



City of Portland

Historic Landmarks Commission

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 Portland, Oregon 97201
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www.portlandonline.com/bds

February 10, 2010

Honorable Mayor, Portland City Council Members,

The Historic Landmarks Commission, charged by City Council to provide leadership and expertise on maintaining and enhancing Portland's historic and architectural heritage, reviewed the RICAP 5 and Green Amendments proposal with Bureau of Planning and Sustainability at multiple public hearings. We were informed that the Commission is now considering a possible amendment option to exempt wind turbines from Historic Review for a period of two years. This is a grave transgression to the Landmarks Commission for a number of reasons.

- 1) The Historic Landmarks Commission, along with the Portland Design Commission, helped to craft design and historic review exemptions for many green technologies as a part of the RICAP 5 package and carefully considered wind turbines at length. The resulting recommendation by the Landmarks Commission was that this particular type of "green" technology will likely be the most challenging to review in historic areas;
- 2) Wind turbines that are visible from the street would **not** be found approvable in Historic Districts in subsequent Historic Reviews. Therefore, the City is sending a mixed signal with this amendment option by suggesting that any location could be an appropriate and compatible solution in the long term; and
- 3) Historic buildings and districts with even "temporary" windmill installations could jeopardize their historic stature in the district and future opportunities for preservation and restoration funding. Additionally, and perhaps most alarmingly, existing or future national register candidates could lose or jeopardize their tax-freeze status with the State Historic Preservation Office.

The Historic Landmarks Commission strongly support the efforts of the Mayor, and the Bureau of Planning and Sustainability, to craft policies and code that would make Portland a hub of sustainable development. We support many aspects of sustainable development, particularly harnessing "embodied energy" of historic structures and renovating existing historic buildings, both of which capture sustainability goals and build economies with local renovation workforces. Windmill installations, while a sustainable feature and worthy of achieving many sustainable goals, are inherently challenging in historically sensitive areas, and should not be exempt from review.

Thank you for the opportunity to comment and your continued commitment and engagement on historic preservation matters.

Sincerely,

Art DeMuro, Chair
 Historic Landmarks Commission

cc: Tim Heron, BDS Staff, Portland Design and Landmarks Commission
 Paul Scarlett, Director of BDS

183598

Moore-Love, Karla

From: Richman, Jessica
Sent: Wednesday, February 10, 2010 6:06 PM
To: Moore-Love, Karla
Subject: FW: Possible retaining wall language

Hi, Karla. Could you share this with Council? Thanks.

From: bebrumm@comcast.net [mailto:bebrumm@comcast.net]
Sent: Wednesday, February 10, 2010 3:23 PM
To: Richman, Jessica
Subject: Re: Possible retaining wall language

Thank you so much for your quick response I think the language works for me.
I can only hope it will help others.

Betsy Brumm
503-281-8573

----- Original Message -----

From: "Jessica Richman" <jrichman@ci.portland.or.us>
To: "bebrumm@comcast.net" <bebrumm@comcast.net>
Sent: Monday, February 8, 2010 1:48:07 PM GMT -08:00 US/Canada Pacific
Subject: Possible retaining wall language

Hi, Betsy. I understand you were looking for the latest version of the language Council might adopt for retaining walls. It's attached. Please give me a call if you have any questions!

--Jessica

Jessica Richman
Senior Planner
Portland Bureau of Planning and Sustainability
503-823-7847

183598

Moore-Love, Karla

From: Ann Kopel [annkopel1@gmail.com]
Sent: Tuesday, February 09, 2010 9:54 PM
To: Moore-Love, Karla
Subject: Letter in support of larger ADUs
Attachments: ADU city council letter.doc; ATT00001..htm

Dear Ms. Moore-Love,

Attached (and also in the body of this email) is a letter from me and my husband regarding the proposal to enlarge the square foot restrictions for Accessory Dwelling Units.

If this is not a good way to reach the council, I can come to the meeting to read the letter. I have never participated in this process and so don't know the proper procedure. I only just found out that this proposal was coming up before the council **this Thursday at 2:00 pm.**

If I should attend, could you please email me with the building and room where the council meets.

Thank you so very much for your help with this.

Best wishes, Ann Kopel and Lee Lancaster

2/10/2010

Ann M Kopel
William Lee Lancaster
1253 SE 32nd Place
Portland, OR 97214

February 9, 2010

Karla Moor-Love
Council Clerk, Portland's City Council
kmoore-love@ci.portland.or.us

To the members of the Portland City Council,

My husband and I hope you will pass the revision to enlarge the square foot requirements for Accessory Dwelling Units in Portland's city limits. We have lived in the inner southeast area since 1977 – 33 years and more than half of our lives – and we have been in our current house since 1987.

We are in our mid-sixties. Ann is an adjunct ESL teacher and Lee works for a food co-op. We are people of modest means. There won't be much social security and most of our assets are in our home. Yet, unless we do some creative financing, we cannot afford to stay in our home and neighborhood. The cost of maintaining our large home is too much, but we can't 'downsize' into to something smaller and stay in the neighborhood because there wouldn't be enough left over from the sale of our house to supplement our social security.

We are hoping that by changing our basement into an apartment for us to live in and then renting the part we now occupy for income and household maintenance, we can downsize, yet stay in the home and neighborhood we love. The proposed ADU size increase is still less than the square footage of our basement, but it provides a more livable space for us. In our home, the larger square footage allowance will not change the appearance of the existing structure or affect the neighborhood.

Allowing more flexibility in the creation of Accessory Dwelling Units promotes higher density without degrading our communities, and at the same time, increases the options for homeowners.

We hope that you will allow for the larger ADU square footage and help us stay in our home.

Sincerely,

Ann M Kopel and Wm Lee Lancaster

RICAP PACKAGE 5 - AmendmentsIF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)

ADDRESS AND ZIP CODE

Email

✓ STEPHEN AIGUIER	310 1323 SE 6 th AVE PDA 97214	stephen@greenhammerconstruction.com
✓ John CARROLL	1221 SW 10th #1101	

ATTACHMENT B
Extended Eaves in Setbacks – Pro & Con
Plus Additional Information

183598

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 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 (ie. 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).

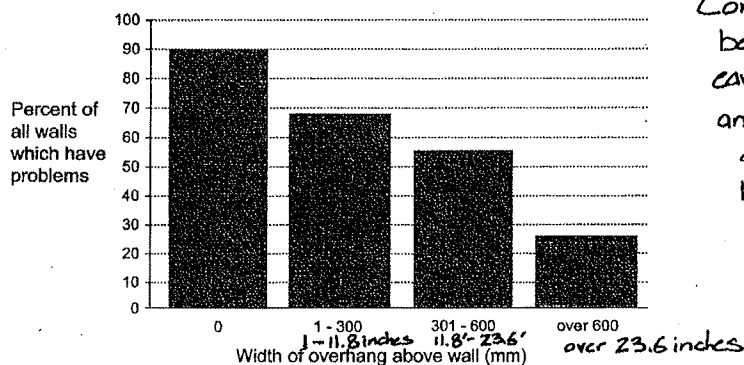


Figure 1: Wall problems as a function of the overhang size from a field survey

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

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

	Natural Gas		Fuel Oil		LPG		Other Fuel(1)		Renw. En.(2)		Site Electric		Primary Electric (3)		Primary Total	
	Gas	Oil	Oil	LPG	LPG	Other	Renw.	En.(2)	Electric	Total	Percent	Electric (3)	Total	Percent	Total	Percent
Space Heating (4)	3.57	0.66	0.24	0.09	0.44	0.37			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	11.0%		
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%		
Total	4.95	0.75	0.48	0.09	0.46	0.95				11.68	100%	15.54	22.27	100%		

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 Gas		Fuel Oil		LPG		Other Fuel(1)		Renw. En.(2)		Site Electric		Primary Electric (3)		Primary Total	
	Gas	Oil	Oil	LPG	LPG	Other	Renw.	En.(2)	Electric	Total	Percent	Electric (3)	Total	Percent	Total	Percent
Space Heating (4)	3.83	0.65	0.24	0.09	0.41	0.40			0.40	5.61	45.5%	1.23	6.45	27.5%		
Space Cooling	0.00								0.91	0.91	7.4%	2.83	2.83	12.1%		
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%		
Total	5.30	0.73	0.52	0.09	0.45	5.25				12.35	100%	16.34	23.43	100%		

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

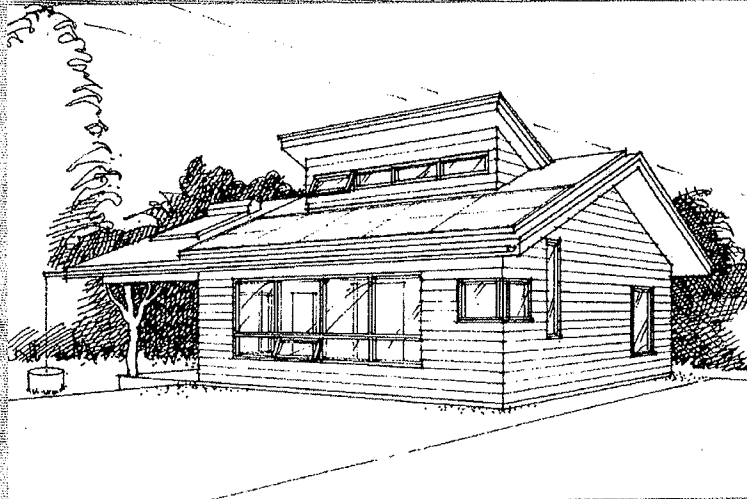
Source: Building Energy Data Book 2008, Published by the U.S. Dept. of Energy

**City of Portland
Office of Sustainable Development
Green Building Division**

Green Investment Fund

Request for Proposal - OSD 02-03

Emerging Technologies



The Rose House

Submitted by
SERA Architects, Inc.
123 NW 2nd Avenue
Portland, Oregon 97209
503.445.7372
www.serapdx.com

January 19, 2004

The Rose House

A Net Energy Home

Excerpt from daylighting study

Type of space	DF (%)	A_w/A_f (%)
Art studios, alters (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:

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
General Lighting			
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
Illumination on Task			
visual task - medium contrast or small size	50	75	100
visual task - low contrast or very small size	100	150	200

Illumination Levels

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

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.

