

**RICAP 5****AMENDMENTS ADOPTED BY COUNCIL FEBRUARY 11, 2010**

**Motion to amend the Recommended Draft as listed in the February 11, 2010 memo from Eric Engstrom, Principal Planner, sections 1 and 2:** Moved by Mayor Adams and seconded by Commissioner Fritz. (Y-3; Fish and Leonard absent)

**Motion to amend Recommended Draft regarding wind turbine provisions: amend to increase maximum rotor swept area in Residential zones to 50 square feet; amend to increase maximum height of building-mounted turbines to 50% of the base zone height or 45 ft above the roof, whichever is less; amend as shown in Option One of Attachment A, dated February 5, 2010 (full exemption):** Moved by Commissioner Saltzman and seconded by Commissioner Fritz. (Y-4; Fish absent)

**Motion to send the extending eaves into setbacks issue back to the Planning Commission:** Moved by Commissioner Fritz and seconded by Commissioner Saltzman. (Y-5)

**Motion regarding retaining walls to adopt the language in Attachment D, dated February 5, 2010, with a sunset of six months; and move to refer this issue to the Planning Commission for a public hearing and their recommendation:** Moved by Commissioner Fish and seconded by Commissioner Saltzman. (Y-5)

**Motion to continue the discussion and outreach to stakeholders on section 4, lots in the R5 Zone, and bring it back in three weeks; close testimony with the exception of section 4:** Moved by Mayor Adams and seconded by Commissioner Fritz. (Y-5)

**AMENDMENTS ADOPTED BY COUNCIL MARCH 4, 2010**

**Motion to adopt Attachment N, Lots in the R5 Zone/PLAs:** Moved by Commissioner Fritz and seconded by Commissioner Saltzman. (Y-4)

**Motion to adopt A, B, C of staff memo dated March 4, 2010 as shaded:** Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-4)



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Sustainability**

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Susan Anderson, Director

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March 4, 2010

TO: City Council

FROM: Eric Engstrom, Principal Planner

RE: **RICAP 5: Remaining Decisions**

On February 11, you made decisions on most of the elements of RICAP 5, including the green "bundle," courtyard housing bundle, bicycle parking, ADU sizes, loading spaces, longer eaves, and retaining walls. This memo is a follow-up to the one used on February 11 to guide discussion and decisions on RICAP 5. A copy of that memo, with your decisions indicated, is attached. The remaining issues are covered in this memo.

**1. Lots in the R5 Zone**

Note: The motions recommended by the Mayor, prior to discussion and continuation, are shaded.

**a. Minimum lot area of 2400 square feet for vacant lots (Issue 19)**

Motion options:

- ☐ Move to amend the Recommended Draft to not adopt this provision (which would retain current standard of no minimum lot size for vacant lots)
- ☒ Move to not amend the Recommended Draft and so adopt this provision (which would add a minimum lot size for vacant lots)
- ☐ Move to return this issue to the Planning Commission for another public hearing and their recommendation
- ☐ Move to \_\_\_\_\_

**b. Are lot remnants buildable? (Issue 16)**

Motion options:

- ☐ Move to amend the Recommended Draft to not adopt this provision (which does not change current practice, and continues to allow houses on vacant lot remnants)
- ☒ Move to not amend the Recommended Draft and so adopt this provision (continues current practice of allowing larger lot remnants to be buildable, and changes current practice to make smaller lot remnants unbuildable)
- ☒ Move to refer this issue to the Planning Commission for a public hearing and their recommendation
- ☐ Move to \_\_\_\_\_



**c. When an existing house spanning two narrow lots has been demolished, allow the lots to be built upon immediately if they go through design review (Issue 18)**

Motion options:

- ☒ Move to amend the Recommended Draft to not adopt this provision (the current 5 year waiting period would remain, unaltered).
- ☐ Move to not amend the Recommended Draft and so adopt this provision (alternative to the 5 years waiting period)
- ☐ Move to \_\_\_\_\_

**d. Property Line Adjustments (PLAs) on corner lots/1600 square feet minimum lot area (issue 19)**

- ☐ Move to amend the Recommended Draft as shown in Attachment N, dated March 4, 2010 (allow nonconforming lots on corners to reduce size to 1600 sq ft and 36 ft wide through a PLA if lot lines are perpendicular and setbacks are either met or modified through design review. In addition, clarify that attached or detached houses are allowed and that 33.110.213 applies)
- ☒ Move to allow PLAs only if both lots will be developed with attached houses. See Attachment M.
- ☒ Move to amend the Recommended Draft to not adopt these provisions (which would not adopt a minimum lot area and would retain requirement that nonconforming lots may not go farther out of conformance).
- ☐ Move to not amend the Recommended Draft and so adopt these provisions (allowing nonconforming lots to reduce their size to 1600 square feet and 36 feet wide, but not require that lot lines be perpendicular, or setback modifications be handled through design review)
- ☐ Move to refer this issue to the Planning Commission for a public hearing and their recommendation
- ☐ Move to \_\_\_\_\_

**2. Adopt the ordinance and amended Recommended Draft.**

**Motion:** Move to adopt the ordinance and the Recommended Draft as amended.



Replaces "M"  
2/10/10

# ATTACHMENT N — LOTS IN THE R5 ZONE/PLAs

Amend Table 110-6 in the Recommended Draft as shown:

0

Table 110-6 Minimum Lot Dimension Standards for Lots, Adjusted Lots, Lots of Record, and Lot Remnants Created Prior to July 26, 1979		
RF through R7 Zones		
Lots, including Adjusted Lots [1]	36 feet wide and meets the minimum lot area requirement of Table 610-2.	
Lot Remnants		
Lots of Record		
R5 Zone		
Lots, including Adjusted Lots [1, <u>3</u> , 4]	If the site has had a dwelling unit on it in the last five years <u>or</u> <u>is in an environmental zone</u> [2, 3]	3000 sq. ft. and 36 ft. wide
	If the site has not had a dwelling unit on it within the last five years and is not in an environmental zone	2400 sq. ft. and 25 ft. wide or <del>1600 sq. ft. and 36 ft. wide</del>
	<u>If the site was approved through a property line adjustment under 33.667.300.A.1.d.</u>	1600 sq. ft. and 36 ft. wide
Lot Remnants [4] [3]		3000 sq. ft. and 36 ft. wide
Lots of Record [4] [3]		3000 sq. ft. and 36 ft. wide
R2.5 Zone		
Lots, including Adjusted Lots [1]	1600 sq. ft.	
Lot Remnants		
Lots of Record		

Notes:

- [1] If the site is both an adjusted lot and a lot of record, the site may meet the standards for adjusted lots.
- [2] Primary structures are allowed if the site has had a dwelling unit on it within the last five years that has been demolished as a public nuisance under the provisions of Chapter 29.40.030 or 29.60.080. The site is exempt from minimum lot dimension standards.
- ~~[3] Primary structures are allowed on a site that contains two lots with an existing dwelling unit and a proposal to replace the existing dwelling unit with two attached houses has been approved through a Type II Design Review.~~
- [4] [3] Primary structures are allowed on a site if it has been under a separate tax account number from abutting lots or lots of record on [effective date of these regulations] or an application was filed with the City before [effective date of these regulations] authorizing a separate tax account and the site has been under separate tax account from abutting lots or lots of record by [one year after the effective date of these regulations]. The site is exempt from minimum lot dimension standards.



Amend Section 33.110.213 in the Zoning Code as shown:  
New amendment

**33.110.213 Additional Development Standards for Lots and Lots of Record Created Before July 26, 1979**

**A. Purpose.** These standards increase the compatibility of new houses on small and narrow lots.

**B. Where these regulations apply.** [No change.]

**C. Standards**

[1-9; No Change]

10. Setbacks. Adjustments to minimum required setbacks are prohibited. Modifications may be requested through Design Review.

Amend Section 33.110.240 in the Zoning Code as shown:  
New amendment

**33.110.240 Alternative Development Options**

**A.-D. [No Change]**

**E. Duplexes and attached houses on corners.**

1.-2. [No change]

3. Lot dimension standards.

a. Lot dimensions in R20 through R5 R7 zones. In the R20 through R5 R7 zones:

- (1) Duplexes. Lots for duplexes must meet the minimum lot dimension standards for new lots in the base zone.
- (2) Attached houses as a result of a land division. Where attached houses are proposed, the original lot, before division for the attached house proposal, must meet the minimum lot dimension standards for new lots in the base zone. The new lots created for the attached houses must meet the minimum lot dimension standards for new lots in the R2.5 zone.
- (3) Attached houses as a result of a Property Line Adjustment. Attached houses are allowed on adjusted lots that are a result of a Property Line Adjustment.



b. Lot dimensions in R5 zone. In the R5 zone:

- (1) Duplexes. Lots for duplexes must be at least 4,500 square feet in area.
- (2) Attached houses as a result of a land division. Where attached houses are proposed, the original lot, before division for the attached house proposal, must be at least 4,500 square feet. The new lots created for the attached houses must meet the minimum lot dimension standards for new lots in the R2.5 zone.
- (3) Attached houses as a result of a Property Line Adjustment. Attached houses are allowed on adjusted lots that are a result of a Property Line Adjustment.

b. c. Lot dimensions in R2.5 zone. In the R2.5 zone:

- (1) Duplexes. Lots for duplexes must be at least 3,000 square feet in area.
- (2) Attached houses as a result of a land division. Where attached houses are proposed, the original lot, before division for the attached house proposal, must be at least 3,000 square feet. There are no minimum lot dimension standards for the new lots.
- (3) Attached houses as a result of a Property Line Adjustment. Attached houses are allowed on adjusted lots that are a result of a Property Line Adjustment.

4. (No change)

**F.-I. (No change)**

-----  
Amend Subsection 33.667.300.A in the Recommended Draft as shown:

This replaces all the language in Chapter 33.667 of the Recommended Draft.

**AMEND CHAPTER 33.667, PROPERTY LINE ADJUSTMENTS**

**33.667.300 Regulations**

A request for a Property Line Adjustment will be approved if all of the following are met:

- A. Properties.** For purposes of this subsection, the site of a Property Line Adjustment is the two properties affected by the relocation of the common property line.
  1. ~~The properties will remain in conformance with Property Line Adjustment will not cause either property or development on either property to move out of conformance with any of the regulations of this Title, including those in Chapters 33.605 through 33.615 except as follows:~~
    - a. If a property or development is already out of conformance with a regulation in this Title, the Property Line Adjustment will not cause the property or development to move further out of conformance with the regulation;



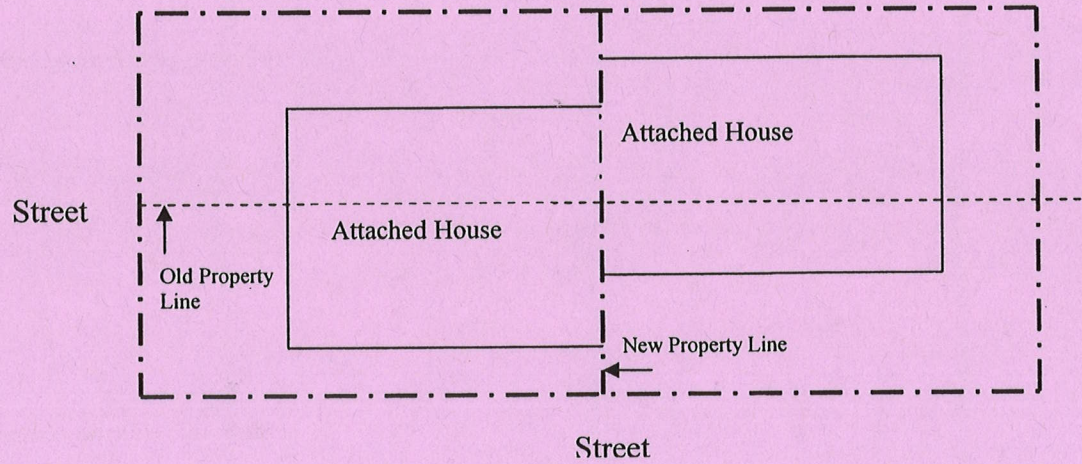
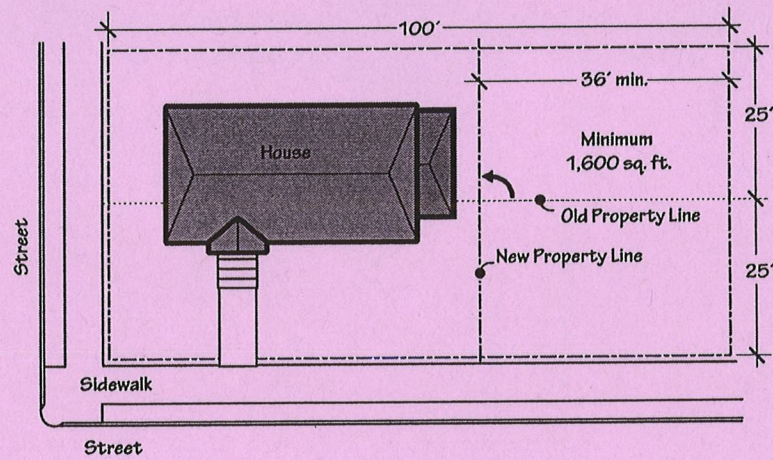
- b. If both properties are already out of conformance with maximum lot area standards, they are exempt from the maximum lot area standard; and
- c. If one property is already out of conformance with maximum lot area standards, it is exempt from the maximum lot area standard; and
- d. If at least one lot is already out of conformance with the minimum lot area standards and the site is in the R5 zone, the minimum lot area is 1600 square feet and the minimum width is 36 feet, if:
  - (1) At least one lot is a corner lot;
  - (2) The adjusted property line must be perpendicular to the street lot line for it's entire length; and
  - (3) New houses must meet the standards of 33.110.213. Existing houses are exempt from the standards of 33.110.213.

See Figure 667-1.

- 2. The Property Line Adjustment will not configure either property as a flag lot, unless the property was already a flag lot;
- 3. The Property Line Adjustment will not result in the creation of a buildable property from an unbuildable lot remnant;
- 43. The Property Line Adjustment will not result in the creation of street frontage for a land-locked property;
- 54. If any portion of either property is within an environmental overlay zone, the provisions of Chapter 33.430 must be met;
- 65. The Property Line Adjustment will not result in a property that is in more than one base zone, unless that property was already in more than one base zone; and
- 76. The Property Line Adjustment will not create a nonconforming use.



**NEW Figure 667-1**  
**Property Line Adjustment on Corner Site in R5 Zone**





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**WHAT COUNCIL DID IS HIGHLIGHTED**

February 11, 2010

TO: City Council

FROM: Eric Engstrom, Principal Planner

**RE: RICAP 5: Approach to Discussion and Decisions**

As requested, I have put together a possible "road map" to guide your discussion and decisions on RICAP 5 Thursday afternoon. This is, of course, just a suggested approach.

**First, select a list of issues you agree on, and that do not need further discussion.**

Based on what I've heard from you and your staff, I think the list would include the following issues (issue numbers are from the *Requests for Amendments or Information* ("Requests") document):

1. Amend Recommended Draft:

- Issue 5, Wind Turbines in View Corridors—amendment in "Requests" document to not exempt wind turbines from design review if they are in a designated view corridor.
- Issue 7, Solar Panels—amendment in "Requests" document to clarify how solar regulations will apply to schools.
- Issue 9, Courtyard Housing/Common Greens/Shared Courts: Parking—amendment in Attachment K dated February 10, 2010 which ensures adequate green area—exclusive of parking area—in shared courts.
- Issue 12, ADUs—amendment in "Requests" document to add reference in definition of density to Chapter 33.205, ADUs.
- Issue 13, Long Term Bicycle Parking for Multi-Dwelling Development—amendment in Attachment L dated February 10, 2010 to increase the ratio to 1.5 spaces/dwelling unit in the Central City plan district and 1.1 spaces /unit outside the Central City.
- Issue 17, Minimum lot size in the R2.5 zone in West Portland Park—amendment in "Requests" document to apply R2.5 zone to West Portland Park in the same way it applies throughout the city.
- Issue 22, Utility Lines in e Zones—amendment in Attachment G dated Feb. 5, 2010, which clarifies that utility lines traversing areas already approved for disturbance are not subject to additional standards or review.
- Issue 23, Zone Change Criteria—amendment in Attachment H dated Feb. 5, 2010, which clarifies timing of both "planning horizon" and improvements.
- Issues 25 through 29, Minor wording changes and typos—amendments in "Requests" document
- Cisterns—amendment in Attachment J dated Feb. 5, 2010, which adds the option of screening cisterns as an alternative to matching the color of the house, trim, or rain gutter.



2. No amendment to Recommended Draft:

- Issue 4, Noise from Wind Turbines
- Issue 8, Courtyard Housing/Density
- Issue 10, Courtyard Housing/Common Greens/Shared Courts—Building Coverage
- Issue 11, Courtyard Housing/Minimum Density
- Issue 15, Loading Spaces
- Issue 20, Fences on Corner Lots
- Issue 21, Upgrades to Nonconforming Development
- Issue 24, Overall Process

**Motion:** Moved to amend the Recommended Draft as listed above. Passed unanimously

**Second, go through each of the areas you wish to discuss.** A suggested list is below, with some options for decisions.

**1. Wind turbines**

**a. Maximum rotor swept area (Issue 1)**

Motion options:

☒ Move to amend the Recommended Draft increase maximum rotor swept area:

- In Residential zones to 50 square feet; and
- In Commercial zones to 150 square feet.

☐ Move to not amend the Recommended Draft

☐ Move to \_\_\_\_\_

**b. Maximum height (Issue 2)**

Motion options:

☒ Move to amend the Recommended Draft to increase maximum height of building-mounted turbines to 50 percent of the base zone height or 45 feet above the roof, whichever is less.

