

MAY 2023



Recommendations for Portland's ReCode Phase II

EXECUTIVE SUMMARY

*Urbanist
Coalition
of Portland*





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We, the Urbanist Coalition of Portland (UCP), herein present our recommendations for the second phase of the City's ReCode process. We believe the ReCode process is a critical opportunity for Portland to allow for more middle-density, mixed-use neighborhoods that are pleasant to live in and move around. These changes make housing more affordable, encourage equity, protect the environment, make the administration of our city services more resilient and efficient, and bring communities closer together. We recommend seventeen distinct changes to the City's Land Use Code, which we introduce in this document sorted into four broad categories:

- ❖ Allow More of What We Love
- ❖ Legalize Housing
- ❖ Unlock More Transit Options
- ❖ Common Sense Fixes

We believe these goals intersect and overlap; for example, much of what we love about our city's historic character is its pre-automobile walkable density that enables car-free or car-lite living. Many of our recommendations are also necessary steps toward more sustainable city finances, more robust transit options, and safer, calmer streets. We believe that our recommendations are not only in alignment with Portland's *Comprehensive Plan* but are essential to achieving its goals. Our recommendations can be implemented separately, but we feel they will have the greatest impact if implemented as a whole.

This document is a high-level executive summary of our ReCode recommendations. Our full ReCode recommendation proposal, which includes detailed descriptions of each of our seventeen recommendations and draft language prepared to amend the Land Use Code, may be viewed on our website at urbanistportland.me/policy/recode-proposal.

Allow More of What We Love

MANY OF THE BELOVED HISTORIC FEATURES THAT MAKE PORTLAND VIBRANT AND UNIQUE ARE ILLEGAL TO BUILD TODAY. LET'S CHANGE THAT.

The City of Portland has a long and vibrant history. Home to twelve distinct historic districts, eight of these lie on Portland's peninsula and preserve some of our densest, most beautiful, and most economically productive mixed-use neighborhoods.

- ❖ **Allow neighborhood businesses**
- ❖ **Simplify medium-density zones**
- ❖ **Reduce setback requirements**
- ❖ **Empower neighbors to reduce setbacks together**

We feel that human-scale streets and neighborhoods with walkable amenities should be within reach of everyone who lives in the City of Portland. Portland's Comprehensive Plan agrees that "strong, complete neighborhoods are fundamental to the City's overall health," and that "basic necessities" should be available "within a walkable, bikeable distance."

But our current code restricts neighborhood businesses to tiny carve outs where there simply happened to be a business decades ago when the code was first written. It also mandates specifications for new buildings in historic districts that are out of character with the very nature the historic district protects, and completely precludes things like townhouses and shared-wall buildings that contribute to our city's vibrancy and beloved historic character.

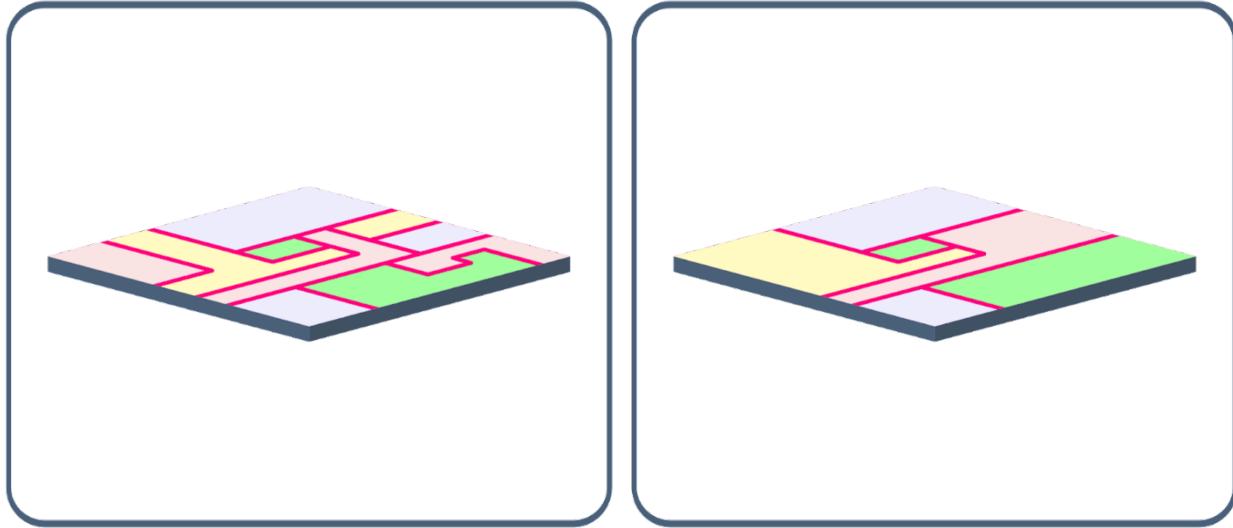
Our city got a lot right in the past, and we are right to treasure and preserve it, but today our land use code stands in the way of building the neighborhoods that our future generations will treasure in the same way.



Allow Neighborhood Businesses

Neighborhood businesses are small, first-floor, low-impact businesses that are incorporated into the fabric of residential neighborhoods. Our land use code already defines these businesses and, where currently allowed, they take the form of small local shops, restaurants, and cafes that are assets to their communities. Unfortunately, the areas where they are allowed are few and far between, and some neighborhoods don't have them at all. The locations of these pockets of neighborhood business – many the size of a single building – were determined over a century ago by what businesses happened to be there when our zones were first defined. As our city grows and changes, it is hard to predict where neighborhoods will form and what their needs will be in advance. By allowing neighborhood businesses everywhere, we can allow our current and future neighborhoods to have small shops and restaurants nearby, while still protecting them from large disruptive stores that could bring in outside traffic. Small, locally-owned, neighborhood businesses like hairdressers or baby clothing stores can also become neighborhood anchors, especially for parents who may not have the time or a car to seek these services elsewhere while caring for young children.