183598

Moore-Love, Karla

From: HOOFF Rian [HOOFF.Rian@deq.state.or.us]
Sent: Monday, February 01, 2010 2:39 PM
To: Moore-Love, Karla
Cc: Lisa DeBruyckere; Sears, Tricia (PLN)
Subject: Testimony for Feb 3, 2010: Invasive Plant Policy and Regulatory Improvement Project
Attachments: RegImprovementProject_OISCtestimony_Feb2010.pdf

Written testimony for Wednesday's hearing attached.

Rian v. Hooff
Vice-Chair
Oregon Invasive Species Council

2/2/2010

**OREGON INVASIVE SPECIES COUNCIL**

Coordination, Prevention, Education, and Collaboration

February 3, 2010

City of Portland
Council Clerk
1221 SW 4th Avenue, Room 140
Portland, OR 97204

Mayor and Council members:

I am here today on behalf of the Oregon Invasive Species Council, a consortium of federal, state, local, and tribal governments, nonprofit organizations, academic institutions, and industry representatives, in support of the Invasive Plant Policy and Regulatory Improvement Project. The mission of our Council is to keep invasive species out of Oregon, inform the public, and to control or eradicate those that attempt to become established.

As you know, our Council has been supportive of the City of Portland's efforts during the past several years to address the threat that invasive species pose to Oregon's economy, environment, and the quality of life of its citizens. Because of the magnitude of this threat and the need to maintain and restore healthy watersheds, the Oregon Invasive Species Council supported the implementation of your Invasive Plant Management Strategy last year. This strategy will ultimately reduce invasive plants on almost half of the public land within the City. In addition, the Strategy effectively articulates a number of critical elements, including code and policy changes, outreach and education efforts, stakeholder coordination, control and restoration priorities, wildfire risk reduction, protection of the best parks habitat, early detection and rapid response, and working with landowners.

The Regulatory Improvement Program is a key step in successfully implementing the Invasive Plant Management Strategy because it updates the Portland Plant List and improves invasive plant control in development and non-development situations by updating the Zoning Code and Property Maintenance Regulations. Both of these activities serve to provide additional guidance on invasive species, create one priority Nuisance Plants List by consolidating several lists, clarify existing zoning regulations, add an important standard that requires removal of nuisance plants, and established rules requiring priority species on the Nuisance Plants List to be eradicated from a property. This combination of education and outreach with regulatory mechanisms is both creative and proactive, and once again, will serve as a model for municipalities throughout the United States.

I also want to commend you on the work you are doing to consider adoption of an invasive animal strategy for the City. The recent completion of an assessment of terrestrial and aquatic invasive animal species in the City will lay the groundwork for further development of a draft policy with stakeholders. Both the Invasive Plant Management Strategy and the potential invasive animal strategy will help to ensure full implementation of the Portland Watershed Management Plan.

The Oregon Invasive Species Council fully supports your policy review and Regulatory Improvement Project and is pleased to be a partner in this larger coordinated effort. Our Council is available at any time to assist you in furthering what we consider to be a very high priority program for the City.

Thank you for your contribution to Oregon's invasive species prevention efforts.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rian Hooff", with a stylized flourish at the end.

Rian Hooff, Vice-Chair

Moore-Love, Karla

From: McKinney, Susan
Sent: Monday, January 11, 2010 1:00 PM
To: Moore-Love, Karla
Subject: [Attachment was removed] City Council Mtg. - Retaining Walls

Hi Karla - Sorry for the delay in responding to you; I've been in sunny Kauai and just returned today to find your e-mail. Attached is an e-mail chain that includes (middle one) the response referred to in your e-mail of 1/6/10. Hope its not too late!

Happy New Year

Susan

-----Original Message-----

From: Mark & Annette Bendinelli [mailto:bendinelli@mac.com]
 Sent: Tuesday, November 10, 2009 9:43 AM
 To: McKinney, Susan
 Cc: Frugoli, Sheila; Torgerson, Leanne
 Subject: Re: Urgent question re: LU09-164466AD

Dear Ms. McKinney,

Thank you for your reply. We appreciate that you took the time to work on this in Sheila's absence, and also appreciate the amount of investigating you did to provide us with a timely and thorough answer. Unfortunately, it was not the answer we had hoped for.

As of today, seven more neighbors have expressed concern and asked to have their names added to those opposing the wall. They include Jim & Julie Doherty, Jana & Mitch Rofsky, Teresa Baldwin, Julie Vacura and Whitney Boise. We now have a total of 21 homeowners who feel that the wall will have a highly negative effect on our street. In addition, the Alameda Neighborhood Association has supported our position in a letter to Sheila. It's tough to accept that we have no recourse on this issue, and we are frustrated to say the least. We each have an investment--both monetarily and emotionally--in our neighborhood, and it seems inconceivable that another resident could initiate this construction without considering how it might impact those of us in the surrounding area.

Since it appears there is nothing more we can do to stop construction of the wall, we can only hope the city will intervene regarding the 6' wooden fence the homeowner plans to put on top of it. We will continue to voice our comments and concerns regarding this permit application, and again, thank you for your response yesterday afternoon.

Sincerely,

Mark and Annette Bendinelli
 Mark Allen & Ellen Ragan
 Betsy Brumm
 Greg & Becky Guest
 Adam & Jenni Bertapelle
 Scott & Linda Frank
 Joe & Judy Dean
 Barbara Brower
 Jim & Julie Doherty
 Jana & Mitch Rofsky
 Teresa Baldwin
 Julie Vacura
 Whitney Boise

On Nov 9, 2009, at 3:50 PM, McKinney, Susan wrote:

>

> Good Afternoon - I received your phone message this morning, as well
 > as your e-mail below. As you know, the Adjustment request that Sheila
 > is reviewing relates only to a 6-foot tall fence that is proposed to
 > be located on top of the retaining wall. Also, the zoning code allows
 > retaining walls that exceed the fence height limitation within a
 > required street setback. Because there is no height limit for a
 > retaining wall within a street setback, the wall is subject to the
 > building code rather than the zoning code.
 >
 > In this case, the retaining wall has been permitted because it
 > complies with the necessary building codes. I believe your neighbor
 > Ms. Brumm spoke with Doug Morgan, Supervising Engineer, this morning
 > and he also confirmed this information, as has Sheila over the course
 > of your conversations with her.
 >
 > The building code does not speak to visual design, appearance or scale
 > or whether a structure looks different from the rest of the
 > development on the street or neighborhood. The building code ensures
 > the structural integrity of the wall. Building regulations provide
 > standards for structures to safeguard health, safety and security of
 > the community. Discretionary determinations, like appearance and
 > livability, are reviewed through a land use review when a zoning code
 > development standard is not met, such as the fence height Adjustment.
 > However, in this case the zoning code allows the retaining wall by
 > right so there is no opportunity to comment on the appearance of the
 > wall.
 >
 > You mention below that the contractor informed you that there will be
 > no setback from the sidewalk. In that regard, I reviewed the plans
 > and confirmed with the property owners' representative that there will
 > indeed be a minimum of 2 feet between the sidewalk and the retaining
 > wall. The wall, according to the approved building plans, will be
 > located on or near the south property line, but will not encroach into
 > the 2-foot right-of-way located between the sidewalk and the property
 > line. As follow up to that, a supervisor in the residential
 > inspections division confirmed this afternoon that the wall is set
 > back from the interior edge of the sidewalk, as shown on the plans.
 >
 > You asked that a stop work order be issued for the retaining wall.
 > However, there is no basis for posting such an order, given the plans
 > for the retaining wall have been reviewed, approved and permitted.
 > I'm sorry this situation is frustrating for yourself and other
 > neighbors, but we (BDS) do not have the authority to regulate the
 > retaining wall in any way other than the way it has been.
 >
 > Sincerely,
 >
 > Susan McKinney
 > Section Manager
 > Land Use Services - Title 33 Team
 >
 >
 > -----Original Message-----
 > From: Mark & Annette Bendinelli [mailto:bendinelli@mac.com]
 > Sent: Sunday, November 08, 2009 11:02 PM
 > To: McKinney, Susan
 > Cc: Torgerson, Leanne
 > Subject: Urgent question re: LU09-164466AD
 > Importance: High
 >
 > Dear Ms. McKinney ,
 >
 > We have been working with Sheila Frugoli regarding Case File Number
 > LU09-164466AD, and she has been terrific about taking our comments and

