

Mass Shelters and Housing Zoning Code Update

Adopted Report



Amendments affecting mass shelters and short-term housing

Effective December 9, 2016
Ordinance #188077



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City of Portland, Oregon
Charlie Hales, Mayor • Susan Anderson, Director



Mass Shelters and Housing Zoning Code Update

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I. Introduction

Project Summary

These code amendments are the result of the Portland City Council's direction to "simplify regulations, remove regulatory obstacles, and expedite processes for land use reviews and permits for affordable housing projects, mass shelters, and short-term housing" (Resolution 37196, passed on March 9, 2016).

On this same date, City Council also approved an Ordinance (187616) to "allow City Subsidized Affordable Housing Projects to utilize a Type IIx land use review procedure" within the Central City and Gateway plan districts as opposed to the Type III review which requires a public hearing and pre application conference. The purpose of the ordinance was to provide a temporary time/cost relief for design/historic reviews of affordable housing projects with the intent that the follow-up project would provide potential permanent changes. This temporary provision has been extended for the duration of the housing emergency (currently set to expire in October 2017).

Both the ordinance and the resolution were part of the process instigated by the Council's vote on October 7, 2015 to declare a housing emergency in the City of Portland. This declaration gave the Council the ability to address houselessness and housing affordability on an interim basis while longer term solutions (including this) were explored.

These amendments were originally planned to be part of a Regulatory Improvement Code Amendment Package (RICAP 8), but have been split off from that project in order to bring the amendments forward to the Planning and Sustainability Commission and City Council at an earlier date.

The code amendments focus on three areas of the code: Chapter 33.285 which provide the use and development regulations for short-term housing and mass shelters, Chapter 33.815 which provides the approval criteria for Conditional Use reviews (which can apply to mass shelters and short-term housing), and Chapter 33.920 which provide descriptions for various use categories including religious institutions.

The BPS staff proposal also included code language that would allow an affordable housing project meeting certain criteria to have the option of applying for a Type IIx Design or Historic Resource review in cases where a Type III process would normally be required. This was a codification of ordinance 187616 listed above, to make it a permanent part of the code. However, due to a lack of projects using this alternative, and after hearing testimony, the Planning & Sustainability Commission elected not to forward a recommendation to make the change. City Council supported this non-amendment.

During the City Council hearing, some minor changes were suggested to simplify the conditional use approval criteria, and to clarify existing wording under temporary activities and group living.

The following table provides brief summaries of changes. The code changes are listed in Section II. *(note that council added amendments to 33.296 and 33.910).*

Zoning Code Chapter	Summary of changes
33.100s Base Zones	<ul style="list-style-type: none"> Under 33.120, amend use tables and notes for certain multi-dwelling zones to correlate with changes elsewhere in title (see 2nd bullet in 33.285 section) Under 33.140, amend use tables and notes for E zones to correlate with changes elsewhere in title (see last bullet in 33.285 section)
33.239 Group Living	<ul style="list-style-type: none"> Clarify the density standards for Group Living facilities in EG zones. (this can affect how short-term housing is reviewed in EG zones)
33.285 Short Term Housing and Mass Shelters	<p><u>For Shelters allowed by right</u></p> <ul style="list-style-type: none"> Amend Table 285-1 to increase the number of shelter beds allowed by right in specific zones (where they are already allowed). Allow small mass shelters (up to 15 beds) in multi-dwelling zones if they are part of an existing institution (religious institution, school/college, etc). Reduce the required spacing between shelters from 1300 feet to 600 feet. Remove parking requirement for a mass shelter or short term housing that is allowed by right. <p><u>For Shelters/Short-term housing subject to Conditional Use Review</u></p> <ul style="list-style-type: none"> For mass shelter or short term housing that is part of an Institution or is proposed in an existing structure, change review to a Type II review in some situations. For a shelter in an existing structure in a residential zone, provide a limited set of approval criteria (33.815.107), similar to short term housing. Allow shelters in EG zone through conditional use review rather than prohibit them.
33.296 Temporary Activities	<ul style="list-style-type: none"> Clarify how permanent changes should be reviewed with temporary activities
33.815 Conditional Uses	<ul style="list-style-type: none"> Amend 33.815.107 to apply to both shelters and short term housing in residential zones instead of having two sets of criteria. Included criteria related to impacts on the surrounding residential area but limit transportation criteria. Note that 33.815.105 is not changing but will not apply to shelters or short-term housing.
33.910 Definitions	<ul style="list-style-type: none"> Clarify the definition of a group living facility structure type.
33.920 Use Categories—Colleges, Religious Institutions and Schools	<ul style="list-style-type: none"> Allow and/or expand the number of transitional households that a college, religious institution, or school can host to six and allow/expand the maximum time limit for a transitional household to 180 days in a calendar year.

Background of Regulations

The city has historically regulated the spectrum of shelter options within the city, including single dwelling, multi dwelling, group living, transitional and other forms of housing. This has included lower income longer term housing options such as rooming houses, and special shorter stay options including short term housing and mass shelters. The short term options were historically subject to additional scrutiny and review, partially due to the concentration of these short term options within the downtown core. These facilities were classified as Essential Service Providers (ESP), which were defined as uses which provide food and shelter for free or below market rates. Although the facilities were defined as “essential” they were not allowed outright anywhere within the city. The facility was required to go through an Essential Service Provider review, or was prohibited.

As a result of the Federal Fair Housing Act of 1988, the City amended the code definition of household, but also recognized the need to conduct a thorough review of the zoning code to ensure full compliance with this act. The resultant task force came up with a set of code and implementation strategies, which resulted in regulatory changes in 1993. These changes were the first to define mass shelters and short term housing, and placed them within the more general Community Service use category. Both of these definitions recognized that the average tenancy could be less than a month, which distinguished these facilities from household or group living categories where tenancy was required to be for one month or more. The regulatory project created a two-track system that allowed a limited number of short-term housing and mass shelters to be sited “by-right” without a land use review. Instead of a discretionary review, facilities were subject to a set of development standards. In the case of mass shelters, these standards included a separation requirement and a limitation on the number of beds depending on the zone. If the shelter couldn’t meet these standards, they were required to go through the conditional use review process. These regulations have remained essentially unchanged since early 1994 when they were effective.

Since 1994, the composition and size of the city has changed. The increase in population has placed an added demand on the city’s available housing stock, pushing sales prices and rents to levels that are often beyond the means of many individuals. The populations of individuals without homes has increased during this time. The characteristics of homelessness have also changed, as homelessness affects a wider range of individuals and families. Concurrently, there has been a reduction of government programs to provide safety nets for those most vulnerable, especially those with physical or mental issues. Although many non-profits, religious, and other institutions have attempted to fill the gaps in trying to provide shelters, the cost of the required conditional use reviews, traffic studies and occupancy permits have discouraged several from moving forward with plans. (See the appendix for a brief paper on the perceived barriers of entry to providing temporary shelter.)

With these real and perceived barriers to gain approval for a permanent shelter or short-term housing facility, most recent facilities have been set up through the city’s temporary activities chapter to provide emergency shelters during times of extreme weather. While this provides temporary shelter relief, it is not a long term solution to providing a place to sleep for all segments of the population.

City Council Resolution & Ordinance

Recognizing that the situation for temporary housing had become critical, the City Council passed two ordinances (187370 and 187371) in October 2015. The first ordinance gave the Council the administrative authority to identify a housing emergency, while the second ordinance declared the housing emergency and provided the Council powers to create emergency shelters, including temporarily waiving certain zoning code requirements for a period of one year. This provision (along with the temporary activities chapter) allowed the Council to work with partners to set up emergency shelters such as the one at the Sears site in Multnomah Village and the reuse of a vacant building downtown. The housing emergency has since been extended for an additional year, to October 2017, through Ordinance 187973 passed on September 7, 2016.

These ordinances were followed in March 2016 by an ordinance and a resolution to provide the Bureau of Planning and Sustainability (BPS) staff with direction. The Ordinance (#187616) adopted a temporary alternative land use review process for affordable housing projects in the Central City or Gateway plan districts that must go through design review or historic review. Rather than going through a Type III process which requires a pre-application conference and a hearing in front of the design or landmarks commission, an affordable housing project, meeting certain parameters, would be allowed to go through a Type IIx staff review process. In lieu of a pre-application conference, the project would need to go through an initial design advice request (DAR). While it was anticipated that this alternative could reduce the time and cost of the land use review, no projects had gone through this alternative process at the time that new regulations were being discussed (since then, one project was going through a Type IIx process as of December 2016, while another elected to remain a Type III). This temporary alternative option was extended for an additional year in conjunction with Ordinance 187973 which extend the housing emergency until October 2017. However, as noted in more detail below, the City Council supported the Planning & Sustainability Commission's recommendation to not make a permanent change to the process as part of this package.

Parallel with ordinance #187616, the Council passed Resolution #37196 to direct BPS to develop a legislative proposal to "simplify regulations, remove regulatory obstacles and expedite process for land use reviews and permits for affordable housing projects, mass shelters and short-term housing". The Zoning Code amendments which follow are an attempt to satisfy this resolution. The amendments were initially proposed by BPS staff in August 2016. The proposal was modified by the Planning and Sustainability Commission as part of their hearing and worksession in September 2016. This included the removal of the optional Type IIx review for Design or Historic reviews of affordable housing projects. During the City Council hearing process, additional minor amendments were suggested to simplify the range of conditional use approval criteria for mass shelters, as well as to provide additional clarity to development associated with temporary activities and to the definition of a group living development. More information is provided below under the Public and Stakeholder Involvement section.

Public and Stakeholder Involvement

Stakeholders

The main stakeholders affected by these code amendments include those who provide shelters and other forms of transitional housing, those in need of such housing, those who work directly with the homeless, and the residents and businesses who may have an interest or be impacted by the facilities. Other stakeholders include city staff and bureaus who are implementing new policies related to providing shelter.

Staff met with various internal and external service providers whose role is to provide and/or promote various forms of transitional housing to determine potential issues and regulatory roadblocks. This included staff with the Mayor's office, the city and county housing agencies, non-profit providers and other organizations.

As part of the overall outreach for the proposal, staff attended monthly meetings for nine interest and stakeholder groups while developing the code concepts, as well as during the public review period for the *Proposed Draft*. These included meeting with the land use representatives of the Neighborhood District Coalition offices, members of business stakeholders including the Portland Business Alliance, Venture Portland and the Central Eastside business land use group. Staff also briefed both the Design Commission and the Landmarks Commission on the initial proposal to provide an option for a Type IIx design or historic review of affordable housing projects. Staff sent out a notice to over 400 individuals, including those who expressed initial interest in the project as well as individuals with a general interest in BPS legislative projects, informing them of the initial project hearing and open house. On August 31, staff held an open house at the central Multnomah County library to discuss the proposal.

Stakeholder Responses from the Public Outreach

As the result of the growing population of homeless individuals and households and the Mayor's Housing State of Emergency, there is a realization amongst most stakeholders of the need for additional shelter facilities. Many people tasked with finding sites for shelters and short-term housing have been supportive of changes that can bring regulatory relief and/or reduce the cost and time of review for proposals. The citizen and business groups engaged by BPS staff have expressed understanding for the need for some regulatory change, although they also value the opportunities for neighborhood/business involvement and oversight that the regulations provide. In some cases, groups were concerned with both allowing a potential doubling in the number of beds and a reduction in the spacing requirement for 'by-right' shelters, especially in the more urban EX and CX zones. This concern was expressed at meetings and through testimony to the Planning and Sustainability Commission. The stakeholder comments were a factor in limiting the overall number of regulatory changes, so that shelters in certain zones and/or above certain sizes will still need to go through the conditional use process to gain approval.

For several stakeholders, more concern has been expressed about the steps the city has taken to address homelessness through the declared housing emergency. A main issue expressed during the outreach is the limited amount of stakeholder and neighborhood input that has been gathered during the housing emergency before decisions on temporary housing have been made. These decisions are allowed with little input through the declaration of the housing emergency. Emergency shelters are allowed through our Temporary Activities chapter and these provisions are not changing. However, some minor

changes will also allow religious institutions, schools and colleges to host a small number of temporary households without having to declare an emergency. (see next paragraph)

Planning and Sustainability Commission Hearing and Recommendation

On September 13, 2016, the Planning and Sustainability Commission (PSC) held a public hearing on the staff proposal in this report. Staff invited testifiers from A Home for Everyone and the City's Design and Landmarks Commission. Seven additional people signed up to testify and several pieces of written testimony were submitted. The PSC expressed concern with the proposal to reduce Type III Design and Historic Resource Reviews to a Type IIx review, based on testimony. They also pointed to the lack of any actual examples that could be analyzed to determine if the temporary provision was a process improvement. At the conclusion of the hearing, the PSC held the record open until September 16 and asked BPS staff to look into nine different suggestions with a recommendation in response. On September 27, the PSC held a worksession where they discussed these issues and agreed to amend the staff's proposal on four of the issues. These included removing the staff proposal for the Type IIx Design and Historic Resource reviews, increasing the staff proposal on the number of beds allowed by right in the CS, CM and CO2 zones from 50 to 75 beds, removing any parking requirements for short-term housing or mass shelters allowed by right, and expanding the staff's proposal for the provision of temporary transitional housing as an accessory use to include colleges and schools as well as religious institutions and to increase the allowed number of households to six. The PSC voted to recommend the staff proposal with these changes to the City Council.

