional use of the street for pedestrians and contributes to the perception of Burnside as a barrier.

## Element 2: An Urban System of Parks and Open Spaces

The Gateway Regional Center is extremely deficient in parks and open spaces. This is especially unfortunate given the relatively high-density housing and employment anticipated in the future.

The urban design concept includes an urban open space system that would create a series of parks attractive to developers and residents alike. The system could also serve as a unifying pattern among different parts of the district. The adopted system includes a series of parks surrounded by developable lands anticipated for high-density residential buildings. The parks would be located between 99<sup>th</sup> and 102<sup>nd</sup> and in the area south of Halsey and north of Glisan. The enhancement of 99<sup>th</sup> and significant improvements to 100<sup>th</sup> and 101<sup>st</sup> would link the parks into a coherent open space system, binding the regional center together.

In addition, the development of a linear park along Gateway's western edge would directly address the noise and air quality impacts created by the I-205 Freeway by pushing new development back. A regionally-attractive linear park has the potential to increase the values of adjacent properties, as well as encouraging adjacent development to step up in scale as one moves west from 102<sup>nd</sup>.

## Element 3: Focussing Density

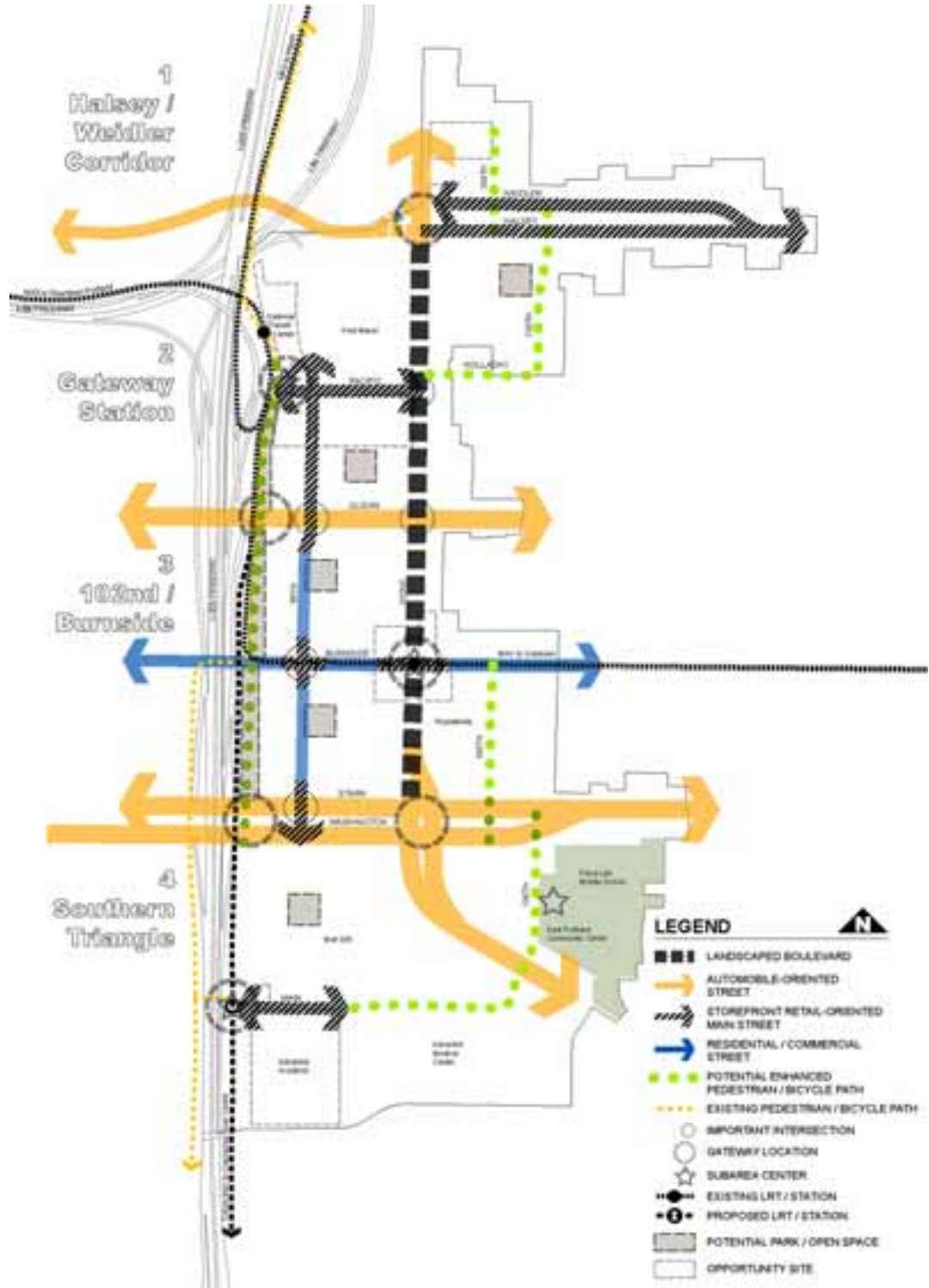
Experience in other parts of the city points to two factors that together are able to catalyze the development of larger, denser buildings: access to transportation facilities and high-quality open space. The Gateway Regional Center is served by an exceptional transportation infrastructure, including two light rail stations, with an anticipated third in the next five years. Targeting dense development within a quarter-mile distance of a light rail station maximizes the efficiency of the transit infrastructure.

Dense development is also likely around existing or proposed new open space amenities. The regional center lacks the type of urban open spaces that are viewed as amenities by potential residents and the development community. Proximity to high-quality open spaces has proven to be successful in catalyzing dense residential development, especially where these spaces provide relief from the noise, activity, and enclosure of urban settings.

Based on these principles, the largest, tallest buildings in the regional center can be expected around the two existing light rail stations, the proposed new station at SE Main Street, and around the new open space system. Larger buildings can be expected along streets intended to be (or currently functioning as) main streets and/or transportation corridors, which would include Glisan, the Stark/Washington couplet, 102<sup>nd</sup>, the Halsey/Weidler couplet, 99<sup>th</sup>, and Pacific.



# Gateway Planning Regulations Project



Map 11. Urban Design Concept

## **Smaller Components**

In addition to the above major elements, smaller components highlight unique opportunities that, when emphasized, built upon or taken advantage of, help to create the urban character desired for the regional center.

### ***Gateways***

Recommended gateway locations are at the Gateway transit center, where Glisan and Stark/Washington intersect with I-205, and at the intersections of 102<sup>nd</sup> with Stark/Washington and Halsey/Weidler. In general, these locations are recommended where they will be most likely to signal transition to and from the Gateway Regional Center. By limiting the total number of gateway locations, it will be easier to focus public and private investments where they will have the most meaning and be the most catalytic for subsequent development.

### ***Attractions***

The Gateway Regional Center's attractions might be considered to be its large retail sites (Fred Meyer/Mervyn's and Mall 205), the Adventist Medical Center, and the East Portland Community Center/East Police Precinct. Each of these attracts people for different reasons, and needs to be considered in the context of proposed new amenities and/or attractions in the area.

### ***Opportunity Sites***

Opportunity sites are identified in the regional center around existing and proposed light rail stations and at some gateway locations. Some of these sites are in public ownership and/or control, and all offer designers and developers the ability to explore innovative design solutions that add to Gateway's identity as a place.

### ***Retail Nodes***

Retail nodes are identified along 99<sup>th</sup> where it intersects with the major east-west streets. These nodes will "wrap the corners" of these intersections, drawing the activity present on the commercially-oriented east-west streets onto 99<sup>th</sup>. Some of these retail spaces might include tenants such as restaurants or cafes, galleries, or shops.



# ***Comprehensive Plan and Zoning Map Amendments***



*Clockwise from top left: Mall 205; NE 102<sup>nd</sup> looking north; Ritzdorf Ct. apartments at SE 12<sup>nd</sup> and Belmont (all taken in 2003); Irvington Place on NE Broadway*

## ***Comprehensive Plan* and Zoning Map Amendments**

The zoning and *Comprehensive Plan* amendments affect all four subareas. Each change is identified by subarea.

### **1. Halsey-Weidler Corridor Subarea**

One purpose for the adopted zoning for this subarea is to take greater advantage of Halsey's established pedestrian orientation, visibility and accessibility by extending these attributes to Weidler. Another is to increase the potential residential density available when the current apartment complexes begin to redevelop.

### **2. Gateway Station Subarea**

The three zone changes in this subarea each take advantage of the properties' location adjacent to the transit center. The increase in potential residential density west of 102<sup>nd</sup> will allow for development that includes more office and retail uses, particularly desirable in this location. The increase in potential residential density east of 102<sup>nd</sup> recognizes the importance of this major north/south street to the success of the regional center. The decision to change a portion of the residential along 102<sup>nd</sup> to commercial acknowledges that the intersection of 102<sup>nd</sup> and Pacific, particularly if a comparable project is built on the opposite corner, could act as the catalyst for high-quality development that is the aspiration for Gateway.

### **3. 102<sup>nd</sup> and Burnside Subarea**

The most central of the subareas, the 102<sup>nd</sup> and Burnside subarea contains the greatest opportunity for mixed uses within the district. To take advantage of this potential, both the allowable housing density and, as part of the *Zoning Code* amendments, the amount of retail and office uses that can be built together would increase. In addition, the change to the Central Employment zone gives far greater flexibility, particularly in the development of residential, retail, and office uses, all of which are either limited or conditional uses in the General Employment zone.

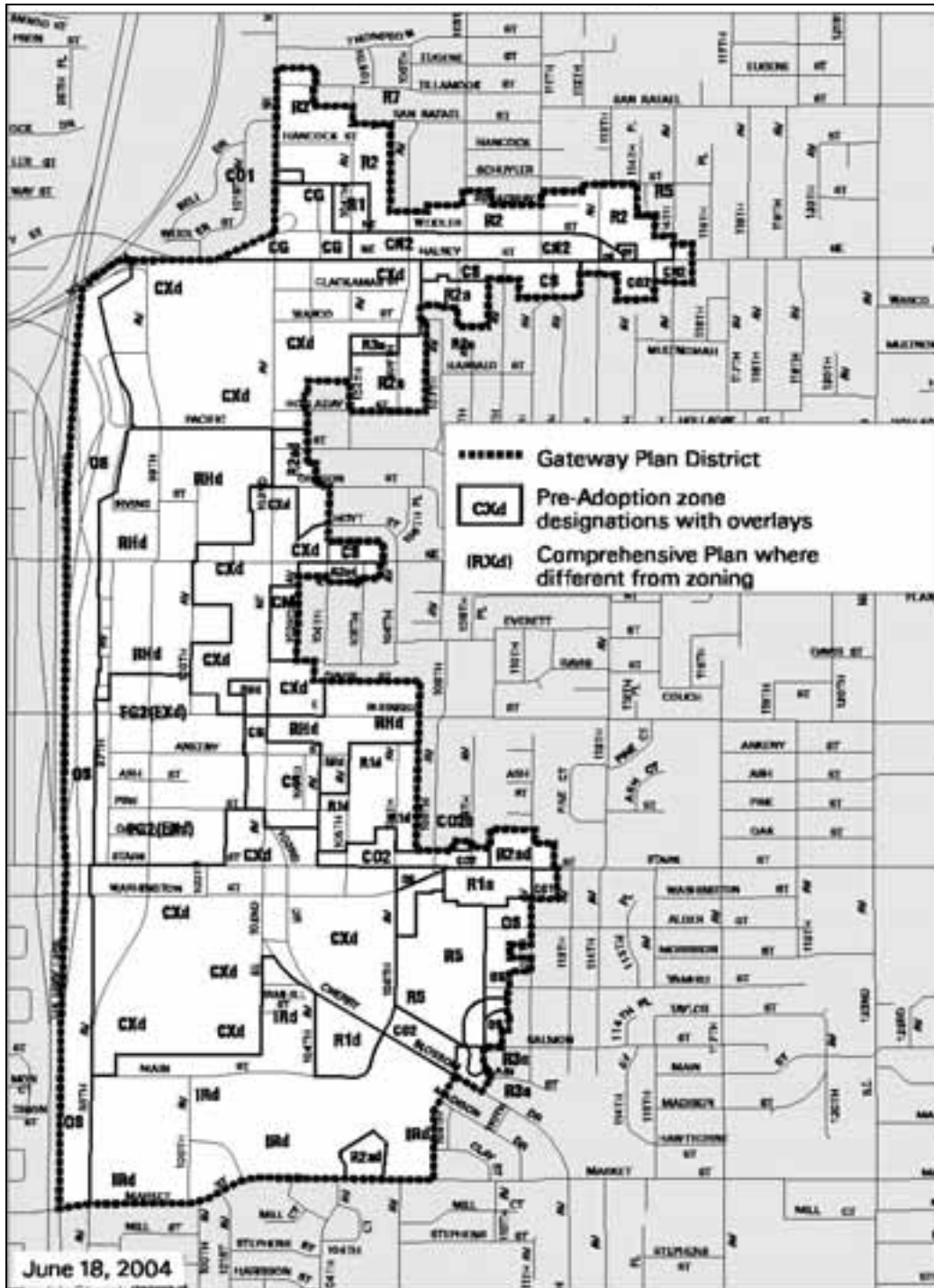
### **4. Southern Triangle**

The addition of *Comprehensive Plan* map designations on two key sites in the Southern Triangle subarea sets the stage for potential future development should there be a change in use. The adoption of these designations anticipates that both schools – the Floyd Light Middle School and the Adventist Academy – will remain on their respective sites for the life of the urban renewal area. However, should there be a change of status for either of these properties, these designations are in keeping with the purpose of the Gateway Regional Center, as well as recognizing the importance of the location of each site. One parcel abuts 106<sup>th</sup>, which has rapidly become a civic-oriented street, and the other is located adjacent to a potential third light rail transit station at SE Main and 97<sup>th</sup>.

# Gateway Planning Regulations Project

## Pre-Adoption Zoning and Comprehensive Plan Designations

Map 12 below shows the zoning and *Comprehensive Plan* map designations prior to adoption within the Gateway Regional Center.



Map 12. Zoning and Comprehensive Plan Map designations prior to adoption

## Commentary

Maps 13a and 13b on the following pages show the zoning and *Comprehensive Plan* designations for the Gateway Regional Center prior to and as of adoption. The zones (for example, CM or Mixed Commercial), shown on the map are those prior to adoption. The shaded or hatched areas on the map are the changes. The meaning of the shading is identified on the map's legend to the right.

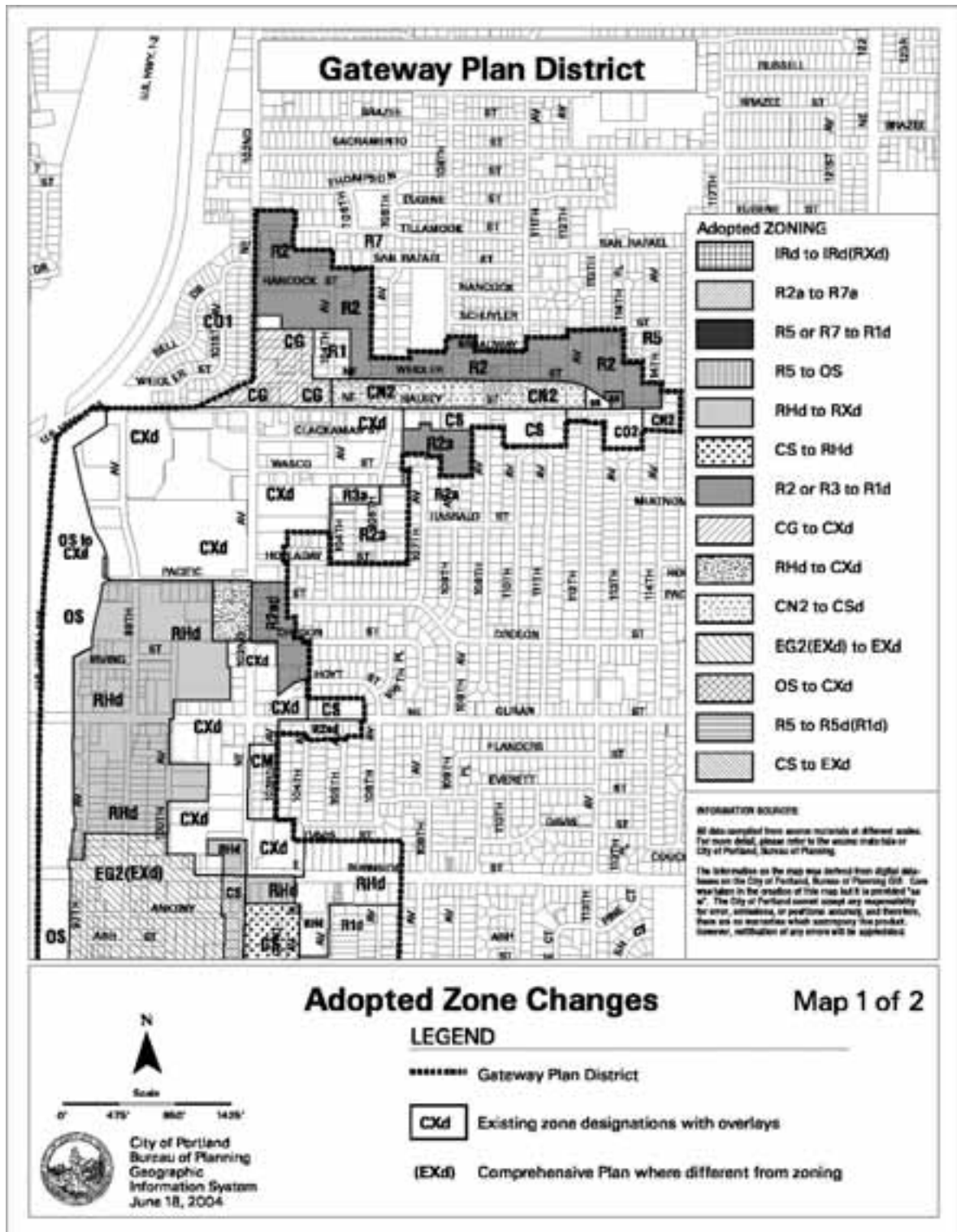
1. Increase the housing potential within the plan district by rezoning the following:
  - Selected low-density multidwelling residential R2- and R3-zoned areas to medium-density multidwelling residential, R1 (primarily *Halsey-Weidler subarea with several properties east of 102<sup>nd</sup> in the Gateway Station subarea*)
  - Selected high-density multidwelling residential RH-zoned areas to Central Residential, RX (both *Gateway Station and 102<sup>nd</sup> and Burnside subareas*)
  - Storefront Commercial, CS-zoned properties east side of SE 102<sup>nd</sup> to high-density multidwelling residential, RHd (*east of 102<sup>nd</sup> and Burnside subarea*)

### Reasons:

- RX is the city's highest density residential zone, which is a logical zone for the highest density area anticipated outside of the Central City. Its use is consistent with the use of CX and EX zones in the regional center. It would abut high-density commercial and employment zones. Under new plan district provisions, the RX zone in Gateway would allow up to 40 percent of the net building area of multidwelling developments to be in retail sales and service or office uses. If the entire site is within  $\frac{1}{4}$ -mile (approximately 1300 feet) of a transit station, up to 50 percent of the net building area of a new multidwelling development may be in retail sales and service or office uses.
  - RH-zoned properties within 1000 feet of the 102<sup>nd</sup> and Burnside light rail station would be eligible to use 20 percent of the net building area for retail sales and service or office uses as a conditional use.
  - The RH-zoned area that was formerly zoned Storefront Commercial is the location of Russellville Commons, the first large housing project developed after the designation of Gateway as a regional center. Its location at the critical intersection of 102<sup>nd</sup> and Burnside and immediately adjacent to the 102<sup>nd</sup> MAX station makes this a logical place for high-density multifamily residential zoning. The new RH zone would abut existing RH, R1, and CX-zoned properties within the regional center.
2. Rezone the General Commercial, CG, area north of Halsey to Central Commercial, CX. (*Halsey-Weidler subarea*)

**Reason:** There is greater opportunity with the CX zone for achieving the desired goals of the various plans. The CX zone has the potential to increase the scale of mixed uses, while not creating nonconforming uses, thereby increasing the development potential of the regional center.

# Gateway Planning Regulations Project



**Map 13a. Zone and Comprehensive Plan Map Amendments – northern half**

## Commentary

3. Rezone a small portion of high-density multidwelling residential, RH-zoned property along NE 102<sup>nd</sup> just south of NE Pacific to Central Commercial, CX. (*Gateway Station subarea*)

**Reason:** Rezoning this small area of RH to CX creates a continuous frontage of CX west of 102<sup>nd</sup> from Halsey almost to Burnside. It will allow the continuation of existing office and allow increased retail at this important intersection.

4. Rezone the Neighborhood Commercial, CN2, area between Halsey and Weidler to Storefront Commercial, CS. (*Halsey-Weidler subarea*)

**Reason:** The CS zone on the south side of Halsey will promote the continuation of the existing "main street" storefront character. The north side of Halsey and south side of Weidler, however, are predominately auto-oriented. By changing the CN2 to CS, there is the possibility that new development will create a more urban, pedestrian-oriented development pattern that will make both sides of Halsey, as well as Weidler, far more enjoyable for pedestrians to walk and shop.

5. Rezone the General Employment, EG2, area of Prunedale to the *Comprehensive Plan* designation of Central Employment, EXd. (*Burnside and 102<sup>nd</sup> subarea*)

**Reason:** There is greater opportunity with the EX zone to achieve the desired policies and goals of the various plans. The EX zone is a flexible zone that allows a diversity of uses, including residential, commercial, employment, and light industrial. It encourages an urban built form, an urban- and transit-scaled level of development, new development that contributes to the role of this key area as a focus of activity in the community, and increased residential development in this area.

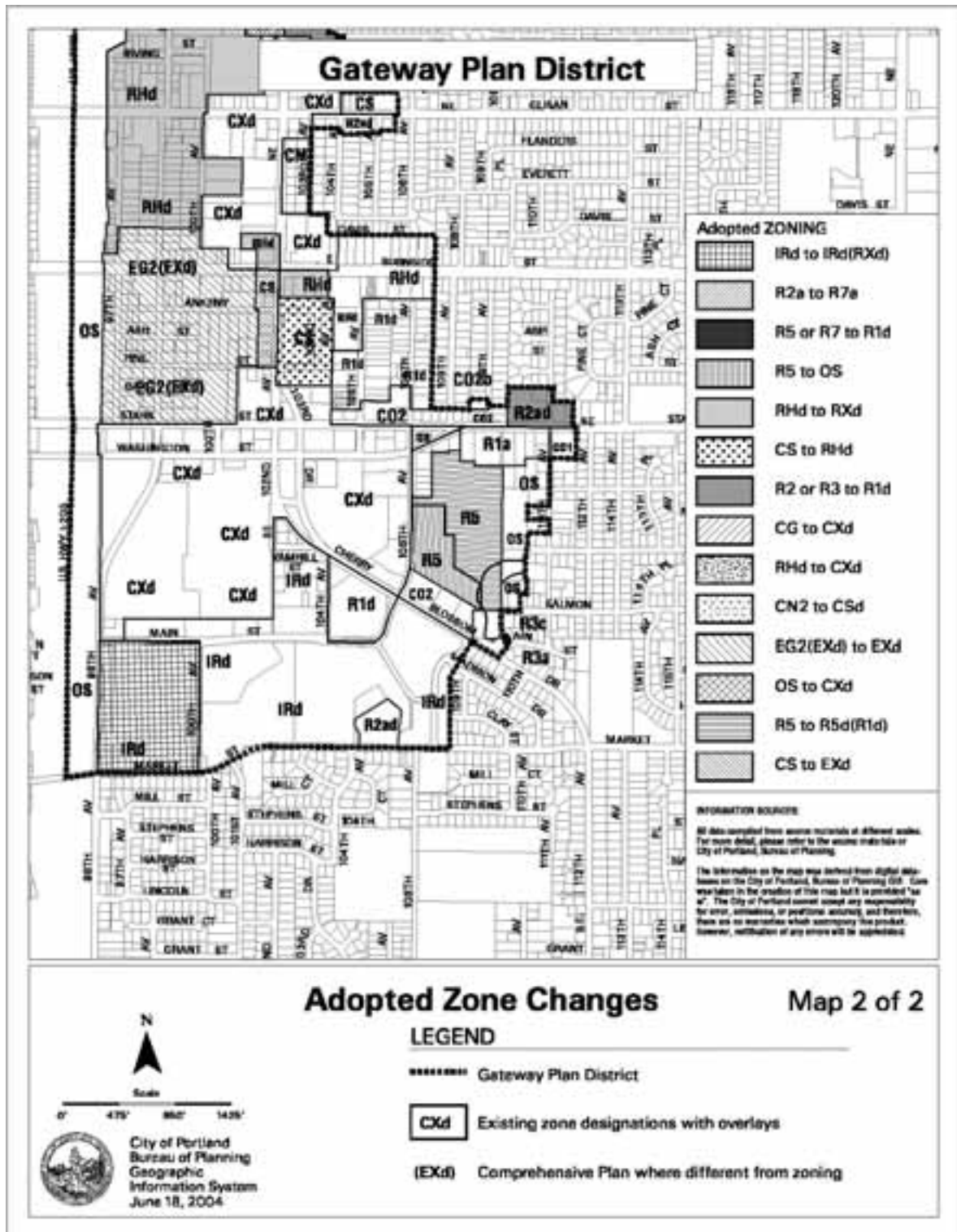
6. Rezone the Storefront Commercial, CS, along the west side of SE 102<sup>nd</sup> to Central Employment, EXd.

**Reason:** There is greater opportunity with the EX zone to achieve the desired policies and goals of the various plans. The EX zone is a flexible zone that allows a diversity of uses, including residential, commercial, employment, and light industrial. It encourages an urban built form, an urban- and transit-scaled level of development, new development that contributes to the role of this key street as a focus of activity in the community, and increased residential development along this important stretch of the future 102<sup>nd</sup> boulevard.

7. Add the *Comprehensive Plan* map designation of R1 to the portion of the David Douglas School District property currently zoned R5.

**Reason:** Should this property, currently the home of Floyd Light Middle School, ever be sold or change uses, an R5 designation within the city's only regional center is an inappropriate zone. Adding a *Comprehensive Plan* designation of R1 will increase the likelihood that appropriate development will occur on this site should this unlikely situation arise.

# Gateway Planning Regulations Project



Map 13b. Zone and Comprehensive Plan Map Amendments – southern half



## Commentary

8. Rezone the portion of the R5-zoned property that will soon become the property of the City of Portland to Open Space, OS.

**Reason:** In anticipation of construction of the East Portland Community Center, the City of Portland negotiated a land swap and purchase with David Douglas School District for a portion of the site on which Floyd Light Middle School sits. As the transfer is imminent, it is appropriate to rezone the property to OS as part of this project.

9. Add the *Comprehensive Plan* map designation of RXd to the Adventist Academy property currently zoned IRd.

**Reason:** Should this property, currently the home of Adventist Academy, ever be sold or change uses, an IR designation could be problematic. A situation arose on another site where a school with an IR designation moved to another location and wanted to sell the original property. Because it could not be sold with the IR designation except to another institution, potential buyers balked at the purchase, despite the desirable location on a busy street. Because of the size of the property, when the institution used the quasi-judicial process to change the zone, the City was in the unenviable position of having given no thought to an appropriate zone for that location, leaving little room for consideration and negotiation of a zone that would meet both City policies and the desires of the existing or proposed property owner. To prevent this situation from occurring in the future, a *Comprehensive Plan* designation of RXd is applied to this site. RXd is an appropriate zone for this site, as it is immediately adjacent to the anticipated location of the third light rail transit station in the regional center and has the potential for 50% commercial or office uses should it ever be redeveloped. The RXd *Comprehensive Plan* designation does not imply that the Adventist Academy site is or will be available for redevelopment. The reason for the designation is to establish the appropriate zoning designation for the site if and when redevelopment occurs in the future.

10. Remove the "a," alternative design density, overlay zone within the regional center.

**Reason:** The combination of increased base zone density, plan district provisions, and discretionary design review reduces the need for continuing the "a" overlay within the regional center.

11. Rezone the portions of properties north of Halsey that have split zones to R1d in order to match the remainder of the property.

**Reason:** Prior to adoption, two properties north of Halsey had two zones on them: R2 and R5 on one and R2 and R7 on another. In both cases the largest portion of the property was R2, which Planning Commission recommended rezoning to R1d. In order to eliminate the split zone on each of the properties and ensure the usability of the entire lot by the owner, City Council agreed to rezone both to R1d along with the rest of each lot.



## ***Comprehensive Plan and Zoning Map Amendments***

1. Increase the housing potential within the plan district by rezoning the following:
  - a. Selected R2- and R3-zoned areas to R1.
  - b. Selected RH-zoned areas to RXd.
  - c. Storefront Commercial (CS)-zoned properties on the east side of 102<sup>nd</sup> between East Burnside and SE Stark to high-density, multifamily residential, RH.
2. Rezone the General Commercial (CG) area north of Halsey to Central Commercial (CXd).
3. Rezone a small portion of RH-zoned property along NE 102<sup>nd</sup> just south of NE Pacific to Central Commercial (CXd).
4. Rezone the Neighborhood Commercial 2 (CN2) area between Halsey and Weidler to Storefront Commercial (CS).
5. Rezone the General Employment 2 (EG2) area of Prunedale to the *Comprehensive Plan* designation of Central Employment (EXd).
6. Rezone the Storefront Commercial, CS, along the west side of SE 102<sup>nd</sup> to Central Employment, EXd.
7. Add the *Comprehensive Plan* map designation of R1 to the portion of the David Douglas School District property currently zoned R5.
8. Rezone the portion of the R5-zoned property that will soon become the property of the City of Portland to Open Space, OS.
9. Add the *Comprehensive Plan* map designation of RXd to the Adventist Academy property currently zoned IRd.
10. Remove the “a,” alternative design density, overlay zone within the regional center.
11. Rezone the portions of properties north of Halsey that have split zones to R1d in order to match the remainder of the property.
12. Rezone the parcel at 10638 NE Wasco from low-density, multifamily residential, R2, to medium-density, single-dwelling residential, R7.
13. Rezone the portion of the Tri-Met park and ride lot at the Gateway transit center that will soon become the property of the City of Portland from Open Space, OS, to Central Commercial, CXd.
14. Add the “d,” design overlay zone, to all properties within the Gateway plan district.

## Commentary

12. Rezone the parcel at 10638 NE Wasco from low-density, multifamily residential, R2, to medium-density, single-dwelling residential, R7.

**Reason:** This property was rezoned to R2a from R7 as part of the *Outer Southeast Community Plan*. It can be accessed by vehicle only from 107<sup>th</sup> and Wasco through the totally R7-zoned property of Lorene Park. The site is accessed by a pedestrian walkway to another property within the Gateway Regional Center.

13. Rezone the portion of the Tri-Met park and ride lot at the Gateway transit center that will soon become the property of the City of Portland from Open Space, OS, to Central Commercial, CXd.

**Reason:** Tri-Met recently sold a one-acre parcel of the Gateway Park and Ride lot to the Portland Development Commission in order to encourage redevelopment of NE 99<sup>th</sup> and NE Pacific. A portion of the property was inadvertently zoned Open Space, OS, as part of the *Outer Southeast Community Plan*. Staff mistakenly assumed this property was owned by the Oregon Department of Transportation and was part of the I-205 Freeway right-of-way. Changing this zone is consistent both with the ownership and the desires of the Gateway Regional Center urban renewal area.

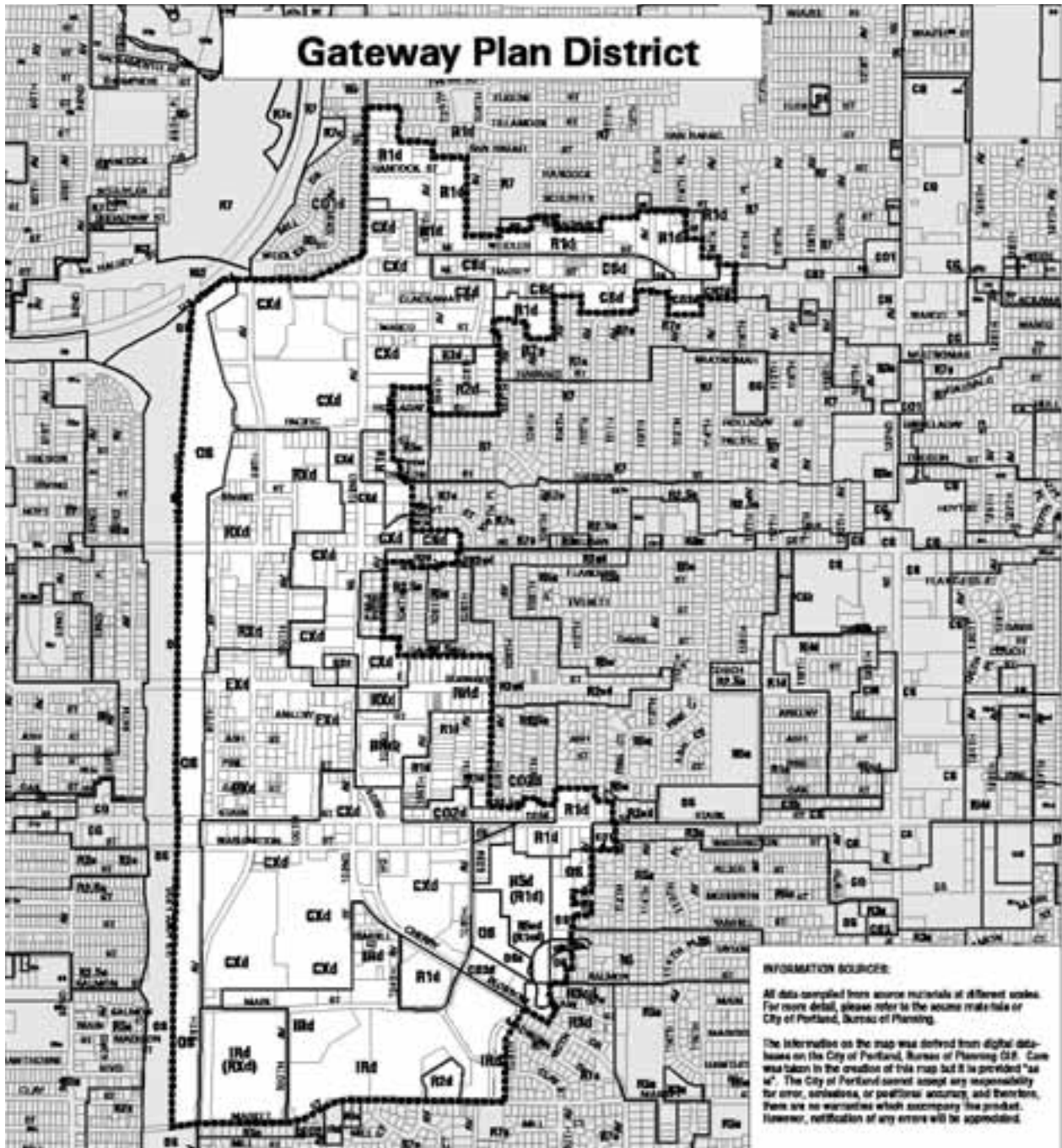
14. Add the "d," design overlay zone, to all properties within the Gateway plan district.

**Reason:** From the inception of the project to establish Gateway as a regional center, the issue that received the most continuous support was good design, with high-quality construction and materials, that would lead, over time, to a strong identity and character unique to this special place. Developers, property owners, Program Advisory Committee members, and neighborhood representatives alike agreed that applying the "d" overlay on all properties in Gateway would be the most effective of moving the area toward the desired vision. This process is bolstered by the creation of the Gateway Regional Center Design Guidelines.

# Gateway Planning Regulations Project

## Adopted Zoning and *Comprehensive Plan* map Designations

The map below shows the zoning and *Comprehensive Plan* map designations adopted by City Council for the Gateway Regional Center.



