

Regulatory Improvement Workplan

Regulatory Improvement Code Amendment Package 10 (RICAP 10)

DRAFT Workplan Table

I. Background

Portland's current Zoning Code was originally adopted in 1990. Changing needs, new laws and court rulings, new technology and innovations, and shifting perceptions necessitate that the City's regulations be updated and improved on an ongoing basis. This document contains the draft workplan to address code update requests received by the Bureau of Planning and Sustainability.

The Regulatory Improvement program was initiated in 2002 as a way to "update and improve City building and land use regulations that hinder desirable development". One component of the program – RICAP – was designed to provide an ongoing vehicle for technical and minor policy amendments to the City's regulations. From 2005 to 2010 City Council adopted five packages of amendments (RICAP 1 through 5), which resulted in many amendments to city regulations. Most of the changes were to Zoning Code regulations. Following a suspension of the program from 2010-2013 due to budget limitations, the program was reinstated with RICAP 6 through 8. Another suspension of the program occurred from 2016-2022, again due to budget constraints. The program was reinstated again in 2022 with this workplan for RICAP 10.

II. Workplan Selection Process

RICAP 10 focuses on minor policy and technical zoning code amendments that align with the goals of the City's Permit Improvement Task Force:

- Increase housing production
- Improve economic development opportunities
- Regulatory reduction

A 4th focus has been added to consider a set of technical amendments related to the Central City plan district to address issues illuminated during the implementation of the plan district after 2018. Note that the public release of the work plan will include additional information on the selection process.

Minor Policy Items				
Item #	RIR #	Issue	Potential Action	Code Sections
Housing Production Related Items				
Ground floor and ground floor facade bundle				
1	2305202	<p><u>Ground floor active use with multiple buildings/frontages</u></p> <p>For project sites with multiple buildings, the ground floor active use standards don't specify if the requirement for 25-50% active use area must be dispersed among all buildings or if it can be aggregated into one building along the transit street.</p>	Clarify that the ground floor active use standards must be met per building when project sites have more than one building along a transit street.	33.284.020 33.415.200 33.526.280 33.562.240
2	1123797	<p><u>Active building use location measurement</u></p> <p>The Hollywood plan district enhanced pedestrian street standards state that the area where active building uses are required to be located must be at least 25 feet deep, <u>measured from the street-facing facade</u>. It is unclear whether the plane of a recessed entry should be included in the 25 feet.</p>	Change the standard to "street-facing wall" to avoid confusion.	33.536.280
3	1089406	<p><u>Street-facing facade window requirement</u></p> <p>When a dormer faces a site lot line it still has a small, triangular shaped street-facing facade. The 15% window requirement forces a very small window on the side of a dormer, which is not what the standard is aimed at, or requires an adjustment.</p>	To provide flexibility, do not require windows on the side wall of a dormer that primarily faces the side lot line.	33.110.232
4	2245520	<p><u>Ground floor window requirements on sites with multiple frontages</u></p> <p>The commercial/mixed use zones ground floor window standard can be confusing especially in terms of how exemptions are applied when structured parking is involved, and the site has more than one street frontage and all streets are of equal classification.</p>	Clarify how window requirements apply on corners sites where both streets are of equal classification and a parking structure is proposed on one frontage.	33.130.230.B

Minor Policy Items				
Item #	RIR #	Issue	Potential Action	Code Sections
5	352538 2349731	Gateway enhanced ped street standards Certain development including new development on sites located adjacent to enhanced pedestrian streets in the Gateway plan district are required to meet building standards that are designed for commercial tenant spaces on the ground floor. However, some areas where the standards apply are zoned R1, which does not allow commercial uses. In addition, residential uses are also allowed in the Commercial zones.	Clarify whether the required building line and ground floor active use requirements along enhanced pedestrian streets in the Gateway plan district should apply in multi-dwelling zones, and to 100% residential projects in commercial/mixed use zones, and to sites with multiple frontages some of which are not the enhanced pedestrian street.	33.526.280
6	352504	Gateway pedestrian standards The Gateway plan district pedestrian require either landscaping or hardscaping between the building or exterior improvement and the street, but no minimum depth of this landscaping or hardscaping is required. And, in some cases, the zoning allows a zero or very shallow front setback. It is unclear how a site with no or a very shallow setback can realistically accommodate L1 landscaping or hardscaped amenities.	Clarify how much area needs to be landscaping or hardscaping along enhanced pedestrian streets in Gateway and whether the requirement applies if no setback is required.	33.526.260
DOZA/HRCF project clean-up bundle				
7	2387333	Design standards One of the 33.420 design standards dictate a 5/8" width for planks that are 6" wide or less. This width is not widely available, and most firms have a 5/16" product. There are some 5/8" products with a wider reveal of 9 inches. There are also issues with the unavailability of cedar shingles at the width indicated.	Revise the design standards to be more flexible when certain size or type of required product is not available.	33.420