We also recommend expanding neighborhood businesses to low- and medium-impact industrial zones. This may sound a bit odd, but recently these zones have become home to many of our local breweries. These breweries have tasting rooms and often host food trucks. Many even have semi-permanent food trucks on site. These establishments are essentially restaurants and have the same impact on their surroundings, but are limited in the services they can provide by our outdated zoning.



Simplify Medium-Density Zones

Our zoning code is complicated. We have dozens of zones with hundreds of pages. Some of our zones are very small and encompass a single property, while others have very minor distinctions between them. Many zones are arbitrarily split between on and off the peninsula. By combining our low-density zones into a single zone and our medium-density zones into a single zone, we can preserve the form of areas of the city with far fewer requirements.

The R-4 zone is a small zone located entirely near the Western Promenade with the intent to “preserve the unique character of the Western Promenade area”. While we applaud the efforts made to protect the historic West End from the damaging effects of urban renewal, the entire R-4 zone and beyond is now covered by the West End Historic District. Meanwhile, the R-4 zone contains standards that are out of character with what is already in the neighborhood. For example, there are multi-family, middle-density buildings in the neighborhood – they are even mentioned in the purpose statement of the zone – but they are not allowed, even as a conditional use. Though the neighborhood resembles the neighboring R-6 zone to the point where most would not be able to tell when they crossed from one into the other, the setbacks and height requirements in the R-4 are more in line with typical suburban standards than what exists in the neighborhood today. The historic district already protects not only all of R-4 but also much of the neighboring R-6 zone from development that is not in

character with the neighborhood, so we feel it is time to retire this zone and let the historic district protect this unique neighborhood.

The R-5 zone is the second-densest residential zone and is mostly located along major corridors, like Congress Street, Deering Avenue, and Forest Avenue. While it is Portland's second most dense residential zone, it only allows low-density housing stock. Much of the housing in R-5 areas predates the land use code and is non-conforming with the zone's standards. Combining this zone with R-6 would ensure the zoning map better reflects the built environment and will simplify the code overall.



Reduce Setback Requirements

Setback requirements require you to build structures far away from the edge of your property. This gives people fewer options on how to build their homes. For example, if you prefer a bigger backyard that is more private than your front yard, you may not be able to have it – if there is a 25-foot front setback minimum, you will have to use that 25 feet for your front yard instead. Side setbacks prevent the construction of row homes. There is already another type of requirement – maximum lot area coverage – which prevents people from covering too much of their lot. Reducing these setback requirements will provide people with these options without reducing the total amount of green spaces.



Empower Neighbors to Reduce Setbacks Together

Front setback requirements require you to build your buildings back a certain amount from the street. In our zoning code today, front setback minimums can already be substituted for an average of the setbacks of your neighbors. This makes sense because the effects of your setback are felt by your immediate neighbors. The only problem with this is that neighbors can't do it proactively, it has to be the average of their existing setbacks. We can provide a block with more flexibility by allowing neighbors on a block to come together and decide to reduce the setback minimums for their own block if they wish. This provides people with flexibility while ensuring they can't ignore the wishes of their neighbors who will be affected.

Legalize Housing

PORTRLAND HAS A HOUSING SHORTAGE, AND OUR CURRENT LAND USE CODE IS STANDING IN THE WAY OF OUR FUTURE SUPPLY. LET'S CHANGE THAT.

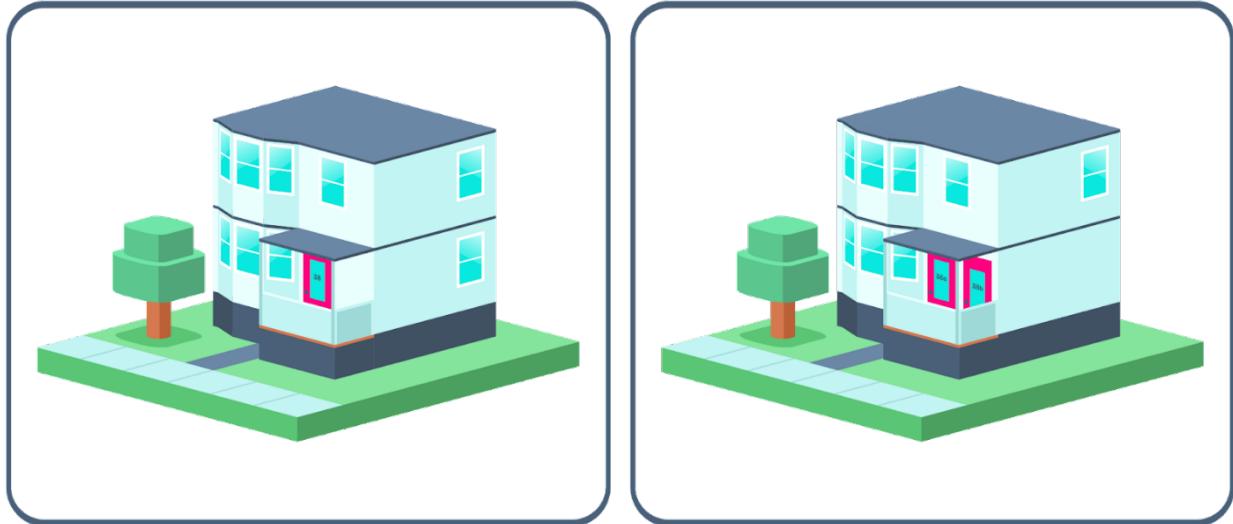
Few would deny that our city – along with the rest of the country – is in the midst of a housing crisis. It is clear our current housing supply is not meeting the needs of our city's residents.

