# Logo for the Bureau of Planning and Sustainability

# Memo

**Date:** February 1, 2024  
**To:** Historic Landmarks Commission  
**From:** JP McNeil, Project Manager, BPS

Kevin Bond, City Planner, BPS

Tim Heron, Senior Planner, BDS  
**Re:** Briefing on RICAP 10

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This memo provides an overview of the Regulatory Improvement Code Amendment Package 10 (RICAP 10) project that will be brought before you for a briefing on February 12, 2024. The package contains 80+ proposed zoning amendments that address a backlog of needed updates to the zoning code, including several that relate to the regulation of historic resources.

# Introduction

The Regulatory Improvement Code Amendment Packages are an ongoing series of technical and minor policy improvements to the City’s land use regulations. Each package contains subject-matter focus areas that are the focus of the project and other miscellaneous amendments. RICAP addresses simpler technical matters, clarifications, and refinements to the existing zoning code. Issues that require major policy changes are not addressed through RICAP; rather, they are evaluated through separate legislative projects.

# What’s in RICAP 10?

The approximately 80 zoning code amendment items being addressed through RICAP 10 are organized into topic areas: Housing Production, Economic Development and Regulatory Reduction. Within each of these are bundles of amendments:

* **Housing production**
  + Ground floor and ground floor façades
  + Design Overlay Zone and Design Review
  + Historic resources
* **Economic development**
  + Central City
  + Home occupations
  + Temporary activities
* **Regulatory reduction**
  + State / local law compliance
  + Land use review process
  + Miscellaneous regulatory cleanup

# Historic resources amendments

Included in RICAP 10 are seven amendments to the zoning regulations for historic resources. Of those, two are minor policy amendments (in bold in the table below) while the remainder are technical clarifications.

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| **Historic Resource Overlay Zone items** | | |  |
| RICAP item | Title | Description of amendment | Code section(s) |
| 25 | CM2 height bonus | Delete 33.130.212.B.5.b because it conflicts with 130-3 footnote 1, which allows the height bonus to be used in historic and conservation districts. | 33.130.212.B.5.b |
| **26** | **Historic resources overlay exemption—ADA** | **Clarify that alterations to meet ADA requirements in districts is allowed in districts when “historic” rather than “existing” materials are not destroyed.** | **33.445.100/110**  **33.445.200/210** |
| 27 | Historic resources overlay exemption—parking lot landscaping | Delete the words “and the landscaping does not include a wall or fence” from the parking lot landscaping exemption. | 33.445.100/110  33.445.200/210 |
| 28 | Historic resources overlay exemption—rooftop equipment | Clarify that ductwork associated with rooftop mechanical equipment is exempt From historic resource review. | 33.445.100/110  33.445.200/210 |
| 29 | Historic resources overlay exemption—hose and conduit | Revise the exemption for hoses and conduits so that those located higher up on the rear/side facade are also exempt and must be painted to match. | 33.445.100/110  33.445.200/210 |
| **30** | **Historic resources overlay exemption** —**window replacement in districts** | **Expand the window replacement exemption for historic and conservation districts to noncontributing buildings 5 or more years old and allow the replacement windows to be fiberglass.** | **33.445.200.D.2.v.(1) 33.445.210.D.2.v.(1)** |
| 31 | Modifications as part of a review | Ensure that the “modifications considered during review” language is consistent between the design review and historic review chapters. | 33.846.070 |

# Other items of interest to the HLC

There are several other areas that may be of interest to commissioners. More details on these topics can be found in the RICAP 10 Proposed Draft.

* **Ground floor amendments (Items 1-11):** There are eleven proposed amendments related to ground floor facades and windows. All but one of these are technical amendments. The one minor policy change proposes to exempt accessory structures from street-facing façade window requirements.
* **Land Use Review Extensions (Item 61):** A new land use review process is being created that would allow for the extension of land use approvals an additional two years.
* **Adjustment Committee (Item 80):** The Adjustment Committee is being dissolved and all Adjustment appeals will be heard by the hearings officer. Currently, the Adjustment Committee is only responsible for appeals of Adjustment reviews that were approved at the staff level and meet once or twice a year. This sporadic nature of this committee leads to an uneven process that could more efficiently be handled by the Hearings Officer.

# Additional Information

The RICAP 10 Proposed Draft can be found at the project website at [portland.gov/ricap10](https://www.portland.gov/bps/planning/ricap10). A public hearing on the Proposed Draft will be held before the Planning Commission on February 27, 2024.

# Requested Commission Action

The HLC is welcome to submit testimony on the project at [portlandmaps.com/bps/mapapp](https://www.portlandmaps.com/bps/mapapp/).