Minor Policy Items				
Item #	RIR #	Issue	Potential Action	Code Sections
8	2388428	<p><u>Historic code exemption—hose and conduit</u></p> <p>The Historic Resources overlay zone exemptions for ground-mounted equipment and hoses/conduit specify that the exemptions apply to equipment, hose or conduit that is no more than 5' above grade. This results in historic resource reviews for the remainder of the equipment, hose or conduit going up a building.</p>	Revise the HRCP exemption for hoses and conduits so that hoses and conduits located higher up on the rear facade are also exempt.	33.445.100.D.2.m 33.445.100.D.2.o 33.445.110.D.2.m 33.445.110.D.2.o 33.445.200.D.2.m 33.445.200.D.2.o 33.445.210.D.2.m 33.445.210.D.2.o
9		<p><u>Historic code exemption—window replacement</u></p> <p>The historic and conservation district window exemptions (D.2.v.(1)) currently do not allow window replacement for buildings built after 1940 and this is inconsistent with the allowances for window replacement in single dwelling zones.</p>	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))
10		<p><u>Design standards vs design review</u></p> <p>For projects that are allowed to meet design standards in order to avoid design review, if there are no relevant design standards for a project then BDS currently requires design review. This is not in line with the intended policy.</p>	Clarify that projects in the Design overlay zone need to meet the relevant standards that apply, and if there are no standards that apply, then the project is exempt from design review.	33.420

Minor Policy Items				
Item #	RIR #	Issue	Potential Action	Code Sections
Land divisions/PLAs bundle				
11	2386571	<u>Lot confirmations in multi-dwelling zones</u> The minimum lot dimension standards for a lot confirmation state that the standards must be met without necessitating a PLA. But the standard for multi-dwelling zones refers to 33.120.205 which requires “all requirements of this Title” to be met after separation of ownership (33.120.205.C.1). Do all requirements need to be met without a PLA? This is contradicted by 33.676.300.C that says development standards for existing development can be met with a PLA. So, C implies an adjustment is ok for development standards related to a lot con, but B.3 implies adjustments are not allowed by virtue of its link to 120.205.	Clarify the relationship between 33.676.300.B.3, 33.120.205, and 33.676.300.C.	33.676.330.B
12	2349736	<u>Narrow lots and attached houses</u> With exceptions, attached houses are required on lots that are less than 26 feet wide in single dwelling zones. However, with the addition of the residential infill cottage cluster option, there are so many ways to avoid building attached houses that the requirement is almost meaningless.	Delete the requirement for attached houses on narrow lots in single-dwelling zones.	33.110.260.C.1
13	2386591	<u>Modifications through environmental review</u> Code changes unintentionally removed the ability to review modifications to required lot dimensions through an environmental review in single-dwelling zones. This is because the minimum lot dimensional requirements in 33.610.200 and 33.611.200 state that “adjustments are prohibited” and only provides an option for modifying dimensional standards through a planned development review. This change was unintentional.	Allow lot dimensions standards to be modified as part of an environmental review in addition to allowing alternative lot dimensions through a planned development.	33.430.280 33.610.200 33.611.200
Accessory structure bundle				

Minor Policy Items				
Item #	RIR #	Issue	Potential Action	Code Sections
14	1469382	<u>Windows</u> In the CM zones, the standard that requires 15% of the area of the street-facing façade be window area does not exempt accessory structures, even though accessory structures are exempt from the maximum setback and typically are placed away from the street.	Exempt accessory structures from the street-facing facade window requirement.	33.130.230
Economic Development Related Items				
Home occupation bundle				
15	1193541	<u>Type B home occupation and ADU</u> 33.203, Accessory Home Occupations, and 33.205, Accessory Dwelling Units, prohibit Type B home occupations in a residence with an ADU. This places an unfair burden on small business owners. In addition, in response to the COVID pandemic, the City has waived these limitations since 2020.	Allow Type B home occupations (employees/customers) on a site with an ADU and vice versa	33.203.030.B.3; 33.205.030.A.
16		<u>Type B home occupation</u> 33.203, Accessory Home Occupations, allow up to 8 customers per day OR 1 employee with a Type B home occupation. This places an unfair burden on small business owners. In addition, in response to the COVID pandemic, the City has waived this part of the code since 2020.	Allow Type B home occupations to have up to 15 customers per day AND 1 employee.	33.203.030.C.2 and 3
17	1008925	<u>Registered and certified childcare facilities</u> Currently, registered and certified child care facilities are allowed via ORS 329A and exempted from the home occ regulations. If a home has a primary resident the child care activities are an allowed use without regulation. The state monitors registered preschool programs as defined by ORS 329A.250(9), but there is no exemption language in 33.203 for this similar and less intense use as registered preschool programs may not exceed more than 4 hours per day.	Update references to state regulated child care facilities and clarify that they are not subject to home occupation regulations.	33.203.020