We believe this is, in part, because much of the housing supply is mandated to be one type: single-family homes. Single-family zoning, setbacks, lot coverage maximums, and lot size minimums all add to the cost of housing and limit the amount of housing it's possible to build. This burns the proverbial candle at both ends, reducing both the number of people who are able to afford housing and the total number of homes within our city.

Our recommendations will not make it easier for big developers to build massive apartment blocks. They will allow for a gentler, middle density of homes that individuals will be able to afford to build, own or rent. Going from covering just 20% of your lot to 40%, or allowing a handful of units where before there could only be one, will put housing – and even home ownership – within reach of many more residents, while keeping our city beautiful and making it more livable.

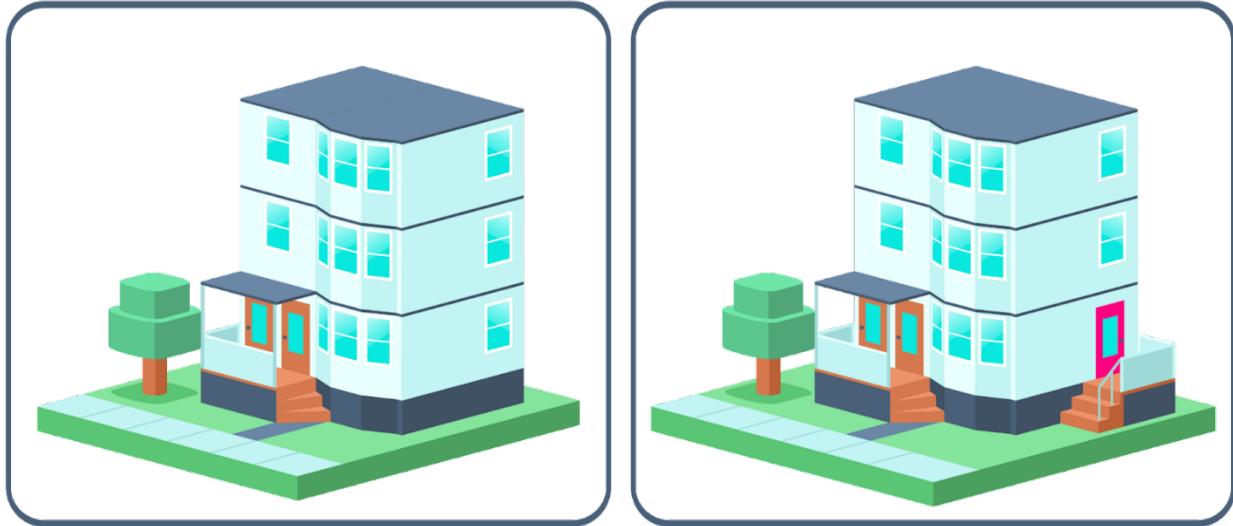
These changes will not end the housing crisis on their own, but for every family that gets a new place to live that could not have been built before, we will have made a world of difference.

- ❖ **Allow multi-family housing**
- ❖ **Allow gentle density**
- ❖ **Allow renting more rooms**
- ❖ **Allow more four-story buildings**
- ❖ **Allow coliving**
- ❖ **Allow more lot coverage**
- ❖ **Allow smaller lots**



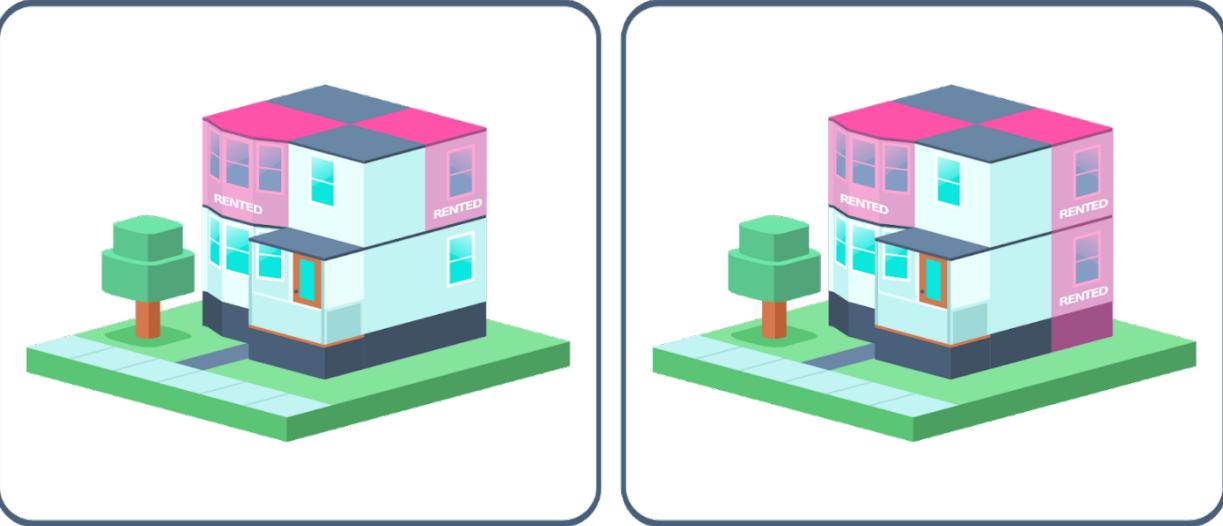
Allow Multi-Family Housing

Multi-family housing is a building with more than one housing unit per building. It can mean anything from a duplex, to a triple-decker with apartments on different levels, to apartment buildings. Currently, the construction of new multi-family housing is not allowed in over three quarters of the residential land in Portland, not including the islands, where it is also not allowed. This restriction has nothing to do with the size and shape of buildings; even duplexes of the same height and footprint as a single-family home are prohibited. This results in sprawling developments of detached single-family homes that are more expensive per unit, excluding people from huge areas of the city, and shrinking our precious green spaces. Conversions to multi-family can also help people age in place by providing a source of income. There are plenty of zoning provisions that will protect our lower-density neighborhoods from experiencing overly intensive development: heights are limited, buildings can't cover too much of their lots, lots need to be a minimum size, etc. We can lift this requirement and provide more housing to more people inside the forms we are already comfortable with.



