

# **Design Overlay Zoning Assessment**

Preview Draft: January 6, 2017

## **Recommendations**

The consultant team conducted research, examined peer cities, interviewed scores of people and organizations, and looked at dozens of projects that have been built. As a result of that analysis, a set of findings was generated and grouped into subjects. These initial steps were useful in informing the development of recommendations. We presented a group of preliminary recommendations and received some reaction that has been used to refine and expand them. These final recommendations attempt to address the issues raised during all stages of the work. It should be noted that some issues were raised that are associated with other arenas of City regulations such as requirements by PBOT and the process associated with historic district review. While this assessment did not delve into all related subjects, the recommendations provide a useful platform for improving the processes and decision criteria associated with d-overlay.

Suggested priorities for more short term implementation are denoted by a <priority> after the recommendation.

## A. Processes

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**1. RECOMMENDATION:** Adjust the thresholds for design review to provide a high level of review for larger projects in d-overlay districts but lessen the level of review for smaller projects. <priority>

### Commentary

For many years, the Design Commission has been an effective force in guiding the quality of development within the Central City. During that period in Portland's history, much of major urban development was occurring within that area. This was, in part, due to policies and regulations that encouraged it, strategic public investments, and to the appeal of the core area of the city to both investors and potential residents.

However, at the same time as these close-in districts have been seeing urban development, other portions of the city have as well. Corridors along Interstate, Williams, Division, Hawthorne and others have seen dramatic changes. Previously, changes were small and incremental on modest sized parcels of land; now the change is dramatic, often consuming half blocks and entire blocks. This is likely a function of increasing land values in closer-in areas and price points of housing units rising in central areas.

The Gateway Plan District's designation as a Regional Center means the City is allowed to require discretionary review, while the clear and objective track using the Community Design Standards is not allowed to be used. Current thresholds hold Gateway to similar requirements for design scrutiny as the Central City, despite different forms and paces of development. Eventually, with changes in policies, codes, and market investment, the area will significantly change in character to include greater intensity, larger buildings, and public spaces. In the meantime, the major form of investment will likely occur in the form of rehabilitated older buildings, façade enhancements, altering entrances, and other alterations so that the buildings can accommodate new tenants. Both the pace of change and the scale of change are much different than other parts of the city.

In many cases, the contrast between the existing context and new buildings has been very sharp. Often, that has been due to the configuration of parcels zoned for greater intensity flanking commercial streets, sometimes only a half-block deep on either side. Because this urban intensity now extends outward into many more parts of the city, larger scale development could benefit from a higher level of review.

**a. Restructure the thresholds based on two geographies: 1) Central City and 2) Neighborhoods: Inner, Western and Eastern – including Gateway.**

Implementing this recommendation should help Gateway receive more intermediate forms of investments more easily, as smaller form of change, whether new construction, alterations and additions, are exempt from review (other than basic code review). This should allow businesses and property owners to make modest capital investments in renovating or retrofitting older structures.

As change takes place, the City should document what changes are occurring and where, as areas of focused investment will likely emerge. This should provide indications of where to apply other tools to leverage such investment.

**b. Modify thresholds for design review to reflect a tiered approach, based on the magnitude of change, as indicated below.**

**Commentary**

One factor that bears upon the review process is the recent addition of City staff that can review a wide range of projects and take some of the load off the Commission. The City administration has reorganized staff to be more effective and efficient in the design review process. As with many other cities, professional staff can handle most reviews. The Commission, composed of citizen volunteers, can be used to review projects that are larger, more complex, and with a more substantial impact on their surroundings. It also allows the design review decision to have the benefit of testimony from the public.

At the other end of the development spectrum, smaller projects that have less impact on their surroundings can be given the simplest form of review, essentially confirmation of compliance with base zoning standards. This could allow for smaller development groups to contribute to community redevelopment with a simpler process. Ideally, giving smaller projects greater latitude would encourage more home-grown, unique structures to be built. This would also allow smaller developers to more easily contribute to the growing and robust economy of the city.

Accordingly, this recommendation is aimed at establishing different thresholds for review and eliminating design review altogether for small projects, whether new buildings or renovations and additions. The numbers indicated are proposed to accomplish this objective and are based on research into three years of review history. The research revealed that the workload on the Design Commission would be reduced and many Type II reviews would be eliminated.

This is intended to encourage more investment by small, local, family-owned businesses that only engage in the development process very occasionally and can feel stymied by systems set up for companies doing more frequent and larger scale

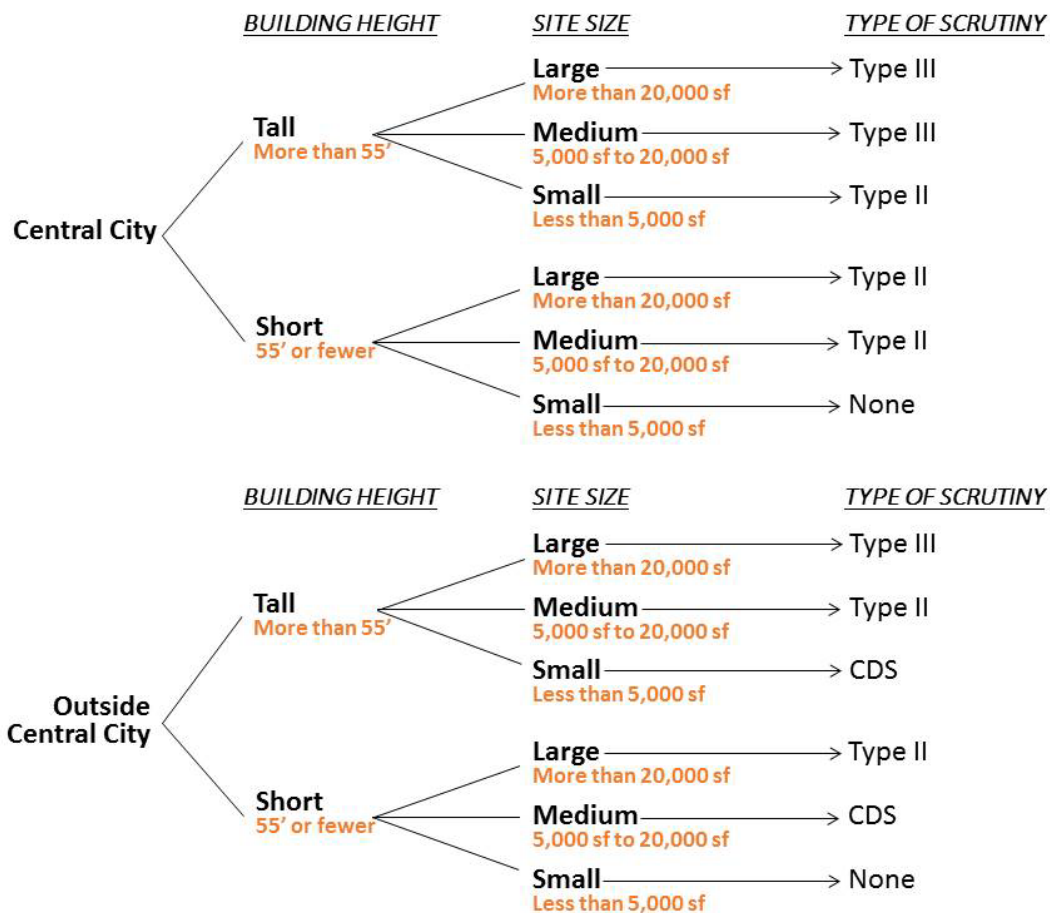
development. This reflects the Findings phase during which this situation was mentioned by groups representing small businesses. This is also in recognition that much of Portland's unique character comes from the numerous small, personalized buildings to neighborhoods and along streets. Applying a lighter touch to regulations can help ensure that this character can thrive.