City Council Public Hearing and Decision

Portland City Council held a public hearing on the Planning and Sustainability Commission's recommendation on November 2, 2016. At the hearing, Commissioner Saltzman's office proposed several minor amendments to the PSC recommendations. One amendment reconfigured the conditional use approval criteria for mass shelters and short-term housing in residential zones. This reconfiguration created a single set of criteria to apply to these facilities in R-zones. Other changes were minor text additions to address how alterations to a site of a temporary activity are handled so that certain permanent improvements that would normally be allowed by right can occur, and a clarification to the definition of a group living structure. Several invited testifiers provided support to the project as did members of the audience that attended. City Council voted to approve the recommendation with the amendments at the following session on November 9, 2016. The regulations were effective 30 days after this vote on December 9, 2016.

II. Amendments to the Zoning Code

How to read this section

The Amendments are arranged in the order they appear in the Zoning Code. As an example, any amendments to the base zones (33.100s) are shown before the regulations for additional uses (33.200s). The majority of the amendments are concentrated in the chapter affecting Short-Term Housing and Mass Shelters, Chapter 33.285, Amendments in other Chapters clarify the process and approval criteria for various reviews related to mass shelters and short-term housing. See the table below for the zones affected.

The amended code language is located on the odd-numbered pages. The facing (even-numbered) pages contain the commentary for the code amendments. The commentary includes descriptions of the issue and the legislative intent of the solution.

Commentary is in *Comic Sans Serif*

Code appears on the right page in Calibri font.

Added language is underlined

Deleted language is ~~strikethrough~~

Location of Change by Zoning Code Chapter	Page
33.120	10
33.140	14
33.239	18
33.285	20
33.296	34
33.815	36
33.910	44
33.920	46

33.120 Multi-Dwelling Zones

33.120.100 Primary Uses

- B. Limited Uses.** Footnotes 5 and 6 provide specific notes for *Community Service Uses*. In both cases they refer to Chapter 33.285. These amendments, in conjunction with the changes under Table 120-1 clarify that Chapter 33.285 should be referred to when determining if the use is subject to a Conditional Use review, and the reference is related to the changes made in 33.285 to allow smaller short-term housing and mass shelters within multi-dwelling zones on the site of an existing institution. See 33.285 for more information.

33.120 Multi-Dwelling Zones

120

Use Regulations

33.120.100 Primary Uses

B. Limited uses. Uses allowed in these zones subject to limitations are listed in Table 120-1 with an “L”. These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 120-1.

1-4. [No change.]

5. Community Service and Schools in RX. This regulation applies to all parts of Table 120-1 that have a [5]. Short term housing and mass shelters are also regulated by ~~have additional regulations in~~ Chapter 33.285, Short Term Housing and Mass Shelters.

- a. Limited uses. Community Service and Schools uses are allowed in a multi-dwelling development if all of the Community Service and Schools uses are located on the ground floor. If any portion of a Community Service or Schools use is not on the ground floor of a multi-dwelling development, the Community Services and Schools uses are limited to 20 percent of the net building area;
- b. Conditional uses. If any portion of the Community Service and Schools uses is not on the ground floor of a multi-dwelling development and the uses exceed 20 percent of the total net building area, then a conditional use review is required.

6. Community Service in R3 through RH and IR. This regulation applies to all parts of Table 120-1 that have a [6]. Most Community Service uses are regulated by Chapter 33.815, Conditional Uses. Short term housing and mass shelters are regulated by ~~have additional regulations in~~ Chapter 33.285, Short Term Housing and Mass Shelters.

7-14. [No change.]

Table 120-1

Currently, this table indicates that all *Community Service Uses* are conditional uses in the R3-R1 and IR zones. Amendments being made within Chapter 33.285 will allow smaller short-term housing and mass shelters (up to 15 beds) in limited situations. As a result, the symbols within table 120-1 need to be amended to acknowledge this change.

Note, the areas of change are also shaded to aid in locating the changes.

**Table 120-1
Multi-Dwelling Zone Primary Uses**

Use Categories	R3	R2	R1	RH	RX	IR
Residential Categories						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	Y [1]
Commercial Categories						
Retail Sales And Service	N	N	N	CU[2]	L/CU [3]	L/CU [10]
Office	N	N	N	CU[2]	L/CU [3]	L/CU [10]
Quick Vehicle Servicing	N	N	N	N	N	N
Vehicle Repair	N	N	N	N	N	N
Commercial Parking	N	N	N	N	CU [4]	N
Self-Service Storage	N	N	N	N	N	N
Commercial Outdoor Recreation	N	N	N	N	N	N
Major Event Entertainment	N	N	N	N	N	CU
Industrial Categories						
Manufacturing And Production	N	N	N	N	N	CU
Warehouse And Freight Movement	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
Industrial Service	N	N	N	N	N	CU
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
Institutional Categories						
Basic Utilities	L/CU [13]	L/CU [13]	L/CU [13]	L/CU [13]	L/CU[13]	L/CU [13]
Community Service	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [5,6]	L/CU [6]
Parks And Open Areas	L/CU [7]	L/CU [7]	L/CU [7]	Y	Y	Y
Schools	CU	CU	CU	CU	L/CU [5]	L/CU [11]
Colleges	CU	CU	CU	CU	CU	L/CU [11]
Medical Centers	CU	CU	CU	CU	CU	L/CU [11]
Religious Institutions	CU	CU	CU	CU	CU	CU
Daycare	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	Y	L/CU [12]
Other Categories						
Agriculture	L [14]	L [14]	L [14]	L [14]	L [14]	L [14]
Aviation And Surface Passenger Terminals	N	N	N	N	N	N
Detention Facilities	N	N	N	N	N	N
Mining	N	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]
Rail Lines And Utility Corridors	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes: [No change.]

33.140 Employment and Industrial Zones

33.140.100 Primary Uses

- B. Limited Uses. Footnotes 9 and 10 provide specific notes for Community Service Uses in the EG and EX zones respectively. In both cases they refer to Chapter 33.285, but can create some confusion since a CU may sometimes be required depending on what is stated in 33.285. These amendments, in conjunction with the changes under Table 140-1 clarify that Chapter 33.285 is the chapter to use when determining if the use is allowed, subject to a Conditional Use review, or is prohibited. These references are consistent with changes made in 33.285 which allow larger mass shelters by right in EX zones and allow mass shelters in EG zones through a conditional use review. See 33.285 for more information.

33.140 Employment and Industrial Zones

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Use Regulations

33.140.100 Primary Uses

- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 140-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 140-1.

1-8. [No change.]

9. Community Service uses in EG zones. This regulation applies to all parts of Table 140-1 that have a [9]. Most Community Service uses are allowed by right. Short term housing and mass shelters are regulated by ~~may be allowed by right if it meets certain standards. See Chapter 33.285, Short Term Housing and Mass Shelters. Mass shelters are prohibited.~~

10. Community Service in the EX zone. This regulation applies to all parts of Table 140-1 that have a [10]. Most Community Service uses are allowed by right. Short term housing and mass shelters ~~are regulated by~~ may be allowed by right if they meet certain standards, or may be a conditional use. See Chapter 33.285, Short Term Housing and Mass Shelters.

11-16. [No change.]

Commentary

Table 140-1

Currently, this table lists some Community Service Uses as "Limited" and others as "Limited" or "Conditional Uses". Amendments being made within Chapter 33.285 have affected how these uses are allowed by allowing some mass shelters through a Conditional Use process in EG. In addition, the symbol in EX is amended to indicate that there can be cases where a mass shelter is a Conditional Use.

Note, the areas of change are also shaded to aid in locating the changes.

**Table 140-1
Employment and Industrial Zone Primary Uses**

Use Categories	EG1	EG2	EX	IG1	IG2	IH
Residential Categories						
Household Living	CU	CU	Y	CU [1]	CU [1]	CU [1]
Group Living	CU	CU	L/CU [2]	N	N	N
Commercial Categories						
Retail Sales And Service	L/CU [3]	L/CU [3]	Y	L/CU [4]	L/CU [5]	L/CU [6]
Office	L [3]	L [3]	Y	L/CU [4]	L/CU [5]	L/CU [6]
Quick Vehicle Servicing	Y	Y	N	Y	Y	Y
Vehicle Repair	Y	Y	Y	Y	Y	Y
Commercial Parking	CU [15]	CU [15]	CU [15]	CU [15]	CU [15]	CU [15]
Self-Service Storage	Y	Y	L [7]	Y	Y	Y
Commercial Outdoor Recreation	Y	Y	Y	CU	CU	CU
Major Event Entertainment	CU	CU	CU	CU	CU	CU
Industrial Categories						
Manufacturing And Production	Y	Y	Y	Y	Y	Y
Warehouse And Freight Movement	Y	Y	Y	Y	Y	Y
Wholesale Sales	Y	Y	Y	Y	Y	Y
Industrial Service	Y	Y	Y	Y	Y	Y
Railroad Yards	N	N	N	Y	Y	Y
Waste-Related	N	N	N	L/CU [8]	L/CU [8]	L/CU [8]
Institutional Categories						
Basic Utilities	Y/CU [12]	Y/CU [12]	Y/CU [12]	Y/CU [13]	Y/CU [13]	Y/CU [13]
Community Service	L/CU [9]	L/CU [9]	L/CU [10]	L/CU [11]	L/CU [11]	L/CU [11]
Parks And Open Areas	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	N	N	N
Colleges	Y	Y	Y	N	N	N
Medical Centers	Y	Y	Y	N	N	N
Religious Institutions	Y	Y	Y	N	N	N
Daycare	Y	Y	Y	L/CU [11]	L/CU [11]	L/CU [11]
Other Categories						
Agriculture	L [16]	L [16]	L [16]	L [16]	L [16]	L [16]
Aviation And Surface Passenger Terminals	CU	CU	CU	CU	CU	CU
Detention Facilities	CU	CU	CU	CU	CU	CU
Mining	N	N	N	CU	CU	CU
Radio Frequency Transmission Facilities	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]
Rail Lines And Utility Corridors	Y	Y	Y	Y	Y	Y

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

The use categories are described in Chapter 33.920.

Regulations that correspond to the bracketed numbers [] are stated in 33.140.100.B.

Specific uses and developments may also be subject to regulations in the 200s series of chapters.

33.239 Group Living

33.239.030 Residential Density

A. Resident Density

3. Density Standard. This standard was originally placed in the table to ensure that group living facilities do not exceed the number of residents that would normally reside in the number of allowed households. In zones that do not regulate the number of households/dwelling units, the number of residents was not limited outside of building code and FAR. However, this provision did not include EG zones where Group Living could be allowed through a Conditional Use review. This amendment clarifies that the table is intended to apply to all E zones.

This amendment is important to the short term housing code because the short term housing regulations refer proposals to the density standards of the Group Living chapter. It was not clear what the lack of direction in the density reference implied. The amendment clarifies the original intent from the code amendments in 1993 to not limit the number of residents in E zones.

Note, the area of change is also shaded to aid in locating the change.

33.239 Group Living**239****33.239.030 Development Standards**

The development standards of the base zone, overlay zone or plan district apply unless superseded by the standards below.

A. Resident Density.

1. Purpose. Resident density is limited to parallel the residential densities of the various zones. Resident density is also regulated to address service demands and to prevent nuisance-type impacts from overcrowding.
2. Description of residents. Residents include all people living at the site, including those who provide support services, building maintenance, care, supervision, etc. People who only work at the site are not considered residents.
3. Density standard. Group Living uses are limited to the following number of residents per square foot of site area:

Zone	Number of Residents
RF through R5 zones	1.5 residents per 1,000 square feet
R3 and R2.5 zones	2 residents per 1,000 square feet
R2 zone	2.5 residents per 1,000 square feet
R1 zone	3 residents per 1,000 square feet
RH, RX, IR, C, and EX zones	Not limited (must comply with the building or housing code, and the FAR of the base zone)

B-D. [No change.]