> keeping us informed of the proposal's status. However, Ms. Frugoli
 > has told us she will be out of the office until November 12, and we
 > have a concern that we feel cannot wait until then. We're addressing
 > this to you because your name was cc'd on an email Sheila sent to
 > Betsy Brumm last week, so we assume you're in the loop on this.
 >
 > Specifically, we are asking the city to reconsider the approved permit
 > number 09-162397, which allows the building of the applicant's
 > retaining wall. In the applicant's original proposal, the wall was
 > set to be 9.5' high, which would already make it the highest in the
 > neighborhood. Now, we have learned from the contractor that the wall
 > will actually be 12' high, with no setback from the sidewalk. As
 > neighbors, we are extremely concerned about this, not only because our
 > houses will face this structure, but also because it will negatively
 > impact the character of our street.
 >
 > Retaining walls on either side of this property currently rise no more
 > than 4'-5' above the sidewalk and are then terraced by a landscaped
 > setback, which significantly softens the abutment. This new, sheer
 > wall will be completely out of scale, and will overpower the sidewalk
 > and adjoining area. While it appears the city's zoning code does not
 > restrict the height of retaining walls, it stands to reason that
 > visual elements, continuity and overall design could at least be
 > considered.
 >
 > The forms are up, and the lower 4' of wall has already been poured,
 > giving us a preview of what's to come. Now would be the time to stop
 > the process before it goes any further, review the full impact of this
 > oversized structure on our neighborhood, and perhaps at least add a
 > landscaped setback. Along the north side of Regents Drive, every home
 > is fronted by either trees or shorter walls with abundant greenery.
 > The proposed high, unadorned wall just inches from the sidewalk will
 > present a jarring, out-of-context barrier that will stick out like a
 > sore thumb. We are deeply concerned that this wall/fence combination
 > will be an "eyesore" that will forever scar our street's appearance.
 >
 > While the city has given us the opportunity to actively object to the
 > 6' wood fence that the applicant proposes to erect atop this wall, we
 > are asking you to also revisit the design of the wall itself. For
 > your reference, we have attached pictures from the letter we sent to
 > Ms. Frugoli earlier this week. The wall and fence have been
 > photoshopped in (and the wall may now be higher than the one shown),
 > but they should give you a fairly accurate idea of how the entire
 > structure will look upon completion. Please let us know if there is
 > any way to pursue this matter before any additional construction takes
 > place.
 >
 > Sincerely,
 >
 > Mark and Annette Bendinelli
 > Mark Allen & Ellen Ragan
 > Betsy Brumm
 > Greg & Becky Guest
 > Adam & Jenni Bertapelle
 > Scott & Linda Frank
 > Joe & Judy Dean
 > Barbara Brower
 >
 >

January 7, 2009

City Council
1221 SW Fourth Avenue
Fax: 503 823 4571

Dear City Council:

Members of Main Street Portland Coalition have concerns about the RICAP V amendments to the loading zone regulations. We understand the genesis for these amendments based on the large number of contested adjustments to the loading zone requirements for high density and mixed use developments. However, we feel that the position taken by the planning bureau that these loading zone regulations are unreasonable and hamper development unfairly supersedes the purpose of the loading zone requirement, which is to protect the public right-of-way and to protect livability in high-density areas.

We know of two built mixed-use developments which requested adjustments to waive the required loading zone space, and which therefore create problems in the public right-of-way. The first one is the recently completed development at SE 20th & Hawthorne. The only area possible for loading is in the parking lane on the east side of 20th, just south of Hawthorne. Due to the recent street intersection improvement, the travel lanes are barely an adequate width with cars parked in the parking zone, and even less so with trucks. Cars headed northbound on 20th have to swerve into the oncoming lane of traffic in order to get around trucks parked here. The other development is at SE 26th & Division. Here as well, the only possible loading zone is in the parking zone. Both Division and 26th have very narrow rights-of-way at this intersection, SE 26th jogs at the intersection, and Division must also accommodate the #4 bus route. This intersection has felt congested and constrained since the construction of this development, which is built out to the maximum allowed setbacks.

Our concerns are as follows:

1. The amendments to the loading zone regulations are based on a false assumption that the size of a project dictates the size of future service delivery vehicles. Beer and dairy deliveries are made in large trucks, which require the larger loading zone space. They do not deliver in mini-van sized vehicles. So even a "small cafe" will require delivery service with large trucks.
2. The amendments ignore basic transportation safety standards by requiring larger vehicles to double-park in the public right-of-way when the loading zone is too small or none has been provided. When trucks block the right-of-way, they create a hazard to traffic trying to go around the blockage. Due to Portland's small block structure, this hazard is more likely to occur at a street intersection, doubling the traffic hazard.
3. By encouraging loading trucks in the public right-of-way, these amendments produce a situation in which noise levels from idling truck engines exceed

nuisance standards.

Our suggestions for making loading zone amendments fulfill their intended purpose are:

1. require that they must be at grade and accessible without the driver having to leave the truck to unlock a gate. Underground loading zones, as often heard in frequent adjustment committee testimony, will never be used by truck drivers. In addition, the vertical clearances for access to these loading zones do not allow for the use of even the smaller trucks and vans.
2. require that the granting of public right-of-way loading spaces be dependent on the width of the right-of-way and whether the right-of way is straight or bending or near a busy intersection.

With the push to increase density in Portland neighborhoods, it is also important to protect livability, which translates as safety and enjoyment of the public realm for and by all residents. We feel that relaxing loading zone standards will negatively impact the future livability of Portland residents.

Thank you for considering these comments,

Main Street Portland Coalition signing members:

Christine Yun
1915 SE Alder St.
Portland, OR 97214

Joe Meyer
1915 SE Alder St.
Portland, OR 97214

Don MacGillivray
2339 SE Yamhill
Portland, OR 97214

Mary Francillon
303 NE 16th Ave, Apt 303
Portland, OR 97232

Stephanie Brown
2428 SE Yamhill Street
Portland, OR 97214

Dean Gisvold
2222 NE 15th Avenue
Portland, OR 97212

REGULATORY IMPROVEMENT CODE AMENDMENT PACKAGE 5IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)	ADDRESS AND ZIP CODE	Email
✓ Cathy Salbraith	Bosco-Milligan Foundation 701 SE Grand Ave 97214	cathyg@visitAK, OR
✓ Betsy Brumm	2830 NE Regents Dr. 97212	BEBrumm@Comcast.net
✓ Michelle Poyarrow	Bicycle Trans. Alliance 233 NW 5 th Ave	
✓ Andrew Kayaanisgatsi Andrew Kayaanisgatsi	3730 SE Lafayette Ct PDX OR	andrew@slrenergy.com
✓ Barry McKnight	1617 NE 140 th P 97230	barrymsh@comcast.net
✓ Eli Sperak	6325 N. Albino Ave #6 Portland OR 97217	eli@aracnet.com
✓ Gwen Millius	221 SE main Pld 97214	gwen@srmstudio.net
✓ Mark White	12215 SE Raymond St. Portland, OR 97236	MARKLPDX@SPIRITONE.com

January 7, 2010
Council Testimony
Bonny McKnight

RICAP 5 COMMENTS

This RICAP package is the product of a broken process in my opinion. I want to first comment on some elements in the package but more importantly, I think, on the process by which we are currently changing code.

This package is 268 pages and provides code changes or advice for more than 60 types of development decisions. Here are two major elements of concern, among many.

Courtyard Housing Density Calculations:

The suggested changes are intended to make building courtyard housing more attractive to developers. More density calculation flexibility is proposed. The changes treat Common Green and Shared Courts as the same thing. They are not.

Shared Courts are already used for vehicle access and parking. Common Greens prohibit those uses.

There should be no additional flexibility for building coverage calculations dealing with Shared Courts, since they can be used as if they were streets and parking lots.

Building Eaves

The green building package includes further erosion of side setbacks by increasing the depth to which eaves can intrude into the setback. Commissioner Fritz was a member of the Planning Commission when the first relaxation of side setback measurements was made. At that time, in order to entice builders to build any eaves at all, setbacks were changed to be measured from the building face rather than the eave projection. The alternative of requiring eaves, which would have made the actual building smaller, lost to intrusion into the side setbacks which functioned to provide space, light, air, and a variety of other site benefits.

The proposed code change would allow further erosion of side setbacks by allowing eaves to extend to within 3 feet of the lot line. Building hard surfaces closer together, regardless of whether they are buildings, driveways, or eaves, is contradictory to many of the watershed and livability values we talk about every day. This eave extension proposal should not be accepted.

RIICAP 5 IS PRODUCT OF REALLY BAD PROCESS

It is important to build a real review process into code changes. In the past, the Neighborhood Association system was part of that process. Current code changes have no consistent process, review period, or clear final draft status.

The final proposed draft of RICAP 5 was not subject to any review or comment period which could fully inform the Planning Commission about the package. The final 268 page document was posted on the web sometime after November 23, 2009.

As the city has been told routinely, the volunteer nature of citizen involvement of all kinds is not respected by using the Thanksgiving – Christmas period for commenting on any significant change to city rules, regulations, and practices. It is especially bad when the complexity of code changes should be considered by their overall impact rather than as simple changes to written lines of regulations.

The current process is not fair to citizens.

It is not fair to various bureaus which struggle to find balances when conflicts occur.

It is not fair to the Planning Commission which is asked to provide a comprehensive review of complex code issues without adequate community input.

It is not fair to those who want to take ownership of their city in a positive and cost effective way.

And it is not fair to all of us who must use this final Council hearing to bring these issues into discussion.

I challenge you to change things now.

Provide direction today to require that future code changes impacting land use go through a Neighborhood Association review process prior to Planning Commission consideration so that the information you receive truly helps you judge the future financial, public trust, and bureau service impacts of these changes before they come back to you as complaints and anger from the public who elected you.

Submitted by
Bonny McKnight
1/6/2010

**CITYWIDE LAND USE GROUP
(NEIGHBORHOODS PLANNING A LIVABLE PORTLAND)**

183598

Thursday, January 7, 2010

**7:00 to 9:00 pm
Room 2500 B; 1900 Building; 1900 SW Fourth**

SPECIAL MEETING WITH MAYOR SAM ADAMS

Neighborhood Associations and Their Planning Role

Neighborhood Associations are defined by the ground they cover. They are the physical location where various codes and regulations come together and impact the every day life of residents.

