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184016

July 15, 2010

TO: City Council

FROM: Sandra Wood, Supervising Planner

RE: **RICAP 5b: Approach to Decisions**

Because there will be several amendments before you today, I thought this memo might be useful. This is, of course, just a suggested approach.

First, go through each of the potential amendments:

1. **Retaining Walls.** Commissioner Fritz will be introducing some amendments to the retaining wall language on page 9 of the Recommended Draft.

Motion options:

- ☐ Move to amend the Recommended Draft as proposed by Commissioner Fritz;
- ☐ Move to not amend the Recommended Draft;
- ☐ Move to _____

2. **Vents.** I will be introducing some amendments to the language that exempts certain vents from historic design review on page 25 of the Recommended Draft.

Motion options:

- ☐ Move to amend the Recommended Draft as shown on the sheet titled "Recommended Amendment to Vent Language" and dated July 14, 2010;
- ☐ Move to not amend the Recommended Draft;
- ☐ Move to _____

3. **Effective Date.** I will be introducing amendments to the effective date for Item 7, Pending Designation of Irvington Historic District. The ordinance sets an effective date for the Zoning Code amendments included in Item 7 of November 1. The ordinance also directs staff to return to Council with a new effective date if the National Parks Service has not listed the district by October 1. Based on where the proposed district is in the review process, we recommend changing those dates as shown on the sheet titled "Recommended Amendment to Ordinance Directives" and dated July 15, 2010:

Motion options:

- ☐ Move to amend the Ordinance Directives as shown on the sheet titled "Recommended Amendment to Ordinance Directives" and dated July 15, 2010;
- ☐ Move to not amend the Ordinance;
- ☐ Move to _____

Second: Move to pass the amended ordinance and amended Recommended Draft to Second Reading.

7-15-10
Amendment #1

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REVISED RETAINING WALL EXCEPTIONS as AMENDED
Based on Page 9 of the Recommended Draft of RICAP 5b

Changes by staff as accepted by PC are shown with single underline or ~~single strikeout~~.

Changes as amended by Council show additions as double underline BOLD and ~~double strike-through~~.

33.110.257 Retaining Walls

A. Purpose. The standards of this section help mitigate the potential negative effects of large tall retaining walls. Without mitigation, such walls can create a fortress-like appearance and be unattractive. By requiring large tall 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 street-facing retaining walls that are ~~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;~~ **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**

~~a. Within the first 10 feet from street lot lines; and~~

~~b. Four feet or more in height, measured from the bottom of the footing, 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.~~

Comment [t1]: This section simply places the original language that was approved developed by Council back. The alteration proposed by staff and accepted by the PC altered the original intent which was to insure that no walls larger than 4 feet in height could be in the front yard area. There are exceptions that were developed to this by staff/ PC & Commissioner Fritz as outlined in Section (B) (2).

Comment [t2]: Double line strike out signifies language that was added by Staff and accepted by PC but is being deleted/amended by Council. This language has not been eliminated but is in the body of (B) (1).

Comment [t3]: Again Double line strike out signifies language that was added by Staff and accepted by PC but is being deleted/amended by Council. In this case the four foot height acts as an exception and is being added to Section (B)(2) instead.

Comment [t4]: Single line strike out signifies language that was deleted by Staff and accepted by PC. This section is being retained in the "Generally" section of (B)(1) as explained above.

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2. Exceptions. 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 retaining wall, are not subject to the regulations of this section.

Comment [t5]: See next comment below.

a. 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 retaining wall, are not subject to the regulations of this section.

Comment [t6]: The 4 foot wall exception while initially in (B)(1) is an exception to the rule of retaining walls in front yard areas and is being placed as a subsection of (B)(2) -- essentially one could interpret this as no change.

ba. Retaining walls on sites with an average slope of 20 percent or more, where the site slopes downward from a street, are not subject to the regulations of this section.

Comment [t7]: Single Underline signifies addition by Staff and acceptance by the PC. Double underline signifies possible amendment by Council as an exception on downward sloping lots only where the wall will essentially not be within view of the street but is structurally necessary.

c. Replacing an existing retaining wall, where the replacement will not be taller or wider than the existing wall, is not subject to the regulations of this section.

Comment [t8]: This double underline section would be a Council Amendment to be added as an exception to deal with existing non-conforming walls.

de. Retaining walls on sites where any portion of the site is in an environmental overlay zone, are not subject to the regulations of this section.

Comment [t9]: This addition is in keeping with how environmental regulations apply elsewhere in the city and allows retaining walls in the front yard area in order to also provide for mitigation of development towards the rear of the lot where most environmentally affected areas exist.

