

Better Housing by Design

AN UPDATE TO PORTLAND'S MULTI-DWELLING ZONING CODE

Volume 2:

Zoning Code and
Comprehensive Plan
Amendments

Ordinance 189805

Effective March 1, 2020



Bureau of Planning and Sustainability

Innovation. Collaboration. Practical Solutions.

City of Portland, Oregon



33.120.210 Floor Area Ratio

- A. Purpose.** Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development.
- B. FAR standard.** The maximum floor area ratios are stated in Table 120-3 and apply to all uses and development. In the RM4 zone the maximum FAR is 4 to 1, except in Historic Districts and Conservation Districts, where the maximum FAR is 3 to 1. Floor area ratio is not applicable in the RMP zone. There is no maximum limit on the number of dwelling units within the allowable floor area, but the units must comply with all building and housing code requirements. Additional floor area may be allowed through bonus options described in Section 33.120.211, or transferred as described in Subsection D. Maximum FAR does not apply to one alteration or addition of up to 250 square feet when the alteration or addition is to a primary structure that received final inspection at least 5 years ago. This exception is allowed once every 5 years. Adjustments to the maximum floor area ratios are prohibited. Floor area does not include the following:
1. Floor area for structured parking and required long-term bicycle parking not located in a dwelling unit, up to a maximum FAR of 0.5 to 1; and
 2. Floor area for indoor common area used to meet the requirements of Section 33.120.240.
- C. Maximum increase in FAR.** An increase in FAR using bonuses and transfers of more than is stated in Table 120-5 is prohibited. This total FAR includes FAR transferred from another site, and any additional FAR allowed from bonus options.
- D. Transfer of FAR.** FAR may be transferred from one site to another subject to the following:
1. Sending site. FAR may be transferred from:
 - a. A site where all existing dwelling units are affordable to those earning no more than 60 percent of the area median family income. In order to qualify for this transfer, the applicant must provide a letter from the Portland Housing Bureau certifying that this affordability standard and any administrative requirements have been met. The letter must be submitted before a building permit can be issued for the development, but is not required in order to apply for a land use review.;
 - b. A site where trees that are at least 12 inches in diameter are preserved. The maximum amount of floor area that may be transferred for each preserved tree is indicated in Table 120-4, however the maximum amount of FAR that can be transferred may not exceed the total amount of unused FAR on the site. This transfer provision does not apply to dead, dying or dangerous, or nuisance trees. To qualify for this transfer, a report is required from the City Forester or a certified arborist documenting that the trees to be preserved are not nuisance trees and are not dead, dying or dangerous.; or

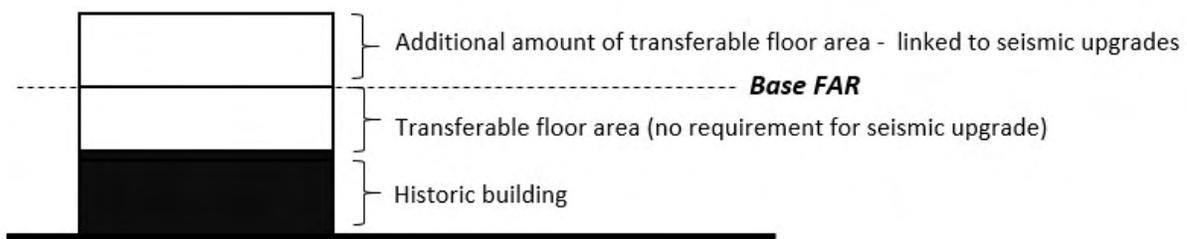
Commentary

33.120.210.D. Transfer of FAR (continued)

Affordable housing preservation (subparagraph 1.a.). This new provision is intended to serve as an incentive for the preservation of existing affordable housing. It would allow for unused development capacity to be transferred to other sites, in exchange for the preservation of existing affordable housing units. The existing affordable housing units would need to remain affordable for households earning no more than 60 percent of MFI. The Housing Bureau would be involved in certifying compliance (the details of the term of affordability will be determined by the Housing Bureau, but will be for a minimum of 30 years from the date of the FAR transfer).

