

8. Zoning Requirements:

DIVISION 9. B-1 AND B-1b NEIGHBORHOOD BUSINESS ZONES

(b) B-1b Neighborhood Business Zone

The purpose of the B-1b neighborhood business zone is to provide appropriate opportunities for the establishment of small-scale ground floor commercial uses to serve a local market, while preserving residential uses and character above the ground floor of structures. The zone also provides the opportunity for mixed use and high residential density in on peninsula locations. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c) (3).

Suitable locations for this zone may include street intersections, arterial streets, and sites with existing or traditional neighborhood retail and service uses.

Sec. 14-162. Permitted uses.

(a) The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone. For permitted uses in the upper stories of buildings in the B-1b zone, refer to subsection (5) below: in existence on November 15, 1993:

1. Residential

a. Any residential use permitted in the residential zone abutting the lot is permitted. If there is no abutting residential zone, any residential use permitted in the nearest residential zone to the lot is permitted. In the case of two (2) or more abutting residential zones, any residential use permitted in the most restrictive such zone is permitted.

NOT APPLICABLE

b. In any structure with commercial use on the first floor, multifamily dwellings are permitted above the first floor.

APPLICABLE

c. Combined living/working spaces including, but not limited to, artist residences with studio space.

NOT APPLICABLE

2. Business: *Business uses listed below are permitted, provided that such use which generates in excess of a ratio of 100 peak hour vehicle trips per 2000 sq.ft. of space, and generates in excess of 100 peak hour vehicle trips is prohibited. As set forth in the City of Portland Technical Manual, section I, the city traffic engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 peak hour vehicle trips.*

a. Professional, business, and general offices, but excluding veterinarians.

NOT APPLICABLE

b. Business services, as defined in section 14-47, but excluding beverage container redemption centers.

NOT APPLICABLE

c. Personal services, as defined in section 14-47.

NOT APPLICABLE

d. Offices of building tradesmen provided there is no exterior storage of building materials.

NOT APPLICABLE

e. Retail establishments, provided such do not City of Portland Land Use Code of Ordinances Chapter 14 Sec. 14-162 Rev.11-17-2014 14-238 include drive-through sales or services and do not operate between the hours of eleven (11) p.m. and six (6) a.m. and do not accept deliveries or services between the hours of ten (10) p.m. to seven (7) a.m.

APPLICABLE

5. Uses permitted above the ground floor level of buildings in the B-1b zone:

a. Any residential use set forth in section 14-162(a);

APPLICABLE (7 Residential units)

Sec. 14-165. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, residential uses in off-peninsula locations, permitted under section 14- 162(a) shall meet the requirements of such abutting or nearest residential zone except minimum lot area per dwelling unit. Residential uses in on-peninsula locations, as defined in Section 14-47, and nonresidential uses in the B-1 and B1-b zones shall meet the following minimum requirements:

<u>Criteria</u>	<u>Required</u>	<u>Proposed</u>
1. Minimum Lot Size: residential	none	0.24
Other (non-residential)	none	0.24
2. Minimum Lot Area per Dwelling Unit:	1000 sf	7 units (1493/Unit)
3. Minimum Street Frontage:	20 ft	120 ft
4. Minimum Lot Width:	None	120 ft
5. Minimum Front Yard:	none	1 inch
6. Maximum Front yard:	10 ft	1 inch
7. Minimum Rear Yard:	10 ft (principal)	10 ft
8. Minimum Side Yard:	5 ft (principal)	10 ft
9. Structure Stepbacks: (Portions of structure above 35')		
Side:	10 ft	N/A
Rear:	15 ft	N/A
10. Maximum Structure Height:	35 ft	32'-6"
11. Maximum Floor Area (Retail):	5,000 sf	1463 sf
12. Maximum Impervious Surface:	90%	±80%

Sec. 14-166. Other requirements.

All nonresidential uses in B-1 and B-1b zones shall meet the requirements of division 25 (space and bulk regulations and exceptions) of this article in addition to the following requirements:

- a. *Landscaping and screening: The site shall be suitably landscaped for parking, surrounding uses and accessory site elements, including storage and solid waste receptacles where required by article IV (subdivisions) and article V (site plan).*

RESPONSE: The parking area is screened with both existing fence and new fence. Supplemental plantings will reinforce the screening where feasible. No external storage or waste receptacles are proposed as part of this project. All waste and storage will occur internally in a trash room.

- b. *Curbs and sidewalks: Curbs and sidewalks as specified in article VI of chapter 25.*

RESPONSE: All curbing and sidewalks within the right-of-way will meet the City Standard of granite curb and concrete sidewalk in this district.

- c. *Off-street parking and loading: Off-street parking and loading are required as provided in division 20 and division 21 of this article.*

RESPONSE: Parking for 14 vehicles is required.

7 residential units x 2 parking spaces/unit = 14 parking spaces
Commercial less than 2000 sf (first floor) = 0 parking spaces

Parking for 17 vehicles is provided on site (4 compact, 12 regular, and 1 ADA space).

- d. *Front yard parking: There shall be no off street parking in the front yard between the street line and the required maximum setback line. Where an existing building setback exceeds the maximum front yard setback, a maximum of ten (10) percent of the total parking provided on the site may be located between the principal structure and the street.*

RESPONSE: The parking is existing, it will be moved back 3 feet from the boundary line.

- e. *Signs: Signs shall be subject to the provisions of division 22 of this article.*

RESPONSE: Business signs will be on the front of the building as shown on the Architectural plan.