Minor Policy Items				
Item #	RIR #	Issue	Potential Action	Code Sections
18	1167635	Type B accessory short-term rentals in CM zones Type B Accessory Short-Term Rentals in commercial zones require a Conditional Use, and are required to use the approval criteria in 33.815.105 (Institutional and Other Uses in R Zones). The criteria are intended to address potential impacts associated with non-residential uses in residential zones. Applying the criteria to ASTRs in a commercial zone doesn't make sense.	Do not require a conditional use review for Type B accessory short-term rentals in commercial/mixed use zones. The conditional use approval criteria are not relevant for commercial/mixed use zones.	33.207.050.A.2
Temporary activities bundle				
19	1244842	Construction activities Off-site construction staging for development projects is allowed as a temporary activity in the RX, C, E and CI2 zones. Development in these zones often occurs on smaller sites and tends to be high intensity development (i.e. large buildings that occupy most or all of a development site). The RM4 zone was not included but has similar development logistical constraints.	Add RM4 zone to the list of zones that are eligible to have temporary off-site construction staging.	33.296.030.F.4.a
20	2208922	Construction activities Temporary construction staging areas must be located within 500 feet of the construction site. However, in many parts of the city, including the Central City, it can be hard to find a vacant site within 500 feet. This limitation has become problematic.	Allow temporary construction staging to be located more than 500 feet from the construction site.	33.296.030.F.4.a
21		Construction activities Temporary construction staging areas are only allowed for up to 3 years. Recent large scale developments can and have taken more than 3 years to complete.	Allow temporary construction staging areas for more than 3 years.	33.296.030.F.4.c(3)
22	994087	Construction activities The code is too restrictive on temporary construction parking. There is a need to get the staging in place before construction activity starts, which often requires a temporary office and parking area in place ahead of time.	Allow temporary construction parking to be established prior to the beginning of construction.	33.296.030.F.4

Minor Policy Items				
Item #	RIR #	Issue	Potential Action	Code Sections
Regulatory Reduction Related Items				
Neighborhood contact bundle				
23	2386526	<u>Simplify neighborhood contact requirements</u> Neighborhood contact III increases the amount of time it takes for the neighborhood contact process and many customers are confused by the various timelines.	Delete neighborhood contact III to reduce confusion about timelines.	33.705.020.C
24	2386526	<u>Simplify neighborhood contact requirements</u> Each of the neighborhood contact requirements contains regulations directed toward BDS related to ways to obtain neighborhood contact information. The regulations are too prescriptive and not appropriate for the zoning code. BDS can provide the information on their website	Delete the online access standards from each neighborhood contact option.	33.705.020
25	2298777	<u>Posting for a land use review</u> The definition of site can be burdensome in the context of a large site with multiple conditional uses going through a land use review for a small project. Because a site is an entire ownership, very large sites can be required to post hundreds of signs (e.g., Washington Park) when the review is for a small project on one tax lot.	Clarify how many signs must be posted on large sites going through a Type III and IV land use reviews are required.	33.730
Code waiver bundle				
26		The City Council approved two ordinances during the pandemic/economic emergency to allow small businesses to operate safely and remove barriers to considering security concerns. These were temporary measures, but there may be elements that could be considered for a longer term amendments	Note that elements of the ordinances that address convenience stores and home occupations are incorporated elsewhere. Some elements were addressed during DOZA and HRCP projects. Consider whether any other items should be considered now, or incorporated into a more holistic code project.	33.130 and other chapters.
State compliance bundle				
27		<u>HB 3261</u> House Bill 3261 limits restrictions on conversions of hotel/motel properties into shelters. Applies to conversions on or after 01/01/2021.	Amend the zoning code to comply with HB 3261	33.110 33.120 33.130 33.140 33.150