33.285 Short Term Housing and Mass Shelters

Chapter 33.285 contains the use and development regulations for short term housing and mass shelters, which are defined in Chapter 33.910. These regulations state the zones and size limitations under which these facilities may be allowed by right, subject to a Conditional Use Review, or prohibited. City Council's Resolution #37196 directed the Bureau of Planning and Sustainability to develop amendments that "simplify regulations, remove regulatory obstacles, and expedite processes" for mass shelters and short term housing. As a result, the amendments provide additional opportunities for these facilities to locate by-right, especially in commercial and EX zones. The amendments also lower the barrier to use existing buildings, or to provide these facilities as part of other institutions, by reducing the level of review from a Type III to a Type II process in cases where a conditional use review is required. This reduces some cost and process times, while still allowing staff to review the project for impacts and neighborhood input as part of a conditional use land use review process.

33.285.040 Use Regulations

A. Short term housing.

1. R zones. Currently, the code requires all short term housing within R-zones to go through a conditional use review, the only difference being that a short-term housing proposal in an existing house would be subject to a Type II staff review with fewer approval criteria, while all other situations would go through a Type III hearing and pre-application conference. This would apply regardless of the number of people that may be staying there.

In many respects, short term housing is similar to group housing except that the stays are arranged for a period of less than one month. Within the multi-dwelling zones (R3-RX) and IR zones, group living for 7-15 residents is allowed by right. The amendments allow short term housing for 7-15 occupants by right if the short term housing is on the site of an existing institutional use. The new language works with the standards of 33.285.050. All other short term housing is subject to a conditional use review. However, existing short term housing may expand building area by up to 10 percent if they don't increase the number of occupants, and comply with previous conditions of approval (per Council amendment).

It should also be noted that other amendments will allow certain institutions to have up to six transitional housing units as an accessory use (see 33.920). However, this accessory use would only be allowed on a temporary basis for up to 180 days within a calendar year to avoid building code occupancy requirements. See next commentary page for continuation of the explanation of the amendments for the Conditional Use review options.

33.285 Short Term Housing and Mass Shelters

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Sections:

- 33.285.010 Purpose
- 33.285.020 Description
- 33.285.030 Where These Regulations Apply
- 33.285.040 Use Regulations
- 33.285.050 Standards

33.285.010 Purpose

This chapter provides regulations for Community Service uses that provide short term housing or mass shelter. These regulations recognize that it is in the public interest to provide short term housing and shelter to people who would otherwise not receive it, and to ensure that standards of public health and safety are maintained. The regulations are intended to reduce conflicts between these and other uses. These regulations recognize that short term housing and mass shelters have differing impacts, and encourages providers to locate in existing structures and work with neighbors. These regulations also focus on the land use impacts of these uses.

33.285.020 Description

Short term housing and mass shelters are defined in Chapter 33.910, Definitions. Both are Community Service uses, and are managed by public or non-profit agencies. They may be in a variety of structures, from conventional houses to large institutional buildings.

In zones where Retail Sales and Services uses are allowed, limited, or conditional uses, the applicant may choose to classify a short term housing facility as a hotel, which is included in the Retail Sales and Services category.

33.285.030 Where These Regulations Apply

The regulations of Sections 33.285.040 through 33.258.050 apply to short term housing and mass shelters in all zones, ~~except as specified in 33.285.040.B.1.~~

33.285.040 Use Regulations

A. Short term housing.

1. R zones. New sShort term housing, an expansion of net building area, or an increase in the number of occupants in existing short term housing in R zones is subject to the following regulations:

A. Short term housing.

1. R zones. (Contd)

Currently, a short term housing project provided in an existing structure goes through a Type II process with a staff decision. The approval criteria used is 33.815.107 which focuses on livability impacts to the surrounding neighborhood. All other reviews are currently a Type III review with a public hearing. The amendments do not change this existing process, so that a proposal to locate in an existing building that isn't expanding will go through the Type II process.

The amendments do revise the type of Conditional Use review required for the other situation, providing a lower level Type II review if the short term housing is part of an existing Institutional use (i.e. part of a church, school or other community service use) and cannot meet the provision to be allowed by right listed on the previous page for multi-dwelling zones. Since institutional uses are already Conditional Uses in Residential zones, the addition of short-term housing is an incremental increase, and often the short-term housing is incorporated into existing operations. The review will be at a staff level (without a required pre-application conference) with the appeal to the Hearings Officer. The approval criteria within 33.815.107 are expanded to include all the situations involving Short Term Housing within residential zones. If the proposal includes an expansion of and existing use above 1500 square feet or 10% then they will be reviewed for public service impacts and physical compatibility.

The remainder of proposals will continue to be subject to a Type III process.

2. **C and E zones.** This change makes the wording consistent for people staying in short term housing and mass shelters.

3-4. [No change.]

- a. Allowed use Existing structures. New short term housing and alterations to existing short term housing is allowed if it meets one of the following:
 - (1) Short term housing for up to 15 beds is an allowed use in the R3 – RX and IR zones if it is provided on the site of an existing structure Institutional Use and meets the standards of 33.285.050.
 - (2) An alteration or expansion that does not increase net building area of the short term housing by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.
- b. Conditional use. If the short term housing does not meet Subparagraph A.1.a, it in a residential zone is a conditional use and is reviewed through the following procedures. The approval criteria are in 33.815.107, Short Term Housing and Mass Shelters in R Zones. The short term housing must also meet the standards of 33.285.050:
 - (1) If the short term housing is provided in an existing structure, or is on the site of an existing Institutional Use, the conditional use is reviewed through a Type II procedure. Approval criteria are in Section 33.815.107, Short Term Housing in R Zones. An existing structure is one that is at least 5 years old and has not had any increase of more than 10 percent in net building area in 5 years.
 - ~~b. New or expanded structures. Short term housing provided in a structure that has been built or added net building area within the past 5 years is a conditional use, reviewed through a Type III procedure. Approval criteria are in Section 33.815.105, Institutional and Other Uses in R Zones.~~
 - (2) All other short term housing proposals are reviewed through a Type III procedure.
- ~~c. Expansion or increase of existing facility. Expansion of net building area or increase in the number of residents in an existing short term housing facility is processed according to Section 33.815.040, Review Procedures for Conditional Uses. Approval criteria are in Section 33.815.105, Institutional and Other Uses in R Zones.~~
- 2. C and E zones. Short term housing is allowed in C and E zones if it meets the standards in Section 33.285.050. Expansion of net building area or increase in the number of occupants~~residents~~ in an existing short term housing facility is allowed if it meets the standards in Section 33.285.050.
- 3. OS and I zones. Short term housing is prohibited in OS and I zones.
- 4. Exemption. Short term housing that exclusively serves victims of sexual or domestic violence is allowed by right in R, C, and E zones if it meets the size limitations for Group Living uses.

B. Mass Shelters.

1. RF - R2.5 zones.

Currently, all mass shelters in RF through R1 and IR zones are Conditional Uses reviewed through a Type III process, requiring a pre-application conference and a hearing. These amendments provide some flexibility and make the process for mass shelters similar to those for short term housing in R zones.

Under the amended code, in the single dwelling zones, a mass shelter that is proposed within an existing building will be processed through a Type II Conditional Use Review and be subject to the approval criteria of 33.815.107, similar to the short term housing regulations. 33.815.107 is being expanded to cover all mass shelters within Residential zones per Council amendment. However, for existing buildings, the criteria focus on livability impacts and not on the public services, since the physical development will not be changing.

A new review option is provided when an existing institutional use such as a religious institution, school, or other community service use decides to provide a mass shelter through an expansion or construction of a building. Currently this would trigger a Type III review with a pre-application and a hearing. Under the amendment, the review would be a Type II review, under the criteria within 33.815.107, although they are essentially the same in the case of building expansion as the current criteria in 33.815.105. The main difference is that expansions above a 1500 square foot or 10 percent threshold will still need to address compatibility issues and public services, while those under that threshold of expansion will not.

B. Mass shelters.

1. ~~RF through R2.5R1 and IR zones. Generally, new mass shelters, expansions of net building area and increases in the number of occupants in existing mass shelters in RF through R2.5R1 and IR zones are a conditional use and are reviewed through the following procedures. Certain alterations to existing mass shelters may be allowed if they meet Subparagraph B.1.b. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.~~

a. ~~New mass shelters. The following procedures apply to new mass shelters and alterations to mass shelters that do not meet subparagraph B.1.b. The approval criteria are in Section 33.815.107, Short Term Housing and Mass Shelters in R Zones:~~

(1) ~~If the mass shelter is provided in an existing structure or is on a site of an existing Institutional Use, the conditional use is reviewed through a Type III procedure. Approval criteria are in Section 33.815.105, Institutional and Other Uses in R Zones. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area in 5 years.~~

(2) ~~All other mass shelters are reviewed through a Type III procedure.~~

b. ~~Existing mass shelters. An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.~~

~~Expansion of net building area or increase in the number of residents in an existing mass shelter is processed according to Section 33.815.040, Review Procedures for Conditional Uses. Approval criteria are in Section 33.815.105, Institutional and Other Uses in R Zones.~~

~~The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.~~

2. R3 through R1 and IR zones.

Currently, all mass shelters in RF through R1 and IR zones are Conditional Uses reviewed through a Type III process, requiring a pre-application conference and a hearing. These amendments provide some additional flexibility within the multi-dwelling zones, and make the process for mass shelters similar to those for short term housing in R zones.

Within multi-dwelling zones, group living uses for up to 15 residents are an allowed use. Since short term housing's main difference to group living is based upon the length of stay rather than facility layout, the code for short term housing is being amended so that short term housing matches the group living allowances. For consistency purposes, and to give interested institutions an opportunity to provide a small scale shelter to alleviate homelessness, the code is also amended to allow up to 15 people to stay at a mass shelter by right in the multi-dwelling zones (R3-R1 and IR zones) if the shelter is operated as part of an institutional use.

In all other situations within these zones, the shelter is a conditional use. However, the code is amended to allow a greater number of review options, similar to the single dwelling zones. If the shelter is within an existing building, it would be a Type II review, subject to the approval standards of 33.815.107. If it is in a new or expanded building that is part of an institution, then it would be a Type II review, and subject to the standards of 33.815.107. For proposals involving a building increase of more than 10% or 1500 square feet, the review would have to address compatibility and public service criteria (as this was amended by City Council). All other proposals would continue to be a Type III process with a pre-application conference and a hearing.

3. RH and RX zones.

The mass shelter triggers in these zones are being aligned to provide a similar flexibility as above. However, it should be noted that the RH and RX zones already allow some mass shelters by right. Also see the commentary under 33.285.050 for changes to the standards for shelters allowed by right.

2. R3 through R1 and IR zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of occupants in an existing mass shelter in R3 through R1 and IR zones may choose to be an allowed use or a conditional use, as stated below.
- a. Allowed use. A new mass shelter and alteration of an existing mass shelter is allowed if it meets one of the following:
- (1) A mass shelter that meets the standards of Section 33. 285.050 is an allowed use.
 - (2) An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.
- b. Conditional use. If the mass shelter does not meet Subparagraph B.2.a, it is a conditional use as follows. The approval criteria are in Section 33.815.107, Short Term Housing and Mass Shelters in R Zones. The standards of Section 33.285.050 do not apply to a mass shelter reviewed as a conditional use.
- (1) If the mass shelter is provided in an existing structure or is on a site of an existing Institutional Use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area in 5 years.
 - (2) All other mass shelters are reviewed through a Type III procedure.
32. RH and RX zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of occupants, residents in an existing mass shelter in RH and RX zones may choose to be an allowed use or a conditional use, as stated below.
- a. Allowed use. A new mass shelter, or alteration of an existing mass shelter is allowed if it meets one of the following:
- (1) A mass shelters that meets the standards of Section 33. 285.050 is an allowed uses.
 - (2) An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.
- b. Conditional use. If the mass shelters does not meet Subparagraph B.3.a, it is ~~may be processed as a conditional use as follows, reviewed through a Type III procedure.~~ Approval criteria are in Section 33.815.107, Short Term Housing and Mass Shelters in R Zones, Institutional and Other Uses in R Zones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.
- (1) If the mass shelter is provided in an existing structure or is on a site of an existing Institutional Use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area in 5 years.
 - (2) All other mass shelters are reviewed through a Type III procedure.