Allow Gentle Density

Even if your building is under the height requirement, your units are large enough, you aren't using too much of your lot, and you use separate structures, you are still limited by the lot area per dwelling unit minimum requirement. This requirement limits density regardless of circumstances. This restriction is very similar to the restriction on multi-family housing but it applies even to separate structures. There are plenty of zoning provisions that will protect our lower-density neighborhoods from experiencing overly intensive development: heights are limited, buildings can't cover too much of their lots, lots need to be a minimum size, etc. Housing more people in the same space is a good thing – what we want is to mitigate the negative effects of density, like overly small units or lack of light and green space. Lifting this restriction will provide more potential for housing while keeping these effects under control.



Allow Renting More Rooms

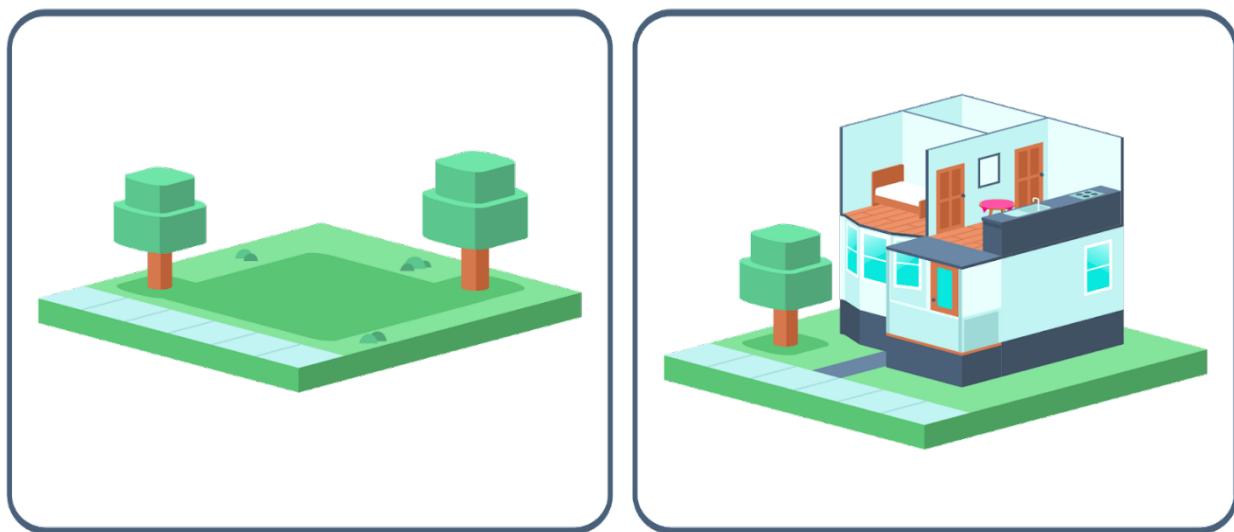
Renting out rooms in your home is a great way to help homeowners remain in their homes, age in place, and provide low-cost housing options. Many of the single-family homes in Portland are large enough to rent out more than two rooms comfortably, without changing the character of the home. We should allow people to make the most of their homes by renting out a few more rooms if they have the space.



Allow More Four-Story Buildings

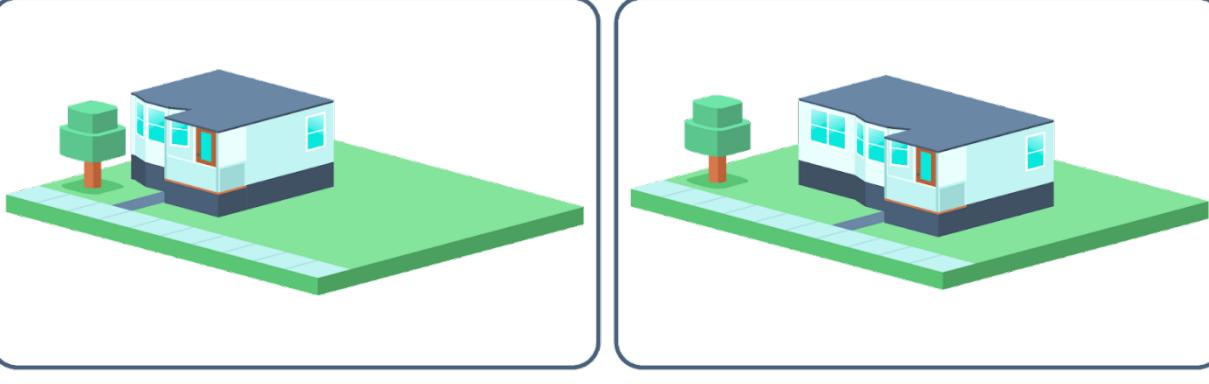
Right now, only one of our main residential zones allows four-story buildings (about four percent of the city). The rest of the residential zones in the city allow only three stories. The neighborhoods that allow these four-story buildings are Munjoy Hill and the West End. These neighborhoods are beautiful and livable. Adding that one

additional story can provide more housing, or a larger housing unit, while maintaining a desirable neighborhood with plenty of light and green space. A four-story building is not even considered mid-rise. We can provide more housing by allowing this extra story in our next most dense zone (about 10 percent of the city).