Minor Policy Items				
Item #	RIR #	Issue	Potential Action	Code Sections
28		<u>HB 3109</u> House Bill 3109 appears to allow registered and certified child care facilities as an outright allowed use in residential zones. These types of child care facilities are currently allowed as a home occupation in a dwelling unit with a resident. HB 3109 appears to allow the facilities outright without the need for a residential use in tandem. <i>(This is the only part of HB 3109 not already covered by the home occupation amendment bundle)</i>	Amend the base zone use regulations to allow registered and certified child care facilities as an outright allowed use in all zones.	33.110 33.120
29		<u>ORS 197.309 (CCRC)</u> ORS 197.309 was amended to exempt continuing care retirement facilities from inclusionary zoning requirements.	Exempt continuing care retirement communities that execute and record a covenant with the City that ensures the CCRC will operate all units within its structure as a CCRC from 33.245, Inclusionary Housing. Units that are converted to residential units for sale or rent are not exempt.	33.245
30		<u>ORS 197.311</u> ORS 197.311 was amended to require land use reviews for certain affordable housing projects to be decided within 100 days.	Clarify that qualifying land use review application decisions must be made in 100 days not 120 days	33.730
Miscellaneous bundle				
31	1619146 1295398 1295392	<u>Convenience stores</u> Regulations concerning convenience stores are excessive relative to regulations pertaining to other similar retailers such as grocery stores and marijuana stores. For instance, grocery stores sell the same products just with more variety and are not required to conduct such extensive neighborhood outreach. Marijuana stores document compliance through a \$68 zoning confirmation letter whereas convenience stores are required to document compliance with regulations through a \$1,125 Tier 3 zoning confirmation letter. Furthermore, many private convenience stores are owned and operated by	Delete chapter 33.219, Convenience Stores.	33.219

Minor Policy Items				
Item #	RIR #	Issue	Potential Action	Code Sections
		immigrants and people of color; therefore, the excessive regulations and fees also represent an equity issue.		
32	1261084	<u>Powell Boulevard plan district</u> This little-known plan district prohibits residential uses on some commercially zoned sites which leads to the question of whether this plan district still reflects city policy.	Delete chapter 33.567, Powell Boulevard Plan District	33.567
33	31253 1407656 2306242	<u>Special street setbacks</u> 33.288 contains special street setbacks that apply on some state highways in Portland. The requirements set minimum setbacks. Often these minimum setbacks are the same as the maximum setback which allows for no flexibility and results in Adjustment requests or modifications. These setbacks have not been reviewed for a long time.	Review and consider removing special street setbacks from Powell Blvd. and any other streets where the setback is obsolete. For any streets that retain a special street setback, clarify how the special setback (minimum setback) applies when a base zone maximum setback is the same as or less than the special setback. NOTE: Removing the setback from any streets is not a zoning code amendment. It is a zoning map amendment and the criteria of 33.855.060 will apply in addition to the legislative approval criteria.	33.288
34	1599128 121069	<u>NW Hills plan district—Balch Creek subdistrict</u> The wet weather earthwork moratorium in the Balch Creek overlay has unintended consequences which are not in line with the intent of the code. The prohibition applies both within and outside of environmental zones and the exception does not cover landslide mitigation; only the repair of structures damaged from landslides.	Revise the prohibition on activities that expose soil to stormwater during the wet weather season. It currently applies in and out of ezones, and does not allow for landslide repair.	33.563.100
35	1494945	<u>Johnson Creek Basin plan district</u> The Johnson Creek Basin plan districts contains regulations for tree removal. When a land division is proposed in the plan district, 33.630, Tree Preservation, also applies creating an overly complex set of rules which are difficult for proposals to meet.	Exempt land divisions from the Johnson Creek Basin plan district tree removal standards. The land division tree preservation regulations are more appropriate and overlap with the plan district regulations. NOTE: This could be added to the Land Division Update project.	33.537.125

Minor Policy Items				
Item #	RIR #	Issue	Potential Action	Code Sections
36	2387319	<u>River Environmental overlay zone ROW exemption</u> The current ROW exemption from River Environmental overlay zone regulations applies specifically to “public street and sidewalk improvements.” However, because the exemption is restricted to the developed portions of the ROW, the exemption can be broadened to include other improvements without risk to resources.	Allow any type of improvement within a developed public right-of-way to be exempt from the river environmental overlay zone regulations. Currently, only street and sidewalk improvements are exempt.	33.475.405.N
37		<u>Nonconforming development upgrades</u> When nonconforming development triggers an upgrade (based on project value) the area within which the upgrades need to be evaluated is generally the entire site. The code currently contains an exception for sites that are broken up into individual ground leases. In this case, only the area within the ground lease needs to be evaluated for upgrades. A similar situation occurs when a utility holds a permanent easement. The exception should therefore be broadened to include areas within permanent utility easements.	Allow the requirement for nonconforming upgrades to be limited to the area within a permanent utility easement similarly to the allowance to limit the area to ground leases.	33.258.070.D.2.c
38		<u>Adjustment committee</u> The adjustment committee is assigned appeals of Type II adjustments when no other land use review is involved and when the adjustment is for proposals outside of the Design and Historic Resource overlay zones. Because the type of adjustment appeals the adjustment committee can hear is so narrow, the committee almost never meets. To reduce staff time and cost of managing a committee that does not meet regularly, reassign the adjustment appeals assigned to the adjustment committee to the hearings officer.	Eliminate the Adjustment Committee. Assign appeals of adjustment reviews to the list of duties of the Hearings Officer.	33.720

