# Logo for the Bureau of Planning and Sustainability

# Memo

**Date:** February 1, 2024  
**To:** Design 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 15, 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

# Design Overlay Zone Amendments

There are 14 amendments to the Design Overlay Zone chapter in RICAP 10. Of those, four are minor policy amendments (bolded in the table below) while the remaining nine are technical clarifications.

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| **Design Overlay Zone items** | | |  |
| RICAP item | Title | Description of amendment | Code section(s) |
| 12 | Design Overlay Zone TOC | Update title of Map 420-1 in the Table of Contents to match new map title. | Table of contents |
| **13** | **Fence and retaining wall exemption** | **Exempt fences and retaining walls from the design overlay zone chapter.** | **33.420.045.B.** |
| 14 | Design Review exemptions in the IR zone | Clarify that design standards can be used on sites in the IR zone. | 33.420  Table 420-1 |
| **15** | **Design standards applicability** | **Clarify that if there are no applicable design standards for a project, design review is not required.** | **33.420.050.C** |
| 16 | Design Standard C2 | Clarify applicability of the “Building Façade on Local Service Street” standard. | 33.420.050 Table 420-2 |
| 17 | Design Standard PR9 | Change title to "Nonresidential Main Entrance Location". | 33.420.050 Table 420-2 |
| 18 | Design Standard QR 6 & QR7 | Clarify titles to better match standards. | 33.420.050 Table 420-2 |
| 19 | Design Standard QR10 | Clarify applicability of the “Street-Facing Balconies” standard. | 33.420.050 Table 420-2 |
| 20 | Design Standard QR 11 | Clarify that the standard must be met on both the south and west-facing walls to gain the points. | 33.420.050 Table 420-2 |
| **21** | **Design standards - materials** | **Revise the design standards to be more flexible when certain size or type of required product is not available.** | **33.420.050 Table 420-3** |
| 22 | Map 420-1 | Clarify Map 420-1 to add Russell Street design districts (conservation district), which are currently not indicated, and distinguish between Central City subdistricts and design districts. | 33.420  Map 420-1 |
| 23 | Design review thresholds related to signs | Clarify the procedure thresholds for signs that are subject to design review. | 33.825  Table 825-1 |
| **24** | **Design review thresholds for the Central City** | **Add a design review threshold for “all other development not listed above” for the Central City.** | **33.825  Table 825-1** |

# Other items of interest to the Design Commission

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.
* **Design Commission Appointment (Item 68):** With the City expected to end its contract with the Regional Arts and Culture Council (RACC), the seat on the Design Commission that is currently nominated by RACC will be nominated by the City Arts Program in the future. The current RACC-nominated member will remain on the Design Commission through the end of their term.
* **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 Design Commission is welcome to submit testimony on the project at [portlandmaps.com/bps/mapapp](https://www.portlandmaps.com/bps/mapapp/).