# Central Eastside Industrial Zoning Project

**Proposed Draft** 

Planning Bureau Recommendation to the Planning Commission May 2005









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# **Table of Contents**

I.	Introduction	1
II.	Summary of Current Zoning Regulations	2
III.	Options Considered	3
IV.	Preferred Option	6
٧.	Staff Recommendation	.8
VI.	Proposed Amendments to Zoning Code	9
Apr	pendix	

# I. Introduction

The analysis and recommendations in this report are based on work begun in 2000. Much of the information and discussion is contained in earlier reports. This report does not include the wealth of detail available in those documents.

In 2000, the Portland Development Commission, working with Central Eastside stakeholders, created a Vision and Development Strategy for a portion of the Central Eastside subdistrict. The broad goal was to create an employment area that is vital 24 hours per day with a mix of employment-dense uses through redevelopment of existing structures and infill development that respects the historic character and industrial fabric of the district.

In particular, the project identified the types of businesses that were most desirable to realize the vision for the area. These businesses are difficult to categorize; they are sometimes referred to as "new industry," "new urban industry," or "digital production" and include types of firms that might not be considered industrial uses in the traditional sense, such as printing, publishing, home improvement, remodeling and rehabilitation centers, and manufacturing of stone, clay, and glass items, including art. They also include businesses such as creative services, research and development, software development and other "high tech" activities. Distinguishing between uses such as those listed above and more traditional office uses and activities presented one of the major challenges of this project.

Some businesses of this type have been long-established in the area, and form part of its character. Many of these uses are classified as Office Uses in the Portland Zoning Code, which is problematic under Industrial Sanctuary zoning provisions which sharply limit office uses. Others of these uses have been classified as Industrial, which creates implementation and enforcement problems: the premises of a web-page designer and an accountant may appear identical, yet one is "new industry" and the other is not. If the web-page designer moves out, there is nothing to tell accountants that this is not general office space, appropriate for traditional office firms.

This project is an attempt to advance the aims of the Central Eastside Vision and Development Strategy in a manner that works within the structure of the Portland Zoning Code.

# II. Summary of Current Zoning Regulations

The Central Eastside Subdistrict contains both Employment Zones (EG1, EG2, EX) and Industrial Zones (IH, IG1, IG2). The table below summarizes the relevant regulations.

# **Summary of Relevant Regulations**

		Industrial Uses	Retail Uses	Office Uses	Residential Uses
Zones	EG1	Manufacturing & Production, Warehousing & Freight Movement,	60,000 SF or 1:1 FAR per site is allowed.  More than 60,000 SF or 1:1		Most are by Conditional Use.
Employment Zones		Wholesale Sales, and Industrial Service allowed. Railroad Yards and	FAR by Conditional Use.  Higher allowances for Historic Landmarks.	1:1 FAR per site is allowed.	Higher allowances for Historic Landmarks.
En	EX	Waste-Related are prohibited.		Allowed	
	IG1		1 Retail or Office use per site is allowed, up to 3,000 SF.  More than 1 Retail or Office use per site by Conditional Use.  More than 3,000 SF by Conditional Use, up to maximum of 25,000 SF or 1:1 FAR for Retail, up to a maximum of 60,000 SF or 1:1 FAR for Office. Criteria for Office require 33% of floor area be devoted to "development, testing, manufacturing, processing, fabrication, packaging, or assembly of goods" including "electronic or digital products such as internet home pages, computer software, advertising materials, and others."  Higher allowances for Historic Landmarks.		
Industrial Zones	IG2	All allowed except Waste-Related which is a Limited/Conditional Use.	4 Retail or Office uses per site are allowed, up to 3,000 SF per use.  More than 4 uses per site by Conditional Use.  More than 3,000 SF for any one use by Conditional Use, up to maximum for 25,000 SF or 1:1 FAR  Higher allowances for Historic Landmarks.		Generally not permitted, with very limited exceptions.
	IH		4 Retail or Office uses per site are allowed, up to 3,000 SF per use.  More than 4 uses per site by Conditional Use.  More than 3,000 SF for any one use by Conditional Use, up to maximum for 12,000 SF or 1:1 FAR.  Higher allowances for Historic Landmarks.		

# **III. Options Considered**

A community working group was formed to help the Planning Bureau consider and evaluate options. The group included representatives from the Central Eastside Industrial Council (CEIC), the Buckman and Hosford-Abernethy neighborhood associations, property owners, developers, and owners of businesses from computer and software firms to distribution and manufacturing.