Technical Corrections, Clarifications, and Consistency Items				
Item #	RIR #	Issue	Potential Action	Code Sections
Ground floor or ground floor facade technical items				
1	2379601	CCPD ground floor active use requirement The Central City plan district prohibits dwelling units on the ground floor of sites with frontage on a street shown on Map 510-9. This would include dwelling units on an interior courtyard that don't have frontage on the street.	Clarify whether prohibiting ground floor residential uses located on an interior courtyard and not facing the street was intended.	33.510.225
2	2349722	IR zone ground floor standards When the institutional zones chapter (33.150) was created and the IR zone was moved into the chapter, some conflicting standards were created. This includes the maximum setback standard where the text only refers the CI2 zone but Table 150-2 indicated that IR does have a maximum setback, and the ground floor window standard, which previously didn't apply to IR when it was a multi-dwelling zone, but Table 150-2 indicates the ground floor window standards apply to IR.	Clarify how ground floor window and maximum setbacks apply in the IR zone now that the IR zone is part of the campus institutional zones chapter.	33.150.215 33.150.250
3	1685885 2214393	Ground floor height limit exception Height limits in commercial zones allow an additional 5 feet of height when at least 75 percent of the ground floor has at least 15 feet between the floor and the bottom of the structure above. It is unclear how this exception applies when a site is sloped - does the 75 percent need to be met for the full floor when only a portion of it is at sidewalk level or for mixed use projects, would it only apply to the commercial portion of the building and not residential units?	Clarify how the commercial zone height limit exception for tall ground floors is measured on a sloping site.	33.130.210
4	1974736	Raised ground floor setback exception In the multi-dwelling zones, the front setback can be reduced to zero when a ground floor residential unit is raised 2 feet above the sidewalk. It is unclear how to determine which is the ground floor unit.	Clarify how to identify the ground floor residential unit in order to apply the multi-dwelling zone setback exception.	33.120.220.B.3.b

Technical Corrections, Clarifications, and Consistency Items				
Item #	RIR #	Issue	Potential Action	Code Sections
5	1606138	Ground floor windows in stairwells Windows used to meet the ground floor window standard in the commercial/mixed use, EX and CI2 zones generally must be windows that allow views into working areas, lobbies, residential units or residential building common areas; glazing in pedestrian entrances; or display windows that are at least 24 inches deep set into a wall. It is unclear whether a street facing glass stairwell qualifies.	Clarify whether glass stairwells are a qualifying window feature for meeting ground floor window standards.	33.130.230
6	1551984	Center Main Street overlay zone ground floor active use The Centers Main Street Overlay requires at least 25 percent of the ground level floor area to be active uses when within 100 feet of a transit street. The standard does not say it applies only to sites with frontage on a transit street, which has resulted in the standard being applied to sites without frontage on the transit street but that have buildings within 100 feet of the transit street.	Clarify whether the Centers Main Street overlay zone ground floor active use standard applies only to sites with frontage on a transit street.	33.415.200
7	1321017	Northwest and Central City plan district ground floor active use The Northwest Plan District standards for ground floor active uses apply to the ground floor of walls that "front" onto a main street or streetcar alignment. It is not clear what "front" means. Is this intended only to apply to the portion of the building that meets the maximum building setback? Is it intended to apply to accessory structures? Central City has a similar standard.	Clarify the ground floor active use standards of the NW plan district and CC plan district including what is meant by "the ground floor of walls that front onto ..." and whether the standard is intended to apply to accessory structures.	33.562.240 33.510.225
8	1695291	Facade articulation and balconies The facade articulation standard in the commercial/mixed use zones applies to street-facing facades. A facade is all of the wall planes that can be seen from one side or view. Depending on how tall the walls or railings of a balcony are, the balcony is sometimes counts as floor area. This makes it less clear whether balconies contribute to façade articulation.	Clarify whether balconies contribute to facade articulation.	33.130.222.C