Map 14. Adopted Zoning and *Comprehensive Plan* map designations

# Gateway Planning Regulations Project

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*Clockwise from top left: Streetscene along SW 3<sup>rd</sup> in downtown Portland; Multifamily project in Arbutus Village redevelopment area of Vancouver, BC; Trellis, seating, and landscaped planter system between sidewalk and parking for a hotel in the Lloyd District; Pettygrove Park in downtown Portland; SE Washington at I-205 ramp looking south along I-205*

# Zoning Code Amendments

City Council adopted several revisions to Title 33, Planning and Zoning, for the Gateway Regional Center, including:

1. Chapter 33.526	Gateway Plan District (revision of current Gateway Plan District)	Page I-35
2. Chapter 33.120	Multi-Dwelling Zones	Page I-107
3. Chapter 33.293	Super Blocks	Page I-109
4. Chapter 33.420	Design Overlay Zone	Page I-111
5. Chapter 33.825	Design Review	Page I-115
6. Chapter 33.833	Gateway Master Plan Review	Page I-117

The following conventions are used in this chapter:

- Odd-numbered pages show *Zoning Code* language with adopted changes. It is presented in this typeface.
- Even-numbered pages contain commentary on the adopted changes, presented in this typeface. This commentary is descriptive and indicates the intent of the recommendations and will not be adopted into the *Zoning Code*.
- New code language is underlined.
- ~~Code language to be removed is shown in strikethrough.~~

## Commentary

### **Adopted Gateway Plan District Provisions**

The earlier Gateway plan district has been divided into two plan districts. The name 'Gateway' and the chapter number 33.526 has been retained for the plan district that follows the boundary of the Gateway Regional Center urban renewal area.

The use and development standards and maps of chapter 33.526 have been changed to reflect the new plan district boundary.

## Adopted Gateway Plan District Zoning Code Provisions

### CHAPTER 33.526 GATEWAY PLAN DISTRICT

#### Sections:

##### General

- 33.526.010 Purpose
- 33.526.020 Where These Regulations Apply
- 33.526.030 Early Design Consultation

##### Use Regulations

- 33.526.100 Purpose
- 33.526.110 Prohibited Uses
- ~~33.526.120 Required Housing in C and EX Zones~~
- ~~33.526.130 Housing Regulations~~
- 33.526.120 Retail Sales and Service Uses

##### Development Standards

- 33.526.200 Purpose
- ~~33.526.210 Exterior Display and Storage~~ *(moved to 33.526.310)*
- ~~33.526.220 Drive Through Facilities~~ *(moved to 33.526.320)*
- ~~33.526.230 210~~ Building Height
- ~~33.526.240 220~~ Floor Area Ratio
- 33.526.230 Floor Area and Height Bonus Options
- ~~33.526.250 240 Open Area Requirement~~
- 33.526.250 Connectivity
- ~~33.526.260 Special Setbacks~~
- 33.526.260 Pedestrian Standards
- ~~33.526.270 Site Design~~
- 33.526.270 Entrances
- ~~33.526.280 Building Design~~
- 33.526.280 Enhanced Pedestrian Streets
- 33.526.290 Ground Floor Windows
- 33.526.300 Required Windows Above the Ground Floor
- 33.526.310 Exterior Display and Storage
- 33.526.320 Drive-Through Facilities
- 33.526.330 Gateway Master Plan
- ~~33.526.290 340~~ Parking

Map 526-1 Gateway Plan District

Map 526-2 Maximum Heights

Map 526-3 Floor Area Ratios

Map 526-4 Enhanced Pedestrian Standards

Map 526-5 Bonus Option Areas



## Commentary

### **33.526.010 Purpose**

The purpose statement is revised to reflect the separation of the *Gateway Regional Center* from the East Corridor, the completion of the light rail line to Portland International Airport, the potential light rail line to Clackamas Town Center, and the updated vision for the regional center. The statement also more clearly identifies the purpose of the plan district in transitioning this area to a more urban, dense, pedestrian- and transit-oriented regional center.

# Gateway Planning Regulations Project

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## General

### 33.526.010 Purpose

~~The Gateway plan district provides for an intensive level of mixed-use development including retail, office, and housing to support light rail transit stations and the Regional Center at Gateway. This is accomplished by:~~

Gateway is Portland's only regional center. As designated in the Outer Southeast Community Plan, the Gateway Regional Center is targeted to receive a significant share of the city's growth. Gateway is served by Interstates 205 and 84, MAX light rail, and Tri-Met bus service. At the crossroads of these major transportation facilities and high-quality transit service, Gateway is positioned to become the most intensely developed area outside of the Central City. Future development will transform Gateway from a suburban low density area to a dense, mixed-use regional center that maximizes the public's significant investment in the transportation infrastructure.

The regulations of this chapter encourage the development of an urban level of housing, employment, open space, public facilities, and pedestrian amenities that will strengthen the role of Gateway as a regional center. The regulations also ensure that future development will provide for greater connectivity of streets throughout the plan district. This development will implement the Gateway Regional Center Policy of the Outer Southeast Community Plan. Together, the use and development regulations of the Gateway plan district:

- ~~• Encouraging new development and expansions of existing development; to promote the district's growth and light rail transit ridership;~~
- Promote compatibility between private and public investments along the light rail system through building design and site layout standards; which provide safe, pleasant, and convenient access for pedestrians to the light rail transit station; and
- Promote new development and expansions of existing development that create attractive and convenient facilities for pedestrians and transit patrons to visit, live, work, and shop;
- Ensure that new development moves the large sites in the plan district closer to the open space and connectivity goals of the Gateway Regional Center;
- Create a clear distinction and attractive transition between properties within the regional center and the more suburban neighborhoods outside; and
- Provide opportunities for more intense mixed-use development around the light rail stations.

### 33.526.020 Where These Regulations Apply

The regulations of this Chapter apply to development in the Gateway plan district. The boundaries of the plan district are shown on Map 526-1 at the end of this eChapter, and on the Official Zoning Maps.

# Gateway Planning Regulations Project

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## Commentary

### 33.526.030 Early Design Consultation

The early design consultation is not mandatory, but encourages applicants to meet with city staff as early in the project planning stage as possible. This consultation provides an opportunity for the City to work with the property owner(s) to best meet the fiscal needs and responsibilities of the owner(s), accomplish public purposes, and leverage public dollars.

## Use Regulations

### 33.526.100 Purpose

The purpose statement is revised to clarify that the Gateway Regional Center is to become the focus of significant compact new development and redevelopment, high-quality transit service and a level of amenity in the public realm (streets, sidewalks, and public spaces) like the Central City.

### 33.526.110 Prohibited Uses

In the *Zoning Code*, a use that is prohibited cannot be established, even through a land use review such as a conditional use. Uses that were established legally and would now be prohibited because of a change in zoning regulations may remain and are known as "nonconforming uses." Some changes, including changes to the site itself and expansion under certain circumstances, to these nonconforming uses are allowed. The regulations affecting nonconforming situations are in Chapter 33.258 of the *Zoning Code*.

#### A. Vehicle Repair, Quick Vehicle Servicing, Commercial Parking, and Self-Service Storage

Commercial Parking. This provision is not being changed. However, in order to ensure complete understanding about what this term means in the *Zoning Code*, here is its official description:

**Characteristics:** Commercial parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and a regular fee parking for people not connected to the use is also classified as a commercial parking facility.

**Accessory Uses:** In a parking structure only, accessory uses may include gasoline sales, car washing, and vehicle repair activities if these uses provide service to autos parked in the garage, and not towards general traffic.

**Examples:** Examples include short- and long-term fee parking facilities, commercial district shared parking lots, commercial shuttle parking, and mixed parking lots (partially for a specific use, partly for rent to others).

Self-Service Storage. Self-Service Storage is added because it needs a large amount of land for a low-density use, it employs few people, and provides no significant increase in desired residential and employment density within the regional center.

# Gateway Planning Regulations Project

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## **33.526.030 Early Design Consultation**

Applicants are encouraged to meet with staff of the Bureau of Planning, the Bureau of Development Services, the Portland Development Commission, the Portland Office of Transportation, and Portland Parks and Recreation three to six months before applying for a pre-application conference or a land use review. This consultation provides an opportunity for both funding and regulatory agencies to work closely with the property owner to determine the best combination of plan, regulation, and urban renewal involvement to meet the fiscal needs and responsibilities of the owner, accomplish public purposes, and leverage public dollars on behalf of new development.

## **Use Regulations**

### **33.526.100 Purpose**

~~Use restrictions in the Gateway plan district ensure that development does not conflict with the public's investment in transit or the role Gateway plays as a Regional Center. Limiting uses to those that support transit patrons and pedestrians will ensure that private investment complements the public's transit investment and Gateway's role as a location for a significant share of the region's growth.~~

The use regulations of this chapter encourage uses that support transit patrons and pedestrians. They do this by limiting auto-oriented uses and promoting small scale commercial development. Small scale commercial development increases the variety and diversity of services and goods available; helps reduce traffic congestion associated with large-scale retailers; enhances the mixed-use character and pedestrian environment of the plan district; and improves the economic viability of higher density residential development.

### **33.526.110 Prohibited Uses**

~~**A. Purpose.** The Gateway plan district regulations foster development that is oriented primarily to pedestrians and transit patrons. This intention is based on the significant public investment in light rail transit that has been made in this area and on the area's designation as a Regional Center in Metro's Region 2040 Plan.~~

~~**B. Prohibited uses.** The following uses are prohibited:~~

- ~~1. Vehicle Repair; (moved into 110.A)~~
- ~~2. Quick Vehicle Servicing; and (moved into 110.A)~~
- ~~3. Commercial Parking; (moved into 110.A)~~

**A.** Vehicle Repair, Quick Vehicle Servicing, Commercial Parking, and Self-Service Storage are prohibited in the plan district.

## Commentary

### B. Vehicle sales or leasing

Vehicle sales and leasing facilities are added because they have on-site storage of vehicles, need a large amount of land for their vehicles, employ few people per acre, and do not meet the density desired within the regional center. Prohibiting such use within 200 feet of a light rail line will encourage increased pedestrian and transit use. Offices for vehicle sales and leasing offices, car rental agencies, for example, without on-site storage, are allowed.

### 33.526.120 Required Housing in C and EX Zones

This provision is deleted. The original intent as stated in the *Outer Southeast Community Plan* reads: "This Section's provisions are aimed at large parcels in C and EX zoning. The Planning Commission wanted to require a small amount of housing development to expose owners to the potential of mixed use. The commission believes that many proposals will ultimately include much more housing than the small amount required as developers learn the advantages of mixed use projects. Thresholds are established to ensure that the requirement will be addressed by owners of existing expanding developments as well as by those building new developments."

The requirement had a number of unintended consequences:

- A number of property owners chose not to develop or redevelop their property because of the provision.
- Some developers and property owners divided parcels off and created new businesses as owners for those parcels in order to circumvent the provision.
- The City found the requirement difficult to administer and successfully enforce.

Planning Commission did not lightly propose to eliminate this requirement. The controversial nature of a requirement is not in and of itself sufficient to remove a provision. Too, the objectives of mixed-use development and well connected, pedestrian-oriented blocks are still desired for Gateway.

Recognizing that a mixture of uses on the large lots in Gateway is still desirable, City Council accepted Planning Commission's recommendation to institute an optional Gateway Master Plan that would achieve a mixture of uses while giving applicants needed flexibility.

In order to meet the *Comprehensive Plan* requirement to maintain housing potential, high-density, RH-zoned properties north of Burnside are rezoned to Central Residential, RX; several parcels zoned for low-density multidwelling, R2 and R3, are rezoned to medium-density multifamily, R1; and an area of storefront commercial, CS, on the east side of 102<sup>nd</sup> is rezoned to RH.

# Gateway Planning Regulations Project

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**B.** Sale or lease of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, travel trailers, and other recreational vehicles is prohibited on the portion of a site within 200 feet of a light rail alignment. Offices for sale or lease of vehicles, where the vehicles are displayed or stored elsewhere, are allowed.

**C. ~~Other restrictions.~~** ~~Certain types of development are also prohibited. These developments are listed in Sections 33.526.210, Exterior Display and Storage and 33.526.220, Drive Through Facilities.~~

## **~~33.526.120 Required Housing in C and EX Zones~~**

### **~~A. Purpose~~**

~~This provision ensures that large developments include residential uses. Requiring that a small amount of housing be part of development in C and EX zones will prompt developers and owners to explore and take advantage of opportunities for more intense housing and mixed use projects.~~

### **~~B. Housing requirement~~**

~~In C and EX zones, development on sites and ownerships larger than 200,000 square feet must include housing. The amount of housing that is required for each proposal is calculated based on the requirements below.~~

- ~~1. Additions of floor area. Proposals that include additions of 2,500 square feet or more floor area must meet the housing requirement of paragraph B.3, below; or~~
- ~~2. New development. New development of 1,000 square feet or more floor area must meet the housing requirement of paragraph B C. 3, below.~~
- ~~3. Amount of housing required. At least 1 square foot of residential development is required for each square foot of new nonresidential development, up to a maximum requirement of one dwelling unit for each 10,000 square feet of site, lot, or ownership area, whichever is larger.~~
- ~~4. Measurement. For purposes of this Section, the measurement standards of 33.130.253, Additional Requirements in the CM Zone, apply.~~

## Commentary

### 33.526.130 Housing Regulations

City Council deleted these regulations for the following reasons:

- B. **Minimum residential density.** When the *Outer Southeast Community Plan* was prepared, there was no minimum density requirement for R2-zoned properties, and the minimum density for RH-zoned properties was considered too high for anticipated development. Since that time, the land division code revisions have instituted a minimum density requirement for R2-zoned properties for the entire city. It is reasonable that properties within the only regional center in Portland should at least meet the minimum density of similarly zoned properties in the rest of the city.
- C. **Manufactured housing.** ORS 197.314, passed by the Oregon Legislature in 1999, requires that for areas within urban growth boundaries, cities and counties must amend (their) comprehensive plan(s) and land use regulations for all land zoned for single-family residential uses to allow for siting of manufactured homes. This language was subjected to a legal opinion as to whether it applied only to land specifically zoned for single-family use or to all land that would allow single-family uses, no matter the underlying zone. The opinion of the Attorney General's office is that "Land that is 'zoned for single family residential uses' means all zones that allow single-family dwellings. Consequently, ORS 197.314 requires local governments to allow the siting of manufactured homes in all zones where single-family dwellings are allowed."
- D. **Attached houses.** This provision applies primarily to the East Corridor plan district. It is removed for the following reasons:
  - Floyd Light Middle School: zoned R5. City Council added to it the *Comprehensive Plan* designation of (R1) to it, thereby most likely eliminating the need for the provision altogether.
  - East Portland Community Center: zoned R5. With the completion of the land trade with David Douglas School District, Portland Parks and Recreation (PPR) requested - and City Council concurred - that the parcel be rezoned Open Space (OS), which eliminates the need for the provision altogether.
  - 10638 NE Wasco: currently zoned R2. Staff proposed that this property be changed to R7, to be in conformance with the other R7-zoned properties around it. Planning Commission agreed. This single R7-zoned property is insufficient for the retention of a provision that will gain little, but will be significant to administer.



# Gateway Planning Regulations Project

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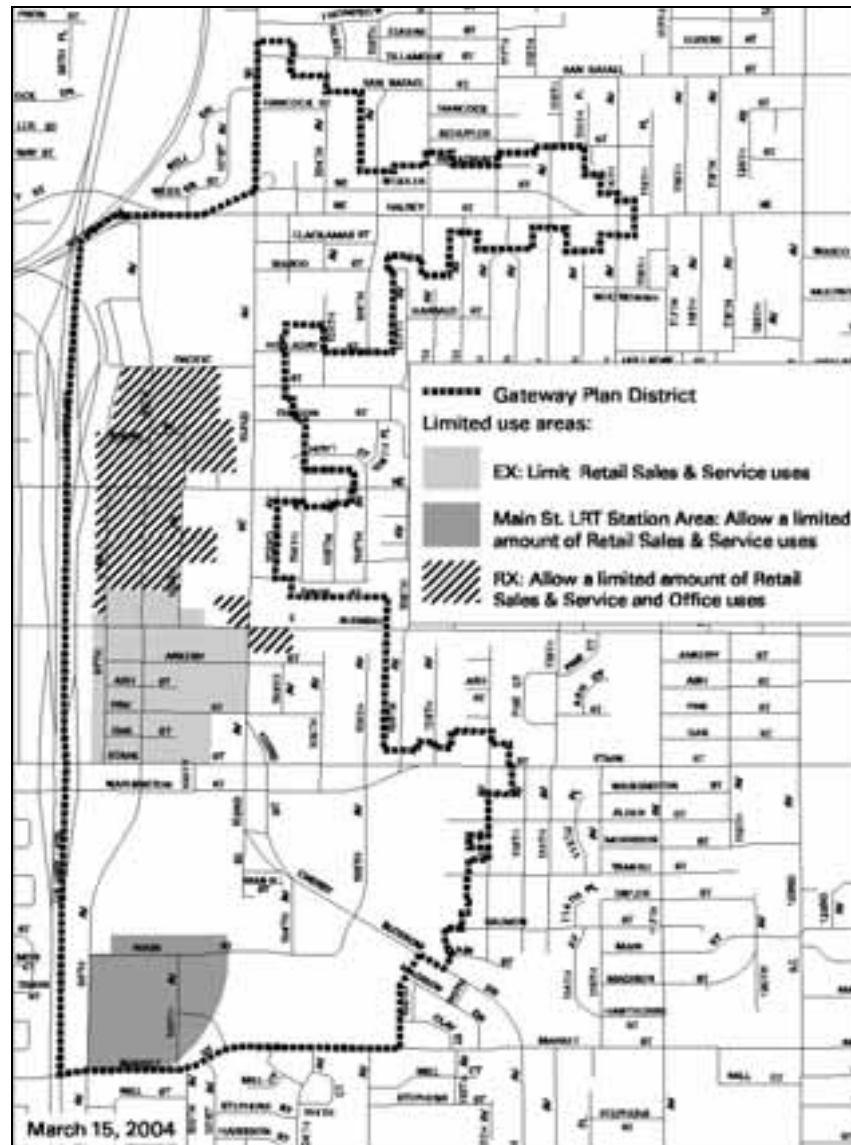
## **~~33.526.130 Housing Regulations~~**

- ~~A. Purpose.~~** ~~Housing is regulated to ensure that new housing is built at transit-supportive densities and that development standards will not result in transit-supportive development being delayed.~~
- ~~B. Minimum residential density.~~** ~~The minimum density of residential developments is limited as follows:~~
- ~~1. In RH zones. In RH zones, the minimum residential density is one unit per 1,500 square feet of site area.~~
  - ~~2. In R2 zones. In R2 zones, the minimum residential density is one unit per 3,000 square feet of site area.~~
- ~~C. Manufactured housing.~~** ~~Siting of manufactured homes, mobile homes, and mobile home parks is prohibited. in R3, R2.5, R2, R1 and RH zones, except, a manufactured home may be constructed on a vacant substandard lot.~~
- ~~D. Attached houses.~~** ~~Attached housing at R2.5 densities is allowed on lots in the R5 or R7 zone if the development standards of the R2.5 zone are met and the lot:~~
- ~~1. Is on a corner;~~
  - ~~2. Is adjacent to a light rail alignment; or~~
  - ~~3. Has a side or rear lot line that abuts a multi dwelling, C, E, or I zone.~~

## Commentary

### 33.526.120. Retail Sales and Service Uses

Map 15 below indicates where these provisions apply. It is included for information purposes only.



**Map 15. Limited Use Areas**

**A. Allow retail flexibility in Prunedale.** The Gateway Regional Center contains a significant number of regional and national retailers and restaurant chains, especially in and around the retail centers at Gateway Fred Meyer and Mall 205. Prunedale, the area between these two retail centers, is intended to become a more intensely developed, pedestrian-oriented residential and mixed-use area. Part of the mix of uses could include small-scale, local-serving retail uses. The size limitation is intended to allow for this type of retail and not to encourage replication of the large retail centers.

# Gateway Planning Regulations Project

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## **33.526.120 Retail Sales And Service Uses**

- A. On sites in the EX zone, Retail Sales And Service uses are allowed up to 5,000 square feet of floor area for each use.

## Commentary

- B. Allow retail flexibility around transit centers.** Staff at Adventist Medical Center has indicated that, if the Main Street light rail transit station is built in conjunction with the I-205 MAX light rail line to Clackamas Town Center, they would be interested in developing part of their campus for retail uses. Under the current IRd zoning, if the institution uses a conditional use master plan for the site instead of an impact mitigation plan, retail uses other than those accessory to the institution itself are prohibited. This provision allows greater flexibility on the portion of this large campus immediately adjacent to the potential light rail transit station. Staff expanded the area where this provision would apply to the eastern portion of the Adventist Academy site for the same reason. Adventist Academy staff testified at Planning Commission that its long-term objective is to retain its regional high school at this site, and that it has no intention of taking advantage of this provision. Given this situation, Planning Commission, while recognizing that the designation does not imply that the Adventist Academy site is or will be available for redevelopment within the life of the Gateway Regional Center Urban Renewal Area, nevertheless recommended retaining the provision in the unlikely event that redevelopment does occur in the future. City Council agreed.
- C. Allow retail flexibility in the RX zone.** City Council adopted the following amendments to the standards of this base zone as they are applied in the Gateway plan district:
1. The current provision allows 40 percent retail sales and service and office uses as part of new and existing development only on the ground floor, with lesser amounts on upper floors. This amendment allows the retail sales and service and office uses within the Gateway plan district to be on any floor.
  2. The current provision allows an extra 10 percent retail sales and service and office uses on entire sites within 500 feet of a transit station with a conditional use. This amendment allows the 10 percent as an outright use on any portion of a site that is within  $\frac{1}{4}$ -mile (approximately 1,300 feet) of a transit station.
  3. There may be instances where an applicant wishes to phase elements of the project, for example, constructing the commercial portion first, with the residential to follow. In that case, the applicant may prepare a Gateway master plan.

# Gateway Planning Regulations Project

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- B. On portions of sites zoned Institutional Residential, IR, and within 1000 feet of the Main Street LRT Station, Retail Sales And Service uses are allowed up to 10,000 square feet of floor area for each use. Retail Sales And Services uses larger than 10,000 square feet of floor area for each use are prohibited.
- C. On sites in the RX zone, Retail Sales And Service and Office uses are allowed as follows. Adjustments to the regulations of this paragraph are prohibited.
  - 1. Commercial uses in new residential development.
    - a. Up to 40 percent of the net building area of a new residential building may be in Retail Sales And Service or Office uses.
    - b. On the portion of a site within ¼ mile of a Transit Station, up to 50 percent of the net building area of a new residential building may be in Retail Sales And Service or Office uses.
  - 2. Commercial uses in existing residential buildings. Up to 40 percent of existing net building area in a building that is totally residential may be converted to Retail Sales And Service or Office uses. The conversion may not result in a net loss in the number of dwelling units on the site.

# Gateway Planning Regulations Project

## Commentary

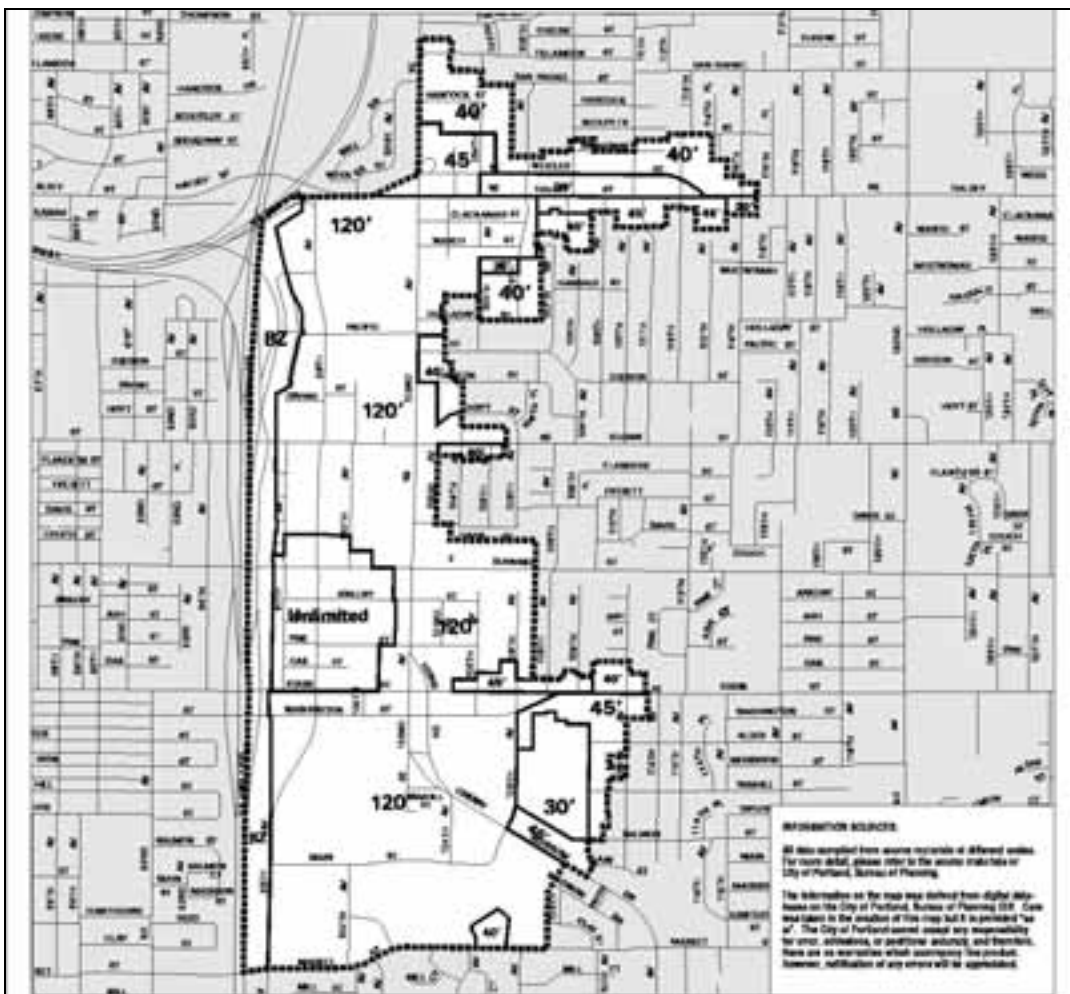
### Development Standards

#### 33.526.200 Purpose

The purpose statement is revised to reflect the separation of the Gateway plan district from the East Corridor plan district, the completion of the light rail line to Portland International Airport, the potential light rail line to Clackamas Town Center, and the updated vision for the regional center. It also more explicitly reflects the scope of the provisions.

#### 33.526.210 Building Height

- A. **Purpose.** The purpose statement is changed to reflect Gateway's role as a regional center, as well as the need to acknowledge the lower-density residential neighborhoods adjacent to the boundary. Map 16 below shows the maximum building heights prior to adoption. It can be compared with the adopted maximum building heights on page I-50.



Map 16. Maximum Building Heights prior to adoption

# Gateway Planning Regulations Project

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## Development Standards

### **33.526.200 Purpose**

~~These development standards foster an intense mixed-use developments at the Gateway Regional Center and at locations near light rail stations. Existing light rail and a future transit connection to Portland International Airport make the Gateway Regional Center a potential hub of activity and an important international gateway to Portland. An urban character with a clear street pattern oriented to pedestrians is also an important objective. High density structures and urban streets are envisioned in the Gateway Regional Center and around the light rail stations located along East Burnside. high quality pedestrian environment and an interconnected, dense street grid. They do this by:~~

- ~~• Promoting the Enhanced Pedestrian Streets as the primary pedestrian routes in the plan district and focusing more active uses and pedestrian amenities on these streets;~~
- ~~• Increasing the development potential throughout the district and focusing the most intense development potential around the light rail stations;~~
- ~~• Discouraging development, such as exterior display and storage and drive-throughs, that adversely affect the pedestrian environment;~~
- ~~• Requiring larger sites within the plan district to provide connectivity, open space and a mixture of uses; and~~
- ~~• Ensuring an attractive transition between the higher density zones within the plan district and the adjacent single-dwelling residential zones.~~

### **33.526.230-210 Building Height**

**A. Purpose.** ~~These regulations encourage new high density intense development throughout the plan district, with the highest level of intensity occurring around near the light rail transit facilities and stations. This increased development opportunity reinforces Gateway's role as a Regional Center. In addition, the regulations reduce adverse effects on adjacent single dwelling zones by creating a step-down of building heights at the edge of the plan district.~~

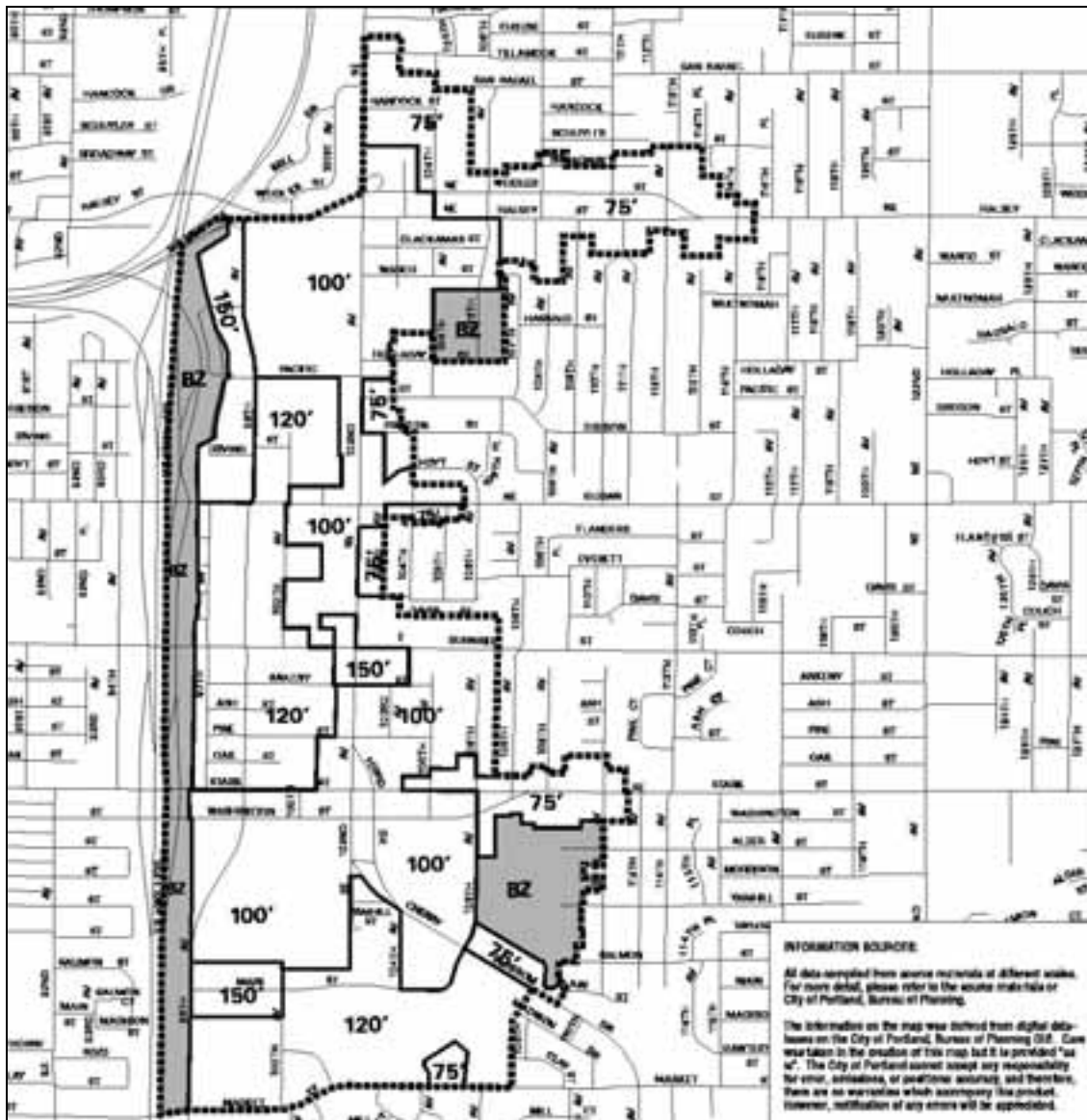
**B. Building height.** ~~The maximum height in the R1, RH, RX, IR, CM, CS, CX, and EX zones west of SE 127<sup>th</sup> Avenue is 120 feet.~~



## Commentary

### B. Maximum building height

Map 17 below shows the adopted maximum building heights. It can be compared with the maximum building heights prior to adoption on page I-48. The earlier height limit of 120 feet throughout most of the regional center could dilute the benefit of the height. By lowering the height in some places, retaining it in others, and raising it in key locations, the opportunity exists to promote appropriate development in locations with the greatest transit opportunities, balance other directives, and provide bonus options that cannot be obtained through outright requirements. *(continued on the next commentary page)*



Map 17. Adopted Maximum Building Heights

# Gateway Planning Regulations Project

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- B. Maximum building height.** The maximum building heights are shown on Map 526-2, except as specified in Subsection C. Heights greater than shown on Map 526-2 are prohibited unless allowed by Section 33.526.230.

## Commentary

### Maximum building height (continued)

These heights would prevail unless a development uses one or more of the bonus options. Should the bonus options be used, an applicant could, in some locations, construct a building 75 feet higher than what is shown on this map. Areas where the bonus option provision may be used include projects that use the master plan option and those within the Bonus Option Areas of Map 526-5. Appendix J, "Implications of Base and Bonus FAR and Height on Selected Sites," uses two sites near the 102<sup>nd</sup> and Burnside transit station to illustrate what could be built under two scenarios. These "development build-out scenarios" illustrate both what could be built if the entire base floor area ratio and height were utilized and what could be built if the bonus option provisions were used.

### C. Transition at edges of plan district

Though the current height of 120 feet was established for most of the sites within the Gateway Regional Center in 1996 with the adoption of the *Outer Southeast Community Plan*, few people fully understood that sites immediately adjacent to their single-family-zoned properties could be built that high. During the process held to create the Gateway Regional Center urban renewal area and throughout the Gateway Planning Regulations Project, a number of residents along NE 103<sup>rd</sup> expressed concern that such tall buildings adjacent to their homes would impact their neighborhood negatively and severely, destroy the residential quality, and have a negative, domino-like effect on the residential neighborhood to the east.

In general, the community supports treating 102<sup>nd</sup> as the major commercial street in the regional center. The adopted urban design concept calls for treating 102<sup>nd</sup> as a boulevard lined with multistory buildings that create a north-south urban edge through Gateway. There is the desire over time, therefore, to be able to reach a scale of development on 102<sup>nd</sup> that supports the street's success as Gateway's signature commercial boulevard.

Just as important, however, is the need to create a reasonable transition between the regional center and the single-dwelling neighborhoods outside the plan district. In response, City Council adopted a "step-down" or transition in height for projects built at the edge of the regional center. The transition recognizes the difference between the anticipated urban-style development within the plan district and the low-density, single-family-zoned residential neighborhoods outside the boundary. City Council determined that the inclusion of this height transition requirement, while not satisfactory to everyone, is an equitable solution to a difficult problem.

# Gateway Planning Regulations Project

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## **C. Transition at edges of plan district**

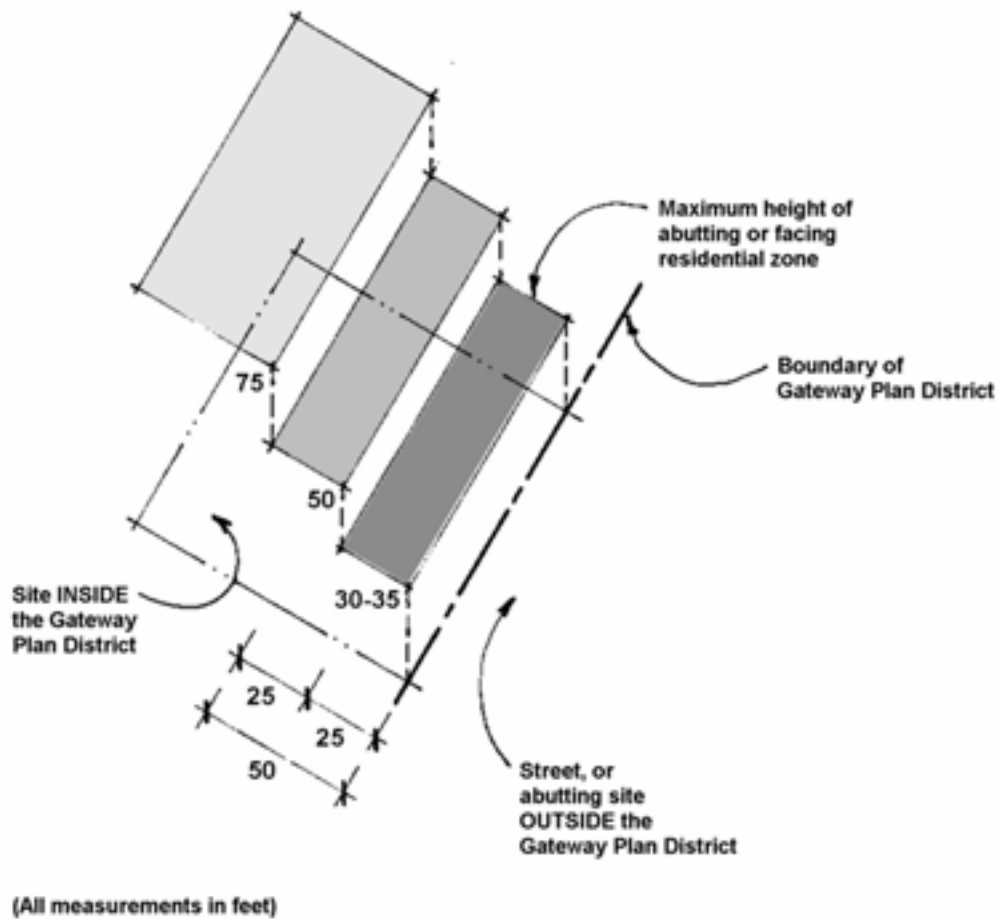
1. Where these regulations apply. The regulations of this subsection apply to sites that have a maximum building height of 75 feet or more and either:
  - a. Abut a site zoned R7 through R2.5 that is not in the plan district; or
  - b. Are across a Local Service Traffic Street from a site zoned R7 through R2.5 that is not in the plan district.
2. Abutting. Sites that abut a site zoned R7 through R2.5 have height limits that decrease in two steps, as follows. See Figure 526-1:
  - a. On the portion of the site within 25 feet of a site zoned R7 through R2.5, the maximum building height is the same as the abutting residential zone; and
  - b. On the portion of the site that is more than 25 feet but within 50 feet of a site zoned R7 through R2.5, the maximum building height is 50 feet.
3. Across a street. Sites that are across a Local Service Traffic Street from a site zoned R7 through R2.5 have height limits that decrease in two steps, as follows. See Figure 526-1:
  - a. On the portion of the site within 25 feet of the street lot line, maximum building height is the same as the residential zone across the street; and
  - b. On the portion of the site that is more than 25 feet but within 50 feet of the street lot line, the maximum building height is 50 feet.