The thresholds below are intended, in combination, to accomplish the following:

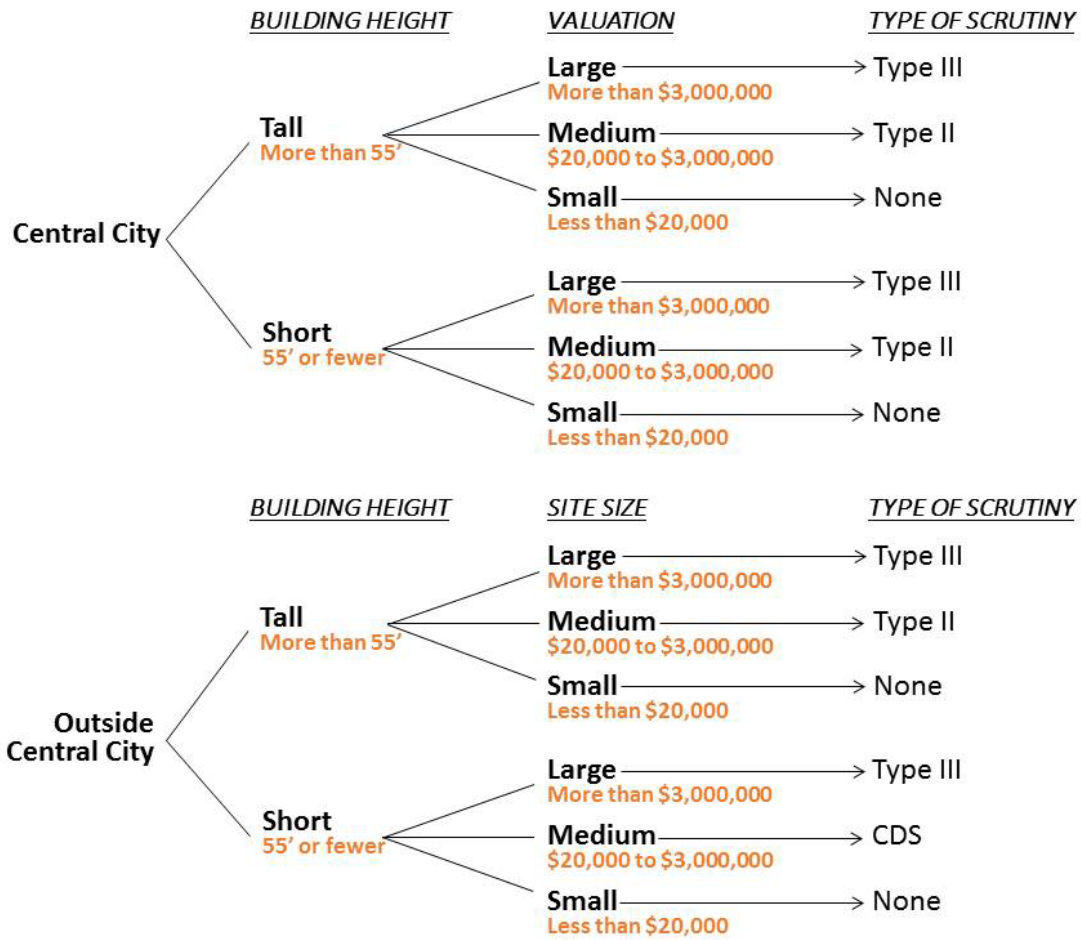
1. Align the degree of impact with the type of review.
2. Reduce the workload on both the staff and Design Commission,
3. Shift some of the review that otherwise might have been directed to the Design Commission to professionally trained staff.
4. Remove relatively small projects from review altogether in order to encourage owners of small businesses and properties to upgrade their properties without triggering the added time and expense for review.
5. Apply quantitative metrics that are easily verified.