For that reason, how regulatory decisions are made and code is written is of essential importance to the many volunteers who provide the Neighborhood Association land use review service to this city.

It is important to rebuild an adequate planning role for Neighborhood Associations for short term changes, the longer term period until the Portland Plan is defined, and for the future period in which regulations will be written to implement a new Comprehensive Plan.

Tonight's discussion with Mayor Adams will ask for:

A consistent and adequate review process for changes to City Code Title 17, Title 29, Title 33, and proposed Tree Title 11 regulations.

Restoration of the Regulatory Reform 45 day Neighborhood Association review period prior to the final draft code proposal.

A process which builds a stronger resident comment base for informing Planning Commission action on proposed code changes.

A Neighborhood Association review process to provide information and education about code changes so they can be understood and supported in the community while allowing early identification of potential problems and concerns that prolong code adoption.

PLEASE JOIN US AS WE BEGIN WORK IN 2010.

I'm here today to request Council extricate the courtyard component that addresses density determination in the RICAP 5 Code Amendments prior to approval in order for further refining to be done to this particular issue.

I found it difficult to understand the exact intent and have concerns that the new code may create a potentially dangerous problem if the entire common area is not considered before determining the potential density for the site. Specifically, that developers will opt for the highest density possible and then convert space that was verbally identified to be allocated for greenspace into parking in order to accommodate that additional density. This would eliminate any possibility for safe play areas in developments that are supposed to be family friendly.

Since the Powellhurst-Gilbert Neighborhood has the highest amount of multi-family zoning of any Neighborhood in the City, I think it's reasonable to assume that we will see the lion's share of this type of development.

I would like to reiterate that in addition to the lack of basic safety features like sidewalks and crosswalks throughout the Neighborhood, Powellhurst-Gilbert is also seriously park deficient for the amount of people who reside in the Neighborhood. Green space for children to play in takes on critical importance to park deficient Neighborhoods. More importantly, I think we should not delude ourselves to think that young children will not play in parking lots when there is no park, playground, or greenspace available.

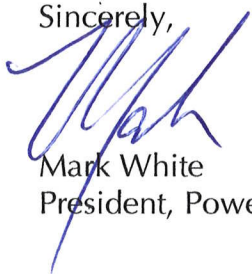
While the majority of the courtyard-related code amendments are helpful and consider the needs of families, this one component has the potential to jeopardize the safety of our children and seriously diminish the quality of life of families and all residents who may reside in courtyard-oriented developments.

I respectfully request that you take this into consideration prior to approving the suggested RICAP 5 Code Amendments and that you request the Commission to address this concern in the code with very specific verbiage to ensure the safety and quality of life of children and families who may reside in future courtyard-oriented developments.

And to help make these connections in the future, I would also like to suggest that Council, in future recruitment for the Planning Commission, give serious weight to candidates from East Portland who will be well versed in the needs of families and will be able to provide a practical application of those needs to City code.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark White', is written over the printed name.

Mark White
President, Powellhurst-Gilbert Neighborhood Association



Architectural Heritage Center
701 SE Grand Avenue
Portland, OR 97214
503 231-7264
503 231-7311 fax
www.VisitAHC.org

183598

January 5, 2010

MEMO TO: Mayor Sam Adams and Portland City Council

FROM: Cathy Galbraith, Executive Director, Bosco-Milligan foundation

RE: RICAP Code Amendments

After months of meetings and deliberations, the adoption of the RICAP 5 package of code amendments is before City Council for adoption. We reviewed and participated in proposing improvements to the package, specifically as to the impacts on vintage and historic buildings in Portland's traditional and well-established neighborhoods.

Today there are two issues that are of concern. One is to be certain that that the review of SOLAR PANELS for designated historic buildings and for contributing buildings in designated Historic Districts remains subject to specific review. This means that applications remain subject to staff and/or Landmarks Commission review, where applicable. *We believe that this was incorporated into earlier revisions to RICAP 5.*

We are as concerned with energy conservation as is the City of Portland; what we learned is that there are many obtrusive solar panel options that vary greatly from flat gable roof panels. These panel options can have substantial design impacts on neighboring properties. (I have attached two images to illustrate examples of the appearance of these panels.)

I have also attached a listing of National Register Historic Districts in Portland; for each district the number of "Contributing" (historic) and "Non-Contributing" buildings is listed. The review of Solar Panel applications for the Contributing buildings should be subject to traditional staff and/or landmarks commission review, the same as for individual designated Historic Landmark structures.

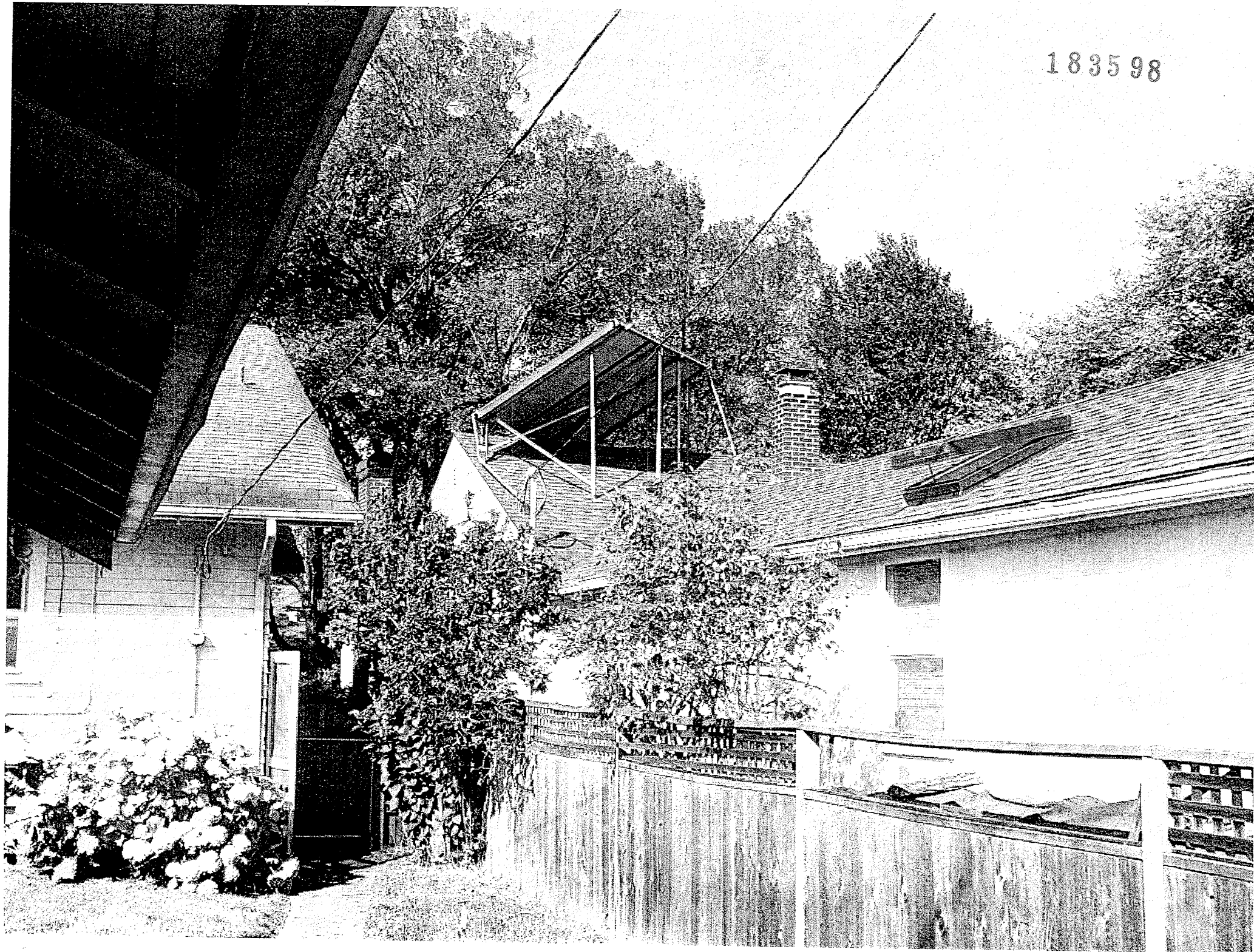
The SECOND issue is that recently raised by Mr. Doug Klotz – regarding the extension of eaves into up to 40% required setbacks. We agree with his analysis that the extension of eaves into required setbacks will result in an unacceptable reduction in natural daylight, leading to an increased use of electricity for supplemental lighting in Portland's homes. This section of RICAP 5 should be eliminated.

Deep overhanging eaves are a very typical design feature of the vast majority of vintage houses. The suburban "eaveless tract house" and new houses that are built with minimal eaves not only look irregular, they also eliminate the purposes of eaves: to shed water away from buildings and to provide cooling shade.

RICAP 5 should not permit the reduction of the purposes of eaves. Intrusion into the required setbacks will shed water too close to neighboring properties, reduce the benefits of natural light, and reduce cooling shade. These sections of the RICAP code amendments package should not be adopted.

Regarding the issue of eave projection along established building lines, it is acknowledged that most buildings that do not meet current setbacks are older buildings that predate zoning or current zoning regulations. In these cases, it probably makes good sense to continue those eave projections on building additions.