Tree preservation (subparagraph 1.b.). This new provision is intended to serve as an incentive for tree preservation. While Title 11 (Trees) requires that at least one third of large trees (12 inches or larger in diameter) must be preserved, development proposals in the multi-dwelling zones typically choose to instead use an option to pay into the Tree Planting and Preservation fund instead of preserving existing larger trees due to the complexities of preserving trees in conjunction with higher-density development. The new FAR transfer provision would allow for unused development capacity to be transferred to other sites with multi-dwelling zoning in exchange for preserving large trees. The amount of development potential (floor area) that could be transferred is related to the size and number of preserved trees and the allowed density of the site where the trees are being preserved (see Table 120-4). The amounts of transferable floor area are related to the size of the root protection zones required for different diameters of trees, and varies by the FAR of the site where the tree preservation is taking place to reflect the deferred development potential. The tree diameter classifications in Table 120-4 are based on those currently used for the tree preservation bonus. This FAR transfer allowance will replace an existing tree preservation development bonus, which allows for additional housing density on the same site where trees are preserved. The existing bonus has been rarely used (only twice over the past 10 years), because of difficulties of both preserving trees and fitting additional units on the same site. For the new transfer allowance, determination of the status or condition of trees is by the City Forester in a non-development situation, and by a certified arborist in a development situation.

Historic preservation (subparagraph 1.c.) - additional FAR transfer allowance for seismic upgrades. Amendments to this transfer provision will allow an additional amount of FAR (beyond the amount of unused development capacity), equivalent to 50 percent of the base FAR, to be transferred to other sites, but use of this additional increment of transferable FAR will only be available in conjunction with seismic upgrades. This is intended to provide an incentive for seismic upgrades to historic buildings by helping to defray the costs of these upgrades. This regulation uses an existing provision that applies in the Central City, but will extend it to multi-dwelling and mixed use zones citywide (see also 33.130.205 in Volume 3). The need for seismic upgrades to unreinforced masonry buildings (URMs) is an especially important issue for Portland's historic resources, as nearly 600 historic buildings are URMs - often brick - and seismic upgrades are costly.



c. A site that contains a Historic or Conservation landmark or a contributing resource in a Historic or Conservation district. Sites that are eligible to send floor area through this transfer are allowed to transfer:

(1) Unused FAR up to the maximum FAR allowed by the zone; and

(2) An additional amount equivalent to 50 percent of the maximum FAR for the zone. To qualify to transfer this additional amount of FAR, the Bureau of Development of Services must verify that the landmark or contributing resource on the site meets one of the following:

- If the building is classified as Risk category I or II, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the American Society of Civil Engineers (ASCE) 41- BPOE improvement standard as defined in City of Portland Title 24.85;
- If the building is classified as Risk category III or IV, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the ASCE41-BPON improvement standard as defined in City of Portland Title 24.85; or
- The owner of the landmark or contributing resource has entered into a phased seismic agreement with the City of Portland as described in Section 24.85.

Commentary

33.120.210.D. Transfer of FAR (continued)

All the FAR transfer provisions will allow for FAR to be sent to a receiving site with multi-dwelling or commercial/mixed use zoning citywide (except the Central City, which has separate FAR transfer provisions). This is a change from existing FAR transfer regulations, which are currently limited to a two-mile transfer distance. This is being done to increase the feasibility of FAR transfers by increasing the numbers of potential receiving sites. Staff anticipate that FAR transfers will only be used by relatively small projects, since buildings with 20 or more units qualify for inclusionary housing development bonuses and will not be able to receive additional FAR from transfers. FAR transfers are generally prohibited from being used on receiving sites where a historic resource has been demolished to prevent the additional FAR from serving as an incentive for demolition of historic resources. An exception is provided for sites where a historic resource has been demolished through demolition review, which for National Register Historic Districts and Landmarks requires review by City Council and is rarely approved (this limitation is intended to help protect locally-designated Conservation Districts and landmarks, which are not subject to demolition review and are potentially more vulnerable to redevelopment pressures - this topic will be more fully considered as part of the upcoming Historic Resources Code Project).