- f. *Exterior storage: There shall be no exterior storage with the exception of fully enclosed containers or receptacles for solid waste disposal. Such containers or receptacles shall be shown on the approved site plan. In no event shall vehicles, or truck trailers with or without wheels, be used for on-site storage. Truck load sales shall not be considered outside storage provided that such activity does not extend beyond three (3) consecutive days nor occur more frequently than three (3) times a calendar year.*

RESPONSE: No exterior storage is proposed as part of this project. All waste and other storage will occur internally.

- g. *Storage of vehicles: Storage of vehicles is subject to the provisions of section 14-335. (h) Shoreland and flood plain management regulations: If the lot is located in a shoreland zone or in a flood hazard zone, then the requirements of division 26 and/or division 26.5 apply.*

RESPONSE: No vehicle storage is proposed or anticipated as part of this project.

Sec. 14-167. External effects.

Every use in a B-1 or B-1b zone shall be subject to the City of Portland Land Use Code of Ordinances Chapter 14 Sec. 14-166 Rev.1-15-2014 14-246 following requirements:

- a. *Enclosed structure: The use shall be operated within a completely enclosed structure, except for those specific open air activities licensed by the City, including but not limited to outdoor seating, sidewalk sales, etc.*

RESPONSE: All residential and commercial use components will occur within the building.

- b. *Noise: The volume of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed fifty-five (55) decibels on the A scale, on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.*

RESPONSE: The proposed uses are anticipated to create a level of sound lower than 55 decibels. All HVAC equipment will be selected to ensure a sound level less than 55 decibels. Manufacturer's verification of the sound levels will be submitted to Staff on product cut sheets once specific units have been selected.

- c. *Vibration and heat: Vibration inherently and recurrently generated and heat shall be imperceptible without instruments at lot boundaries.*

RESPONSE: The proposed uses are not anticipated to create unreasonable vibration or heat.

- d. *Glare, radiation or fumes: Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.*

RESPONSE: The proposed uses are not anticipated to create unreasonable glare, radiation, or fumes.

- e. *Smoke: Smoke shall not be emitted at a density in excess of twenty (20) percent opacity level as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.*

RESPONSE: The proposed uses are not anticipated to create unreasonable smoke.

- f. *Materials or wastes: No materials or wastes shall be deposited on any lot in such form or manner that they are clearly visible from neighbors' properties or may be transferred beyond the lot boundaries by natural causes or forces. All solid waste disposals, including materials which might cause fumes or dust, or constitute a fire hazard if stored out-of-doors, shall be only in fully*

enclosed containers or receptacles. Areas attracting large numbers of birds, rodents or insects are prohibited.

RESPONSE: All materials/wastes generated by the demolition and construction of the proposed project will be contained and disposed of properly. No lingering storage of materials or wastes is anticipated. Trash and recycling will be stored internally and collected weekly by a private waste hauler.

DIVISION 20 OFF STREET PARKING

Section 14-332 Uses requiring off-street parking.

In all zones where off street parking is required the following minimum off-street parking requirements shall be provided. Except as provided in Section 14-332.1, 14-332.2 (exceptions) and 14-345 (fee in-lieu of parking) of this division, for the uses listed below the following minimum off-street parking requirements shall be provided and maintained in the case of new construction, alterations which increase the number of units, and changes of use:

(a) Residential structures:

1. For new construction, two, (2) parking spaces for each dwelling unit.

RESPONSE: 7 dwelling units x 2 parking spaces/unit = 14 parking spaces.

(h) Retail stores:

One (1) parking space for each two hundred (200) square feet of first floor area in excess of two thousand (2,000) square feet not used for bulk storage and one (1) parking space for each seven hundred (700) square feet, or major fraction thereof, for each floor above the first floor not used for bulk storage.

RESPONSE: First floor commercial is approximately 1,463 sf, thus no parking is required. No additional commercial is proposed on upper floors.

Criteria	Required	Proposed
Off Street Parking:		
Residential	(2PS/ DU)	14 PS (2 PS/DU)
Retail	1PS/200 sf (above 2000 sf)	0 PS
Total Parking Required		14 PS
Proposed Parking		17 PS Total

Section 14-332.3 Uses requiring off-street bicycle parking.

In all zones where of-street motor vehicle parking is required, minimum off-street bicycle parking shall be provided and maintained.....as specified in Section 14 - 526(a) (2) (Site Plan Standards).

The site plan shall provide secure bicycle parking in conformance with Section 1 of the Technical Manual and shall meet the following requirements:

(a) Residential structures. Two (2) bicycle parking spaces for every five (5) dwelling units shall be required.

RESPONSE: The project proposed seven dwelling units and so the project is proposing two bicycle racks to accommodate four bikes. It will be located in the sidewalk along Vannah Avenue in front of the building. Internal storage of bikes is also provided to each unit owner.

(b) Non-residential structures. Two (2) bicycle parking spaces for every ten (10) vehicle parking spaces for the first one hundred (100) required vehicle parking spaces, plus one (1) bicycle parking space for every twenty (20) required motor vehicle parking space over one hundred (100) required vehicle parking spaces.

RESPONSE: The proposed commercial use does not require any parking spaces = 0 required bike parking spaces.

(c) Development with zero (0) to ten (10) required vehicle parking spaces shall provide at least two (2) bicycle parking spaces.

RESPONSE: The proposed requires 14 vehicle parking spaces (17 will be provided). Two bike racks which contain four bike parking spaces are proposed as part of this project.