After much discussion, two options were considered in detail. The first option, characterized as "simple and broad," would simply increase the amount of Office allowed without review, and fine-tune the approval criteria for larger amounts allowed with review. The second option, characterized as "complex and targeted," would attempt to distinguish industrial activities that occur in offices from traditional Office uses. These Industrial Office uses would be allowed in much larger amounts. Both of these options also proposed modifications to the regulations for Retail Sales And Service uses.

# **Summary of Options Considered**

	Existing Regulations	Option 1 Simple and Broad: Increase Office Allowance	Option 2 Complex and Targeted: New "Industrial Office" Use Subgroup
Traditional Office Allowed	1 Office (or Retail) use per site, up to 3,000 SF.	12,000 SF per site.	5,000 SF per site
Traditional Office—by Conditional Use	More than 1 Retail or Office use per site  More than 3,000 SF, up to maximum of 60,000 SF or 1:1 FAR. Criteria require 33% of floor area be devoted to specified "new industry" uses.	More than 12,000 SF, up to a maximum of 60,000 SF	More than 5,000 SF. up to a maximum of 60,000 SF, with new approval criteria
Industrial Office— Allowed			60,000 SF per site
Industrial Office—by Conditional Use			More than 60,000 SF, with new approval criteria
Retail Allowed	1 Retail (or Office) use per site, up to 3,000 SF.	5,000 SF per site	5,000 SF per site
Retail—by Conditional Use	More than 3,000 SF, up to maximum of 25,000 SF or 1:1 FAR.  re higher allowances for History	More than 5,000 SF, up to maximum of 20,000 SF	None

# **Option 1 -- Simple and Broad: Increase Office Allowance**

This option would allow more Office uses and more square footage in Office use without attempting to describe "industrial office".

# **Advantages**

- Simple to understand and easy to implement and enforce, compared to Option 2.
- Increases opportunities for "new industrial" and "creative service" activities to locate in the area, perhaps making Portland more attractive for these businesses.
- Does not require creating new "fuzzy" use subgroups.

# **Disadvantages**

- Does not specifically target desired uses such as "industrial offices" or "creative services".
- Would allow traditional offices such as law firms, financial services, and the like. These are the types of Office uses that are most likely to create land use conflicts and price pressure on the Industrial uses in the area.
- Would not solve the problem with the current regulations where some uses do not clearly fit into one use category, or the enforcement issues related to that problem.

# Option 2 -- Complex and Targeted: New "Industrial Office" Use Subgroup This option would divide the Office use category into two subgroups - Traditional Office and Industrial Office. It would allow significant amounts of Industrial Office without review, while keeping restrictions on Traditional Office uses. New approval criteria for Office uses that are a conditional use would be adopted.

# Advantage

Targets desired office/industrial uses and limits potential for traditional offices such as legal firms, financial services, and the like, and their associated impacts

# **Disadvantages**

- The distinctions between Traditional Office and Industrial Office uses are difficult to implement and enforce, especially over time. Some aspects of these difficulties include:
  - o The Bureau of Development Services (BDS) only reviews uses when building permits are required. If no permits are needed—such as when no physical changes are being made to the space--the City will not be able to prevent a Traditional Office use from moving into space that has Industrial Office status. When tenants occupying a space change, there is often no City review.
  - Enforcement after a Traditional Office use moves into space approved only for Industrial Office is extremely difficult both procedurally and politically; the Traditional Office use would have to terminate a lease after they had already

moved in, or sell space they had purchased. This is the type of situation that fosters requests to City Council to amend regulations or forego enforcement.

- The requirement that Industrial Office uses have limited visits from customers cannot be practically monitored.
- o The characteristics and examples listed for the two Office subgroups provide guidance, but not a clear, bright distinction. BDS expects applicants to argue that their "unique business operation" better matches the characteristics of an Industrial Office use and therefore should be allowed without the Traditional Office restrictions, even if it appears on the list of examples for Traditional Office.
- There may be unintended consequences such as having some uses currently classified as "Industrial" fall into new "Industrial Office" subgroup and thus be subject to "Industrial Office" restrictions.