☐ Move to not amend the Recommended Draft

☐ Move to \_\_\_\_\_

**c. Design review (Issue 3)**

Motion options:

☒ Move to amend the Recommended Draft as shown in Option One of Attachment A, dated February 5, 2010 (full exemption)

☐ Move to amend the Recommended Draft as shown in Option Two of Attachment A, dated February 5, 2010 (exemption for limited period)

☐ Move to amend the Recommended Draft as shown in Option Three of Attachment A, dated February 5, 2010 (no exemption, but shorten review timeline and fees)

☐ Move to not amend the Recommended Draft

☐ Move to \_\_\_\_\_

2. **These three motions passed unanimously.**



**2. Extending Eaves into Setbacks (Issue 6)**Motion options:

- ☒ Move to amend the Recommended Draft to not include this provision
- ☐ Move to not amend the Recommended Draft and so adopt this provision
- ☐ Move to return this issue to the Planning Commission for another public hearing and their recommendation
- ☐ Move to amend the Recommended Draft to adopt this provision but only apply it to the following area: \_\_\_\_\_
- ☐ Move to \_\_\_\_\_

3. Motion passed unanimously**3. Retaining Walls (Issue 14)**Motion options:

- ☐ Move to adopt the language in Attachment D, dated February 5, 2010
- ☒ Move to adopt the language in Attachment D, dated February 5, 2010, with a sunset of six months.
- ☒ Move to refer this issue to the Planning Commission for a public hearing and their recommendation
- ☐ Direct staff to add item to database of requested code amendments
- ☐ Move to \_\_\_\_\_

4. Motions passed unanimously**4. Lots in the R5 Zone**Directed us to come back in three weeks on these**a. Minimum lot area of 2400 square feet for vacant lots (Issue 19)**Motion options:

- ☐ Move to amend the Recommended Draft to not adopt this provision (which would retain current standard of no minimum lot size for vacant lots)
- ☐ Move to not amend the Recommended Draft and so adopt this provision (which would add a minimum lot size for vacant lots)
- ☐ Move to return this issue to the Planning Commission for another public hearing and their recommendation
- ☐ Move to \_\_\_\_\_

**b. Are lot remnants buildable? (Issue 16)**Motion options:

- ☐ Move to amend the Recommended Draft to not adopt this provision (which does not change current practice, and continues to allow houses on vacant lot remnants)
- ☐ Move to not amend the Recommended Draft and so adopt this provision (continues current practice of allowing larger lot remnants to be buildable, and changes current practice to make smaller lot remnants unbuildable)
- ☐ Move to refer this issue to the Planning Commission for a public hearing and their recommendation
- ☐ Move to \_\_\_\_\_

**c. When an existing house spanning two narrow lots has been demolished, allow the lots to be built upon immediately if they go through design review (Issue 18)**

Motion options:

- ☐ Move to amend the Recommended Draft to not adopt this provision (the current 5 year waiting period would remain, unaltered).
- ☐ Move to not amend the Recommended Draft and so adopt this provision (alternative to the 5 years waiting period)
- ☐ Move to \_\_\_\_\_

**d. Property Line Adjustments (PLAs) on corner lots/1600 square feet minimum lot area (issue 19)**

- ☐ Move to allow PLAs only if both lots will be developed with attached houses. See Attachment M.
- ☐ Move to amend the Recommended Draft to not adopt these provisions (which would not adopt a minimum lot area and would retain requirement that nonconforming lots may not go farther out of conformance).
- ☐ Move to not amend the Recommended Draft and so adopt these provisions (allowing nonconforming lots to reduce their size to 1600 square feet)
- ☐ Move to refer this issue to the Planning Commission for a public hearing and their recommendation
- ☐ Move to \_\_\_\_\_

**Third, adopt the ordinance and amended Recommended Draft.**

**Motion:** Move to adopt the ordinance and the Recommended Draft as amended.



**ATTACHMENT K—REQUIRED OPEN AREA IN COMMON GREENS/SHARED COURTS  
(Issues 9 and 10)**

*The Bureau of Development Services (BDS) has been working on Administrative Rules to govern the design of private streets, including common greens and shared courts. These Administrative Rules ensure adequate green space in common greens and courts. However, the requirements may also be placed in the Zoning Code instead, as shown below.*

**33.654.120 Design of Rights-of-Way**

**D. Common green approval criteria and standards. [No change]**

1. Right-of-way.
  - a. Approval criteria.
  - b. Standards for configuration of elements within the right-of-way.
    - (1) For common greens, the Bureau of Development Services has approved the configuration of elements within the street right-of-way.
    - (2) Turnarounds are not required for common greens.
    - (3) Common Greens must include at least 400 square feet of grassy area, play area, or dedicated gardening space, which must be at least 15 feet wide at its narrowest dimension.

**E-F [no change]**

**G. Shared court approval criteria and standards. [No change]**

1. Right-of-way.
  - a.-b. [no change]
  - c. Standards for configuration of elements within the right-of-way.
    - (1) The Bureau of Development Services has approved the configuration of elements within the street right-of-way, including a specific paving treatment and traffic calming measures;
    - (2) Shared courts must be dead-end streets. Through shared courts are not allowed.
    - (3) Shared courts must include at least 250 square feet of grassy area, play area, or dedicated gardening space, exclusive of vehicle parking areas. This area must be at least 15 feet wide at its narrowest dimension.

*Note: The Recommended Draft also allows small structures, such as gazebos and other shared accessory buildings, but limits the total building coverage for such structures to 15 percent of the total area of the common green or shared court. Garages and carports are not allowed in the common green or shared court.*



ATTACHMENT L—LONG TERM BICYCLE PARKING FOR MULTI-DWELLING  
DEVELOPMENT

<p><b>Table 266-6</b> <b>Minimum Required Bicycle Parking Spaces</b></p>			
<b>Use Categories</b>	<b>Specific Uses</b>	<b>Long-term Spaces</b>	<b>Short-term Spaces</b>
<b>Residential Categories</b>			
Household Living	Multi-dwelling	<u>1 per 4 units</u> <u>1.5 per 1 unit in Central</u> <u>City plan district; 1.1 per</u> <u>1 unit outside Central</u> <u>City plan district</u>	[No change]
Group Living		[No change]	
<b>Commercial Categories</b>		[No change]	
<b>Industrial Categories</b>		[No change]	
<b>Institutional Categories</b>		[No change]	
<b>Other Categories</b>		[No change]	



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February 5, 2010

TO: City Commissioners

FROM: Eric Engstrom, Principal Planner *EJE*

RE: RICAP 5 Documents

Last Thursday, January 28<sup>th</sup> you received an 11x17 document titled "Request for Amendments or Information – RICAP 5." This was a matrix of issues raised at the January 6<sup>th</sup> hearing on RICAP 5 and staff's responses to those issues. There were nine attachments (A-I).

At the February 3<sup>rd</sup> hearing, we distributed a number of pages printed on pink paper. These pages are replacements for several of the attachments and one new one (J).

For your convenience, we've reprinted ALL the attachments (A-J) on blue paper to be used at the next RICAP 5 hearing on February 11<sup>th</sup>.

Please contact me if you have any questions. My number is 3-3329.



**ATTACHMENT A—  
OPTIONS FOR WIND TURBINE CODE LANGUAGE (ISSUES 3 & 5)**

**OPTION ONE:** *This exempts anemometers and wind turbines from design review, including compliance with the Community Design Standards. However, they may not project into view corridors, and turbines would still be subject to the standards of Chapter 33.299, Wind Turbines, which limits height, noise, and size. This option does not affect historic districts because those regulations are in a different chapter of the Zoning Code.*

**33.420.045 Exempt From Design Review**

The following items are exempt from design review:

- A. – U.** [No change]
- V.** Within the North Interstate plan district, alterations to detached houses and accessory structures on sites not fronting on Interstate Avenue; ~~and~~
- W.** Permitted Original Art Murals as defined in Title 4; ;
- X.** Anemometers, which measure wind speed; and
- Y** Small wind energy turbines that do not extend into a view corridor designated by the Scenic Resources Protection Plan. Wind turbines are subject to the standards of Chapter 33.299, Wind Turbines.



**OPTION TWO:** This option temporarily exempts wind turbines and anemometers from design review in the Central City unless they project into a view corridor. This option does not affect historic districts because those regulations are in a different chapter of the Zoning Code.

### **33.420.045 Exempt From Design Review**

The following items are exempt from design review:

**A. – U.** [No change]

**V.** Within the North Interstate plan district, alterations to detached houses and accessory structures on sites not fronting on Interstate Avenue; ~~and~~

**W.** Permitted Original Art Murals as defined in Title 4. ;

**X.** In the Central City plan district:

1. Anemometers, which measure wind speed, that do not extend into a view corridor designated by the Scenic Resources Protection Plan;

2. Small wind energy turbines that do not extend into a view corridor designated by the Scenic Resources Protection Plan. Turbines are subject to the standards of Chapter 33.299, Wind Turbines,

The exemptions of this subsection sunset on [3 years from effective date of this regulation]; at that time the turbines and anemometers must either be removed or must meet all requirements of this Title, including design review.



**OPTION THREE:** *This requires design review for all turbines, but exempts anemometers from design review in the Central City. If Council chooses this option, BDS intends to recommend reduced fees for required reviews. This option does not affect historic districts because those regulations are in a different chapter of the Zoning Code.*

### **33.420.045 Exempt From Design Review**

The following items are exempt from design review:

- A. – U.** [No change]
- V.** Within the North Interstate plan district, alterations to detached houses and accessory structures on sites not fronting on Interstate Avenue; ~~and~~
- W.** Permitted Original Art Murals as defined in Title 4-; and
- X.** In the Central City plan district, anemometers, which measure wind speed.

### **33.825.025 Review Procedures**

[No change.]

#### **A. Procedures for design review.** [No change.]

1. Type III. The following proposals are processed through a Type III procedure: [No change.]
2. Type II. The following proposals are processed through a Type II procedure:
  - a-s [no change]
  - t. Proposals within the St. Johns plan district; ~~and~~
  - u. Proposals within the North Interstate plan district-; and
  - v. Small wind energy turbines.



## ATTACHMENT B

### Extended Eaves in Setbacks – Pro & Con Plus Additional Information (Issue 6)

#### Pro

##### **Weather and moisture protection.**

- Prevents rain from directly hitting windows and doors, and seeping into the interior of walls through gaps between materials.
- Prevents mold growth by reducing water penetration.
- Helps to keep water away from the foundation, preventing basement leaks and structural failures.
- Helps extend the life of paint, siding and other exterior materials.
- A study in British Columbia found a direct correlation between the length of the eave overhang and the reduced probability of rain-related building damage. (*Source: Building Science Digest*)

##### **Reduces summertime energy usage.**

- Deeper eaves offer more shading on windows and south-facing walls in the summer, reducing the building's heat gain.
- Reduces the amount of air conditioning or other cooling needed to keep the building comfortable. Many new homes in Portland have air conditioning, which is having a growing impact on our energy use.
- The second largest energy load in a typical U.S. home (behind space heating) is the space cooling load. Electrical lighting is fourth. (*Source: US Dept. of Energy*)
- As our climate becomes warmer this will be an increasing concern. The percentage of home energy use that will be used for space cooling is estimated to increase by a full percentage point by 2020. (*Source: US Dept. of Energy*)

##### **Consistent with Portland architectural style.**

- A key feature of the Portland bungalow style is a deep eave.
- Most homes in Portland built between 1890 and 1930 feature eaves between 18" and 24" deep, often with setbacks of 3 to 5 feet.
- Deep eaves are common in the Pacific Northwest because of their known ability to protect buildings from the wet weather.
- Extending the eaves on an existing house is impractical, so this code option would likely only be utilized by new construction, so it will have limited effect on developed Portland neighborhoods.

##### **Consistent with green building standards.**

- Deeper eaves are recognized by green builders as a simple, cost effective way to increase the durability and extend the life of building materials.
- LEED for Homes, Earth Advantage and the National Homebuilders Green Building Standard all award points toward certification for building with deeper eaves.

##### **Creates options for builders.**

- Currently one way to have extended eaves is to move the building back a foot from the side property lines, however doing this prohibits the use of economical, off-the-shelf plan sets that are designed to fit on standard width lots (i.e. 40 foot wide houses for 50 foot wide lots).
- Requesting an adjustment or increasing the building setbacks to allow for extended eaves makes a low-cost building measure much more cost-prohibitive.
- Builders will not be required to extend their eaves, but allowing them to use this option will encourage more to consider it.
- Improving the longevity of buildings will help reduce the risk of liability for builders.



## Perceived Con

### **More roof area increases the amount of impervious surface.**

Although extending the eaves will result in more roof surface area, it will not increase the amount of impervious surface, since eaves do not prevent rain water from reaching the ground. Similar to an umbrella, eaves redirect the water away from the building, but do not prevent the water from reaching the ground.

### **Deeper eaves will result in more energy use, because they will cut off natural daylight, requiring the need to use more electric light.**

There are many factors beside eave length that could effect how much ambient light (or "skylight") reaches the interior of a house, including the location, orientation and size of the windows, the height of the structure, and the location of neighboring structures and adjacent vegetation. However, based on our latitude and climate, Portland averages about 725 foot candles of exterior daylight at any given time on an overcast day. The IESNA (Illuminating Engineering Society of North America) recommends a general interior lighting level of between 10 and 50 foot candles for residential use, which is generally achievable using natural daylight even with exterior obstructions.

In 2002, the City of Portland gave a Green Investment Fund (GIF) grant for the "Rose House", an 800 s.f. accessory dwelling unit designed by SERA Architects. The single story house included 2 foot deep eaves, so SERA developed a daylight study to help determine if this would limit interior daylighting (*excerpt attached*). The study predicted that the amount of daylight on an overcast day would still exceed the IESNA recommendations. Following construction, actual measurements in the field have verified that IESNA standards were exceeded, even with the two foot overhangs.

If adopted, building with extended eaves will be an option, not a code requirement. So if a designer is concerned about the amount of available natural light due to site constraints or other existing obstructions, they can opt to design with a shorter eave.

### **Deeper eaves will cast more shadows on the house next door.**

BPS prepared a shadow analysis showing how deeper eaves affect adjacent structures. This analysis found that even with a standard 1 foot eave, the adjacent house is not in direct sunlight for the majority of the year. The only time that a deeper eave results in more shadow cast on the adjacent structure is during the peak of the summer months, when this cooling would actually be a benefit to the neighboring house.

### **Deeper eaves on my neighbor's house will shed water into my basement.**

It is the role of the gutters, not the eaves to direct stormwater to a disposal point. If gutters are not maintained well, or are not functioning properly, then water hitting the roof will shed into the side setbacks no matter the depth of the eave.

### **There may be some safety concerns related to deeper eaves.**

Having longer eaves on a roof can create an area directly below the eave where light levels are slightly lower, but on a typical house this shadowed area would not reach the ground. Therefore, providing deeper eaves would not create any low-light conditions on the ground that would encourage crime.



This holistic state-of-the-art approach to rain control can be described by the three-D's: **Deflection, Drainage/Storage/Exclusion, and Drying**. The next three sections of this digest will investigate each in turn.

### 1. Deflection

The climate and the site play a large role in defining the rain exposure that a building is exposed to. Most parts of the world experience a significant amount of wind-driven rain, and those areas exposed to typhoons can have extreme exposure conditions.

While this type of climate demands good rain control strategies for enclosure walls, the rain deposited on walls can be significantly reduced by good design and siting.

The first line of defence is the siting of the home – exposure to the prevailing driving rains can be defended against by plantings, landscaping, and by choosing lower building designs (i.e., bungalows).

The shape of the roof and overhangs also have a critical impact. Field measurements [1] and computer modelling [2] have shown that overhangs and peaked roofs reduce rain deposition by approximately 50%. A damage survey of wood frame buildings in British Columbia [3] found that the size of a buildings overhang correlated directly with the probability of rain-related damage (Figure 1).

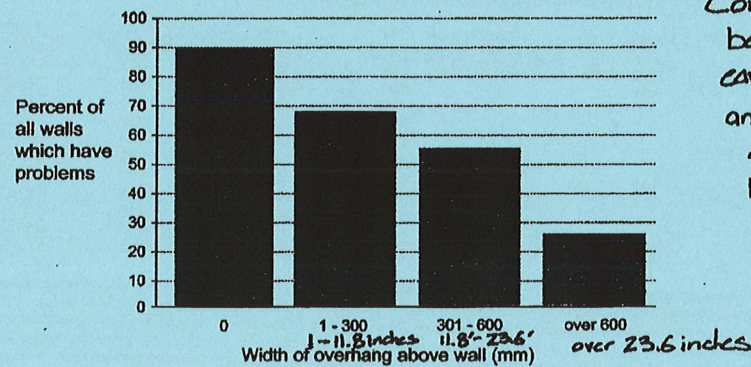


Figure 1: Wall problems as a function of the overhang size from a field survey

Peaked roofs and overhangs protect a wall from rain by shadowing and redirecting airflow (Figure 2). Hipped roofs provide an opportunity to shelter the walls from rain on all four sides of the building and also increase the resistance to damage during high winds.

From a Survey of Building Envelope Failures in the Coastal Climate of British Columbia, published 1996



Buildings Energy Data Book 2.1 Residential Sector Energy Consumption

September 2008

2.1.6 2010 Residential Energy End-Use Splits, by Fuel Type (Quadrillion Btu)

	Natural Fuel			Other Renw.		Site Electric	Site		Primary Electric (3)	Primary	
	Gas	Oil	LPG	Fuel(1)	En.(2)		Total	Percent		Total	Percent
Space Heating (4)	3.57	0.66	0.24	0.09	0.44	0.37	5.37	46.0%	1.15	6.16	27.6%
Space Cooling	0.00					0.79	0.79	6.8%	2.48	2.48	10.1%
Water Heating	1.08	0.09	0.05		0.02	0.38	1.63	13.9%	1.20	2.45	10.0%
Lighting						0.72	0.72	6.2%	2.26	2.26	10.1%
Refrigeration (5)						0.45	0.45	3.8%	1.41	1.41	6.3%
Wet Clean (6)	0.07					0.38	0.45	3.8%	1.19	1.27	5.7%
Electronics (7)						0.39	0.39	3.4%	1.23	1.23	5.5%
Cooking	0.22		0.03			0.11	0.36	3.1%	0.34	0.60	2.7%
Computers						0.10	0.10	0.8%	0.30	0.30	1.3%
Other (8)	0.00		0.16		0.00	1.26	1.42	12.2%	3.97	4.13	18.5%
<b>Total</b>	<b>4.95</b>	<b>0.75</b>	<b>0.48</b>	<b>0.09</b>	<b>0.46</b>	<b>4.95</b>	<b>11.68</b>	<b>100%</b>	<b>15.54</b>	<b>22.27</b>	<b>100%</b>

Note(s): 1) Kerosene (0.08 quad) and coal (0.01 quad) are assumed attributable to space heating. 2) Comprised of wood space heating (0.44 quad), solar water heating (0.02 quad), geothermal space heating (less than 0.01 quad), and solar PV (less than 0.01 quad). 3) Site -to-source electricity conversion (due to generation and transmission losses) = 3.14. 4) Includes furnace fans (0.19 quad). 5) Includes refrigerators (1.16 quad) and freezers (0.25 quad). 6) Includes clothes washers (0.10 quad), natural gas clothes dryers (0.07 quad), electric clothes dryers (0.80 quad), and dishwashers (0.29 quad). Does not include water heating energy. 7) Includes color television (1.23 quad). 8) Includes small electric devices, heating elements, motors, swimming pool heaters, hot tub heaters, outdoor grills, and natural gas outdoor lighting.

Source(s): EIA, Annual Energy Outlook 2008, Mar. 2008, Tables A2, p. 117-119, Table A4, p. 122-123 and Table A17, p. 143-144.

Energy Use for space cooling in 2010

2.1.7 2020 Residential Energy End-Use Splits, by Fuel Type (Quadrillion Btu)

	Natural Fuel			Other Renw.		Site Electric	Site		Primary Electric (3)	Primary	
	Gas	Oil	LPG	Fuel(1)	En.(2)		Total	Percent		Total	Percent
Space Heating (4)	3.83	0.85	0.24	0.09	0.41	0.40	5.61	45.6%	1.23	6.45	27.5%
Space Cooling	0.00					0.91	0.91	7.4%	2.83	2.83	12.3%
Water Heating	1.15	0.08	0.05		0.03	0.42	1.73	14.0%	1.31	2.63	11.2%
Lighting						0.51	0.51	4.1%	1.58	1.58	6.8%
Refrigeration (5)						0.46	0.46	3.7%	1.43	1.43	6.1%
Electronics (6)						0.43	0.43	3.5%	1.33	1.33	5.7%
Wet Clean (7)	0.08					0.39	0.47	3.8%	1.22	1.30	5.6%
Cooking	0.25		0.03			0.12	0.41	3.3%	0.39	0.67	2.9%
Computers						0.12	0.12	1.0%	0.38	0.38	1.6%
Other (8)	0.00		0.20		0.00	1.49	1.70	13.7%	4.63	4.84	20.7%
<b>Total</b>	<b>5.30</b>	<b>0.73</b>	<b>0.52</b>	<b>0.09</b>	<b>0.45</b>	<b>5.25</b>	<b>12.35</b>	<b>100%</b>	<b>16.34</b>	<b>23.43</b>	<b>100%</b>

Note(s): 1) Kerosene (0.08 quad) and coal (0.01 quad) are assumed attributable to space heating. 2) Comprised of wood space heating (0.40 quad), solar water heating (0.03 quad), geothermal space heating (0.01 quad), and solar PV (less than 0.01 quad). 3) Site -to-source electricity conversion (due to generation and transmission losses) = 3.11. 4) Includes furnace fans (0.23 quad). 5) Includes refrigerators (1.14 quad) and freezers (0.29 quad). 6) Includes color television (1.33 quad). 7) Includes clothes washers (0.08 quad), natural gas clothes dryers (0.08 quad), electric clothes dryers (0.84 quad), and dishwashers (0.30 quad). Does not include water heating energy. 8) Includes small electric devices, heating elements, motors, swimming pool heaters, hot tub heaters, outdoor grills, and natural gas outdoor lighting.

