

IMPACT STATEMENT

Legislation title: Improve land use and other City regulations through the Regulatory Improvement Code Amendment Package 7—Technical Amendments (Ordinance; Amend Title 11 and Title 33)

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Presenter name: Morgan Tracy, Kristin Cooper

Purpose of proposed legislation and background information:

The Regulatory Improvement work program was established by Resolution of the City Council in 2002. The purpose of the work program is to “update and improve City building and land use regulations that hinder desirable development”. This program is also supportive of the City’s Comprehensive Plan policy 10.10 which seeks to ensure that zoning regulations are clear, concise, and consider the broad range of development situations. Since the program began, the Bureau of Planning and Sustainability (BPS) in conjunction with the Bureau of Development Services (BDS) has worked over a dozen related regulatory projects to improve the city’s zoning and other codes. One component of the program – Regulatory Improvement Code Amendment Package (RICAP) – was designed to provide an ongoing and rapid vehicle for technical and minor policy amendments to the City’s regulations. From 2005 to 2014 City Council adopted five packages of amendments (RICAP 1 through 6), which resulted in many amendments to city regulations. Most of the changes were to Zoning Code regulations. RICAP 7 includes amendments addressing 42 various topics in the Zoning Code plus one minor amendment to Title 11, Trees.

Financial and budgetary impacts:

These RICAP amendments are intended to streamline regulations by removing redundant or obsolete reviews, by adding exemptions or standards in lieu of reviews for situations deemed to have low relative impacts, and by clarifying confusing or ambiguous regulations. These actions result in cost savings to applicants, reduce confusion for the public, and lessen fiscal impacts for the city related to permit review and administration. There are no additional costs anticipated with administering the regulations as amended.

Community impacts and community involvement:

Altogether the 42 amendment topics affect and benefit all parts of the city, albeit to various degrees. The development community and residents alike benefit from more clear regulations. Project staff met with 6 neighborhood district coalitions, the development review advisory committee, the citywide land use group, and others totaling over 200 interested individuals. Based on comments received, the proposed draft was revised to provide additional clarity for both the proposed regulations and explanatory commentary.

The Planning and Sustainability Commission heard testimony from solar industry advocates who wished to further expand a proposed allowance for solar panels on flat roof buildings in design districts. However, the Commission ultimately determined that staff’s proposal properly balanced the goals for design aesthetics and promoting sustainable energy and decided to leave the proposal unchanged.

Budgetary Impact Worksheet**Does this action change appropriations?**

- ☐ **YES:** Please complete the information below.
☒ **NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount



187 21 6

Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.

MEMO

DATE: June 17, 2015
TO: Portland City Council
FROM: Morgan Tracy, City Planner
SUBJECT: Regulatory Improvement Code Amendment Package 7 (RICAP 7)
Replacement pages for Item #1 - Minor Revisions to Design Reviews

The attached pages are to replace pages 237 - 238 in the RICAP 7 *Recommended Draft*. In that draft, the proposed new language for 33.825.025.A.2 was not underlined to indicate that the text is new and is to be added.

The replacement page corrects this formatting error, by underlining the proposed amendment language. There are no other content changes on these pages.



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RICAP Item #43 Design Review Thresholds

(RIR# 754049)

The thresholds to establish the procedure type for Design Reviews and Historic Resource Reviews in certain cases are based upon the value of the project. For new construction and proposals where floor area is being created, the entire project value is considered. However, for exterior alterations the review only considers the exterior work involved. The value of the interior work doesn't have any effect on the exterior work being done, but the code does not make this clear.

33.846.060.B.

Clarifying language is added to the review procedures section for both Historic Review and Design Review to clarify that project valuation for exterior alterations is tied only the project value associated with the exterior changes. Since exterior alterations could include the creation of new floor area (and the thresholds do not clearly distinguish between the two), the proposed clarification captures this value as well, rather than simply limiting to the exterior shell of the new floor area being created.

Table 846-1

As part of these changes, an error in the Historic Resource Review Thresholds tables was identified. When these tables were created from the code list as part of the Historic Resources Code Improvement Package, an unintended gap was created for projects whose value is exactly \$430,850. Prior to the Historic Resources Code Amendment Package, the threshold distinguished between: "value of the construction is \$X or less" from "value of the construction is more than \$X".

The threshold is therefore changed from "<\$430,850" (less than \$430,850) to "≤\$430,850" (less than or equal to \$430,850)

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~strikethrough~~
 Note: Table 825 is new, Text is not underlined for readability

Table 825-1 Procedure type for design review proposals			
BASE ZONES	Proposal	Threshold	Procedure
All zones	Signs	In design overlay zones	Type II
	Exterior mechanical equipment		
	New or replacement awnings		
C, E, I, RX zones	Façade alteration	≤ 500 square feet in design overlay zones	Type II
RF - R2.5 zones	Subject to section 33.110.213, Additional Development Standards	Requests to modify standards	Type II
IR zone site with an approved Impact Mitigation Plan (IMP)	Proposals that are identified in IMP	IMP design guidelines are qualitative	Type II
	Proposals that are identified in IMP	IMP design guidelines are objective or quantitative	Type IX

2. Minor changes to an approved design review prior to issuance of final permit approval. Minor changes to an approved design review that was originally processed through a Type III procedure are reviewed through a Type II procedure when all of the following are met. Alterations to a structure after the final building permit approval are exempt from this regulation:
- The original design review has not expired;
 - The building permit for the project has not received final approval;
 - The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
 - The cumulative value of the changes will not result in an increase or decrease in the original project value by more than 15 percent.