# Gateway Planning Regulations Project

## Commentary

### Height limits on sites abutting R7 - R2.5 zones

Figure 526-1, both in this commentary and in the adopted code provision, illustrates the transition height provision between properties within the Gateway plan district and single-dwelling residential zones outside the plan district.



**Figure 1**

# Gateway Planning Regulations Project

**Figure 526-1**  
**Height limits on sites abutting R7 – R2.5 zones**

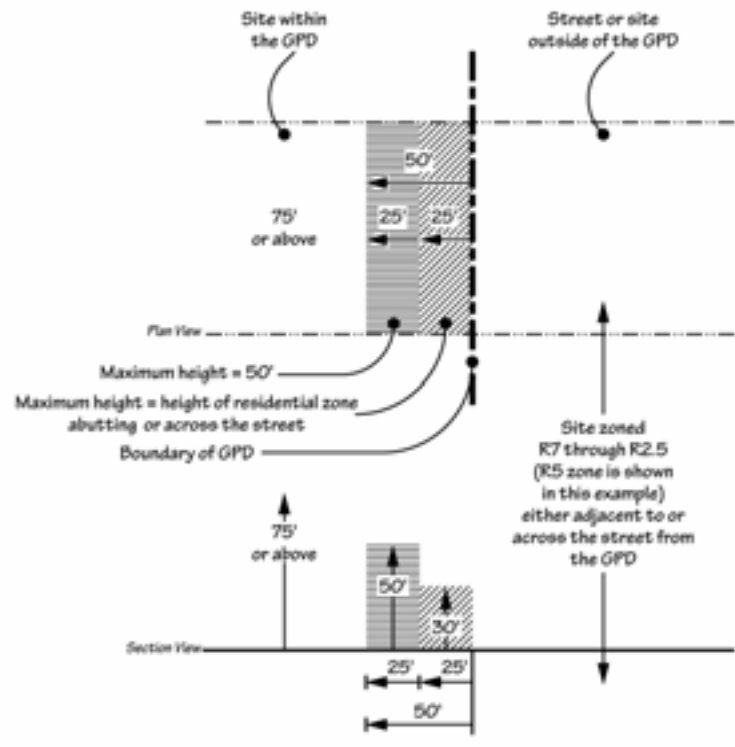
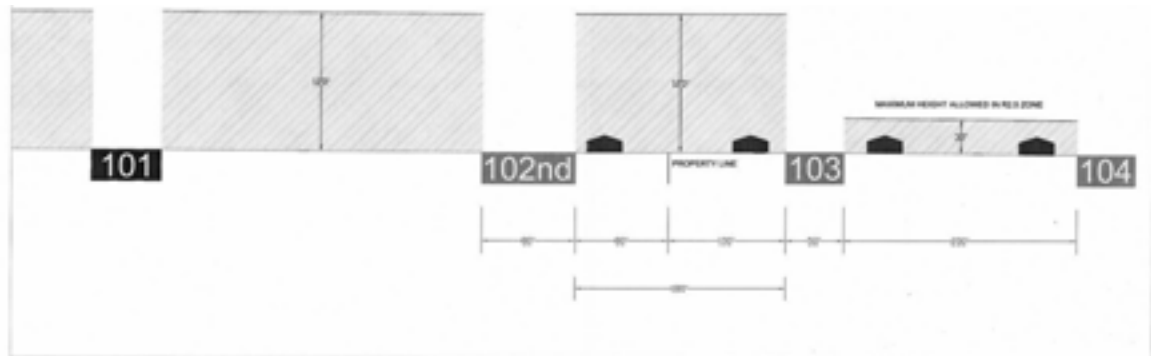


Figure 1

## Commentary

The following diagrams illustrate the situation for sites in the Mixed Commercial, CM, zone between NE 102<sup>nd</sup> north of Burnside. The first illustrates the current situation, with 120 foot height limit between NE 102<sup>nd</sup> and NE 103<sup>rd</sup>. The second illustrates the recommendation, with a 75-foot height limit between NE 102<sup>nd</sup> and NE 103<sup>rd</sup> and a height step-down to the single-family-zoned properties on the east side of 103<sup>rd</sup>. The situation is similar, though not completely analogous, for properties that abut the plan district, as well as other areas across a Local Service Traffic Street.



**GATEWAY REGIONAL CENTER: EXISTING MAXIMUM HEIGHTS**

Section between Glisan and Burnside looking north

Scale: 1" = 60' 0"

Draft 7-24-03

**Figure 2**



**GATEWAY REGIONAL CENTER: RECOMMENDED MAXIMUM HEIGHTS**

Section between Glisan and Burnside looking north

Scale: 1" = 60' 0"

Draft 3-17-04

**Figure 3**



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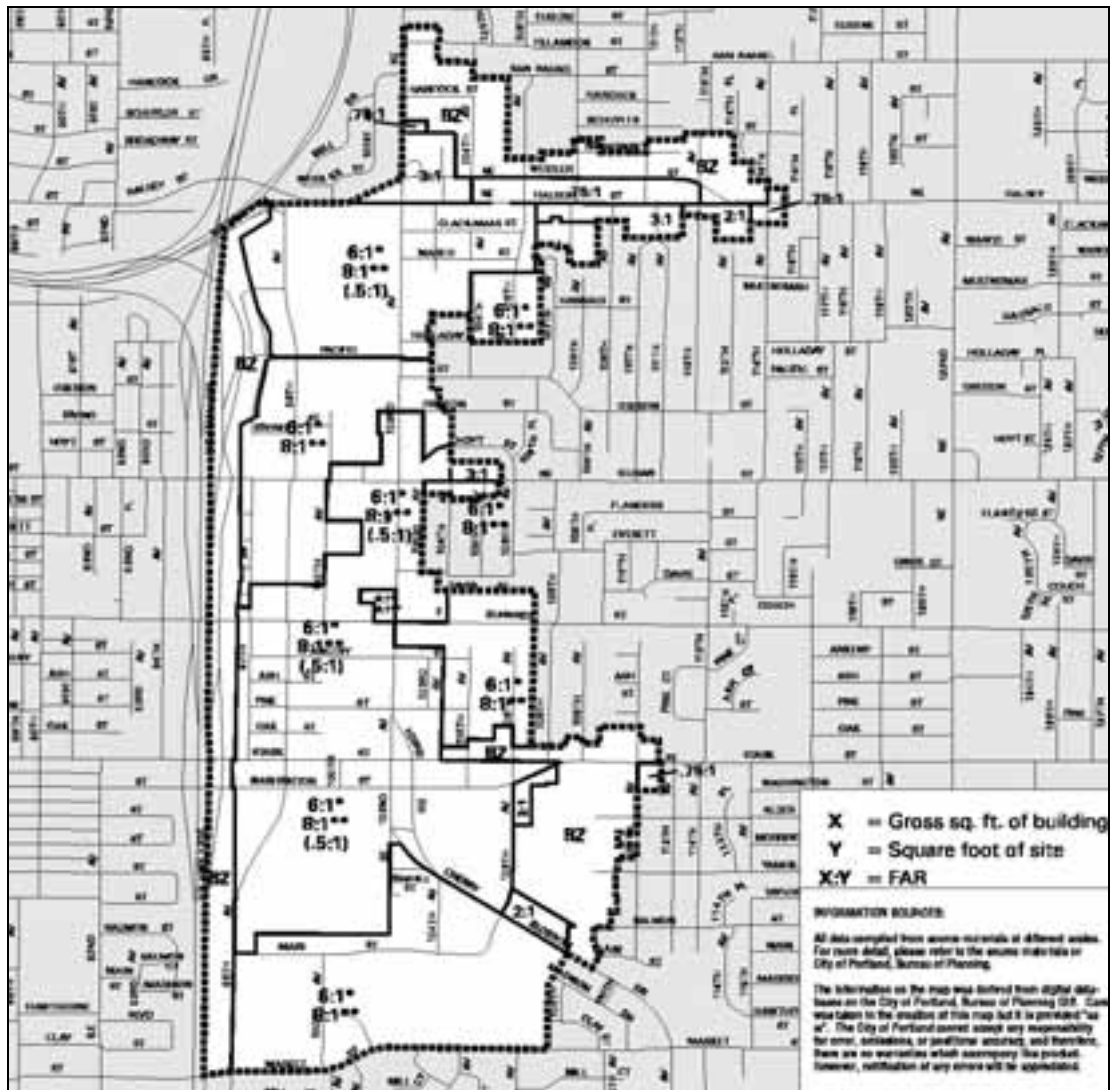
# Gateway Planning Regulations Project

## Commentary

### 33.526.220 Floor Area Ratio

- A. **Purpose.** The purpose statement is changed to reflect its applicability to the Gateway Regional Center and to more explicitly reflect the scope of the provisions.

Map 18 below shows the floor area ratios (FARs) prior to adoption. It can be compared with the adopted floor area ratios on page I-60.



Map 18. Floor Area Ratios (FAR) prior to adoption

# Gateway Planning Regulations Project

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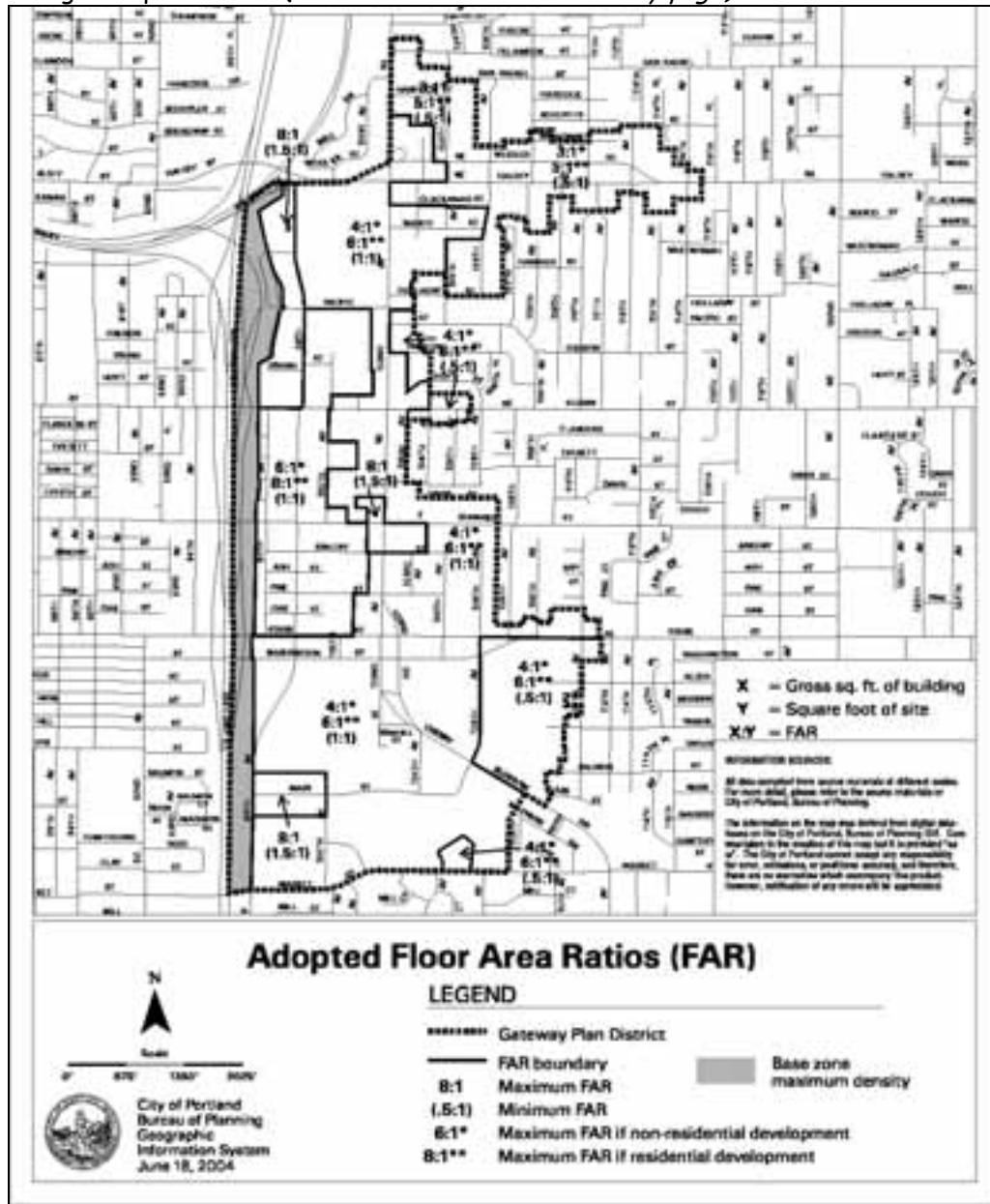
## **33.526.240-220 Floor Area Ratio**

- A. Purpose.** These regulations encourage intense development throughout the plan district with a new-higher density development near-level of intensity occurring around light rail transit facilities stations. and This increased development reinforces Gateway's role as a Regional Center. In addition, the standards ensure a minimum level of development on some sites.

## Commentary

### B. Maximum floor area ratio (FAR)

The City Council revised floor area ratios (FAR) in various locations. These are shown on Map 19 below, which shows the adopted floor area ratios (FARs). It can be compared with the floor area ratios prior to adoption on page I-58. The earlier FAR of 6:1 for nonresidential and 8:1 for residential throughout most of the regional center could dilute its benefit. By lowering the floor area ratio in some places, retaining it in others, and raising it in key locations, the opportunity exists to promote appropriate development in locations with the greatest transit opportunities, balance other directives, and provide bonus options that cannot be obtained through outright requirements. *(Continued on next commentary page)*



Map 19. Adopted Floor Area Ratios (FAR)

# Gateway Planning Regulations Project

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**B. Maximum floor area ratio.** The maximum floor area ratios (FAR) ~~west of SE 127th Avenue is:~~ allowed are shown on Map 526-3. FARs greater than shown on Map 526-3 are prohibited unless allowed by section 33.526.230.

- ~~1. For nonresidential development, the maximum FAR is 6 to 1.~~
- ~~2. For residential development, the maximum FAR is 8 to 1. Residential developments are those with at least 80 percent of their floor area in residential use.~~

## Commentary

**Maximum floor area ratio (continued)** These FARs would prevail unless a development uses one or more of the bonus options. Should the bonus options be used, an applicant could construct a building up to 3:1 FAR larger than what is shown on this map. Areas where the bonus option provision may be used include projects that use the Gateway master plan option and those within the Bonus Option Areas of Map 526-5. Appendix J, "Implications of Base and Bonus FAR and Height on Selected Sites," uses two sites near the 102<sup>nd</sup> and Burnside transit station to illustrate what could be built under two scenarios. These "development build-out scenarios" illustrate both what could be built if the entire base floor area ratio and height were utilized and what could be built if the bonus option provisions were used.

### **C. Minimum floor area ratio**

Prior to adoption, the minimum FAR in most of the C and E zones was .5 to 1. City Council increased the minimum FAR in some locations to ensure that Gateway reaches the desired level of density for a regional center.

### **D. Limit on increased floor area**

This section identifies the maximum amount of floor area that can be obtained through the use of any combination of bonus options. The limit is 3:1 FAR above the maximum allowable FAR without any bonuses. For example, if an applicant takes advantage of all the bonus options available within an area with a maximum residential FAR of 6:1, the most FAR allowed on that site would be 9:1.

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

This is a new provision. During the meetings, workshops, and discussions held during the process, many people said they preferred to use incentives to get desirable development rather than relying solely on standards and regulations. The type and size of the proposed bonus incentives match the vision for Gateway's urban design and development as well as the market in Gateway. Extra height is allowed for additional housing as well as adding floor area through any of the listed bonus options. Sites where bonus options may be used are shown on map 20 on page I-68. In addition to the mapped sites, applicants who use the Gateway master plan may use the bonus options.

# Gateway Planning Regulations Project

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**C. Minimum floor area ratio.** The minimum floor area ratio (FAR) for ~~all new development in the CM, CS, CX, EG and EX zones is 0.5 to 1~~ is shown on Map 526-3. Alterations to existing development are ~~exempt-adjustable~~ from this FAR minimum.

**D. Limit on increased floor area.** Increases in FAR, whether by transfers of floor area or bonus floor area options, of more than 3 to 1 are prohibited.

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

**A. Purpose.** Floor area and height bonus options are offered as incentives to encourage facilities and amenities that are desired around the light rail stations and on sites with a Gateway Master Plan.

### **B. General regulations**

1. Eligible sites. The bonus options may be used only in areas shown on Map 526-5, and on sites with a Gateway Master Plan. The residential bonus option may be used only in those areas on sites in a C or E zone.
2. New floor area. Only new floor area is eligible for the bonuses unless specifically stated otherwise. Exceptions to the requirements and the amount of bonus floor area or height earned are prohibited.
3. Number of bonus options. Proposals may use more than one bonus option unless specifically stated otherwise. Bonuses may be done in conjunction with allowed transfers of floor area.
4. Maximum floor area increase. 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 33.526.220.D.
5. Maximum height increase. Buildings using bonus floor area must not exceed the maximum height limits shown on Map 526-2 unless eligible for bonus height.

**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 features listed below. The bonus floor area amounts are additions to the maximum floor area ratios shown on Map 526-3.

## Commentary

### **C.1. Residential bonus option**

This includes any housing, affordable or market rate, single or multifamily. It is based on the housing bonus in the Central City plan district. Currently around 20 percent of the land use in Gateway is residential. While Gateway's market area is extensive, to ensure success for small, specialized, and higher-quality restaurants, retailers, and attractions a higher residential base, especially for market rate housing, is needed within the immediate vicinity. Because of the higher percentage of low-income and senior housing already existing in Gateway, and the need for higher-end housing products, there is no bonus strictly for affordable housing.

### **C.2. Open space bonus option**

With only 1.4 percent of its land use in open space, Gateway needs a great deal more open area, both as an attractor for new development and as an amenity for those who live, work, and visit the area. This bonus is based on the open space bonus in the Central City plan district.

### **C.3. Eco-roof bonus option**

Throughout this entire process members of the Design and Development Committee, as well as comments made in workshops, indicated a desire for Gateway to excel in ecologically sound, sustainable development. A number of the existing roads remain unpaved and there are still many trees and permeable surfaces throughout Gateway, which, together, provide a good surface for rainwater to percolate through the soil. As the area begins to urbanize, however, the amount of permeable surface will likely begin to diminish. One means to increase permeability is through eco-roofs. These roofs are purposely created as a stormwater management tool. This bonus is based on the eco-roof bonus in the Central City plan district.

### **D. General bonus heights**

This section identifies the maximum amount of height that can be obtained through the use of any combination of bonus options. The limit is based on the lot size, whether over or under 40,000 square feet. The limit is 45 feet above the maximum height allowable without any bonuses. For example, if an applicant takes advantage of both the eco-roof and open space bonus in an area with a maximum height of 100 feet, the building could be no higher than 145 feet.

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

This section identifies the maximum amount of height that can be obtained through the use of the housing bonus. The limit is 75 feet above the maximum height allowable without any bonuses. This is true even if one or both of the other bonuses are used as well. If an applicant takes advantage of the housing bonus in an area with a maximum height of 100 feet, the building could be no higher than 175 feet.



# Gateway Planning Regulations Project

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## 1. Residential bonus option.

- a. Proposals 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.
- b. The additional floor area may be used entirely for housing or partially for nonresidential uses.
- c. Residential portions of mixed-use projects using this bonus must be completed and receive an occupancy permit in advance or at the same time as an occupancy permit for any nonresidential portion of the project. The property owner must execute a covenant with the City ensuring continuation and maintenance of the housing by the property owner. The covenant must comply with the requirements of 33.700.060, Covenants with the City.

## 2. Open Space bonus option. 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. To qualify for this bonus, the following requirements must be met:

- a. Size and dimensions. The open space must include at least 5,000 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, subject to paragraph 2.d.; 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; and
- d. Parks approval. The applicant must submit with the application for land use review a letter from Portland Parks and Recreation stating that the open space features meet the requirements of the bureau, and that the space is acceptable to the bureau.

## 3. Eco-roof bonus option. Eco-roofs are encouraged in the Gateway Regional Center 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).

# Gateway Planning Regulations Project

## Commentary

Type	Amount	Limitations
<b>FLOOR AREA RATIO (FAR) BONUS</b>		
Residential	C and E zones: 1 sq. ft. bonus FAR for each sq. ft. developed as housing up to 3:1 additional	<ul style="list-style-type: none"> <li>• 2/3 to <math>\frac{1}{2}</math> of the bonus FAR may be used for non-residential uses</li> <li>• Covenant required</li> <li>• Available only in specific parts of Gateway as shown on map 526-5 and as part of a Gateway master plan</li> </ul>
Open Space	1 sq. ft. bonus FAR for each sq. ft. open space developed	<ul style="list-style-type: none"> <li>• 3,000 sq. ft. of contiguous open space minimum</li> <li>• Dedication or easement required</li> <li>• Available only in specific parts of Gateway as shown on map 526-5 and as part of a Gateway master plan</li> </ul>
Eco-roof	1 to 3 sq. ft. bonus FAR for each sq. ft. eco-roof developed	<ul style="list-style-type: none"> <li>• Covenant required</li> <li>• Available only in specific parts of Gateway as shown on map 526-5 and as part of a Gateway master plan</li> </ul>
<b>HEIGHT BONUS</b>		
General Height Bonus	Height bonus of 15 to 45 ft. depending on the amount of bonus FAR earned	Available wherever FAR bonuses are available
Residential Height Bonus	Height bonus of up to 75 ft.	Available only in specific parts of Gateway as shown on map 526-5 and as part of a Gateway master plan

Appendix J, "Implications of Base and Bonus FAR and Height on Selected Sites," uses two sites near the 102<sup>nd</sup> and Burnside transit station to illustrate what could be built under two scenarios. These "development build-out scenarios" illustrate both what could be built if the entire base floor area ratio and height were utilized and what could be built if the bonus option provisions were used.

# Gateway Planning Regulations Project

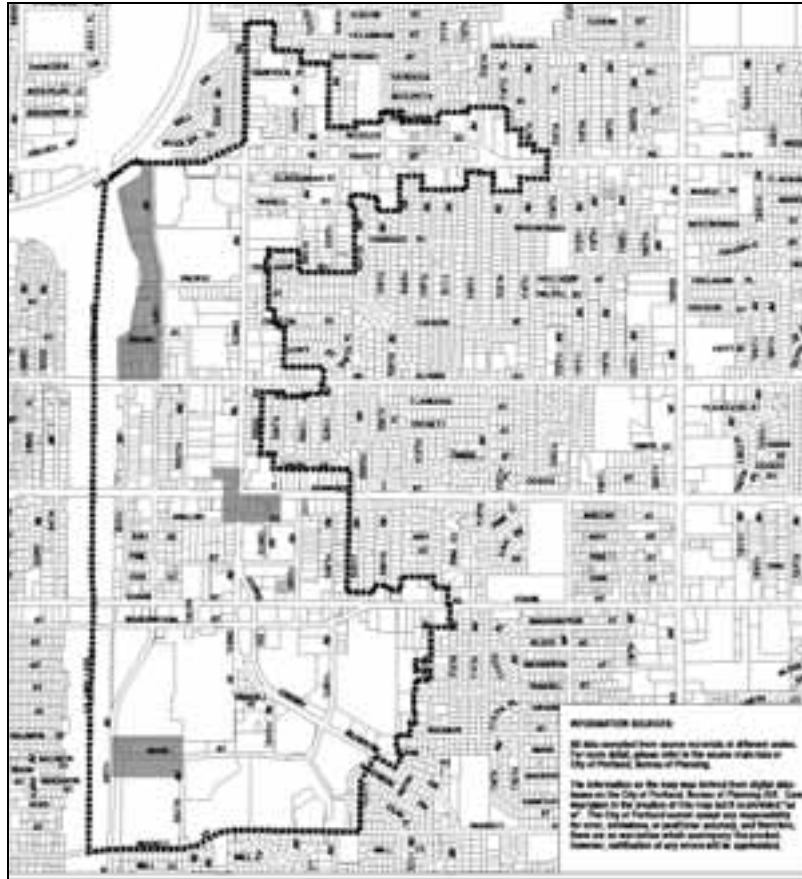
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- a. Bonus. Proposals that include eco-roofs receive bonus floor area as follows:
  - (1) Where the total area of the eco-roof is at least 10 percent but less than 30 percent of the building's footprint, each square foot of eco-roof earns one square foot of additional floor area.
  - (2) Where the total area of the 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 the 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, Covenants with the City.

**D. General bonus heights.** Bonus height is also earned in addition to the bonus floor area achieved through the bonus options. Bonus height is in addition to the maximum heights of Map 526-2. The height bonus allowed is based on the floor area bonuses and transfers listed in paragraph D.1., below. The amount of bonus height awarded is specified in paragraphs D.2. and D.3., below.

1. The height bonus allowed is based on the floor area bonus options of Subsection 33.526.230.C., above;
2. In areas qualifying for a height bonus, on sites up to 40,000 square feet in area, the amount of bonus height awarded is based on the following schedule:
  - a. For achieving a bonus floor area ratio of at least 1 to 1, but less than 2 to 1, a height bonus of 15 feet is earned.
  - b. For achieving a bonus floor area ratio of at least 2 to 1, but less than 3 to 1, a height bonus of 30 feet is earned.
  - c. For achieving a bonus floor area ratio of 3 to 1, a height bonus of 45 feet is earned.
3. In areas qualifying for a height bonus, on sites larger than 40,000 square feet in area, the amount of bonus height awarded is based on the following schedule. The height bonus is applied only to the building where the bonus floor area is achieved or transferred, not to the entire site:
  - a. For achieving bonus floor area of at least 20,000 square feet, but less than 80,000 square feet, a height bonus of 15 feet is earned.

## Commentary



**Map 20. Sites Where Bonus Options May Be Used**

### **33.526.240 Open Area**

The open area requirement of the earlier Gateway plan district has been substantially revised. The original intent of the requirement, as stated in the *Outer Southeast Community Plan*, reads: "This section is patterned after the Open Area requirement developed and in place for the River District in Portland's Central City. It requires that as development occurs the development parcels will be separated into blocks of buildings that gradually transition to the character of an urban community. The open area requirement may be met by creating public or private streets that create blocks or by a variety of other design approaches." The intent of the provision is still valid. However, in its earlier form the provision created substantial financial burden for some applicants and administrative difficulties for City staff.

The earlier provision combined open area and connectivity into a single requirement that applied to sites over 80,000 square feet. The City Council separated open area and connectivity into separate sections. (*See page I-73 for the new connectivity provision.*)

*(Continued on next commentary page)*

# Gateway Planning Regulations Project

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- b. For achieving bonus floor area of at least 40,000 square feet, but less than 120,000 square feet, a height bonus of 30 feet is earned.
- c. For achieving bonus floor area of 80,000 square feet or more, a height bonus of 45 feet is earned.

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

- 1. Generally. In the bonus height areas, building heights may be allowed to be greater than shown on Map 526-2 if the bonus height is for housing.
- 2. Standard. The maximum height bonus that may be allowed is 75 feet. Projects may use both the bonus height options of this Subsection and Subsection D., above. However, if both options are used, the combined bonus height may not exceed 75 feet. Bonus height in excess of the maximum allowed through Subsection D., above, must be used exclusively for housing, and may not be used to qualify for the residential floor area bonus option in Subsection C.1., above.
- 3. Approval Criteria. The approval of the bonus height is made as part of the design review of the project. The bonus height will be approved if the review body finds that the applicant has shown that the following criteria have been met:
  - a. If the site is within 500 feet of an R zone, the proposed building will not cast shadows that have significant negative impacts on dwelling units in the R zone; and
  - b. The increased height will result in a project that better meets the applicable design guidelines.

## **33.526.250-240 Open Area Requirement**

- A. Purpose.** The open area requirement ensures provision of adequate amounts of open area, including light and air, ~~and facilitates circulation for pedestrians throughout those who live, work and visit the Gateway plan district. These requirements produce open areas at a scale comparable to what large sites would have if they were divided into two-acre blocks by a grid pattern of streets. In order to provide flexibility, this provision allows the requirement to be met by phasing the open area, locating it off site, or paying into a fund.~~
- B. ~~Required amount of open space. Where these regulations apply.~~** On lots larger than 80,000 square feet, at least 30 percent of the area over 80,000 square feet must be devoted to open area, or more in area.
- C. Standards**
  - 1. At least 0.5 square foot of open area is required for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area. Adjustments to this standard are prohibited.

## Commentary

### ***Open Area (continued)***

Gateway is considered to be a park-deficient area by the City. As the population and employment in the area increase, it is important to provide a means to secure open space as part of future development. The adopted open area provision does this in an equitable manner.

The adopted provision differs from the earlier provision in the following ways:

1. There is a nexus between the amount of new floor area and the amount of required open area in the new provision. Earlier, no nexus existed. Even a small amount of floor area could precipitate significant improvements that did not necessarily equate to the amount of development.
2. In addition to providing open area on-site, applicants would have the option of locating the open area off-site or paying into an open area fund. The latter, to be administered by Portland Parks and Recreation, can only be used for open areas within the Gateway plan district.

# Gateway Planning Regulations Project

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- ~~12. Open areas include: public and private streets; are parks, plazas, covered or uncovered walkways; public fountains; and landscaped features or areas other than required landscaping within or at the perimeter of parking lots, or other similar areas approved through design review. Open areas do not include areas used for parking lots; motor vehicle or loading, maneuvering and delivery. When public or private streets are proposed to meet the open area requirement, both sides of the street must be provided with sidewalks, street trees, and on-street parking, or landscaping within parking areas. Existing open areas on the site may be used to meet this requirement.~~
- ~~2. At least 50 percent of the open area must be walkways or public or private streets with walkways. The walkways and streets must have trees, and must connect with sidewalks at each end.~~

~~**D. Relationship to superblock requirement.** Proposals that are subject to the requirements of Chapter 33.293, Superblocks, may use exterior walkways, landscaped areas and plazas created to meet that Chapter's requirements to meet the requirements of this Section. However, the amount of open area provided must meet the requirements of Subsection B, above.~~

- ~~3. The open area must be located outdoors on the site and abut either the public sidewalk or the site's pedestrian circulation system.~~
- ~~4. The applicant may choose to locate the open area on-site or off-site, or pay into a fund. The application must specify which of the options, or combination of options, will be used to meet this requirement, as follows:~~
  - ~~a. If the open area will be on-site, the application must identify the location, proposed improvements, and timing of the improvements;~~
  - ~~b. If the open area will be off-site, the application must identify when the proposed open area site will be transferred into the ownership of the Portland Bureau of Parks and Recreations. In addition, the proposed open area site must be:~~
    - ~~• Identified as proposed open space on the Gateway urban design concept;~~
    - ~~• Under the applicant's control; and~~
    - ~~• Vacant or used for surface parking.~~
  - ~~c. Gateway Regional Center Public Open Area Fund. As an alternative to developing open area, the applicant may pay \$30.00 per required square foot of open area into the Gateway Regional Center Public Open Area Fund (Open Area Fund). If using this option, the applicant must submit with the application a letter from the Portland Bureau of Parks and Recreation documenting the amount that has been contributed and when the contribution will be paid to the Open Area Fund.~~

## Commentary

### 33.526.250 Connectivity

One of the most important issues facing Gateway is providing adequate street connections to serve and shape the more intense level of development desired for the Regional Center. The earlier provision combined open area and connectivity into a single requirement that applied to sites over 80,000 square feet. When the earlier provision was written there was no master street plan for Gateway. In order to create a more connected system of streets in Gateway, it was necessary at that time to add specific requirements in the plan district in order to get them. With the Gateway master street plan now in place, new provisions for land divisions in Chapter 33.654 ("Rights-of-Way"), and Chapter 17.88, "Street Access," it is no longer necessary to include connectivity provisions within the open area requirement. Instead, connectivity is now a separate provision that specifically references the Gateway master street plan. *(See appendix \_\_\_\_.)*

There are two main connectivity provisions: 1) new development will be required to provide streets and accessways as determined by the City Engineer to be consistent with the master street plan, and 2) new site improvements are not allowed to obstruct street alignments shown in the master street plan. The City Engineer has the ability to require rights-of-way to be reserved, rights-of-way to be dedicated, or rights-of-way to be dedicated and improved to City standards in the following circumstances:

1. **Building Permits:** The City may place requirements on building permits in return for the building permit. Through its Title 17 authority, the Portland Office of Transportation (PDOT) staff calls for dedications as a condition of building permit approval to widen narrow rights-of-way and to extend new streets. The dedication is required prior to approval of the building permit and may be appealed to the City Engineer.
2. **Land Use Decisions (including land divisions):** PDOT may recommend dedications through some types of land use reviews, such as land divisions, conditional uses and zone changes. The recommendation is based on approval criteria regarding connectivity or adequacy of services. The ultimate decision is made by the decision-making person or body for the land use review, and the process has a standard appeal either to LUBA, the Hearings Officer or City Council. In some limited cases PDOT staff is able to require dedications directly through Title 17 authority.

Limitations: Such requirements must be weighed against:

- The relative impact to the site. New street dedications can take up a substantial portion of a small site; sometimes little is left for development/redevelopment.
- The scale relative to the specifics of the building permit. For example, it might be difficult to get a dedication if the building permit is for an addition to a single family dwelling.
- The presence of significant existing improvements, such as a primary building in good condition, in the path of the proposed dedication.
- Any other legal considerations such as applicability of the Dolan case.



# Gateway Planning Regulations Project

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The Open Area Fund is collected and administered by the Portland Bureau of Parks and Recreation. The funds collected must be used within the Gateway plan district, either for acquisition or improvement of public open areas.

## **33.526.250 Connectivity**

**A. Purpose.** The connectivity requirement ensures that adequate street and pedestrian/bicycle connections will be provided for local access to development and access for emergency vehicles. This regulation implements the Gateway Master Street Plan and improves vehicular, pedestrian, and bicycle circulation throughout the plan district, while minimizing congestion on the arterial system. Where full street connections are not feasible, pedestrian and bicycle connections provide access for those most sensitive to the lack of direct connections.

**B. Where these regulations apply.** The requirements of this Section apply to all sites in the plan district.

### **C. Requirements**

1. The Portland Office of Transportation determines the location and widths of rights-of-way and extent and timing of street improvements based on the Gateway Master Street Plan in the Transportation Element of the comprehensive Plan.
2. Proposed development that may obstruct new street alignments as identified in the Gateway Master Street Plan is regulated by Chapter 17.88.

## **33.526.260 Special Setbacks**

~~**A. Purpose.** These provisions enhance the environment for pedestrians and transit patrons.~~

~~**B. Applicability.** Special minimum setbacks are required at the following locations:~~

- ~~1. Burnside Street. A 10-foot street setback along East Burnside Street.~~
- ~~2. Pacific Street. A 15-foot street setback along NE Pacific Street.~~
- ~~3. Halsey Street. A 10-foot street setback along NE Halsey Street.~~

## Commentary

**Connectivity (continued)** Where such constraints exist, PDOT staff will explore options that meet the intent of the policy while minimizing legal or other implications. Some examples of options include minor realignment of the right-of-way, temporary narrowing, and skirting an existing structure with the dedication.