33.120.210.B - FAR standard (continued from page 54)

RM4 FAR in historic and conservation districts

In the RM4 zone in historic and conservation districts, the base FAR will be 3 to 1 and the bonus FAR will be 4.5 to 1 (instead of the RM4 base and bonus FARs of 4:1 and 6:1 that will apply outside of historic districts). Consistent with City policies that call for continuity with the characteristics of historic districts, these base and bonus FARs will allow new development similar to the scale of larger historic buildings in historic districts proposed for RM4 zoning (primarily the Alhabet and King's Hill historic districts). The bonus FAR of 4.5 to 1, achievable through the inclusionary housing bonus that is mandatory for buildings with 20 or more units, will allow development that is a little larger than the base 4:1 FAR that currently applies in the larger-scale RH zoning that is being replaced by the RM4 zone.

The deeper housing affordability bonus in the RM4 zone in historic and conservation districts will provide a bonus of up to 6:1 (this bonus will be available for projects in which at least half of the units are affordable to households earning no more than 60 percent of median family income to prioritize affordable housing as an outcome - see pages 62-63).

Right. Range of base and bonus FARs in the RM3 and RM4 zones (current zone is RH for all).

Below. In the RM4 zone in historic districts, base and bonus FARs of 3:1 and 4.5 to 1 will match the range of larger historic multi-dwelling buildings in historic districts, such as these examples in the Alhabet and King's Hill historic districts. Larger scale will be allowed through the deeper affordability bonus for buildings in which at least half of units are affordable.



3 to 1 → 4.5 to 1

	Base FAR	Bonus FAR	Deeper Affordability Bonus
RM3	 2 to 1	 3 to 1	4 to 1
RM4 (historic districts)	 3 to 1	 4.5 to 1	6 to 1
RM4 (outside historic districts)	 4 to 1	 6 to 1	7 to 1

2. Receiving site. The transfer must be to a site zoned RM1, RM2, RM3, RM4, RX, CM1, CM2, CM3, or CE outside of the Central City plan district. Transferring to a site zoned RMP is prohibited. Transferring to a site where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District has been demolished within the past ten years is prohibited unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner, the only structure on the site that was demolished was an accessory structure, or the demolition was approved through demolition review.
3. Maximum increase in FAR. An increase in FAR on the receiving site of more than 1 to 1 from a transfer is prohibited. In addition, the total FAR on the receiving site, including FAR from transfers and bonuses, may not exceed the overall maximum FAR with other bonuses stated in Table 120-5.
4. Covenants. The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060 and is attached to, and recorded with, the deeds of both the site transferring and the site receiving the density. The covenant must reflect the respective increase and decrease of potential FAR. In addition:
 - a. The covenant for the historic resource transferring the density must also meet the requirements of 33.445.610.D., Covenant.
 - b. The covenant for the site where trees will be preserved must:
 - (1) Require that all trees be preserved for at least 50 years; and
 - (2) Require that any tree covered by the covenant that is dead, dying or dangerous be removed and replaced within a 12-month period. The trees must be determined to be dead, dying, or dangerous by the City Forester or a certified arborist. If a tree covered by the covenant is removed in violation of the requirements of this Section, or is dead, dying, or dangerous as the result of a violation, Tree Review is required.

Table 120-4				
Transferable Floor Area for Tree Preservation in Multi-Dwelling Zones				
Diameter of Tree Preserved	Transferable Floor Area for Each Tree (by zone)			
	RM1	RM2	RM3	RM4 & RX
12 to 19 inches	1,000 sq. ft.	1,500 sq. ft.	2,000 sq. ft.	4,000 sq. ft.
20 to 35 inches	2,000 sq. ft.	3,000 sq. ft.	4,000 sq. ft.	8,000 sq. ft.
36 inches or greater	4,000 sq. ft.	6,000 sq. ft.	8,000 sq. ft.	16,000 sq. ft.