Technical Corrections, Clarifications, and Consistency Items				
Item #	RIR #	Issue	Potential Action	Code Sections
DOZA/HRCP clean-up technical items				
9	2389048	<u>DOZA: Time limits for phased design plans</u> The regulations for design review provide options for submission of phased design plans. However, these plans can result in multiple permits being submitted after the land use approval. It is unclear when these phased cases expire.	Clarify the expiration dates for phased design reviews.	33.825.025.B.2 33.730.130
10	2389004	<u>DOZA: Design review and design standards thresholds related to height</u> The design standards and the procedure type thresholds for design review both reference maximum height. The wording between the two is inconsistent and therefore, hard to interpret.	Review and clarify how extra height allowed through a base zone exception is counted in terms of design review and design standards thresholds.	33.420.050 33.825-1
11	2388994	<u>DOZA: Design review thresholds related to signs</u> With regard to exemptions from the Design overlay zone chapter, signs have an exemption separate from alterations to the facade of a building. However, Table 825-1 does not separately refer to signs but appears to lump the addition of a sign into the row identifying the “facade area affected.” This is confusing to applicants.	Clarify how signs fit within the review type thresholds of Table 825-1.	33.825-1
12	2388974	<u>DOZA: Design review thresholds for the Central City</u> In Table 825-1, there is a 'catch-all' row for all other exterior development not listed in the first set of rows. In those cases, the review is a Type II. There is not a corresponding row for this option in the cells related to the Central City plan district.	Add a design review threshold for “all other development not listed above” for the Central City.	33.825-1
13	2388171	<u>DOZA: Adjustments to design standards</u> The Design overlay zone was set up to be a two-track system similar to the Environmental overlay zone regulations—meet all the standards or go through design review. However, the preamble to the new design standards does not state that adjustments to the standards are prohibited and that not meeting the standards triggers design review (like the environmental	Clarify the adjustments to design standards are prohibited just like adjustments to environmental standards are prohibited.	33.425.

Technical Corrections, Clarifications, and Consistency Items				
Item #	RIR #	Issue	Potential Action	Code Sections
		overlay zone chapter states). Applicants often ask if they can apply for an adjustment to a standard as a way to avoid design review.		
14		<u>DOZA: Correct map 420-1</u> Map 420-1 has several confusing elements. First, the Russell Street conservation district is missing. Second, the legend says it is listing subdistricts but it clearly includes historic and conservation districts as well.	Clarify Map 420-1 to add Russell Street design districts (conservation district) which is currently not indicated, and distinguish between Central City subdistricts and design districts. Right now, there is no indication of design districts in the legend, just subdistricts.	33.420-1
15	2388355	<u>HRCP: Historic code exemption—ADA</u> The Historic Resource overlay zone exemption for alterations to address ADA requirements refers to “existing” materials, however, the Historic Resource overlay zone does not regulate “existing” materials, only “historic materials.” The wording can cause an alteration that affects a non-historic material to go through historic resource review.	Clarify that the HRCP exemption for alterations to meet ADA requirements is allowed when “historic” rather than “existing” materials are not destroyed.	33.445
16	2388404	<u>HRCP: Historic code exemption—parking lot landscaping</u> Parking lot landscaping that meets the standards of Title 33 does not need historic resource review	Delete the words “and the landscaping does not include a wall or fence” from the parking lot landscaping HRCP code exemption.	33.445
17		<u>HRCP: Historic code exemption—rooftop equipment</u> The wording of Historic Resource overlay zone rooftop mechanical equipment exemption does not repeat the words “and associated ductwork” throughout the exemption, which makes it unclear if “associated ductwork” is always exempt.	Clarify that associated ductwork is included in all of the subsubparagraphs of the rooftop mechanical equipment exemption.	33.445
18	2388327	<u>HRCP: Modifications as part of a review</u> The code language related to modifications and adjustments in relation to a design review is different than the wording for historic resource review. The language should not be different. For example, the language in the historic review chapter is missing code	Ensure that the “modifications considered during review” language is consistent between the design review and historic review chapters. The language in the historic review chapter is missing code related to modifying use-related standards	33.445 33.846