Source(s): EIA, Annual Energy Outlook 2008, Mar. 2008, Tables A2, p. 117-119, Table A4, p. 122-123 and Table A17, p. 143-144.

Energy Use for space cooling in 2020

Source: Building Energy Data Book 2008, Published by the U.S. Dept. of Energy

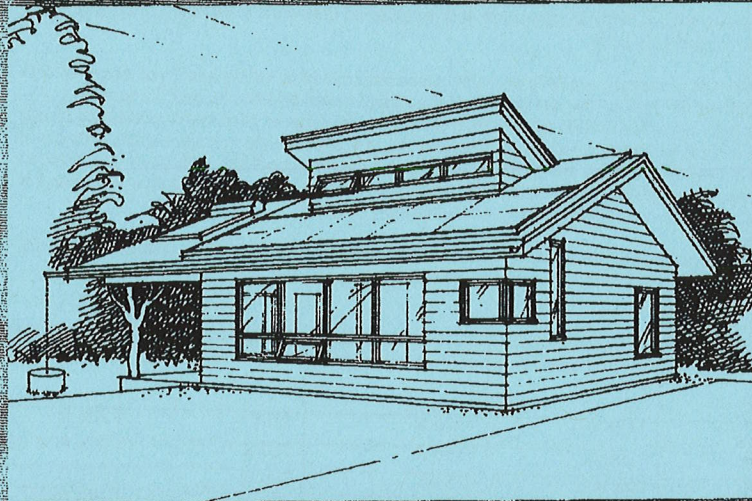


City of Portland  
Office of Sustainable Development  
Green Building Division

Green Investment Fund

Request for Proposal GSD-02-03

Emerging Technologies



The Rose House

Submitted by:  
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January 19, 2004



## The Rose House

A Net Energy Home

Excerpt from daylighting study

Type of space	DF (%)	$A_w/A_f$ (%)
Art studios, altars (if strong emphasis is desired)	4-6	20-30
Laboratories (e.g., work benches)	3	15
General offices, banks (e.g., typing, accounting), classrooms, gymnasiums, swimming pools	2	10
Lobbies, lounges, living rooms	1	5
Corridors, bedrooms	0.5	2.5

FIGURE TWO<sup>2</sup>

To perform a more detailed calculation, it is necessary to determine the amount of exterior illumination available on a site.

The amount of daylight available on a site can be determined by taking a series of measurements throughout the year on the site or it can extrapolated based on latitude, and sky condition. Climate data, typically available from NOAA, gives the percentage of clear, partly cloudy and cloudy days, a particular location has for each season. For a predominately overcast climate, such as we have in Oregon, windows are generally sized for the overcast condition, with direct sun excluded in areas where sensitive tasks occur. Data from clear summer, clear spring and clear winter days is also included to determine the range of illumination expected.

For this purposes of this evaluation, graphs predicting the exterior illumination available at a specific latitude, time of year and sky condition were used.

Azimuth	Typ. Ext. Illumination on Clear Summer Day	Typ. Ext. Illumination of Clear Spring / Fall Day	Typ. Ext. Illumination of Clear Winter Day	Typ. Ext. Illumination on an Overcast Day
0	1425 fc	1300 fc	1100 fc	725 fc
45	1200 fc	1100 fc	900 fc	725 fc
90	700 fc	625 fc	500 fc	725 fc
180	400 fc	375 fc	300 fc	725 fc

Typical exterior daylight in Portland (in footcandles) for different times of the day and year.

SERA



## The Rose House

A Net Energy Home

predicted  
daylight  $\Rightarrow$   
levels for  
Rose House  
w/ 2 foot  
eave

Room	Typ. Int. Illumination on Clear Summer Day	Typ. Int. Illumination of Clear Spring / Fall Day	Typ. Interior Illumination of Clear Winter Day	Typ. Interior Illumination on an Overcast Day
Living Room	140 fc	128 f	107 fc	87 fc
Bedroom	28 fc	25 fc	20 fc	29 fc
Office	56 fc	50 fc	40 fc	58 fc
Bath	12 fc	11 fc	9 fc	22 fc

The Illumination Engineering Society has the following recommendations for light levels:

Type of Activity	Illuminance - fc		
	Low	Mean	High
<b>General Lighting</b>			
Public spaces - dark surroundings	2	3	5
Simple orientation for short stay	5	7.5	10
Working spaces - occasional visual task	10	15	20
Visual task - high contrast or large size	20	30	50
<b>Illumination on Task</b>			
Visual task - medium contrast or small size	50	75	100
Visual task - low contrast or very small size	100	150	200

IESNA recommended  
 $\Leftarrow$  interior lighting levels  
(in foot candles).

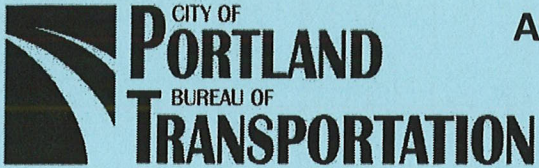
### Illumination Levels

FIGURE THREE

Quantitative measurements such the analysis we performed seek to provided a specific targeted illumination level. However, quality of light is at least as important as quantity of illumination in how we perceive a space. We do not see light in absolute foot-candle values. Instead, our perception of a space's brightness is relative to its surroundings. The quality of light, the evenness of the light distribution and avoiding glare contribute much more to the overall perception of the space.

SERA





## Attachment C — Bike Parking



Sam  
Adams  
Mayor

Susan D.  
Keil  
Director

**Long-term bicycle parking provision in multi family dwellings (MFD)**  
**A survey of developer comments and sample residential projects**  
 (Issue 13)

Portland currently has examples of market rate and affordable multi-family housing projects that provide long-term bicycle parking that meet or exceed a 1.1 space per dwelling unit ratio.

There are also examples of residential projects that provided lower rates and are now responding to high demand for bicycle parking by attempting to retroactively find room for additional spaces.

Five development companies were interviewed about their experience providing long-term bicycle parking in residential projects. Some of these include projects with affordable housing components.

The attached table provides a summary of existing and proposed conditions under a 1.1 or 1.5 bicycle parking to dwelling unit ratio. The table demonstrates that several market rate and affordable housing projects already meet or exceed the 1.1 or the 1.5 proposed requirements.

For many of the other projects, meeting the 1.1 code requirement would require a (relatively small) reallocation of space. Based on comments from the developers we know that some of these projects are in the process of adding additional long-term spaces due to unpredicted over demand.

The attached table indicates the equivalent number of car stalls that represent the floor area needed for additional long-term bike spaces to meet the 1.1 and 1.5 ratios. However, it should be noted that long-term bicycle parking spaces can be provided in a variety of different layouts including wall mountings and storage units as long as they meet City code standards for bicycle parking [33.266.220.C].

Developers who routinely incorporate bicycle parking into residential projects told us that planning for long-term bicycle spaces is best done early in the building design project and that Council's proposal to increase the long term requirement would ensure that bicycle parking room and spaces were not afterthoughts.

An Equal  
Opportunity  
Employer



Existing and Proposed Long-term Bicycle Parking Provision for Sample of Portland Affordable and Market Rate Residential Projects

Building Name	Address	Existing Conditions				Proposed Conditions				Comments
		Dwelling Units	LT Bike Spaces	Ratio (spaces per unit)	Auto Parking	Additional Parking Required at 1.1	Equivalent # of Additional Car Stalls	Additional Parking Required at 1.5	Equivalent # of Additional Car Stalls	
Mississippi Ave Lofts	4216 North Mississippi Ave	32	78	2.4	23	0	0	0	0	Mississippi Avenue Lofts is a sustainable new 56,000 sf 4 story mixed-use development with 32 units. It will provide 78 long term space. Each unit is provided with 2 spaces. An additional 14 spaces are provided inside the lobby for visitors and the ground floor retail needs. Bicycle spaces for the individual units are provided outside the front door as well indoors in a specially designed alcove with rack to secure the bike.
Ecoflats	3935 N. Williams Ave	18	36	2.0	0	0	0	0	0	EcoFlats is a proposed mixed-use retail and housing development featuring 18 loft style apartment homes. Each unit is provided with 2 long-term bicycle spaces in the form of personal bike lockers on each floor. Building includes an on-site bicycle maintenance room. A lit and covered bike parking area will be provided for visitors and retail customers along the N. Williams Avenue frontage. No auto parking is proposed for the site.
Pearl Family Housing	1350 NW Raleigh St	138	162	1.2	130	0	0	45	6	Four-story, mixed-use building with ground floor retail. Pearl Family Housing will include 138 affordable apartments available to income qualified families. 70 apartments will have three-bedrooms, 60 apartments will have two-bedrooms and 8 apartments will have one-bedroom.
Freedom Center	NW 14th Ave & Pettygrove St	150	151	1.0	0	14	1	74	9	Freedom Center is a 150-unit studio apartment complex of three, four-story buildings on a half-block site facing Northwest Pettygrove Street between 14th and 15th avenues. It's intended to attract students and young, mostly single workers. Building features multiple bike storage rooms for long term bike parking, with total of 151 spaces. Zero auto parking spaces are proposed.
Buckman Terrace	303 Northeast 16th Ave	122	90	0.7	71	44	4	93	12	Completed in 2000, Buckman Terrace is 4 story, 122 unit market-rate apartment building with underground parking and commercial uses on Sandy Boulevard. It features large secure bike parking rooms with racks for 90 bikes. Due to high demand the developer has added additional bicycle parking capacity.
Buckman Heights Apartment	430 Northeast 16th Ave	144	92	0.6	60	66	6	124	16	Completed in 1998, Buckman Heights is a mixed-income residential project with 144 units. Developers applied for zoning code provision which allows bicycle parking to substitute up to 25% of auto parking requirement. Building originally provided 92 long term bicycle spaces as well as floor pumps, and a workstand in the bike rooms. The bicycle parking has been so well used that the developer added even more bike parking to Buckman Terrace.
Sitka	1230 Northwest 12th Ave	209	100	0.5	126	130	11	214	27	Affordable housing project located in the Pearl District providing 209 units in 2 six story buildings. Building designed with several large bike rooms conveniently located off the courtyard. Security features include card readers and cameras. According to developer demand for bike parking in bike rooms is over capacity and they are adding more spaces. Tenants are using covered outdoor (in courtyard) short term parking because there isn't sufficient room in the bike rooms.
Humboldt Gardens	5033 N Vancouver Ave	130	40	0.31	56	103	9	155	19	Housing Authority of Portland project featuring 74 low rise units and one mixed use building with 56 units. Mixed use building has a bike room. For the 74 low rise units long-term bike parking was assumed to be in unit (balcony, patio, etc). According to property manager, bike parking demand in bike room was low.
Eastgate Affordable Housing	134 NE 120th Ave	61	16	0.26	42	51	4	76	10	A 61-unit affordable housing project. According to staff reports 16 long term spaces are provided in residential units.
South Waterfront Block 46	SW Bond & Lowell	273	71	0.26	328	229	19	339	42	A six-story, mixed-use building with ground floor retail.
Riva on the Park	0650 Southwest Gaines St.	294	74	0.25	0	250	21	368	46	22 story high rise offering studios, one and two bedroom apartments. Developers originally provided minimum amount of bicycle parking spaces and are now trying to retrofit building with more spaces due to high demand.
Tupolo Alley	3850 N. Mississippi Ave	140	33	0.24	108	121	10	177	22	3 buildings featuring studios, lofts, and 1 & 2 bedroom apartments on Mississippi Avenue. Developers originally provided minimum amount of bicycle parking spaces and are now trying to retrofit building with more spaces due to high demand.
The Albert Apartments	3632-3638 N Williams Ave	72	11	0.15	49	68	6	97	12	A four-story, mixed-use building with 72 units and ground floor retail. Project received an adjustment to reduce the long-term bicycle parking ratio from .25/unit to .15/unit. Two resident access only, bicycle parking storage areas are provided in the auto parking area within a fenced enclosure.



## Interviews:

Ed McNamara, Turtle Island Development, LLC  
 Sam Rodriguez & Tom DiChiara, Trammell Crow Residential  
 Damin Tarlow, Gerding Edlen Development Co., LLC  
 Jean Pierre Veillet, Siteworks Design Build  
 Peter Wilcox, Renewal Associates, LLC

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### Ed McNamara, Turtle Island Development, LLC

- Turtle Island Development LLC has developed several large residential projects with affordable housing components, including *Pearl Family Housing* and *The Sitka*, both in the Pearl District. Ed McNamara has over 30 years of experience in construction and in private sector and non-profit real estate development. In 2002, Ed started his own company - Turtle Island Development, LLC – to focus on affordable and market-rate multifamily development.
- The currently under construction Pearl Family Housing project will provide 1.2 long-term bicycle parking spaces per dwelling unit. The Sitka project originally provided a ratio of 0.5 long-term spaces per unit, however this amount (100 spaces) proved to be insufficient and they are looking to retrofit the building with more long-term spaces.
- Was slightly shocked by the proposal to increase the amount to 1.1, however believes that mandating higher amounts of bicycle parking is the only way to ensure early planning of bicycle parking facilities in a project.
- He does recognize that 1.1 requirement would add costs to a project and could result in a loss of 1 or 2 apartments per project.
- Suggested that City's spacing of bicycle parking (perhaps too generous amount between racks) could make requirement more onerous than necessary.
- Recommends that City consider phasing-in new requirement in with an initial requirement of 0.5, followed by 0.75 and 1.0 or 1.1 after two year increments. Says that overnight enactment of a large change could dramatically affect affordability of some projects.
- Recommends that City consider reducing SDC fees in exchange for increasing bicycle parking requirement. Believes that assuming higher bicycle ridership also assumes that the project's impact on local roads is reduced as well.

### Sam Rodriguez & Tom DiChiara, Trammell Crow Residential

- Trammell Crow Residential has two recent residential projects, *Tupolo Alley* on N. Mississippi Avenue, and *Riva on the Park* in South Waterfront, for which they admit that the original provision of bicycle parking does not meet current demand. The developers are revisiting both projects in order to add spaces wherever possible.



- Believes a 1 to 1 ratio of bicycle parking would be a desirable amount. However budget and other requirements often hinder a project's ability to achieve this goal. Will be building larger bicycle rooms in future projects as well as looking into designing storage units to accommodate a bicycle.
- Says that an increase in the bicycle parking requirement to 1 to 1 is not an insignificant cost. Using a very rough, back of the envelope calculation, he said that it could represent approximately a 0.5 – 1% increase in the project costs for a development like the *Riva on the Park*.
- Believes that market demand (for bicycle parking) should drive provision of bicycle parking requirements and not 'one-size-fits-all' city requirements.
- Hopes that new long-term bicycle parking requirement would allow some flexibility in how to provide the parking. For example, accommodating bicycles in storage units, wall units, etc so that it does not require eating up valuable floor space which could be used for retail or other uses.
- It is more difficult to provide bicycle parking for condo building where buyers have more 'stuff' and demand higher auto parking ratios.

**Damin Tarlow, Gerding Edlen Development Co., LLC**

- Says that Gerding Edlen projects generally provide a 1 to 1 ratio of bicycle parking to dwelling units if bicycle spaces and storage spaces are counted together.
- Believes that per unit requirements penalizes developers who want to build small dense units.
- Suggests including incentives for developers, such as reducing SDC fees.
- Concerned that tenants will still want to take bicycles into their units due to a desire for more secure storage facilities.

**Jean Pierre Veillet, Siteworks Design Build**

- Siteworks Design Build focuses on environmentally sensitive projects that include small-scale remodels to large-scale commercial and residential projects.
- Siteworks' project, *ecoFlats* on N. Williams, will provide 2.0 ratio of long-term bicycle parking to dwelling unit.
- Has no concern about an increase of the long-term bicycle parking requirement to 1.1 or 1.5 spaces per unit.
- Believes that residential project should strive to provide opportunities for residents to save money, through the ability to bicycle as your transport mode or through more efficient buildings and reduced utility costs.
- The fact that the city has zero parking requirements in some parts of town and other code statutes which allow flexibility in the provision of auto parking, makes it easier for a project to provide higher amounts of bicycle parking.



**Peter Wilcox, Renewal Associates, LLC**

- Renewal Associates works primarily in real estate development as well as infill, mixed use, affordable and special needs housing.
- Believes that Council's proposal to increase bicycle parking is a good thing and they shouldn't hesitate to go ahead with the increase.
- He does recognize that there are increased developer project costs associated with the proposal, however feels that through early planning of the bicycle parking and creativity in locating facilities that the costs can be minimized.
- Is providing 2 bicycle spaces per unit (in some cases a space directly outside unit and another inside the unit through the provision of a special alcove and hardware). In addition, another 14 secure places are provided inside the lobby (technically long-term) intended for visitors and for retail space use.
- Does not agree that the Central City would be the best location in Portland for an increase to 1.5 spaces per unit due difficulty of cycling in the Downtown and that walking is much easier. Better locations for such an increase would be other neighborhoods in inner Portland such as North Portland or South-east.
- He believes that a 'carrot and stick' approach to the bicycle parking requirement would be more amenable to developers. Demanding higher bicycle parking ratios should suggest that there are lower impacts on local roads and therefore a reduction in transportation SDC fees should be seriously considered.



## Attachment D—Retaining Walls (Issue 14)

### AMEND CHAPTER 33.110, SINGLE DWELLING ZONES

#### Section 33.110.257 Retaining Walls

**A. Purpose.** The standards of this section help mitigate the potential negative effects of large retaining walls. Without mitigation, such walls can create a fortress-like appearance and be unattractive. By requiring large walls to step back from the street and provide landscaping, the wall is both articulated and visually softened.

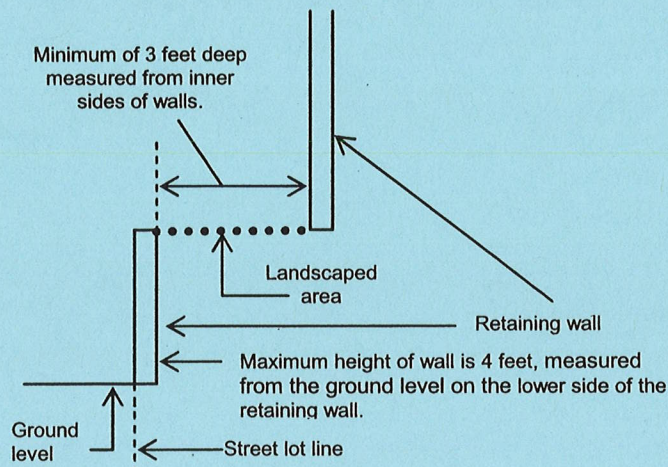
**B. Where these regulations apply.**

1. Generally. These regulations apply to the portions of retaining walls in required setbacks along street lot lines. Where there is no required setback, or the setback is less than 10 feet, the regulations apply to the first 10 feet from the lot line.
2. Exception. Retaining walls in the areas described in B.1 that are less than four feet high, measured from the ground level on the lower side of the retaining wall, are not subject to the regulations of this section.