183598





National Register Historic Districts in Oregon

January 27, 2009

Historic District Name	Number of Resources			% contrib.
	Contrib.	Non-Contrib	Total	
Marion County				
Aurora				
Aurora Colony Historic District	34	55	89	38%
Salem				
Court Street-Chemeketa Street Historic District	99	48	147	67%
Gaiety Hill/Bush's Pasture Park Historic District	113	32	145	78%
Oregon State Hospital Historic District	45	3	48	94%
Salem Downtown State Street-Commercial Street Historic District	57	35	92	62%
Silverton				
Silverton Commercial Historic District	27	17	44	61%
St Paul				
Champoeg State Park Historic Archeological District	14	13	27	52%
St Paul Historic District	63	29	92	68%
Sublimity Vcty				
Silver Creek Youthcamp Historic District, Silver Falls State Park	54	16	70	77%
Silver Falls State Park Concession Bldg Area Historic District	4	1	5	80%
County Totals	510	249	759	67%
Marion, Jefferson, Linn Counties				
Santiam Junction Vcty				
Oregon Pacific Railroad Linear Historic District	22	0	22	100%
County Totals	22	0	22	100%
Multnomah County				
Bonneville				
Bonneville Dam Historic District (NHL)	6	5	11	55%
Portland				
Alphabet Historic District	478	157	635	75%
East Portland Grand Avenue Historic District	36	0	36	100%
Kenton Commercial Historic District	16	13	29	55%
King's Hill Historic District	126	25	151	83%
Ladd's Addition Historic District	633	476	1,109	57%
Mount Tabor Park Reservoirs Historic District	12	3	15	80%
Portland New Chinatown/Japantown Historic District	29	18	47	62%
Portland Skidmore/Old Town Historic District (NHL)	53	41	94	56%
Portland Thirteenth Avenue Historic District	20	2	22	91%
Portland Yamhill Historic District	24	0	24	100%
Rocky Butte Scenic Drive Historic District	14	5	19	74%
South Portland Historic District	186	60	246	76%
Washington Park Reservoirs Historic District	10	7	17	59%
County Totals	1,643	812	2,455	67%
Multnomah, Hood River, Wasco Counties				
General				
Columbia River Highway Historic District (NHL)	34	0	34	100%
County Totals	34	0	34	100%
Polk County				
Independence				
Independence Historic District	160	117	277	58%
County Totals	160	117	277	58%

Submitted by
Betsy Brumm 1/6/10

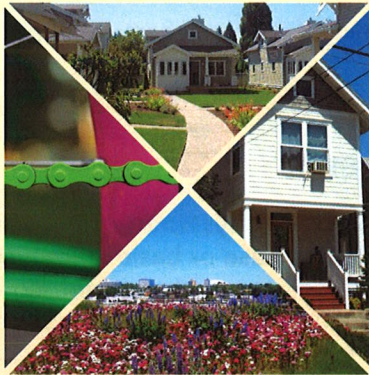
183598



Highlights of RICAP 5



City of Portland Bureau of
Planning and Sustainability
Sam Adams, Mayor | Susan Anderson, Director



The Portland Planning Commission is pleased to recommend that the City Council adopt the 58 Zoning Code amendments contained in the latest Regulatory Improvement Code Amendment Package (RICAP 5). The amendments further the Council's goal of updating and improving City land use regulations that hinder desirable development. It also takes the first step towards integrating "green" technology into the City's land use regulations.

The Commission would like to draw the Council's attention to several "bundles" of amendments that are summarized in this document:

- Bicycle Parking
- Green Amendments
- Courtyard Housing
- Existing Lots in the R5 Zone
- Accessory Dwelling Units
- Other highlighted topics

Bicycle Parking

183598

Proposed amendments to bicycle parking standards relate specifically to long-term bicycle parking—bicycle parking that is typically intended for employees of a business or residents of multi-dwelling developments, as opposed to visitors or customers that use bicycle parking for a brief visit. The amendments specifically impact multi-dwelling developments, not businesses or single-dwelling residences.

- **Remove exemption from long-term parking requirements when bikes will be allowed in dwelling units (Item #27).**

Currently, bike racks designated for long term parking must be provided in a secure common space with racks. Alternatively, no long term racks are required if bike parking is provided in individual dwelling units. The latter option has been problematic—at time of permit, developers often indicate that bikes will be provided in units, but later, building management have different policies that do not allow residents to store bicycles within the unit.

- **Increase the minimum required long-term parking spaces from .25 space per dwelling unit to 1.1 space per dwelling unit (Planning Commission Add-on item).**

The Planning Commission heard testimony from residents of multidwelling buildings expressing concerns about the inadequate number of bike parking spaces. Recent research by the Bureau of Transportation leads to the conclusion that the current requirement of 1 space per 4 dwelling units is insufficient. According to the Bureau's research, 70% of Portlanders own a bicycle and more than half own more than one bicycle. In addition, testimony at the Planning Commission hearing indicated that two bicycles per household is a fairly typical circumstance. The number of Portlanders who bike to work has increased steadily in recent years. Portland now has the highest level of bike commuting among the 50 largest US cities (8% of commutes). The recently adopted Climate Action Plan sets a target of reaching a 20% bicycle commute share by 2030. Buildings being constructed today should accommodate that goal.



Long-term bike parking must be provided in a common secure area or within dwelling units with adequate racks

This group of amendments incorporates the latest thinking about local clean energy production and green building technology. Building energy use is a major source of greenhouse gas emissions. Small scale distributed renewable energy systems may play a role in helping to diversify our energy sources, help reduce our dependence on foreign sources of energy, and help decrease the emissions of climate-changing greenhouse gases. This bundle of amendments also facilitates weatherization efforts, and encourages rainwater harvesting, and water re-use.

The amendments generally fall into three categories:

1. Remove regulatory barriers to green energy technologies and building techniques;
2. Incorporate standards that limit potential negative external impacts of such technologies; and/or
3. Clarify existing language that is currently ambiguous. Many green technologies are currently not addressed in the zoning code. As a result, there is currently confusion regarding what standards apply to the associated equipment.

Overall, the amendments foster the inclusion of green technologies while maintaining the valued character of affected buildings and surrounding properties.



Cisterns that are 6 feet in height or less are allowed in building setbacks. However, cisterns of any size may encroach 20 percent of the depth of the setback.

District and Utility Energy Systems

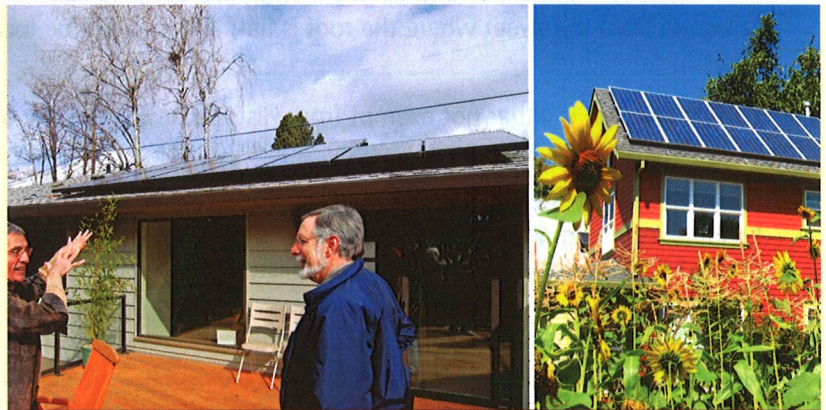
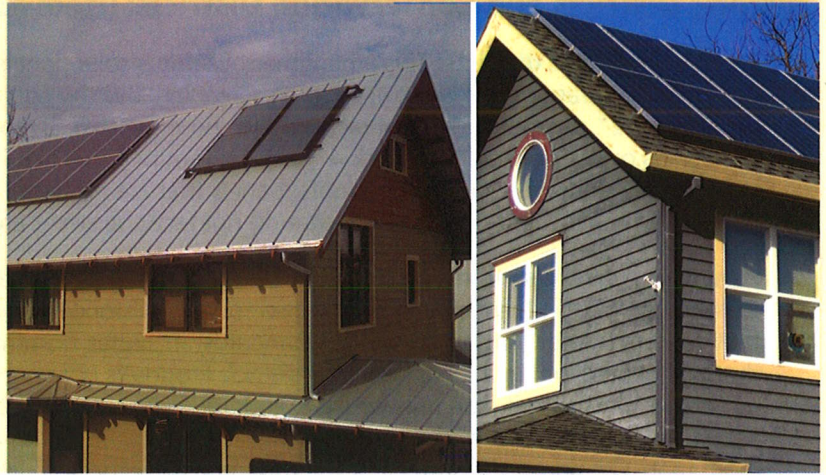
- **Clarify that smaller alternative energy producing systems are considered an accessory use, not a primary manufacturing use or basic utility use (Item #61).** This amendment allows sites located in zones that do not allow manufacturing to have alternative energy producing systems that can either a) provide energy for the building(s) on site, b) provide energy to be sold back to the utility grid or c) provide energy that will be distributed to a district system. The energy production must occur from the environmental conditions of the site such as solar, wind, geothermal, hydro and biological resources to produce energy. This amendment provides regulatory clarity regarding the distribution and shared use of independently produced energy to help encourage the development of systems that provide energy on a neighborhood or district scale.