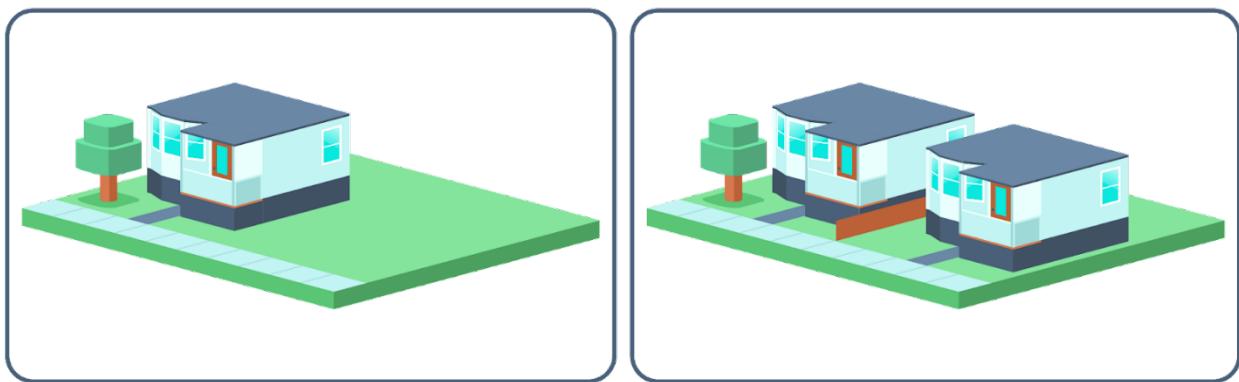
Allow Coliving

Coliving buildings create access to affordable, flexible housing by allowing people to rent a room with access to shared amenities. Rooms in these buildings are typically rented out a month at a time and are pre-furnished. These are somewhat similar to “lodging houses,” which exist in our code today. However, the requirements for lodging houses enforce a very specific configuration where every piece of common space must be available to every tenant, while also regulating the conversion of part of an existing building into a lodging house. This reflects the typical lodging house structure of the past where an owner would convert a portion of their home into a lodging house. In contrast, coliving spaces are typically purpose-built buildings with a suite-style configuration, i.e. a single common area may be shared by multiple bedrooms, but not by every bedroom in the building. It is vital to ensure that every tenant has access to the same level of amenities, but there is no reason to prevent this more modern configuration.



Allow More Lot Coverage

Lot coverage maximums are more sensible than lot size minimums, but in most of the city they are too low. Lot coverage maximums do restrict impermeable surfaces and allow for green space, but when taken to an extreme they can also limit homeownership to only the wealthy. In most of the residential land in Portland today, you can only build on less than 35% of your lot. While permeable surfaces and trees are essential, requiring the majority of a lot to be greenspace means that we have less contiguous land area for public parks and other green spaces that are much more beneficial to a community and wildlife. By gently easing these requirements, we can meet the need for green space and permeable surfaces while making it less difficult for people to afford housing.



Allow Smaller Lots

Currently, our residential lot size minimums are not only very large, but very unevenly distributed amongst zones. The R-6 zone, home to many pleasant neighborhoods, has

a minimum lot size requirement of 2,000 square feet. Meanwhile, the next most dense zone is three times that. By the time you reach the R-1 zone, it takes more than seven R-6 lots to make up just one lot in R-1. Current residential zoning is designed for a suburban development pattern which is inconsistent with Portland's original development pattern. Minimum lot sizes make housing more expensive because they require homeowners to own a significant amount of land just to own a home, while at the same time multiplying the build and maintenance costs of municipal infrastructure, at times causing up to a tenfold increase. The result is significantly higher property tax rates and an artificially limited pool of taxpayers who are responsible for paying these increasing municipal maintenance costs. These lot size requirements are not what maintains the ratio of houses to yards – we already have a separate rule for maximum lot coverage percentage. A lot size minimum is simply a land ownership requirement for housing. We can ease this requirement by reducing lot size minimums by half. Unless a subdivision creates a second parcel of useful land, this change will not help anyone in practice. Reducing these values by half allows an existing lot to be split once.

Unlock More Transit Options

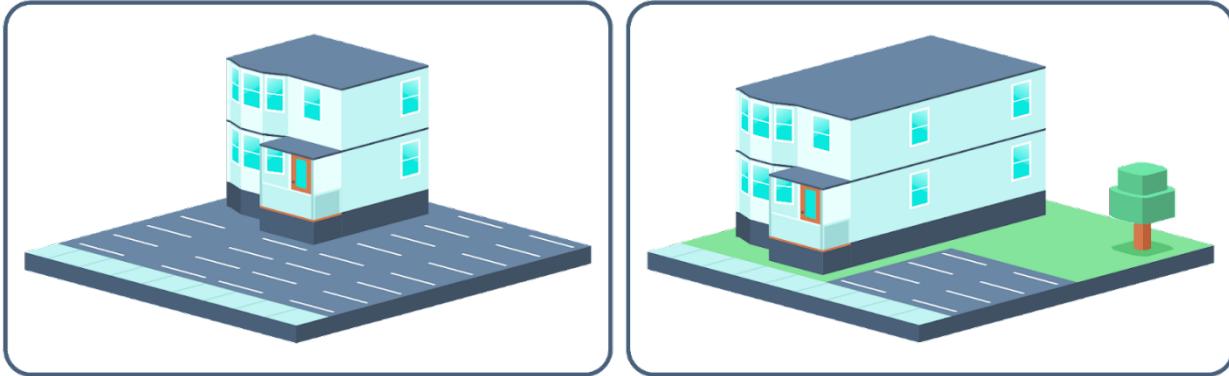
THERE ARE SERIOUS OBSTACLES TO SAFER, MORE EFFICIENT, CLIMATE-ADAPTIVE TRANSIT CHOICES IN PORTLAND. LET'S CHANGE THAT.