**C. Standards.**

1. Retaining walls must include a step-back as shown in Figure 110-15.
2. The landscaped area shown in Figure 110-15 must be landscaped to at least the L2 standard, except that trees are not required. A wall or berm may not be substituted for the shrubs.

**NEW Figure 110-15**  
**Retaining Walls**





## ATTACHMENT E—

## COMMENTARY ON CHANGES TO SIZE AND NUMBER OF LOADING SPACES (Issue 15)

*This is from pages 160 and 162 of Recommended Draft*

Loading spaces with dimensions of 35' feet long by 10' feet wide and with a 13 foot clearance are required for all types of development. This is a loading space that is large enough to accommodate trucks making deliveries to larger commercial and industrial uses. Most deliveries to multi-dwelling development are made in smaller delivery vans. This is also true of multi-dwelling development that includes small retail uses on the ground floor such as cafes and flower shops. These amendments will allow smaller loading spaces that are more tailored to the actual moving and delivery needs in multi-dwelling developments, including multi-dwelling development that includes some small retail uses.

At the August 25 hearing, there was quite a bit of discussion about the proposal to reduce both the size and number of loading spaces required for buildings that are entirely residential, or are primarily residential with a small amount of commercial use. Southeast Uplift raised two concerns: First, without loading spaces, delivery trucks will block already congested streets. Second, the neighborhood sometimes appeals the developers' request for an adjustment as a way to force the developer to talk with them, and perhaps modify other aspects of the development. Members of the Planning Commission asked for feedback on trade-offs, such as requiring space on-site that is rarely used vs. blocking streets, or requiring curb cuts for loading spaces (which may eliminate on-street parking) vs. blocking streets. There were also questions about bicycle safety when trucks stop in the street to unload.

Dedicating loading spaces (and maneuvering area) on site reduces the amount of space available for more desirable uses such as retail, dwelling units, etc. Locating loading spaces—signed for loading only—on the street removes the availability of the public right-of-way for other uses, such as on-street parking or bike lanes, wider sidewalks and other amenities. The effects on the public right-of-way may be offset to some extent because the same area that will be used as the driveway approach for the loading space could be used as a dedicated loading space in the street. Alternatively, in the absence of specific loading areas, trucks may stop in the travel lanes, leading to congestion and inconvenience for other drivers.

From observation and anecdotal evidence, it appears that most trucks that use the travel lanes for loading/unloading stop for just a few minutes. In some cases, they may use the travel lanes because there is no loading space, but it also appears that on-site loading spaces are often inconveniently located, and may require the driver to stop in the travel lane anyway to ask that the loading space be unlocked and opened.

On-site loading spaces may affect pedestrians if a truck parked in the loading space blocks the sidewalk, forcing them to walk into the street to get around the vehicle. Wider curb-cuts with larger aprons are also required for commercial driveways to accommodate the wider turning radii of trucks, which makes for a less inviting pedestrian environment.

The impact on bicyclists of trucks stopped in the street to make deliveries depends on the design of the street. If there are separated vehicle lanes, bike lanes, and parking lanes, a truck



might pull into the bike lane and block it if the parking lane is full. If there is only a vehicle lane and a parking lane, bike traffic is affected in a similar way as motor vehicle traffic.

Although there is a lack of hard data regarding the use of loading spaces, anecdotal evidence coupled with a review of adjustments finds:

*Multi-dwelling residential* - Move-ins and move-outs entail a broad range of vehicle sizes. A permit to park on the street can be issued from the Bureau of Transportation for larger vehicles. The type of loading configuration proposed in RICAP 5 has been approved for a number of adjustments granted for multi-dwelling development over the past 10 years.

*Small commercial use within multi-dwelling residential* - Currently, the zoning code does not require loading spaces for commercial buildings less than 20,000 square feet in area. The sense is that these small uses are generally able to meet their loading needs through demarcated on-street spaces, space in existing parking areas, and occasional stopping of delivery vehicles in street. The delivery vehicles that serve this kind of use are thought to be generally smaller vehicles that make "circuit" deliveries of smaller items and therefore do not need to park on the site for a long period of time to load or unload. The change proposed in RICAP 5 will require that retail or other commercial that is less than 20,000 and that is located in a building that also includes multi-dwelling units meet the standards of the multi-dwelling use. This can be viewed as a more stringent standard for this commercial use, since if it was a stand alone use no loading space would be required.

Different types of commercial uses have different needs for loading spaces: a grocery store or fast food restaurant may need to have deliveries from many large trucks that stay on site for some time, while a small office may only receive deliveries from UPS and the like. While an analysis of these different needs might help refine our loading standards, it is beyond the scope of this project.

Staff discussed this proposed amendment with the Design and Historic Landmarks Commissions. Both say they support the amendment on the grounds that the trucks are going to use the street anyway.



## Attachment F—Public Outreach for RICAP 5 (Issues 15 & 24)

This is a summary of public outreach activity up to the notification and outreach regarding City Council hearings.

- Early 2008 through July 2009: Meetings with Regulatory Improvement Stakeholders Advisory Team (RISAT).
- Early 2008 through early 2009: Meetings with Lot Confirmation Task Force (for Item #55). Neighborhood participation from University Park, St. Johns, Kenton, Portsmouth, Concordia, Humboldt, M. Scott-Arleta, Woodstock, and SWNI.
- July 31, 2008: Notice to 600+ parties, including neighborhood associations and district coalitions, business associations and other interested parties to notify of Planning Commission hearing on RICAP 5 workplan.
- August 6, 2008: Proposed workplan published, posted on website.
- August 26, 2008: Planning Commission holds public hearing on workplan.
- January 2009: Green "bundle" code work announced as part of Mayor's 100 day plan (with some press coverage)
- Throughout 2009: Multiple briefings with Design and Landmarks Commissions.
- Throughout 2009: Briefings with several neighborhood coalitions (NECN January 28, SEUL on July 20)
- May 2009: Green bundle early draft released, posted on website.
- June and July 2009: Press coverage in several newspapers, local TV news and radio interviews about green bundle.
- June 19, 2009: *RICAP 5 Discussion Draft* published, posted on website.
- June 22, 2009: Visit to Citywide Land Use Group meeting.
- June 30, 2009: Notice to 600+ parties, including neighborhood associations and district coalitions, business associations and other interested parties to notify of availability of *RICAP 5 Discussion Draft* and of open house.
- July 14, 2009: Open house attended by several neighborhood representatives.
- July 24, 2009: Notice to 600+ parties, including neighborhood associations and district coalitions, business associations and other interested parties to notify of Planning Commission public hearing on *RICAP 5 Proposed Draft*.
- August 4, 2009: *RICAP 5 Proposed Draft* published, posted on website.
- August 25 and October 13, 2009: Planning Commission holds public hearings on *Proposed Draft*.
- September 2009: Visit to DRAC meeting.
- September 22, 2009: Supplemental postcard public notice regarding two items added at first Planning Commission Hearing (ADU size and bike parking ratio increase); sent to several hundred parties, including neighborhood associations and district coalitions, business associations and other interested parties.
- December 2009: Press coverage in newspapers, TV news and radio on green bundle.



**ATTACHMENT G—UTILITY LINES IN E ZONES (Issue 22)**

***This would replace all language on Page 177 of the Recommended Draft.***

**33.430.150 Standards for Utility Lines**

The following standards apply to private connections to existing utility lines and the upgrade of existing public utility lines in resource areas. All of the standards must be met, unless exempted by Subsection G. Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280.

- A.** The disturbance area for private connections to existing utility lines is no greater than 10 feet wide;
- B.** The disturbance area for the upgrade of existing public utility lines is no greater than 15 feet wide;
- C.** The utility construction does not occur within a stream channel, identified wetland, or water body;
- D.** Disturbance areas must be planted with native species listed in the *Portland Plant List* according to the following densities:
  - 1. Three different native shrub species are required at a minimum 1-gallon size or bare root, planted at a density of 3 plants per 10 square feet;
  - 2. The remaining area must be planted with native groundcover using a minimum of four inch pots at a density of 8 plants per ten square feet; and
  - 3. Below the top of bank on slopes greater than 30 percent or in riprap areas, live stakes, 2 to 12 inches in diameter, may be substituted for the requirements of D.1 and D.2 above. Stakes must be installed at a density of 2 to 4 stakes per square yard. Detailed specifications for installing live stakes are found in the *Erosion Control Manual*.
- E.** Native trees more than 10 inches in diameter may not be removed; ~~and~~
- F.** Each 6 to 10-inch diameter native tree cut must be replaced at a ratio of three trees for each one removed. The replacement trees must be a minimum one-half inch diameter and selected from the *Portland Plant List*. All trees must be planted on the applicant's site but not within 10 feet of a paved surface. Where a utility line is approximately parallel with the stream channel at least half of the replacement trees must be planted between the utility line and the stream channel; and
- G. Exemption.** If a proposed utility line or upgrade to a utility line runs through an area that has already been approved as a disturbance area, or allowed by the standards of this chapter, it is exempt from Subsections A, B, and D.



**ATTACHMENT H—ZONE CHANGE CRITERIA (Issue 23)**

*This replaces all language on page 229 of Recommended Draft*

**AMEND CHAPTER 33.855, ZONING MAP AMENDMENTS****33.855.050 Approval Criteria for Base Zone Changes**

An amendment to the base zone designation on the Official Zoning Maps will be approved (either quasi-judicial or legislative) if the review body finds that the applicant has shown that all of the following approval criteria are met:

**A. Compliance with the Comprehensive Plan Map.** [No change.]**B. Adequate public services.** ~~Public services for water supply, transportation system facilities and capacity, and police and fire protection are capable of supporting the uses allowed by the zone or will be capable by the time development is complete, and proposed sanitary waste disposal and stormwater disposal systems are or will be made acceptable to the Bureau of Environmental Services.~~

1. Adequacy of services applies only to the specific zone change site.
2. Adequacy of services is determined based on performance standards established by the service bureaus. The burden of proof is on the applicant to provide the necessary analysis. Factors to consider include the projected service demands of the site, the ability of the existing and proposed public services to accommodate those demand numbers, and the characteristics of the site and development proposal, if any. the projected service demands of the site and the ability of the public services to accommodate those demands. Service demands may be determined based on a specific use or development proposal, if submitted. If a specific proposal is not submitted, determination is based on City service bureau demand projections for that zone or area which are then applied to the size of the site. Adequacy of services is determined by the service bureaus, who apply the demand numbers to the actual and proposed services to the site and surrounding area.
  - a. Public services for water supply, and capacity, and police and fire protection are capable of supporting the uses allowed by the zone or will be capable by the time development is complete.
  - b. Proposed sanitary waste disposal and stormwater disposal systems are or will be made acceptable to the Bureau of Environmental Services. Performance standards must be applied to the specific site design. Limitations on development level, mitigation measures or discharge restrictions may be necessary in order to assure these services are adequate

Performance standards for the site and any specific site designs shall .

- c. Public services for transportation system facilities are capable of supporting the uses allowed by the zone or will be capable by the time development is complete. Transportation capacity must be capable of supporting the uses allowed by the zone by the time development is complete, and in the planning period defined by the Oregon Transportation Rule, which is 20 years from the date the Transportation System Plan was adopted. Limitations on development level or mitigation measures may be necessary in order to assure transportation services are adequate.



3. Services to a site that is requesting rezoning to IR Institutional Residential, will be considered adequate if the development proposed is mitigated through an approved impact mitigation plan or conditional use master plan for the institution.

**C. and D** [No change.]



(Issue 9)

**Attachment I—Excerpts from Draft Administrative Rule for Private Streets**

The following pages are excerpts from the draft new elements of the BDS administrative rule for private street development. The rule currently governs standard private street construction. It is being updated to incorporate references to the current (2008) Stormwater Manual, allow pervious pavers, improve consistency with the Fire Code, and provide clarity for how shared courts and common greens are developed. These rules are currently under public review, and could be adopted by July 2010.

This attachment is provided to address concerns that shared courts would become parking lots with no amenities (Issue 9).



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- b. Underground Stormwater Facilities. Where underground stormwater facilities are required (see Stormwater Management Manual), facilities approved for use under impervious surfaces may be placed under the roadway, provided the location does not conflict with other required utilities and services. Note: facilities that are intended to discharge fluids below the ground surface are considered to be a UIC by DEQ and required rule authorization. See the Stormwater Management Manual for general rule authorization criteria or DEQ UIC website at <http://www.deq.state.or.us/wq/uic/uic.htm> for full guidelines and applications.
- c. Appeals. Requests to deviate from the requirements of the Stormwater Management Manual will be addressed through the special circumstances/appeals process in the City's SWMM.

## **K. Special Standards for Shared Courts**

### **1. Planning Rule**

- a. Shared Roadway. Shared Courts must have a site-specific roadway design to accommodate both vehicles and pedestrians. For design purposes, there are two areas within the shared court right-of-way: the "Clear Zone", and the "Amenity Zone" (see Figure 16). A vertically separated or horizontally separated sidewalk or pedestrian pathway is not recommended in a shared court. Special rules apply to the roadway design, to facilitate safe shared use of the roadway (see below).
- b. Shared Court Amenities. Shared courts must be designed to serve as an outdoor space amenity for residents. To this end, shared courts must include at least one of the following amenities outside of the designated Clear Zone (see Figure 16). Structures within the amenity zone (such as planters, benches, gazebos, bollards and tree guards) must be specified under the direction of an architect, landscape architect or engineer. Such structures must be attractive and be constructed of durable and high quality materials.
  - (1) *Street Trees.* At least one street tree for every 500 square feet of street area.
  - (2) *Large Green.* At least one 250 square foot grassy area, seating area, play area, or dedicated gardening space, which must be at least 15 feet wide at the narrowest dimension.
  - (3) *Small Landscape Islands or Planters.* At least 3 landscaped islands or planters (which may also be stormwater facilities), each at least 50 square feet in area.
  - (4) *Bicycle Parking.* Grouped covered or uncovered bicycle parking providing at least 2 spaces for each dwelling unit served by the court.
  - (5) *Other Amenities.* Sculpture gardens, art installations, gazebos, ornamental water features, or play equipment may be considered to satisfy the amenity requirement, on a case by case basis.
- c. Traffic Calming Measures. The Zoning Code limits shared courts to a length of 150 feet. Shared courts that are longer than 100 feet must include one of the following (see Figure 17):



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- An arrangement of street trees, on-street parking, bicycle parking, bollards, landscaping islands, seating areas, or stormwater planters that create a chicane turn (compound reverse curve) in the Clear Zone with at least a 6 foot offset.
  - Where a wider vehicle maneuvering Clear Zone is provided, an arrangement of street trees, bollards, landscaping islands, or stormwater planters that create a narrowing "pinch-point" in the Clear Zone to 12 feet.
  - Other traffic-calming measures approved by a Professional Traffic Engineer.
- d. Parking. On-street parking may be provided in the shared court and is subject to the requirements of Section III.G. Parking spaces must be distinguished from other areas through the use of different paving materials or paving pattern (see Figure 16).

## 2. Technical Rule

- a. Design Speed. The design speed within a shared court is 10 mph.
- b. Design Vehicle. The design vehicle for shared court roadways must be a P design vehicle (passenger car).
- c. Roadway Improvement and Clear Zone Specifications. Where there is a conflict, these specifications supersede other parts of this administrative rule.

(1) *Roadway Width*. The minimum shared court roadway improvement width is 16 feet. Within that improved width, a "Clear Zone" must be provided for unobstructed maneuvering of vehicles and underground utility access along the length of the court.

(2) *Clear Zone Width*. Where the shared court serves fewer than 9 lots, the Clear Zone must be at least 12 feet wide. Where the shared court serves 9 or more lots, the Clear Zone must be at least 15 feet wide. The Clear Zone must be differentiated from the amenity zone through the use of different paving pattern or materials (see Figure 16). Any amenities such as benches, trees, or other similar street furniture must be located outside of this designated Clear Zone. Permanent features in the clear zone must be 0 feet in height, except for speed bumps or tables.

(3) *Amenities*. All amenities within the shared court (planters, benches, structures, etc) must be designed to maintain clear sight lines between 2 and 6 feet above grade. Trees, shrubs, and groundcover plantings must be a species with an expected growth pattern that will not place dense foliage within this zone. In addition, landscaping features near the edge of the clear zone that will be used as "backing" area by vehicles must be a maximum of 1-foot high. Tree wells, planters, grassy areas, seating areas, play areas, or dedicated gardening spaces must be protected from vehicle traffic by bollards, tree guards, curbs or other similar barriers.

(4) *Emergency Access*. If the shared court right-of-way also serves as a required emergency accessway for any of the abutting lots, the shared court design must



be approved by the Fire Bureau. "No Parking" signs must be required for fire lanes on the site as needed. See Figure 13.

*(5) Horizontal Curve Alignment and Turning Radius.*

- Standard inside curve radius requirements do not apply to shared courts. The clear zone within a shared court must have an inside curve radius of at least 15 feet. Sweep path analysis software may also be used to establish necessary shared court clear zone curve radius, under the direction of a Licensed Professional Engineer.
- Where driveways intersect with the shared court, or perpendicular parking bays are provided, the roadway (or shared court clear zone) must allow for turning and backing movements as shown in Figure 16.
- The shared court design must provide for a means to turnaround and leave the courtyard head-first.
- Where necessary, garage door widths of at least 9 feet may be required to assure adequate maneuvering space will be available.

*(6) Grades.* A shared court roadway surface must not have a slope greater than 5 percent.

*(7) Vertical Clearance.* Adjacent structures that overhang the shared court roadway must have a vertical clear height of at least 14 feet above the clear zone. Other overhead features within the shared court must be at least 7 feet above the courtyard surface. Tree limbs must be at least 6 feet above ground level at the trunk of the tree.

*(8) Curbs.* Flush curbs or traditional curbs may be provided at the perimeter of the Shared Court improvement or to protect amenity areas per K.2.c.(3) above. Valley gutters are allowed when necessary and approved by the Site Development Section of BDS. The use of pervious pavers requires a concrete collar border.

*(9) Accessibility.* In conventional streets, visually impaired people use the curb for orientation. Continuous grade separations will not typically be present in shared courts, and this orientation clue must therefore be replaced by other means. The clear zone and structures/amenities within a shared court must be arranged and designed to provide a clear path that can be followed by a cane from the public street to doorways, without hazards such as overhanging trees or other projections at head height. The roadway surface material must also provide a tactile way-finding clue, to guide a pedestrian around any hazards. This tactile clue could be provided through the use of a variation in surface materials, regular spacing of street furniture, building wall edges (where the abutting buildings will have zero-setbacks), or by the use of concrete edging. See Figure 18.

*(10) Entrance Apron.* The intersection of the shared court and the abutting public street will be designed with a raised speed hump. The public street sidewalk may serve this purpose. Required overflow routes for 100-year storm events must be maintained.

*(11) Signage.* The following signs must be provided. See Figure 13:

- A "Share the Road" warning sign must be placed at the shared court entry (W16-1 and W3262).



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- Street name signs are required at the entry of the shared court.
- "No Parking" signs are required as needed.