Rainwater Collection and Stormwater Management

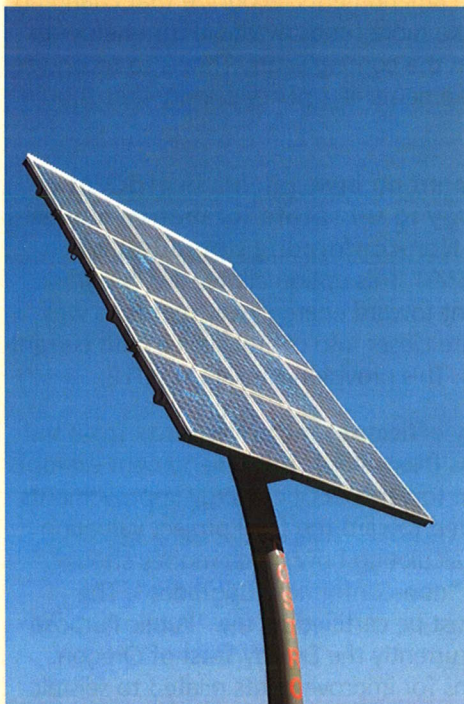
- **Exempt eco-roofs from design review (Item #33) and some historic reviews (Item #38).** For proposals located in a design overlay zone, exempts eco-roofs from a discretionary design review process. For properties in a historic or conservation district, exempts solar panels on buildings in historic or conservation districts from a discretionary historic design review process. This exemption does NOT apply to properties that are also Historic Landmarks or Conservation Landmarks. To qualify for the exemptions, eco-roofs must be located on a flat roof and contain plants that do not exceed one foot in height.
- **Allow use of FAR bonus' for both eco-roofs and roof-top gardens (Item #39).** Currently, proposals are allowed to use one, but not both of these Floor Area Ratio (FAR) bonus options in the Central City Plan District. The amendment allows utilization of both, as long as they are not "double-counted" and are two separate entities.
- **Create Standards for Water Collection Cisterns (Item #1).** This amendment creates setback standards for cisterns in all zones. In addition, it creates Community Design Standards for cisterns in design overlay zones or with a historic designation that are eligible to use standards in lieu of a discretionary review. Cisterns are not currently directly addressed in the zoning code. These amendments have the effect of facilitating small cisterns in building setbacks, while adding standards to ensure large cisterns are screened.

Solar Energy Systems

- **Exempt roof-mounted solar panels from maximum height standard (Item #3).** This amendment allows solar panels to extend beyond the maximum height limits roof by 5-feet above the roof for flat roofs, and 18 inches above the roof for sloped roofs.
- **Exempt ground-mounted solar panels from a conditional use reviews (Item #48).** On sites that contain conditional uses, such as schools or hospitals in residential zones, this allows the addition of ground-mounted solar panels without triggering a discretionary conditional use review.
- **Exempt roof-mounted solar panels from design review and some historic reviews, create standards for solar energy systems for projects subject to the Community Design Standards (Items #32 and 37).** These amendments apply to properties that are located in a design overlay zone, or for properties in historic districts or conservations districts. They eliminate regulatory process in order to facilitate development of solar energy technology, but also protect the character of the building and abutting properties from negative aesthetic impacts. The exemptions and standards are more conservative for historic resources than for design overlay zones, recognizing the important role those resources have in preserving the city's heritage.



In a design overlay zone, panels no more than 12 inches above the roof surface must be set back 3 feet from roof edges to meet Community Design Standards, or Design Review is required. Panels on sloped roofs on street facing facades in a historic or conservation district must be approved through Historic Design Review.



Ground mounted solar panels can be installed on school, hospital or other institutions in residential zones without a Conditional Use review.

Design Overlay Zones: (Item #32)

- **Exempt solar panels from Design Review in situations where the building parapet already provides some screening and the equipment is fairly unobtrusive.** For flat roofs, if the roof has a 12" parapet, the top of the panel rack extends no more than 5' above the roof, and either the parapet is taller than the panels or the panels are setback 4' for each foot of panel height, the proposal is exempt from discretionary Design Review.
- **Create Community Design Standards for solar energy systems.** Development on some sites can use non-discretionary Community Design Standards in lieu of discretionary Design Review. This amendment creates Community Design Standards for solar energy systems. Proposals are reviewed for conformance with these standards during building permit plan review. The standards state that on flat roofs, panels must extend no higher than 5' above the highest point of the roof, and must be set back 5' from roof edges. On sloped roofs, panels must rise no more than 12" above the surface of the roof, and be setback 3' from roof edges. Equipment that is either not exempt from Design Review or cannot utilize or meet the Community Design Standards must go through a discretionary Design Review process.

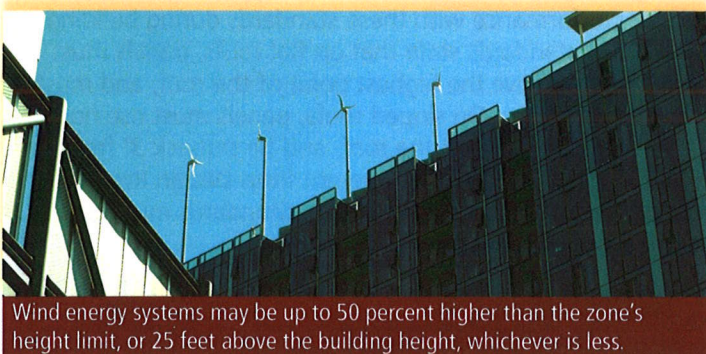
- **Panels in historic districts:** This amendment exempts solar panels from Historic Design Review in situations where the building parapet already provides some screening and the equipment is fairly unobtrusive. For flat roofs, if the roof has a 12" parapet, the panel rack extends no more than 5' above the roof, and either the parapet is taller than the panels or the panels are setback 4' for each foot of panel height, the proposal is exempt from a discretionary Historic Design Review. On pitched roofs, panels that are mounted parallel to the slope of the roof, setback 3' from roof edges and located on roof areas that do not face the street are also exempt from Historic Design Review.
- **Panels in conservation districts:** Development on most sites in conservation districts can use non-discretionary Community Design Standards in lieu of discretionary Historic Design Review. This amendment addresses proposals that can utilize the Community Design Standards. It creates Community Design Standards for solar energy systems that are located within a conservation district. Proposals are reviewed for conformance with these standards during building permit plan review. The standards state that on flat roofs, panels must extend no higher than 5' above the highest point of the roof, and must be set back 5' from roof edges. On sloped roofs, panels must rise no more than 12" above the surface of the roof, and be setback 3' from roof edges. In addition, solar panels must be screened from the street where the roof is flat, and may not be located on a street facing elevation where the roof is sloped.
- Equipment that is either not exempt from Historic Design Review or cannot utilize or meet the Community Design Standards must go through a discretionary Historic Design Review process.
- Note: These exemptions and standards do NOT apply to properties that are also Historic Landmarks or Conservation Landmarks, recognizing the important role those resources have in preserving the city's heritage. Proposals on Landmarks MUST go through a discretionary Historic Design Review process.

Weatherization

- **Allow eaves to project further into required setbacks (Item #59).** Increases the allowed projection of eaves into setbacks from 20% to 40%. As a result, larger building eaves that provide additional shading and weather protection are allowed.

Wind Energy Systems

- **Create Standards for Wind Energy Systems (Item #60).** Creates definitions and setback, height, mounting, and noise standards for both small and utility scale wind energy systems. Wind Energy Systems are not currently directly addressed in the zoning code. Although Portland does not have the wind conditions to produce large amount of power from urban turbines, allowing these devices may help stimulate the advancement of the technology, and encourage entrepreneurial efforts in this industry.



Wind energy systems may be up to 50 percent higher than the zone's height limit, or 25 feet above the building height, whichever is less.

Non-conforming Upgrades

Alterations that exceed an annually adjusted dollar threshold (currently about \$130,000) are required to spend up to 10% of the value of the project toward "upgrading" certain site-related development closer to conformance with current zoning standards. Examples are parking lot landscaping and bicycle parking. These amendments recognize that changing federal policy will make more funds available for energy-related improvements in the coming years. They also recognize energy-related improvements as a policy priority that should be encouraged.

- **Allow money spent on investments in efficient or renewable energy to substitute for money required to be spent on Non-conforming Upgrades, when required (Item #56).** This option allows the "upgrade" money to be spent toward energy investments as well as bringing the site closer into conformance with current zoning standards. This provision sunsets in 2012.
- **Discount energy efficiency improvements from value of alterations (Item #56).** This amendment exempts the amount spent toward specific energy improvements from being counted toward the total project valuation for purposes of calculating how much money should be spent toward "non-conforming upgrades". The improvements must be certified by the "Public Purpose Administrator", currently the Energy Trust of Oregon. Similar exemptions for improvements related to seismic upgrades, ADA upgrades, and stormwater management upgrades already exist.

Courtyard Housing

Courtyard Housing is a broad term used to describe a collection of attached or detached residences organized around an alternative to a traditional street like a pedestrian focused common green or a multi-functional shared street. They are typically medium density and located in the multi-dwelling zones of R1 and R2. In 2007, the Courtyard Housing Design Competition, received some 250 entries, and the winning designs were reviewed against current zoning regulations. As a result, staff identified several zoning standards that may be barriers to well-designed courtyard housing. These amendments seek to promote more flexibility in allowed density and architectural features in order to encourage the more and better development of Courtyard Housing.

- **Allow greater range of allowed densities for courtyard housing projects (Item #8 and Item#42).** Many of the winning competition entries were planned at a density that exceeds the maximum allowed in R2, but did not meet the minimum allowed in R1; meaning that they would not be allowed in either zone under current regulations. These amendments reduce minimum density in R2 and R1 zones and allows inclusion of the land area devoted to common greens or shared courts to be counted toward the maximum density. As a result, a greater, more flexible range of density is allowed, and the "gap" between the maximum allowed in R2 and the minimum required in R1 is eliminated. This can enable more flexible site design. These amendments apply only to those sites developed with a common green or shared court.

Allowed number of units on a 15,000 square foot site with a shared court or common green*

	Existing	Proposed
R1 range	8-12 units	6-15 units
R2 range	5-6 units	4-7 units
Combined Range	5-6 units; 8-12 units	4-15 units

* Assumes 20% site area devoted to share court or common green for comparison purposes, actual circumstances may vary depending on the site.