### **Proposed Thresholds**

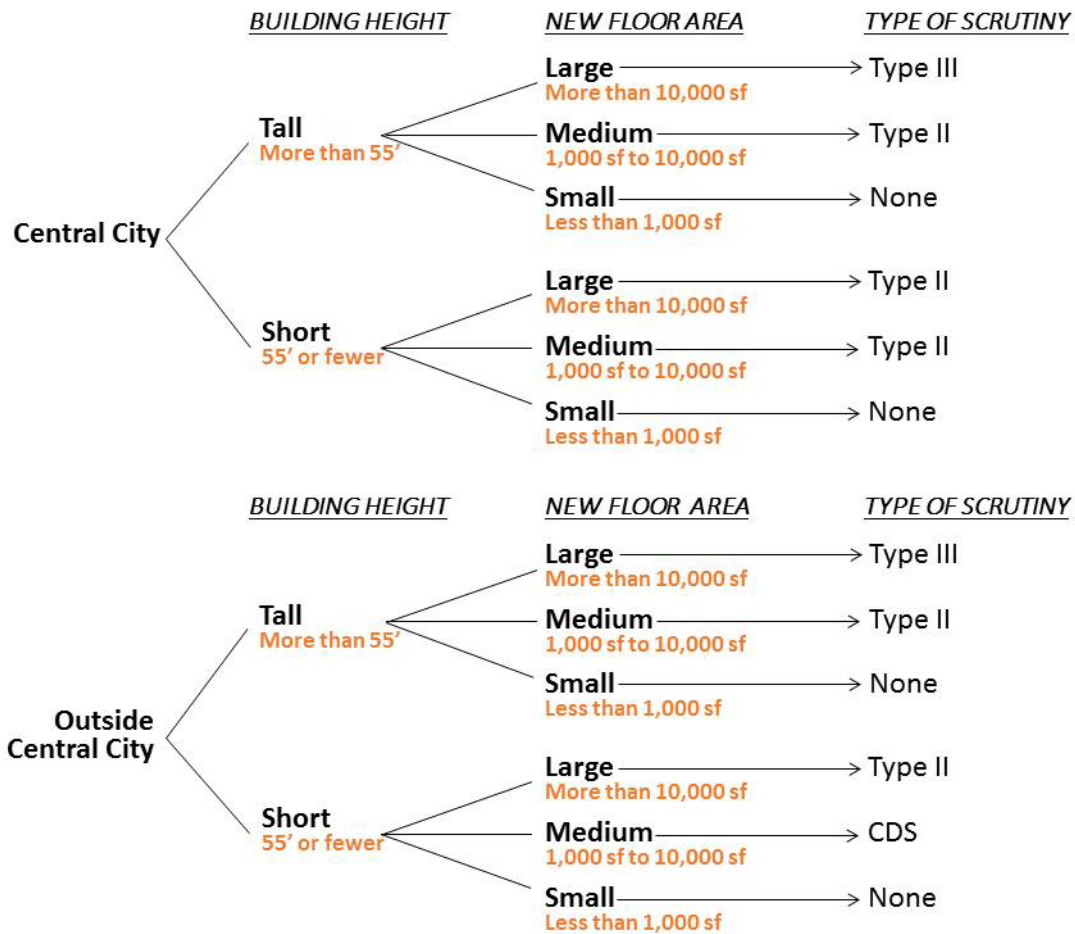
#### **NEW CONSTRUCTION**



## ALTERATIONS



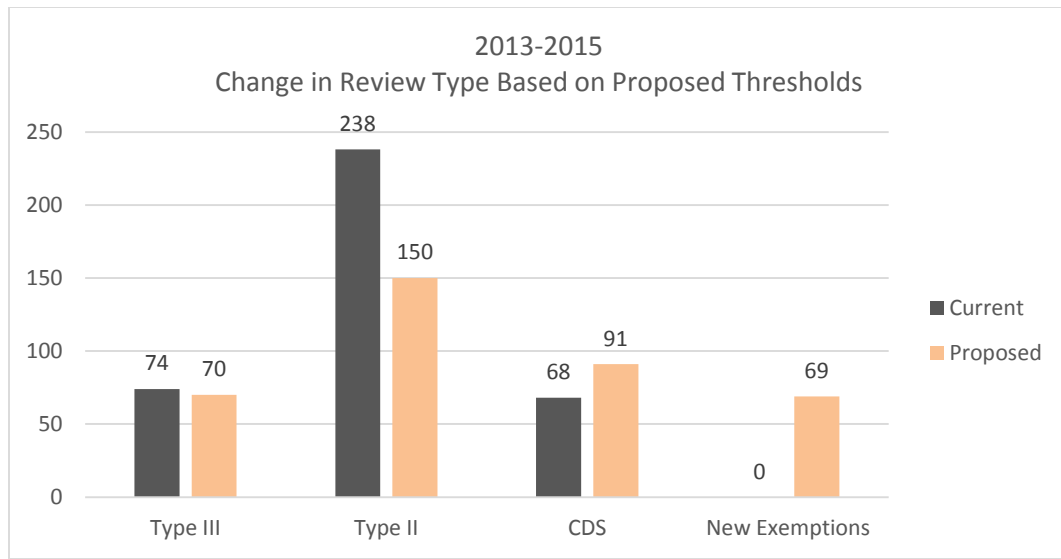
## ADDITIONS



## OVERALL EFFECT ON WORKLOAD BY COMMISSION AND STAFF:

Caseloads for three years 2013-2015 were examined to see the effect of these proposal thresholds. The following table and chart summarize this evaluation:

2013-2015 Change in Review Type Based on Proposed Thresholds Overall			
	Total		Net Change
	Current	Proposed	Number of Cases
Type III	74	70	-4
Type II	238	150	-88
CDS	68	91	23
New Exemptions	0	69	69
Total	380	380	



Most of the reductions and exemptions occur in the category of Alterations.

Recalibrating thresholds along these lines would have a number of implications:

These thresholds might push some projects to be smaller in size and scale to avoid design review. Smaller development projects would likely be mixed in quality. Regardless of the quality, the impact would be minimized. There is some possibility that entire block fronts could be filled with small, awkward buildings. But it is also possible that the exemption for small projects could encourage experimentation and greater variety of expression. Some developers might avoid assembling large sites. For some neighborhoods and corridors, this could be a good result, with small scale incremental redevelopment rather than wholesale transformation of blocks.

This recommendation assumes that decision-making guidelines would be updated, revised and consolidated, and a refocused form of review is carried out, as recommended later in this report. City staff would be assuming a more expanded role, which might necessitate some organizational changes and enhanced skillsets.

## **2. RECOMMENDATION: Improve the review processes with a charter, better management of meetings and training for both the Design Commission and staff.**

### **Commentary**

The work of the Design Commission is a very important extension of the regulatory powers of the City. From the commentary received from the various stakeholders involved with the Commission, the review process has been less than organized and expeditious. The Commission has a responsibility to manage conduct of its members, keeping to a timely agenda, and guiding the flow and the form of deliberation. It would benefit greatly from a more orderly and timely approach to managing meetings.