Land use code mainly deals with building forms and uses, but it also influences how a city's residents choose to get around.

When everyone chooses to get around in cars, it crowds out other modes of transportation, creating traffic that delays buses, endangers cyclists and pedestrians, and wastes everyone's time. Not everyone has the means to own a car, the desire to own a car, or the ability to drive, and the needs of these residents are currently marginalized by the existing land use code. Furthermore, the vibrancy of our city comes from people, not cars.

Our recommendations encourage walkable, cyclable neighborhoods. While living completely car-free in Portland right now is unrealistic for many of us, any change that allows a two-car household to become a one-car household is a significant win for that household's finances. Even replacing a single car trip with walking, biking, or bussing benefits the environment and reduces traffic within the city. With mixed-use neighborhoods, people will be located closer to their shops, restaurants, and businesses which makes our whole city more walkable and cyclable. Eliminating the requirement for parking lots where they may not be desired or needed helps use space better, and increasing bike parking enables more people to use alternatives to cars. A bit more density makes more frequent and higher quality transit service financially feasible. With fewer cars on the roads going slower, our streets will also be safer for pedestrians, cyclists, children, and anyone not inside a car. We can improve our environment while increasing convenience and our quality of life for everyone.

- ❖ **Establish parking maximums**
- ❖ **Expand bicycle parking**
- ❖ **Ease the Transportation Demand Management Plan requirement**



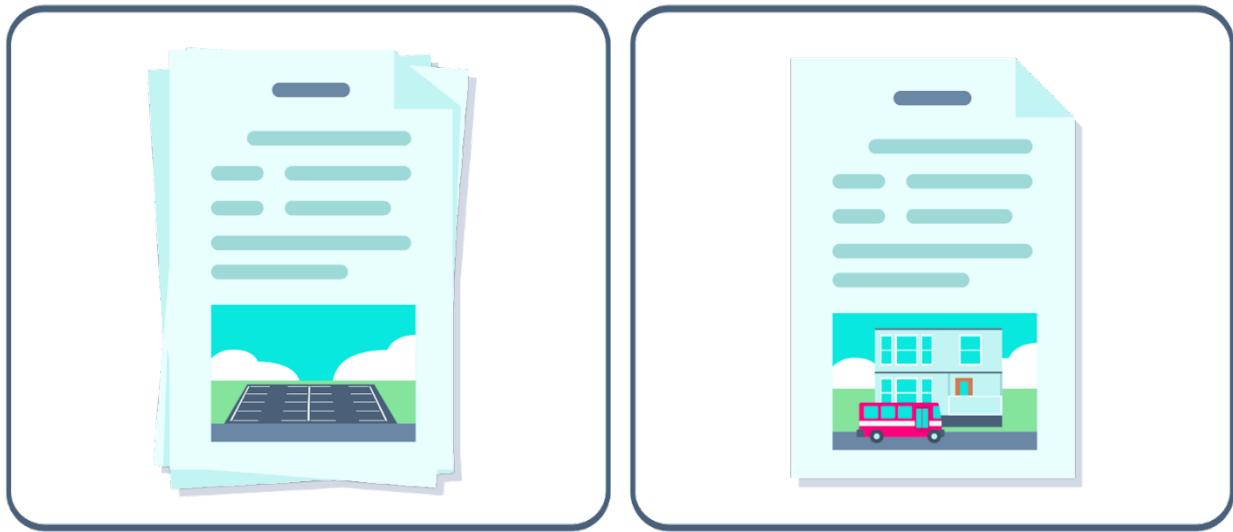
Establish Parking Maximums

The peninsula is becoming increasingly developed. There are quite a few large-scale projects planned in the next few years, and there will undoubtedly be more coming. We need to decide if we want our downtown to be for people or for cars. Around a fifth of our downtown land is already dedicated to parking. The more parking we have, the more people will drive downtown and the worse traffic will be. Air quality will suffer, biking will become less pleasant, and buses will be stuck in traffic. We can protect our downtown by creating parking maximums on new developments to keep our downtown pleasant for everybody – even drivers will appreciate less traffic.



Expand Bicycle Parking

Our city has bicycle parking minimums in place already, which is great! The only issue is they require half the capacity of car parking even though bikes already take up far less space. Bicycle parking minimums can be made equal to the minimums for cars without taking up too much space.



Ease the Transportation Demand Management Plan Requirement

In ReCode Phase One, parking minimums were removed for all new buildings near a transit stop. This is a great step towards reducing our car dependence, but to receive this benefit builders are currently required to spend a lot of time and money producing a Transportation Demand Management plan. This is administrative overhead that may push builders towards building parking instead and provides little benefit. Removing this requirement will make it even easier for builders to build less parking and encourage transit ridership. The requirement will remain in place for very large developments.