(12) *Surface Material.* Asphalt concrete may not be used as a roadway surface in shared courts. Acceptable surface materials include:

- Interlocking concrete permeable paving blocks, or sand-set concrete paving blocks (see Section III.E.2.m). Where Interlocking concrete permeable paving blocks, or sand-set concrete paving blocks are used within a shared court, the paving blocks must have a flush top edge or a bevel of less than or equal to 6 millimeters. Alternately, an accessible corridor 3 to 5-feet wide must be provided along the length of the shared court. This accessible corridor may fall within the clear zone designated for vehicle maneuvering areas, but it must not be grade-separated from the other portions of the street, or blocked by on-street parking or other street amenities (tree wells, benches, landscape islands, bollards, etc.). See Figure 18.
- Mortar-set brick or concrete paving blocks, if installed as a surface material on top of a portland cement roadway meeting the standards of this rule (see Section III.E.2.m).
- Portland cement concrete surfacing may be used in limited circumstances including:
  - For accessible pathways;
  - Where necessary to create a utility corridor acceptable to service providers. Utility corridors may not exceed 15 feet in width, must be scored to create sections no greater than 5 feet by 5 feet, and must have a distinctly different texture or color than the other surfaces in the shared court; or
  - Where specifically approved through the land use review process.

## **L. Special Standards for Common Greens and Pedestrian Connections**

### **1. Planning Rule**

- a. When a Pedestrian Path is Required. A paved pedestrian path is required in all common greens and pedestrian connections, extending to the frontage of each lot abutting the green or pedestrian connection. See Figure 19.
- b. Motor Vehicle Access. Common greens and pedestrian connections are not designed to accommodate motor vehicle access, except in emergencies. Pedestrian paths wider than 8 feet must have access controls to prevent access by automobiles. Narrowing the entrance to the path is preferred over the use of bollards. If the right-of-way is intended to provide fire department access, the access control must be approved by the Fire Bureau.
- c. Location of Pedestrian Improvements. Paths for pedestrian connections must be centered within the right-of-way to the greatest extent practicable considering the physical constraints of the site.



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(1) Paths for pedestrian connections must take the most direct route practicable. The ending of the path must be visible from the entrance, if practicable.

(2) Paths for common greens may meander.

- d. Location of Stormwater Facilities. Stormwater facilities may be included within common greens. Surface facilities that are located within common greens must meet the following standards:

(1) Permanent pools of water (such as Wet Ponds) or unvegetated stormwater facilities (such as an exposed sand filter) may not occupy more than 30 percent of a common green tract area. The remaining area of the common green, exclusive of the area devoted to the stormwater facility, must be at least 10-feet wide;

(2) Stormwater facilities that require perimeter fencing may not be located in common greens.

(3) Vegetated infiltration swales, grassy swales, filter strips, sand filters, and other similar surface facilities may be located in a linear configuration along the edge of pedestrian connections.

(4) A vegetated filter strip can be located in a linear configuration along the edge of common greens. In some cases, a vegetated infiltration swales may be required if the slope of the common green exceeds 5 percent.

- e. Trees, Landscaping, and Other Amenities. Common Greens and Pedestrian Connections must meet the street tree and landscaping standards in Section III.I. To ensure that common greens and pedestrian connections can serve as an outdoor space and amenity for residents, the following additional standards apply :

(1) At least an eight-foot-wide strip of landscaping must be provided for the length of common green or pedestrian connection. This landscape strip may be located on one side of the pedestrian walkway, or divided between both sides (for example, 4 feet on both sides). The landscape strip must be within the common green or pedestrian connection tract. Street trees or stormwater facilities may be located within this area consistent with the standards above.

(2) A common green must be at least 15 feet in width and include a a 400 square foot grassy area, play area, or dedicated gardening space, which must be at least 15 feet wide at the narrowest dimension, separate from the pedestrian walkway. See Figure 19.

(3) Gazebos, sculptures, art installations, ornamental water features, play equipment, benches, picnic tables, play equipment, and other similar accessory structures may be located within common greens. See Section III.O.

## 2. Technical Rule

- a. Walkway Specifications. The technical rules governing walkway width, slope, accessibility, surfacing, and stairs in Section III.H (Pedestrian Improvements) also apply to walkways in common greens and pedestrian connections.



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- b. Emergency Access. If the pedestrian connection or common green right-of-way is intended to provide fire department access, the following standards apply:
- (1) The walkway must have an unobstructed width of not less than 20 feet;
  - (2) The walkway must have an unobstructed vertical clearance of not less than 14 feet;
  - (3) The walkway must be surfaced with material capable of supporting fire apparatus and providing all-weather driving capability; and.
  - (4) Access control must be approved by the Fire Bureau.
  - (5) Additional requirements apply when aerial access is required by the Fire Bureau.

## **M. Building Projections and Encroachments**

### **1. Planning Rule**

- a. When Building Projections May Be Allowed. Projections such as but not limited to eaves, cornices, exterior balconies, bay windows or similar architectural appendages will be allowed to project into the private right-of-way, where the projection does not interfere with the function of the right-of-way. Adjustments to Zoning Code standards may also be required.

### **2. Technical Rule**

- a. Building Projection Standards. Projecting elements encroaching into a private right-of-way must comply with the requirements of Section 3202 of the Structural Specialty Code, and with the Bureau of Development Services Code Guide IBC/7/#7 & IRC/AN/#3 (Building Projections into Private Streets). Projecting elements are subject to the same limitations as those described in IBC/32/#1 (Window Projections Into Public Right-of-way).
- b. Vertical Clearance. Structures that overhang the private right-of-way must have a vertical clear height of at least 14 feet.

## **N. Setbacks and Right-of-way Edges**

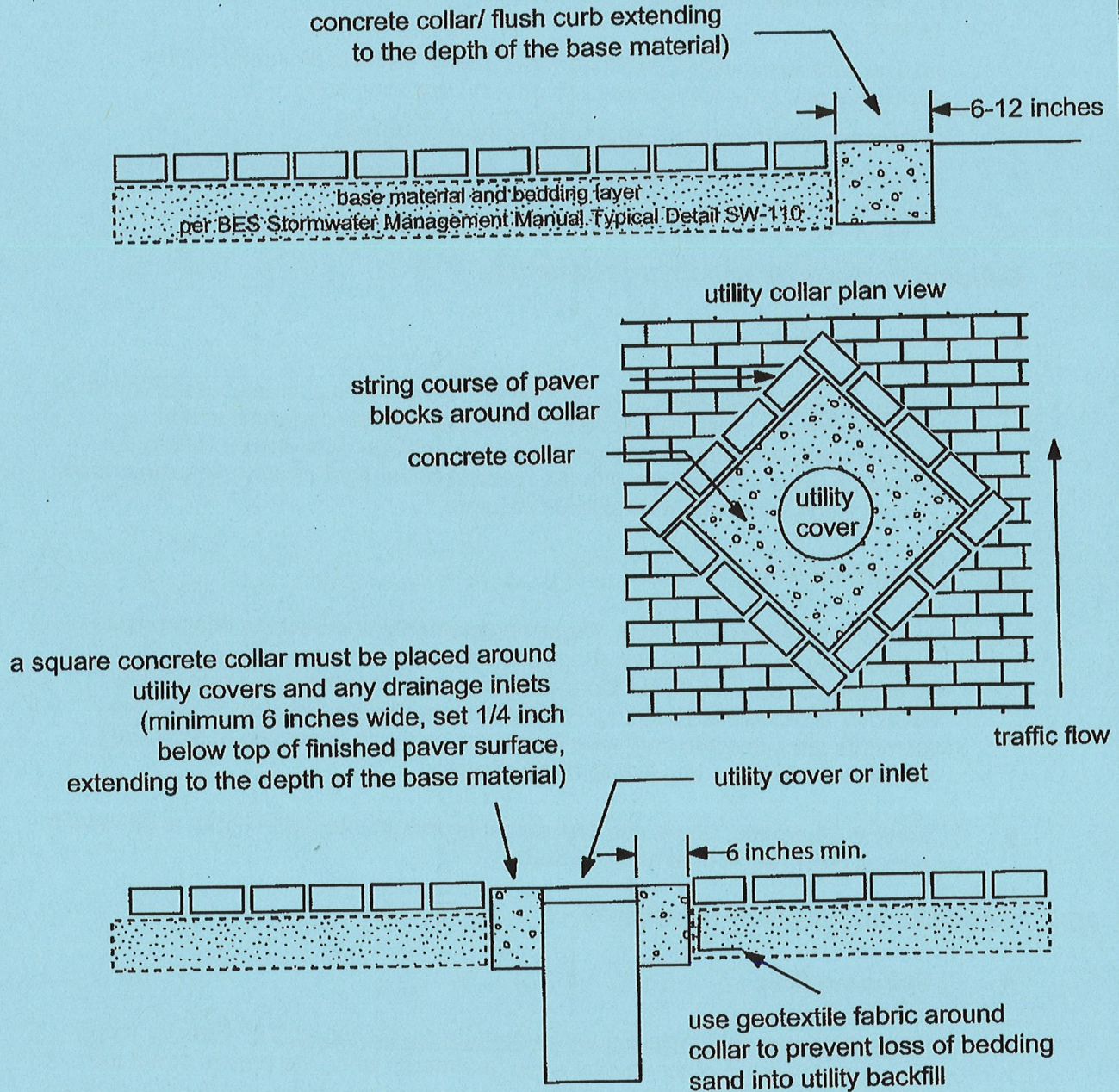
### **1. Planning Rule**

- a. When Setbacks or Special Edge Treatments are Required. The Director may require setbacks or other special edge treatments when the private street tract directly abuts the land division site boundary, another private street or driveway, or existing buildings that will remain. The purpose of this section is to:
- (1) Avoid damage to structures and vegetation on adjacent property;
  - (2) Allow for necessary grade changes; and
  - (3) Avoid traffic conflicts.



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## Curbing and Edge Restraint for Concrete Paving Block Roadway Surface



### Notes:

- 1) See Chapter 2 of the BES Stormwater Management Manual for stormwater management requirements, and facility design specifications.

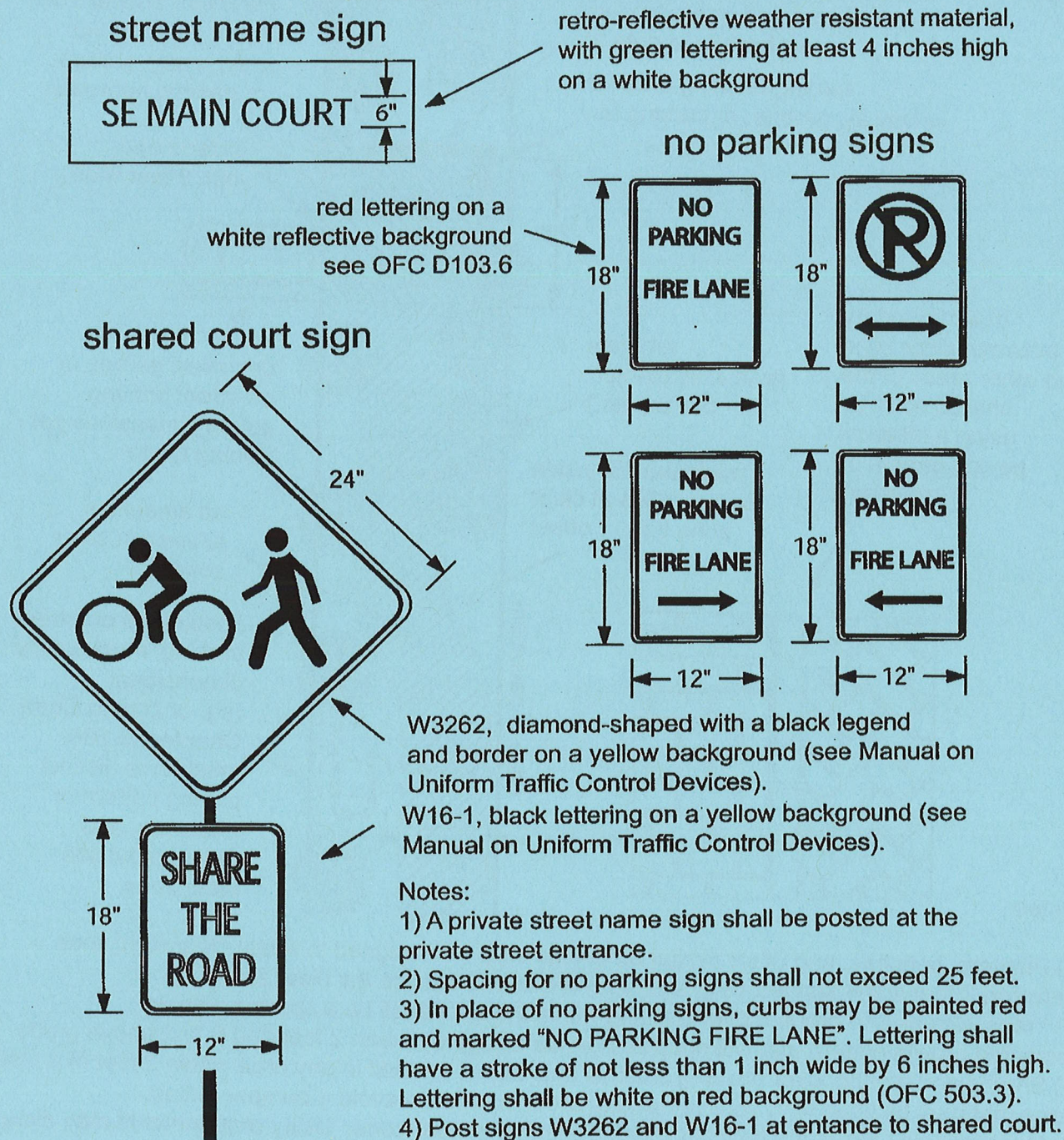


City of Portland, Bureau of Development Services  
Private Street Administrative Rule  
**Figure 5**

updated 1/4/09



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Private Street Signs

City of Portland, Bureau of Development Services  
Private Street Administrative Rule

Figure 13

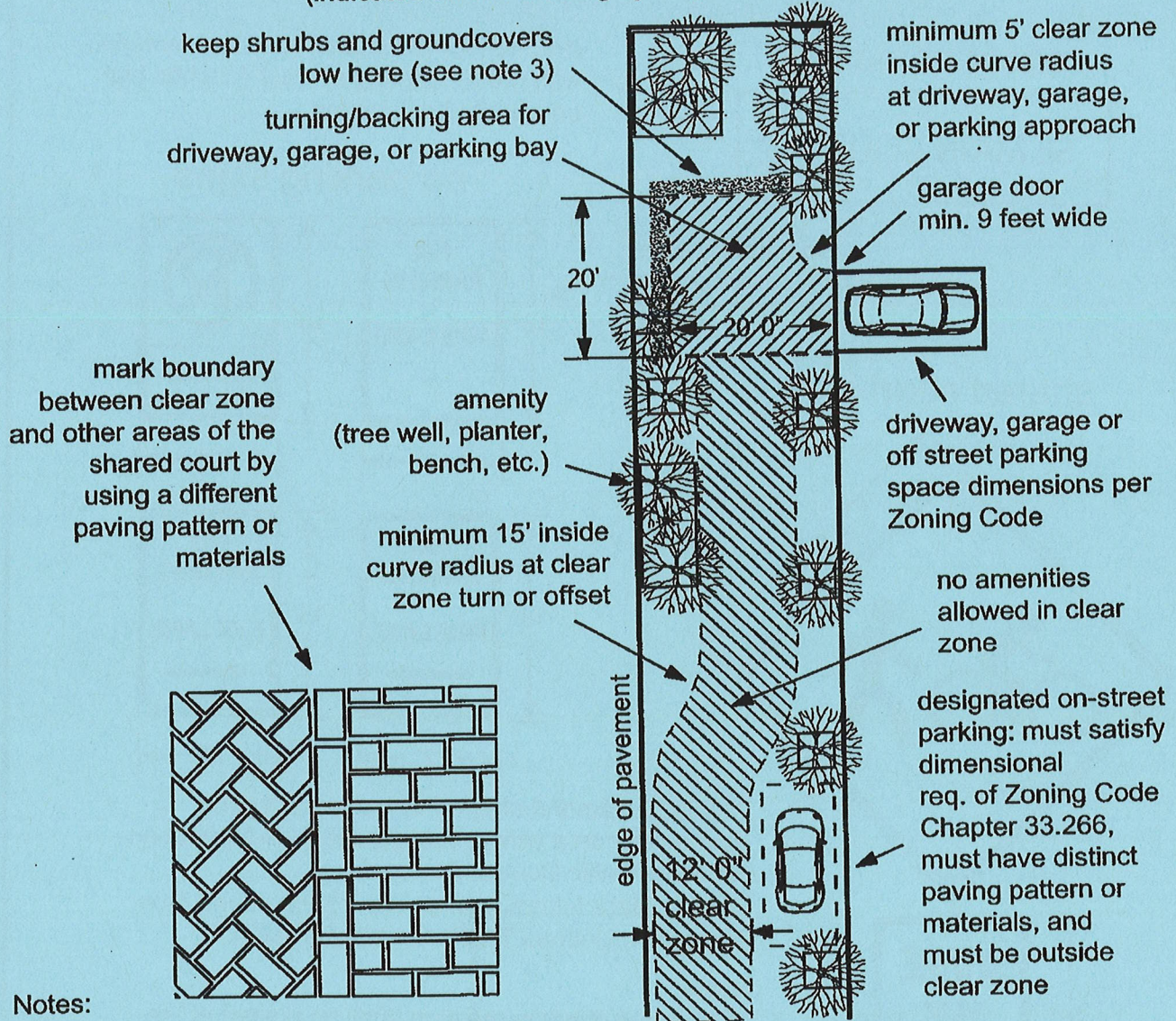
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## Shared Court Clear Zone

(indicated on this drawing by diagonal lines)



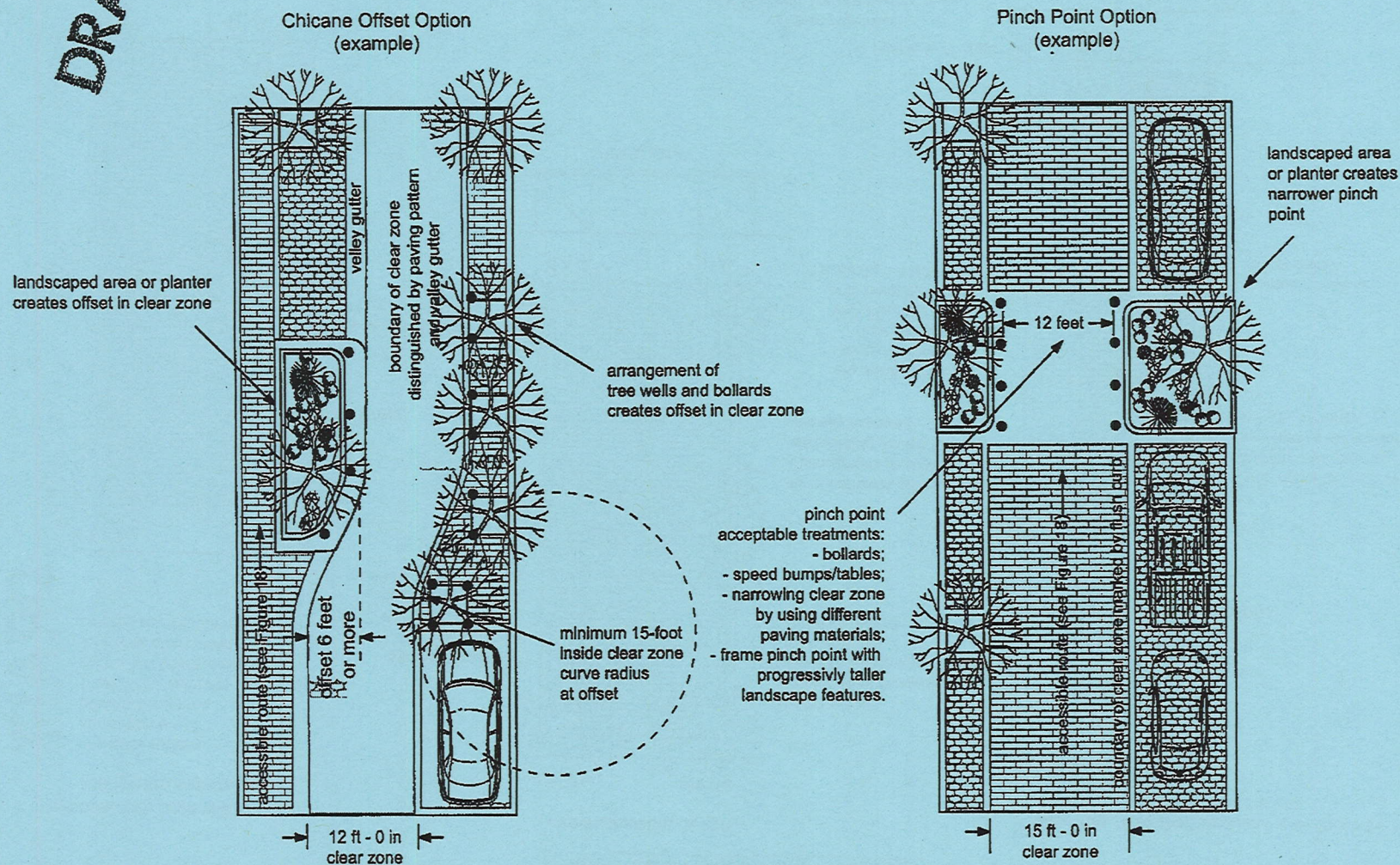
City of Portland, Bureau of Development Services  
Private Street Administrative Rule  
**Figure 16**

updated 7/3/09



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# Traffic Calming Measures for Shared Courts Over 100 Feet Long