- **Remove requirement for internal pedestrian connections on smaller residential sites 10,000 square feet or less, and for buildings located within 20' from the street (Item #12).** Current standards require one main entrance per building be connected to a shared, internal pedestrian connection. The current standards function well on larger sites and developments. But, on smaller sites that typically have 2-5 buildings and less than 10 units, a separate pedestrian system is not practical and offers little added value in terms of pedestrian connectivity. It also increases paved areas and limits opportunities for stormwater management locations. This amendment also exempts buildings with main entrances that are within 20' of a street lot line from providing an internal pedestrian connection for the same reasons.



Smaller multi-dwelling sites do not need connections between individual buildings due to the additional paving and space required and relatively little added value in return.

- **Allow and create standards for architectural features in front setbacks for courtyard housing developments (Item #14).** Many of the winning entries incorporated architectural features such as awnings, trellises, eaves and even portions of buildings that projected into the 3' minimum setback from the common green or shared court. These features provide for visual interest and a sense of enclosure.
- **Allow and create standards for accessory structures in commonly-owned tracts for courtyard housing developments (Item #15).** This amendment clarifies that certain common structures are allowed within shared courts, common greens, alleys and parking tracts that serve courtyard housing. Structures include garbage/recycling structures, shared garages or carports, gazebos, garden structures, play structures, and bike parking. Height and building coverage standards for these structures are added.
- **Allow residential parking in a shared court (Item #23).** Expressly allows required parking spaces (when required) for shared court developments to be placed within the shared court tract, which is held in common ownership with the abutting lots. This provides flexibility for shared court developments that cannot or choose not to utilize space on individual lots for parking pads or garages. This can increase the land area available for building area or usable outdoor spaces on the individual lots.

Regulating Existing Lots in the R5 Zone

183598

Proposed amendments related to the development of lots and lots of record in the R5 zone are included in this package. Some of the amendments address issues raised during the Lot Confirmation/Property Line Adjustment Task Force convened in 2008. The primary issues and solutions proposed are as follows:

- **Create definitions for Adjusted Lots and Lot Remnants.** There are many properties throughout the city whose lot lines were altered prior to 1979, which is the year when the City began recording property line adjustments. After 1979, the City began reviewing property line adjustments for conformance to lot size standards. In either case, the resulting tax map shows the originally platted lot lines and the new lot lines (See Figure 1).

This code amendment introduces new names for lots whose lot lines have been altered through a city-approved property line adjustment or a Pre-1979 deed transfer. An adjusted lot is an altered property that consists of more than half of the originally platted lot. A lot remnant is an altered property that consists of half or less of the originally platted lot (See Figure 1). These terms are used to clarify when an existing piece of property (now labeled Adjusted Lot or Lot Remnant) can be developed, as explained below.

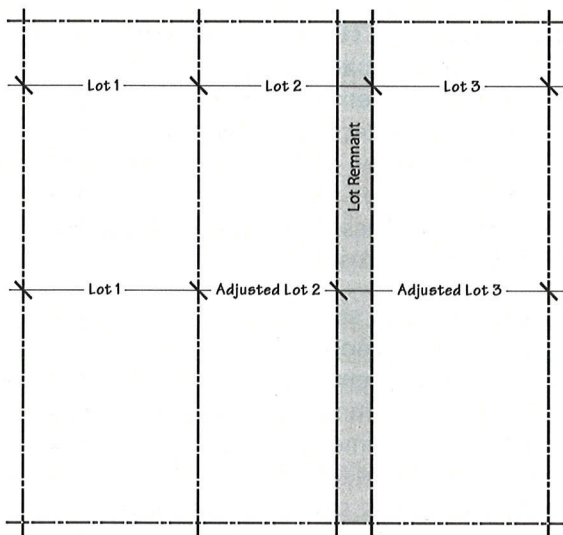


Figure 1

- **Establish new minimum lot dimension standards for development on existing lots in the R5 zone.** Currently, development is allowed on lots (including the newly defined 'adjusted lots') that either meet the minimum lot size for the zone (3,000 sq. ft. and 36 ft. wide) OR have been vacant for the previous 5 years. For the latter option, there is no minimum lot size. This amendment introduces a minimum lot size for vacant lots. Those lots must be 2,400 sq. ft. and 25 ft. wide OR 1,600 sq. ft. and 36 ft. wide.

- **Corner Lots.** The smaller lot size, 1,600 sq. ft. and 36 ft. wide, is meant to solve a common problem for sites comprised of 2 lots located corners where a property line adjustment is being pursued to accommodate one additional building site. When a property is not vacant and lines are being altered through a property line adjustment, both altered lots must meet the dimensional requirements of the zone (3,000 sq. ft. and 36 ft. wide). However, if the original lots already didn't meet the dimension requirements, a property line adjustment could still be approved if neither lot moved further out of conformance with the standard. In most cases, this means that neither lot can be less than 2,500 square feet. However in many cases, the existing house is located as such that the lot line cannot be relocated in a clean, square manner while still providing 2,500 square feet of area. Instead, lots with strange 'appendages' are being created in order to maintain the same lot size. (See Figure 2). Since the 'appendages' do little other than complicate legal descriptions and create confusion for subsequent property owners, the amendment allows lot sizes to be as small as 1,600 sq. ft. and 36 ft.. wide to enable a clean property line configuration. (See Figure 3).

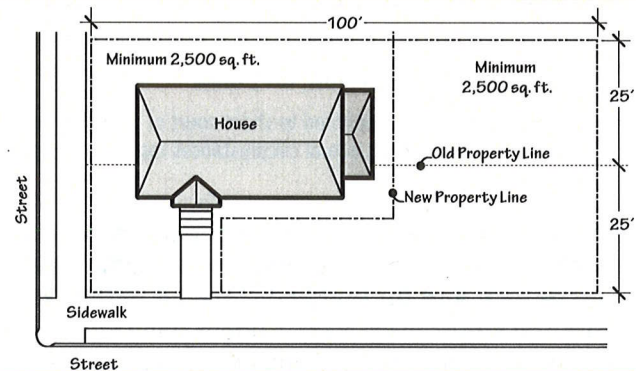


Figure 2

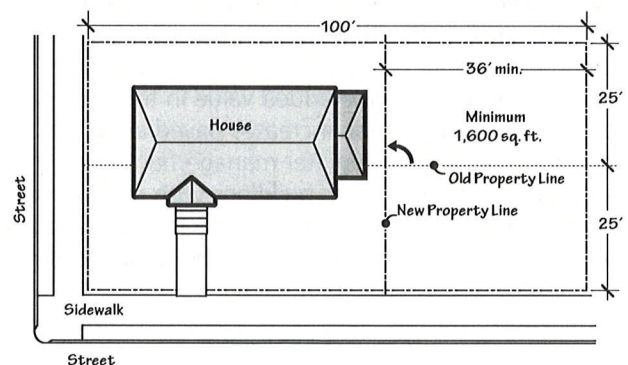


Figure 3

- **Establish minimum lot dimensions standards for “lot remnants”.** Currently, both the newly defined ‘adjusted lots’ and ‘lot remnants’ are developable under the same rules. That is, if they either meet the minimum lot size for the zone (3,000 sq. ft. and 36 ft. wide) OR they have been vacant for the previous 5 years, they are developable. However, this means that what was originally platted as one lot can effectively have two building sites; one on the newly defined ‘adjusted lot’ and the other on the newly defined ‘lot remnant’. This amendment retains the existing policy for ‘adjusted lots’, as described above. However, ‘lot remnants’ MUST meet the minimum lot size for new lots in the zone (in R5, 3,000 sq. ft. and 36 ft. wide). A ‘lot remnants’ that is smaller than that the minimum lot size is not developable, regardless if it has been vacant for the previous 5 years.

This amendment resolves many situations where two building sites were developable though they were originally platted only as one lot. However, this amendment also recognizes that if ‘lot remnants’ do meet the minimum lot size for new lots, they should be afforded the same development rights as ‘adjusted lots’.

Note to City Council: The Planning Commission did not recommend this change, nor did they discuss this item. Staff’s proposal to the Commission was to not allow lot remnants to be built. Subsequent to the Planning Commission hearing, staff has tested the original amendment and found that it resulted in unintended consequences. Therefore, this amendment proposes that lot remnants or combination of lot remnants that meet the minimum lot size of the zone be developable. (See Figure 4.)

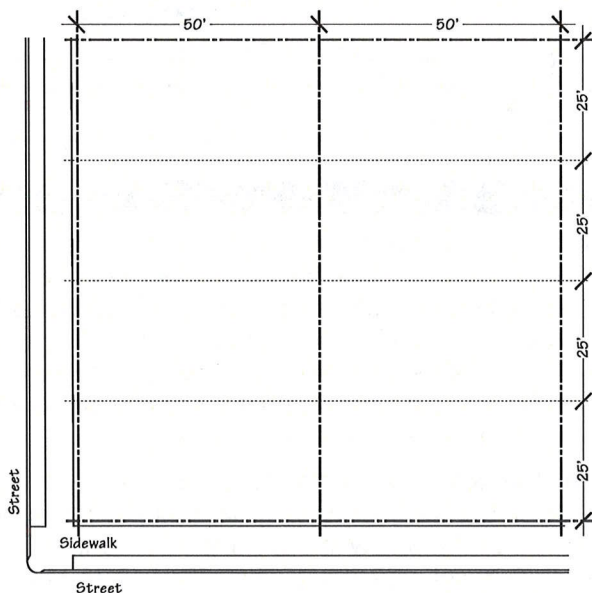


Figure 4

- **Establish minimum lot dimensions standards for “lots of record”.** Property created through the exchange of deeds are called ‘lots of record’ if they were created prior to our subdivision requirements of 1979. They are not created from a land division, and are not legally identified as a lot per state rule. There has been difficulty determining when certain deeds were created for the purpose of selling a unit of land as a separate entity, and when deeds were created to transfer a unit of land from one property to another (what we call a property line adjustment today). This is especially a problem in the R5 zone. Since it is difficult to determine this historic intent, the code is amended to require that any lot of record in the R5 zone have size and dimensional standards similar to the minimum lot size standards for new lots in order to be buildable. An exception is provided if the ‘lot of record’ has been under separate ownership since 1979 (in 33.110.C.3). This amendment should help to distinguish between a historically buildable lot of record and a sliver of land that was transferred through a historic property line adjustment.