4. - 5. [Renummer 3. – 4.]

B. Neighborhood Contact. [No change]



REGULATORY IMPROVEMENT CODE AMENDMENT PACKAGE 7

Recommended Draft – June 2015

Item Number and Topic	Amendments Under Consideration
Minor Changes to Current Policy	
1 Design review	Allow Type II procedure for limited changes to projects approved through a Type III design review.
2 Application submittals	Require pre-application conference to be held prior to land use review submittal.
3 Floor area	Clarify size area restrictions for limited uses in base zones.
5 Height measurement	Clarify height measurement for sloped (i.e. shed form) roofs.
Technical Items, Clarifications and Corrections	
8 – 9 Open space zone standards	Clarify applicable development standards in open space zones for institutions and conditional uses.
10 Transitional sites	Update standards for overall clarity and consistency for residentially zoned sites abutting commercial zones.
11 Stepped retaining walls	Provide an exception from retaining wall standards for steeply sloped front yards.
12 Recycling areas	Add recycling area requirement reference for non-single-family residential development in single-family and open space zones.
13 Amenity bonus for play equipment	Replace Parks Bureau approval with ASTM industry standard for playground equipment.
14 Eaves in reduced setbacks	Allow 1-foot eaves within legal 3-foot setbacks in multidwelling zones.
15 Height exceptions	Clarify application of height exception for elevator shafts and rooftop mechanical equipment.
16 – 17 Residential landscape buffer	Clarify allowed projections into setbacks and required width of landscape buffer between non-residential zones and residential zones.
18 Family daycare	Make zoning code terminology consistent with state regulations.
19 Drive-through facilities	Change measurement of required stacking lane to be from lane entrance, not curb cut.
20 Elderly housing	Remove reference to obsolete project coordinator position and refer interior design standards to current accessible design standards in the building code.
21 Landscape standards	Remove landscape hierarchy, establish standards as minimums.
22 Nonconforming expansions	Correct figures 258-1 and 258-2 to match code requirement for nonconforming situations.
23 Nonconforming upgrades	Clarify method for excluding energy efficiency costs from nonconforming upgrade threshold.
24 Parking for conditional uses	Allow the conditional use review to alternatively establish the parking requirements.
25 Garage setback in multidwelling zones	Resolve inconsistent setback requirement for garages between the parking chapter (18 feet) and multidwelling base zones (<5 feet or >18 feet).
26 Mass shelters	Remove reference to obsolete certification process.
27 Buffer overlay fences in setback	Add an exception to allow fences in the buffer setback when the development is entirely residential.

Item Number and Topic	Amendments Under Consideration
28, 29, 30 Design Review exemptions	Clarify when painting is exempt. Clarify radio frequency equipment exemption. Clarify solar exemption for flat roofs.
31 Community Design Standards	Clarify threshold limits for allowed changes to the building façade before Design Review is required in lieu of meeting Community Design Standards.
32 Environmental regulations	Clarify use of term modifications as applied to environmental standards vs base zone development standards.
34 Main Street Overlay	Clarify which sites are subject to the main street corridor and node overlay regulations.
35 – 36 Scenic Resources	Clarify how regulations apply in right of way. Clarify tree removal exemption for 12-inch diameter trees.
38 – 39 NW Hills/Linnton	Update lot confirmation and lot dimension methodology to align with more recent base zone regulations.
40 Airport	Remove duplicate standard for woodland conversion.
41 Building permits	Clarify overly broad statement regarding when a building permit is required.
42 Neighborhood contact	Set 1-year expiration for neighborhood contact.
43 Design Review	Clarify design and historic resource review thresholds for alteration value, e.g. exclude interior work.
44 Historic Guidelines	Correct reference to the appropriate review guidelines for Central City historic areas.
45 Definitions	Restructure chapter – ungroup topic related terms.
46 (add) Building permit reference for fences	Remove reference to building permit requirement for fences over 6 feet in height from the base zone regulations.
47 (add) Adjustment criteria	Remove reference to additional ground floor window requirements from adjustment criteria, consistent with changes from RICAP 6.
No Amendment	
4 Household living	No amendment proposed. Issue considered clarifying limits for non-family members.
6 Height measurement	This research paper will be incorporated into a separate regulatory project examining issues including building height.
7 Ladd's Addition Historic Guidelines	These amendments will be presented with an updated street tree list and update procedure as part of a later project.
33 Historic Review	No amendment proposed. Issue considered clarifying a historic review trigger for alterations done through the state Structural Minor Label program.
37 Marquam Hill	No amendment proposed. Issue involved clarifying open area requirements for non-institutional development in Marquam Hill plan district.

Project Timeline

PSC Hearing April 28, 2015

City Council Hearing June 17, 2015

Recommended Draft June 2015

Regulations Effective July 2015

For more information or questions, contact Morgan Tracy, email: Morgan.Tracy@portlandoregon.gov or call 503-823-6879.

www.portlandoregon.gov/bps/ricap