4. C and EX zones.

The amendments within the C and EX zones provide additional review for mass shelters. Some shelters currently are allowed by right, and this provision remains, although the size thresholds within 33.285.050 are changing. For mass shelters subject to a Conditional Use review, the amendment provides a greater number of review options. A shelter proposed within an existing building, or an institution that proposes to add a mass shelter will be subject to a Type II procedure, while all other options will continue to require a Type III procedure. It should be noted that the Conditional Use approval criteria for shelters in the C and EX zones are different (33.815.140 for shelters in C & E zones) due to the difference in potential impacts of a shelter on adjoining commercial and employment land. Per City Council amendment, existing mass shelters may expand their building area by up to 10 percent without triggering a new review, if they don't increase the number of residents and meet previous conditions of approval.

5. EG zones

Currently, mass shelters are prohibited in EG zones. However, EG zones are often located in the transition areas between less accessible industrial zones and other commercial zones that can contain affiliated community services. EG zones allow a variety of other institutional uses that are prohibited in I zones. Buildings in EG zones are often a single level with an open floor plan which may lend themselves to providing shelter beds, but are generally not part of the city's industrial sanctuary.

This amendment provides the opportunity to go through a Conditional Use review to provide a shelter in an EG zone. This could be especially helpful if an existing community service use that is allowed by right was interested in providing a mass shelter option as part of their services. Similar to the C-zone, a Type II review process would occur if the shelter is proposed within an existing building or is part of an Institutional Use, while a Type III review is required in other cases. The proposal is subject to the approval criteria of 33.815.140, which are used to review the compatibility with the intent of the zone as well as the provision of public services. Per City Council amendment, similar allowances for small expansions of existing shelters is allowed as stated above.

6. OS and I zones

Mass shelters will continue to be prohibited in OS and I zones to protect the purpose and features of these zones, and is consistent with the limitations that apply to other Community Service uses in these zones.

- ~~43.~~ C and EX zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of ~~occupants~~ residents in an existing mass shelter in C and EX zones may choose to be an allowed use or a conditional use, as stated below.
- a. Allowed use. A new mass shelter, or alteration of an existing mass shelter is allowed if it meets one of the following:
 - (1) ~~A m~~Mass shelters that meets the standards of Section 33. 285.050 ~~is an~~ are allowed uses.
 - (2) An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.
 - b. Conditional use. If the mMass shelters ~~does not meet the standards Subparagraph B.4.a, it is~~ may be processed as a conditional use, as follows reviewed through a Type III procedure. Approval criteria are in Section 33.815.140, Mass Shelters and Specified Group Living Uses in the C and EX Zones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.
 - (1) If the mass shelter is provided within an existing structure, or on a site of an existing Institutional Use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area in 5 years.
 - (2) All other mass shelters are reviewed through a Type III procedure.
5. EG zones. Generally, mass shelters in EG zones are a conditional use, reviewed through the following procedures. Certain alterations to existing mass shelters may be allowed if they meet Subparagraph B.5.b. Approval criteria are in Section 33.815.140, Mass Shelters and Specified Group Living Uses in the C and E zones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.
- a. The following procedures apply to new mass shelters and alterations of mass shelters that do not meet Subparagraph B.5.b:
 - (1) If the mass shelter is provided within an existing structure, or on a site of an existing Institutional Use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had any increase in net building area in 5 years.
 - (2) All other mass shelters are reviewed through a Type III procedure.
 - b. Existing mass shelters. An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.
- ~~64.~~ OS, ~~EG,~~ and I zones. Mass shelters in OS, ~~EG,~~ and I zones are prohibited.
75. Exemption. A mass shelter that exclusively serves victims of sexual or domestic violence is allowed by right in R, C, and E zones if it meets the size limitations for Group Living uses.

33.285.050 Standards

A. Short term housing

The reference to adjustments in the base section is confusing, because Mass Shelters must either meet the standards or go through a Conditional Review. However, short term housing can request an adjustment to some of the standards. This amendment moves the language related to adjustments to the short term housing subsection since that is the only situation where an adjustment can be requested.

6. Parking. Some providers have run into issues with meeting parking requirements in addition to the other requirements. Often these facilities are incorporated into buildings or sites without the ability to provide parking or they are part of existing institutional uses, and any parking that may be needed can be absorbed into the existing operations. This amendment removes the requirement for parking if the facility can be provided by right. Originally, BPS staff proposed a more limited parking reduction, but the Planning and Sustainability Commission recommended to expand this to all 'by-right' situations. Note that the parking reduction only applies to short-term housing, and other uses onsite will have their parking calculated separately.

B. Mass shelters.

Table 285-1 contains the maximum number of shelter beds allowed by right within certain zones. These maximums have not changed in over 20 years, and may be too limiting, especially in conjunction with the separation requirements. Over time, both the total number of people experiencing homelessness and the subset of families experiencing homelessness has increased. The current limit on numbers of beds restricts the numbers of people that can be sheltered in one facility, and particularly restricts the number of family households that can be served in family shelters. These factors force more shelter partners into a conditional use review.

The amendments increase the number of shelter beds that are allowed by right in the specific zones and reduces the separation requirement between "by-right" shelters meeting the table. The increase varies by zone but allows shelters to be proposed by-right with a larger number of beds which will increase the efficiency with which services may be provided. Even with the increase in the number of beds, the shelter size would be considered fairly small considering the minimum of 35 square feet per shelter bed requirement. As an example, a shelter in CX providing the maximum allowed 200 beds would have a minimum size of 7,000 square feet for the sleeping area, which could fit within the ground floor of a quarter block building downtown. Also, a 200-bed family-oriented facility would provide for approximately 50-60 families. The reduced separation requirement still provides a two to three block buffer between each facility, which will continue to limit a concentration of facilities without their going through a conditional use review. During the Planning and Sustainability Commission session the PSC expanded the allowed number of beds in the CS, CM and CO2 zones from staff's proposal of 50 beds to 75 beds.

33.285.050 Standards

Adjustments to the standards of this section are processed as stated in Chapter 33.805, Adjustments.

A. Short term housing. Adjustments to the standards of this subsection are processed as stated in Chapter 33.805, Adjustments.

1. Existing structures and additions to existing structures. Short term housing provided in an existing structure is subject to the development standards for residential development in the base zone, overlay zone, or plan district, unless superseded by standards in this subsection. Sites that do not meet the development standards at the time of application are subject to the regulations of Section 33.258.070, Nonconforming Development.
2. New structures. Short term housing provided in a new structure is subject to the development standards for residential development in the base zone, overlay zone, or plan district, unless superseded by standards in this subsection.
3. Density. The density standards for Group Living in Section 33.239.030.A must be met.
4. Hours of operation. The facility must be open 24 hours a day.
5. Reservation/referral. Lodging must be provided on a reservation or referral basis so that clients will not be required or allowed to queue for services.
6. Parking. No parking is required~~The parking space requirements for Group Living apply to short term housing. If one or two spaces are provided, the development standards of 33.266.120 must be met. If 3 or more spaces are provided, the development standards of 33.266.130 must be met.~~

B. Mass shelters.

1. Maximum occupancy. Mass shelters may have up to one shelter bed per 35 square feet of floor area. Adjustments to this standard are prohibited.
2. Density. Table 285-1 sets out the maximum number of shelter beds allowed within a facility and within ~~600~~¹³⁰⁰ feet of the facility. If the site has split zoning, the smaller number applies. Adjustments to this standard are prohibited.

Table 285-1 Maximum Number of Shelter Beds for Mass Shelters	
Zone of Site	Maximum Number of Shelter Beds
EX, CX, and CG	200 ⁴⁰⁰
CS, CM, and CO2	75 ²⁵
CN1, CN2, and CO1	25 ¹⁵
RX and RH	50 ²⁵
<u>R3 - R1, IR [1]</u>	<u>15</u>

Notes:

[1] The mass shelter must be operated on the site of an existing Institutional Use.

B. Mass shelters. (contd)

8. Parking. Similar to short term housing, some providers have run into issues with meeting parking requirements in addition to the other requirements. Often these facilities are incorporated into buildings or sites without the ability to provide parking or they are part of existing institutional uses, and any parking that may be needed can be absorbed into the existing operations. This amendment removes the requirement for parking if the facility can be provided by right. Originally, BPS staff proposed a more limited parking reduction, but the Planning and Sustainability Commission recommended to expand this to all 'by-right' situations. Note that the parking reduction only applies to mass shelters, and other uses onsite will have their parking calculated separately.

3. Outdoor activities. All functions associated with the shelter, except for children's play areas, outdoor recreation areas, parking, and outdoor waiting must take place within the building proposed to house the shelter. Outdoor waiting for clients, if any, may not be in the public right-of-way, must be physically separated from the public right-of-way, and must be large enough to accommodate the expected number of clients.
4. Hours of operation. To limit outdoor waiting, the facility must be open for at least 8 hours every day between 7:00 AM and 7:00 PM.
5. Supervision. On-site supervision must be provided at all times.
6. Toilets. At least one toilet must be provided for every 15 shelter beds.
7. Development standards. The development standards for residential development in the base zone, overlay zone, or plan district apply to mass shelters, unless superseded by standards in this subsection.
8. Parking. ~~No parking is required. The parking space requirements for Community Service uses apply to mass shelters.~~

33.296 Temporary Activities

33.296.040 General Regulations

During the public hearing process, the City Council requested and approved an amendment to clarify how to review permanent alterations or changes that may be happening at the site of a temporary activity. The amendment states that certain permanent work consistent with uses allowed within the base zone or work required for fire and life safety reasons can take place related to a temporary activity.

33.296 Temporary Activities

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33.296.040 General Regulations.

All temporary activities are subject to the regulations listed below.

- A. New development or alterations to existing development ~~Permanent changes to the site are prohibited, unless consistent with the development standards for uses allowed by right in the underlying zone or required by applicable building, fire, health, or safety codes.~~

B-E [No changes.]

33.815 Conditional Uses

Table of Contents

These amendments are made to two sections of approval criteria for *Conditional Use* reviews to acknowledge that they also apply to mass shelters. See the commentary on the following pages for more information.

33.815 Conditional Uses

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Sections:

General

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

Approval Criteria

- 33.815.100 Uses in the Open Space Zone
- 33.815.105 Institutional and Other Uses in R Zones
- 33.815.107 Short Term Housing and Mass Shelters in R Zones
- 33.815.110 Office and Retail Sales And Service Uses in the RX Zone
- 33.815.115 Specified Uses in Commercial Zones
- 33.815.120 Commercial Parking Facilities in the RX, CX, CG, and E Zones, Outside the Central City Plan District, the Columbia South Shore Plan District and the Cascade Station/Portland International Center Plan District
- 33.815.121 Commercial Parking Facilities in the RX, CS, and CX Zones, in the Hollywood Plan District
- 33.815.122 Nonresidential Uses on Specified Sites located in the RX Zone within the Central City Plan District
- 33.815.125 Specified Uses in Industrial Zones
- 33.815.126 Office Uses in the IG1 Zone in the Central City Plan District
- 33.815.127 Accessory Offices and Headquarters Offices in the IH Zone in the Guild's Lake Industrial Sanctuary Plan District
- 33.815.128 Retail Sales And Service Uses in the EG Zones
- 33.815.129 Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District
- 33.815.130 Residential Uses in the EG1, EG2, IG1, IG2, and IH Zones
- 33.815.132 Office Uses in the IG1 Zone in the Employment Opportunity Subarea in the Central City Plan District
- 33.815.140 Specified Mass Shelters, Short Term Housing and Group Living Uses in the C and EX Zones
- 33.815.200-315 **[no changes to remainder of table of contents]**

Commentary

33.815.105 Institutional and Other Uses in R Zones

The approval criteria for this section are not changing. They are included here to provide understanding of the source of some of the approval criteria that were added to 33.815.107.

Approval Criteria

33.815.105 Institutional and Other Uses in R Zones

These approval criteria apply to all conditional uses in R zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in a residential zone that maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

- A. Proportion of Household Living uses.** The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:
 1. The number, size, and location of other uses not in the Household Living category in the residential area; and
 2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.
- B. Physical compatibility.**
 1. The proposal will preserve any City-designated scenic resources; and
 2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, tree preservation, and landscaping; or
 3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, tree preservation, and other design features.
- C. Livability.** The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:
 1. Noise, glare from lights, late-night operations, odors, and litter; and
 2. Privacy and safety issues.
- D. Public services.**
 1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;
 2. The transportation system is capable of supporting the proposal 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;
 3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.
- E. Area plans.** The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

33.815.107 Short Term Housing and Mass Shelters in R Zones

These approval criteria were created to apply to short term housing proposed in an existing structure in the R-zones. There were two approval criteria that applied to these facilities; one addressed livability issues while the second was a specific standard that required short term housing providing a similar service to be 750 feet away from a similar facility.