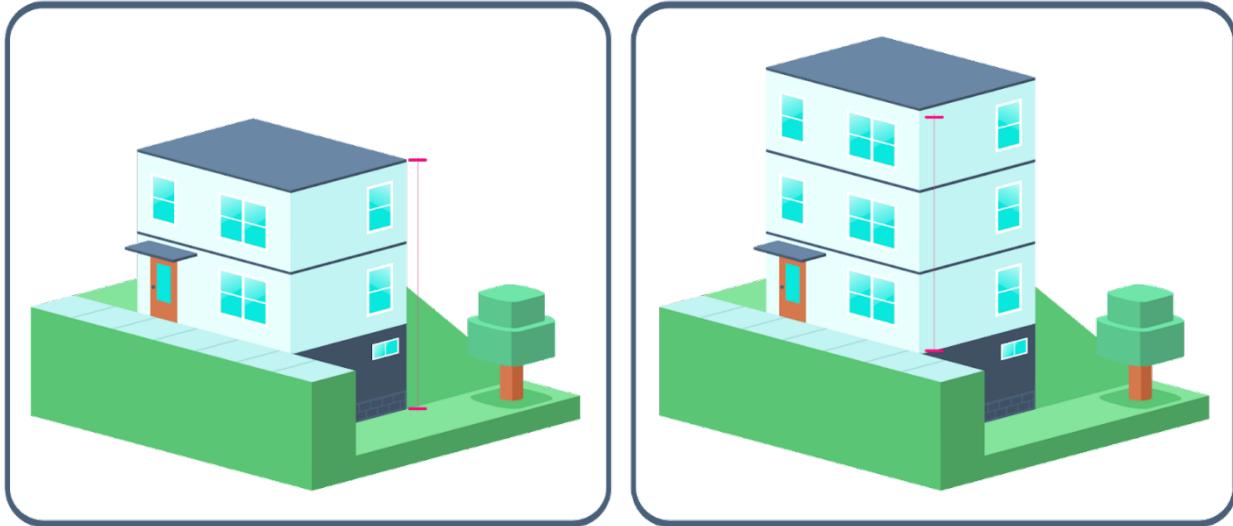
Common Sense Fixes

SOME RULES SIMPLY DON'T MAKE SENSE AND CREATE HEADACHES AND LIABILITY FOR THE PEOPLE TRYING TO FOLLOW THEM. LET'S CHANGE THAT.

Regulating land use can be a complicated process. Sometimes, what seems like the most expedient way to achieve a particular outcome is with a roundabout rule that may have unintended consequences. Sometimes it doesn't become clear that a rule has unintended consequences until after it's been enacted.

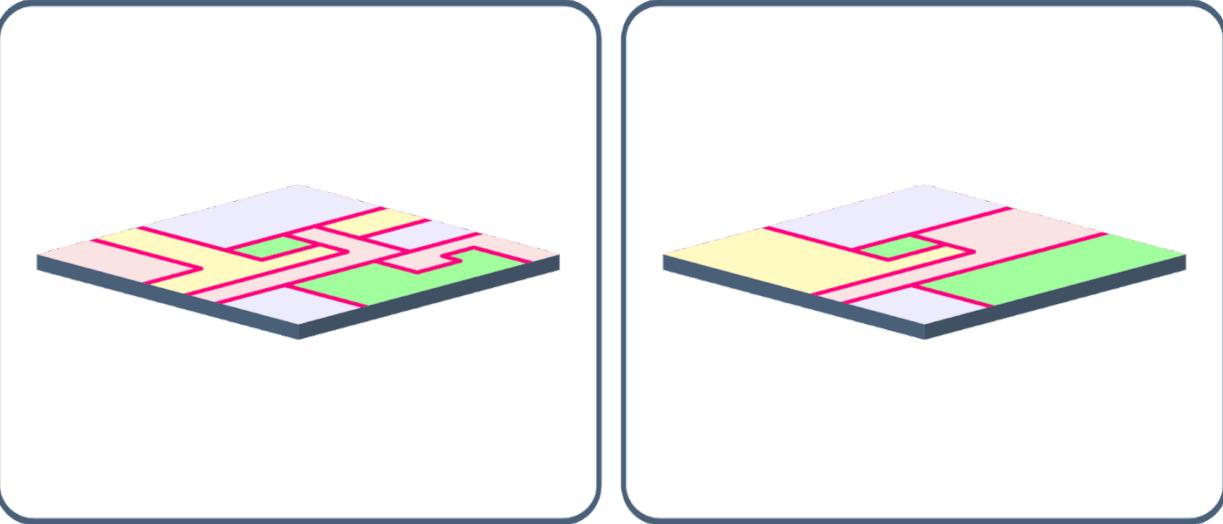
That's one reason why it's important to periodically revisit the land use code and revise it, like Portland's ongoing ReCode process. We've identified and drafted fixes for places where we feel the code is overly complex with no apparent benefit, where clarification is needed for a vague rule that doesn't achieve its presumed goal and has already resulted in needless lawsuits, or where a rule is simply arbitrary and doesn't make sense.

- ❖ **Measure heights from sidewalk**
- ❖ **Simplify low-density zones**
- ❖ **Allow higher quality floors**
- ❖ **Allow renting rooms with new kitchens and bathrooms**