### **Details**

#### **a. Adopt a New Charter for the Design Commission. <priority>**

Currently, the Design Commission operates under a purpose statement found in the Zoning Code that includes “maintaining and enhancing Portland's historical and architectural heritage.” In addition to conservation and compatibility, the purpose statement of the d-overlay also concerns “quality high-density development adjacent to transit facilities,” a goal that was added in 2005. Adopting a new charter could bring the purpose statements of the Design Commission and the d-overlay into alignment.

It would be useful to craft a new, clear charter for the Commission and have it affirmed by the City Council. This could draw from previous enabling provisions of the City code but with updating and refreshing. A new charter should clearly outline the charge of the Design Commission and design staff related to authority and focus of reviews. Staff and commissioners should review the charter at retreats.

Some subjects to be addressed by the Charter are:

- Regulatory Authority and Limitations
- Role and Responsibilities of Commissioners
- Role and Responsibilities of the Chair
- Role and Responsibilities of Staff, especially the Design Review Manager
- Attitudes and Behavior in Public Meetings
- Annual Retreats and Refreshers
- Public Outreach, Information, and Education
- How Direction is given to Applicants: Consensus / Voting for Unified Voice



**b. Manage Commission meetings more effectively. <priority>**

Establish management practices for the Design Commission, using the role of the chair to keep the discussions timely, on point, and focused on applying adopted design guidelines. Start times and end times should be indicated on agendas. A checklist of guidelines should be used to focus and prioritize discussion. For very large projects, or those involving multiple buildings, fewer projects should be scheduled for a given meeting to allow for more time. Staff's role should be to clarify standards/guidelines, point out precedents, and help with time keeping.

The Chair and Vice Chair should receive training on meeting management and be given clear authority to ensure that:

- Hearings last no more than 90 minutes and follow a clear sequence: applicant presentation, questions and answers, deliberations, etc. (Staff should assist in monitoring the time). Exceptions to this rule could be made for large, multiple building proposals and larger institutional projects, but this should be a conscious decision determined in advance, with an appropriate reduction in number of other cases. Currently, DARs are allotted 90 minutes and Type III reviews are typically allotted 120 minutes. Fewer projects are scheduled per hearing when larger developments are anticipated to require more time.
- No topic is discussed for more than 15 minutes. The Chair should monitor and direct the discussion
- Published times for beginning and ending each hearing are followed. (This is already being done; it should continue.)
- Discussions focus on guidelines and not subjects outside the Commission's authority.
- Every commissioner is heard from.
- Group consensus is the direction provided to the applicant; not individual comments.
- Direction to the applicant is clear at the end of the meeting. The applicant's representatives should be asked for confirmation.
- Limiting public comment to a specific amount of time, announcing the time allocated, and inviting speakers to simply express agreement with prior speakers instead of repeating testimony. (Currently, the Chair has the option of imposing a 2- to 5-minute time limit per person based on the number of members of the public wishing to testify. Oregon state law requires that all people who wish to testify be given the opportunity to do so, which means some projects may require more time than allotted.)

The Design Review Manager should sit at the Dais, next to the Chair, so that the role in the process is obvious and prominent.

**c. Provide training for staff.**

Regular training should ensure that guidelines and recent interpretations of guidelines are clear. Field visits within Portland and elsewhere would allow staff to become familiar with the state of the art in development. There should be quarterly meetings of BPS and BDS staff regarding long-range planning goals and current planning outcomes, as well as coordinating efforts.

Currently, Bureau of Development Services representatives serve as liaisons to Bureau of Planning and Sustainability staff on a project-by-project basis. However, there is no formalized channel for ongoing coordination outside of individual projects, and there is no mechanism by which current planners can communicate with long-range planners about whether a particular development seizes the opportunities called for in a long-range plan.

**d. Convene Regular Design Commission Retreats.**

Twice a year, the Design Commission should hold a retreat with senior staff. This would allow for team building and assessing progress and outcomes. Past projects could be reviewed with lessons learned that can be applied to future deliberations and decisions. The charter should be reviewed and participants refreshed with a continued collective understanding of roles and responsibilities.

Currently, Design Commission holds retreats with staff at least once a year to review past projects and discuss frequent design issues.

### **3. RECOMMENDATION: Align the City's review process with an applicant's typical design process.**

#### **Commentary**

Currently, the review process used by the City sends a confusing message to applicants. So much detail in information and design materials are requested upfront that applicants feel they must submit a finished design for review. This sets up a situation in which so many decisions have been made by the development team that it would be difficult and potentially costly to make modifications as a result of a review. Furthermore, it has been reported that, as the review process moves along, subjects that were seemingly resolved initially are discussed again, later, with a different direction given. This creates havoc with an applicant's design process.

#### **Detail**

##### **a. Organize the City's review process to correspond to a project's typical design process.**

This should move reviews away from discussing details prematurely and allow the "big picture" aspects of a project to be addressed first, with more detail as the project proceeds. This would require the list of submittals be tailored to reflect the stage of design and its review.

The Commission would also be responsible for tying their comments to relevant guidelines pertaining to stages of review. A summary of guidelines/check sheet could assist in deliberations.

STAGE	SUBJECT	SUBMITTALS
Pre-App (with staff)	Pre-design	<ul style="list-style-type: none"><li>• Site &amp; Program</li><li>• Issues Identification</li></ul>
DAR (see Notes; with Design Commission)	Early Schematic Design	<ul style="list-style-type: none"><li>• Context Analysis</li><li>• Initial Concepts</li><li>• Configuration</li><li>• Massing</li></ul>
First Review (with Design Commission)	End of Schematic Design	<ul style="list-style-type: none"><li>• Concept</li><li>• Elevations</li><li>• Ground Level</li><li>• Public Spaces</li></ul>
Decision Review (If necessary, with Design Commission)	End of Design Development	<ul style="list-style-type: none"><li>• Complete Design</li><li>• Refined Design</li><li>• Materials</li><li>• Details</li></ul>
Building Permit (with staff)	Construction Documents	<ul style="list-style-type: none"><li>• CDs</li></ul>

#### *Notes:*

- For projects in the Central City on sites 10,000 sf or greater, a DAR would be required.
- Issues resolved at each stage would not be revisited in subsequent meetings.
- Staff would check construction documents and progress during construction to ensure follow-through with commitments and conditions.