The current approval criteria for 33.815.105 have a more holistic criterion to address the concentration of facilities and how they may impact surrounding household living uses. This includes considering how the use will impact the residential nature of the area, taking into account the number and sizes of any other non-residential uses in the area and the size of the proposed use. These criteria address a greater set of issues than the separation standard currently in 33.815.107. Since 33.815.107 is being expanded to address both mass shelters and short term housing, the more holistic approval criteria of 33.815.105 regarding the proportion of household living uses is incorporated into these approval criteria instead of the minimum spacing requirement currently part of the criteria.

These expanded criteria would apply to short term housing and mass shelters that are proposed within Residential zones. As part of the request of city council, the criteria of 33.815.105 were expanded into 107, so that one set of approval criteria would apply to mass shelters and short term housing in residential zones. Some criteria will only apply if the shelter proposal includes a new building or expansion of existing buildings above a threshold. In those cases, the approval criteria will also consider physical compatibility, public services and area plans.

33.815.107 Short Term Housing and Mass Shelters in R Zones

These approval criteria apply to Community Service uses that provide short term housing and mass shelters in existing structures in R zones. Approval criterion A and C must be met for all mass shelters and short term housing. Criterion A through E must be met for mass shelters and short term housing where the net building area on the site is increasing by more than 1500 square feet or 10 percent, whichever is greater. The approval criteria are as follows:

- A. Proportion of Household Living uses.** The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:
1. The number, size, and location of other uses not in the Household Living category in the residential area; and
 2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.
- B. Physical compatibility.**
1. The proposal will preserve any City-designated scenic resources; and
 2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, tree preservation, and landscaping; or
 3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, tree preservation, and other design features.
- ~~**B. Minimum spacing.** The service provided by the proposed use is different from others provided within 750 feet of the site.~~
- C. Livability.** The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:
1. Noise, glare from lights, late-night operations, odors, and litter; and
 2. Privacy issues.
- D. Public services.**
1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;
 2. The transportation system is capable of supporting the proposal 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;
 3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.
- E. Area plans.** The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

33.815.140 Specified Mass Shelter and Group Living Uses in the C and E zones

These changes are made for two reasons. First, these criteria are the relevant approval criteria for mass shelters in the C and EX zones as directed by the code in 33.285. However, they currently only recognize their application to certain group living uses. This amendment corrects this historic oversight. Second, the amendments within 33.285 have expanded the situations when a mass shelter may be allowed through a Conditional Use review to apply to EG zones. As a result, the amendment acknowledges that the approval criteria are to be applied to mass shelter reviews within the EG zones. However, the criteria themselves are not changing.

33.815.140 Specified Mass Shelters and Group Living Uses in the C and EX Zones

These criteria apply to mass shelters in the C and E zones, or to Group Living uses that consist of alternative or post incarceration facilities in the C or EX zones.

- A. Physical compatibility. [No change]**
- B. Livability. [No change]**
- C. Public services. [No change]**
- D. Area plans. [No change]**

33.910 Definitions

33.910.030 Definitions

Residential Structure Types

The definition of a group living structure implies that a single structure on the site will house all of the elements of a group living facility, including the kitchen and common area. Some group living facilities may have multiple buildings on site, and not every building will include complete kitchen and sanitary facilities. This can be the case with certain adult or elderly care facilities or communal living arrangements such as sleeping pods arranged around a common building.

As part of the City Council's amendments, this definition is amended to clarify the residential structure types to show that a group living facility may be a combination of structures on a site.

33.910.030 Definitions

The definition of words with specific meaning in the zoning code are as follows:

Residential Structure Types

Group Living Facility Structure. A structure or structures that contains sleeping areas and at least one set of cooking and sanitary facilities that is used as a residence for Group Living uses.

33.920 Description of Use Categories

33.920.410 Colleges

B. Accessory Uses

Currently Colleges allow permanent housing for students as an accessory use. However, during the Planning and Sustainability Commission's hearing and worksession, the Commission voted to also allow colleges to host limited temporary transitional housing, originally proposed for a religious institution (see below), as an accessory use. This amendment provides that option. See the commentary for Religious Institutions for more information.

33.920.470 Religious Institutions

B. Accessory Uses

Currently a religious institution may host one household (as defined in Chapter 33.910) within a transitional housing unit on a temporary basis for a period of up to 60 days. A transitional housing unit is one that does not necessarily meet the definition of a dwelling unit, i.e. it may lack separate eating, bathing and/or sleeping facilities. The intent was to allow the institution to host people in transition, including those who may have experienced temporary homelessness or refugee families needing temporary shelter before they can find permanent housing.

With the tightening housing market, the current regulations have proven limiting in two ways. First, some institutions have had an interest in hosting more than one household. Second, these institutions have found it increasingly difficult to be able to find permanent housing for a household to transition to within the 60 day timeframe. This limit has discouraged some institutions from accepting a household on a transitional basis.

This amendment makes two changes. First it expands the number of transitional households allowed accessory to a religious institution from one to six. (Note, this limit was expanded from four to six by the Planning & Sustainability Commission after their hearing.) Second, the amendment extends the time frame to 180 days within a calendar year, which matches the maximum number of days that the building code allows a temporary use to occur without requiring a change of occupancy.

An additional amendment allows a religious institution to host up to three vehicles used for car camping. City Council previously approved a resolution in 2011 that allowed a religious institution to provide car camping for up to four vehicles. However, current state statutes (ORS 203.082) limit this to three vehicles.

33.920 Descriptions of the Use Categories

920

Institutional Use Categories

33.920.400 Basic Utilities [No change.]

33.920.410 Colleges

- A. **Characteristics.** This category includes colleges and other institutions of higher learning which offer courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks.
- B. **Accessory Uses.** Accessory uses include offices, housing for students, up to six transitional housing units, food service, food membership distribution, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial. A transitional housing unit is a housing unit for one household and is occupied for less than 180 days within a calendar year.
- C. **Examples.** Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.
- D. **Exceptions.** Business and trade schools are classified as Retail Sales And Service.

33.920.420 Community Services [No change.]

33.920.430 Daycare [No change.]

33.920.450 Medical Centers [No change.]

33.920.460 Parks And Open Areas [No change.]

33.920.470 Religious Institutions

- A. **Characteristics.** Religious Institutions are intended to primarily provide meeting areas for religious activities.
- B. **Accessory uses.** Accessory uses include Sunday school facilities, food membership distribution, parking, caretaker's housing, up to six~~one~~ transitional housing units, and group living facilities such as convents. A transitional housing unit is a housing unit for one household where the and is occupied for average length of stay is less than 180~~60~~ days within a calendar year. A religious institution may allow overnight car camping for up to three vehicles as specified in ORS 203.082.
- C. **Examples.** Examples include churches, temples, synagogues, and mosques.

33.920.480 Schools

B. Accessory Uses

Currently Schools do not list housing (permanent or temporary) as an accessory use. However, during the Planning and Sustainability Commission's hearing and worksession, the Commission voted to also allow schools to host limited temporary transitional housing, originally proposed for a religious institution (see above), as an accessory use. This amendment provides that option. See the commentary for Religious Institutions for more information.

33.920.480 Schools

- A. Characteristics.** This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education.
- B. Accessory uses.** Accessory uses include play areas, cafeterias, recreational and sport facilities, athletic fields, auditoriums, food membership distribution, ~~and before- or after-~~ school daycare, and up to six transitional housing units. A transitional housing unit is a housing unit for one household and is occupied for less than 180 days within a calendar year.
- C. Examples.** Examples include public and private daytime schools, boarding schools and military academies.
- D. Exceptions.**
1. Preschools are classified as Daycare uses.
 2. Business and trade schools are classified as Retail Sales and Service.

Appendices

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Appendix A: Issue Paper on shelter operators, and barriers to entry.



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Background Report

Mass Shelter and Housing Zoning Code Update

OVERVIEW

To understand obstacles facing the siting of homeless shelters in Portland, staff reviewed current Zoning Code regulations and review processes, interviewed shelter providers, and consulted with planners in other cities. Informed by this research and case studies, staff offers suggestions for regulatory and process changes to better facilitate provision of shelter beds or short-term housing for houseless Portlanders.

Findings

Interviews with shelter providers revealed a number of barriers to providing shelters. These include regulations that:

- Restrict the number of allowable shelter beds without triggering a conditional use review
- Specify a minimum distance between shelters without triggering a conditional use review
- Impose high parking requirements (outside of areas served easily by transit)

In addition, staff identified a number of perceived process issues that pose barriers to shelter providers, including:

- Inefficiency and delay due to lack of coordination between City staff and bureaus
- Complicated, expensive, and time intensive permit process that might not be realized upfront
- Potential for neighborhood appeals of land use reviews in situations where provider feels that all approval criteria are met

Portland's Housing Emergency

Over the last five years, rents in Portland have increased on average 30%, concurrent with vacancy rates of 3%. It has become increasingly difficult to obtain rental housing, let alone locate affordable rentals. In the last year, average rents increased about \$100 a month.



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In 2015, 4,311 people were placed in emergency shelters. 1,887 people were unable to find housing at all even in emergency shelters. Of these, 33% were newly homeless. They had been living on the streets, parks, in cars, abandoned buildings, and other places not intended for human habitation. The increase in encampments of people sleeping in public spaces outdoors also is an example of this trend.

In 2015, 4,311 people were placed in emergency shelters. 1,887 people were unable to find housing at all even in emergency shelters. Of these, 33% were newly homeless. They had been living on the streets, parks, in cars, abandoned buildings, and other places not intended for human habitation. The increase in encampments of people sleeping in public spaces outdoors also is an example of this trend.

Due to these factors, and as a result of strong advocacy, the Portland City Council declared a Housing State of the Emergency on October 7, 2015. In doing this, City Council created an ordinance allowing the city more flexibility in dealing with temporary housing and emergency mass shelters, by temporarily waiving zoning code requirements. Council followed this up with a Resolution in March directing the Bureau of Planning and Sustainability “to simplify regulations, remove regulatory obstacles and expedite processes for land use reviews and permits for affordable housing projects, mass shelters and short-term housing” (Resolution 37196. Removing barriers to siting homeless shelters is one component of the City’s efforts to ease the current housing crisis. There is a great need to provide shelter to these homeless individuals.

GENERAL DESCRIPTION OF HOMELESS SHELTERS IN PORTLAND

Most of Portland’s homeless shelters are located in the Central City, with the largest concentration in and around the Old Town, Chinatown neighborhood. Many of these shelters and service providers have been in place for many years, serving the population of homeless individuals. The main shelters are run by larger non-profits, such as Transition Projects or faith based organizations, such as Salvation Army and Portland Rescue Mission. The size of their facilities vary, but most contain 50-200 beds. The length of stay at shelters varies, up to four months, depending on need, but is often negotiated on a short-term basis.

Many smaller shelters are scattered across town in neighborhoods and run on shoe string budgets by churches and community based groups. They typically serve a smaller concentration of individuals and often families, since the larger shelters do not serve families. These facilities house 10-30 people, depending on capacity and resources (as some overnight church shelters are staffed by volunteers). Additionally, shelters that provide services to people escaping domestic violence situations do not disclose their addresses due to safety concerns.

Regulatory Context

The Portland Zoning Code addresses shelters in the Short Term Housing and Mass Shelter chapter of the Portland Zoning Code (chapter 33.285). The terms “short term housing,” “mass shelters,” and “mass shelter beds” have differences generally related to the design of the sleeping areas (open or enclosed) as described below (from 33.910 of the Definitions section of the Portland Zoning Code). It should be noted that the main difference between short-term housing and group living is with the duration of the residence.

Definitions

- **Mass Shelter.** A structure that contains one or more open sleeping areas, or is divided only by nonpermanent partitions, furnished with cots, floor mats, or bunks. Individual sleeping rooms are not provided. The shelter may or may not have food preparation or shower facilities. The shelter is managed by a public or non-profit agency to provide shelter, with or without a fee, on a daily basis.
- **Mass Shelter Beds.** Accommodation provided in a mass shelter. The number of beds is determined by the maximum number of people who can be given overnight

accommodations at one time on the site. This varies according to zone and building size, per regulations.

- **Short Term Housing.** A structure that contains one or more individual sleeping rooms, and where tenancy of all rooms may be arranged for periods of less than one month. The short term housing facility may or may not have food preparation facilities, and shower or bath facilities may or may not be shared. The facility is managed by a public or non-profit agency to provide short term housing, with or without a fee. Examples include transitional housing, and emergency shelter where individual rooms are provided. Where individual rooms are not provided, the facility may be a mass shelter.