### **33.526.260 Special Setbacks**

These setbacks were established under Multnomah County and retained as part of the *Outer Southeast Community Plan*. Given the intent of the Gateway Regional Center urban renewal area, Planning Commission recommends removing these special setbacks to encourage a more urban form along these three streets.

### **33.526.260 Pedestrian Standards**

#### **A. Purpose**

The purpose statement reflects the policy of ensuring convenient pedestrian connections within each site and a pleasant walking environment along the sidewalks in front of the site.

#### **B. Standards**

##### **1. Pedestrian standards**

This section directs applicants to Chapter 130, Commercial Zones, for the pedestrian standards.

##### **2. Improvements between buildings and the street**

This section is a revision of similar provisions in the current 33.526.270, "Site Design," which is being deleted. The hardscaped option (B.2.b) would be required for all properties that abut Enhanced Pedestrian Streets except for those with a school use on the site as of June 18, 2004. These streets, shown Map 21 on page I-82, are identified in the urban design concept as important for the redevelopment of Gateway into an urban-scaled regional center. The landscaping option (B.2.a) would be available only for properties that do not abut streets shown on Map 21.

##### **3. Bicycle parking**

Policy Package 2 was adopted February 4, 2004, with an effective date of March 5, 2004. It contained changes to bicycle parking regulations. This change was made to base zones and community design standards using similar language. This change is noncontroversial and has been agreed upon by the Bureau of Development Services, the Bureau of Planning, and other members of the Short-Term Bicycle Parking Task Force.

# Gateway Planning Regulations Project

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## **33.526.260 Pedestrian Standards**

**A. Purpose.** These regulations ensure direct pedestrian connections between the street and buildings on a site and between buildings and other activities within the site. Together with the Enhanced Pedestrian Street, entrance, and ground floor window regulations, the pedestrian standards ensure that the sidewalks in the plan district, especially on Enhanced Pedestrian Streets, are convenient, active, pleasant environments with pedestrian amenities.

### **B. Standards**

1. All sites in the plan district are subject to the Pedestrian Standards of paragraph 33.130.240.B.1 through 3.
2. Improvements between buildings and the street. Development on sites abutting an Enhanced Pedestrian Street as shown on Map 526-4 must meet Standard B.2.b. Development on all other sites must meet the standards of either B.2.a or b. Development where there has been a school use on the site since June 18, 2004 must meet the standards of either B.2.a. or b.
  - a. Landscaped. The area between a building or exterior improvement and a street lot line must be landscaped to meet the L1 standard in Chapter 33.248, Landscaping and Screening;
  - b. Hard-surfaced. The area between a building or exterior improvement and a street lot line must be hard-surfaced and developed for use by pedestrians, outdoor seating for restaurants, or pedestrian-oriented accessory activities including stands selling flowers, food, or drinks. The area must contain amenities such as benches, trees (tree wells with grates are exempt from the hard-surface requirement), drinking fountains, planters, and kiosks. At least one of these amenities must be provided for each 100 square feet of pedestrian use area in the setback.
3. Bicycle parking may be located in the area between a building and a street lot line.

## **33.526.270 Site Design**

~~**A. Purpose.** These provisions ensure that the location of buildings, parking, and circulation areas provide a convenient and attractive environment for pedestrians and foster the development of an increasingly urban environment within the plan district.~~

### ~~**B. Applicability**~~

- ~~1. Where these requirements apply. Unless exempted by Paragraph B.2., blow, the requirements of this Section apply to all new buildings and to all building remodeling projects adding 2,500 square feet of floor area or more.~~
- ~~2. Exemptions. The requirements of this section do not apply to houses, attached houses and duplexes.~~

## Commentary

### **33.526.270 Site Design**

While most of the provisions for the paragraph, "Improvements between buildings and the street," have been incorporated into the new 33.526.260, Pedestrian Standards, the remainder of this section was not. The decision to simply delete the entire section rather than use strike-throughs and underlines was made for ease of understanding.

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**~~C. Internal circulation.~~** ~~Clearly marked sidewalks, pathways, and bike paths must be developed and provide safe, pleasant, and convenient pedestrian and bicycle connections between buildings and light rail. To accomplish this, development must meet all of the following standards.~~

- ~~1. Proposals for sites that abut a light rail alignment must have their main entrance facing the light rail alignment.~~
- ~~2. Building entrances used by pedestrians must be connected to a sidewalk by one or more walkways for pedestrians.~~
- ~~3. A walkway connecting the building's main entrances to a sidewalk must be no longer than the straight line distance from the entrance to the closest sidewalk.~~
- ~~4. Pedestrian walkways connecting building entrances to sidewalks must be:~~
  - ~~a. Paved;~~
  - ~~b. At least 6 feet wide, exclusive of any curbing provided as part of the design;~~
  - ~~c. Made of a material different than the material used to pave the site's motor vehicle parking, loading, and maneuvering areas;~~
  - ~~d. Unobstructed by landscaping, street furniture, or bicycle racks;~~
  - ~~e. At least 4 inches higher than the abutting motor vehicle parking or maneuvering area; and~~
  - ~~f. Separated from motor vehicle parking, loading, and maneuvering areas by a 3-foot wide landscape area that meets the L1 landscape standard.~~
- ~~5. A paved route must be provided between each adjacent street and the site's bicycle parking area. The paved route must be at least 6 feet wide.~~

**~~D. Improvements between building and the street.~~** ~~Developments including more than 20 percent of their floor area in nonresidential uses must meet this requirement. The land between a building or exterior improvement and a street must meet the standards of either paragraph D.1 or D.2, below.~~

- ~~1. Landscaped. The land between a building or exterior improvement and a street must be landscaped to meet the L1 standard in Chapter 33.248, Landscaping and Screening; or~~
- ~~2. Hard surfaced. The land must be hard surfaced and developed for use by pedestrians, outdoor seating for restaurants, or pedestrian-oriented accessory activities including stands selling flowers, food, or drinks. The area must contain amenities such as benches, trees (tree wells with grates are exempt from the hard surface requirement), drinking fountains, planters, and kiosks. At least one of these amenities must be provided for each 100 square feet of pedestrian use area in the setback. Pedestrian use~~

## Commentary

### **33.526.270 Entrances**

In the earlier provisions, the entrance requirements were located in 33.526.080, "Building Design." City Council agreed that the entrance requirements should be included in a separate provision with a title that more explicitly reflects the scope of the provisions. The adopted provisions include a hierarchy for entrance orientation: first to a light rail alignment, second to transit streets (based on classification), and finally to intersecting transit streets. This hierarchy will be easier for applicants to understand and the City to administer.

### **33.526.280 Building Design**

Some of these provisions have been dropped. Most have been revised and incorporated into two new sections: 33.526.270, "Entrances," and 33.526.290, "Ground Floor Windows."

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~~areas in the setback required in Section 33.526.260, Special Setbacks, must be physically separated from parking and motor vehicle maneuvering areas by a 3 foot wide area landscaped to at least the L2 standard of Chapter 33.248. Landscaping and Screening.~~

## **33.526.270 Entrances**

- A. Purpose.** These regulations ensure that at least one main entrance into a building, and each tenant space in a building that faces a street, be oriented to public streets or the light rail alignment. This requirement enhances pedestrian access from the sidewalk to adjacent buildings. Together with the Enhanced Pedestrian Street, ground floor window, and pedestrian standards, the entrance standards ensure that the sidewalks in the plan district are convenient, active, pleasant environments with pedestrian amenities.
- B. Where these regulations apply.** In R1, RH, RX, C, and EX zones, buildings must meet the standards of Subsection C, below.
- C. Entrances.** For portions of a building within the maximum building setback, at least one main entrance for each tenant space must meet the standards of this section. Entrances that open into lobbies, reception areas, or common interior circulation space must also meet the standards of this section. The entrances must:
1. Face a public street or light rail alignment;
  2. Be within 15 feet of the public street or light rail alignment it faces;
  3. Be oriented to nearby transit facilities as follows:
    - a. If a site abuts a light rail alignment along East Burnside Street, the main entrance must orient to that alignment. If the proposed building is within 100 feet of a transit station, at least one entrance must be along the first 25 feet of the wall nearest the station.
    - b. If a site abuts a transit street other than a light rail alignment, the entrance must orient to that street.
    - c. If the site abuts intersecting transit streets, the main entrance must orient to the street with the highest classification.
    - d. If the site abuts intersecting transit streets with the same classification, the entrance may be at a 45 degree angle to both streets or within 25 feet of the corner along either transit street.

## **33.526.280 Building Design**

- A. Purpose.** ~~These provisions foster creation of a rich urban environment that accommodates growth but is compatible with existing housing in the area.~~
- B. Nonresidential and mixed-use developments.** ~~In RH, RX, C, and EX zones, buildings must meet the following:~~

## Commentary

### **33.526.280 Enhanced Pedestrian Street Standards**

This is a new requirement. It is intended that buildings be constructed close to the sidewalk, ground floor spaces be designed to accommodate active uses, and, in certain areas, parking not be allowed in locations that are required to meet these standards. Together with other provisions in the plan district, these provisions support the goal of creating a regional center through better urban design, more compatible development, and a more transit- and pedestrian-oriented environment. Locations where this provision would be required are shown on Map 21 on page I-82.



# Gateway Planning Regulations Project

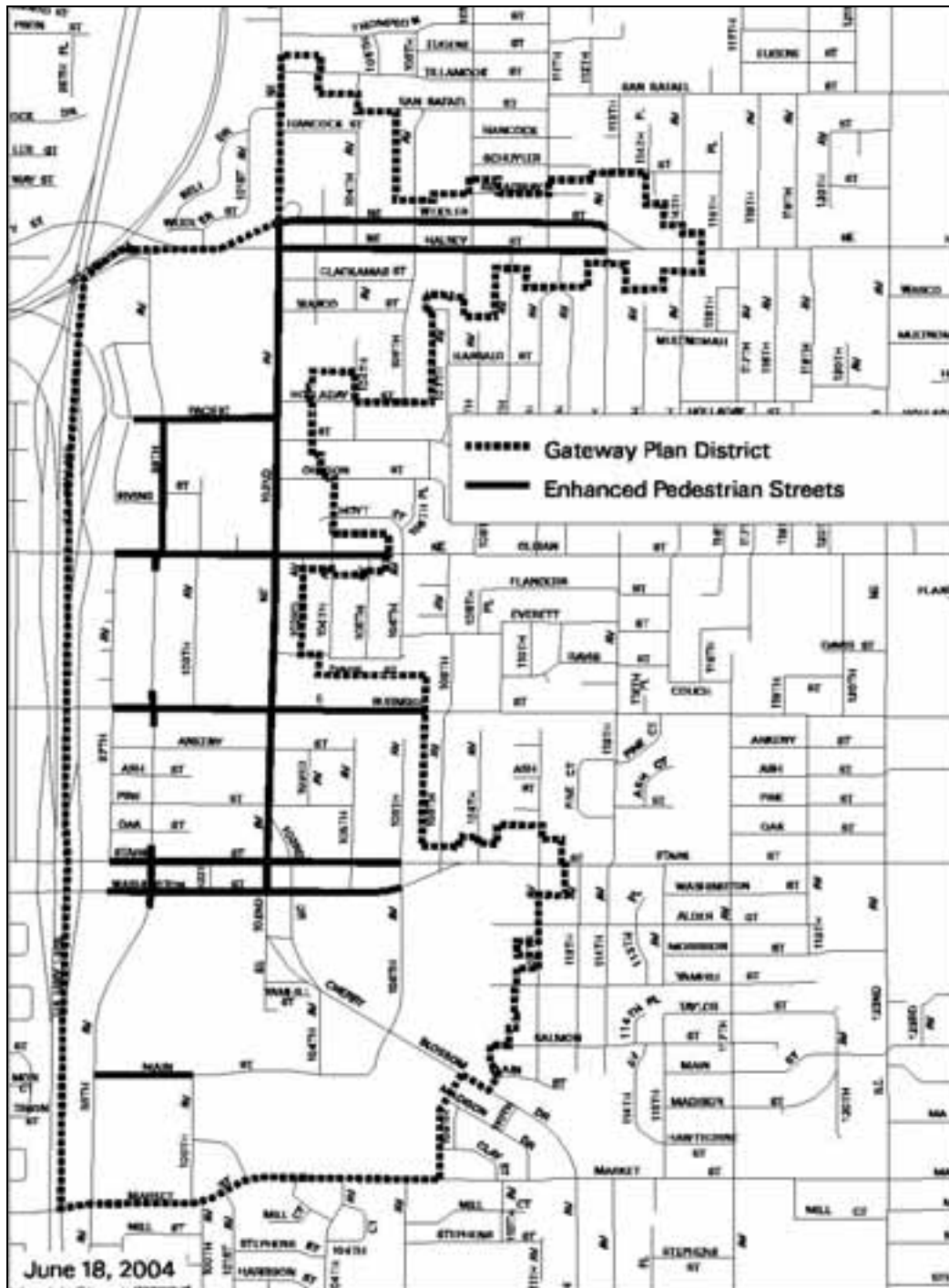
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1. ~~A building's main entrance must:~~
  - a. ~~Face a public or private street;~~
  - b. ~~Be within 15 feet of the public or private street it faces;~~
  - c. ~~If the site abuts more than one street, the main entrance must face the street with the highest transit classification in the Transportation Element of the Comprehensive Plan;~~
  - d. ~~Be oriented to nearby transit facilities as follows:~~
    - ~~If there is a Transit Station or bus stop within 200 feet of the site, the building's main entrance must be at the building's closest point to the Transit Station or bus stop.~~
    - ~~If the site is within 200 feet of both a Transit Station and a bus stop, the building's main entrance requirement applies to the Transit Station.~~
    - ~~If the site is within 200 feet of more than one bus stop, the building entrance requirement applies to the closest bus stop.~~
    - ~~If the site is the same distance from all bus stops, the applicant may choose which stop to apply this standard.~~
2. ~~Street enclosure. In Pedestrian Districts identified in the Transportation Element of the Comprehensive Plan, and at intersections where City Walkways or transit streets cross another City Walkway or transit street:~~
  - a. ~~Exterior walls of primary structures facing the street must be within 12 feet of the right of way.~~
  - b. ~~Street-facing exterior facades must be at least 40 feet long and 16 feet high.~~
3. ~~Ground floor windows. All street-facing elevations of development must meet the Ground Floor Windows Standards of paragraph 33.130.230.B.2, regardless of the distance to the adjacent street. Developments that are more than 80 percent residential are exempt from this requirement.~~

## **33.526.280 Enhanced Pedestrian Street Standards**

**A. Purpose.** These regulations enhance and ensure the continuity of the pedestrian environment along key streets in the Gateway plan district. The standards help maintain an urban character along the Enhanced Pedestrian Streets by reinforcing the continuity of pedestrian-oriented, active ground-level uses and strengthening the relationship between those uses and the pedestrian environment. Active uses include but are not limited to: lobbies, retail, residential, commercial, and office. Together with the ground floor window, entrance, and pedestrian standards, the Enhanced Pedestrian Street standards foster an

## Commentary



**Map 21. Adopted Enhanced Pedestrian Streets**

### 33.526.290 Ground Floor Windows

This is the former "Building Design" section, 33.526.280.B.3. It has been moved into its own section, 33.526.290.

# Gateway Planning Regulations Project

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efficient, safe, and interesting route for pedestrians to move through the Gateway plan district.

**B. Where these regulations apply.** Development on sites abutting an Enhanced Pedestrian Street as shown on map 526-4, where the development is new development or that adds at least 40,000 square feet in floor area to the site, must meet the standards of this section. Development where there has been a school use on the site since June 18, 2004 is exempt from this requirement.

**C. Required building lines.** Either Paragraph C.1 or C.2 below must be met. Exterior walls of buildings designed to meet the requirements of this subsection must be at least 15 feet high.

1. The building must extend to the street lot line along at least 75 percent of the lot line; or
2. The building must extend to within 12 feet of the street lot line for 75 percent of the lot line and the space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes or vendor's stands.

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

1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
2. The area must be at least 25 feet deep, measured from the street frontage wall;
3. The area may be designed to accommodate a single tenant or multiple tenants.
4. The street-facing façade must include windows, or be structurally designed so doors and windows can be added when the space is converted to active building uses; and
5. Parking is not allowed in the areas that are required to meet the standard of this subsection.

## **33.526.290 Ground Floor Windows**

**A. Purpose.** In the Gateway plan district, blank walls on the ground level of buildings are limited in order to:

- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
- Encourage continuity of retail and service uses;

## Commentary

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

This is a new requirement. In some locations, the Gateway Regional Center borders directly on single-dwelling zoned residential neighborhoods. Buildings that utilize the allowable height and floor area could overwhelm the smaller one- and two-story single-dwelling homes outside the plan district boundary. These provisions, in conjunction with the transition height provision of 33.526.230.C, will provide a somewhat more visually appealing view toward the regional center from the neighborhoods.

### **33.526.310 Exterior Display and Storage**

This provision was not changed.

### **33.526.320 Drive-Through Facilities**

This provision was not changed.

### **33.526.330 Gateway Master Plan**

This is a new provision designed to serve several purposes. First, the Gateway master plan seeks to use unified and flexible physical master planning to promote the following:

- A more performance-based and flexible application of development standards,
- Improved level of amenity,
- More efficient land use and creative design,
- More effective mitigation of impacts, and
- Greater ability to meet economic, housing, transportation, open space, and other objectives.

Second, the Gateway master plan is a tool that can help combine regulation, design, bonuses and financial tools to implement the Gateway Regional Center development strategy. Deliberations about development schemes become an opportunity for City staff and developers to jointly consider the best combination of plan, regulation and urban renewal involvement to accomplish public and private purposes. There is potentially an opportunity to leverage public dollars on behalf of progressive, exciting new development.

In exchange for a degree of flexibility in the application of zoning standards, applicants prepare site development plans that would be reviewed on the basis of an explicit list of criteria, found in chapter 33.833, *Gateway Master Plan Review*, on page I-117. Gateway master plans would be processed through a Type III procedure, with amendments processed through a Type II or Type III procedure.

*(Continued on the next commentary page.)*

# Gateway Planning Regulations Project

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- Encourage surveillance opportunities by restricting fortress-like facades at street level; and
- Avoid a monotonous pedestrian environment.

**B. Standard.** All exterior walls on the ground level which face a street lot line, sidewalk, plaza, or other public open space or right-of-way must meet the Ground Floor Window requirements of the CX zone.

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

**A. Purpose.** These regulations prevent large blank walls above the ground floor from facing residential sites outside the plan district. Together with the height regulations, this helps lessen the impact of tall buildings in the regional center on adjacent residential neighborhoods.

**B. Required windows above the ground floor.** Sites across a street and within 50 feet of R7 through R2.5 zones outside the plan district must provide windows in facades that face a residential zone. The windows must cover at least 15 percent of the area of the façade above the ground level. This requirement is in addition to any required ground floor windows.

## **33.526. 210 310 Exterior Display and Storage**

Exterior display and storage are prohibited except for outdoor seating for restaurants and pedestrian-oriented accessory uses, including flower, food, or drink stands. Temporary open-air markets and carnivals are also allowed.

**33.526.220 320 Drive-Through Facilities.** Drive-through facilities are prohibited.

## **33.526.330 Gateway Master Plan**

**A. Purpose.** The Gateway master plan adds development potential and flexibility for projects in specified areas. A carefully considered master plan has the potential to ensure that new development moves sites in the plan district closer to the goals of the Gateway Regional Center, while allowing for flexibility, additional development capacity, and phasing of change. The additional development potential and flexibility are possible because the master plan demonstrates that the policy objectives of the Outer Southeast Community Plan are advanced and can be met in the long term. The Gateway master plan is an option; it is not a requirement.

**B. Flexibility achieved.** An approved Gateway master plan allows additional flexibility in any of the following situations:

1. Allocates allowed floor area to individual development sites that will not remain in the same ownership;

## Commentary

### **Gateway Master Plan (continued)**

Applicants are encouraged to meet with the Bureau of Planning, the Portland Development Commission, the Portland Office of Transportation, the Bureau of Environmental Services, and Portland Parks and Recreation six months in advance of their application. In part, the purpose of this meeting is to explore all options, including financial, available to help the applicant best meet the goals of the project and the policies of the City in a more flexible manner than would be possible if relying strictly on the standards.

Any property owner or combination of property owners can utilize the master plan provision. There is no site size minimum nor maximum. Preparation of a master plan does not eliminate the need to meet code requirements, but it does offer the flexibility of phasing, deferral, and reallocation of required floor area on a site, independent of zoning.

# Gateway Planning Regulations Project

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2. Defers the building of any required housing;
3. Allows the development of required housing at an alternate location;
4. Defers the building of required open area;
5. Defers the construction of required streets, accessways, and other transportation elements; or
6. Allows applicants to take advantage of bonus options in 33.526.230.

**C. Contents of a Gateway master plan.** In addition to the application requirements of Section 33.730.060, a Gateway master plan must contain the components listed below. The greater the level of detail in the plan, the less need for extensive reviews of subsequent phases. Conversely, the more general the details, the greater the level of review that will be required for subsequent phases. The plan must include:

1. Floor area. How allowable floor area will be distributed throughout the site. This can be shown by location of buildings, by subareas of the site, or by amount assigned to each lot. The total combined floor area for the entire site must be within the maximum allowed, including bonus floor area, for the plan area before any allocations, and may be reallocated within the site. Adjustments to the total combined floor area for the entire site may also be requested. Floor area transfers outside of the Gateway master plan site are prohibited.
2. Infrastructure capability. The plan must identify and link the development of each phase of the project to the provision of services necessary to meet the infrastructure service needs of the development associated with that phase.
3. Housing
  - a. The location, density, and general type of housing to be built. If residential development is required by the base zone, the plan must show how the requirement will be met. If the required housing is not proposed to be built in advance or concurrently with other development, the plan must demonstrate that the proposed location for housing is of suitable size and location for the required amount of housing. The plan must identify a schedule or development phase when the required housing will be built.
  - b. If the required housing is proposed for a location outside of the residentially-zoned area, the proposed site must meet the following requirements. The site must be under the applicant's control. The site must be vacant or used for surface parking, or have improvements with an assessed value less than one-third the value of the land. The site must be within the Gateway plan district and be zoned CX or EX. The proposed housing site must be of suitable size and location to be attractive for the required amount of housing.
4. Circulation. The plan must identify a clear internal circulation system that joins the surrounding street system at logical points and meets the needs of pedestrians, bicyclists, and drivers.

### **Commentary**

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# Gateway Planning Regulations Project

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5. Open area. The plan must identify when and where the open area will be built.
6. Connectivity. The plan must identify when and where the streets, accessways, and other internal connections will be built.
7. Proposed reviews and criteria. Required reviews, such as design and other land use reviews, for all phases may be done as part of the initial master plan review, or may be done separately at the time of each new phase of development.
  - a. If the applicant requests that all of the required reviews be done as part of the review of the master plan, the plan must explain and provide enough detail on how the proposals comply with the approval criteria for the reviews.
  - b. If the applicant decides to defer these reviews to the time of future development, the plan must specify what review procedures and approval criteria will be used for reviewing that development.
  - c. Adjustments and modifications. If any adjustments or modifications are being requested in conjunction with the Gateway master plan review, the application must include a statement as to how each adjustment and modification complies with the approval criteria for the adjustment or modification.

## **D. Duration and expiration of a Gateway Master Plan**

1. A Gateway Master Plan must include currently proposed developments and developments that might be proposed within at least 3 years.
2. An approved Gateway Master Plan remains in effect until development allowed by the plan has been completed, the plan is amended or superseded, or it becomes void as specified in Paragraph D.3, below.
3. If there has been no development on the site within 10 years after the Gateway Master Plan is approved, the Gateway Master Plan is void, and no further development will be allowed on any area previously covered by the Plan until or a new or updated plan is approved.

## **E. Implementation**

1. Development in conformance with a Gateway master plan.
  - a. Development that is consistent with and conforms to the specific Gateway master plan is not required to go through another Gateway master plan review, but may be subject to additional reviews specified by the plan.
  - b. Any transportation, water, stormwater disposal, or wastewater disposal systems identified in the plan as necessary to serve the development are in place or will be in place when the project is ready for occupancy.

## Commentary

### 33.526.290 340 Parking

#### A. Purpose

The purpose statement has been expanded to more explicitly identify why these particular regulations are included in the plan district.

#### B. Number of parking spaces

With two exceptions, discussed below, the maximum parking ratio is retained. This low parking ratio is a critical policy for promoting transit and accomplishing the level of transit-supportive development desired in Gateway. The area is already a transit rich regional center, but with the addition of a third light rail line, it will be even more so.

The two exceptions to the above are medical/dental offices and general offices. Medical/dental offices are documented to need more parking. Gateway has a concentration of medical/dental offices and medical/dental employment. There is precedent in the Hollywood Plan District for increasing this specialized office parking ratio.

Exempting structured parking from parking maximums in Gateway is consistent with Metro's Regional Parking Policy, Title 2 in the *Urban Growth Management Functional Plan*, which exempts parking spaces in parking structures from maximum parking standards. Studies prepared by the Oregon Department of Environmental Quality (DEQ) and Metro have shown that 3.4 spaces /1000 sq. ft. generally provides a parking space for every employee. City Council adopted 3.4 spaces/1000 sq. ft.

Exempting structured parking from parking maximums, however, is not likely to be sufficient incentive to increase the amount of parking or parking structures in Gateway. Based on a 1996 study by ECONorthwest for the Clackamas Regional Center, the only incentives that will leverage structured parking in areas with abundant land and surface parking are financial incentives.

# Gateway Planning Regulations Project

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2. Development not in conformance with Gateway master plan. Development that is not in conformance with the Gateway master plan requires an amendment to the plan.

## **33.526.290-340 Parking**

- A. Purpose.** The regulations of this Section ensure that development is oriented to transit ~~and does not discourage transit use~~, bicycling, ~~or~~ and pedestrian travel ~~by ignoring transit facilities or accommodating facilities while ensuring accessibility~~ for motor vehicles ~~at the expense of pedestrians~~. Limiting the number of parking spaces promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for a better pedestrian environment, and protects air and water quality. Parking that is provided in structures is preferred over parking in surface lots because, as a more efficient use of land, structured parking promotes compact urban development. In addition, parking structures with active uses on the ground floor provide a better environment for pedestrians and contribute to the continuity of street-level retail and service uses that support a thriving urban area.

The parking ratios in this section will accommodate most auto trips to a site and take into account the intensity of development in the area, on-street parking supply, pedestrian activity, and proximity to frequent transit service.

Limiting the location of parking and access on light rail alignments improves access to transit, supports a transit-oriented development pattern, and reduces conflicts between motor vehicles and pedestrians or bicycles. In particular, it reduces conflicts between motor vehicles and light rail trains, especially where the access would require cars to cross the light rail tracks.

### **B. Number of parking spaces**

1. Minimum required parking spaces. There is no minimum number of required parking spaces.
2. Maximum allowed parking spaces.
  - a. Except as specified in B.2.b, the maximum number of parking spaces allowed for nonresidential uses may not exceed is 150 percent of Standard A in Table 266-2 of Chapter 33.266, Parking and Loading. The maximums apply to both surface and structured parking. ~~Park-and-ride facilities are exempt from this requirement.~~
  - b. Exceptions.
    - (1) Medical and dental offices. The maximum number of parking spaces allowed for medical and dental offices is 1 space per 204 square feet of floor area. The maximum applies to both surface and structured parking.
    - (2) Office uses. If all of the parking accessory to Office uses is in structured parking, the maximum number of parking spaces allowed for Office uses is 1 space per 294 square feet of floor area.

## Commentary

### C. Location

The earlier parking code prohibited parking and loading areas and driveways between a primary structure and an abutting light rail alignment. In Gateway this meant that driveways and parking/loading areas for properties along the Burnside MAX line were restricted, with no ability to evaluate peculiarities of the particular situation.

The initial prohibition of these uses along a transit line was based on the circumstances faced in the Central City. However, Gateway faces different circumstances. Transit rail lines in Gateway are grade-separated from the street except where they cross major intersections: 99<sup>th</sup>, 102<sup>nd</sup>, 122<sup>nd</sup>, 148<sup>th</sup>, and 162<sup>nd</sup>, along with a few intersections that allow U-turns between 102<sup>nd</sup> and 162<sup>nd</sup>. Thus, drivers must turn right onto Burnside in most locations and none can drive on the rails. As for pedestrians crossing the rails, in most locations the combination of gates, fences, landscaping, and gravel make crossing them anywhere except at the above intersections essentially impossible and certainly extremely dangerous. In addition, while the vision and intent for Gateway is for it to become a more urban, pedestrian-oriented place, the area will transition only over time.

Making parking and loading areas and driveways along transit streets in Gateway possible through a modification would increase flexibility for properties and businesses along the transit line until the area has transitioned far enough to warrant stricter standards. The Portland Office of Transportation has indicated that, as long as the purpose statement accurately reflects the intention regarding this issue along the rail alignment, making the provision "not allowed" will give staff greater ability to work closely with property owners in fashioning transportation options that protect the rail alignment while still encouraging economically desirable changes.

### D. Parking structures/Structured parking near light rail

The wording of this subsection has been revised to clarify what is intended by accommodating Retail Sales And Service or Office uses. In addition, the distance from the light rail alignment within which parking structures must be designed and constructed to accommodate retail sales and service or office uses has been extended from 50 feet to 100 feet. Increasing the distance of this requirement helps ensure a quality pedestrian environment near the light rail line and around transit stations.

### E. Parking access

This subsection has been deleted as its revised provisions have been included in subsection C, Location.

# Gateway Planning Regulations Project

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(3) Park-and-ride facilities. There is no maximum for park-and-ride facilities.

**C. Location.** ~~Motor vehicle parking, maneuvering, and loading areas are not allowed between the façade of a building with the main entrance and the street. If a site abuts more than two streets, this requirement must be met for only two of the streets. Motor vehicle parking, maneuvering, and loading areas between the primary structure and an abutting light rail alignment are prohibited.~~

1. Vehicle areas are not allowed between a primary structure and any street, except as follows:

a. Sites with through lots or with three frontages may have vehicle areas between a primary structure and one Local Service Transit Street.

b. Sites on full blocks may have vehicle areas between a primary structure and two Local Service Transit Streets.

c. Driveways are allowed between a building and a street that is not a light rail alignment if the driveway provides a straight line connection between a street and parking area inside the building. Driveways between a building and a light rail alignment are not allowed.

2. Vehicle areas are not allowed on the portion of the site within 100 feet of a street that is a light rail alignment.

**D. Parking structures.** ~~In the C and E zones, parking structures or parts of parking structures located within 50 feet of a light rail alignment must be designed and constructed to accommodate Retail Sales And Service or Office uses along at least 50 percent of the structure's ground level walls that front onto the light rail alignment.~~

**D. Structured parking near light rail.** In C and E zones, areas of structured parking located within 100 feet of a light rail alignment must meet the standards of 33.526.280.C., Ground Floor Active Uses, along at least 50 percent of the structure's ground floor walls that face the light rail alignment and front onto a sidewalk, plaza, or other public open space.

**E. Parking access.** ~~Motor vehicle access to any parking area or structure, or loading area is not allowed from a light rail alignment unless the site does not abut another street. Adjustments to this Subsection are prohibited.~~

## Commentary

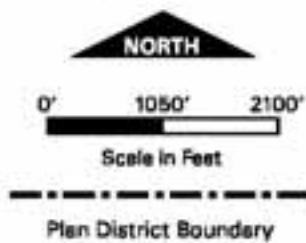
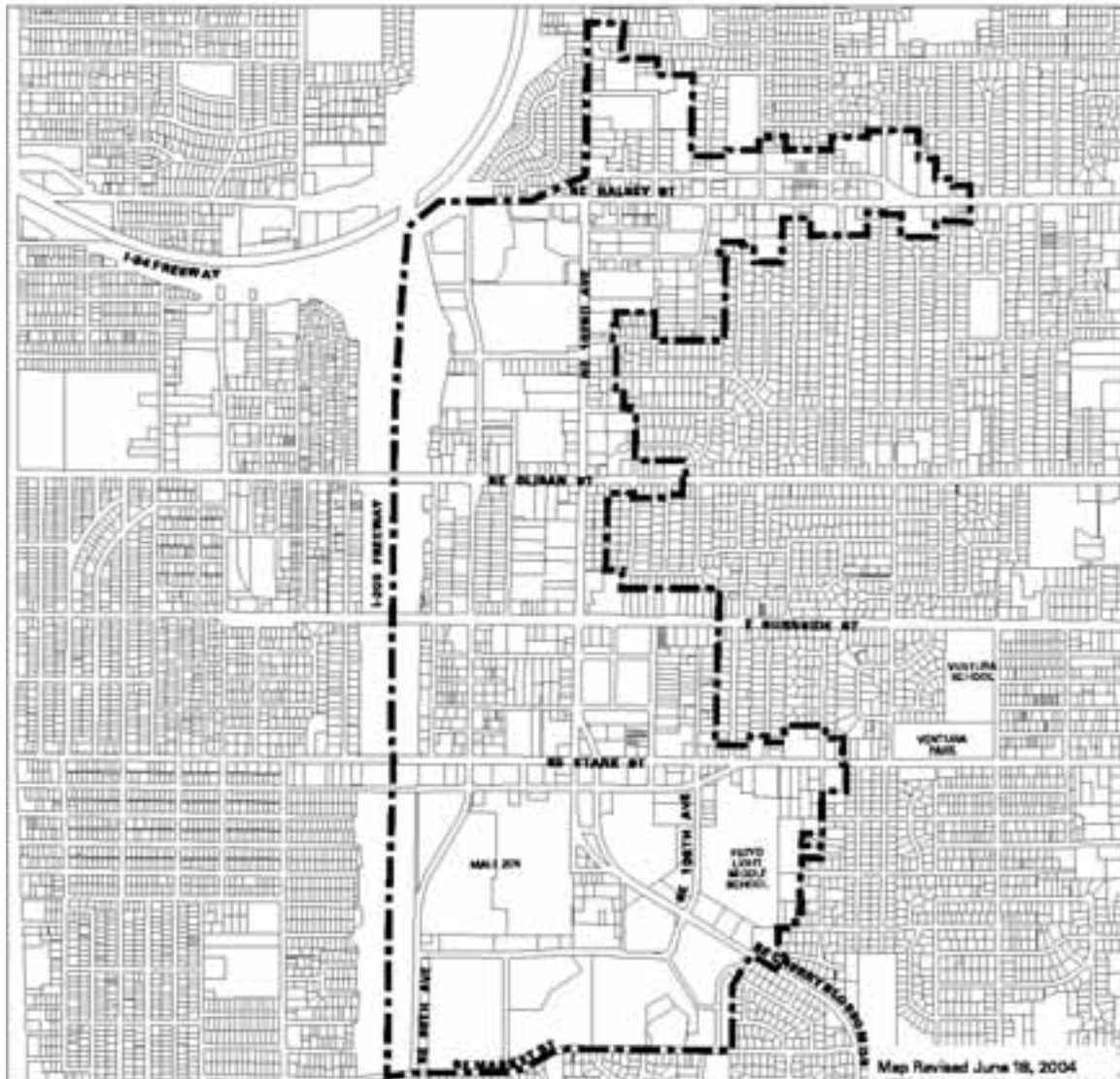
### **Map 526-1 Gateway Plan District**

The new *Gateway* plan district is created out of the old *Gateway* plan district and is expanded so its boundary is identical with the *Gateway Regional Center* urban renewal area.

As shown on Map 526-1, the boundaries of the *Gateway* plan district are generally Market on the south, slightly north of Hancock and Weidler on the north, a wavering line between 103<sup>rd</sup> and 114<sup>th</sup> on the east, and I-205 on the west.

# Gateway Planning Regulations Project

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**Map 526-1**  
**Gateway Plan District**

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## Commentary

### **Map 526-2 Maximum Heights**

This map accompanies section 33.526.210, Building Height, and shows the City Council's adopted maximum building heights in the Gateway plan district.