Technical Corrections, Clarifications, and Consistency Items				
Item #	RIR #	Issue	Potential Action	Code Sections
		related to modifying use-related standards, which implies that an adjustment can be requested for a use-related standard, and that is inconsistent with modifications and adjustments in other parts of the zoning code		
19	2409814	<u>HRCP: CM2 height bonus</u> The commercial/mixed use zone bonus height standard contains an internal conflict. The standard says that the bonus can only be earned in the Design overlay zone, but footnote 1 under Table 130-3 says that bonus height is allowed on sites within historic districts, conservation districts, or the Design overlay zone. The footnote was updated with HRCP to allow the height bonus in historic and conservation districts in addition to the design overlay zone. 33.130.212.B.5.b repeats the footnote, but was accidentally missed during the HRCP update, and is not necessary.	Delete 33.130.212.B.5.b because it conflicts with 130-3 footnote 1.	33.130.212.B.5.b
Neighborhood contact technical items				
20	1776692	<u>Neighborhood contact III required information</u> Neighborhood contact III requires that the applicant sign a statement indicating that notes from the public meeting, if one was held, were mailed to several organizations. However, a meeting will always be held either by the applicant or by the neighborhood association. It should not be incumbent upon the applicant to verify that notes from a meeting they did not organize, or lead, were mailed to the correct people.	Clarify that the signed statement required from the applicant only needs to state that notes from a meeting that was held by the applicant were mailed or emailed to the required recipients. <i>(Note that this change is not necessary if #23 above remove N.C. III)</i>	33.705.020.C.d(5)
21	1766890	<u>Neighborhood contact and Central City master plan review</u> It is unclear if neighborhood contact requirements apply to Central City Master Plan reviews. The thresholds for a Type III review (which a CCMP review is) relate to "additional floor are being added to the site." But master plan review does not technically result in an addition of net building area to a site.	Clarify whether Central City master plan review triggers neighborhood contact.	33.730.030.B

Technical Corrections, Clarifications, and Consistency Items				
Item #	RIR #	Issue	Potential Action	Code Sections
Central City items				
22		Floor area bonus and transfer options For floor area transferred prior to July 9, 2018, historic resource review is not noted at the end of the first sentence. The intent is for this provision to cover both design review and historic resource review.	Add “historic resource review” to the sentence.	33.510.205.B.2.b
23		Floor area transfer from a historic resource This subsection section offers an exception to allow sites zoned RM3, RM4, RX, CX or EX in the Central City to transfer FAR to sites outside the Central City. However, the seismic upgrades required by the transfer option from historic resources should still be required.	Ensure that FAR transfers from historic resources inside the Central City to sites outside the Central City also require seismic upgrades.	33.510.205.D.1.e(1)
24		Exceptions to base height Generally, projections are allowed above the base height limits except in view corridors. However, the code is not clear that the intent of the limitation is to only impose the height restriction within the view corridor on a site.	Clarify that projections above the height limits are only prohibited within the view corridor itself as opposed to on the whole site (unless the whole site is within the view corridor).	33.510.210.B.2
25		Bonus height The sentence – “Adjustments are prohibited” should be added to the bonus height earned through an FAR bonus or transfer paragraph to be consistent with the other paragraphs.	Add the words “adjustments are prohibited” at the end of the paragraph.	33.510.210.D.3
26		Bonus height Bonus height earned through an FAR bonus or transfer contains a prioritization requirement tied to the prioritizations contained in the FAR bonus section. Reference to the riverfront open space bonus was inadvertently left off the prioritization list in the bonus height section.	Add “The riverfront opens space bonus option of Suparagraph 33.510.205.C.2.c to the prioritization list in the bonus height section.	33.510.210.D.3.b
27		Riverplace height bonus There is a typo in the first sentence. The wrong height was noted. The height should read 75 feet in both places in the sentence. This is the way the provision reads for	Change the second height limit in the sentence from 100 feet to 75 feet.	33.510.210.D.3.e(2)

Technical Corrections, Clarifications, and Consistency Items				
Item #	RIR #	Issue	Potential Action	Code Sections
		South Waterfront and this area is at the north end of the district.		
28		<u>Required building lines</u> There is a conflict between this standard and 33.140.215.C, Maximum setbacks. The standards are very similar but using different terminology and they both must be met. The base zone max setback standard is more restrictive, allowing a max setback of 10 feet, while CCPD allows two additional feet of setback.	Clarify that the Central City standard supercedes the base zone maximum setback standard.	33.510.215.B
29		<u>Windows above the ground floor</u> It appears that, in the commercial/mixed use zones, the Central City windows above the ground floor requirement may be less comprehensive than the base zone standard. That base zone provision applies everywhere for windows above the ground floor whereas 33.510.221 only applies along certain streetcar alignments.	Consider making it clear that the Central City windows above the ground floor requirement applies in all commercial/mixed use zones AND along the specified streetcar alignments identified on map 510-13.	33.510.221
30		<u>Bird-safe glazing</u> The reflectivity of spandrel glazing is not mentioned currently in the Central City bird-safe glazing standards. This was addressed in the River overlay zone code and the Central City code should use the same language in code and commentary.	Update the Central City bird-safe glazing standards to mention spandrel glazing in the same way the River overlay zone bird-safe glazing standards mention spandrel glazing.	33.510.223
31		<u>Ecoroof</u> The ecoroof standard allows 40% of the roof to be covered with something other than an ecoroof. The standard includes a list of items that can count toward the 40% allowance, but private balconies are not currently included on the list.	Consider adding private balconies to the list so that they can count as part of the 40%. Otherwise modifications will be needed for many residential projects.	33.510.243.B.1
32		<u>Preservation parking—Parking built after 7/9/18</u> The last sentence of “where preservation parking is allowed” says that under certain circumstances, preservation parking is regulated the same as growth parking. This sentence needs to be removed.	Delete the statement that, when certain conditions are met, preservation parking is regulated the same as growth parking.	33.510.261.G.1