**b. Focus Deliberations. <priority>**

In addition to citing relevant guidelines during deliberations, deliberations of the Commission could be assisted by staff grouping the guidelines and sorting them by issues related to the three tenets: context, public realm, and quality and sense of permanence.

Further, the focus should be on those guidelines that have not been met so that the discussion can bear down on what could be done in the project to have it better comport. To some extent, the staff does this already, but a more concentrated and consistent effort would be helpful. It would be helpful for the Commission to also be diligent about relating its discussion to guidelines and avoid bringing in other issues that may occur to individuals.

Currently, staff provides Commissioners with a checklist of relevant guidelines to be considered. This “cheat sheet” for discussion includes a matrix with guidelines that shows if the applicant has met the guidelines, could better meet the guidelines, or does not yet meet the guidelines, with notes for suggested improvements. The figure below is an excerpt of the matrix used to guide discussions by the Commission during Type III hearings. Notes indicate possible changes to make the proposal better comply with a given guideline.

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GUIDELINE	MEETS	COULD DO BETTER	DOES NOT YET MEET
<b>A1. Integrate the River.</b> Orient architectural and landscape elements including, but not limited to, lobbies, entries, balconies, terraces, and outdoor areas to the Willamette River and greenway. Develop accessways for pedestrians that provide connections to the Willamette River and greenway.	Not applicable		
<b>A2. Emphasize Portland Themes.</b> When provided, integrate Portland-related themes with the development's overall design concept.			
<b>A3. Respect the Portland Block Structures.</b> Maintain and extend the traditional 200-foot block pattern to preserve the Central City's ratio of open space to built space. Where superblocks exist, locate public and/or private rights-of-way in a manner that reflects the 200-foot block pattern, and include landscaping and seating to enhance the pedestrian			
<b>A4. Use Unifying Elements.</b> Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.			<i>Provide parti and contextual connections; illustrate why per metal element, fiber cement ribbon, two-part division of 1/4 block site, flat</i>
<b>A5. Enhance, Embellish, and Identify Areas.</b> Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.			<i>Planters, angled columns obscure views, lack of direct connections to sidewalk.</i>

**c. Require DAR's for Type III Reviews for Larger Projects in the Central City.**  
**<priority>**

Proposed projects on sites larger than 10,000 sf should be required to have a DAR to set an overall direction early. The review should address and be limited to overall issue of context, massing, and initial concepts -- not details.

When the idea of the DAR was introduced it was with the intent that applicants would receive expectations from the Design Commission at very early stage in the design process, so that there is a clear, mutual understanding at the outset. It was not intended to review a completed design, but to communicate broader, over-arching directions that were of concern to the Commission regarding the context,

Currently, applicants often come to the DAR with designs that are developed far beyond the topics suggested for discussion in the Design Commission's guide to the review process, which include massing options, site organization, and ground-level considerations. The list of submittal requirements for DARs in the guide is more expansive than the list of topics suggested for DARs in Figure X (the table below). The guide does not offer guidance about when to schedule the DAR or list an explicit time limit for applicant presentations.

the massing, and conceptual approach. Accordingly, information about details and materials is neither required nor desired.

A statement indicating that drawings other than those requested will not be considered could prevent applicants from bringing over-developed designs to the DAR.

If, during deliberations, the Commission is comfortable with the design approach, it could request items indicated for both First Review and Decision Review at a subsequent meeting.

#### **4. RECOMMENDATION: Better Communicate the Role of Urban Design and the d-overlay Tool.**

##### **Commentary**

Portland's design review process can be confusing even to professional designers who work through permitting on a frequent basis. For newcomers and residents to understand, the path to navigate the process involves knowing a multitude of terms, types of decision making, dates, meetings, contacts, and a host of other subjects.

Currently, the City has handouts related to the design review process for both community members and applicants, but members of the public often testify about parking requirements, density allowances, or other topics not under the power of the Design Commission to control. Involvement in hearings on the part of members of the public remains low due in part to a lack of clarity about the Design Commission's purview.

##### **a. Improve Public Information and Education. <priority>**

It would be helpful for the City to sponsor seminars such as "Community's Guide to Design Review: How to Take Part." These could be held once or twice a year in locations throughout the city. Currently, the Bureau of Development Services offers occasional "lunch and learn" sessions on various aspects of the zoning code, and the City offers a free workshop called "The ABCs of Land Use" that could offer a model for a seminar related to the d-overlay.

It would also be helpful for the City to publish a glossary of terms so that people can grasp the basic language used in review processes. This effort should align with simplifying terminology, collapsing tools into a few sets with the same structure, and explaining the process with clear graphics. (See Recommendations under Tools.)

**b. Hold Applicant Orientation “Primers” on a Regular Basis.**

Some applicants have had sufficient experience with the City’s review process to understand the steps and timelines. But for applicants new to the areas or smaller businesses that do not frequently engage in the system, the processes can be daunting. It would be helpful to have frequent orientation sessions with simple handouts and examples of different types of projects and issues that are the subject of deliberation. Definitions of terminology should also be provided and explained. This type of interaction can also communicate what Portland expects from new development with regard to building places rather than merely building projects.

**5. RECOMMENDATION: Improve Public Notice.**

**Commentary**

Better methods of notification about projects would allow people to anticipate changes within the area around them and to understand how they can participate in the design review process. Often, people simply want to be made aware of impending change rather than be surprised at the moment that the construction fence is erected. Public notice is a large issue overall that could be broadened beyond the design review program.

**Detail**

**a. Post Large Signs Noting Impending Reviews. <priority>**

Development being reviewed under Type II or Type III should be required to erect a large sign on the property following a filing for review. The sign should briefly describe the proposal and include a site plan. Contact information for City staff should be prominently shown. Typically in other cities, these boards are 4’ tall by either 4’ or 8’ wide. The Applicant provides these boards following specifications of the City.