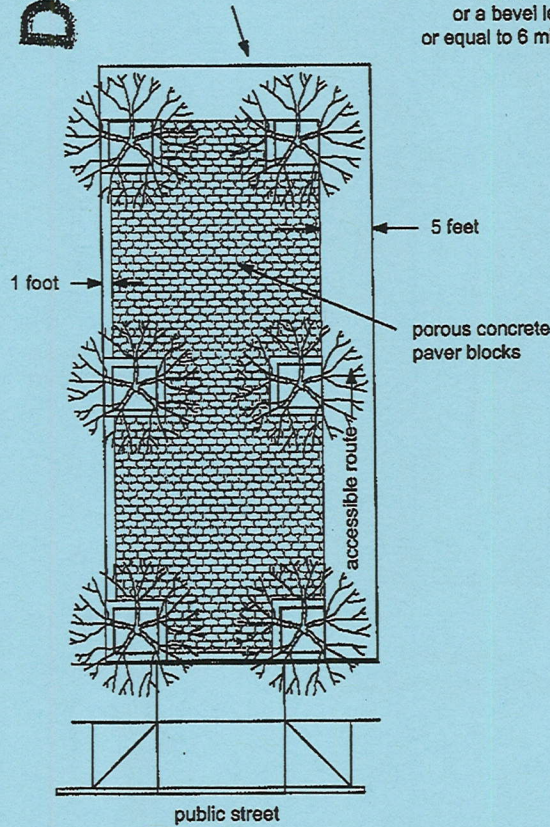


# Shared Court Accessibility Options

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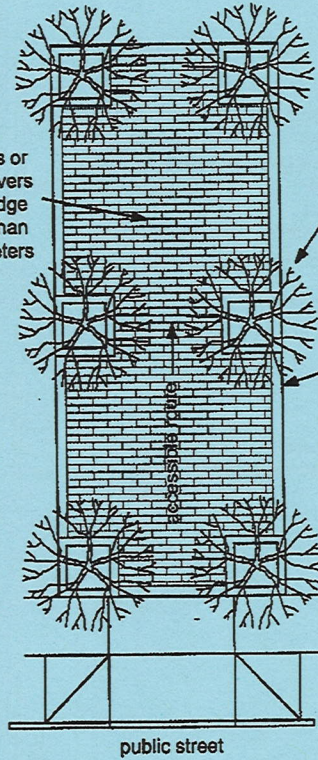
use concrete path within court  
(not grade separated)

concrete surface  
surrounding  
paving block area  
(flush with roadway)  
to provide lateral stability  
for paver blocks and  
provide accessible route



use accessible pavers

sand-set bricks or  
concrete pavers  
with flush top edge  
or a bevel less than  
or equal to 6 millimeters



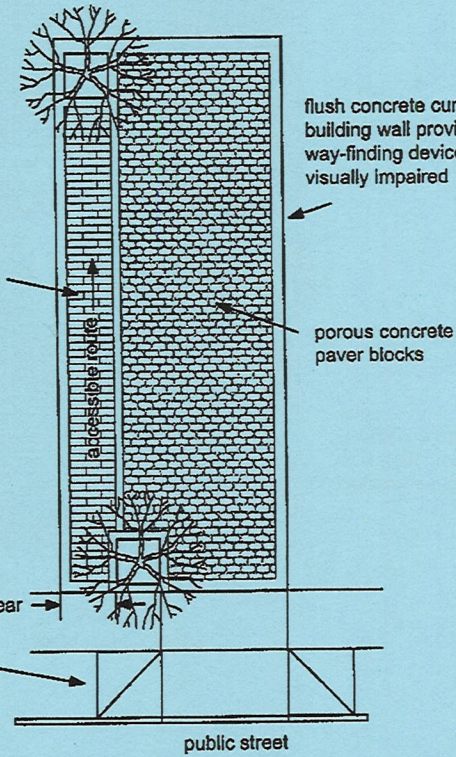
Note: Tree limbs shall be at least 6 feet above the  
street surface at the trunk of the tree.

use multiple pavement sections

separate section of  
sand-set bricks or  
concrete pavers  
with flush top edge  
or a bevel less than  
or equal to 6 millimeters

flush concrete curb and  
building wall provide  
way-finding device for  
visually impaired

minimum 3' clear  
driveway approach  
per Portland Transportation  
requirements

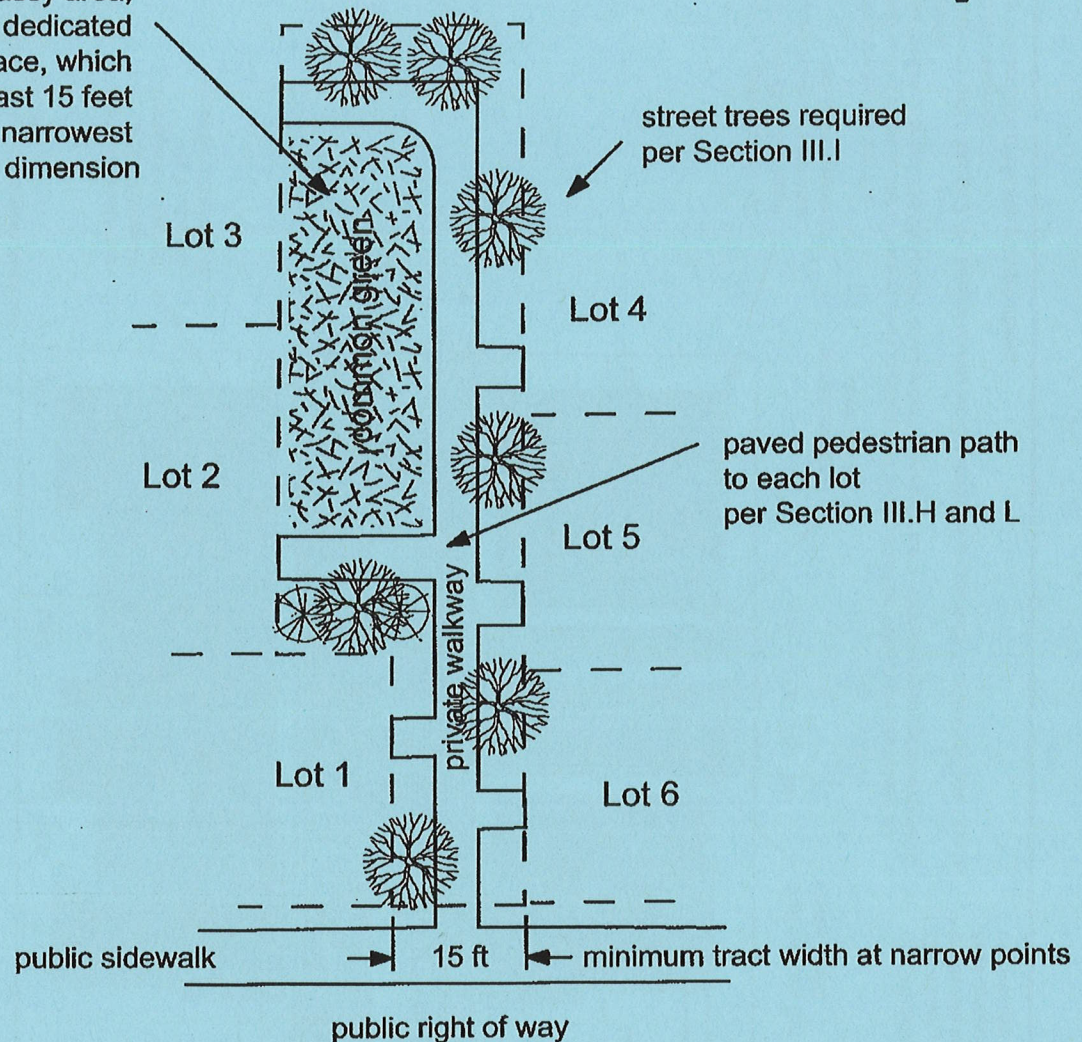




## Common Green and Pedestrian Connection Improvements

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a common green must include at least 400 square feet of grassy area, play area, or dedicated gardening space, which must be at least 15 feet wide on the narrowest dimension



### Notes:

- 1) Gazebos, sculptures, art installations, ornamental water features, play equipment, benches, picnic tables, and other similar structures may be located within common greens. See Section III.O.
- 2) Stormwater facilities may be located within common greens or pedestrian connections. See Section III.L for specific standards.



City of Portland, Bureau of Development Services  
Private Street Administrative Rule

Figure 19

updated 1/4/09



## 8

►the street is serving 5 to 7 lots

[illegible]

- 1) Longitudinal slope shall be between 1% and 5%.
- 2) The use of porous concrete paving blocks is one of several paving options, and is dependant on soils on the site having an adequate infiltration rate. See Chapter 2 of the BES Stormwater Management Manual for stormwater management requirements, and facility design specifications.
- 3) No off-street parking is shown on Lots 1 though 3, but several spaces are located in the shared tract. See Zoning Code Chapter 33.266 to determine when this is allowed.
- 4) See Section K.2.c (12) for a description of allowed paving surfaces.

This drawing is a conceptual planning diagram, intended to illustrate how the street elements may be arranged. Final construction drawings must be prepared by, or under the direction of, a licensed civil engineer.





10

**Common Green**

when to use this template as a guide...

- ▶ development will be oriented around a common green; and
- ▶ all dwellings are no more than 30 feet high (measured at the gutter line); and
- ▶ all dwellings are within 150 feet of the public street; and
- ▶ any off-street parking requirements will be met via an alley or shared parking area

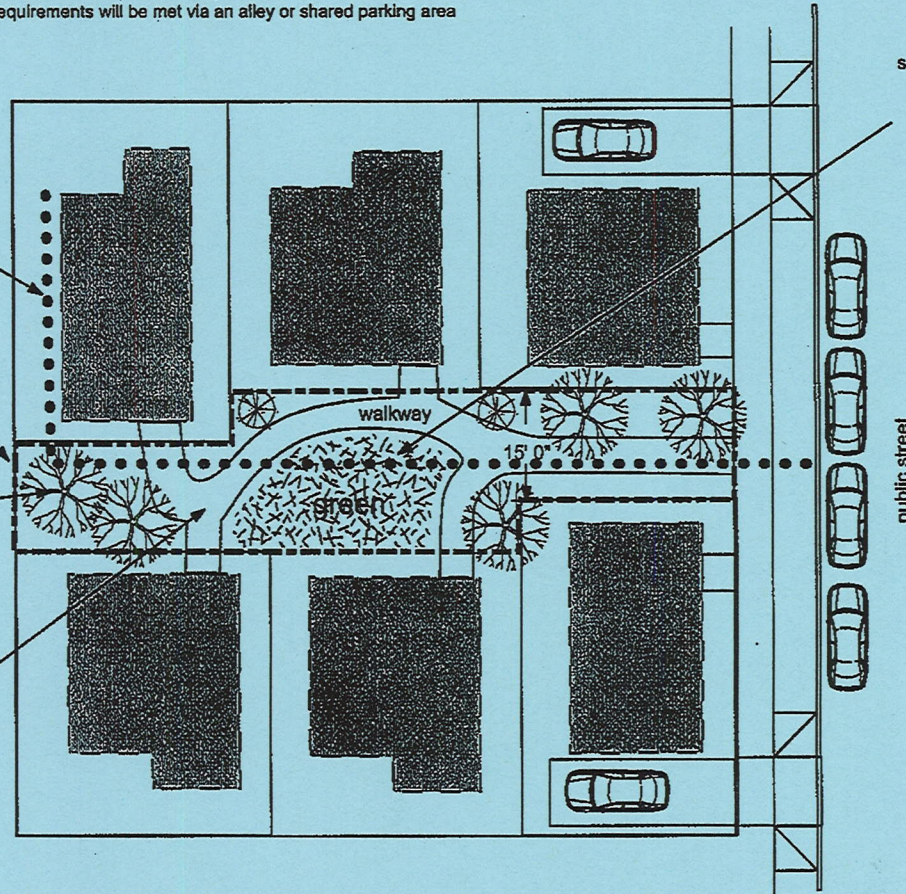
**DRAFT**

dotted line represents  
150-foot distance from  
the public street, measured  
along the route a fire hose  
would be extended

tract boundary

street trees required  
per Section III.I

paved pedestrian path  
to each lot  
per Section III.H and L



a common green must  
include at least 400  
square feet of grassy area,  
play area, or dedicated  
gardening space, which  
must be at least 15 feet  
wide on the narrowest  
dimension

public street

**Notes:**

- 1) Gazebos, sculptures, art installations, ornamental water features, play equipment, benches, picnic tables, and other similar structures may be located within common greens. See Section III.O.
- 2) Stormwater facilities may be located within common greens or pedestrian connections. See Section III.L for specific standards.
- 3) In this example, the site is within 500 feet of a frequent-service transit line, and therefore off-street parking is not required.

**NOT TO SCALE**

This drawing is a conceptual planning diagram, intended to illustrate how the street elements may be arranged. Final construction drawings must be prepared by, or under the direction of, a licensed civil engineer.





**ATTACHMENT J—CISTERNS**

*In the Recommended Draft, the following language appears in five subsections of Chapter 33.218, Community Design Standards:*

**O. Water cisterns.** Above-ground cisterns for rainwater or greywater collection must match the color of the adjacent building wall, the color of the trim, or the color of the rain gutter. Cisterns for rainwater or greywater collection with a capacity of more than 80 gallons, or racks of cisterns with a total capacity of more than 80 gallons, may not be attached to the front façade of the primary structure.

*Replace the language in the Recommended Draft with the following:*

**O. Water cisterns.** Above-ground cisterns for rainwater or greywater collection must meet the following:

1. Cisterns with a capacity of more than 80 gallons, or racks of cisterns with a total capacity of more than 80 gallons, may not be attached to the front façade of the primary structure; and
2. Cisterns must either
  - a. Match the color of the adjacent building wall, the color of the trim, or the color of the rain gutter; or
  - b. Be screened by development, plantings, or fences so they are not visible from the street.

*The language should be replaced in the following five sections:*

- Page 113—33.218.100.O
- Page 121—33.218.110.Q
- Page 125—33.218.120.I
- Page 127—33.218.130.G
- Page 131—33.218.140.L



# REQUESTS FOR AMENDMENTS OR INFORMATION—RICAP 5

January 27, 2010

Issue No. (RICAP Item No.)	Page No.	Description	Staff Response	Discuss Feb 3?
		Notes PC is Planning Commission "Page No." refers to the Recommended Draft		
1 (60)	166-173	Wind turbines/Maximum rotor swept area—PC recommends maximum rotor swept area in Residential zones of 20 square feet, maximum rotor swept area in Commercial zones of 100 square feet.  <b>Requests:</b> <b>a</b> Increase maximum rotor swept area in Residential zones to 50 square feet,  <b>b</b> Increase maximum rotor swept area in Commercial zones to 150 square feet.	<b>a</b> Increase would be more consistent with typical turbines. Turbines with only 20 square feet of rotor swept area are usually designed for boats. This larger sizes will likely generate more power, which will shorten the time for the turbines to "pay for themselves," thus encouraging more people to add them to their sites.  <b>b</b> Increase would be more consistent with typical turbines, such as those on the ZGF building. This larger sizes will likely generate more power, which will shorten the time for the turbines to "pay for themselves," thus encouraging more people to add them to their sites.	Discuss Feb 3
2 (60)	166-173	Wind turbines/height— PC recommends maximum height of building-mounted turbines of 50 percent of the base zone height or 25 feet above the roof, whichever is less.  <b>Requests:</b> <b>a</b> Increase height to 50 percent of the base zone height or 45 feet above the roof, whichever is less	<b>a</b> The roof of a building, and the mechanical equipment, generate quite a bit of wind turbulence, which decreases the efficiency of wind turbines. Allowing the turbine to be higher would remove it from much of the turbulence, thus increasing efficiency. The original recommendation of 25 feet did not account for turbulence from other rooftop structures.	Discuss Feb 3
3 (60)	N/A	Wind turbines/testing—PC did not discuss; this amendment new at Council.  <b>Requests:</b> <b>a</b> Request to allow wind turbines that use new technology to be exempt from Zoning Code standards and design review/historic design review for two years. This would apply only in the Central City plan district, and would include anemometers, which measure wind speed. <b>b</b> Request to not adopt two-year "test" period	Options: ● Adopt amendment as proposed in Mayor's January 5, 2010 memo (Option One in Attachment A). ● Adopt amendment as proposed in Mayor's January 5, 2010 memo but apply exemption only to situations where the turbine or anemometers does not extend into a designated view corridor (Option Two in Attachment A). ● Adopt exemption for anemometers only. Continue to require Design Review for wind turbines in the Central City, but use the Type II review procedure instead of the the Type III, and reduce fees. (BDS recommendation). (Option Three in Attachment A).  <b>See Attachment A</b>	Discuss Feb 3
4 (60)	166-173	Wind turbines/Noise—PC recommended no additional noise regulations, relying on current regulations. The current proposal includes noise limits, tied to American Wind Energy Association (AWEA) noise level certifications.  <b>Requests:</b> <b>a</b> Incorporate noise regulations for wind turbines in future project to update/revise citywide noise regulations.	<b>a</b> Agree with request for long term evaluation. Because the current proposal does include consideration of noise, further amendments are not recommended at this time.	