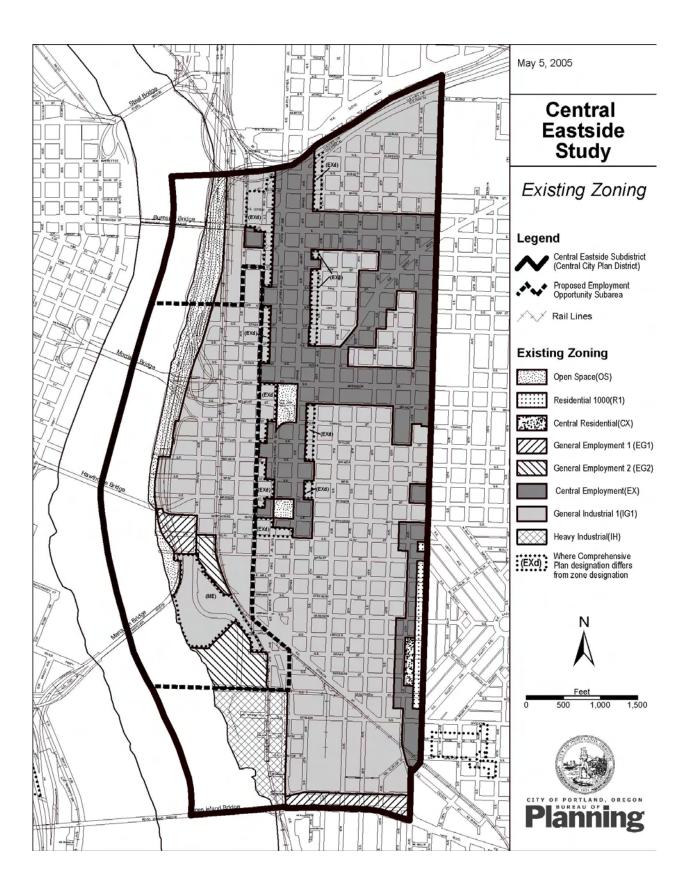
# IV. Preferred Option

The Community Working Group and Planning staff recognize the potential problems with Option 2, but still find that it most closely fits the goals and objectives identified for this area. This option provides greater flexibility for a subset of office-like uses within a designated subarea of the Central Eastside while not opening up the risk of significant displacement of traditional industrial uses. (The map on the next page shows the proposed subarea.)

Specifically, Option 2's use of the "Industrial Office" subgroup limits the new uses to those that are compatible with heavier industry. "Industrial Office" businesses are less service-oriented and more production-oriented, with the meaning of production expanded to include digital products such as software, design work, and advertising materials. These businesses tend to serve other businesses, as opposed to the general public and they do not generally require customers to visit the site.

Under this option, the allowance for residential uses, which many feel is the single greatest threat to industrial uses, is not increased. There is a slight increase in the amount of Retail Sales And Service allowed per site, from 3,000 SF to 5,000 SF per site; this size better reflects the typical configuration of convenience retail that serves industrial uses and their employees. However, the proposal would eliminate the Conditional Use review that allows for larger Retail Sales And Service uses in the subarea.

Option 2 does present some risk that Traditional Office uses will increase—illegally—in the area. If no building or occupancy permits are required for tenant improvements or otherwise, there will be no opportunity for the City to check that the new use is allowed. Spaces approved for Industrial Office uses could drift towards Traditional Office uses. However, the Community Working Group and Planning staff both noted that this problem exists under the current regulations and is one of the reasons for this study. There is concern that Option 2 will actually increase the number of these incompatible uses while also creating unrealistic expectations about the City's ability to enforce the regulations; however, the members of the working group and other area stakeholders understand this risk and appear to be willing to accept it. They appear to understand that nearby businesses and groups like the CEIC will be important actors in monitoring the success of these regulations, and helping with enforcement issues.



# V. Staff Recommendation

The Bureau of Planning seeks Planning Commission's recommendation of approval of Option 2. This recommendation should include the following actions:

- Adopt this report and recommend that Council adopt it;
- Recommend that Council amend the Zoning Code as shown in Part VI of this report;
- Direct staff to continue to refine the recommended code language, as necessary; and
- Direct the Planning Bureau to monitor the impact of the regulations for three years after implementation. The monitoring should include: (1) review of all building permit, land use review, and code enforcement activity; (2) annual field inventories to identify business changes; and (3) annual meetings with the Central Eastside Industrial Council to discuss impacts of the regulations.

# VI. Proposed Amendments to Zoning Code

The proposed amendments to the Zoning Code begin on the next page. Additions are <u>underlined</u>, while deletions are shown in <del>strikethrough</del>.

Commentary is in Comic Sans font and boxed.