Currently, sign posting on a site is limited to land use reviews going through the Type III hearing process. The notice provides information about the hearing on an 18” x 24” letter board that includes a space to insert an 8.5” x 11” sheet with the hearing and contact information.

**b. Increase Mailed Notices for Type II and Type III Reviews.**

Mailed notification could be enhanced by increasing the mailing radius. 400 feet could be considered – roughly a two-block distance. Furthermore, other cities make sure that renters are included in the notification by having the postal service deliver notices to “Occupants” within a defined mailing area.

Currently, projects undergoing a design review process potentially have two time frames where the public is provided notice of a project.

First, a neighborhood notification requirement applies to any development that proposes at least 3 residential units, 10,000 square feet of commercial/industrial space, or certain proposals in an IR zone, regardless of whether the project is going through discretionary design review or subject to the Community Design Standards. In these cases, the applicant is required to contact the neighborhood association to request a meeting. If a meeting is held, they are required to attend and follow up with the association to explain any changes made to the proposal. This must all be done prior to submitting for the land use review or permit, depending on which process is chosen.

Second, if the project is going through the land use review, staff is required to provide mailed written notice to neighborhood and business associations associated with the site, as well as to property owners within a certain radius of the project (150 feet for Type II and 400 feet for Type III). Comments received by any of the interested parties are summarized in the staff report and relevant issues that were raised may be addressed in the report findings. Additional comments raised during testimony can be added to the Design Commission decision if relevant.

In none of these cases does notice go to renters or other non-owner occupants.

## **6. RECOMMENDATION: Require applicants to document response to neighborhood input.**

### **Commentary**

Currently, for Type II and Type III review processes, the involvement of applicant design teams with neighborhood groups is not a consistent, well-organized or well documented process. The applicant is expected to document any project changes arising out of the neighborhood notification processes, while comments received during the formal land use process are documented by staff planners. Some residents may be disappointed that their comments have not reduced a project's bulk or density significantly and that some design team seem to dismiss their issues.

The method of framing, receiving, and documenting comments could be improved so that all parties can understand how to provide useful and legitimate comments. For example, the City could provide neighborhood groups with a list of subjects that are appropriate for discussion in the context of Design Review and indicate clearly that basic zoning entitlements are not subjects for deliberation. Design teams should indicate where they have been able to make use of comments and where they have not.



## **Detail**

### **Establish a formalized template for applicants to document community input.**

When meetings with neighborhood associations for any Type II or Type III review have occurred, the responses to comments should be indicated in a report to the City staff or Design Commission.

For discretionary decisions, the applicant should describe to the decision-making group how Neighborhood Association input and social context was incorporated into the design. The applicant should include a summary of neighborhood input and the response in their presentation to the Commission.

Currently, Neighborhood Contact provisions in the code require an applicant to contact the neighborhood association for the area, summarizing the proposal, by mail, to request a meeting. The neighborhood association should reply to the applicant within 14 days and hold a meeting within 45 days of the date of mailing the request. If the neighborhood association does not reply to the applicant's letter within 14 days, or hold a meeting within 45 days, the applicant may request a land use review or building permit without further delay. After the meeting and before applying for the land use review or building permit, the applicant must send a letter to the neighborhood association and district neighborhood coalition explaining changes, if any, the applicant is making to the proposal. Copies of letters must be submitted with the application for land use review or building permit.

Discretionary reviews require a staff report that includes public comments and staff responses to these comments. They do not necessarily include applicant/neighborhood conversations, although they may factor into the narrative.

### **7. RECOMMENDATION: Monitor and evaluate these amendments over the next 4 to 5 years.**

#### **Commentary**

Whenever changes are made to a regulatory system, it is extremely useful to examine the impact over time. This should be done for the d-overlay citywide,

- a. Document where changes are occurring and what the impacts are. The analysis should be evaluated by BPS, BDS, Design Commission, Planning and Sustainability Commission.**

**b. Formalize the annual reporting in Design Commission's "State of Design".**

Currently, the Design Commission issues a report each year to the City Council describing accomplishments.

This should be elevated as a check point with both qualitative and quantitative measures and indications about what could be improved to achieve the most desirable results. Because this set of recommendations includes allowing for many smaller projects to be exempt from review, the next few reports could highlight how that has worked.

Official interpretations of guidelines should be published on a regular basis. This would allow applicants, as well as the public, to learn about past interpretations. Annually compile and publish examples of projects that are exemplary in addressing guidelines.

There could also be a Commission Commendation program. This could specifically recognize developments that contribute to making great neighborhoods and places rather than merely unique buildings. The City should use the Design Commission's required annual report to the City Council to highlight successful examples of both Type III and Type II review.

**8. RECOMMENDATION: Consider establishing more than one Design Commission following a period of evaluation.**

**Commentary**

Other recommendations here involve changing thresholds for review and managing the meetings more effectively in order to reduce workload on the current Commission. The result should be a reduced load for the Commission, which has been meeting many hours each month. If those methods do not reduce the workload significantly, it may be worth considering creating one or more additional commissions.

**Detail**

**After implementing previous recommendations the City should evaluate the results and, if needed, examine whether one or more additional commissions would be warranted.**

Currently, Portland has one Design Commission for all Type III Design Review hearings, whether those occur in the Central City, Gateway, or other areas in the city. It is required by the Zoning Code to consist of seven members, including one representing the Regional Arts and Culture Council, one representing the public at-large, and five members experienced in design, engineering, financing, construction or management of buildings, or land development. No more than two members may be appointed from any one of these areas of expertise, and none can hold public elective office.

A “natural” division of labor would be to have one commission for the Central City and another, or more, for other areas of the city. This would reflect the differing nature of development in various parts of the city as well as the different guidelines that are applied. This would be similar to other cities with more than one commission, such as Milwaukee and Seattle, which assign them to different geographic areas.

This division of labor allows each commission to become very familiar with the tools, processes, issues, and interests in different parts of the city. This should result in more expeditious reviews.

One additional aspect that should be added to commissions, regardless of the number, is including a representative who would reflect neighborhood interests and have a vote. This person could be drawn from a pool of volunteers and could also support the City’s equity goals.