Technical Corrections, Clarifications, and Consistency Items				
Item #	RIR #	Issue	Potential Action	Code Sections
		Preservation parking and Growth parking use the same ratio table and operate the same but that is where the similarities end. Growth parking, by definition, is when new floor area is being added. If a preservation building does not add new floor area and is under thresholds to add more parking to the building, they should be able to. Also, staff inadvertently eliminated the parking review for preservation parking by saying it is regulated as Growth.		
33		<u>Operation reports—Parking built pre 7/9/18</u> The requirement to provide operational reports was mistakenly removed from the requirements for parking built prior to July 9, 2018. PBOT had intended for all parking to meet reporting requirements if requested by the Director.	Add the operation reporting requirements that exists for parking built after July 9, 2018, to the parking built pre July 2018 section.	33.510.263
34		<u>Parking and loading access—Parking built pre 7/9/18</u> The words “loading area” were inadvertently left out of the first sentence of two subparagraph in the parking and loading access regulations for parking built before July 9, 2018. The words needs to be added to be consistent with the other paragraphs in the subsection. If “loading area” is not added, it could be interpreted that loading areas are allowed at certain locations.	Add the words “loading area” to the parking and loading access standards.	33.510.263.B.1.h 33.510.263.B.2.b
35		<u>Maximum parking ratios</u> The parking ratio table does not address group living. Because the table is silent on it, there is no maximum ratio. This was an oversight, and the intent is to apply a ratio to all uses.	Amend footnote [1] in Table 510-1 to include Group Living.	Table 510-1
37		<u>Base height map</u> The stippling requiring shadow analysis is shown on O’Bryant Park. This should not be shown on the park. The purpose for the stippling is to require properties adjacent to parks to conduct shadow analysis.	Amend map 510-3 to delete the stippling on O’Bryant park.	Map 510-3

Technical Corrections, Clarifications, and Consistency Items				
Item #	RIR #	Issue	Potential Action	Code Sections
38		Base and bonus height maps Height of the Cosmopolitan in the Pearl District needs to be corrected. The actual height of the building is 341 feet. Current height maps say 300.	Amend maps 510-3 and 510-4 to show actual height of the Cosmopolitan building.	Maps 510-3 and 510-4
Miscellaneous technical items				
39	2337771	<u>"Grandfather rights"</u> The nonconforming situations chapter includes the term 'grandfather rights'. The phrase "grandfather rights" has racist roots. The term originated in late nineteenth-century legislation and constitutional amendments passed by a number of Southern U.S. states, which created new requirements for literacy tests, payment of poll taxes and residency and property restrictions to register to vote. States in some cases exempted those whose ancestors (i.e., grandfathers) had the right to vote before the American Civil War or as of a particular date from such requirements. The intent and effect of such rules was to prevent former African-American enslaved persons and their descendants from voting but without denying poor and illiterate whites the right to vote. Although these original grandfather clauses were eventually ruled unconstitutional, the terms <i>grandfather clause</i> and <i>grandfather</i> have been adapted to other uses	Remove the references to the term "grandfather rights" from the zoning code.	33.258.035
40	1277589	<u>Nonconforming development</u> Currently, nonconforming development rights are lost after 2 years, however nonconforming use rights sustained for 3 years. Align the nonconforming use and nonconforming development rights regulations.	Allow nonconforming development to be discontinued for 3 years before rights to the nonconforming development are lost.	33.258.070
41	2352017	<u>Bike parking alcove</u> The standards for long-term bike parking require that the parking be in a closet or alcove. Alcove is not defined in the zoning code, and the zoning code language is too general. As a result, the design of bike parking in alcoves has been all over the place.	Specify the required dimensions for a long-term bike parking alcove.	33.266.210.D.1.a(4)

Technical Corrections, Clarifications, and Consistency Items				
Item #	RIR #	Issue	Potential Action	Code Sections
42	1893381	<u>Application requirements</u> The requirements for a land use review application do not specify that fees need to be included with the application. As a result, BDS has been forced to take in applications without fees being paid.	Add fees to the land use review application requirements	33.730.060.C 33.730.060.D
43		<u>Sunset dates</u> The zoning code contains multiple regulations with specified sunset dates having already passed. The regulations no longer apply yet the regulation remains in the zoning code.	Remove regulatory sunset dates that have past.	multiple