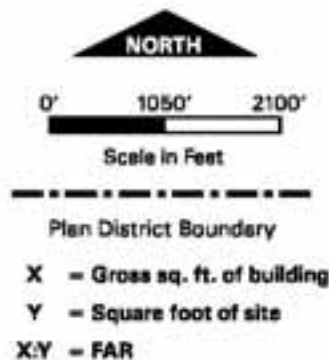
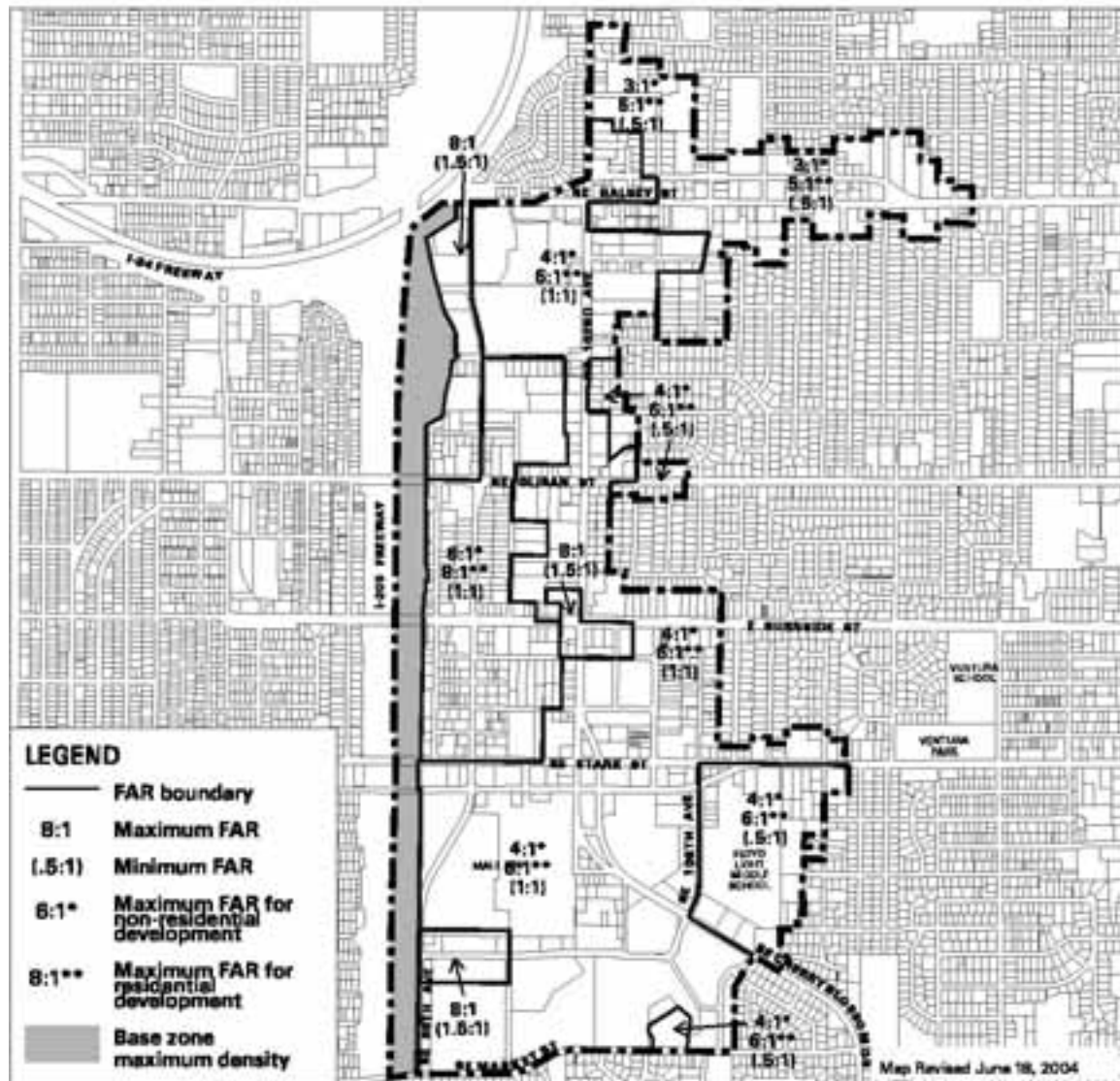


## Commentary

### **Map 526-3 Floor Area Ratios**

This map accompanies section 33.526.220, Floor Area Ratio, and shows the City Council's adopted floor area ratios (FAR) for various locations in the Gateway plan district.

# Gateway Planning Regulations Project



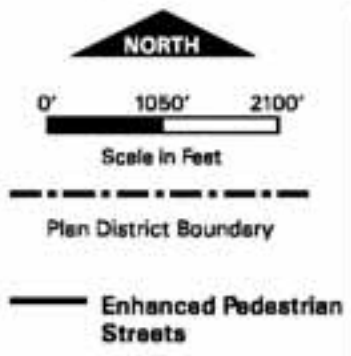
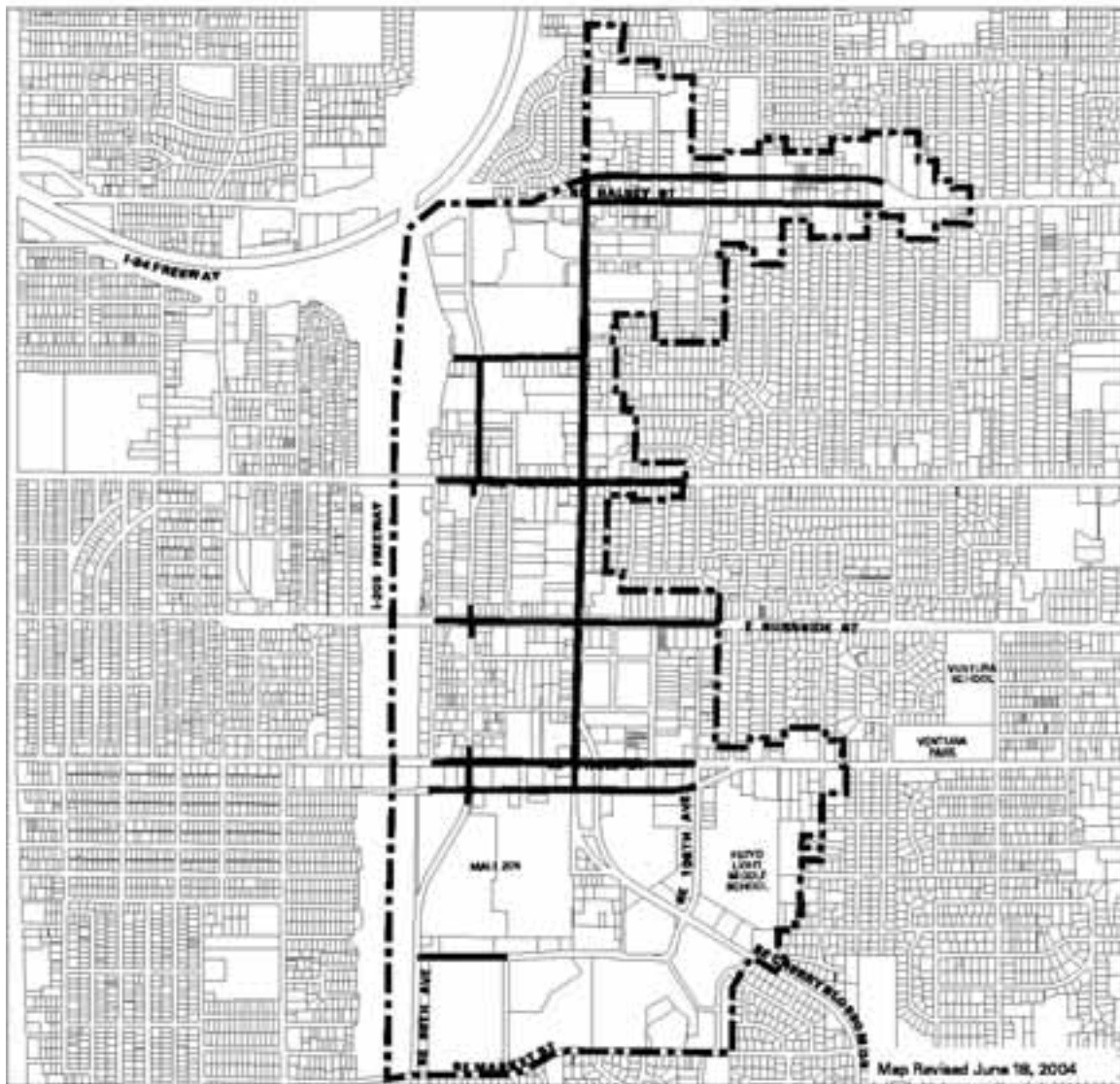
## Map 526-3 Gateway Plan District Floor Area Ratios (FAR)

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## Commentary

### **Map 526.4 Enhanced Pedestrian Streets**

This map accompanies section 33.526.280, Enhanced Pedestrian Street Standards, a new section that incorporates the current Gateway plan district requirements of required building lines and ground floor active uses. This map is also used in 33.526.260, Pedestrian Standards, to identify properties that must meet additional improvement requirements between buildings and streets.



**Map 526-4**  
**Gateway Plan District**  
**Enhanced Pedestrian Steets**

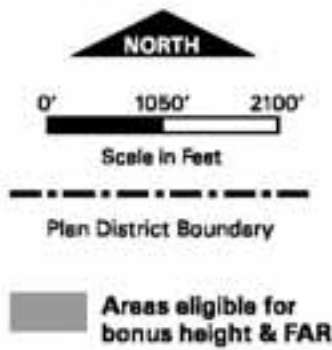
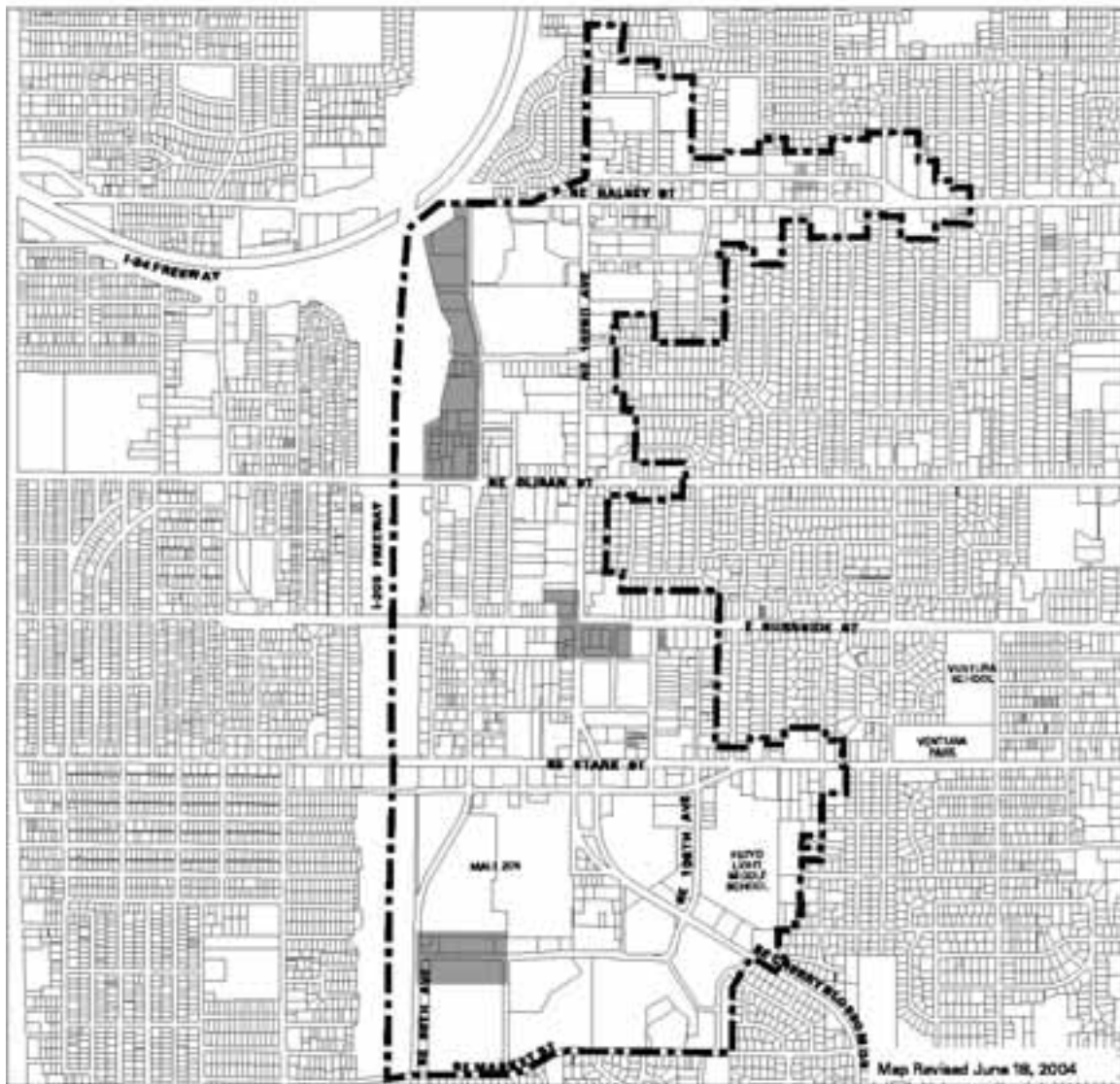
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## Commentary

### **Map 526-5 Bonus Option Areas**

This map accompanies section 33.526.230, Floor Area and Height Bonus Options, a new section that offers three incentives in exchange for additional height and floor area. The three bonus options are housing, eco-roofs, and open space.

# Gateway Planning Regulations Project



**Map 526-5**  
**Gateway Plan District**  
**Bonus Option Areas**

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## MAY 2004





# Gateway Regional Center: Other Zoning Code Provisions



## **Commentary**

### **CHAPTER 33.120 MULTI-DWELLING ZONES**

#### **33.120.100 Primary Uses**

B.3.b. Prior to adoption, this provision pertained solely to the *Central City* plan district. City Council added the *Gateway* plan district to the current provision. This will direct reviewers to the *Central City* and *Gateway* plan districts for provisions of the RX zone.

# Gateway Planning Regulations Project

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## CHAPTER 33.120 MULTI-DWELLING ZONES

### 33.120.100 Primary Uses

#### A. Limited Uses

3. Retail Sales and Service and Office Uses in the RX Zone
  - b. Central City plan district and Gateway plan district. Retail Sales and Service and Office uses in the RX zone within the Central City plan district and the Gateway plan district are exempt from the regulations of this paragraph, and are instead subject to regulations in Chapter 33.510, Central City Plan District and Chapter 33.526, Gateway Plan District.

# Gateway Planning Regulations Project

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## CHAPTER 33.293 SUPERBLOCKS

### **33.293.020.B and C**

This provision adds the *Gateway* plan district into the current superblock provisions. It also substitutes a threshold of 40,000 square feet in additional floor area for "major remodelings."

# Gateway Planning Regulations Project

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## CHAPTER 33.293 SUPERBLOCKS

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 167054, effective 10/25/93; Ord. No. 170704, effective 1/1/97.)

### Sections:

- 33.293.010 Purpose
- 33.293.020 Where the Superblock Regulations Apply
- 33.293.030 Requirements
- 33.293.040 Phased Development
- 33.293.050 Redevelopment of an Existing Superblock
- 33.293.060 Multiple Ownerships
- 33.293.070 Maintenance

### **33.293.010 Purpose**

The Superblocks chapter regulates the amount and location of open areas and Walkways on large commercial sites where streets have been vacated. The intent is to Promote a pleasant and convenient walkway and open area system on the superblock that links to the adjacent buildings, to the public circulation system, and to any available public transit. The requirements also promote the maintenance of light, air and access that could be lost due to development on the vacated street.

### **33.293.020 Where the Superblock Regulations Apply**

Superblocks are subject to the regulations of this chapter as stated below.

- A. Central City plan district.** The superblock regulations apply to all new development and major remodelings ~~which on sites that~~ include 5,000 square feet or more of vacated street. The regulations apply in all of subdistricts of the Central City plan district except the Downtown and Northwest Triangle subdistricts.
- B. Gateway plan district.** The superblock regulations apply to all new development and the addition of 40,000 square feet on sites that include 5,000 square feet or more of vacated street.
- C. IR, CS, CG, CX, and EX zones outside of the Central City and Gateway plan districts.** The superblock regulations apply to all new development and major remodellings which include 50,000 square feet or more of vacated street in the IR, CS, CG, CX, and EX zones outside of the Central City plan district. For sites where part of the vacated street is in either the Central City or Gateway plan district, the whole site is subject to the 5,000 square foot threshold.

## Commentary

### CHAPTER 33.420 DESIGN OVERLAY ZONE

Overall, the vision for the Gateway Regional Center is for it to transition from a low-density, automobile-oriented area to a high-density, pedestrian-oriented community. The eventual build-out of the regional center is expected to resemble a scaled-down version of downtown Portland, a dramatic shift from its present condition. Additionally, each building is expected to be at a "downtown-level" of design quality. Local residents, property owners, developers, and other interested parties have, for the most part, embraced this vision of the regional center's future.

As densities in the regional center rise and public and private investments grow, there will be increasing pressure for buildings to be of a higher design quality. Property owners and developers want to ensure that the care and quality going into their designs will be reflected in each subsequent project, contributing to the long-term value of Gateway's overall transformation.

To achieve the high level of design quality desired by the community, City Council extended the design overlay zone to all properties within the Gateway Regional Center.

# Gateway Planning Regulations Project

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## CHAPTER 33.420 DESIGN OVERLAY ZONE

### **33.420.010 Purpose**

The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

### **33.420.021 Applying the Design Overlay Zone**

The Design Overlay Zone is applied to areas where design and neighborhood character are of special concern. Application of the Design Overlay Zone must be accompanied by adoption of design guidelines, or by specifying which guidelines will be used.

Many applications of the Design Overlay Zone shown on the Official Zoning Maps are referred to as design districts. A design district may be divided into subdistricts. Subdistricts are created when an area within a design district has unique characteristics that require special consideration and additional design guidelines. The location and name of each design district and subdistrict is shown on maps 420-1 through ~~420-4~~ 420-6 at the end of this chapter.

Other applications of the Design Overlay Zone shown on the Official Zoning Maps are not specific design districts. Some are adopted as part of a community planning project, and some are applied automatically when zoning is changed to CX, EX, RX, or IR.

### **33.420.051 Design Guidelines**

Guidelines specific to a design district have been adopted for the areas shown on maps 420-1 through 420-3 and 420-5 through 420-6 at the end of this chapter. All other areas within the Design Overlay Zone use the Community Design Guidelines.

### **33.420.060 When Community Design Standards May Not Be Used**

The Community Design Standards may not be used as an alternative to design review as follows:

- A.** In the Central City plan district. See Map 420-1;
- B.** In the Gateway plan district. See Map 420-6;

**(Note: After adopting the above change, reletter B through F to C through G.)**

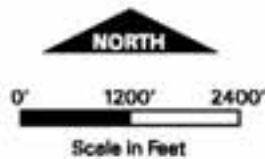
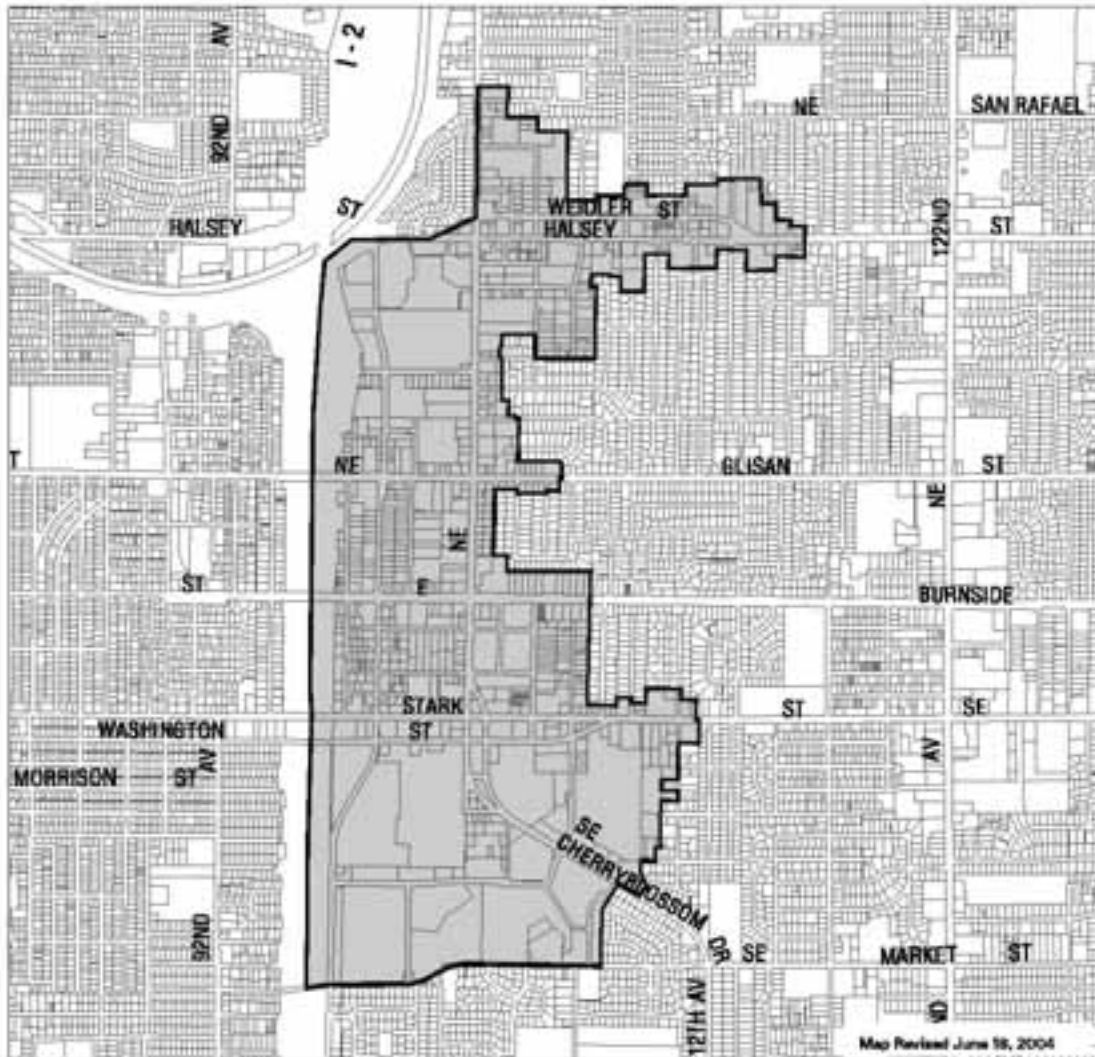
## Commentary

### **Map 420-6 Gateway Design District**

This map accompanies section 33.420, Design Overlay Zone. The application of the density overlay zone to all properties within the Gateway plan district is a major step toward achieving the high level of design quality desired in the regional center.



# Gateway Planning Regulations Project



Design District Boundary

## Map 420-6 Gateway Design District

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# Gateway Planning Regulations Project

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## Commentary

### CHAPTER 33.825 DESIGN REVIEW

Prior to adoption of this project, properties in Gateway with the design overlay zone were subject to the "two-track system." Rather than the traditional discretionary design review, applicants could choose to meet the non-discretionary Community Design Standards in Chapter 33.218. If they could not meet these standards or they wanted the flexibility of design review, they went through a Type II design review process. In the latter instance, applicants met the Community Design Guidelines.

The "two-track system" was established to raise the level of design quality of properties, outside of the Central City, where new development would have a significant local impact on a neighborhood or district within the City. The option of the standards track provides a lesser level of design review for these less visible areas.

In the late 1990s, a state legislative mandate required jurisdictions to allow an option of a standards track to meet design review requirements for residential projects. This mandate was exempted for properties in the central cities and regional centers where design review often ensures a higher level of design quality in these highly visible, regionally important areas. As one of only seven regional centers in Oregon, the City Council applied discretionary design review in Gateway to ensure higher quality design in future development projects. The decision to use discretionary design review was prompted by two ongoing issues: the inability of the existing two-track system to adequately realize the desired design quality and the assurance that, as more investment occurs, a consistently higher level of design quality will be achieved.

As of June 18, 2004, the effective date of this project, therefore, all proposals in the Gateway Regional Center be subject to either Type II or Type III design review. All projects will be subject to Type II design review, with the exception of projects that have a value over \$1,000,000 in 1990 dollars and projects using the Gateway Master Plan, which will be subject to Type III design review.

The *Gateway Regional Center Design Guidelines* will be the criteria used in the design review process.

# Gateway Planning Regulations Project

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## CHAPTER 33.825 DESIGN REVIEW

### **33.825.010 Purpose**

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

**A. Procedures for design review.** Procedures for design review vary with the type of proposal being reviewed and the design district in which the site is located. Design review in some design districts requires an additional procedural step, the "Neighborhood Contact Requirement," as set out in Section 33.730.045, Neighborhood Contact Requirement. Some proposals in the Central City plan district must provide a model of the approved proposal, as set out in Paragraph A.5, below.

1. Type III. The following proposals are processed through a Type III procedure:

f. Proposals in the Gateway Design District that have a value over \$1,000,000 in 1990 dollars, or will be included in a Gateway Master Plan.

2. Type II. The following proposals are processed through a Type II procedure:

g. Proposals within the Outer Southeast Community Plan area's design overlay zones except in the Gateway Design District,

q. Proposals in the Gateway Design District except for those listed in paragraph A.1.f. above.

### **33.825.065 Design Guidelines**

**B. Design guidelines.** Guidelines specific to a design district have been adopted for the areas shown on maps 420-1 through 420-3 and 420-5 through 420-6. Where two of the design districts shown on those maps overlap, both sets of guidelines apply.

## **Commentary**

### **CHAPTER 33.833 GATEWAY MASTER PLAN REVIEW**

This section establishes the procedures and criteria for the review of Gateway master plans. There are eight approval criteria. The plans will be reviewed as a Type III procedure, with amendments reviewed as either a Type II or Type III procedure, depending on whether they are minor or not.

# Gateway Planning Regulations Project

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## CHAPTER 33.833 GATEWAY MASTER PLAN REVIEW

### Sections:

- 33.833.010 Purpose
- 33.833.100 Procedure
- 33.833.110 Approval Criteria
- 33.833.200 Amendments to a Gateway Master Plan

### **33.833.010 Purpose**

The purpose of this chapter is to provide procedures and establish the approval criteria for Gateway master plan reviews. The approval criteria ensures that the flexibility, additional development capacity, and phasing of change within the Gateway plan district is carried out within the context of desired connectivity, open area, design, mixed-use and other goals for the regional center. The review recognizes that Gateway is in transition from a suburban low-density area to a dense, mixed-use area.

### **33.833.100 Procedure**

Gateway Master Plan Reviews are processed through a Type III procedure.

### **33.833.100 Approval Criteria**

Requests for Gateway master plan review will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met. The proposed Gateway master plan must:

- A.** Be consistent with the Gateway plan district purposes and Urban Design Concept;
- B.** Meet the Gateway Design Guidelines;
- C.** Be consistent with the policy and objectives of the Gateway Regional Center Policy of the Outer Southeast Community Plan;
- D.** Comply with the Portland Master Street Plan: Gateway District;
- E.** Provide adequate and timely infrastructure to support the proposed uses in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;
- F.** Result in more than one use, such as Residential, Retail Sales And Service, or Office uses, on the site;
- G.** Provide adequate open area to serve the users of the site. The open area must be configured, designed, and located so that it connects to the surrounding area; and
- H.** Guarantee that required housing that is deferred will be built.

## **Commentary**

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# Gateway Planning Regulations Project

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## **33.833.200 Amendments to a Gateway Master Plan**

- A.** Minor amendments to a master plan are processed through a Type II procedure. The following are considered minor amendments:
  - 1. Increases in overall floor area of development of up to 10 percent.
  - 2. Increases in parking of up to 10 percent.
  - 3. Revisions to the connectivity element pertaining to Right-of-Way width and phasing of dedication and construction.
- B.** All other amendments to a master plan are processed through a Type III procedure.
- C.** Approval criteria for amendments are those in Subsection 33.833.100.

# Gateway Planning Regulations Project

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*South Auditorium District in downtown Portland*



*South Park Square Apartment complex on the Park Blocks in downtown Portland*



# **Adopted Amendments to the *Outer Southeast Community Plan***



*Left and bottom: Russellville Commons, SE 102<sup>nd</sup>. Right: SE 106<sup>th</sup> with the East Police Precinct in the background*

## Commentary

### ***Amendments to the Outer Southeast Community Plan***

The *Outer Southeast Community Plan*, which was adopted in 1996, was revised for the Gateway Regional Center to more accurately reflect the vision, goals, and desires of the *Opportunity Gateway Concept Plan* and the urban design concept. The *Outer Southeast Community Plan*, which is part of the City's *Comprehensive Plan*, includes Subarea Policy IV that specifically addresses the Gateway Regional Center. No changes were made to the policy itself. The following changes were made to the objectives and action chart:

- Objective 7: Amend to reflect park development recommendations of the *Opportunity Gateway Concept Plan* as well as the Urban Design Concept.
- Objective 10: Add new objective to explicitly state the desire for Gateway to become a mixed-use center.
- Action Chart: Expand to include additional items requested over the last several years during the Gateway Planning Regulations Project and during the process to create the Gateway Regional Center urban renewal area.

# Gateway Planning Regulations Project

## Gateway Regional Center Subarea Policy

Foster the development of this area as a “Regional Center.” Attract intense commercial and high-density residential development capable of serving several hundred thousand people. Promote an attractive urban environment by creating better pedestrian connections and providing more public open space. *(No change)*

### Objective 7

Address the area’s park deficiency by developing park blocks from north of Pacific Street to south of Stark Street ~~between 99<sup>th</sup> and 100<sup>th</sup> Avenues~~. Mark ~~each end~~ of the park blocks with dramatic focal points such as an arch, fountain, or other art form.

### Objective 10

Create a district that contains a variety of uses on an intense scale that foster a vibrant, mixed-use environment.

### Gateway Regional Center Action Chart:

#	Action	Time				Implementor
		Adopt With Plan	On-Going	Next 5 Years	6 to 20 Years	
PROJECTS						
RC1	Create a linear set of park blocks between <del>99<sup>th</sup> and 100<sup>th</sup> Avenues</del> , the Gateway and Mall 205 Shopping Centers.			✓		BOP, Parks
RC2	Construct housing in the 102 <sup>nd</sup> Avenue transit station area for all income levels, including units affordable for low to moderate income households.			✓		PDC
<u>RC3</u>	<u>Plan, design and implement the transportation projects identified in the Transportation System Plan (TSP) for the Gateway Regional Center.</u>		✓			<u>PDOT, ODOT, Metro</u>
<u>RC4</u>	<u>Expand the Gateway Pedestrian District to include the entire regional center.</u>			✓		<u>PDOT</u>
<u>RC5</u>	<u>Evaluate the use of “water quality friendly” street designs, such as porous pavement, depressed planter strips, street trees, or Metro’s Green Street design standards.</u>			✓		<u>BES, PDOT</u>

# Gateway Planning Regulations Project

#	Action	Time				Implementor
		Adopt With Plan	On-Going	Next 5 Years	6 to 20 Years	
<u>RC6</u>	<u>Place overhead utility wires underground, in conjunction with planned street improvements.</u>		✓			<u>PDOT, Private, Utility Providers</u>
<u>RC7</u>	<u>Embed light rail tracks into the Burnside right-of-way as is the case in Downtown Portland.</u>				✓	<u>Tri-Met, Metro, PDOT</u>
<u>RC8</u>	<u>Consider building a trolley or similar circular internal transit system between the northern and southern ends of the regional center.</u>				✓	<u>Tri-Met, Metro</u>
<u>RC9</u>	<u>Encourage property owners to construct publicly-accessible fountains, water features, and courtyards on private property.</u>		✓			<u>Private, PAC</u>
<u>RC10</u>	<u>Emphasize water conservation and stormwater integration in both public and private construction projects.</u>		✓			<u>Private, BES, OSD, PAC</u>
<u>RC11</u>	<u>Create street standards that reflect the street designations and the subareas identified in the <i>Opportunity Gateway Concept Plan</i>. Include treatments for at least the following: street trees, street lights, street furnishings, tree grates, street signs, sidewalk pavement, traffic lights, and signals.</u>			✓		<u>PDOT</u>
<u>RC12</u>	<u>Create and hang banners for City, Gateway, and other special events.</u>		✓			<u>HNA, GABA, PAC, PDOT</u>
<u>RC13</u>	<u>Create public art and unique identity shelters at each light rail transit stop.</u>		✓			<u>Tri-Met</u>
<u>RC14</u>	<u>Complete the swale between Mall 205 and Adventist Medical Center.</u>			✓		<u>Private, PDC</u>
<u>RC15</u>	<u>Insofar as possible, retain existing old-growth trees, especially the historic groves of fir trees.</u>		✓			<u>Private, PAC</u>
<u>RC16</u>	<u>Encourage environmentally-sensitive landscaping with materials that emphasize water quality, water conservation, and stormwater abatement.</u>		✓			<u>PDC, PAC, BES, OSD, Private</u>
<u>RC17</u>	<u>Promote energy-efficiency in public and private developments throughout the regional center.</u>		✓			<u>PDC, OSD, PAC</u>

# Gateway Planning Regulations Project

#	Action	Time				Implementor
		Adopt With Plan	On-Going	Next 5 Years	6 to 20 Years	
<u>RC18</u>	<u>Identify view corridors to Mt. Hood, Mt. St. Helens, and the West Hills. Amend the <i>Scenic Resources Protection Plan</i> to include the view corridors.</u>				✓	<u>PAC, BOP</u>
<u>RC19</u>	<u>Create a Transportation Management Association.</u>				✓	<u>PDC, PDOT, Tri-Met, Business Association, Metro</u>
<u>RC20</u>	<u>Re-evaluate options for hastening the transition of parking from surface lots to structured garages.</u>				✓	<u>PDC, PDOT, Tri-Met, BOP, Metro</u>

## Implementors

BES	Bureau of Environmental Services
BOP	Bureau of Planning
GABA	Gateway Area Business Association
HNA	Hazelwood Neighborhood Association
MPNA	Mill Park Neighborhood Association
ODOT	Oregon Department of Transportation
OSD	Office of Sustainable Development
PAC	Gateway Regional Center Urban Renewal Program Advisory Committee
Parks	Bureau of Parks and Recreation
PDC	Portland Development Commission
PDOT	Portland Office of Transportation

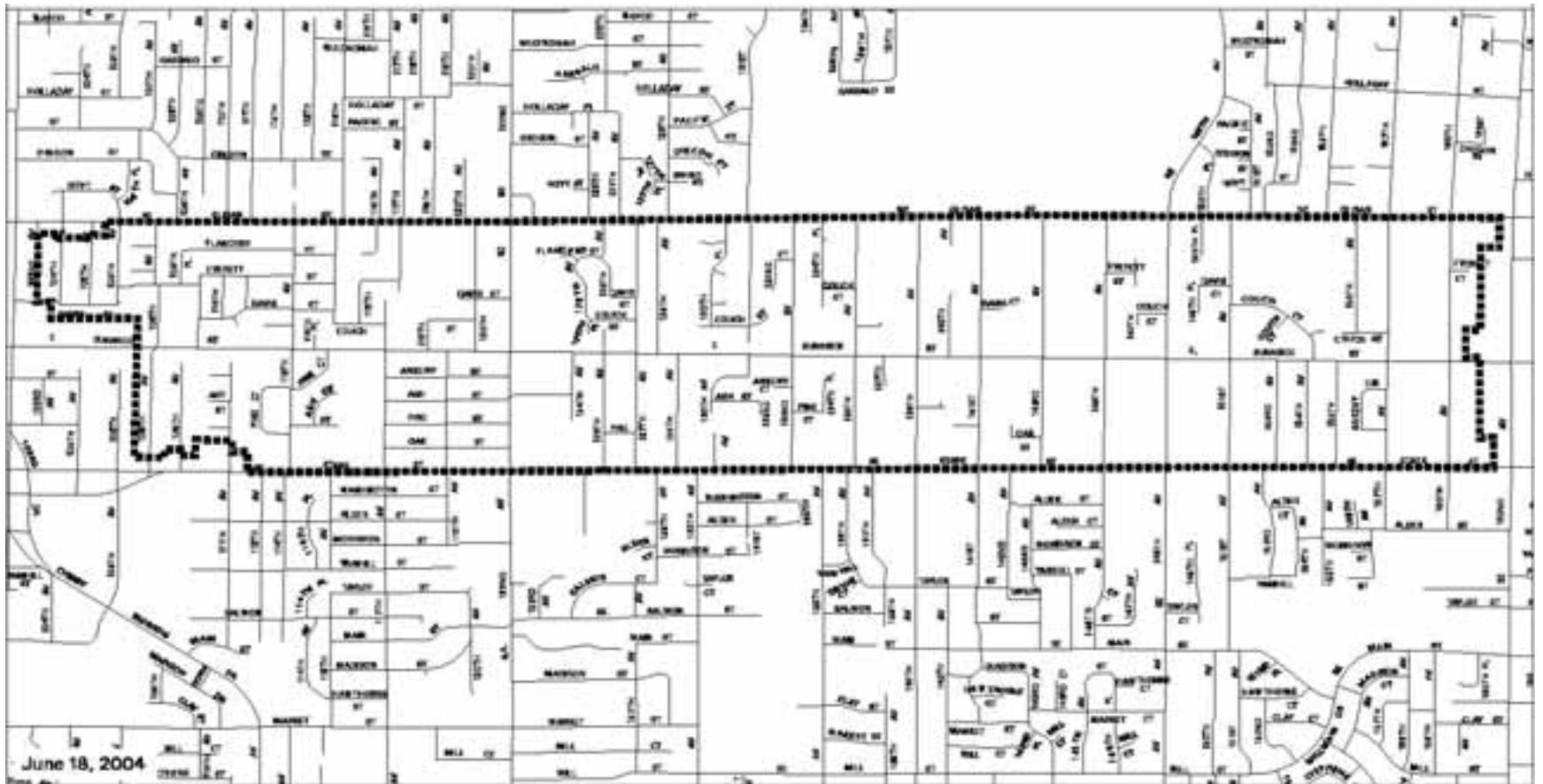
## Gateway Planning Regulations Project

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***Park Vista on SE Stark at approximately 109<sup>th</sup>. Top: Building front facing Stark. Bottom: Two views of the courtyard in the center of Park Vista***