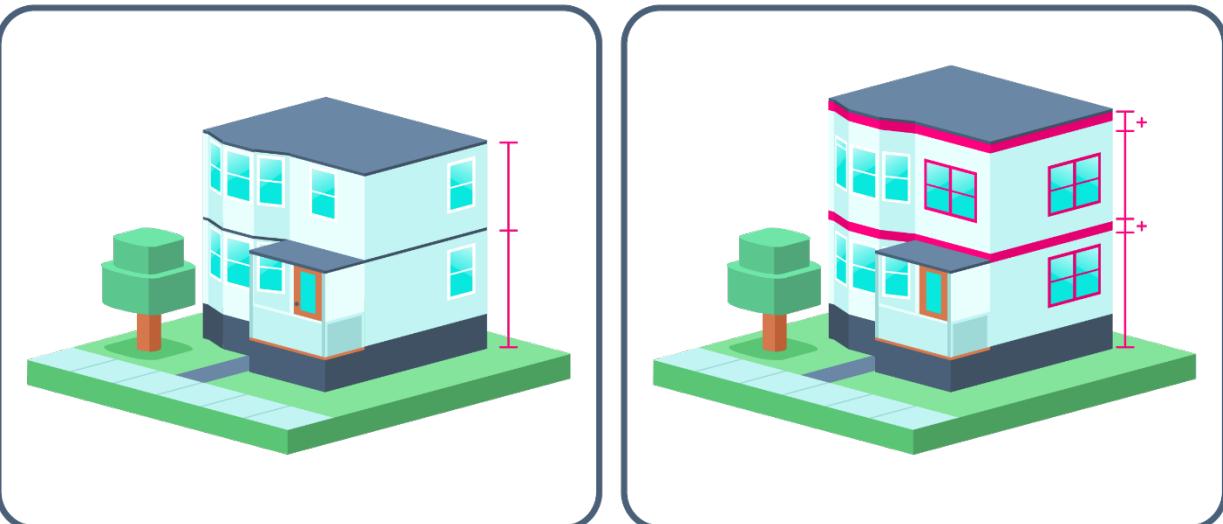
Measure Heights from Sidewalks

Currently, height is measured as average grade from the corners or multiple points along the foundation of the proposed building. This method has several drawbacks that harms the ability of the City to harness the full value of significant portions of land and prevents hundreds of additional homes being built in proposed buildings. This method penalizes land that slopes downward from the adjacent sidewalk and rewards land that slopes upward from the adjacent sidewalk without achieving any consistency in managing actual height of buildings or taking into consideration the effects on the quality of the buildings being built in terms of design aesthetics, livability, performance, fit-to-purpose, and flexibility for re-use. By measuring height from the sidewalk adjacent to the building entrance, we can clarify this rule and standardize height allowances in our more hilly neighborhoods.



Simplify Low-Density Zones

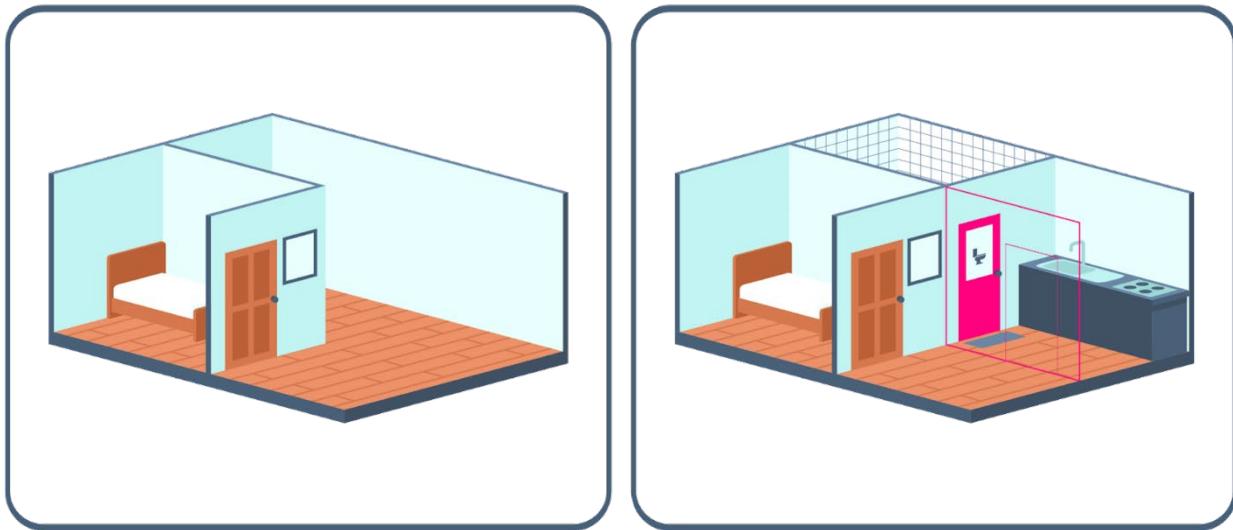
The R-1 and R-2 zones have identical purpose statements and very similar regulations. There is only a tiny amount of R-1 and it is directly near R-2. The zoning code could be simplified without substantial changes by merging these two zones.



Allow Higher-Quality Floors

Current height allowances are out-of-date with today's construction methods and don't consider the extra depth needed for higher insulation values, sound proofing between floors and homes, required floor-to-ceiling heights that allow more daylight into homes within multi-home buildings, mechanical air ventilation needed in tight

envelope buildings, and larger open spans to allow future reconfiguration of units. These features are essential to keeping buildings relevant for 200+ years, avoiding demolitions, and promoting re-use. By allowing just a little bit more height per floor we can make room for this without being noticeable from the outside.



Allow Renting Rooms with New Kitchens and Bathrooms

Wherever you live in Portland, you are allowed to rent out up to two rooms in your home. These sorts of rentals are a great way to provide low-cost housing and help people afford to stay in their homes and age in place. Unfortunately, there is a strange limitation where you can't rent out a room of your home if you added a bathroom or kitchen within the last two years. This is an arbitrary limitation that only serves to prevent people from providing amenities to their tenants or discourage them from opening up housing at all. This rule change will not help facilitate short-term rentals – not only do all short-term rental restrictions still apply, but this rule only applies to rooms within a single housing unit which means this won't help people take housing out of the long-term housing supply and move it to the short-term market.