## B. Tools: General Recommendations

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### **1. RECOMMENDATION: Clarify and revise the purpose of the d-overlay and simplify terminology.**

#### **Commentary**

Currently it is difficult for many applicants, as well as community members, to understand what is being expected through d-overlay. Terms can be confusing and similar terms have different meanings. It would assist all parties if the intent and mechanics of this tool were made clearer.

Terms such as standards vs guidelines, discretionary review vs non-discretionary review, numbered Types of Review, and Community Design Standards easily get confused by many people. Design Review sometime refers to a certain type of decision and at other times refers to the entire group of decisions.

#### **a. Revise the purpose statement for d-overlay to reflect current thinking.**

The current purpose statement suggests conservation of architectural or cultural features as well as compatibility with the surrounding neighborhood. It also supports higher density new transit stations. In recent years, the form, pace and location of development has changed and is found in more areas – some continuing to be sensitive with regard to an older, established context but with other areas seeing development where the context is not well formed. Expanding on the purpose statement and applying it to different patterns would be useful.

#### **b. Simplify d-overlay Terminology.**

Some terms are used that are not defined and can lead to misunderstanding and dispute. It would be useful to have an illustrated glossary of terms that are commonly used in the standards and guidelines.

## **2. RECOMMENDATION: Sync the Standards and Guidelines.**

### **Commentary**

The standards and guidelines have been assembled over a number of decades. Most follow different formats. Some address certain issues, while others do not. Some reflect earlier ideas or conditions regarding urban development. It is not always clear that standards and guidelines address the same issues in a consistent way. It would be helpful to various participants to see the parallel language. There are gaps or language that needs to be clarified. During interviews, commentary indicated that it would be useful to understand the difference, especially between what is expected for Type II review versus CDS review.

Currently, 21 different sets of design guidelines are available on the City's website, and the Community Design Standards are found in the Zoning Code. Some documents overlap, others address the same areas but in differing degrees of detail. Some are lengthy and are challenging to participants to even keep in mind all the aspects addressed.

A number of people in the interviews commented on the many documents applied to some areas. And the review of projects suggests that some elements are not being addressed well. It would benefit the process of review to have simpler, more consistently presented tools

Standards and guidelines should be recrafted with an eye to consolidating and simplifying them, eliminating redundancies or combining those that are only marginally different.

Some sets of guidelines include photos, while the Community Design Standards do not include photos or graphics. Standards and guidelines should be highly graphical with language that clearly explains the intent and the terms of the guidelines. They should include a diagram to help explain and several real-world photographic examples that illustrate how it has been accomplished in other development. The Central City Fundamentals is a good model.

### **Detail**

#### **a. Use a Parallel Structure for Standards and Guidelines.**

Currently, the Community Design standards are written to be applied objectively and so focus on specific measureable standards and/or materials. They do not align with the three tenets of design, nor do they necessarily follow the current guidelines of Portland Personality, etc. There are likely several standards that do not have a direct relationship with the guidelines, and many of the guidelines might not align with certain standards. To align them will require analysis during the next phase.

Standards and guidelines should be organized to fit a parallel structure. This should make it possible to easily see the relationship between the flexible guidelines and the more objective standards.

**b. Combine standards and guidelines into one document.**

This would be done for the purpose of assisting applicants and the public, as the standards themselves would need to be legally found with Title 33. But as an assist, a combined document could also be supplemented with photos and other graphics to explain the criteria.

**c. Create a consistent format.**

The formats of current documents range widely in quality and organization. Some are very dated looking and employ language that is more descriptive than prescriptive. Guidelines are generally organized into themes that are related to each other. This requires an internal sync for the various guidelines because the guidelines span a timespan of many years and cover different issues. So that there can be a consistent set of review criteria, it is recommended that a format be developed for revised standards and guidelines.

Documents could be formatted with a “layer cake” approach, with some standards and guidelines applying to all areas and others applying only to specific areas. This would reduce or eliminate repetitious language.

**d. Separate out historic review criteria.**

The process and purpose are quite different. This should eliminate confusion and help make a distinction between structures that are formally designated historic and those that are not.

**3. RECOMMENDATION: Use the Three Tenets of Design to Simplify, Consolidate, and Revise the Standards and Guidelines. <priority>**

## **Commentary**

The three tenets outlined below are crucial building blocks of good urban design. They have served Portland well over the years and they can be used to help shape supportive standards and guidelines in a clear and understandable manner. They can form the underpinnings and organizing philosophy for more specific language.

### **a. Respond to Context.**

It is important for new development and redevelopment to recognize its surroundings. This does not necessarily mean replicating it but rather drawing influences that can enhance the character of the area.

#### **For all criteria:**

- i. Include guidance from adopted policies and plans, such as:
  - The Comprehensive Plan, which offers direction through Pattern Areas.
  - New direction from MUZ on context (inner and outer city areas).
  - CC2035
  - District Plans
  - Adopted Urban Design plans or frameworks
- ii. For East Portland specifically, emphasize site design, open space, circulation systems in requirements.
- iii. Give more guidance on massing and form.

#### **For Community Design Guidelines and Central City Fundamental Design Guidelines:**

Analysis of the context surrounding a proposed development should examine patterns, uses, characteristics, demographics, natural features and social activities. The design that evolves should be explained as to how it either fits into the context or why it is establishing something new. Plans should show enough of the surroundings to comprehend the relationships with other properties and spaces. This should range from showing current and proposed development on blocks immediately adjacent to a site for mid-size projects. For larger projects, this area should encompass at least two blocks in all directions from the site.

This analysis and the response to it should be provided as early as possible in the review process so that they can form the basis of a design that can help build the neighborhood, as well as meet the development program on the site. In some cases,

this step might entail drawing from influences in the larger neighborhood or area. Annotated photographs and, for larger projects, context models, would be useful techniques.

Information regarding context would benefit from coordination between BPS and BDS, so that staff can fully understand both what is in an area already and what is expected to change.

#### **b. Elevate the Public Realm.**

The review of project examples revealed some missing criteria with regard to the ground floors of buildings.

##### For all criteria:

- i. The height of the ground floor is crucial -- At least 12' for residential and 15' for mixed use (floor to ceiling) should be required.
- ii. While the ground floor is most important, the first 30-40 feet, vertically, of a building's façade should receive particular attention, as it frames the street and impacts the public realm.