# Part II: East Corridor



Map 22. East Corridor



# Gateway Planning Regulations Project

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*Clockwise from top left: Benson bubbler in downtown Portland; Ankeny Place at SE 121<sup>st</sup> and Ankeny; downtown light fixture; the Hazelwood senior housing project with mini-mall in front*



# Adopted Division of the Gateway Plan District



*Clockwise from top left: 162<sup>nd</sup> light rail station; rowhouses at NE 148<sup>th</sup> and Couch; MAX station at 122<sup>nd</sup> and Burnside; Ron Tonkin Ferrari dealership on the west side of NE 122<sup>nd</sup>*

# Gateway Planning Regulations Project

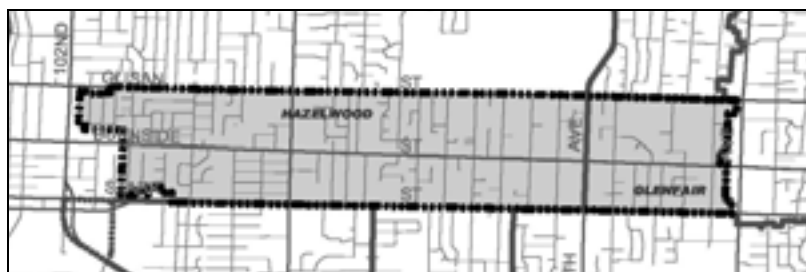
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**Map 23. Gateway Plan District prior to adoption**



**Map 24. Adopted Gateway Plan District**



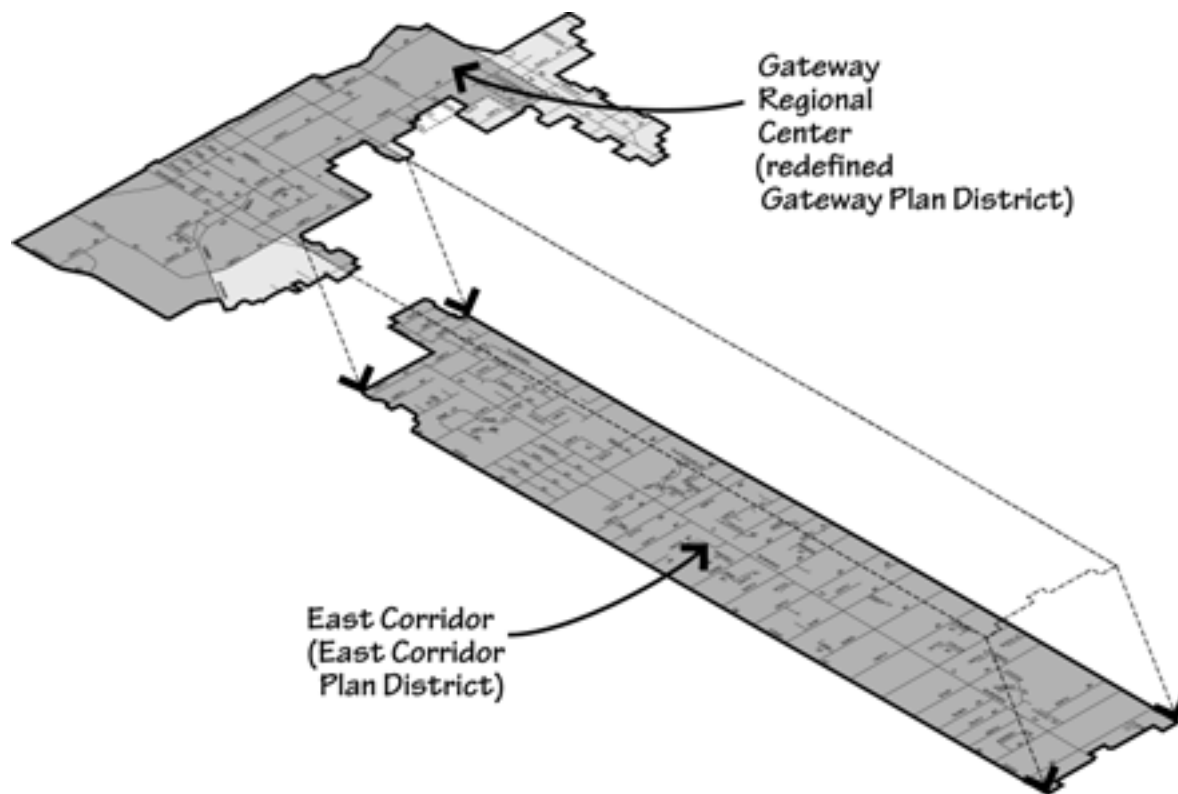
**Map 25. Adopted East Corridor Plan District**

## Adopted Division of the Gateway Plan District

The City Council agreed with the Planning Commission's recommendation to divide the earlier Gateway plan district into two separate plan districts. The opposite page shows the three plan districts under discussion: 1) the earlier Gateway plan district, 2) the adopted Gateway plan district, and 3) the adopted East Corridor plan district. The diagram below shows the same thing but in a slightly different manner.

The primary focus of this project was the Gateway Regional Center, which is an urban renewal district and becoming increasingly urban in character. The Gateway Regional Center and the East Corridor are quite distinct in their existing development and objectives for future development. With the exception of the pedestrian districts, especially the Ventura Park (122<sup>nd</sup>) Pedestrian District, development in the corridor is primarily single-family residential with small pockets of commercial. To deal with this distinction, City Council divided the Gateway plan district into the two separate plan districts shown below and on the opposite page: 1) the Gateway plan district (*same name as the earlier plan district*) and 2) the East Corridor plan district.

**This section, Part II, of the document deals specifically with the East Corridor.**



**Map 26. Division of the current Gateway Plan District**

# Gateway Planning Regulations Project

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## Scope of the East Corridor Element

The scope of the East Corridor element was limited to changes to the earlier Gateway plan district specifically as they affected the Burnside transit corridor. Between the adoption of the plan district as part of the *Outer Southeast Community Plan* and the start of this legislative project, some problems arose in the interpretation and application of several provisions. Staff of the Bureau of Development Services requested that the Bureau of Planning fix these problems as part of this process. In addition, some provisions were no longer applicable, difficult to administer, or could achieve the same goal through other means. This project did that – it proposed changes to the *Zoning Code* – i.e. the plan district itself. At the beginning of this project, it was decided that the scope of the revisions for the East Corridor would be limited to the plan district regulations and would not include changes to zoning designations or the application of design review.



***Clockwise from top left: Rowhouses at SE 157<sup>th</sup> and Stark; single-family home at SE 157<sup>th</sup> and Stark; Glendoveer Golf Course; Ankeny Place: SE 121<sup>st</sup> and Ankeny south of the Burnside and 122<sup>nd</sup> light rail station; Ron Tonkin's Honda dealership on east side of SE 122<sup>nd</sup>; Menlo Park Elementary School***

## Gateway Planning Regulations Project

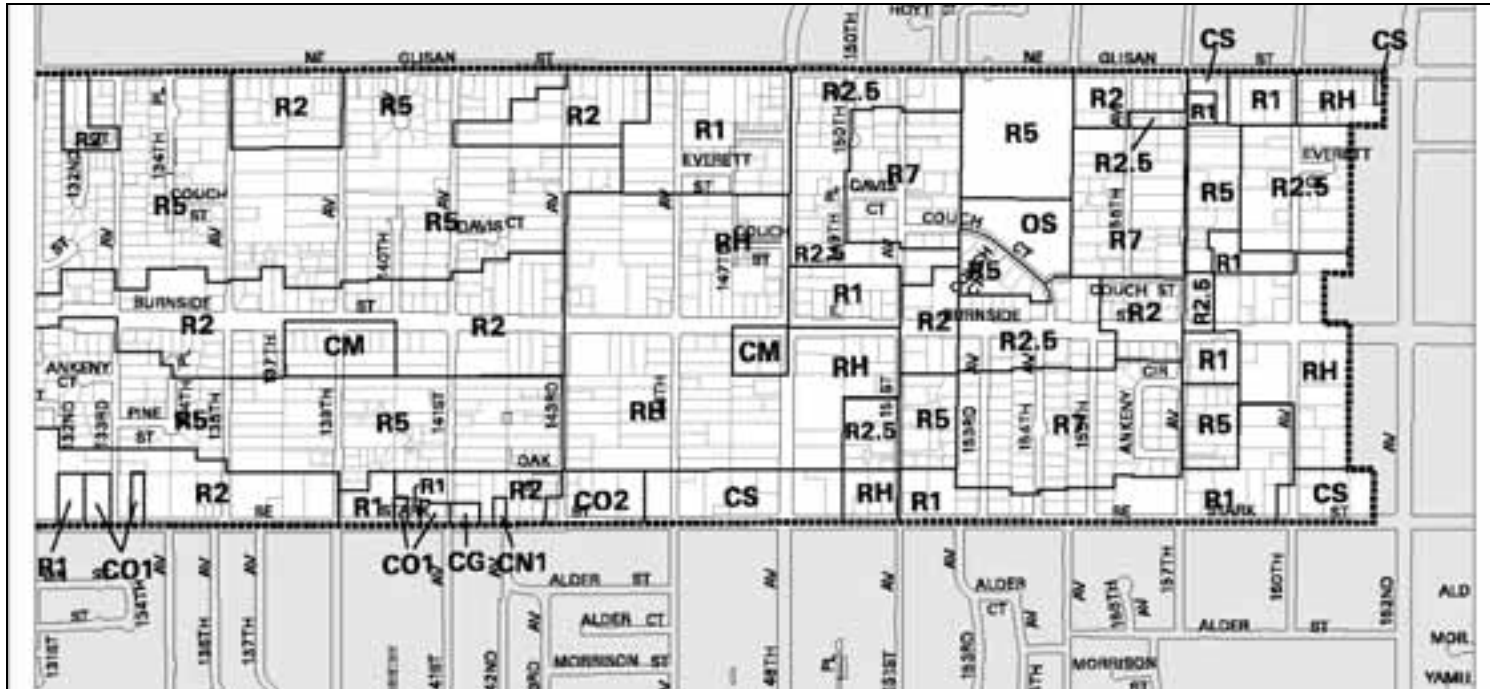
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*Clockwise from top left: Stark Street Lawn and Garden Equipment; homes on NE Glisan across from Glendoveer Golf Course; group home on SE Pine just west of 122<sup>nd</sup>; rowhouses on NE 148<sup>th</sup> and Flanders*



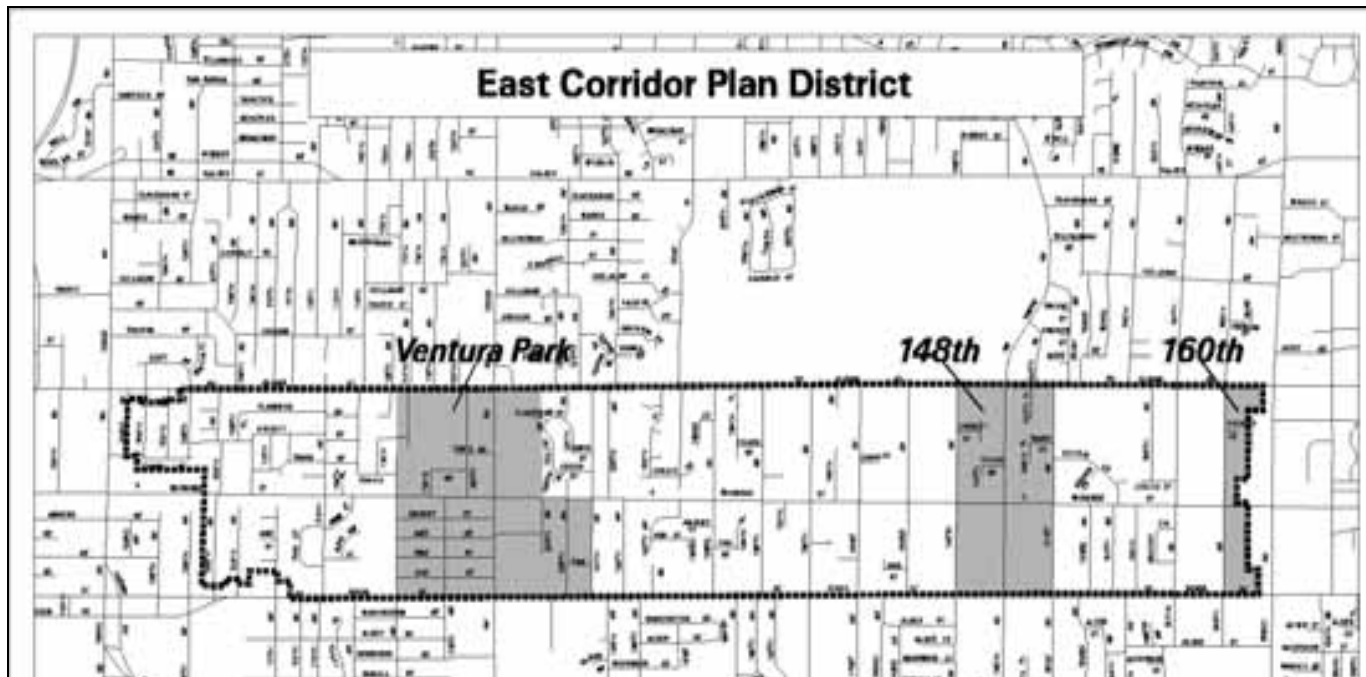
## Gateway Planning Regulations Project



Map 27b. Zoning in the East Corridor Plan District: eastern portion

## Pedestrian Districts

Throughout the code language for the East Corridor plan district there are numerous references to pedestrian districts. The East Corridor contains three pedestrian districts; Ventura Park (122<sup>nd</sup>), 148<sup>th</sup>, and 160<sup>th</sup>. (See map below) These pedestrian districts were established by the Portland Office of Transportation (PDOT) to encourage and support transit-oriented development around the light rail stations on this section of the Burnside light rail corridor. Metro has also identified these areas as Station Communities. The Planning Commission's recommendations for the East Corridor plan district focus on retaining a number of the current provisions only within pedestrian districts and along the light rail alignment itself in order to support light rail in these key locations.



**Map 28. Pedestrian Districts in the East Corridor**



# Adopted Zoning Code Amendments



*Cascade Crossing at 109<sup>th</sup> and E. Burnside*

## How to Read the Recommended Changes

The remainder of Part II contains the Planning Commission's recommended changes. In order to understand the changes, the following conventions are used:

- Odd-numbered pages show current *Zoning Code* language with recommended changes. It is presented in this font.
- Even-numbered pages contain commentary on the recommended changes, presented in this typeface. This commentary is descriptive and indicates the intent of the recommendations and will not be adopted into the *Zoning Code*.
- New code language is underlined.
- ~~Code language to be removed is shown in strikethrough.~~

## Commentary

### **Adopted East Corridor Plan District Zoning Code Provisions**

After dividing the Gateway plan district into two plan districts, rename the one to the east of the Gateway Regional Center urban renewal area the East Corridor plan district. This is to distinguish this area from the Gateway plan district, which contains elements that are overly burdensome for the corridor. The new name more accurately reflects the status of this area, through which the light rail alignment runs, as the home of new station communities surrounded by lower-density, suburban development.

## Adopted East Corridor Plan District Zoning Code Provisions

### **CHAPTER 33.526 521** **GATEWAY EAST CORRIDOR PLAN DISTRICT**

#### Sections

##### General

- 33. ~~526~~ 521.010 Purpose
- 33. ~~526~~ 521.020 Where These Regulations Apply

##### Use Regulations

- 33. ~~526~~ 521.100 Purpose
- 33. ~~526~~ 521.110 Prohibited Uses
- ~~33. 526 521.120 Required Housing in C and EX Zones~~
- 33. ~~526~~ 521.130 Housing Regulations

##### Development Standards

- 33. ~~526~~ 521.200 Purpose
- ~~33. 526.210 Exterior Display and Storage (moved to 33.521.270)~~
- ~~33. 526.220 Drive Through Facilities (moved to 33.521.280)~~
- 33. ~~526.230~~ 521.210 Building Height
- 33. ~~526.240~~ 521.220 Floor Area Ratio
- ~~33. 526.250 Open Area Requirement~~
- 33.521.230 Connectivity
- ~~33. 526.260 Special Setbacks~~
- ~~33. 526.270~~ 521.240 Site Design Pedestrian Standards
- 33.521.250 Entrances
- ~~33. 526.280~~ 521.260 Building Design
- 33.521.270 Exterior Display and Storage
- 33.521.280 Drive-Through Facilities
- 33. ~~526~~ 521.290 Parking

~~Map 526-1 Gateway Plan District~~

Map 521-1 East Corridor Plan District

Map 521-2 Maximum Building Heights

Map 521-3 Floor Area Ratios

## Commentary

### **33.521.010 Purpose**

The revised purpose statement for the East Corridor plan district reflects the decision to separate the current Gateway plan district into two plan districts: a new Gateway Plan District that includes the Gateway Regional Center, and an East Corridor plan district that centers along the Burnside light rail line and includes the Ventura Park, 148<sup>th</sup> and 160<sup>th</sup> pedestrian districts. All language pertaining to the regional center has been dropped from the East Corridor purpose statement and language supporting the pedestrian districts has been added.

Purpose statements explain the intent of the plan district regulations. It is important that the intended outcome of the regulations is clearly described for two reasons. First, the purpose statement is the primary approval criteria in an adjustment or modification land use review. In order for a project to receive an adjustment or modification to a use or development regulation, the applicant must demonstrate that the project will equally or better meet the purpose of the regulation to be modified. Also, the purpose statement provides the basis for future evaluation of the regulation.

### **33.521.020 Where These Regulations Apply**

This section is revised to reflect the new East Corridor plan district. These regulations apply within the boundaries of the new East Corridor plan district as defined on Map 521-1.

# Gateway Planning Regulations Project

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## General

### **33.526 521.010 Purpose**

The ~~Gateway East Corridor~~ plan district ~~provides for an intensive level of~~ includes three light rail stations and three Pedestrian Districts. The area is targeted to receive a significant share of the city's growth. It is envisioned that future development will transform the areas surrounding the light rail stations into vibrant mixed-use areas of development including retail, office, and housing with a high level of pedestrian amenities. to support light rail transit stations and the Regional Center at Gateway. This is accomplished by: Lower density residential and commercial development will continue to surround the Pedestrian Districts.

These regulations:

- Encourage ~~ing~~ new housing and mixed use development and expansions of existing development to promote the ~~district's~~ corridor's growth and light rail transit ridership;
- Promote ~~ing~~ compatibility between private and public investments along the light rail system through enhanced building design and site layout standards; which provide safe, pleasant, and convenient access for pedestrians to the light rail transit station; and
- ~~Requiring that new development and expansions of existing development create attractive and convenient facilities for pedestrians and transit patrons to visit, live, work, and shop;~~
- Implement the objectives of the City's Pedestrian Districts to enhance the pedestrian experience and access to and from light rail service; and
- Encourage connectivity for vehicles, bicycles, and pedestrians on large sites.

### **33.526 521.020 Where These Regulations Apply**

The regulations of this Chapter apply to development in the ~~Gateway East Corridor~~ plan district. The boundaries of the plan district are shown on Map ~~526-521-1~~ at the end of this chapter, and on the Official Zoning Maps.

## Commentary

### Use Regulations

#### **33.521.100 Purpose**

The purpose statement is changed to remove the Gateway Regional Center as a focus of this plan district and to more explicitly reflect the scope of the East Corridor plan district provisions.

#### **33.521.110 Prohibited Uses**

##### **A. Purpose**

The purpose statement is deleted because the reason for the statement is included within the purpose statement for all the Use Regulations.

##### **B. Prohibited uses**

The *Transportation System Plan* (TSP), adopted by City Council in October 2002, expanded the Ventura Park (122<sup>nd</sup>) Pedestrian District and created two more: 148<sup>th</sup>, and 160<sup>th</sup> pedestrian districts. These provisions are now part of the Transportation Element of the *Comprehensive Plan*.

In order to allow more flexibility within the plan district, City Council removed prohibitions on sites outside of the pedestrian districts and/or sites within 100 feet of the light rail alignment. With the exception of the following, the current prohibitions remain in effect within the pedestrian districts and within 100 feet of the light rail alignment.

**A1. Vehicle Repair.** Automobile dealers of new cars typically include vehicle repair as part of the showroom and as a service to new car owners. The earlier prohibition on this use effectively limited on-site improvements that might be more acceptable to the pedestrian and transit orientation of the station area, should the dealership remain in the corridor, than its existing configuration. City Council agreed to allow vehicle repair facilities as long as the use is associated directly with an automobile dealership and the development standards of the base zone, overlay zone, and plan district are met.

# Gateway Planning Regulations Project

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## Use Regulations

### **33. ~~526~~ 521.100 Purpose**

Use ~~restrictions~~ regulations in the Gateway East Corridor plan district ensure that development ~~does not conflict with~~ maximizes the public's investment in transit and enhances the pedestrian environment along the transit corridor and near the light rail stations by encouraging uses, ~~or the role Gateway plays as a Regional Center. Limiting uses to those that support transit patrons and pedestrians. will ensures that private investment complements the public's transit investment and Gateway's role as a location for a significant share of the region's growth.~~

**33. ~~526~~ 521.110 Prohibited Uses.** The following uses are prohibited in Pedestrian Districts and on the portion of a site within 100 feet of a light rail alignment:

**~~A. Purpose.~~** ~~The Gateway Plan District regulations foster development that is oriented primarily to pedestrians and transit patrons. This intention is based on the significant public investment in light rail transit, that has been made in this area and on the area's designation as a Regional Center in Metro's Region 2040 Plan.~~

**~~B. Prohibited uses.~~** ~~The following uses are prohibited in pedestrian districts and within 100 feet of a light rail alignment:~~

**~~A1. Vehicle Repair~~** that is not accessory to an auto dealership;

**~~B2. Quick Vehicle Servicing;~~** and

**~~C3. Commercial Parking.~~**

**~~C. Other restrictions.~~** ~~Certain types of development are also prohibited. These developments are listed in Sections 33.526.210, Exterior Display and Storage, and 33.526.220, Drive Through Facilities.~~

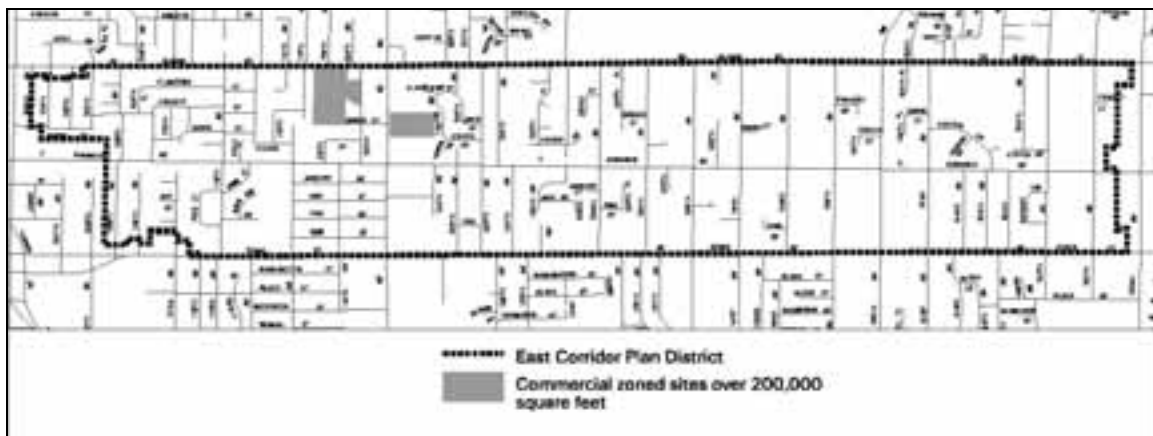
## Commentary

### 33.526.120 Required Housing in C and E Zones

This requirement is deleted.

The policy for this corridor, adopted as part of the *Outer Southeast Community Plan*, is to "ensure that private development reinforces and is reinforced by the public light rail investment by encouraging development of intense commercial and dense residential uses near the MAX light rail stations." The earlier provision implemented the policy. It was included in the earlier plan district as a way of encouraging owners of very large lots to incorporate housing and other mixtures of uses onto their sites. In this manner, as the large lots began to redevelop over time, the City could anticipate a more urban, pedestrian-scaled development pattern around the light rail transit stations.

Following the adoption of the *Outer Southeast Community Plan*, the required housing component became the most controversial element in the current plan district. The difficulty of administration and lack of flexibility within the development and business communities were two reasons. The third was the possibility that improvements that might significantly improve the pedestrian and transit orientation of the corridor might not be undertaken if they triggered this requirement. Despite these reasons, Planning Commission did not lightly recommend its elimination. The controversial nature of a requirement is not in and of itself sufficient to remove a provision. However, in evaluating the number of lots to which this provision would apply (*see map below for applicable sites as of May 2004*), the absolute number of housing units to be gained in this plan district was not seen to be sufficient for its retention. City Council agreed with Planning Commission and deleted the requirement.



**Map 29. Commercial zoned sites over 200,000 square feet in the East Corridor**



# Gateway Planning Regulations Project

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## **33. 526.120 Required Housing in C and EX Zones**

**A. Purpose.** This provision ensures that large developments include residential uses. Requiring that a small amount of housing be part of development in C and EX zones will prompt developers and owners to explore and take advantage of opportunities for more intense housing and mixed-use projects.

**B. Housing requirement.** In C and EX zones, development on sites and ownerships larger than 200,000 square feet must include housing. The amount of housing that is required for each proposal is calculated based on the requirements below.

1. Additions of floor area. Proposals that include additions of 2,500 square feet or more floor area must meet the housing requirement of paragraph B.3, below; or
2. New development. New development of 1,000 square feet or more floor area must meet the housing requirement of paragraph B. 3, below.
3. Amount of housing required. At least 1 square foot of residential development is required for each square foot of new nonresidential development, up to a maximum requirement of one dwelling unit for each 10,000 square feet of site or ownership area, whichever is larger.
4. Measurement. For purposes of this Section, the measurement standards of 33.130.253, Additional Requirements in the CM Zone, apply.

## Commentary

### **33.521.130 Housing Regulations**

The minimum density and manufactured housing provisions are no longer applicable within this plan district for the following reasons.

#### **B. Minimum residential density**

When the *Outer Southeast Community Plan* was prepared, there was no minimum density requirement for R2-zoned properties, and the minimum density for RH-zoned properties was considered too high for anticipated development. Since that time, a minimum density requirement for R2-zoned properties for the entire city was created as part of the land division code revisions. It is reasonable that properties within the MAX light rail transit corridor with three station communities should at least meet the minimum density of similarly zoned properties in the rest of the city.

#### **C. Manufactured housing**

ORS 197.314, passed by the Oregon Legislature in 1999, requires that for areas within urban growth boundaries, cities and counties must amend (their) comprehensive plan(s) and land use regulations for all land zoned for single-family residential uses to allow for siting of manufactured homes. This language was subjected to a legal opinion as to whether it applied only to land specifically zoned for single-family use or to all land that would allow single-family residential uses, no matter the underlying zone. The opinion of the Attorney General's office is that "Land that is 'zoned for single-family residential uses' means all zones that allow single-family dwellings. Consequently, ORS 197.314 requires local governments to allow the siting of manufactured homes in all zones where single-family dwellings are allowed."

# Gateway Planning Regulations Project

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## **33. ~~526.~~ 521.130 Housing Regulations**

- A. Purpose.** Housing is regulated to ensure that new housing is built at transit-supportive densities. ~~and that development standards will not result in transit-supportive development being delayed.~~
- B. ~~Minimum residential density.~~** The minimum density of residential developments is limited as follows:
- ~~1. In RH zones. In RH zones, the minimum residential density is one unit per 1,500 square feet of site area.~~
  - ~~2. In R2 zones. In R2 zones, the minimum residential density is one unit per 3,000 square feet of site area.~~
- C. ~~Manufactured housing.~~** ~~Siting of manufactured homes, mobile homes, and mobile home parks is prohibited in R3, R2.5, R2, R1 and RH zones, except, a manufactured home may be constructed on a vacant substandard lot.~~
- DB. Attached houses.** Attached housing at R2.5 densities is allowed on lots in the R5 or R7 zone if the development standards of the R2.5 zone are met and the ~~lot site~~:
1. Is on a corner; or
  2. Is adjacent to a light rail alignment; or
  3. Has a side or rear lot line that abuts a multi-dwelling, C, E, or I zone.

## Commentary

### Development Standards

#### **33.521.200 Purpose**

The purpose statement is changed to remove the *Gateway Regional Center* as a focus of this section and to more explicitly reflect the scope of the provisions.

# Gateway Planning Regulations Project

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## Development Standards

**33. 526-521.200 Purpose.** ~~These Development standards regulations in the East Corridor plan district ensure that development maximizes the public's investment in transit and fosters intense mixed-use developments at the Gateway Regional Center and at locations with a high level of pedestrian amenities in Pedestrian Districts near light rail stations. Existing light rail and a future transit connection to Portland International Airport make the Gateway Regional Center a potential hub of activity and an important international gateway to Portland. An urban character with a clear street pattern oriented to pedestrians is also an important objective. High density structures and urban streets are envisioned in the Gateway Regional Center and around the light rail stations located along East Burnside. The development regulations do this by:~~

- Enhancing the pedestrian experience throughout the plan district, but focusing more active, intense pedestrian activities around the light rail stations;
- Increasing the development potential around the light rail stations;
- Creating a street pattern that is oriented to pedestrians with the most urban streets around the light rail stations; and
- Limiting development that adversely affects the pedestrian environment such as exterior display and storage and drive-throughs along the light rail alignment and in Pedestrian Districts.

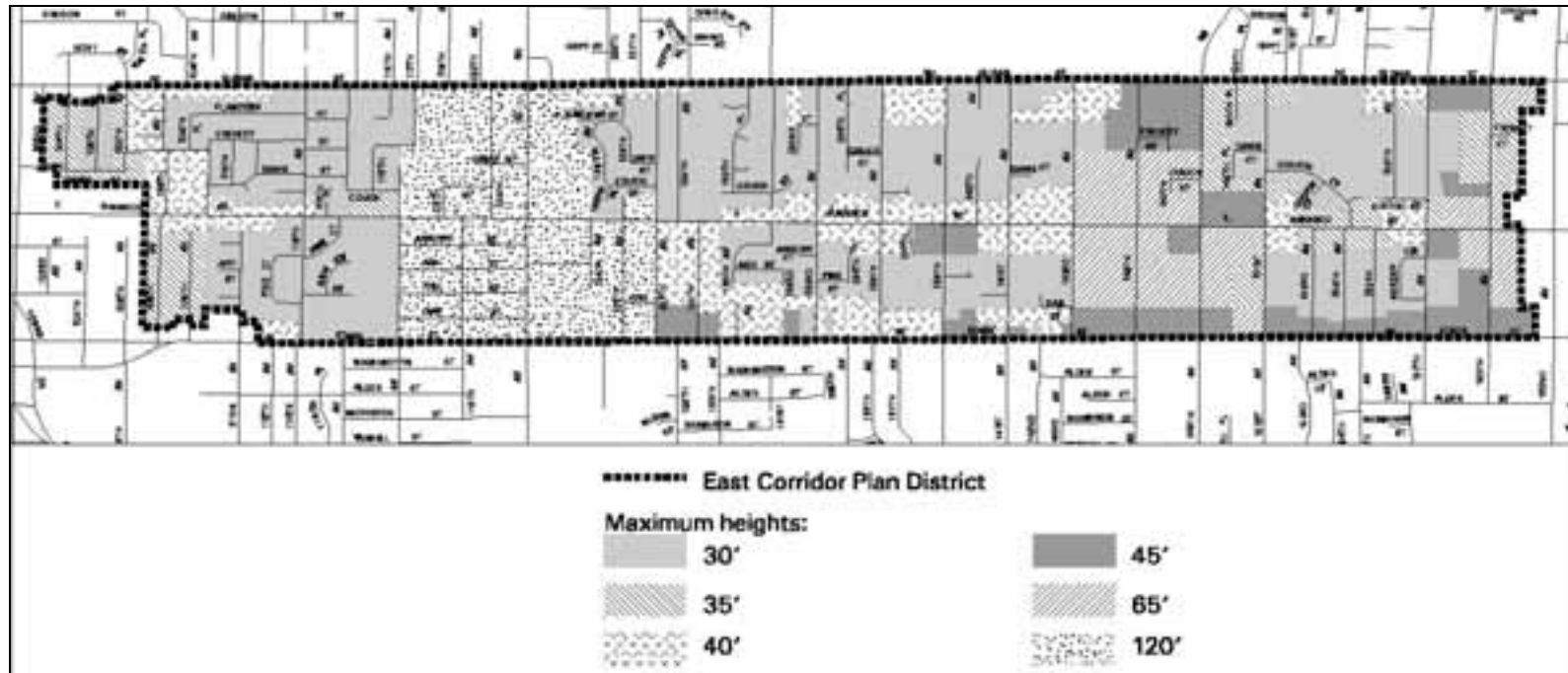
## Commentary

### 33.521.210 Building Height

#### A. Purpose

The purpose statement is changed to remove the Gateway Regional Center as a focus of this section and to more explicitly reflect the scope of the provisions.

Map 30 below shows the maximum building heights prior to adoption. It can be compared with the adopted maximum building heights on page II-26.



Map 30. Maximum Building Heights prior to adoption

# Gateway Planning Regulations Project

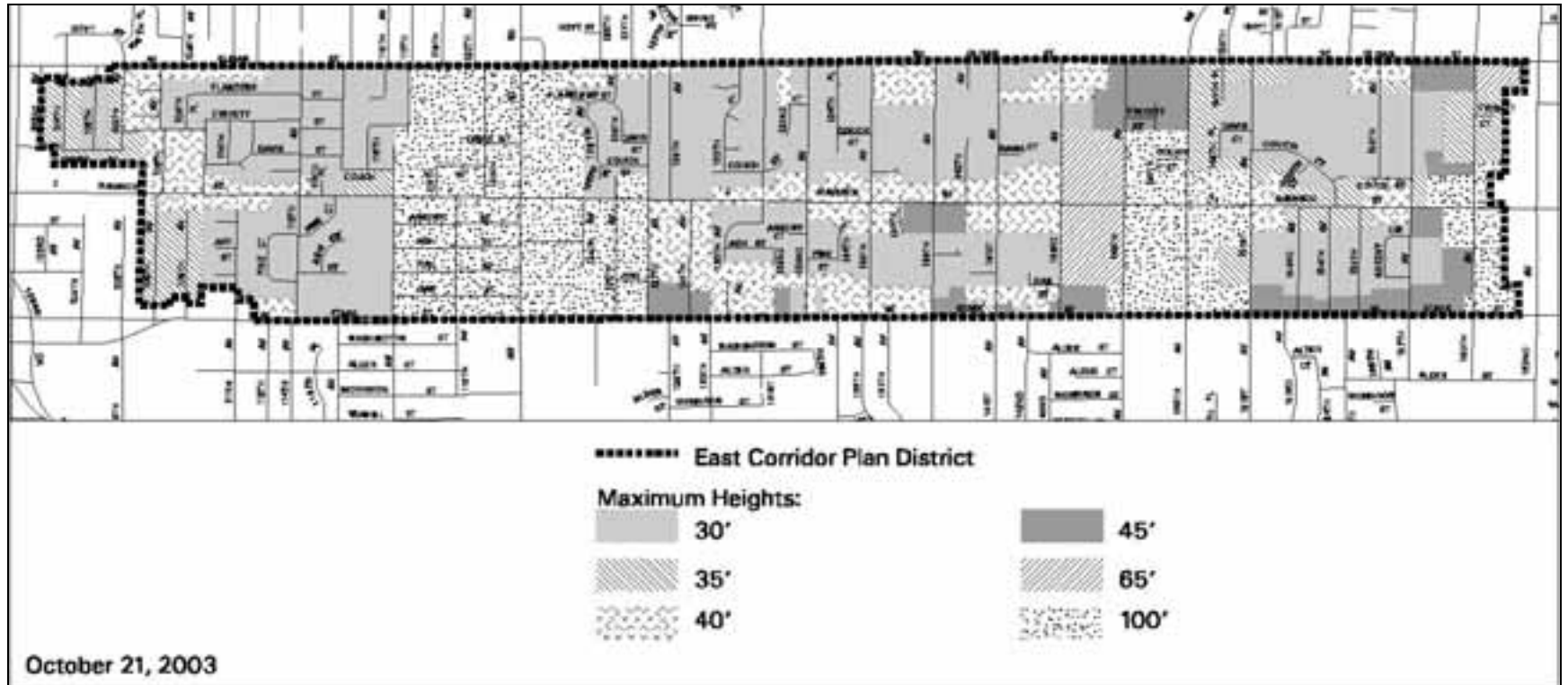
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## 33. ~~526~~ 521.210 Building Height

- A. **Purpose.** These regulations encourage ~~new~~ high density development within Pedestrian Districts near light rail transit facilities and reinforce Gateway's role as a Regional Center. ~~while ensuring that single-dwelling zones outside Pedestrian Districts are not adversely affected by the higher density development.~~
- B. **Maximum Building height.** ~~The m~~Maximum building heights are shown on Map 521-2 at the end of this chapter. ~~in the R1, RH, RX, IR, CM, CS, CX, and EX zones west of SE 127th Avenue is 120 feet.~~

## Commentary

Map 31 shows the adopted maximum building heights. It can be compared with the maximum building heights prior to adoption on page II-24.