## Amend Chapter 33.920, Descriptions of the Use Categories, as shown:

These changes create two subgroups of Office Uses: Traditional Office and Industrial Office.

# 33.920.240 Office

- A. Characteristics. Office uses are characterized by activities conducted in an office setting that focus on the provision of goods and services, usually by professionals. Traditional Office uses are characterized by activities that conducted in an office setting and generally focusing focus on business, government, professional, medical, or financial services. Industrial Office uses are characterized by activities that, while conducted in an office-like setting, are more compatible with industrial activities, businesses, and districts. Their operations are less service-oriented than Traditional Office uses and focus on the development, testing, production, processing, packaging, or assembly of goods and products, which may include digital products such as internet home pages, media content, designs and specifications, computer software, advertising materials, and others. They primarily provide products to other businesses. They do not require customers or clients to visit the site; any such visits are infrequent and incidental.
- **B. Accessory uses.** Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
- **C. Examples.** Examples include uses from the two subgroups listed below:
  - 1. Traditional Office: Professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; data processing; sales offices; government offices and public utility offices; TV and radio studios; medical and dental clinics, medical and dental labs; and blood-collection facilities.
  - 2. Industrial Office: Software and internet content development and publishing; computer systems design and programming; graphic and industrial design; engineers; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; and medical and dental labs.

# D. Exceptions.

- 1. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.
- 2. Contractors and others who perform services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

## Amend Chapter 33.510, Central City Plan District, as shown:

#### 33.510.113 Retail Sales And Service and Office Uses in the IG1 Zone

#### A. Generally.

- 1. Where these regulations apply. The regulations of this subsection apply to sites in the IG1 Zone that are not <u>subject to historic resources as specified in Subsections B and C</u>, below.
- 2. Allowed uses. One Retail Sales And Service or Office use is allowed per site. The square footage of the floor area plus the exterior display and storage area may be up to 3,000 square feet.

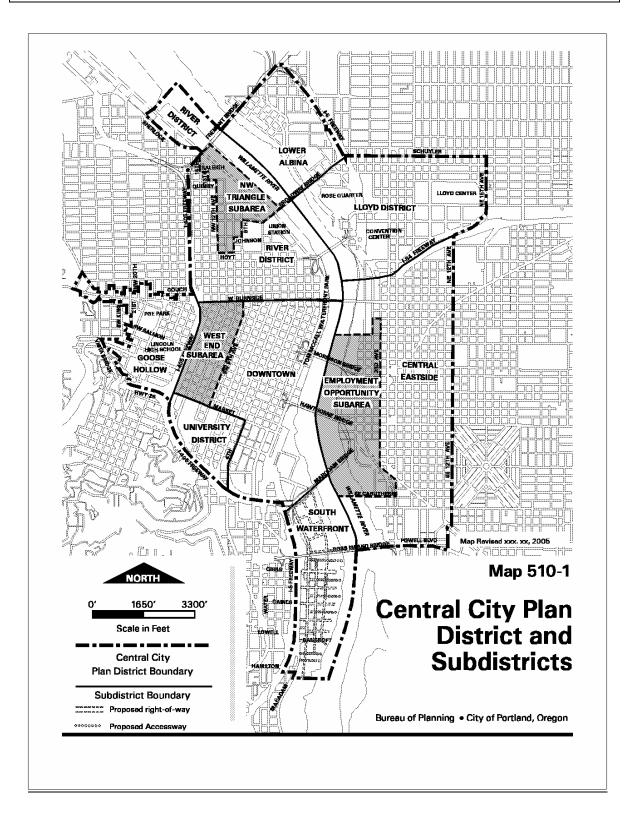
#### 3. Conditional uses.

- a. More than one Retail Sales And Service or Office use on a site is a conditional use.
- b. Retail Sales And Service uses where the floor area plus the exterior display and storage area is more than 3,000 square feet are a conditional use. Retail Sales And Service uses where the floor area plus the exterior display and storage area is more than 25,000 square feet, or the FAR is more than 1:1, are prohibited.
- c. Office uses where the floor area plus the exterior display and storage area is more than 3,000 square feet are a conditional use. Office uses where the floor area is more than 60,000 square feet or the FAR is more than 1:1 are prohibited.