Requirements

Chapter 33.285 states the situations where mass shelters and short-term housing may be allowed by right, subject to a conditional use review (land use review) or are prohibited. To be allowed by right, a facility providing short-term housing must meet a set of criteria that include zoning limitations, density and parking requirements aligned with the city’s Group Living regulations (due to their similarities). Otherwise the short-term housing may be subject to a land use review, or may be prohibited.

Mass shelters have a more limited set of situations where they may be allowed by right. These limitations include limited zones, limits on the size, required separation between facilities and potentially required parking. The table below indicates these limits. If these limits are not met, then the mass shelter is either subject to a conditional use review or prohibited (this is the case in OS, EG and I zones).

Table of maximum allowed mass shelters by right

Zone	Maximum # Beds Allowed	Minimum Distance from between Shelters providing maximum number of beds	Parking Requirements
RH/RX	25	1300 SF	Yes, if not near transit
CO1/CN1, CN2	15	1300 SF	CO1/CN1 None, CN2 Yes if not near transit
CS/CM/CO2	25	1300 SF	CS/CM None CO2 Yes if not near transit
EX, CX and CG	100	1300 SF	EX/CX None CG Yes if not near transit

As illustrated above across the various zones, the maximum number of beds allowed varies from 15 to 100. The variety of requirements between the different zones requires a level of code knowledge that not all homeless service providers possess. The larger providers are generally more familiar with the code and also have more resources to hire consultants to assist through the development process. Smaller providers have asserted that the complexity of code requirements makes it difficult to understand what is and is not allowed without assistance navigating the code. However, these types of variations are common for a range of development standards within Portland’s zoning code, and so are not specific to mass shelters.

Even if a shelter proposes the number of beds listed above, the minimum distance requirement of 1300 feet needs to be met from any other shelter in the area, or the proposed shelter will need to go through a conditional use review. Although not as much of an issue outside of the Central City, a number of providers have found this requirement to be onerous as closer siting of new facilities allows more collaboration and shared resources between shelters and other providers. An applicant would need to undergo a conditional use review to assess whether the request is approvable.

SHELTER CASE STUDIES IN PORTLAND

1. Community of Hope Shelter

The Community of Hope shelter houses women and children. It is a shelter run by a consortium of North Portland churches. The goal of the shelter is to serve 15 clients on average four to six months. Because their model can include both longer term shelter and shelter within individual rooms, their operations straddle the line between short-term housing and group living and were reviewed as a group living use.

In order to expand the shelter, Community of Hope had to apply for a conditional use review because they planned to increase their group living limit from 15 to 34 in the multi-family zone. Additionally, they had to request an adjustment to ease parking requirements, as typically, homeless individuals do not own automobiles. Due to the size of the shelter, only one staff is needed to support the families.

In addition to zoning code regulations, there were several other building code regulations that the organization found quite cumbersome and expensive. Although some of the requirements may make sense from a health and safety perspective, because of costs associated with additional permits and required building upgrades, the organization must now fundraise to expand planned services.

The Community of Hope staff provides one example that helps illustrate the limits that applicants must adhere to, which are often unknown to those not familiar with the land use and permit process. As part of the conditional use review, the Bureau of Transportation required that the shelter conduct a traffic study to demonstrate that the new use would not impact traffic in the neighborhood. The consultant contacted for the study was surprised that such a small use, asking for a reduction in the number of parking spots would trigger a traffic study. *It should be noted that the parking review can now be determined as part of the conditional use review process.*

The Home Builders Foundation (an arm of the Home Builders Association that helps build and renovate transitional housing) believes that city requirements can cripple smaller shelters. They cite that small non-profits or churches run a high percentage of regional shelters. These organizations do not have the staff, experience, or access to funds that larger organizations have. HBF thinks that many of these small agencies would not have initiated the process of siting a shelter had they known what the onerous process and associated costs entailed. Furthermore, they find that the lack of coordination between city bureaus to be inefficient and problematic. Between zoning and building code requirements, seven bureaus touch the process and have to review documentation. This has on occasion resulted in slowing down the process.

ISSUES ILLUSTRATED: decrease parking regulations; increase allowable number of beds; less expensive, and shorter city process- decrease city permits, decrease onerous city requirements, coordination between city bureaus

2. Transition Projects

Transition Projects (TPI) is the largest homeless shelter provider in the city. They operate five shelters and two permanent housing facilities, housing approximately 615 individuals nightly. The length of shelter stay varies across shelter, but people average three to four months continuously. As the housing crisis has worsened, the length of stay has increased. Staff have found that if they were to adhere to 30-day maximum stay requirements, then people would immediately return to the streets. Most of their buildings are in downtown or Old Town, but some are in the inner neighborhoods of NE and SE Portland.

TPI currently operates the Jerome Sears emergency shelter, a temporary mass shelter in SW Portland, with 167 beds. Because of the Emergency Housing Declaration, TPI did not have to go through the regular permitting process. This new shelter has made TPI question the limited number of beds allowed by-right in many zones. With the success of this shelter, being able to operate a 200 bed shelter now seems possible.

Transition Projects generally hires consultants to handle the permitting process for their facilities, as most are new buildings or new uses. Therefore, staff do not have deep working knowledge of all the issues that arise through that system. However, they do believe the city process is not as straight forward as it could be.

In 1998, the Clark Center opening in the Buckman neighborhood was highly contentious. Neighbors were concerned about how the center would impact the neighborhood. Two years after the opening, the Oregonian interviewed people who lived next to the shelter. The interview revealed that many neighbors were not even aware that a shelter existed in their neighborhood. TPI now signs Good Neighbor Agreements at all new shelter locations. However, no issues have yet come up.

ISSUES ILLUSTRATED: increase bed allowance, decrease spacing requirements

3. Do Good Multnomah

Do Good Multnomah operates the 13 bed shelter out of the First Congregational United Church of Christ in the South Park blocks downtown. This shelter serves homeless veterans, who on average, stay 20 days.

The non-profit is looking to expand their services, but would prefer to open a new location in close vicinity. Do Good Multnomah believes that to provide as 'humane' services as possible, the number of individuals sleeping together should remain small. They are confident that clients would not come to their shelter if it were much larger. Due to trauma related reasons, this factor might be more of an issue for homeless veterans than other homeless populations. Increasing the number of shelter beds and people staying in the shelter would eliminate the comfortable, family like feel. At the current location, they try to create a warm, living room like atmosphere, with dim, more intimate lighting. A major goal of the agency is to build a relationship with each resident and find ways to help them stabilize and obtain permanent housing.

Do Good Multnomah's experience with the permitting process was smooth. A Home for Everyone helped to facilitate a seamless start for the shelter. City and county staff also helped with the permit process. Due to the smaller size, the site was not required to go through a conditional use review, which reduced the land use review step. Conversely, the non-profit notes that they are aware of other churches that have tried to open shelters on their own. For whatever the reason, a number did not follow through. The agency believes that a straightforward, friendlier city process would help eliminate barriers to entry.

ISSUES ILLUSTRATED: streamline process, coordinate between city departments

Table of Case Study Zoning Requirements

Homeless Shelter	Zoning	Number of Beds	Beds Allowed	Distance from other shelters	Distance Allowed	Parking Needed	Parking Required
Community of Hope (reviewed as Group Living)	R2	34 (with CU*)	15	3 miles/ 15,840'	600' (per CU)	0	1 space/4 people or per CU
Transitions Projects	varies	167	varies	varies	varies	varies	varies
Do Good Multnomah	RX	13	25	1.6 miles/8,448'	1300'	0	0 (by zone)

* Required conditional use review for group living

SHELTER CASE STUDIES IN OTHER CITIES

We contacted three other cities (Minneapolis, Minnesota; Seattle, Washington; and Los Angeles, California) to examine how their zoning regulations address homeless shelters. Minneapolis was chosen as an example because it is often used as a case study when looking into homeless services. Seattle was chosen because it has a similar climate and population size. Los Angeles was chosen as a large city, with a sizeable homeless population.

1. Minneapolis

Minneapolis recently updated their code to better align with city policy. One reason for the change was to decouple the requirement that shelters be operated within faith based institutions. Due to the concern of declining church membership, some have been worried that if churches were to close, that would result in the loss of shelters. Non faith based institutions can now operate shelters. Regardless of zone, bed size and spacing distance are treated the same throughout the code. However, all new shelters must go through a conditional use review to limit the impact on the neighborhood; infrastructure constraints; general health, safety concerns; and other miscellaneous requirements. The maximum number of shelter beds is 150, outside of a special downtown overlay which allows 350 beds. Additionally, the distance requirement between shelters is 1000 feet and parking requirements are minimal.

2. Seattle

In Seattle, shelters are not explicitly mentioned in the zoning code. If shelters are operated within religious facilities, they are considered an accessory use. Otherwise, indoor shelters have been categorized under Community Centers and are allowed in most non-residential and multifamily zones. A conditional use is required for siting shelters in single family zones. Since community centers have no distance limitation requirements, outside of residential zones that require 600 foot separation, shelters have no spacing requirements. Again, as shelters are not mentioned in the code, there is no limitation on the number of beds that can be sited. In this case, building code standards for safety concerns must be adhered to. Community centers require one parking space per every 350 square feet, so shelters must comply with this requirement for parking.

3. Los Angeles

Los Angeles allows shelters in most of its multifamily and industrial zones. Depending on the zone, shelters cannot be closer than 300 or 600 feet from one another and do not technically require a conditional use review. However, some performance standards are required that limit potential 'livability' and transportation impacts on neighbors. Additionally, a maximum of 30 beds are allowed at each shelter. Parking varies from one space per 100 feet per floor, with a 10% to 25% reduction.

Table of Requirements in other Cities

CITY	LOS ANGELES	MINNEAPOLIS	SEATTLE*
Population	3,928,864	407,020	662,400
Homeless population	12,536	4,343 (Hennepin County)	4,000
Beds allowed	30	150; overlay area at 350	none
Distance from other shelters	300' or 600'	1000'	none
Parking required	1 space/ 100', with 10% to 25% reduction	built into CUP	1 space/350 SF

Appendix

Allowed Use	yes in certain zones	conditional use	yes in certain zones
Zones	most MF and I	Varies by shelter type	most non R and MF
Conditional Use Process	n/a	yes	n/a

* Shelters not specifically called out in code. Fits into Community Center use well. If in faith based property, then exempt from most LU requirements

RECOMMENDATIONS

There are several process and regulatory improvements that could be made to assist providers and institutions in siting mass shelters and short-term housing. These improvements have been identified both through review of the existing codes as well as through discussions with providers as illustrated in the next section. Improvements include:

1. **Increase bureau coordination.** The review process can involve multiple bureaus. Development, transportation, environmental, water, fire, and police services must review most applications. All three service providers interviewed cited a larger systems coordination issue as being an impediment to siting shelters. This appears to have a more profound effect on smaller providers because they run on more discrete budgets and staff do not have familiarity with the city bureaus, their responsibilities and their approval requirements for a review of a land use review or building permit. Managing the process to ensure that reviews are timely and aligned with one another could shorten the review process and improve communication and coordination.
2. **Assist small providers through the permitting process.** Many of these providers would prefer a more streamlined permitting process that shortens associated time and costs through a more simplified review (see #1 above). However, since many of these processes are based on local, state and federal code requirements, an option would be to dedicate a person to coordinate these reviews through the permitting process. A familiar face acting like a 'concierge' service or point person could help applicants through the bureaucratic process.
3. **Increase the number of individuals who can be housed within a shelter.** While smaller shelters typically house two to three families, allowing them the flexibility to serve 5-10 more people would make shelter expansion less cumbersome and more attractive. Through the opening of the Sears Shelter, TPI learned that once you serve a high number of people, it gets easier to replicate. For the larger facilities, such as the Sears Shelter and the Human Solutions shelter in East Portland, providers find that once they grow beyond serving approximately 100-150 people, it becomes easier from an organizational perspective to continue to scale up. Additional costs do not increase very much when you have a higher number of shelter beds and could create more efficient systems. TPI stated that they would be happy to shelter up to 200 individuals. However, this needs to be balanced against the potential for increased neighborhood impacts of larger shelters. The conditional use approval process is the usual mechanism for reviewing larger institutional uses.
4. **Decrease the distance requirement between shelters.** Although a shelter like Do Good Multnomah prefers to serve a limited number of individuals, they would like to expand. Being able to site another shelter near their existing facility would make it more efficient for staff to operate additional shelters and share goods and resources. The current 1300 feet spacing requirement may be an inconvenient distance. The 600-foot distance

between group living uses has served the neighborhoods over time. Perhaps this could be employed for shelters.