On sites with two lots that have an existing dwelling, two attached houses can replace that dwelling without waiting five years, if approved through a Type II Design Review.

- **Create an alternative to the “5 year waiting period” (Allow attached houses through design review to be built immediately).** As noted above, development on lots zoned R5 (including the newly defined ‘adjusted lots’) that do not meet the minimum lot size standard for new lots in the zone (3,000 sq. ft. and 36 ft. wide) must be vacant for the previous 5 years in order to be developed. This minimum was established in 2003 and was intended to prevent the demolition of existing housing stock that straddled two lots in order to build two “skinny houses.” In practice, the existing house was demolished, one replacement house was built on one of the lots, and the other lot was left vacant for 5 years. After a 5 year period had passed, then a second house was built on the second lot. This amendment proposes that two attached houses can be built immediately (without waiting 5 years), if they are approved through a Type II Design Review process. This amendment takes a step towards resolving the concerns that neighborhoods have about a lot sitting vacant for 5 years. It also provides an opportunity for the developer to build two houses immediately, albeit through a discretionary public review process.

Accessory Dwelling Units (ADUs)

ADUs represent an affordable housing option that can provide additional housing diversity in neighborhoods. These units can typically be integrated into existing neighborhoods with less impact than larger infill dwellings. One purpose of the current standards for ADUs is to promote their appearance as secondary to the primary unit in order to preserve the character of primary single-dwelling areas both in appearance and in impacts to surrounding properties. The proposed amendment is intended to increase flexibility for construction of ADUs, especially for sites with smaller houses, while maintaining a secondary appearance. The following proposed amendments to ADU standards emerged from testimony heard at Planning Commission.

- **Increase the relative size of ADUs from a maximum of 33% to 75% (or 800 sq. ft., whichever is less) of the size of the primary dwelling (Planning Commission Add-on item).**

Testimony at Planning Commission related that the current limitation of 33% of the size of the main dwelling unit is too restrictive and prevents the development of many ADUs, especially in situations where the primary dwelling unit is relatively small. Allowance of up to 75% would maintain the desired secondary nature of ADUs, while providing greater flexibility. ADU size is also regulated by a maximum 800 square foot size limit, which is being retained.

Other RICAP 5 Highlights

183598

- **Loading Space Bundle (Items #28, 29).** These amendments allow smaller loading spaces for uses that are typically served by smaller delivery trucks, including most multi-dwelling developments, or commercial or mixed use developments that have relatively small amounts of commercial space, less than 20,000 square feet. Currently, the standard is 35' by 10', which can be logistically difficult to accommodate. The proposal revises the space size to 18' by 9'. Buildings with more than 20,000 square feet of commercial uses or more than 100 dwelling units are still required to accommodate the larger loading space.



Loading spaces that serve smaller commercial and multi-dwelling developments may be reduced to 9-feet by 18-feet.

- **Fence Height Bundle (Items # 7, 17).** These amendments tailor fence height regulations to a few common situations that are not well addressed by the current regulations.

The current fence regulations for residential zones allow a smaller fence in the front (3½ feet) and a larger fence (8 feet) in the side and rear setbacks. However, some houses on corner lots have the main entrance oriented to the legally defined SIDE yard (the wider of the

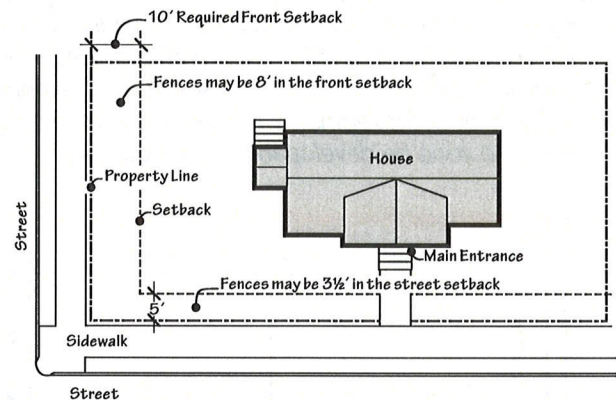


Figure 5

two frontages on a corner lot). As a result, fences up to 8 feet can be built on the frontage with the main entrance, while only a 3 ½ foot fence can be located on the FUNCTIONAL side yard of the house. The functional side yard of the house is often the only usable outdoor area on houses of this type. This amendment would allow closure of the usable outdoor space, and prevent the obscurity of the main entrance by a tall fence in situations where the house is oriented toward the side yard on a corner lot. (See Figure 5.)

Fences in Commercial, Employment and Industrial Zones are currently subject to no height limitations. While tall, solid, fences may be appropriate in some situations, for example on a shared property line between two manufacturing developments, they are generally not appropriate where they create a barrier between a building and a street. Several complaints have been received where the installation of a tall, solid fence close to the street has reduced visual access into the property and degraded the pedestrian experience. This amendment would require that fences that abut a street or pedestrian connection either be limited to 3 ½ feet in height OR be limited to 8 feet in height and be at least 50% open, allowing some views into the property.

Moore-Love, Karla

From: Mark & Annette Bendinelli [bendinelli@mac.com]
Sent: Tuesday, January 05, 2010 4:04 PM
To: Moore-Love, Karla
Cc: Betsy; Becky Guest
Subject: [Attachment was removed]City Council Mtg.- Retaining Walls

Dear Ms. Moore-Love

We are writing regarding one of the items to be discussed at tomorrow's 2 p.m. City Council meeting. The item is part of the RICAP 5 Code Amendments (Chapter 33.910), and deals with adding a definition of retaining walls to the zoning code. We would like to propose that in addition to defining a retaining wall, the council also consider adding certain requirements to the code. These would include the following:

- Reduce the visual impact of retaining walls by requiring them to be terraced above a certain reasonable height (Washington County allows a maximum height of 7' without a tier).
- Require a setback large enough to support landscaping between the sidewalk and the retaining wall, and require that some form of landscaping be done.

A 12' high retaining wall was recently erected on NE Regents Drive, in the Alameda neighborhood, and this wall represents exactly why the above requirements are needed (see attached photo). Limiting the height of this wall would have avoided an excessively high, sheer cement face abutting a residential sidewalk. It would also be useful in instances (such as this one), where the homeowners plan to add a fence to the top of the wall, increasing the total height of the structure to 16'.

Requiring a setback for landscaping would have made this wall less unsightly and more compatible with its surroundings. This tall cement monolith is a jarring piece of bare hardscape in an otherwise highly landscaped area, and it will undoubtedly be a popular target for graffiti. In addition, it obstructs the homeowner's sight line to the street and prevents contact with neighbors, which could encourage vandalism and other undesirable activity on its unsupervised side.

Other Oregon areas (such as Washington County) have added retaining wall requirements to their zoning codes, and we would like to request that the City of Portland follow suit. Over 20 of us in the Alameda neighborhood voiced our vehement objection to the retaining wall construction on Regents Drive (see attached correspondence with Susan McKinney of the BDS dated 11/10/09), but unfortunately our hands--and the city's--were tied because there are no requirements in place that address this issue. We are requesting that the City Council add retaining wall regulations to the zoning code in the coming year.

Karla, if you could submit this email and its attachments to the City Council members prior to their 2 p.m. meeting tomorrow, we would very much appreciate it.

Thank you, and please let us know if you have any questions.

Annette and Mark Bendinelli
 503-249-0958

The City of Portland has removed one or more attachments that violated email policy.
 For questions please call the BTS Helpdesk at 503-823-5199

183598

Moore-Love, Karla

From: Richman, Jessica
Sent: Tuesday, January 05, 2010 12:23 PM
To: Moore-Love, Karla
Cc: Engstrom, Eric (Planning); Wood, Sandra
Subject: FW:

Karla--

Here's a communication for the Council on RICAP 5. He did not include his address; should I ask him for it?

--Jessica

From: Pete [mailto:goodmanpeter2004@yahoo.com]
Sent: Monday, January 04, 2010 5:01 PM
To: Richman, Jessica
Cc: Adams, Sam; Commissioner Fritz; Commissioner Saltzman; Leonard, Randy
Subject:

Please pass my support on to the commission and please enter my input into the record.

I support the Commission for removing the allowance for parking in the front setback on certain narrow lots from the agenda.

The reason I support the Commission is because I attended several Citywide Land Use Group meetings moderated by Bonny McKnight.

When the presentation about parking being allowed in the front setback on certain narrow lots or placing garages in front of narrow houses was proposed ... the representatives of the neighborhood associations from the east side of the river went ballistic.

Designing homes to allow for off-street parking is not just an aesthetic issue.

Having the convenience of a car at one's front door encourages motor vehicle use.

This is in direct conflict with the Climate Action Plan just passed by the City Council.

Concerning fences and heights ... CPTED dictates that there be NO fences.

Has the Police Department been given an opportunity to weigh in on this issue?

Fences remove "eyes-on-the-street".

Fences promote criminals stalking and lying in wait for victims ... like those poor women were stalked who were sexually assaulted in my close-in NW neighborhood.

Thank you for reading this and thank you for keeping us in the loop.

Pete Colt

1/5/2010