## B. Historic resources.

- 1. Where these regulations apply. The regulations of this subsection apply in the IG1 Zone to historic resources that are listed on the National Register of Historic Places or are identified as contributing in the analysis done in support of a Historic District's creation.
- 2. Allowed uses. Up to 12,000 square feet on a site may be in Retail Sales And Service or Office use. The total amount of square footage includes floor area, exterior display, and storage area of all Retail Sales And Service and Office uses on the site. More than 12,000 square feet on a site in Retail Sales And Service uses is prohibited.
- 3. Conditional uses. More than 12,000 square feet on a site may be in Office uses if approved through a conditional use. The total amount of square footage includes floor area, exterior display, and storage area of Office uses on the site. If there are also Retail Sales And Service uses on the site, no more than 12,000 square feet may be in Retail Sales And Service use.

The change to Map 510-1 adds the Employment Opportunity Subarea to the Central Eastside Subdistrict of the Central City Plan District.



This language specifies how non-industrial uses will be regulated in the Employment Opportunity Subarea.

# C. Employment Opportunity Subarea.

- 1. Purpose. The regulations of this Subsection promote the preservation of industrial land and development and support the vitality of industrial businesses while providing opportunities for a broad and diverse mix of employment uses that are compatible with industrial activities and that build on the economic strengths, locational advantages and urban character of the Central Eastside.
- 2. Where these regulations apply. The regulations of this subsection apply to sites in the IG1 Zone in the Employment Opportunity Subarea of the Central Eastside Subdistrict that are not subject to Subsection B.

#### 3. Allowed uses.

- a. Retail Sales And Service. Up to 5,000 square feet of the floor area plus the exterior display and storage area on a site may be in Retail Sales And Service use. More than 5,000 square feet in Retail Sales And Service use on a site is prohibited.
- b. Traditional Office. Up to 5,000 square feet of floor area on a site may be in Traditional Office use.
- c. Industrial Office. Up to 60,000 square feet of the floor area on a site may be in Industrial Office use.

# 4. Conditional uses.

- a. More than 5,000 square feet in Traditional Office use on a site is a conditional use. More than 60,000 square feet in Traditional Office use on a site is prohibited.
- b. More than 60,000 square feet in Industrial Office use on a site is a conditional use.

# Amend Chapter 33.815, Conditional Uses, as shown:

# CHAPTER 33.815 CONDITIONAL USES

5	Sections:	
	<del>l</del> eneral	
	[No changes	
١	approval Crite	eria
	33.815.100	Uses in the Open Space Zone
		Institutional and Other Uses in R Zones
		Short Term Housing in R Zones
		Office and Retail Sales And Service Uses in the RX Zone
		Specified Uses in Commercial Zones
		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
	00.010.121	Hollywood Plan District
	33 815 122	Nonresidential Uses on Specified Sites located in the RX Zone within the
	00.010.122	Central City Plan District
	33 815 125	Specified Uses in Industrial Zones
		Office Uses in the IG1 Zone in the Central City Plan District
		Accessory Offices and Headquarters Offices in the IH Zone in the Guild's
	00.010.12.	Lake Industrial Sanctuary Plan District
	33 815 128	Retail Sales And Service Uses in the EG Zones
		Office Uses in Specified Historic Resources in the Industrial Zones in the
	00.010.123	Central City Plan District
	33 815 130	Residential Uses in the EG1, EG2, IG1, IG2, and IH Zones
		Office Uses in the IG1 Zone in the Employment Opportunity Subarea of the
	00:010:102	Central City Plan District
	33.815.140	Specified Group Living Uses in the C and EX Zones
		Aviation And Surface Passenger Terminals
		Detention Facilities
		Helicopter Landing Facilities
		Major Event Entertainment
		Mining and Waste-Related
		Park-and-Ride Facilities for Mass Transit
		Public Safety Facilities
		Radio Frequency Transmission Facilities
		Rail Lines and Utility Corridors
		Commercial Parking Facilities in the Columbia South Shore Plan District
		Industrial Businesses in the Columbia South Shore Plan District
		Professional / Technical Facilities in the Columbia South Shore Plan District
		Retail Sales and Service Uses in the Columbia South Shore Plan District
		Retail Sales And Service Uses on Specified Sites in the South Waterfront and
	00.010.001	the River District Subdistricts
	33 815 305	Replacement Parking Facilities in the Central City Plan District
		Commercial Parking in Multi-Dwelling Zones and Commercial Parking
	20.010.000	Access from Main Streets in the Northwest Plan District
	33.815.310	Industrial Uses in the IR Zone

This change just adds a reference to the new criteria in Section 33.815.132.

