

Healthy Kids Healthy Communities HEAL Amenities City Policy/Zoning Code Regulation Scan

The City Policy/Zoning Regulation Scan identifies the ways that the Portland Zoning Code requires and provides options and incentives for HEAL amenities in multifamily residential developments. Multifamily developments are allowed in the multi-dwelling zones, commercial zones, and one of the employment zones (EX), and as a conditional use in the two remaining employment zones. The summary is divided into the following topic areas:

- Long-term storage of bikes and strollers
- Short-term storage of bikes and strollers
- Moving around the site
- Outdoor play and recreation
- Indoor play and recreation
- Cooking & kitchen amenities
- Gardening on-site
- Accessory structures (applies to multiple health-related areas)
- Amenity bonuses
- Competing space requirements/options that will impact space available for health amenities
- The special case of elderly and disabled multifamily housing
- Nonconforming Development

Zoning Scan Organization

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- III. Scan matrix (attached document)
Detailed description of relevant code sections by topic
- IV. Code excerpts (attached document)
Relevant code sections in their entirety
(this is a long document and primarily for reference)

Health Kids/Healthy Communities Grant

The Bureau of Planning and Sustainability is participating on a Robert Wood Johnson Foundation Healthy Kids/Healthy Communities grant (2010-2013). The grant is being coordinated by Oregon Public Health Institute (OPHI) in partnership with numerous public and community-based organizations, including the Portland Bureau of Planning and Sustainability, Hacienda CDC, ROSE CDC, Janus Youth Programs, and the Community Cycling Center. The primary objective of the grant is to impact policies and neighborhood environments to increase healthy and active living for children and families living in affordable housing communities in Portland. There are three goals:

- Goal 1: Enhance multi-family affordable housing sites to accommodate Healthy Eating and Active Living (HEAL) features such as bicycle parking and storage, play facilities, and garden space.
- Goal 2: Increase connected pedestrian and bicycle networks in lower-income communities.
- Goal 3: Enhance healthy food retail options near multi-family housing sites

HEAL Amenities (Goal 1)

Goal 1: HEAL Features on Affordable Housing Sites

Enhance multi-family affordable housing sites by encouraging the provision of Healthy Eating Active Living (HEAL) features such as bicycle parking/storage, play areas, and vegetable gardens.

Community Cycling Center (CCC), Hacienda CDC, Rose CDC, OPHI and BPS are participating on this goal. Our current activities include documenting existing conditions, policies, and regulations that influence HEAL features at multi-family affordable housing sites. There are three sections of the existing conditions: 1) Resident Bike Committee PhotoVoice (CCC, Hacienda, and ROSE); 2) Site Audit Tool (OPHI) [attached separately] and **3) City Policy/Zoning Code Regulation Scan (BPS).**

The City Policy/Zoning Code Regulation Scan is organized by the HEAL features identified in the site audit tool:

Physical Activity

1. Long -Term Storage of Bikes and Strollers
2. Short-Term Storage of Bikes and Strollers
3. Moving around the site
4. Playing outdoors on-site (kids and adults)
5. Indoor exercise

Food Access and Production

6. Shopping (access to food)
7. Cooking (kitchen amenities)
8. Gardening On-Site

City Policy/Zoning Code Regulation Scan Summary

Long-term storage of bikes and strollers

Requirements

Long-term bike storage is intended for residents, employees, students, commuters, and others who stay at the site for several hours. It is meant to keep bicycles secure for longer stretches, but is not necessarily seen as, for example, long-term storage for the winter months. Long-term bike storage is required in all multifamily housing complexes at a rate of 1.1 spaces per unit (1.5 spaces per unit in the Central City plan district). In mixed use developments, a number of other primary uses, such as office, retail and community service uses, also require additional long-term bike parking. (No bike parking is required for sites with gross building areas under 2500 square feet).

Half of long-term bicycle parking must be covered, and all of it must be secure. The regulations include a number of stipulations to insure that long-term bike parking is convenient, usable and secure.

Storage for strollers and other bulky items is not addressed by the zoning code.