Issue No. (RICAP Item No.)	Page No.	Description	Staff Response	
5 (60)	166-167  174-175  180-187	<p>Notes PC is Planning Commission "Page No." refers to the Recommended Draft</p> <p>Wind turbines/Design—</p> <p><b>Requests:</b></p> <p><b>a</b> Design Commission would like to review them.</p> <p><b>b</b> In historic district, those visible from the street would not be found "approvable" by Landmarks Commission.</p> <p><b>c</b> Poor design integration of turbines and other green technology reflects poorly on both the green technology and on the city.</p> <p><b>d</b> Will wind turbines be allowed to project into view corridors?</p>	<p><b>a &amp; b</b> See Issue #3.</p> <p><b>c</b> Both the Design and Historic Landmarks Commissions were satisfied with the approach taken in the Recommended Draft, which retains Design Review for turbines in the Central City, and historic districts. The primary concern is the additional exemptions added (Item 3).</p> <p><b>d</b> The view corridors are implemented through height limits. The recommended Chapter 33.299, Wind Turbines, will allow turbines to project above the height limit and so, in some instances, into view corridors. An alternative would be to add language to 33.299 requiring an adjustment or a modification as part of Design Review if the turbine would project into a view corridor. This language could be added to page 167 of the Recommended Draft:</p> <p><b>33.299.120 Setbacks and Height</b> The height of a turbine is measured to the tip of the rotor blade at its highest point. For pole mounted turbines, height is measured from grade at the base of the pole. For building mounted turbines, height is measured from the base point of the building.</p> <p><b>A. View corridors.</b> <u>Although the regulations of this section allow wind turbines to exceed the height limits of the base zones, they are not allowed to extend into a view corridor designated by the Scenic Resources Protection Plan.</u></p> <p><u>[Reletter A through C to B through D]</u></p> <p>Note: Some options under Issue #3 will allow turbines that use new technology to be tested for two years without meeting the standards of the Zoning Code or going through Design Review. Such turbines might also project into view corridors.</p>	Discuss Feb 3
6 (59)	28-29, 56-57, 84-85, 98-99	<p>Eaves—PC recommends allowing eaves to project into setback up to 40 percent of depth of setback. In R5 zones, this means instead of 1-foot eaves, 2-foot eaves would be allowed.</p> <p><b>Requests:</b></p> <p><b>a</b> Do not adopt provision. Concern about blocking light from setback area, adjacent houses.</p> <p><b>b</b> Analyze the pros/cons of allowing eaves to project further into setbacks, looking at values, energy, water displacement, CPTED</p> <p><b>c</b> Do not adopt provision. Summer shading vs. reduction of solar light in winter (and so more use of electric lights) results in imbalance, conflict with sustainability goals. Not needed for stormwater.</p> <p><b>d</b> Do not adopt provision. This is more of an aesthetic architectural feature rather than a proven energy saver. Reduction of building footprint more sustainable means of achieving this.</p>	<p><b>a</b> Shadow analysis shows minimal effect on adjacent houses in terms of blocking direct sunlight. No way to measure impact on indirect light, so speculative at this time.</p> <p><b>b &amp; c See Attachment B</b></p> <p><b>d</b> Most "off the shelf" plans have the building footprint extend to the side setbacks. Redesign of such plans is very expensive.</p>	Discuss Feb 3



Issue No. (RICAP Item No.)	Page No.	Description	Staff Response	Discuss Feb 3?
7 (3)	164-165  180-187	<p>Notes PC is Planning Commission "Page No." refers to the Recommended Draft</p> <p>Solar Panels—Currently, solar panels are allowed on rooftops if within the height limit for the zone. If the site is in a design zone, Historic District, or Conservation District, the addition of solar panels requires design review. PC recommends allowing roof-mounted solar panels to exceed the height limit if certain conditions are met. In addition, they recommend that the panels be able to meet standards as an alternative to discretionary design review in design zones and Conservation Districts. The standards include a required setback of the panels from the edge of the roof.</p> <p><b>Requests:</b></p> <p><b>a</b> Concern that three foot setback from edge of roof will reduce amount of "solar surface" to the point where it doesn't pencil out.</p> <p><b>b</b> How will solar regulations apply to schools?</p> <p><b>c</b> Information on State Solar Code</p>	<p><b>a</b> The setback addresses concerns raised by the Design and Historic Landmarks Commissions. The setback rules only apply to design zones and Conservation Districts, which is approximately 9 percent of the city. In addition, the setbacks are consistent with rules currently under consideration at the State level.</p> <p><b>b</b> Base zone regulations should apply to schools; the amendment below (to page 165 of the Recommended Draft) would clarify this:</p> <p style="padding-left: 40px;"><u>9. The addition of roof-mounted solar panels that meet the requirements of the base zone, and, ground mounted solar panels</u></p> <p><b>c</b> State solar code is under development, although there are some electrical/structural regulations. The earliest it will be in place is this summer.</p> <p>Firefighter access and venting requirements will be part of the code. According to Portland's representative on the committee, the latest draft seeks 12" at the ridgeline and one 36" access pathway on one side of the array on residential systems. This means that a system could go to the edge of the roof on one side, as long as the other side had a pathway. There are also additional venting and access setbacks on commercial systems, but those are not as controversial. These setbacks are simply what is under discussion now; the draft code will go through a public review process with the possibility of extensive changes.</p>	
8 (42)	192-193	<p>Courtyard Housing/Density—Current regulations subtract area used for shared courts and common greens from the total site area used to calculate density when there is a land division. However if the land is not divided, as with a condominium, the area used for shared courts and common greens is not subtracted. PC recommends treating the land division situation the same as the condominium situation to encourage shared courts, common greens, and courtyard housing with land divisions. This encourages conventional ownership arrangements, such as fee-simple, for this housing type. They recommend that the area used for the courts and greens not be subtracted from the total site area used to calculate density.</p> <p><b>Requests:</b></p> <p><b>a</b> This recommendation should not be adopted because it has the potential to double the density of these multi-dwelling sites. This is particularly so if combined with provisions from the "a" overlay zone.</p>	<p><b>a</b> This provision will not double density, or increase the maximum density of the base zone. It will slightly increase the range of allowed density on some courtyard and common green land division projects. Citywide, streets are approximately 15 percent of the area of a land division that includes a street; not subtracting the area of the common green or shared court from the site might allow an extra dwelling unit, but not in all cases. It does remove the disincentive to provide the greens and courts, which are also an integral part of courtyard housing. As discussed in the column to the left, it also eliminates the different treatment of condominiums and land divisions, allowing for forms of ownership that are more marketable and easier to finance.</p> <p>There are some sites that are zoned for multi-dwelling development and are also in the "a" overlay. One provision of the "a" overlay allows for a 50% increase in density if the applicant voluntarily goes through discretionary design review. The RICAP 5 proposal does not affect this existing bonus provision.</p> <p>The portion of the Zoning Code where some of these regulations are is confusing, and will be reconfigured as part of the code updates that will follow the Portland Plan.</p>	
9 (8, 14, 15, 41, 42)	148-149	<p>Courtyard Housing/Common Greens/Shared Courts—Parking. Current regulations do not allow vehicle access in a common green. PC not recommending any change to this.</p> <p><b>Requests:</b></p> <p><b>a</b> Common Greens and Shared Courts are not the same, so should not be treated the same. Parking allowed in Shared Courts, don't allow it in Common Greens.</p> <p><b>b</b> Don't allow Common Greens to count towards density. Concerned that applicants will convert greenspace into parking to accommodate additional density, with negative impact on families and children who live in development and need greenspace to play in.</p>	<p><b>a &amp; b</b> No changes are recommended by PC that would allow parking in common greens. See also Item #8.</p> <p>The Courtyard Housing Competition highlighted ways to improve the quality of vehicle parking areas, and incorporate higher levels of people-oriented spaces, and avoid areas that are devoted only to autos. In conjunction with these amendments, BDS is also considering amendments to the administrative rules that set out the design standards for private streets and shared courts to facilitate more pedestrian-friendly, multi-use designs. <b>See Attachment I.</b></p>	Discuss Feb 3



Issue No. (RICAP Item No.)	Page No.	Description	Staff Response	Discuss Feb 3?
10 (8, 14, 15, 41, 42)	68-69	<p>Notes PC is Planning Commission "Page No." refers to the Recommended Draft</p> <p>Courtyard Housing/Common Greens/Shared Courts—Building Coverage. Currently, building coverage calculated for entire site, then divided among lots. PC recommends that some coverage (up to a max of 15%) be allocated to shared courts, common greens, private alleys, and parking tracts. This would allow some small structures in these areas, and would subtract the building coverage from the individual lots.</p> <p><b>Requests:</b>  <b>a</b> Shared Courts should not get additional flexibility for building coverage since they can be used as if they were streets and parking lots.</p>	<p><b>a</b> The additional flexibility allowed will not change the amount of building coverage allowed for the site as a whole, but will limit the amount of building coverage for buildings allowed in these tracts.</p> <p>The proposed amendments are intended to facilitate small structures such as gazebos within shared court areas.</p> <p>See Issue #9.</p>	
11 (8)	64-65	<p>Courtyard Housing/Density— PC recommends that, for courtyard housing, minimum density in the R2 zone go from 1 dwelling unit per 2,300 sq ft of site area to 1 unit per 3,000 sq ft. They also recommend that minimum density in the R1 zone go from 1 unit per 1,450 sq ft of site area to 1 unit per 2,000 sq ft.</p> <p><b>Requests:</b>  <b>a</b> The 2007 Courtyard Housing Competition showed a need to decrease the minimum density in the R1 zone, but not the R2.</p>	<p><b>a</b> The 2007 Courtyard Housing Competition showed that when the type of development is cottage-style, i.e., small detached houses, it is extremely difficult to meet the minimum density in either zone. It should be noted that this provision only applies to courtyard housing; the minimum density is not relaxed for other types of housing. The lower minimum density of 1 unit per 3,000 square feet enables a cottage housing project to have both a common green and some private yard space on each lot.</p>	
12 (18, 54, 64)	N/A	<p>Accessory Dwelling Units (ADUs)—PC:</p> <ul style="list-style-type: none"> <li>● Recommended increase in size from 33% of size of main dwelling unit or 800 square feet, whichever is less to 75% of size of main dwelling unit or 800 square feet, whichever is less.</li> <li>● Expressed concern about other obstacles to building ADUs, including SDCs and design regulations, and ask Council to fund project to consider and reduce obstacles.</li> <li>● Amended definition of "density" to delete the sentence "Accessory Dwelling Units are not counted in calculations of minimum or maximum density."</li> </ul> <p><b>Requests:</b>  <b>a</b> Either keep the sentence about density in the definition or include a reference to Chapter 33.205.</p>	<p><b>a</b> The 2006 Infill Design Project amended to policy for calculating density for ADUs, so the information about density in the definition now conflicts with the information in Chapter 33.205, Accessory Dwelling Units.</p> <p>Agree that a cross-reference should be added, as shown in <u>double-underlined</u> language.</p> <p><b>Density.</b> A measurement of the number of people, dwelling units, <u>living units in Single Room Occupancy (SRO) housing</u>, or lots in relationship to a specified amount of land. Density is a measurement used generally for residential uses. <u>Accessory Dwelling Units are not counted in calculations of minimum or maximum density. See Chapter 33.205, Accessory Dwelling Units for how density is calculated for ADUs.</u> See also Intensity.</p>	
13 (27, 58, 63)	152-159	<p>Bike parking—PC recommends increase for long term bike parking in multi-dwelling development from 0.25 spaces per dwelling unit to 1.1 spaces per unit.</p> <p><b>Requests:</b>  <b>a</b> What is the impact on development of the recommended increase?</p>	<p><b>a See Attachment C</b></p>	Discuss Feb 3
14 (62, new)	238-239	<p>Retaining walls— PC did not discuss; this amendment new at Council (although PC did adopt a definition, that does not address this issue)</p> <p><b>Requests:</b>  <b>a</b> Retaining walls over a certain height should be required to have step-backs/terracing, and have landscaping if over a certain height</p>	<p><b>a</b> Because this issue was raised at Council, there has been little opportunity for public outreach and discussion of potential solutions and impacts. However, one option, that would require both stepbacks and landscaping, is codified in <b>Attachment D</b></p> <p>Another option that would address the lack of public review, is that Council could send this item back to the Planning Commission for a public hearing.</p>	Discuss Feb 3



Issue No. (RICAP Item No.)	Page No.	Description	Staff Response	Discuss Feb 3?
15 (28, 29)	160-163	<p>Notes PC is Planning Commission "Page No." refers to the Recommended Draft</p> <p>Loading—PC recommends reducing the required number and size of loading spaces, particularly for multi-dwelling buildings with a small amount of commercial use.</p> <p><b>Requests:</b></p> <p><b>a</b> Do not adopt these changes</p> <p><b>b</b> Require required loading spaces be at grade, and be accessible without the driver having to leave the truck to unlock a gate.</p> <p><b>c</b> Granting loading spaces in the right-of-way should be based on several conditions.</p> <p><b>d</b> Why is the threshold 50 dwelling units?</p> <p><b>e</b> Was proposal reviewed with neighborhoods?</p>	<p><b>a</b> The Planning Commission, Design Commission, and Landmarks Commission discussed these amendments extensively, and concluded that trucks making many small deliveries on a route, such as deliveries to restaurants and stores, will stop in the street regardless of whether loading spaces are available or not.</p> <p>The Planning Commission also considered some of the trade-offs, such as requiring space on-site for loading and maneuvering (reducing space available for more desirable uses such as retail, dwelling units, etc.), and curb-cuts for loading areas (which might remove on-street parking). On-street loading spaces provide an alternative, but remove on-street space from other uses, such as parking, bike lanes, wider sidewalks, etc.</p> <p>The commentary in the Recommended Draft (repeated here in <b>Attachment E</b>) provides more information and analysis.</p> <p><b>b</b> Requiring loading spaces to be unlocked and accessible without the driver getting out of their truck could create crime problems, as these areas are usually somewhat isolated.</p> <p><b>c</b> This request has been forwarded to the Bureau of Transportation.</p> <p><b>d</b> This is the threshold in the current code. No amendment was proposed to change it.</p> <p><b>e</b> There was extensive public outreach on the entire package; see <b>Attachment F</b></p>	Discuss Feb 3
16 (55)	14-23	<p>Lots—PC recommends not allowing lot remnants to be buildable.</p> <p><b>Requests:</b></p> <p><b>a</b> If remnants are large enough, they should be buildable.</p>	<p><b>Requests:</b></p> <p><b>a</b> When staff tested the recommended amendments on some real examples, they found some unintended consequences. In addition, if the lot remnants are of sufficient size, there are not strong policy reasons to prohibit development. The Recommended Draft incorporates this staff-recommended clarification.</p> <p>Another option is that Council could send this item back to the Planning Commission for discussion and a public hearing.</p>	Discuss Feb 3
17 (55)	24-25	<p>Lot size—PC recommends minimum lot size in West Portland Park R2.5 zone be 2,500 feet.</p> <p><b>Requests:</b></p> <p><b>a</b> The R2.5 zone is intended to apply in West Portland Park in the same way it applies throughout the city. Therefore, the minimum lot size should be 1600 square feet.</p>	<p>Agree with request. 110.212.D.2.c should read:</p> <p style="padding-left: 40px;"><b>c.</b> <u>R2.5 zone. In the R2.5 zone, the lot, lot of record, or combination of lots or lots of record must meet the requirements of Table 110-6; or</u></p>	
18 (55)	21  (foot-note 3)	<p>Existing Lots in the R5 zone / Allowing 2 narrow lots to be built upon on immediately – Currently, a house can be built on a 25 x 100 lot only if it has been vacant for at least 5 years. PC recommends that the waiting period be waived for sites consisting of two 25 x 100 lots if the applicant builds two attached houses AND voluntarily goes through discretionary design review.</p> <p><b>Request:</b></p> <p><b>a.</b> This amendment should not be adopted. The 5 year requirement provides a deterrent to out-of-character dwelling construction and at a minimum provides transition to this kind of development.</p> <p><b>b.</b> What are the Design Review criteria in Single Family Zoning districts?</p>	<p><b>a</b> The 5 year “waiting period” was intended to deter demolition of viable houses built on two or more 25x100 lots in order to replace them with houses built on each narrow lot. However, this has not worked as a disincentive; developers are still demolishing viable houses and waiting five years to complete development. The 2008 Lot Confirmation Task Force concluded the 5 year “waiting period” wasn’t resolving any issues – for the neighborhoods or builders. In addition, it has subjected neighbors to more construction noise and other impacts, as the two houses are built in separate years, rather than both houses at once. The recommended amendment takes a step towards resolving these concerns and provides an open, public process through design review.</p> <p><b>b</b> The Community Design Guidelines would apply to most of these situations. See <a href="http://www.portlandonline.com/bps/index.cfm?c=34250&amp;a=58822">http://www.portlandonline.com/bps/index.cfm?c=34250&amp;a=58822</a></p>	Discuss Feb 3



Issue No. (RICAP Item No.)	Page No.	Description	Staff Response	Discuss Feb 3?
19 (55)	21 (Table 110-6)	<p>Notes PC is Planning Commission "Page No." refers to the Recommended Draft</p> <p>Existing Lots in the R5 zone/Establish minimum lot size standards for vacant R5 lot—The regulations in two different chapters of the Zoning Code work together here:</p> <ul style="list-style-type: none"> <li>● Chapter 33.667, Property Line Adjustments, regulates how property lines may be altered. This chapter says that if a lot is nonconforming—doesn't meet the minimum lot size standards—the property lines cannot be altered in a way that would make the lot <u>more</u> nonconforming. PC recommends that a property line adjustment involving a corner lot in the R5 zone can be reconfigured to allow lots that are as small as 2400 sf/25' wide OR 1600 sf/36' wide, even if it takes them further out of conformance.</li> <li>● Section 33.110.212, When Primary Structures are Allowed contains the regulations about when a lot is buildable. These chapters work together because when applicants move property lines, they try to ensure that the new lot configurations are still buildable. Currently, there are no minimum lot size standards for vacant lots in the R5 zone. PC recommends two new standards: 2400 square feet and 25 feet wide OR 1600 square feet and 36 feet wide.</li> </ul> <p><b>Requests:</b></p> <p><b>a</b> Do not adopt this amendment. This further reduces lot sizes in existing single dwelling neighborhoods where lots are already down to 3000 square feet (or 2500 square feet for pre-existing lots that do not become more nonconforming.), while development has been allowed on old platted 2500 square foot lots. The recommended changes continue to erode the meaning of R5 zoning by allowing lots to meet the standards of the R2.5 zone (1600 square feet).</p> <p><b>b</b> The diagram on pages 16 and 197 shows what this looks like on corner lots, but the amendment effectively changes it for all lots.</p>	<p><b>a</b> State law (ORS 92.017) says that "A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law." In the R5 zone, platted lots that don't meet the minimum lot size standard for new lots (3000 square feet) is still considered a lot. In 2003, City Council decided to continue allowing platted lots less than 3000 square feet to be developed. This is part of the City's infill strategy and allows for more affordable units. Allowing lots that are already out of conformance to reduce their lot dimensions to 1600 sf/36' on corners allows:</p> <ul style="list-style-type: none"> <li>• Property lines can be configured in a uniform manner, creating lots without strange panhandle "appendages"—a common practice under current code;</li> <li>• The existing house would be more likely to remain on the site and not be demolished to make room for two "skinny" houses; and</li> <li>• New detached houses could be wider, and so be more similar to the development in most neighborhoods. A 36 x 50 lot allows a house that is more consistent with neighborhood character, as seen from the street.</li> </ul> <p>The PC recommends allowing ONLY those lots that are already nonconforming to reduce their size to 1600 sf/36' wide. However, the Recommended Draft code language inadvertently was written to allow ALL R5 corner lot property line adjustments to reduce their size. Amending 33.667.300.A.1 (on page 197 of the Recommended Draft) as follows will correct this:</p> <p><u>d. If the site involves two lots or adjusted lots on a corner in an R5 zone that are already out of conformance with the minimum lot area standards of Chapter 33.610, the lots may be 1600 square feet and 36 feet wide as an <del>option</del> alternative to meeting the standards of Chapter 33.610. See Figure 667-1.</u></p> <p><b>b</b> If the amendment proposed above is adopted, only lots in the R5 zone that are already out of conformance AND involve a corner lot can be reconfigured using the 1600sf/36' wide dimensions.</p>	Discuss Feb 3
20 (41)	76-77	<p>Fences on corner lots—In R zones, current code allows 8-foot fence along longer lot line, but limits fence to 3.5 feet along shorter lot line. PC recommends that if the house faces the longer lot line, an 8-foot fence should be allowed on the shorter side if the longer side is limited to a 3.5 foot fence.</p> <p><b>Requests:</b></p> <p><b>a</b> Amendment should limit fences on all street frontages to 3.5 feet.</p>	<p><b>a</b> Many people feel the need for a private yard. If a house on a corner lot faces the longer lot line, the most usable space is often between the house and the shorter lot line. The current PC recommendation retains the opportunity for outdoor space that is significantly screened from passerby. The requested amendment would create fence standards that are much more restrictive, affecting a large number of corner lots. The RICAP 5 proposal was a minor policy clarification, and there has been no public discussion of a broader policy change.</p>	
21 (56)	140-147	<p>Upgrades to Nonconforming Development/Green Tech Exemptions—PC recommends that improvements made to a site that are "energy efficiency or renewable energy improvements" that meet certain criteria should not count towards the dollar threshold that triggers upgrades to nonconforming development. They also recommend that the cost of such improvements count towards the dollar amount that must be spent on upgrades.</p> <p><b>Requests:</b></p> <p><b>a</b> The cost of the "green tech" improvements should not count towards the dollar amount that must be spent on upgrades.</p>	<p><b>a</b> The dramatic increase in Federal money for "green energy" improvements is a major reason to prioritize these types of improvements now, until 2012; allowing the cost of such improvements count towards the dollar amount that must be spent on upgrades is one of the few tools we have to prioritize the improvements. Some of the other items that qualify for the dollar amount that must be spent on upgrades are also "green" improvements, but are not eligible for the Federal funding. The opportunity cost of not, for example, getting bicycle parking, is comparatively small.</p>	Discuss Feb 3