*Map 31. Adopted Recommended Maximum Building Heights*



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## Commentary

**B. Maximum building height.** The City Council revised maximum building heights in the following locations:

- Within the Ventura Park (122<sup>nd</sup>) Pedestrian District: Lower the maximum height in the R1, RH, CM, CS, and CX zones from 120 feet to 100 feet. This is a possible loss of building potential of 20 feet on these sites.
- Within the 148<sup>th</sup> and 160<sup>th</sup> pedestrian districts: Raise the maximum height from the base height in the R1 (45'), RH (65'), CM (45'), and CS (45') zones to 100 feet. The purpose is to allow sites that are within walking distance of the light rail stations to be developed so as to take advantage of the public's investment in the light rail transit system.

**C. Transition height at edges of Pedestrian District**

The height of 120 feet for properties in the commercial, employment, and medium- and high-density residential zones west of 127<sup>th</sup> was established for many properties within the Gateway plan district in 1996 with the adoption of the *Outer Southeast Community Plan*. Few people, however, fully understood that sites immediately adjacent to their single-family-zoned properties could be built that high.

City Council adopted a "step-down" in height for projects built at the edge of the pedestrian districts.

# Gateway Planning Regulations Project

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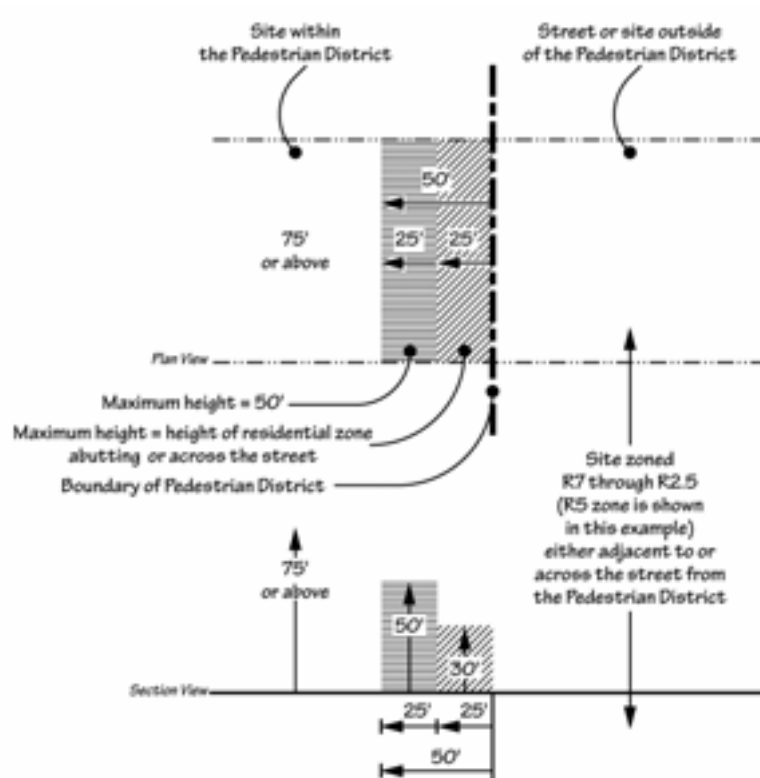
## **C. Transition height at edges of Pedestrian Districts**

1. Where these regulation apply. The regulations of this subsection apply to sites in a Pedestrian District that have a maximum building height of 75 feet or more and either:
  - a. Abut a site zoned R7 through R2.5 that is not in the Pedestrian District; or
  - b. Are across a Local Service Traffic Street from a site zoned R7 through R2.5 that is not in the Pedestrian District;
2. Abutting. Sites that abut a site zoned R7 through R2.5 have height limits that decrease in two steps, as follows. See Figure 521-1:
  - a. On the portion of the site within 25 feet of a site zoned R7 through R2.5, the maximum building height is the same as the abutting residential zone; and
  - b. On the portion of the site that is more than 25 feet but within 50 feet of a site zoned R7 through R2.5, the maximum building height is 50 feet.
3. Across a street. Sites that are across a Local Service Traffic Street from a site zoned R7 through R2.5 have height limits that decrease in two steps, as follows. See Figure 521-1:
  - a. On the portion of the site within 25 feet of the street lot line, maximum building height is the same as the residential zone across the street; and
  - b. On the portion of the site that is more than 25 feet but within 50 feet of the street lot line, the maximum building height is 50 feet.

## Commentary

Figure 521-1 illustrates the adopted provisions requiring a transition height between properties within the Ventura Park (122<sup>nd</sup>), 148<sup>th</sup>, and 160<sup>th</sup> pedestrian districts and single-dwelling residential zones adjacent to the pedestrian districts within the plan district.

**Figure 521-1**  
**Recommended height limits on sites abutting or**  
**across a Local Service Traffic Street from R7 – R2.5 zones**



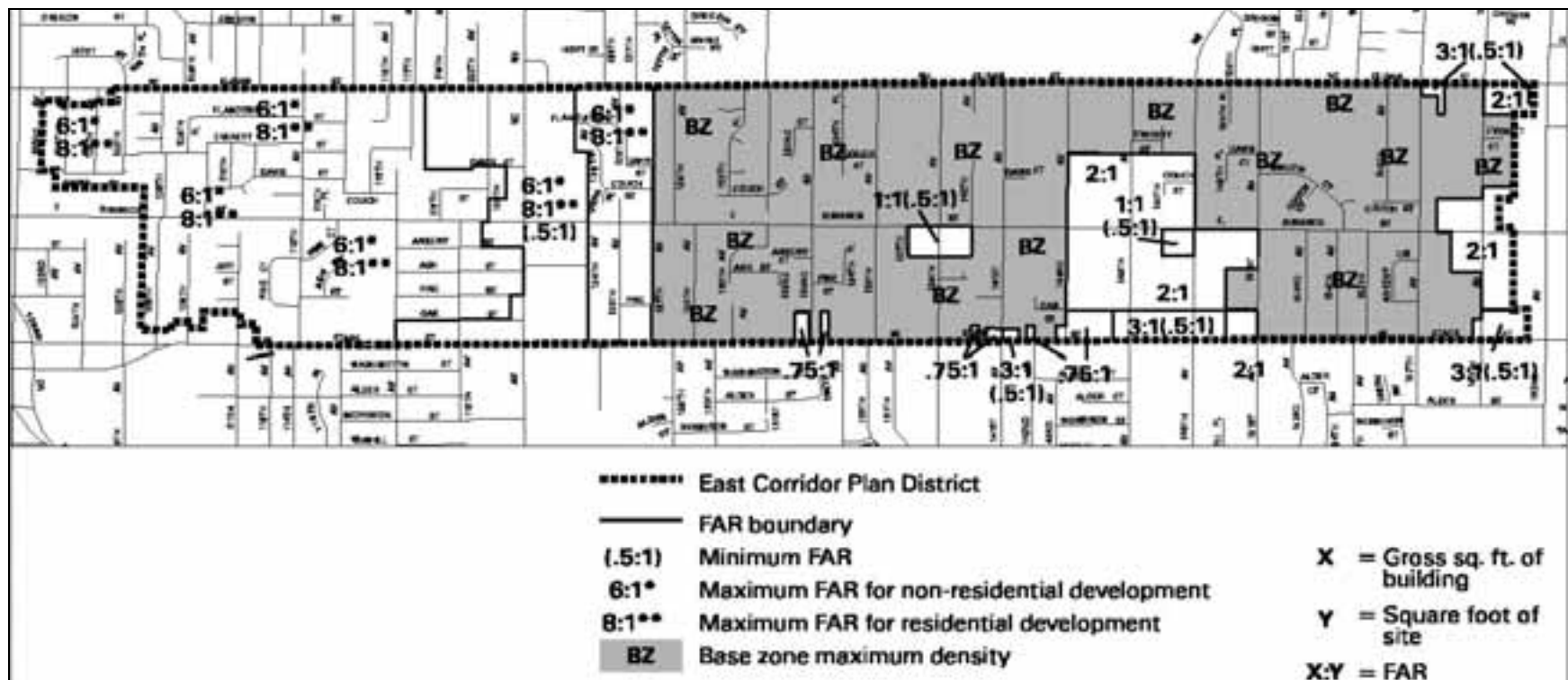
## Commentary

### 33.521.220 Floor Area Ratios

#### A. Purpose

The purpose statement is changed to remove the Gateway Regional Center as a focus of this section.

Map 32 below shows the floor area ratios prior to adoption. It can be compared with the adopted floor area ratios on page II-34.



Map 32. Floor Area Ratios (FAR) prior to adoption

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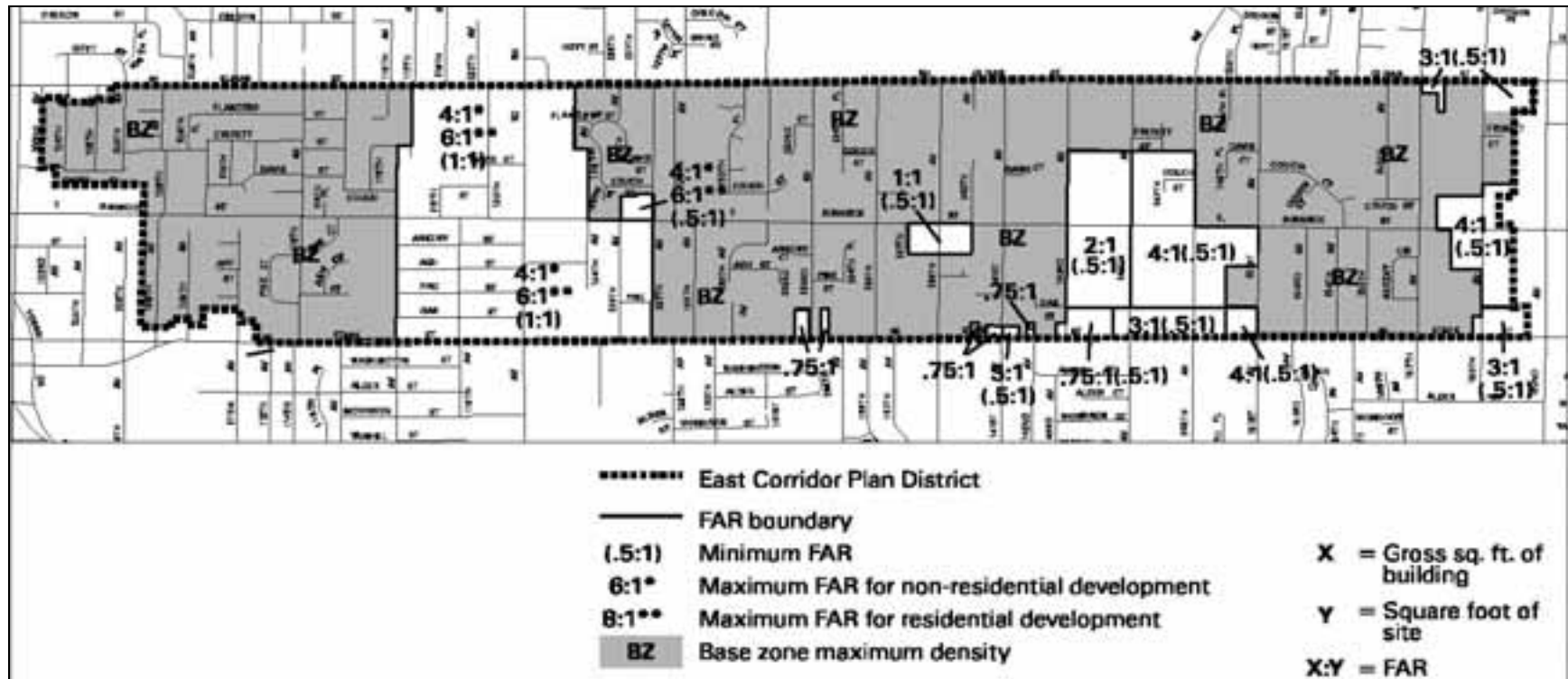
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## **33.526 521.220 Floor Area Ratios**

- A. Purpose.** These regulations encourage ~~new high density~~ more intense mixed-use development near light rail transit facilities and reinforce Gateway's role as a Regional Center stations. This increased development opportunity promotes higher density mixed-use development at the station communities along the East Burnside light rail alignment. In addition, the standards also include a minimum density on some sites in order to ensure a minimum level of development.

## Commentary

Map 33 below shows the adopted floor area ratios. It can be compared with the floor area ratios prior to adoption on page II-32.



Map 33. Adopted Floor Area Ratios (FAR)



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## Commentary

### **B and C. Maximum and minimum floor area ratios**

City Council amended the floor area ratios (FAR) in the following locations:

- Within the Ventura Park (122<sup>nd</sup>) Pedestrian District: Lower the maximum FAR in the R1, RH, CM, CS, and CX zones from 8:1 for residential development and 6:1 for nonresidential development to 6:1 for residential development and 4:1 for nonresidential development. Increase the minimum density from .5:1 FAR to 1:1 FAR.
- Within the 148<sup>th</sup> and 160<sup>th</sup> pedestrian districts: Raise the maximum FAR in the RH zone from 2:1 to 4:1, and within the CM zone from 1:1 to 4:1. Increase the minimum density in the RH, R1, CS, and CM zones to .5:1 FAR.
- Within the part of the plan district west of 127<sup>th</sup> and outside the Ventura Park (122<sup>nd</sup>) Pedestrian District, lower the FAR to the base density of the zone.
- In all other CM and CS zones, retain the current minimum FAR of 0.5:1.

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**B. Minimum floor area ratio.** The minimum floor area ratios (FAR) for all new development are shown on Map 521-3 at the end of this chapter. ~~in the CM, CS, CX, EG and EX zones is 0.5 to 1. Alterations to existing development are exempt from this minimum.~~

**C. Maximum floor area ratio.** The maximum floor area ratios (FAR) are shown on Map 521-3 at the end of this chapter. ~~west of SE 127th Avenue is:~~

- ~~1. For nonresidential development, the maximum FAR is 6 to 1.~~
- ~~2. For residential development, the maximum FAR is 8 to 1. Residential developments are those with at least 80 percent of their floor area in residential use.~~

## Commentary

### **33.526.250 Open Area Requirement**

City Council deleted the open area requirement from the East Corridor plan district. However, some of the substance of the requirement is retained in the new connectivity regulations.

The earlier Gateway plan district open area requirement was patterned after the open area requirement for the River District in Portland's Central City. It required that as development occurs, the development parcels would be separated into blocks of buildings that gradually transition to the character of an urban community. The open area requirement could be met by creating public or private streets that created blocks or by a variety of other design approaches.

In the Gateway Regional Center, the open space requirement is justified on the basis of the concentration of development and the very urban form desired for the regional center. It is also justified by the amount of open space needed to serve the expected number of residents and employees. In the East Corridor, the rationale driving urban design and development is different. Here the priority relates more to promoting a walkable neighborhood in the vicinity of transit stations, thereby improving neighborhood livability and promoting transit use. The base zone development standards are more typically the means used to accomplish this. Because of the different objectives and the availability of other means to address the issues, City Council agreed with the Planning Commission's recommendation that the additional open area requirements not be applied in the East Corridor plan district.

### **33.521.230 Connectivity**

One of the most important issues facing the East Corridor is providing adequate street connections to serve and shape the more intense level of development anticipated in the pedestrian districts and along the LRT line. The earlier provision combined open area and connectivity into a single requirement that applied to sites over 80,000 square feet. As discussed above, Planning Commission recommended adding a new section specifically on connectivity. This new provision addresses the need for connectivity throughout the East Corridor.

The regulations are tied to master street plans for the East Corridor, none of which have yet been adopted. In the interim, a special requirement for the East Corridor Plan District has been added to Chapter 17.88, "Street Access." This new provision states that street connectivity for the area should generally be based on a block size of 400 by 200 feet. There are two main connectivity provisions: 1) new development will be required to provide streets and accessways as determined by the City Engineer to be consistent with the master street plan, and 2) new site improvements are not allowed to obstruct street alignments shown in the master street plan.

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## **33.526.250 Open Area Requirement**

**A. Purpose.** ~~The open area requirement ensures provision of adequate amounts of light and air and facilitates circulation for pedestrians throughout the Gateway Plan District. These requirements produce open areas at a scale comparable to what large sites would have if they were divided into two-acre blocks by a grid pattern of streets.~~

**B. Required amount of open area.** ~~On sites larger than 80,000 square feet, at 30 percent of the area over 80,000 square feet must be devoted as open area.~~

### **C. Standards**

1. ~~Open areas include: public and private streets; parks; plazas; covered or uncovered walkways; public fountains; and landscaped features or areas other than required landscaping within or at the perimeter of parking lots. Open areas do not include areas used for parking lots; motor vehicle loading, maneuvering and delivery. When public or private streets internal multimodal connections are proposed to meet the open area requirement, both sides of the street must be provided with sidewalks, street trees, and on-street parking.~~

2. ~~At least 50 percent of the open area must be walkways or public or private streets with walkways. The walkways and streets must have trees, and must connect with sidewalks at each end.~~

**D. Relationship to superblock requirement.** ~~Proposals that are subject to the requirements of Chapter 33.293, Superblocks, may use exterior walkways, landscaped areas and plazas created to meet that Chapter's requirements to meet the requirements of this Section. However, the amount of open area provided must meet the requirements of Subsection B, above.~~

## **33.521.230 Connectivity**

**A. Purpose.** The connectivity requirement ensures that adequate street and pedestrian/bicycle connections will be provided for local access to development. These regulations implement master street plans for the East Corridor and improve vehicular, pedestrian, and bicycle circulation throughout the plan district, while minimizing congestion on the arterial system. Pedestrian and bicycle connections provide more frequent connections or may provide access where full street connections are not feasible.

**B. Where these regulations apply.** The requirements of this Section apply to all sites in the plan district.

### **C. Regulations**

1. The Portland Office of Transportation determines the location and widths of rights-of-way and extent and timing of street improvements based on a master street plan in the Transportation Element of the Comprehensive Plan or based on Chapter 17.88.

## Commentary

The City Engineer has the ability to require rights-of-way to be reserved, rights-of-way to be dedicated, or rights-of-way to be dedicated and improved to City standards in the following circumstances:

1. **Building Permits:** The City may place requirements on building permits in return for the building permit. Through its Title 17 authority, PDOT staff calls for dedications as a condition of building permit approval to widen narrow rights-of-way and to extend new streets. The dedication is required prior to approval of the building permit and may be appealed to the City Engineer.
2. **Land Use Decisions (including land divisions):** PDOT may recommend dedications through some types of land use reviews, such as land divisions, conditional uses and zone changes. The recommendation is based on approval criteria regarding connectivity or adequacy of services. The ultimate decision is made by the decision-making person or body for the land use review, and the process has a standard appeal either to LUBA, the Hearings Officer or City Council. In some limited cases PDOT staff is able to require dedications directly through Title 17 authority. Because the land use process has less certainty, PDOT prefers to obtain dedications through the building permit process where possible.

Limitations: Such requirements must be weighed against:

- The relative impact to the site. New street dedications can take up a substantial portion of a small site; sometimes little is left for development/redevelopment.
- The scale relative to the specifics of the building permit. For example, it might be difficult to get a dedication if the building permit is for an addition to a single family dwelling.
- The presence of significant existing improvements, such as a primary building in good condition, in the path of the proposed dedication.
- Any other legal considerations such as applicability of the Dolan case.

Where such constraints exist, PDOT staff will explore options that meet the intent of the policy while minimizing legal or other implications. Some examples of options include minor realignment of the right-of-way, temporary narrowing, and skirting an existing structure with the dedication.

### **33.526.260 Special Setbacks**

These setbacks are being removed. Neither Halsey nor Pacific is located within this plan district. The sidewalk width for arterials within pedestrian districts is 12 to 15 feet. Outside of pedestrian districts along Burnside, the recommended width is 12 feet. Generally, to achieve these widths, additional property must be dedicated to the right-of-way. This dedication coupled with an additional setback could impose considerable hardship on smaller properties.

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2. Proposed development that may obstruct new street alignments as identified in a master street plan in the Transportation Element of the Comprehensive Plan is regulated by Chapter 17.88.

## **33. 526.260 Special Setbacks**

**A. Purpose.** ~~These provisions enhance the environment for pedestrians and transit patrons.~~

**B. Applicability.** ~~Special minimum setbacks are required at the following locations:~~

1. ~~Burnside Street. A 10 foot street setback along East Burnside Street.~~
2. ~~Pacific Street. A 15 foot street setback along NE Pacific Street.~~
3. ~~Halsey Street. A 10 foot street setback along NE Halsey Street.~~

## **33. 526.270 Site Design**

**A. Purpose.** ~~These provisions ensure that the location of buildings, parking, and circulation areas provide a convenient and attractive environment for pedestrians and foster the development of an increasingly urban environment within the plan district.~~

**B. Applicability**

1. ~~Where these requirements apply. Unless exempted by Paragraph B.2., below, the requirements of this Section apply to all new buildings and to all building remodeling projects adding 2,500 square feet of floor area or more.~~
2. ~~Exemptions. The requirements of this section do not apply to houses, attached houses and duplexes.~~

**C. Internal circulation.** ~~Clearly marked sidewalks, pathways, and bike paths must be developed and provide safe, pleasant, and convenient pedestrian and bicycle connections between buildings and light rail. To accomplish this, development must meet all of the following standards.~~

1. ~~Proposals for sites that abut a light rail alignment must have their main entrance facing the light rail alignment.~~
2. ~~Building entrances used by pedestrians must be connected to a sidewalk by one or more walkways for pedestrians.~~
3. ~~A walkway connecting the building's main entrances to a sidewalk must be no longer than the straight line distance from the entrance to the closest sidewalk.~~

## Commentary

### **33. 526.270 Site Design**

While most of the provisions for the paragraph, "Improvements between buildings and the street," have been incorporated into the new 33.526.240, Pedestrian Standards, the remainder of this section is not. The decision to simply delete the entire section rather than use strike-throughs and underlines was made for ease of understanding.

### **33.521.240 Pedestrian Standards**

#### **A. Purpose**

The purpose statement reflects the policy of ensuring convenient pedestrian connections within each site and a pleasant walking environment along the sidewalks in front of the site.



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- ~~4. Pedestrian walkways connecting building entrances to sidewalks must be:~~
  - ~~a. Paved;~~
  - ~~b. At least 6 feet wide, exclusive of any curbing provided as part of the design;~~
  - ~~c. Made of a material different than the material used to pave the site's motor vehicle parking, loading, and maneuvering areas;~~
  - ~~d. Unobstructed by landscaping, street furniture, or bicycle racks;~~
  - ~~e. At least 4 inches higher than the abutting motor vehicle parking or maneuvering area; and~~
  - ~~f. Separated from motor vehicle parking, loading, and maneuvering areas by a 3 foot wide landscape area that meets the L1 landscape standard.~~
- ~~5. A paved route must be provided between each adjacent street and the site's bicycle parking area. The paved route must be at least 6 feet wide.~~

~~**D. Improvements between buildings and the street.** Developments including more than 20 percent of their floor area in nonresidential uses must meet this requirement. The land between a building or exterior improvement and a street must meet the standards of either paragraph D.1 or D.2 below.~~

- ~~1. Landscaped. The land between a building or exterior improvement and a street must be landscaped to meet the L1 standard in Chapter 33.248, Landscaping and Screening; or~~
- ~~2. Hard surfaced. The land must be hard surfaced and developed for use by pedestrians, outdoor seating for restaurants, or pedestrian-oriented accessory activities including stands selling flowers, food, or drinks. The area must contain amenities such as benches, trees (tree wells with grates are exempt from the hard surface requirement), drinking fountains, planters, and kiosks. At least one of these amenities must be provided for each 100 square feet of pedestrian use area in the setback. Pedestrian use areas in the setback required in Section 33.526.260, Special Setbacks, must be physically separated from parking and motor vehicle maneuvering areas by a 3 foot wide area landscaped to at least the L2 standard of Chapter 33.248, Landscaping and Screening.~~

## **33. 521.240 Pedestrian Standards**

**A. Purpose.** These regulations promote a convenient and attractive environment for pedestrians within the plan district and foster the development of increasingly urban nodes around the light rail transit stations. The standards ensure a direct pedestrian connection between the street and buildings on the site and between buildings and other activities within the site. Together with the building design and entrance regulations, these standards ensure that sidewalks in the plan district are convenient, active, pleasant environments with pedestrian amenities.

## Commentary

### B. Standards

#### 1. and 2.

The pedestrian standards that a property is subject to are determined by a property's location inside or outside of a pedestrian district. All properties are subject to the pedestrian standards of the commercial base zone. In addition, properties in a pedestrian district must also meet standards that regulate improvements between a building and the street.

#### 3. Improvements between buildings and the street

This section is a revision of similar provisions in the current 33.526.270, "Site Design," which is being deleted. All properties would need to meet the pedestrian standards for commercial zones. Properties within pedestrian districts would also be required to meet either the landscaped or hard-surfaced option, which substitutes for the less well-defined provisions of section 33.130.240.B.4.

#### 4. Bicycle parking

Policy Package 2 was adopted February 4, 2004, with an effective date of March 5, 2004. It contained changes to bicycle parking regulations. This change was made in base zones and community design standards with similar language as part of Policy Package 2. This change is non-controversial and has been agreed upon by the Bureau of Development Services, the Bureau of Planning, and other members of the Short-Term Bicycle Parking Task Force.

#### 5. Exemptions

These exemptions are currently found in 33.526.270.B.2. There is no content change.

### 33.521.250 Entrances

The entrance requirements in the earlier Gateway plan district were located in 33.526.280, "Building Design." City Council agreed to create a separate section for entrance regulations for clarity and ease of administration. The new entrance regulations no longer allow the option of facing a private street, and include a hierarchy for entrance orientation: first to a light rail alignment, second to transit streets (based on classification), and finally to intersecting transit streets. This hierarchy will be easier for applicants to understand and the city to administer.

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## **B. Standards**

1. Outside of Pedestrian Districts. Sites outside of Pedestrian Districts are subject to the standards of Subsection 33.130.240.B;
2. In Pedestrian Districts. Sites in Pedestrian Districts are subject to the standards of Paragraphs 33.130.240.B.1 through 3, and B.3. below
3. Improvements between buildings and the street. The area between a building or exterior improvement and a street lot line must meet the standards of either paragraph B.3.a. or b. below.
  - a. Landscaped. The area between a building and a street must be landscaped to meet the L1 standard in Chapter 33.248, Landscaping and Screening; or
  - b. Hard-surfaced. The area must be hard-surfaced and developed for use by pedestrians, outdoor seating for restaurants, or pedestrian-oriented accessory activities including stands selling flowers, food, or drinks. The area must contain amenities such as benches, trees (tree wells with grates are exempt from the hard-surface requirement), drinking fountains, planters, and kiosks. At least one of these amenities must be provided for each 100 square feet of pedestrian use area in the setback. Pedestrian use areas in the setback required in Section 33.526.260, Special Setbacks, must be physically separated from parking and motor vehicle maneuvering areas by a 3 foot wide area landscaped to at least the L2 standard of Chapter 33.248, Landscaping and Screening.
4. Bicycle parking. Bicycle parking may be located in the area between a building and a street lot line.
5. Exemptions. Houses, attached houses, and duplexes are exempt from the requirements of this section.

## **33.521.250 Entrances**

- A. Purpose.** These regulations ensure that at least one of the main entrances into a building, and each tenant space in a building that faces a street, be oriented to public streets or light rail. This requirement enhances pedestrian access from the sidewalk to adjacent buildings. Together with the building design and pedestrian standards, these standards ensure that sidewalks in the plan district are convenient, active, pleasant environments with a high level of pedestrian amenities.
- B. Where these regulations apply.** In the RH, R1, and C zones, buildings must meet the standards of Subsection C, below.
- C. Entrances.** For portions of a building within the maximum building setback, at least one main entrance for each tenant space must meet the standards of this section. Entrances that open into lobbies, reception areas, or common

## Commentary

### **33.521.260 Building Design**

The purpose statement has been revised to reflect the changes to this section. The entrance regulations have been deleted from this section and are now found in new subsection 33.251.250, "Entrances." There is no content change to the remaining street enclosure and ground floor windows regulations of this section.

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interior circulation space must also meet the standards of this section. The entrances must:

1. Face a public street or light rail alignment;
2. Be within 15 feet of the public street or light rail alignment it faces;
3. Be oriented to nearby transit facilities as follows:
  - a. If a site abuts a street containing a light rail alignment, the entrance must orient to that alignment. If the proposed building is within 100 feet of a transit station, at least one entrance must be along the first 25 feet of the wall nearest the station.
  - b. If a site abuts a transit street other than a light rail alignment, the entrance must orient to that street.
  - c. If the site abuts intersecting transit streets, the main entrance must orient to the street with the highest classification.
  - d. If the site abuts intersecting transit streets with the same classification, the entrance may be at a 45 degree angle to both streets or within 25 feet of the corner along either transit street.

## **33. ~~526.280~~ 521.260 Building Design**

- A. Purpose.** ~~These provisions foster creation of a rich urban environment that accommodates growth but is compatible with existing housing in the area~~ promote a safe and interesting pedestrian environment by connecting ground floor uses to adjacent sidewalk areas, encouraging surveillance opportunities by restricting fortress-like facades at street level, and by encouraging the continuity of retail and service uses. They do this by bringing buildings up to the sidewalk and requiring a minimum amount of ground floor windows.
- ~~B. Nonresidential and mixed-use developments.~~** ~~In RH, RX, C, and EX zones, buildings must meet the following:~~
- ~~1. A building's main entrance must:~~
    - ~~a. Face a public or private street;~~
    - ~~b. Be within 15 feet of the public or private street it faces;~~
    - ~~c. If the site abuts more than one street, the main entrance must face the street with the highest transit classification in the Transportation Element of the Comprehensive Plan;~~
    - ~~d. Be oriented to nearby transit facilities as follows:~~
      - ~~• If there is a light rail station or transit stop within 200 feet of the site, the building's main entrance must be at the building's closest point to the light rail station or transit stop.~~

## Commentary

### **33.521.270 Exterior Display and Storage**

In order to allow more flexibility within the plan district, City Council removed existing prohibitions on sites outside of the following: 1) the Ventura Park (122<sup>nd</sup>), 148<sup>th</sup>, and 160<sup>th</sup> pedestrian districts and/or 2) sites within 100 feet of the light rail alignment.

This provision is being retained within the pedestrian districts and along the light rail alignment because, aside from the identified exceptions, permanent exterior display and storage detracts significantly from the desired pedestrian and transit orientation and experience so close to the transit stations.

### **33.521.280 Drive-Through Facilities**

In order to allow more flexibility within the plan district, City Council removed existing prohibitions on sites that outside of the following: 1) the Ventura Park, 148<sup>th</sup>, and 160<sup>th</sup> pedestrian districts and/or 2) sites within 100 feet of the light rail alignment.

This provision is being retained within the pedestrian districts and along the light rail alignment because drive-through facilities detract significantly from the desired pedestrian and transit orientation and experience so close to the transit stations.

### **33.~~526~~ 521.290 Parking**

#### **A. Purpose**

The purpose statement has been revised to make it more positive, while still explicitly stating why these regulations are included in the plan district.

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- ~~• If the site is within 200 feet of both a light rail station and a transit stop, the building's main entrance requirement applies to the light rail station.~~
- ~~• If the site is within 200 feet of more than one transit stop, the building entrance requirement applies to the closest transit stop.~~
- ~~• If the site is the same distance from all transit stops, the applicant may choose which stop to apply this standard.~~

**B. Applicability.** All sites in the RH, R1, and C zones where any of the floor area on the site is in nonresidential uses must meet the standards of Subsection C, below.

## **C. Standards**

1. Street enclosure. In ~~pPedestrian dDistricts identified in the Transportation Element of the Comprehensive Plan,~~ and at intersections where ~~pedestrian paths~~ City Walkways or transit streets cross another ~~pedestrian path~~ City Walkway or transit street:
  - a. Exterior walls of primary structures facing the street must be within 12 feet of the right-of-way.
  - b. Street-facing exterior facades must be at least 40 feet long and 16 feet high.
2. Ground floor windows. All street-facing elevations of development must meet the Ground Floor Windows Standards of paragraph 33.130.230.B.2, regardless of the distance to the adjacent street. Developments that are more than 80 percent residential are exempt from this requirement.

**33. ~~526~~ 521.270 Exterior Display and Storage.** Exterior display and storage are prohibited in Pedestrian Districts and on the portion of a site within 100 feet of a light rail alignment, except for outdoor seating for restaurants and pedestrian-oriented accessory uses, including flower, food, or drink stands. Temporary open-air markets and carnivals are also allowed.

**33. ~~526~~ 521.280 Drive-Through Facilities.** Drive-through facilities are prohibited in Pedestrian Districts and on the portion of a site within 100 feet of a light rail alignment.

## **33. ~~526~~ 521.290 Parking**

**A. Purpose.** The regulations of this Section ensure that development is oriented to transit ~~and does not discourage transit use,~~ bicycling, ~~or~~ and pedestrian travel ~~by ignoring transit facilities or accommodating facilities while ensuring accessibility for motor vehicles at the expense of pedestrians. Limiting the number of parking spaces promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for a better pedestrian environment, and protects air and water quality. Parking that is~~

## Commentary

### **B. Number of parking spaces**

The wording of this subsection has been reorganized to make it easier to understand.

### **C. Location**

The earlier parking code prohibited parking and loading areas and driveways between a primary structure and an abutting light rail alignment. In Gateway this meant that driveways and parking/loading areas for properties along the Burnside MAX line were restricted with no ability to evaluate peculiarities of the particular situation.

The initial prohibition of these uses along a transit line was based on the circumstances faced in the Central City. However, the East Corridor faces different circumstances. Transit rail lines in the corridor are grade-separated from the street except where they cross major intersections: 122<sup>nd</sup>, 148<sup>th</sup>, and 162<sup>nd</sup>, along with a few intersections that allow U-turns between 105<sup>th</sup> and 162<sup>nd</sup>. Thus, drivers must turn right onto Burnside in most locations and none can drive on the rails. As for pedestrians crossing the rails, in most locations the combination of gates, fences, landscaping, and gravel make crossing them anywhere except at the above intersections essentially impossible and certainly extremely dangerous. In addition, while the vision and intent for Gateway is for it to become a more urban, pedestrian-oriented place, the area will transition only over time.

Making parking and loading areas and driveways along the transit alignment possible through a modification would increase flexibility for properties and businesses along the line until the area has transitioned far enough to warrant stricter standards. The Portland Office of Transportation has indicated that, as long as the purpose statement accurately reflects the intention regarding this issue along the rail alignment, making the provision "not allowed" will give staff a greater ability to work closely with property owners in fashioning transportation options that protect the rail alignment while still encouraging economically desirable changes.



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provided in structures is preferred over parking in surface lots because, as a more efficient use of land, structured parking promotes compact urban development. In addition, parking structures with active uses on the ground floor provide a better environment for pedestrians and contribute to the continuity of street-level retail and service uses that support a thriving urban area.

The parking ratios in this section will accommodate most auto trips to a site and take into account the intensity of development in the area, on-street parking supply, pedestrian activity, and proximity to frequent transit service.