Options and Incentives

Bicycle parking may substitute for up to 25% of required motor vehicle parking in all zones and for all uses (however, this is never, or hardly ever used in practice). In zones R1 – R3, a 5% density bonus is available for storage space for large items such as bicycles that meet certain specification. The zoning code provides detailed regulations on garage size and placement in the multi-dwelling zones; see accessory structures section for more detail.

Short-term storage of bikes and strollers

Requirements

Short-term bike storage is intended for visitors to the site, as well as messengers, shoppers and customers. Short-term bike storage is required in all multifamily housing complexes at a rate of 2 spaces total, or 1 space per 20 units, whichever is greater. In mixed use developments, a number of other primary uses, such as office, retail and community service uses, also require additional short-term bike parking. (No bike parking is required for sites with gross building areas under 2,500 square feet).

(No bike parking is required for sites with gross building areas under 2,500 square feet). The regulations include a number of stipulations to insure that short-term bike parking is convenient, usable and secure. Under certain rare circumstances a city fund can be used to install short-term bicycle parking in the right of way, if accommodating the required number on site is not possible.

Storage for strollers and other bulky items is not addressed by the zoning code.

Options and Incentives

Bicycle parking may substitute for up to 25% of required motor vehicle parking in all zones and for all uses (this provision is never, or hardly ever used in practice).

Moving around the site

Requirements

Pedestrian regulations focus on connections between building entrances and the street, and in some cases on internal pedestrian connections: Pedestrian regulations require straight line connections between one residential main entrance (and entrances of any other buildings in mixed use developments) and the main street, and additional pedestrian connections to any other streets. Internal pedestrian systems that connect building entrances to other areas of the site (e.g. parking, recreational or other common uses) are required in commercial and employment zones, but only on lots larger than 10,000 square feet in multi-dwelling zones. In employment and commercial zones where buildings front transit streets, any developments that include nonresidential uses must have one main entrance per tenant within 25 feet of the transit street and facing or angled toward the street to promote easy transit access.

*Specifications for usability and safety :*All pedestrian systems must be hard paved and meet a specified set of requirements for separation from vehicle traffic lanes. Most pedestrian paths must be 5 feet wide in multi-dwelling zones, and 6 feet in commercial and employment zones. Lighting requirements promote safety on pedestrian paths.

Other: There are also detailed pedestrian system requirements in parking areas larger than 125,000 sq ft, and in superblocks (sites with 50,000 square feet of vacated street; 5,000 square feet or more in most Central City plan districts). Additionally, where public recreational trail designations run through a site, trail space must be granted to the city as an easement or donated to the city.

Options and Incentives

In many cases the height of fences that abut pedestrian systems are limited.

Outdoor play and recreation

Requirements

Only multi-dwelling zones R1, R2 and R3 have open space requirements, which are explicitly required for reasons including opportunities for outdoor recreation and creating a healthy environment. 48 sq ft of outdoor recreation is required per unit, and may be divided up individually by unit (as in private balconies or patios), grouped into a common area, or some combination therein. There are standards that dictate how the areas may be paved (grass, pavers, decking or sports court). Though recreational amenities of many kinds are *allowed* in these areas, none are *required*.

Options and Incentives

Up to 1/3 of required landscaped areas can be developed for active or passive recreational use, but no such development is required, and when other requirements are met there is often little usable site space left over for recreational development; the minimum landscape requirement ranges from none (e.g. RX and CM zones) to 35% (R3 zone). In zones R1 – R3 several amenity bonuses reward provision of recreational uses, including a 2% density bonus for every 0.5% of total project cost spent on outdoor recreation facilities (capped at 10%); a 5% density bonus for including a qualified children's play area; and a 5% density bonus for doubling the required outdoor areas to 96 sq ft per unit. In addition, the zoning code governs fence regulations, two of the stated purposes of which are to provide safety for children, and a sense of privacy in outdoor spaces.

Indoor play and recreation

Requirements

None.

Options and Incentives

None.

Cooking & kitchen amenities

Requirements

None.

Options and Incentives

In zones R1 – R3 a 5% density bonus is available for providing a list of storage space requirements to all units. The list includes providing 20 square feet of drawers and 50 square feet of shelf space with 12 inches of vertical clearance in kitchens. Otherwise, cooking and kitchen amenities are not addressed in the zoning code (except for the special case of elderly/disabled housing, see below).