5. **Relax parking requirements for shelter residents.** Although some homeless families have used their automobiles to sleep in, it is not common for homeless people to own cars. Neither Community of Hope or Do Good Multnomah have served participants with automobiles. TPI has also found that very few, if any of their clients have owned cars. For this reason, eliminating parking requirements or requiring it only for shelter staff may be an additional improvement to the permitting process.
6. **Change review type from Type III to Type II.** Providers have found the land use review process to be lengthy, costly, and confusing. When applicants have a lack of specialized knowledge and experience about this process, delays can result. As part of the general review process, applicants must meet set approval criteria. Requirements of the Type III review include a pre-application conference, posting of the proposed project by the applicant and a public hearing. In contrast, a Type II review requires public notification, but the decision is made at a staff level, with a potential hearing on appeal.

Allowing certain shelters that may have more limited impacts to go through the Type II process still provides an opportunity for neighbors to be informed about any new proposals for shelters, but reduces some overall timelines and costs. Allowing neighborhood notification is important to avoid surprises and to allow for relationship building and the creation of good neighbor agreements. However, having proposals go straight to public hearing can create a more adversarial relationship between the applicant and the neighborhood. Also, appeals of a Type III hearing are sent to the City Council who then must balance the political environment with their assessment of the approval criteria.

7. **Consider current transportation impact criteria.** Currently, many conditional uses must provide a detailed traffic analysis as part of their review, even if the proposal is being proposed in an existing building. Often these shelters are not generating much, if any, additional traffic. Consider whether an alternative threshold can be created for when a traffic study may be needed.

Appendix B: Ordinance 188077

ORDINANCE No. **188077** *As Amended*

Amend Title 33, Planning and Zoning to reduce regulatory restrictions and processes for short-term housing and mass shelters. (Ordinance; amend Title 33)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. The Portland Housing Bureau data indicates that on any given night, about 4,000 people sleep on the streets or in shelters across Portland, and the number of affordable housing units, mass shelter beds, and short-term housing options are far from meeting the demand for shelter.
2. A 2015 (most recent available) point-in-time count of homelessness in Portland and Multnomah County found that on any given night in Multnomah County, more than 1,887 people experience homelessness without access to even basic emergency shelter. They were found sleeping on the streets, or in parks, cars, abandoned buildings, or other places not meant for human habitation.
3. Areas throughout the City are experiencing large camps of homeless persons. These camps occur without appropriate sanitation facilities or proper trash receptacles. These conditions pose potential health and safety threats for both the campers and the surrounding communities.
4. Despite the increase in numbers of homeless, there have been few permanent mass shelters that have opened in recent years. Housing providers and non-profits cite the burdens of meeting land use requirements as a barrier for locating potential locations suitable for the siting of shelters and other transitional housing.
5. Land use development standards identified as constraints to addressing homelessness include limits on the number of beds allowed and the required separation between shelters. Shelters not meeting standards are required to go through a Type III Conditional Use review which can be time consuming and expensive.
6. On October 7, 2015, after hearing testimony concerning the number of persons and families experiencing homelessness citywide, the lack of affordable housing for rent or sale in the City, and the significant rent increases facing city residents, the City Council passed Ordinance #18370 to amend the city code to give the Council the authority to declare a housing emergency and also voted through Ordinance #18371 to formally declare a Housing Emergency in Portland.
7. In adopting the code amendments on October 7, 2015, the City Council expressly acknowledged both short-term and longer-term measures to address unmet housing needs and to modify or remove regulatory obstacles that prevent development of housing or shelter to meet these needs.
8. During 2015-2016, the City Council, in conjunction with Multnomah County opened up a series of temporary mass shelters to help alleviate the shortage.
9. On March 9, 2016, City Council passed Resolution #37196 which directed the Bureau of Planning and Sustainability (BPS) to develop a legislative proposal that amends Title 33 "to simplify

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regulations, remove regulatory obstacles and expedite processes for land use reviews and permits for affordable housing projects, mass shelters and short-term housing". Exhibit A is the response to this directive.

10. During the first half of 2016, BPS staff reviewed current Title 33 regulations for shelters and housing and interviewed housing and shelter providers within the city to determine the types of regulatory obstacles. Staff also researched other city's approaches to mass shelters.
11. From July through September, 2016, BPS staff met with members of nine neighborhood coalitions and business groups to develop and discuss proposed zoning code amendments in response to the Council's May 2016 directive.
12. On August 4, 2016, notice of the proposed amendments was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR-660-18-020.
13. On August 10, 2016 notice of the proposed amendments and the September 13, 2016 Planning and Sustainability Commission (PSC) hearing was mailed to all neighborhood associations, neighborhood coalitions, and business associations in the city of Portland, as well as other interested persons, as required by ORS 227.186 and PCC 33.740.
14. At the September 13 PSC hearing, Commission members listened to the presentation, heard public testimony and directed staff to consider some amendments prior to their next meeting.
15. On September 27, the PSC voted to recommend to the City Council approval of the staff proposal with amendments. These amendments included some minor changes to the allowed number of mass shelter beds, parking requirements, and provisions for transitional housing. The PSC also removed the staff proposal providing a Type Iix option for Design and Historic reviews for affordable housing projects.
16. On October 13, 2016, notice of the November 2 City Council hearing was mailed to those who presented testimony orally or in writing to the PSC and provided a name and address, those who asked for notice, and other interested persons.
17. On November 2, 2016, the City Council held a hearing on the PSC's recommendation on the Mass Shelter and Housing Zoning Code Update, and took testimony.

Findings on Statewide Planning Goals

State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with state land use goals. Only the state goals addressed below apply.

18. **Goal 1, Citizen Involvement**, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement. The findings addressing Portland Comprehensive Goal 9, Citizen Involvement and its related policies and objectives also demonstrate consistency with this goal. The processes identified below comply with this goal in the following ways:

- a. Staff attended nine meetings held with different neighborhood coalition offices, business interest groups and the city-wide land use group between July and September to discuss code concepts and proposed regulations for mass shelters, short-term housing and the design or historic review of affordable housing projects.
 - b. The *Mass Shelters and Housing Zoning Code Update Proposed Draft* was made available to the public on August 9, 2016. The report was posted on the City's Planning and Sustainability website and mailed to those who requested a copy.
 - c. Notice of the Planning & Sustainability Hearing and staff open house was mailed on August 10, 2016 to over 400 recipients, including neighborhood associations, neighborhood coalitions, business associations, and other interested parties. The notice included information on acquiring the *Proposed Draft* and on the location and time of the open house.
 - d. Staff briefed the Historic Landmarks Commission and the Design Commission on August 15, 2016 and August 18, 2016 respectively on proposed changes affecting the design and historic review of affordable housing projects.
 - e. Staff held a project open house on August 31, 2016 at the main Multnomah County Library and provided information to attendees.
 - f. The PSC held a public hearing and took testimony on the Proposed Draft on September 13, 2016. The PSC held the record open until September 16, 2016 and directed staff to consider a list of amendments.
 - g. The PSC held a work session on September 27, 2016. After consideration of a range of amendments, they voted to make 4 amendments to the staff proposal and voted to forward the amended proposal to City Council for adoption.
 - h. The *Mass Shelters and Housing Zoning Code Update Recommended Draft* was made available to the public on October 13, 2016. The report was posted on the Bureau of Planning and Sustainability's website and mailed to those who requested a copy.
 - i. Notice of the November 2, 2016 City Council hearing on the Mass Shelters recommended draft was mailed on October 12, 2016 to all those who testified orally or in writing at the PSC hearing, to other persons who requested said notice, and to other interested persons.
19. **Goal 2, Land Use Planning**, requires the development of a process and policy framework that acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding of the facts relevant to the decision. The amendments support this goal because development of the recommendations followed established city procedures in PCC Chapter 33.740 for legislative land use actions. These procedures ensure that proposed legislative land use decisions are based on factual information presented at a public hearing and consider the policy framework established by in the City of Portland's Comprehensive Plan. See also findings for Portland Comprehensive Plan Goal 1, Metropolitan Coordination.
20. **Goal 5, Open Space, Scenic and Historic Areas, and Natural Resources**, requires the conservation of open space and the protection of natural and scenic resources. The amendments are consistent with this goal because they do not specifically change policy or legislative intent related to open space, scenic, historic or natural resources.

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21. **Goal 9, Economic Development**, requires provision of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity. The amendments support this goal because they expand the situations where certain mass shelters and short-term housing may be located. Providing shelter for homeless individuals and families enables them to access services to find permanent housing and jobs. This flexibility is balanced with our existing land use regulations to ensure that larger shelters are not a drain on the livability and vitality of surrounding businesses and neighborhoods.

Within the EG1 and EG2 Employment zones, mass shelters will be allowed if they receive a conditional use land use approval. This is consistent with Goal 9 because it allows for a limited expansion of a certain type of community service use within Employment Zones which provides more flexibility in providing community services within these zone. However, any proposal for a mass shelter must demonstrate that it is compatible with the surrounding area has adequate services and is consistent with any area plans, as the code criteria require. Due to the requirement for a land use review, it is expected that only a few mass shelters will elect to locate within EG1 or EG2 zones, likely covering fewer than five acres city-wide.

22. **Goal 10, Housing**, requires provision for the housing needs of citizens of the state. The amendments support this goal because they allow greater flexibility to provide short-term housing and mass shelters within the city. These facilities are often the first step in providing the transition from homelessness to more permanent living arrangements. Providing shelter for these individuals and families enables them to access services to find permanent housing. Allowing certain institutional uses to also provide transitional housing on a temporary basis as an accessory use also enables these institutions to help households find permanent housing. See also findings for Portland Comprehensive Plan Goal 4, Housing and Metro Title 1.
23. **Goal 12, Transportation**, requires provision of a safe, convenient, and economic transportation system. The amendments are consistent with this goal in that they do not substantially change current transportation policy. One amendment amends the minimum parking regulations for certain mass shelters and short-term housing that are allowed by right. Facilities allowed by right would be in centrally located commercial and employment zones which generally have good access to transportation infrastructure and services. See also findings for Portland Comprehensive Plan Goal 6, Transportation, and its related policies and objectives.

The Oregon Transportation Planning Rule (TPR) was adopted in 1991 and amended in 1996 and 2005 to implement State Goal 12. The TPR requires certain findings if the proposed Zone Change, regulation will significantly affect an existing or planned transportation facility. This proposal will not have a significant effect on existing or planned transportation facilities because the amendments only affect mass shelters and short-term housing, a small subset of the community service use category, and does not result in significant changes in housing units or jobs.

Findings on Metro Urban Growth Management Functional Plan

The following elements of the Metro Urban Growth Management Functional Plan are relevant and applicable to the Mass Shelter and Housing amendments.

24. **Title 1, Housing Capacity**, ensures that each jurisdiction contribute its fair share to meeting the regional housing needs by requiring each city and county to maintain or increase its housing capacity. This requirement is to be generally implemented through citywide analysis based on calculated capacities from land use designations. The amendments are consistent with this title because they do

not alter the current housing capacity of the city. The amendments to provide more options for locating transitional housing and help people transitioning from homelessness to a more permanent living situation. See also findings under Comprehensive Plan Goals 4 (Housing).

25. **Title 4, Industrial and Other Employment Areas**, limits retail and office development in Employment and Industrial areas to those that are most likely to serve the needs of the area and not draw customers from a larger market area. The amendments are consistent with this title because they does not change retail or office allowances that are intended to be limited within Title 4 Employment Lands. The amendments provide an option for a mass shelter to be approved through a conditional use process in EG1 or EG2 zones. This process allows for a limited expansion of a certain type of community service use within Employment Zones which provides more flexibility in providing community services within these zones. However, any proposal for a mass shelter must make findings that it is compatible with the surrounding area has adequate services and is consistent with any area plans.
26. **Title 6, Centers, Corridors, Station Communities and Main Streets** ensures that these areas be recognized as the principal centers of urban life in the region. The amendments support this title because they provide more flexibility to locate mass shelters within the more intense commercial and employment zones in order to provide more short-term housing options in areas that have the required services and public infrastructure for people in need of these community services. This includes supportive community facilities and public transit, which are more prevalent in the city's centers and corridors.
27. **Title 7, Housing Choice**, calls for establishment of voluntary affordable housing production goals and reporting on progress toward increasing the supply of affordable housing. While none of the amendments directly impact housing choice or the supply of permanent affordable housing units, the amendments are consistent with this title because they allow more flexibility to provide mass shelters and short-term housing within certain zones. This increases the opportunity to provide basic shelter to people experiencing homelessness and can be the first step to securing more permanent housing for previously homeless individuals.
28. **Title 12, Protection of Residential Neighborhoods**, is intended to protect the region's existing residential neighborhoods from air and water pollution, noise and crime, and to provide adequate levels of public services. The amendments for mass shelters and short-term housing are consistent with this title, because they continue to require a discretionary conditional use review in most cases when a facility is proposed within a residential zone to ensure that issues related to livability and public services are addressed, while providing some additional flexibility in the siting of these facilities.