Issue No. (RICAP Item No.)	Page No.	Description	Staff Response	Discuss Feb 3?
		Notes PC is Planning Commission "Page No." refers to the Recommended Draft		
22 (35)	176- 177	Utility lines in e zones—PC recommends that, when utility lines have to traverse an area that has already been approved for disturbance, the utility line does not have to be regulated by Section 33.430.130, Standards for Utility Lines.  <b>Requests:</b> <b>a</b> The recommended language is unclear	<b>a</b> Agree with request. <b>See Attachment G.</b>	
23 (52)	228- 229	Zoning Map Amendments/TPR—PC recommends that the approval criteria refer to a 20 year planning period, as required by State administrative rules.  <b>Requests:</b> <b>a</b> A 20 year planning horizon is to distant; improvements to address impacts of development are needed within a shorter time span.	<b>a</b> The 20-year planning period is the time span that must be evaluated. Implementing improvements to mitigate and support development is based on when the jurisdiction feels such improvements are necessary, and does not relate to the planning period. <b>See Attachment H</b>	Discuss Feb 3
24	—	Overall—Process  <b>Requests:</b> <b>a</b> City needs a better process for review/adoption of land use regulations. In particular, there should be more involvement of the neighborhood associations.	<b>a</b> During the RICAP 5 process, there was extensive outreach and involvement of neighborhoods and other citizens, as detailed in <b>Attachment F</b> . This level of outreach and involvement is more extensive than used for previous RICAP projects.  This concern is not specific to RICAP 5, and is beyond the scope of the project. However, the State requires an evaluation of public involvement as part of our Periodic Review, currently underway as part of the Portland Plan. Through the Portland Plan, we have the opportunity to review and revise our methods and strategies for involving the public in the review and adoption of land use regulations.	
25 (45)	205	Minor wording—PC recommends that 33.730.030.E.3.a(2) read: "For Comprehensive Plan Map Amendments . . . the Hearings Officer will make a written recommendation in the form of a report . . ." Request: "For Comprehensive Plan Map Amendments . . . the Hearings Officer will make a written recommendation in the form of a report <u>to City Council</u> . . . ."	Agree with request	
26	65	Minor wording—PC recommended language in 33.120.270.E.3 does not reflect their intent. It should read:  <u>3. Accessory structures;</u>  <u>a. Covered accessory structures for the common use of residents are allowed within common greens and shared courts. Covered accessory structures include gazebos, garden structures, greenhouses, picnic areas, play structures, and bike parking areas, but do not include structures listed in b., or c. below;</u>  <u>b. Structures for recycling or waste disposal are allowed within common greens, shared courts, private alleys, or parking tracts;</u>  <u>c. Shared garages or carports are allowed within private alleys or parking tracts, but not within common greens or shared courts.</u>	Agree with request	
26 (47)	35	Correct typo—33.110.220.D. 7(b) and 33.120.220.B.2.e should read: "When a dedication . . . along the frontage of an existing street is required . . . setback between an existing building <u>and the</u> lot line that abuts the right-of-way . . ."	Agree with request	

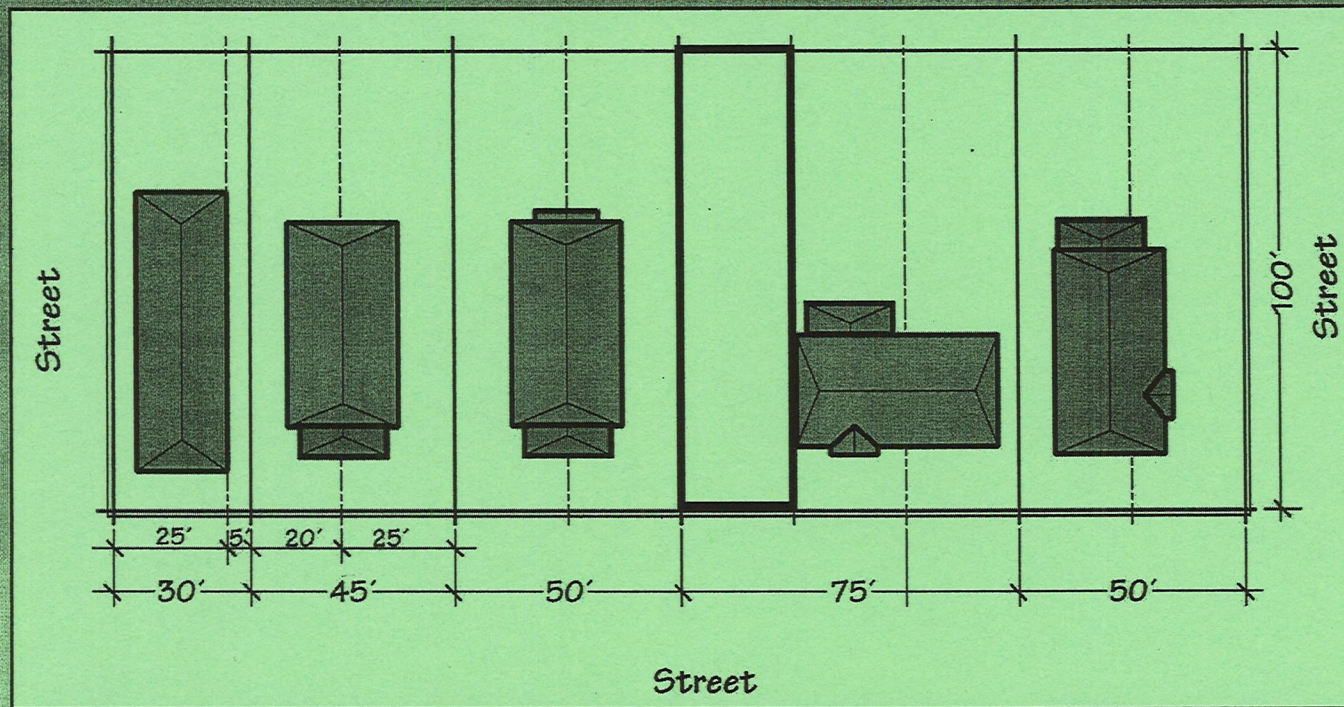


Issue No. (RICAP Item No.)	Page No.	Description	Staff Response	Discuss Feb 3?
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27 (47)	55	Correct typo—33.120.220.B.2.e should read: "When a dedication . . . along the frontage of an existing street is required . . . setback . . . may be reduced to zero. <u>Eaves on an existing building may extend one foot into the reduced setback, except that they may not extend into the right-of-way.</u> . . ."	Agree with request; this would be consistent with language in Chapter 33.110.	
28 (52)	229	Correct typo—33.855.050.B.2.c should have an "or" instead of an "and" between (1) and (2).	Agree with request	
29 (55)	139	Correct typo—33.258.065.B.2. should read: "When a nonconforming lot, lot of record, or lot remnant contains a dwelling unit that is <u>intentionally</u> damaged or <del>intentionally</del> demolished . . ."	Agree with request	

LIST OF ATTACHMENTS	
<b>A</b>	Options for Two-Year Testing Language
<b>B</b>	Pro-Con of Eaves
<b>C</b>	Bike Parking
<b>D</b>	Option for Retaining Walls
<b>E</b>	Commentary on Loading Spaces
<b>F</b>	Public Outreach for RICAP 5
<b>G</b>	Utility Lines in e Zone
<b>H</b>	Zone Change Criteria
<b>I</b>	Excerpts from Draft Admin Rule on Private Streets



# Existing Lots in R5



Allow houses on vacant lots that are at least 2400 sf and 25' wide OR 1600 sf and 36' wide.

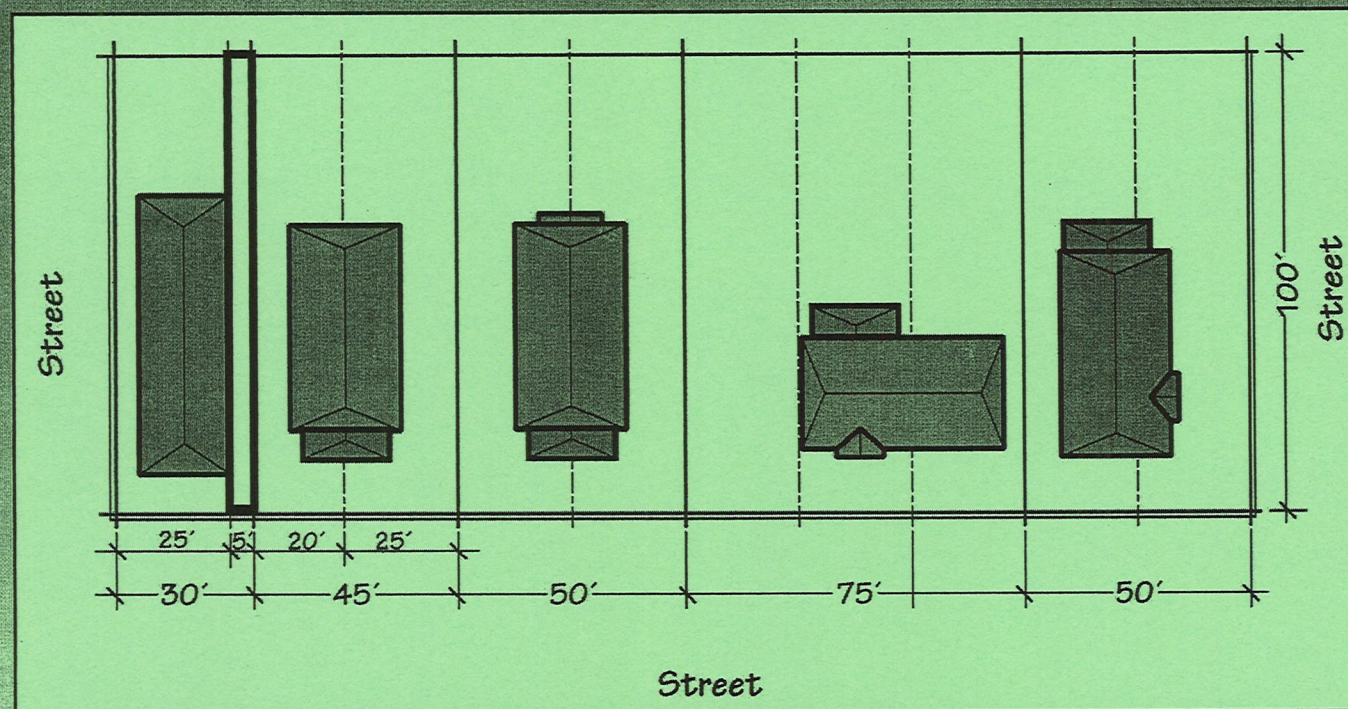


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# Existing Lots in R5



Allow houses on 'lot remnants' that are larger than 3000 sf/36' wide.

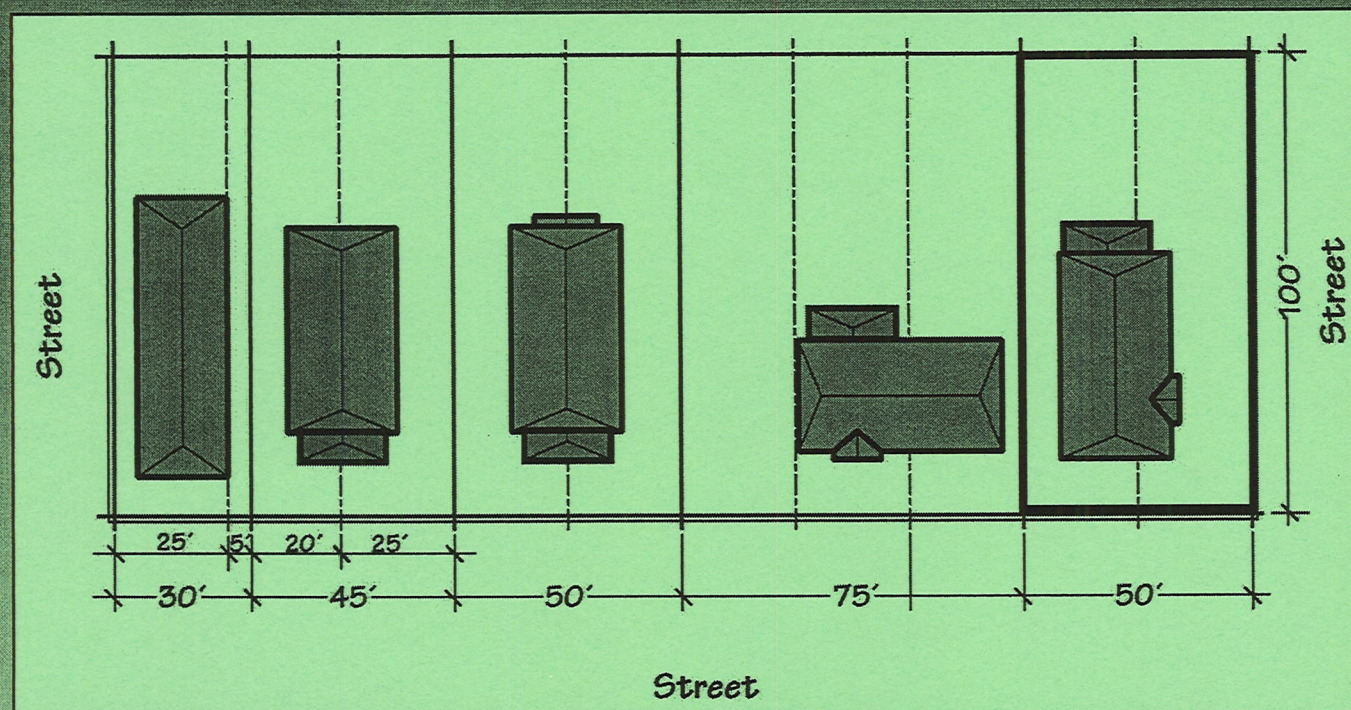


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# Existing Lots in R5



Allow houses on NOT-vacant lots that are at least 3000 sf and 36' wide (Min lot size for new lots in R5).

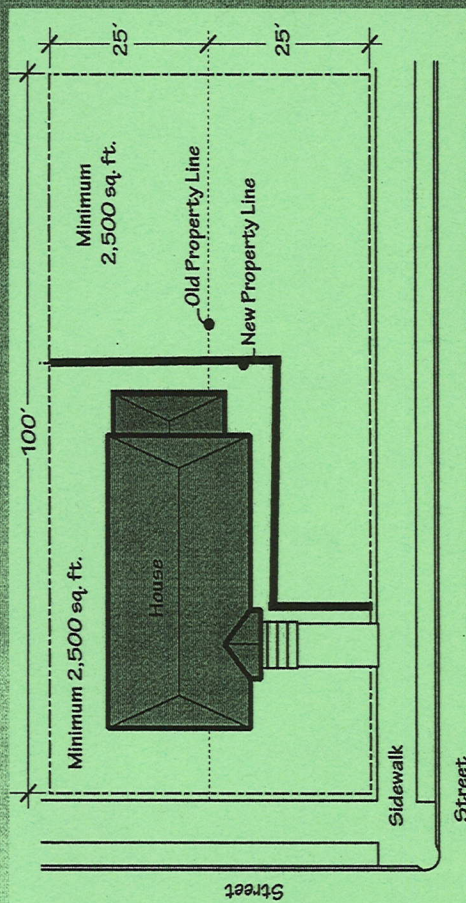


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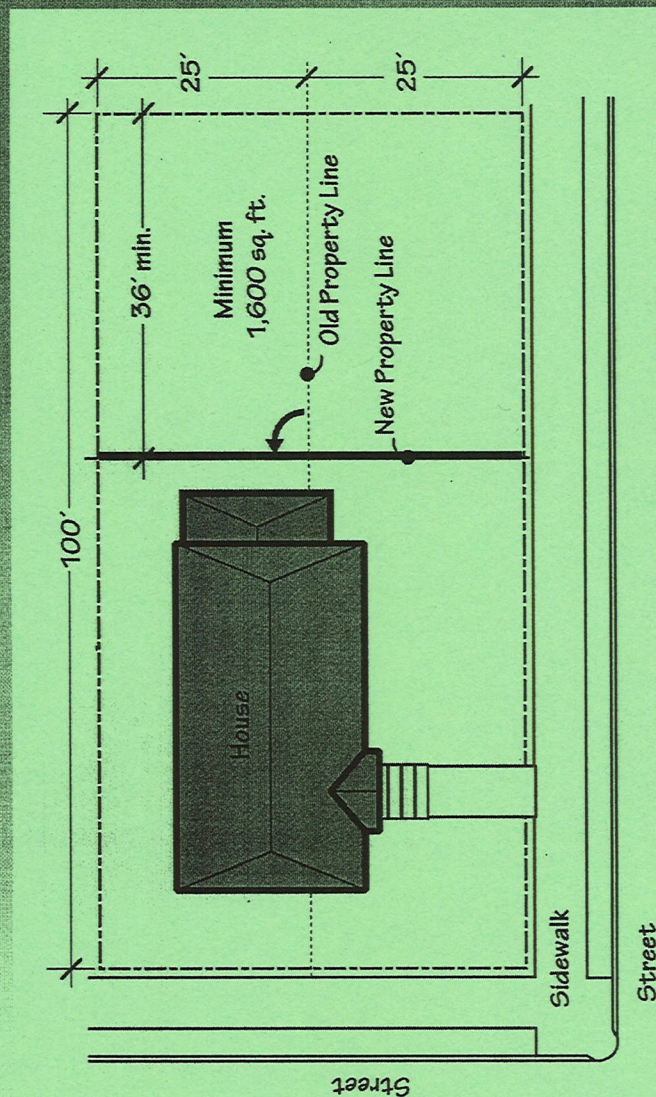


# Existing Lots in R5



Relocated  
lot line  
under  
current  
standards.

Relocated lot  
line after  
amendment.



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