Gardening on-site

Requirements

None.

Options and Incentives

Planter boxes and garden plots are allowed uses in the required outdoor areas of units in zones R1 – R3. However, only 1/3 of the required landscaped areas of developments in all of the zone types covered here can be developed for recreational uses. There are many detailed landscaping requirements in the base zone codes and the landscaping code section, but they are silent on the point of how gardening fits in with landscaping requirements.

See Accessory Structures section below for further information on garden-related structures such as trellises, arbors and greenhouses.

Accessory structures (applies to multiple health-related areas)

The zoning code regulates the allowed presence, heights and sizes of a variety of accessory structures related to health, such as trellises, arbors, greenhouses, water cisterns and other garden structures (gardening onsite); play structures, swimming pools and tennis courts (outdoor recreation); decks, stairways and wheelchair ramps (moving around the site); and garages and storage buildings (bicycle parking).

Amenity bonuses

Amenity bonuses are a tool designed to give developers incentives to add livability-promoting features to multifamily developments. In exchange for including livability features (such as outdoor recreational facilities or play areas, larger outdoor areas, indoor storage spaces, amongst others), developers are allowed to add greater residential density to their developments, up to a maximum of a 50% density increase (most individual features allow a density increase of 2 – 5%). More density means more residential units to rent out or sell, and therefore greater revenues. This incentivizes including the livability features in multifamily developments, makes projects that include them more financially feasible, and gives developers flexibility in determining which features to include in what combination. Notably, the zoning code language discusses amenity bonuses in terms of livability but not health, even though a number of amenity bonus options are related to features that promote healthy living. Amenity bonuses are only available in zones R3, R2 and R1.

Though not a part of the zoning code, it is important to note that when amenity bonuses are used to increase density, the developer is not allowed to pursue adjustments to the development requirements.

It will be important for us to understand which amenity bonuses actually work in practice, which are not used, and why.

Competing space requirements/options that will impact space available for health amenities

The ability of multifamily developments to provide many health-promoting features is limited by the tradeoffs of available space. This section attempts to bring together many of competing space requirements in multifamily developments, including: minimum landscaping, maximum building coverage, required outdoor areas, minimum residential density, minimum parking areas (and required setbacks), and required loading spaces (and required setbacks.) Other areas of the zoning code covered elsewhere in this scan also contribute to the space tradeoff considerations, including long- and short-term bicycle parking, pedestrian system requirements, and garage regulations.

Though minimum landscaping requirements may at first sound like they provide many opportunities for recreational use, in practice, once other development requirements such as parking are met, very little of the landscaped areas are typically of a size, shape or location to make them usable for recreational purposes . This is particularly true in the case of for-profit developers, who have few incentives to try to fit recreational or gardening amenities where they can – nonprofit developers typically put more effort into HEAL type amenities where possible.

Special case: elderly and disabled multifamily housing

Multifamily housing that is dedicated wholly or in part to elderly and disabled housing can have different development regulations if certain conditions are met. Density can be increased, and minimum parking requirements reduced (as well as minimum bicycle parking requirements), if certain conditions are met. Some of the required conditions relate to pedestrian and kitchen usability/accessibility for elderly and disabled persons.

Nonconforming development

When changes to zoning regulations are made, development that was in compliance with the development standards when it was built may now be out of compliance with the new zoning rules; this is called nonconforming development. Development is considered legally nonconforming, and may continue under most circumstances, so long as the development was in compliance when it was built, and has been maintained over time (however, any structure that is intentionally destroyed or replaced must be replaced with a structure that is in compliance).

However, if alterations to a development are made that are valued by BDS at more than \$137,650, then any components of the development that are out of compliance in the following areas must be brought into compliance: pedestrian circulation systems; bicycle parking; minimum landscaped area; screening; a number of specific landscaping requirements relating to setbacks and parking areas (see full regulations for details and exceptions). The property owner has from 2 to 5 years to make the above changes, depending on the size of the development.

In addition, changes to bring the nonconforming development into compliance are allowed by right at any time, but the legal nonconforming rights are then lost.