Limiting the location of parking and access on light rail alignments improves access to transit, supports a transit-oriented development pattern, and reduces conflicts between motor vehicles and pedestrians or bicycles. In particular, it reduces conflicts between motor vehicles and light rail trains, especially where the access would require cars to cross the light rail tracks.

## **B. Number of parking spaces**

1. Minimum required parking spaces. There is no minimum number of required parking spaces.
2. Maximum allowed parking spaces. The maximum number of parking spaces allowed for nonresidential uses ~~may not exceed~~ is 150 percent of Standard A in Table 266-2 of Chapter 33.266, Parking and Loading. The maximums apply to both surface and structured parking. Park-and-ride facilities are exempt from this requirement.

## **C. Location.** ~~Motor vehicle parking, maneuvering, and loading areas are not allowed between the façade of a building with the main entrance and the street. If a site abuts more than two streets, this requirement must be met for only two of the streets. Motor vehicle parking, maneuvering, and loading areas between the primary structure and an abutting light rail alignment are prohibited.~~

1. Vehicle areas are not allowed between a primary structure and any street, except as follows:
  - 1a. Sites with through lots or with three frontages may have vehicle areas between a primary structure and one Local Service Transit Street.
  - b. Sites on full blocks may have vehicle areas between a primary structure and two Local Service Transit Streets.
  - c. Driveways are allowed between a building and a street that is not a light rail alignment if the driveway provides a straight line connection between a street and parking area inside the building. Driveways between a building and a light rail alignment are not allowed.
2. Vehicle areas are not allowed on the portion of the site within 100 feet of a street that is a light rail alignment.

## Commentary

### **D. Parking structures/Structured parking near light rail**

The wording of this subsection has been revised to clarify what is intended by accommodating Retail Sales And Service or Office uses. In addition, the distance from the light rail alignment within which parking structures must be designed and constructed to accommodate retail sales and service or office uses has been extended from 50 feet to 100 feet. Increasing the distance of this requirement helps ensure a quality pedestrian environment near the light rail line and around transit stations.

### **E. Parking access**

This subsection has been deleted as its revised provisions have been included in subsection C, Location.

# Gateway Planning Regulations Project

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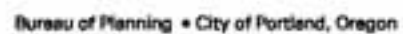
~~**D. Parking structures.** In the C zones, parking structures or parts of parking structures located within 50 feet of a light rail alignment must be designed and constructed to accommodate Retail Sales And Service or Office uses along at least 50 percent of the structure's ground level walls that front onto the light rail alignment.~~

**D. Structured parking near light rail.** In C zones, areas of structured parking located with 100 feet of a light rail alignment must meet the standards of 33.526.280.C., Ground Floor Active Uses, along at least 50 percent of the structure's ground floor walls that face the light rail alignment and front onto a sidewalk, plaza, or other public open space.

~~**E. Parking access.** Motor vehicle access to any parking area or structure, or loading are is prohibited from a light rail alignment unless the site does not abut another street. Adjustments to this Subsection are prohibited.~~

## Commentary

**Map 521-1 (Map 1 of 2)** This map identifies the boundaries of the western portion of the new East Corridor plan district. The separation of the East Corridor plan district from the current Gateway plan district is discussed on page II-5.

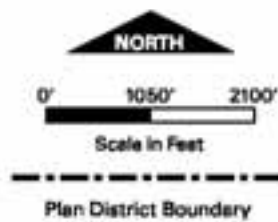
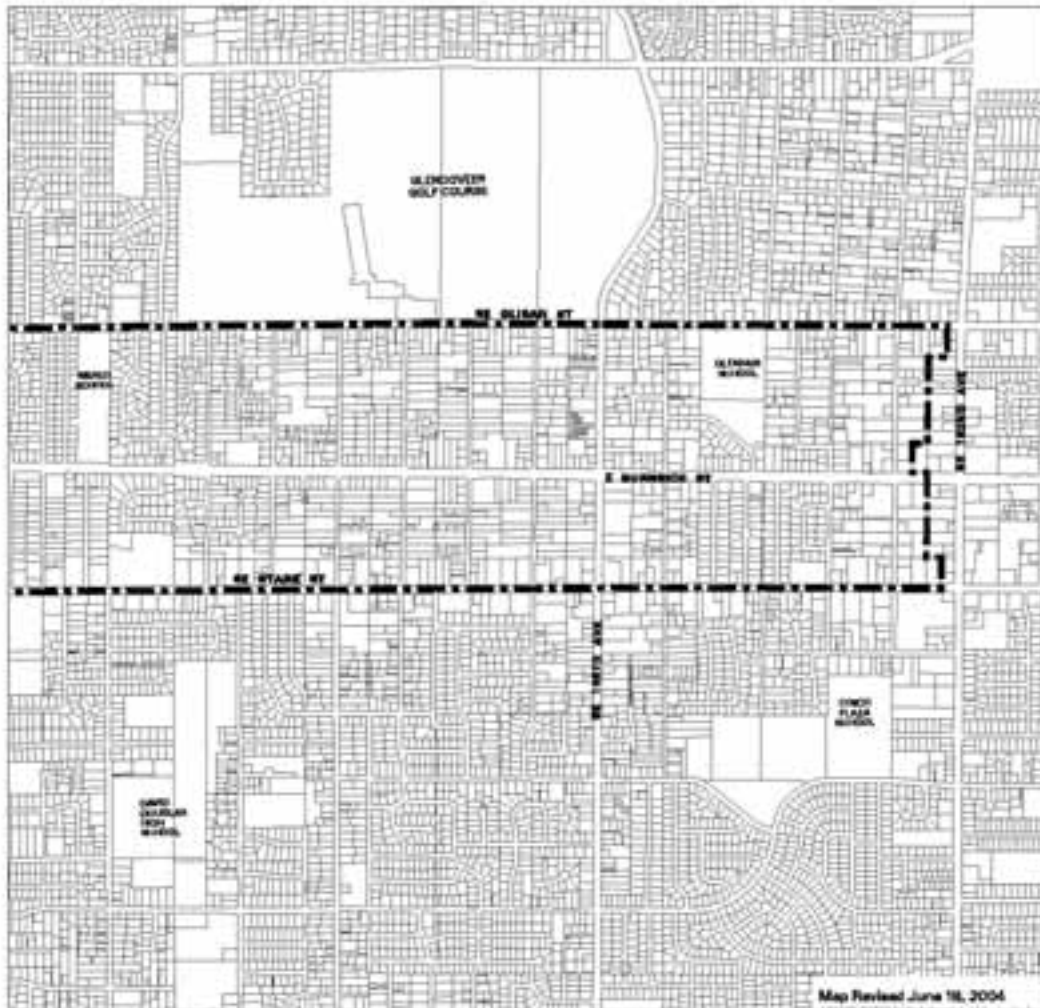


## Commentary

**Map 521-1 (Map 2 of 2)** This map identifies the boundaries of the eastern portion of the new East Corridor plan district. A discussion about the separation of the East Corridor plan district from the current Gateway plan district begins on page II-5.

# Gateway Planning Regulations Project

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## Map 521-1 East Corridor Plan District

Map 2 of 2

Bureau of Planning • City of Portland, Oregon

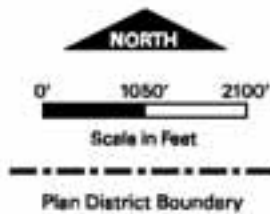
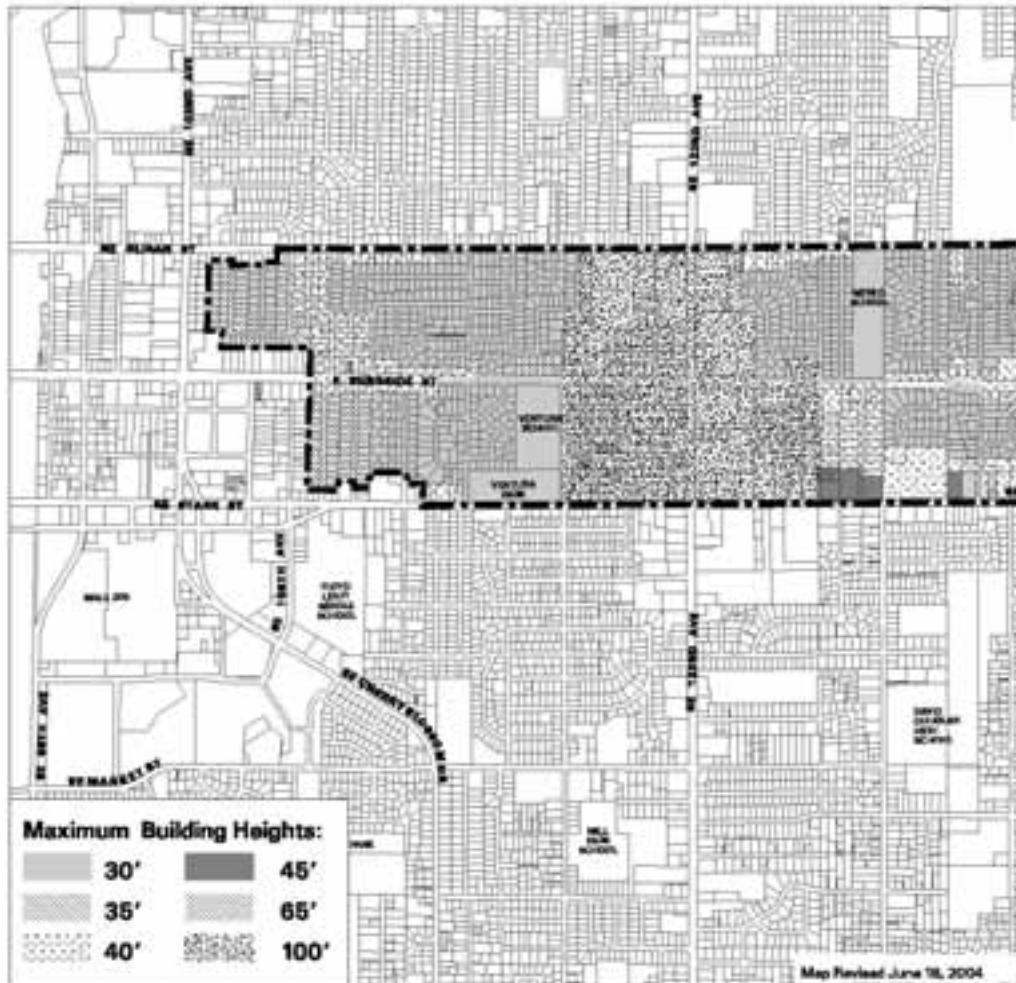
## Commentary

**Map 521-2 (Map 1 of 2)** The City Council revised the maximum building heights within the East Corridor plan district. The maximum building height of 100' is concentrated around the light rail stations and in the pedestrian districts.

Chapter 33.521.210, Building Height, page II-25, contains the code language for this regulation and references this map. There are two maps that address building height. This map illustrates the western portion of the East Corridor plan district.



# Gateway Planning Regulations Project



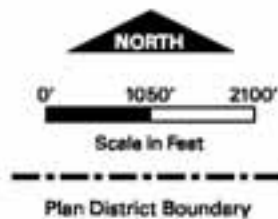
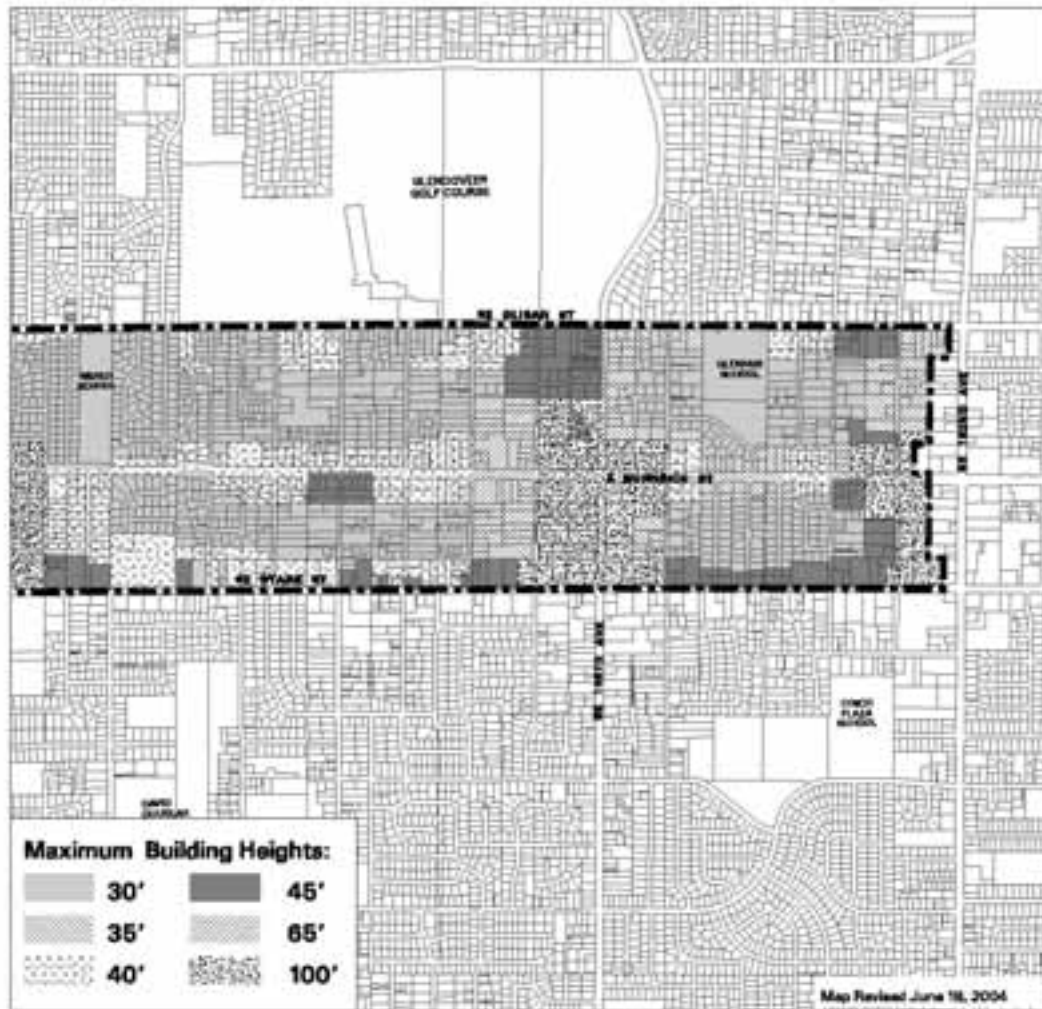
Map 521-2  
East Corridor Plan District  
Maximum Heights  
Map 1 of 2

Bureau of Planning • City of Portland, Oregon

## Commentary

**Map 521-2 (Map 2 of 2)** The City Council revised the maximum building heights within the East Corridor plan district. The maximum building height of 100' is concentrated around the light rail stations and in the pedestrian districts.

Chapter 33.521.210, Building Height, page II-25, contains the code language for this regulation and references this map. There are two maps that address building height. This map illustrates the eastern portion of the East Corridor plan district.



**Map 521-2**  
**East Corridor Plan District**  
**Maximum Heights**  
**Map 2 of 2**

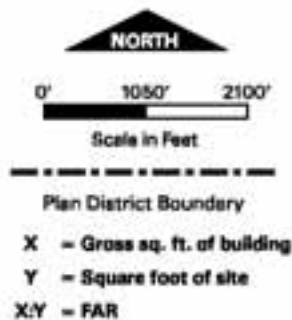
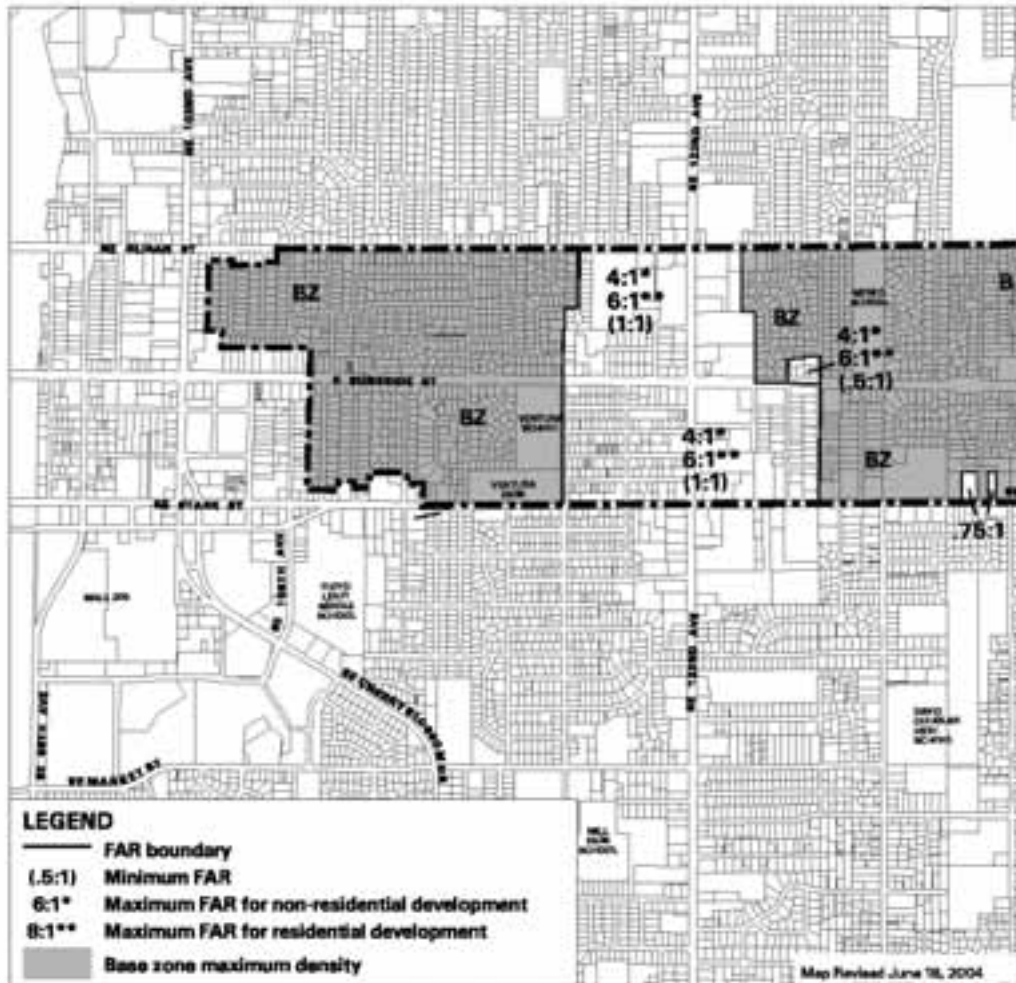
Bureau of Planning • City of Portland, Oregon

## Commentary

**Map 521-3 (Map 1 of 2)** The City Council revised the floor area ratios (FAR) within the East Corridor plan district. Maximum and minimum FARs have been applied in the pedestrian districts to increase development potential and ensure a minimum level of development near the light rail stations.

Chapter 33.521.220, Floor Area Ratios, page II-33, contains the code language for this regulation and references this map. There are two maps that address floor area ratios. This map illustrates the western portion of the East Corridor plan district.

# Gateway Planning Regulations Project



**Map 521-3**  
**East Corridor Plan District**  
**Floor Area Ratios (FAR)**  
Map 1 of 2

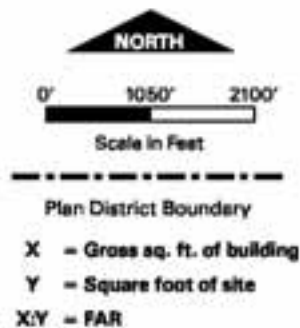
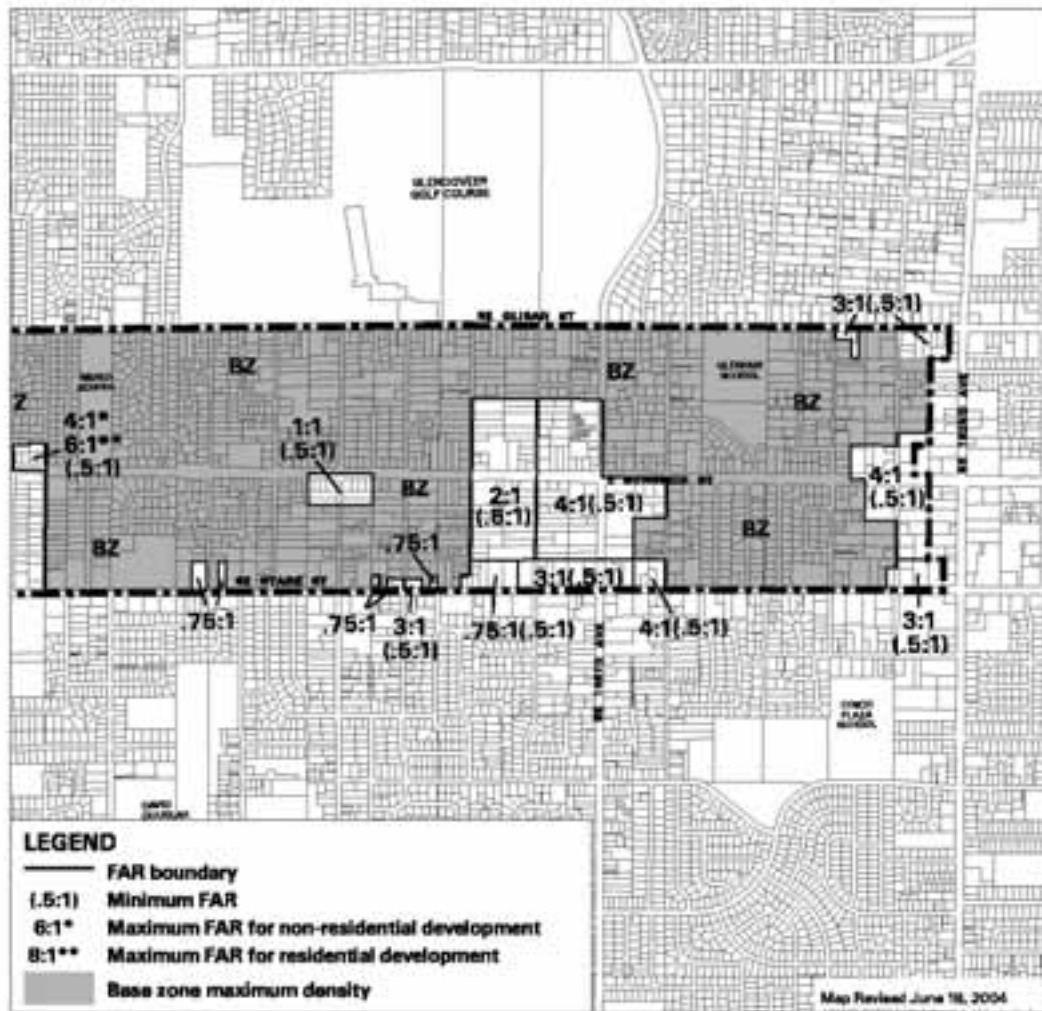
Bureau of Planning • City of Portland, Oregon

## Commentary

**Map 521-3 (Map 2 of 2)** The City Council revised the floor area ratios (FAR) within the East Corridor plan district. Maximum and minimum FARs have been applied in the pedestrian districts to increase development potential and ensure a minimum level of development near the light rail stations.

Chapter 33.521.220, Floor Area Ratios, page II-33, contains the code language for this regulation and references this map. There are two maps that address floor area ratios. This map illustrates the eastern portion of the East Corridor plan district.

# Gateway Planning Regulations Project



**Map 521-3**  
**East Corridor Plan District**  
**Floor Area Ratios (FAR)**  
Map 2 of 2

Bureau of Planning • City of Portland, Oregon





## **Part III**

# **Adopting Ordinances and Resolution**



# Gateway Planning Regulations Project

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## **ORDINANCE No. 1 78423**

### **As Amended**

Adopt and implement the Gateway Planning Regulations Project (Ordinance; amend Portland Comprehensive Plan and Outer Southeast Community Plan; amend Title 33)

The City of Portland Ordains:

Section 1. The Council finds:

1. Portland's Comprehensive Plan was adopted on October 16, 1980, acknowledged for compliance with Statewide Planning Goals on May 3, 1981, and again on January 25, 2000, and updated as a result of periodic review in June 1988, January 1991, March 1991, September 1992, and May 1995.
2. Oregon Revised Statutes (ORS) 197.628 requires cities and counties to review their comprehensive plans and land use regulations periodically and make changes necessary to keep plans and regulations up-to-date and in compliance with Statewide Planning Goals and State laws. Portland is also required to coordinate its review and update of the Comprehensive Plan and land use regulations with State plans and programs.
3. Portland Comprehensive Plan Goal 10, Plan Review and Administration, states that the Comprehensive Plan will undergo periodic review to ensure that it remains an up-to-date and workable framework for land use development.
4. Portland Comprehensive Plan Policy 10.2, Comprehensive Plan Map Review, establishes a community and neighborhood planning process for the review and update of the Portland Comprehensive Plan Map.
5. The Bureau of Planning developed the Gateway Planning Regulations Project with participation from interested neighborhood and business associations, property owners, business persons and citizens and with cooperation from other bureaus and agencies.
6. Public involvement and outreach activities included regular consultation with citizen and technical advisory groups, neighborhood walks, workshops, and open houses. Staff also attended neighborhood and business association and neighborhood meetings as requested meetings and convened special-purpose advisory groups to assist in crafting and evaluating plan proposals.
7. The Program Advisory Committee (PAC) guides the Gateway Regional Center urban renewal area; the PAC established the Design and Development Subcommittee (D&D Committee) to be the primary advisory body on the Gateway Planning Regulations Project. D&D Committee members are listed at the beginning of the Gateway Planning Regulations Project. These representatives informed staff on neighborhood, business, and property owner

# Gateway Planning Regulations Project

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1 78423

issues and other matters related to the project and reviewed components and drafts of the project before it went to Planning and Design Commission.

8. Technical representatives from city agencies and other governments and organizations participated in the review of components and drafts of the Gateway Planning Regulations Project throughout its formulation. Technical advisors are listed at the beginning of the Gateway Planning Regulations Project.
9. The Gateway Planning Regulations Project provisions implement or are consistent with the Statewide Planning Goals, the Oregon Transportation Planning Rule, the Region 2040 Plan, the Metro Urban Growth Management Functional Plan, and the Portland Comprehensive Plan, as explained in the Recommended Gateway Planning Regulations Project: Findings Report attached as Exhibit D and incorporated as part of this ordinance.
10. The Gateway Planning Regulations Project includes an urban development concept and implementation action charts, which are adopted by resolution. The action charts represent a commitment from public and private groups to help implement the Gateway Regional Center Subarea Policy of the Outer Southeast Community Plan.
11. The Notice of Proposed Action and copies of the Gateway Planning Regulations Project were mailed to the Oregon Department of Land Conservation and Development as required by ORS 197.610 on August 7, 2003.
12. Written notice of the September 30, 2003 Portland Planning Commission and September 18, 2003 Portland Design Commission public hearings on the Proposed Gateway Planning Regulations Project was mailed to interested parties on August 15, 2003. Measure 56 notification of the September 30, 2003 Portland Planning Commission and September 18, 2003 Portland Design Commission public hearings on the Proposed Gateway Planning Regulations Project was mailed to all property owners affected by changes to the base zone or allowed uses of property on September 9, 2003.
13. On September 18, 2003, the Portland Design Commission held a public hearing on the Proposed Gateway Planning Regulations Project. The Design Commission discussed the Plan at public meetings on February 5, 2004 and February 19, 2004, and recommended that City Council adopt the Recommended Gateway Regional Center Design Guidelines.
14. On September 30, 2003, the Portland Planning Commission held a public hearing on the Proposed Gateway Planning Regulations Project. The Planning Commission discussed the Plan at public meetings on December 9, 2003, January 27, 2004, and March 9, 2004. On March 9, 2004, the Planning Commission recommended that City Council adopt the Recommended Gateway Planning Regulations Project.
15. Written notice of the April 21, 2004 City Council public hearing on the Recommended Gateway Planning Regulations Project was mailed to individuals who testified at the

# Gateway Planning Regulations Project

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Planning Commission and Design Commission hearings and other interested individuals on March 25, 2004.

16. It is in the public interest that the recommendations contained in the Gateway Planning Regulations Project be adopted to direct change in the study area. These recommendations are consistent with Statewide Planning Goals, Metro's Functional Plan and the City's Comprehensive Plan for the reasons stated in the findings in Exhibit D.

NOW, THEREFORE, the Council directs:

- a. The Planning Commission Recommended Gateway Planning Regulations Project, dated April 2004 and contained in the attached Exhibit A, is hereby adopted.
- b. The Design Commission Recommended Gateway Regional Center Design Guidelines, dated April 2004 and contained in the attached Exhibit B, are hereby adopted.
- c. The Outer Southeast Community Plan is amended to revise the objectives of the Gateway Regional Center Subarea Policy, as shown in Exhibit A.
- d. The Portland Comprehensive Plan is amended to incorporate revisions to the Outer Southeast Community Plan and to the Comprehensive Plan and Zoning Map, as shown in Exhibit A.
- e. Title 33, Planning and Zoning of the Code of the City of Portland, Oregon, is amended as shown in Exhibit A.
- f. The commentary in Exhibit A is adopted as legislative intent and as further findings.
- g. The Gateway Plan District Boundary is the Gateway Regional Center Boundary for all purposes related to the Region 2040 Growth Concept, the Regional Framework Plan, and the Regional Urban Growth Management Functional Plan, as depicted in Exhibit A.
- h. Exhibit D, Recommended Gateway Planning Regulations Project: Findings Report, which contains findings on applicable statewide planning goals, the Metro Functional Plan, and Portland Comprehensive Plan, is adopted as findings of fact in support of this ordinance.

Passed by the Council, MAY 19 2004

Mayor Vera Katz  
Ellen Ryker  
April 21, 2004

GARY BLACKMER  
Auditor of the City of Portland

By

*Susan Parsons*  
Deputy



# Gateway Planning Regulations Project

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## ORDINANCE No. 1 78424

Improve connectivity in the East Corridor Plan District (Ordinance; add Code Section 17.88.080)

The City of Portland Ordains:

### Section 1. The Council finds:

1. On April 21, 2004, City Council heard testimony on the Gateway Planning Regulations Project.
2. City Council directed Bureau of Planning and Office of Transportation staff to prepare amendments addressing issues raised by the community, including the need for increased connectivity in the plan districts.
3. Improving connectivity in Gateway and the East Corridor Plan Districts will encourage walking, bicycling, improve local circulation, and support the City's and region's investment in light rail.
4. The Bureau of Planning is amending Title 33 to clarify the role of the Office of Transportation in determining the location, width and extent of dedication for new rights-of-way as part of the regulations relating to connectivity in both plan districts.
5. The change to Title 17 provides guidance to the Office of Transportation staff for street spacing standards in the East Corridor Plan District, which currently does not have an adopted master street plan.
6. The change to Title 17 is to be implemented in conjunction with the parallel ordinance authorizing changes to Title 33, Planning and Zoning, as shown in the Gateway Planning Regulations Project and amended by City Council.

NOW, THEREFORE, the Council directs:

- a. Title 17, Public Improvements, is hereby amended to add Code Section 17.88.080 as shown in Exhibit A, attached.

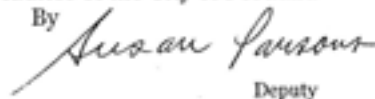
Passed by the Council, MAY 19 2004

Mayor Vera Katz

Jeanne Harrison  
May 4, 2004

GARY BLACKMER  
Auditor of the City of Portland

By

  
Deputy

1 78424

## EXHIBIT A

### **Title 17, Public Improvements** (new language is underlined)

#### **Chapter 17.88 STREET ACCESS**

##### **Sections:**

- 17.88.001 Purpose.
- 17.88.010 Definitions.
- 17.88.020 For Building and Planning Actions.
- 17.88.030 Location of Multiple Dwellings.
- 17.88.040 Through Streets.
- 17.88.050 Transportation Impact Study.
- 17.88.060 Dedication Prior to Construction.
- 17.88.070 Routes of Travel in Park Areas.
- 17.88.080 Special Requirements.

##### **17.88.80 Special Requirements**

- A. East Corridor Plan District. Until a master street plan is adopted in the Transportation Element of the Comprehensive Plan for the East Corridor Plan District, as shown in Title 33, Map 526-1, street connectivity for the area should generally be based on a block size of 400 by 200 feet and connect to the surrounding street grid.



# Gateway Planning Regulations Project

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## **RESOLUTION No. 36215** **As Amended**

Adopt the Gateway Planning Regulations Project Urban Design Concept and Action Charts (Resolution)

WHEREAS, the Gateway Planning Regulations Project implements plans prepared for or include elements of the Gateway Regional Center, including the Outer Southeast Community Plan, Hazelwood Neighborhood Plan, Mill Park Neighborhood Plan, Cully/Parkrose Community Plan, Metro 2040 Growth Concept, Urban Growth Management Functional Plan, Regional Framework Plan, Opportunity Gateway Concept Plan, and Gateway Regional Center Urban Renewal Plan; and

WHEREAS, the Gateway Regional Center is the only regional center in the City of Portland and an urban renewal area; and

WHEREAS, the Gateway Regional Center is anticipated to grow significantly beyond its current suburban character to achieve a level of development intensity second only to Portland's Central City; and

WHEREAS, the Gateway Planning Regulations Project was developed with the cooperation of City bureaus and other public agencies and with the participation of neighborhood and business organizations, property and business owners, area residents, the Gateway Regional Center Urban Renewal Area Program Advisory Committee, and other interested persons; and

WHEREAS, the Gateway Planning Regulations Project urban design concept represents a refinement of earlier concepts, including the Opportunity Gateway Concept approved by City Council in February 2000, and serves as a general blueprint for identifying elements of urban form that are to be preserved, changed, and enhanced; and

WHEREAS, the attainment of the urban design concept and objectives of the Gateway Regional Center Subarea Policy of the Outer Southeast Community Plan is dependent upon the coordination of independent actions carried out by private interests, public service providers, and community-based associations; and

WHEREAS, the revised objectives of the Gateway Planning Regulations Project are adopted as part of the Outer Southeast Community Plan, and actions taken to implement the Gateway Regional Center Subarea Policy also uphold the Outer Southeast Community Plan; and

WHEREAS, action charts describe the proposed implementation projects and programs of the Gateway Regional Center Subarea Policy of the Outer Southeast Community Plan, identify

# Gateway Planning Regulations Project

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appropriate timeframes for their implementation, and identify agents to oversee or participate in the implementation of an action; and

WHEREAS, public notice was mailed on August 15, 2003 to interested persons, and on September 9, 2003 to all property owners directly affected by plan proposals regarding the Portland Planning Commission public hearing held on September 30, 2003; and

WHEREAS, the Portland Planning Commission held a public hearing and accepted public testimony on September 30, 2003, and continued deliberation on the plan at public meetings on December 9, 2003, January 27, 2004, and March 9, 2004, and voted to recommend that the City Council adopt the urban design concept and action charts of the Gateway Planning Regulations Project; and

WHEREAS, the Planning Commission's recommendations on the Gateway Planning Regulations Project are contained in Exhibit A; and

WHEREAS, it is in the public interest that the recommendations contained in the Gateway Planning Regulations Project be adopted to implement existing plans for the Gateway Regional Center.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Portland, a municipal corporation of the State of Oregon, that the City Council adopt the urban design concept and action charts of the Gateway Planning Regulations Project as shown in Exhibit A; and

BE IT FURTHER RESOLVED that the implementation actions associated with the action charts of the Gateway Planning Regulations Project are approved by City Council as an addition to the actions already included in the Gateway Regional Center Subarea Policy of the Outer Southeast Community Plan that will help implement the policies of the plan; and

BE IT FURTHER RESOLVED that all actions are adopted with the understanding that they may need to be adjusted or replaced with more feasible alternatives. Identification of an implementor for an action is an expression of interest and support with the understanding that circumstances will affect the implementor's ability to take action; and

BE IT FURTHER RESOLVED that the City Council authorizes the City agencies identified on the action charts as implementors to engage in activities aimed at implementing the projects, programs and regulations called for in the action charts of the Gateway Regional Center Subarea Policy of the Outer Southeast Community Plan; and

# Gateway Planning Regulations Project

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BE IT FURTHER RESOLVED that the City Council authorizes and directs the Bureau of Planning staff to make minor changes to the action charts of the Gateway Planning Regulations Project that correct typographical errors and to ensure parallel construction.

Adopted by the Council,  
MAY 19 2004

Mayor Vera Katz  
Ellen Ryker  
April 21, 2004

GARY BLACKMER  
Auditor of the City of Portland

By   
Deputy