C. Standards.

1. ~~The~~ Retaining walls closest to the street lot line ~~is~~ **are** limited to 4 feet in height, measured from the bottom of the footing, Retaining walls must be include a step-back as shown in Figure 110-16.
2. ~~If there is a second retaining wall, it~~ **Retaining walls must** be ~~stepped~~ **set** back at least 3 feet from ~~the first other~~ **street-facing** retaining walls, as ~~The landscaped area~~ shown in Figure 110-16. ~~The 3 foot setback area must be landscaped to at least the L2 standard, except that trees~~

Comment [t10]: Added (Double Underline) and deleted text to clarify how to measure and that this section could include more than one wall in the setback area.

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are not required. A wall or berm may not be substituted for the shrubs. |

Comment [t11]: The added (Double Underline) language to be Amended by Council clarifies the setback area if more than one wall is constructed. Single underline text is staff language as adopted by PC.

D. Sunset. ~~This section will be removed from the Zoning Code on October 24, 2010.~~

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Amendments #2

RECOMMENDED AMENDMENT TO VENT LANGUAGE
Based on Page 25 of the Recommended Draft of RICAP 5b

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33.445.320 Development and Alterations in a Historic District

B. Exempt from historic design review.

1-5. [No Change.]

6. Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building if the building is at least 45 feet tall and the mechanical equipment is set back at least 4 feet for every 1 foot of height of the mechanical equipment, measured from the edges of the roof or top of parapet. For vents, the applicant may choose to meet either the standards of this paragraph or those of paragraph B.11, Vents;

7-10. [No Change.]

11. Vents. On residential structures in the RF through R1 zones, vents that meet all of the following:

- a. Wall vents. Proposed vents installed on walls must meet the following. The regulations and measurements include elements associated with the vent, such as pipes and covers. The vent must:

- (1) Be on a non-street facing façade;
- (2) Project no more than 6 inches from the wall;
- (3) Be no more than 1 square foot in area, where the area is width times height. The cumulative area of all proposed vents may be up to 2 square feet;
- (4) Be at least 1 foot away from architectural features such as windows, doors, window and door trim, cornices and other ornamental features, except when located at or below finish first floor framing; and
- (5) Be painted to match the adjacent surface.

- b. Rooftop vents. Proposed vents installed on roofs must meet the following. The regulations and measurements include elements associated with the vent, such as pipes and covers. The vent must:

- (1) Be on a flat roof;
- (2) Not be more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
- (3) Set back from the perimeters of the building at least 4 feet for every 1 foot of height; and
- (4) Painted to match the adjacent surface.

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Amendment # 3

RECOMMENDED AMENDMENT TO ORDINANCE DIRECTIVES 184016
RICAP 5b

Section 2. The amendments to the Zoning Code included as Item 7, Pending Designation of Irvington Historic District, in Exhibit A, *Regulatory Improvement Code Amendment Package 5b, Recommended Draft*, will be effective on ~~November 1, 2010~~ January 2, 2011, in anticipation of listing of the Irvington Historic District on the National Register of Historic Places by the National Park Service, U.S. Department of the Interior, by ~~October~~ December 1, 2010 . All other Zoning Code amendments will be effective 30 days after adoption by City Council.

Section 3. In the event that the National Park Service does not list the Irvington Historic District by ~~October~~ December 1, 2010, the Bureau of Planning and Sustainability is directed to return to City Council before ~~November 1, 2010~~ January 2, 2011 with an ordinance to extend the effective date of the amendments to the Zoning Code included as Item 7, Pending Designation of Irvington Historic District, in Exhibit A, *Regulatory Improvement Code Amendment Package 5b, Recommended Draft*..

33.110.212 When Primary Structures are Allowed (cont'd)

D. Regulations for West Portland Park. In the West Portland Park subdivision, primary structures are allowed as follows:

1. On lots created on or after July 26, 1979;

~~2. On sites of any size that have not abutted a lot, lot of record, or lot remnant under the same ownership on July 26, 1979 or any time since that date;~~

2. On lots, lots of record, lot remnants, or combinations thereof that have not abutted any lot, lot of record, or lot remnant in the same ownership on July 26, 1979 or any time since that date.

~~2.3. On lots, lots of record, lot remnants, or combinations thereof of lots created before July 26, 1979, that meet the requirements of this paragraph., and on lots of record or combinations of lots of record that meet the requirements of this paragraph. The requirements are:~~

a. R7 zone. In the R7 zone, the lot, lot of record, lot remnant or combinations thereof ~~of lots or lots of record~~ must be at least 7,000 square feet in area;

b. R5 zone. In the R5 zone, the lot, lot of record, lot remnant or combinations thereof ~~of lots or lots of record~~ must be at least 5,000 square feet in area; or

c. R2.5 zone. In the R2.5 zone, the lot, lot of record, lot remnant or combinations thereof ~~of lots or lots of record~~ must meet the requirements of Table 110-6.; or

~~d. On July 26, 1979, or any time since that date, the lot, lot of record, or combination of lots or lots of record did not abut any lot or lot of record owned by the same family or business;~~