# 33.815.125 Specified Uses in Industrial Zones

These approval criteria apply for uses in the following categories in the industrial zones: Retail Sales And Service, Office, Commercial Outdoor Recreation, Commercial Parking Facilities, Community Service, and Daycare uses. Office uses in the IG1 zone in the Central City Plan District may use approval criteria 33.815.126: Office Uses in the IG1 Zone in the Central City Plan District, if they contain characteristics of manufacturing businesses. Office uses in individually listed structures on the National Register of Historic Places and structures identified as contributing in the analysis done in support of a Historic District's creation in the I zones in the Central City Plan District may use the criteria listed in 33.815.129, Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District. Office uses in the IG1 zone in the Employment Opportunity Subarea of the Central City Plan District may use the approval criteria listed in 33.815.132, Office Uses in the IG1 Zone in the Employment Opportunity Subarea of the Central City Plan District. These approval criteria promote preservation of land for industry while allowing other uses when they are supportive of the industrial area or not detrimental to the character of the industrial area. The approval criteria are:

- **A.** The proposed use will not have significant adverse effects on nearby industrial firms, and on truck and freight movement;
- **B.** The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service; on-street parking impacts; access restrictions; connectivity; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;
- **C.** The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion of industrial and non-industrial uses and the effects of incremental changes;
- **D.** The proposed use needs to be located in an industrial area or building because industrial firms or their employees constitute the primary market of the proposed use; and
- **E.** City-designated scenic resources are preserved.

This change just adds a reference to the new criteria in Section 33.815.132.

## 33.815.126 Office Uses in the IG1 Zone in the Central City Plan District

These approval criteria promote preservation of land for industry while providing opportunity for businesses that contain both an office and a manufacturing or production component. Office uses that do not meet the criteria below may apply for conditional use status through the criteria listed in 33.815.125, Specified Uses in the Industrial Zones. Office uses in individually listed structures on the National Register of Historic Places and structures identified as contributing in the analysis done in support of a Historic District's creation in the IG1 zone in the Central City Plan District may use the criteria listed in 33.815.129, Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District. Office uses in the IG1 zone in the Employment Opportunity Subarea may use the approval criteria listed in 33.815.132, Office Uses in the IG1 Zone in the Employment Opportunity Subarea of the Central City Plan District. The approval criteria are:

- **A.** The proposed use will not have significant adverse effects on nearby industrial uses and truck and freight movement;
- **B.** The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service or 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;
- **C.** City-designated scenic resources are preserved;
- **D**. At least 33 percent of the floor area of the proposed use is dedicated for the development, testing, manufacturing, processing, fabrication, packaging, or assembly of goods. "Goods" include products made from man-made, raw, secondary, or partially completed materials. "Goods" does not include the products or services offered by traditional Office uses described in 33.920.240, but may include electronic or digital products such as internet home pages, computer software, advertising materials, and others; and
- **E**. The nature of the business does not require customers to visit the site in order to purchase manufactured goods.

No amendments are proposed for this subsection; it is just included here to help with understanding.

# 33.815.129 Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District

These approval criteria promote preservation of historic resources that are listed on the National Register of Historic Places or are identified as contributing in the analysis done in support of a Historic District's creation. They provide for increased allowances for office uses in the industrial zones, while limiting negative impacts on the transportation system and nearby industrial uses. The increased allowances for office uses recognize that some historic industrial buildings cannot economically accommodate modern industrial activities due to design inefficiencies or structural deficiencies. The office allowances facilitate preservation and reuse of these structures and are not intended as a means of converting viable industrial uses to office uses. The approval criteria are:

- **A.** The proposed use will not have significant adverse effects on nearby industrial uses and truck and freight movement;
- **B.** The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service or 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 situations;
- **C.** The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion of industrial and non-industrial uses and the effects of incremental changes; and
- **D.** The owner must execute a covenant with the City, as described in Subsection 33.445.610.D.

# 33.815.132 Office Uses in the IG1 Zone in the Employment Opportunity Subarea in the Central City Plan District

These approval criteria promote preservation of industrial land and development and support the vitality of industrial businesses while providing opportunities for compatible employment intensive businesses. The approval criteria are:

- **A.** The proposed use will not have significant adverse effects on nearby industrial uses and truck and freight movement;
- B. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service or 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;
- **C.** The nature of the business does not require customers or clients to visit the site.

# **Appendix**Provided Separately Central Eastside Industrial Zoning Study, 2003