Findings on Portland's Comprehensive Plan Goals

This project is subject to the goals and objectives of the current Comprehensive Plan. The proposed Comprehensive Plan Update has not been approved and ratified and so is not reviewed within the context of this project. The following goals, policies, and objectives of the current Portland Comprehensive Plan are relevant and applicable to these amendments.

29. **Goal 1, Metropolitan Coordination**, calls for the Comprehensive Plan to be coordinated with federal and state law and to support regional goals, objectives and plans. In general, the amendments

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are consistent with this goal because they do not change policy or intent of existing regulations relating to metropolitan coordination and regional goals.

30. **Policy 1.4, Intergovernmental Coordination**, requires continuous participation in intergovernmental affairs with public agencies to coordinate metropolitan planning and project development and maximize the efficient use of public funds. The amendments support this policy because a number of other government agencies, including the Department of Land Conservation and Development (DLCD), Metro, and Multnomah County, were notified of this proposal and given the opportunity to comment. DLCD provided comments prior to the first evidentiary hearing at the Planning and Sustainability Commission. Their comments are incorporated into the findings of the Ordinance under State Goal 9.
31. **Goal 2, Urban Development**, calls for maintaining Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers. The amendments support this goal because they provide additional flexibility for the siting of mass shelters and short-term housing, while continuing to require land use review in situations where the facilities could have an impact on surrounding neighborhoods or commercial and employment areas.
32. **Policy 2.2 Urban Diversity**, calls for promoting a range of living environments and employment opportunities for Portland residents in order to attract and retain a stable and diversified population. The amendments support this policy by providing greater flexibility to site mass shelters and short-term housing which is a type of living arrangement that is currently underserved within Portland, with nearly 2,000 people within the city without shelter for the night. This flexibility can lead to the creation of additional shelter facilities to reduce this number.
33. **Policy 2.9 Residential Neighborhoods**, allows for a range of housing types to accommodate increased population growth while improving and protecting the city's residential neighborhoods. The amendments are consistent with this policy by providing more flexibility for mass shelters and short-term housing, which are a transitional form of shelter between homelessness and permanent housing. The amendments still require most mass shelters and short-term housing within residential zones to receive discretionary approval based upon findings of livability and public services.
34. **Goal 3, Neighborhoods**, calls for the preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density. The amendments are consistent with this goal by providing more flexibility for mass shelters and short-term housing within zones that have greater access to services while still requiring discretionary review for facilities sited within most residential zones.
35. **Goal 4, Housing**, calls for enhancing Portland's vitality as a community at the center of the region's housing market by providing housing of different types, density, sizes, costs and locations that accommodates the needs, preferences, and financial capabilities of current and future households. The amendments support this goal because they allow greater flexibility to provide short-term housing and mass shelters within the city. These facilities are often the first step in providing the transition from homelessness to more permanent living arrangements. Providing shelter for these individuals and families enables them to access services to find permanent housing. Allowing certain institutional uses to also provide transitional housing on a temporary basis as an accessory use also enables these institutions to help with the current housing crises and help households find permanent housing. See also the findings for specific housing policies below, Statewide Planning Goal 10, Housing and Metro Title 7.

36. **Policy 4.1 Housing Availability**, ensures that an adequate supply of housing is available to meet the needs, preference, and financial capabilities of Portland's households now and in the future. The amendments are consistent with this policy because they allow more flexibility to provide mass shelters and short-term housing within certain zones. This increases the opportunity to provide basic shelter to people experiencing homelessness and can be the first step to securing more permanent housing for previously homeless individuals.
37. **Policy 4.4 Housing Safety**, ensures a safe and healthy built environment and assists in the preservation of sound existing housing and the improvement of neighborhoods. The amendments are consistent with this policy because the ability to provide more shelter space and short-term housing creates a safer and healthier environment than living on the streets or without shelter.
38. **Policy 4.12 Housing Continuum** ensures that a range of housing from temporary shelters, to transitional, and to permanent housing for renters and owners is available, with appropriate supportive services for those who need them. The amendments support this policy by providing greater flexibility to site mass shelters and short-term housing, which is a type of living arrangement that is currently underserved within Portland. The amendments also provide the flexibility for certain institutions to host temporary transitional housing as an accessory use. With nearly 2,000 people in the city without any shelter for the night, the increased flexibility can lead to the creation of additional shelter facilities to reduce this number.
39. **Policy 4.15 Regulatory Costs and Fees** requires the city to consider the impact of regulations and fees in the balance between housing affordability and other objectives such as environmental quality, urban design, maintenance of neighborhood character, and protection of public health, safety, and welfare. The amendments support this policy by removing some of the regulatory and financial barriers for siting mass shelters and short-term housing, allowing a lower review process, while still requiring some level of review in cases where the facility can have a greater impact on neighborhood character. Reducing the process and financial barriers will help in establishing temporary shelter and housing opportunities reducing the prevalence of homelessness which affects public health and safety.
40. **Goal 5, Economic Development**, calls for the promotion of a strong and diverse economy that provides a full range of employment and economic choices for individuals and families in all parts of the city. The amendments support this goal because they expand the situations where certain mass shelters and short-term housing may be located. See also findings for Statewide Planning Goal, Goal 9, Economic Development.
41. **Policy 5.6, Area Character and Identity Within Designated Commercial Areas** calls for enhancing the special character and identity of Portland's designated commercial areas. The amendments are consistent with this policy because they continue to require mass shelters above certain size thresholds within commercial and EX zones, as well as all facilities in EG1 and EG2 zones to go through a discretionary conditional use review to determine that the facility is consistent with the intent of any area plans, and that it is physically compatible with its surroundings and there are adequate public services.
42. **Goal 6, Transportation**, calls for developing a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility. The amendments are consistent with this goal in that they do not substantially change current transportation policy. One amendment amends the minimum parking regulations for certain mass shelters and short-term housing that are allowed by right. Facilities allowed by right would be in commercial and employment zones which generally

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have good access to transportation infrastructure and services. Facilities not meeting the standards that would allow them by right (due to size and/or zone location) are subject to a discretionary conditional use review process which requires findings in most cases that the public services, including transportation facilities, are sufficient to serve the uses in addition to existing uses in the area. See also findings for Statewide Planning Goals, Goal 12, Transportation.

43. **Policy 6.18, Adequacy of Transportation Facilities**, ensures that amendments to the Comprehensive Plan, zone changes, conditional uses, master plans, impact mitigation plans, and land use regulations that change allowed land uses are consistent with the function, capacity and performance of transportation facilities. The amendments are consistent with this policy because they further refine the conditional use approval criteria for mass shelters and short-term housing to address the transportation system in cases where the facility may have more of an impact on the system due to its size or expansion.
44. **Policy 6.25, Parking Management**, calls for managing the parking supply to achieve transportation policy objectives for neighborhood and business district vitality. The amendments support this policy by reducing the minimum parking requirements for mass shelters or short-term housing that are allowed by right. Facilities allowed by right are mostly located within the commercial and EX zones that provide alternative transportation services for the occupants and employees at these facilities. Facilities that require a conditional use review will generally have their parking requirements determined through the review.
45. **Policy 6.27, Off-Street Parking**, calls for regulating off-street parking to promote good urban form and the vitality of commercial and employment areas. The amendments support this policy by reducing the minimum off-street parking requirements for mass shelters or short-term housing that are allowed by right. Facilities allowed by right are mostly located within the commercial and EX zones that provide alternative transportation services for the occupants and employees at these facilities. Facilities that require a conditional use review will generally have their parking requirements determined through the review.
46. **Goal 7, Energy**, calls for promotion of a sustainable energy future by increasing energy efficiency in all sectors of the city. The amendments are consistent with this goal because they create additional flexibility in the siting of mass shelters and short-term housing which are needed to provide a housing continuum and better link the homeless to services.
47. **Goal 8, Environment**, calls for the maintenance and improvement of the quality of Portland's air, water, and land resources, as well as the protection of neighborhoods and business centers from noise pollution. The amendments are consistent with this goal because they create additional flexibility in the siting of mass shelters and short-term housing which can help reduce the number of people living on the streets or within the city's natural areas.
48. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process, and the implementation, review, and amendment of the Comprehensive Plan. This project supports this goal because it followed the process and requirements specified in Chapter 33.740, Legislative Procedure. See Statewide Planning Goal 1, Citizen Involvement for additional detailed findings that demonstrate compliance with this goal.
49. **Goal 10, Plan Review and Administration**, calls for periodic review of the Comprehensive Plan, for implementation of the Plan, and addresses amendments to the Plan, to the Plan Map, and to the Zoning Code and Zoning Map. Policy 10.4, Comprehensive Plan Map designates the general uses and

development types for each designation. The amendments are consistent with this policy because they do not substantially change the allowed uses within the various designations. One amendment provides an option for mass shelters to apply for conditional use review in EG1 and EG2 zones which implement the Mixed Employment designations. The Mixed Employment designation allows a wide variety of uses, but limits commercial and residential uses. Mass Shelters are classified as a Community Service use, and so is not limited, and other Community Service uses are allowed by right in these zones. The conditional use process ensures physical compatibility with the surrounding employment area and conformance with any area plans. Due to the requirement for a land use review, it is expected that only a few mass shelters would elect to locate within EG1 or EG2 zones, likely covering fewer than five acres city-wide.

50. **Policy 10.10, Amendments to the Zoning and Subdivision Regulations**, requires amendments to the zoning and subdivision regulations to be clear, concise, and applicable to the broad range of development situations faced by a growing, urban city. The amendments are consistent with this policy by creating regulations that simplify and remove regulatory barriers for the siting of mass shelters and short-term housing, for which there is a shortage within the city.
51. **Goal 11, Public Facilities**, includes a wide range of goals and policies: **General Goal 11-A** calls for provision of a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities. The amendments support this goal because they provide additional flexibility for the siting of mass shelters and short-term housing, while continuing to require land use review in situations where the facilities could have an impact on surrounding neighborhoods or commercial and employment areas. The facilities are often managed by non-profits or public agencies and provide a necessary public good to the city.

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NOW, THEREFORE, the Council directs:

- a. Adopt Exhibit A, *Mass Shelters and Housing Zoning Code Update: Recommended Draft*, dated October 2016 as amended by Council.
- b. Amend Title 33, Planning and Zoning, as shown in Exhibit A, *Mass Shelters and Housing Zoning Code Update: Recommended Draft*, dated October 2016 as amended by Council.
- c. Adopt the commentary and discussion in Exhibit A, *Mass Shelters and Housing Zoning Code Update: Recommended Draft*, dated October 2016, as further findings and legislative intent.

Section 2. If any section, subsection, sentence, clause, phrase, diagram, designation, or drawing contained in this Ordinance, or the plan, map or code it adopts or amends, is held to be deficient, invalid or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the plan, map, or code and each section, subsection, sentence, clause, phrase, diagram, designation, and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, diagrams, designations, or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

Passed by the Council: NOV 09 2016

Mayor Charlie Hales
Prepared by: Phil Nameny
Date Prepared: October 10, 2016

Mary Hull Caballero
Auditor of the City of Portland

By


Deputy

~~1223~~ 1246
 Agenda No.
ORDINANCE NO. 188077 As Amended
 Title

Amend Title 33, Planning and Zoning to reduce regulatory restrictions and processes for short-term housing and mass shelters. (Ordinance); amend Title 33)

<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Charlie Hales</p>	<p>CLERK USE: DATE FILED <u>OCT 25 2016</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales <i>CH</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>Mary Hull Caballero</i></u> Deputy</p>
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: Planning and Sustainability Bureau Head: Susan Anderson <i>Susan Anderson</i></p> <p>Prepared by: Phil Namery Date Prepared: October 11, 2016</p> <p>Impact Statement Completed <input type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>City Auditor Office Approval: required for Code Ordinances</p> <p>City Attorney Approval: <i>ES Beaumont</i> required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date: November 2, 2016</p>	<p>ACTION TAKEN: NOV 02 2016 PASSED TO SECOND READING As Amended NOV 09 2016 9:30 A.M.</p>

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
<p>TIME CERTAIN <input checked="" type="checkbox"/> Start time: 2:20pm</p> <p>Total amount of time needed: 90 minutes (for presentation, testimony and discussion)</p> <p>CONSENT <input type="checkbox"/></p> <p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Novick	4. Novick	✓	
Hales	Hales	✓	



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