##### For Community Design Standards:

- i. The ground floor should be the focus of considerably more design attention, with respect to the components that address the relationship between the sidewalk and the façade:
  - lighting such as wall lighting, soffit lighting, bollards, step lights, accent lighting
  - weather protection at entries such as recesses, overhangs, canopies
  - doorways such as glazing, threshold, casing, address numerals,
  - windows, including casing, mullions, sills, size, tint,
  - signs, wall signs, overhanging signs, brackets, lighting source.
  - other details that people on foot can see, touch, and otherwise appreciate at that scale.
- ii. For the Eastern pattern area, and perhaps some other areas, standards should emphasize site design issues related to livability, including pedestrian access and circulation, open space, privacy, and CPTED.
- iii. For ground floor commercial, more specific and comprehensive options than those outlined in MUZ should be developed.



- iv. Residential-only buildings within commercial zones need to have standards that address how they reflect the residential occupancy rather than appearing to be another commercial structure. Elements such as a visible lobby, planning near the residential entry, ledges benches or other seating elements, can be used to convey the idea that people live there. The ground floor design can convey this, but upper floors are also important, with balconies, setbacks, planting areas, handrails, parapet trellises, etc. This is another subject lending itself to a list of options.

For Community Design Guidelines and Central City Fundamental Design Guidelines:

- i. There should be more specificity to guide the design of the ground floor to discourage an “elevated basement” look. Design teams would be expected to show how they have provided a high level of design for the ground level, including
  - Making the ground level distinctive, not merely distinct
  - Providing well-detailed architectural elements
  - Providing larger windows
  - Using higher quality cladding on the first level compared with upper levels
  - Avoiding the recess for planting
  - Stoops, steps, and patios
  - Private gardens
  - Artwork
- ii. Entrances should be given considerably more attention with respect to weather protection, lighting, paving, door and window details, planting, and building name and address.
- iii. In order to allow for sufficient review, in the list of required submittals, the ground level should be depicted in both elevations and sections at a large enough scale to discern details, with annotations indicating what is proposed.  $\frac{1}{4}'' = 1'$  is suggested as an appropriate scale. For larger developments, this might require breaking elevation drawings into segments. It is not expected that this level of detail would be shown at a DAR, but rather in subsequent meetings.

**c. Expand “Quality and Permanence”.**

This should be broadened to encompass other subjects such as sustainability, energy use, and ability to adapt over time. Currently, there is a lot of focus on specific details of cladding systems. Given long-range policy directions of the City, this subject matter could be given a different cast.

For all criteria:

Address “green” features that make developments more permanent because they provide lasting resilience.

For Community Design Standards:

- i. Address quality results on all sides of the building, not just street-facing.
- ii. When mixing masonry with thinner cladding, use masonry where it makes visual sense, such as within recessed portions of the building as opposed to overhanging portions.
- iii. In residential development, window openings should be recessed or project outward rather than being within a flush, uninterrupted wall surface

For Community Design Guidelines and Central City Fundamental Design Guidelines:

- i. Determine appropriate level of detail for materials (e.g. what materials are acceptable, dimension of railing, brick coursework) while allowing some flexibility over time as building technologies and systems change.
- ii. Considerations of energy use should be incorporated, such as the obvious inclusion of passive solar, active solar collection, shading elements, an interpretive panel describing building systems that make more efficient use of energy or LEED status.

**4. RECOMMENDATION: Broaden “Base / Middle / Top” to encompass other Design Approaches.**

**Commentary**

The base/middle/top approach to designing urban buildings has been found in various guidelines for at least a couple of decades, not just in Portland but in a number of other cities as well. It derives from a classic principle associated with traditional buildings in which there is a visibly obvious three-part (“tripartite”) organization of major architectural elements. Lower portions of buildings were often given more laterally expansive massing, materials of larger increments such as rough stone, much more generous windows, horizontal belt lines, stepbacks, and other features to make lower stories stand out. The top of a building was set apart by elements such as exaggerated and overhanging cornices, stepbacks, decorative details and materials, and sometimes an ornamental tower or spire.

However, translated into contemporary buildings, the base/middle/top approach frequently results in ungainly, awkward, or visually weak architectural expressions. A slight change of materials or finishes on the lower levels rarely produces the feeling of a base. By the same token, eyebrow extensions at the roof edge don't do much. In some cases, the "top" ends up getting expressed with huge overhangs that dominate a façade and even the street. Worse, these elements can add costs that might be better spent at the sidewalk level where people can actually enjoy a more refined level of design.

## **Detail**

It would be useful to reexamine the base/middle/top with regard to its applicability. First, with buildings less than four stories, the effect is difficult to achieve. Second, for taller buildings, there are other ways of recognizing the context than following this specific formula. For example, the massing of taller buildings can be stepped, turned, notched, or otherwise shaped to echo heights of lower nearby buildings. Modern structural engineering and computer aided design allows for cantilevers that break down what used to be simple and repetitive box shapes.

An enhanced review of how a building relates to the street level could extend to guidelines addressing the exterior expression of several stories above the street level –the vertical wall where the building serves to frame the street. Guidelines and standards could address this envelope of space as an urban design composition.

With regard to the top, there are many ways to design a building to be distinctive as seen from a distance. Having a noticeable top is certainly one way. But the overall form of a building can do that as well. Recent advances in materials can add changes in color that can create a presence on the skyline.

This does not necessarily mean that base/middle top should be abandoned altogether, as it is still a viable way of shaping a building, especially in older contexts with established building forms that reflect this tripartite approach. But it could be one choice in a list of options available to designers. The objective should be to result in a richer variety of building designs.

## **5. RECOMMENDATION: Recognize the unique role of public buildings in urban design.**

### **Commentary**

Public buildings play a critical role in the urban fabric. They are long-standing landmarks, changing much less frequently than private buildings. They often mark an important

Currently, public buildings do not receive different or preferential treatment, and they must go through the same processes of design scrutiny as other buildings.

location in the city. They are common spaces that all citizens and visitors can access and use. Accordingly, they should stand apart from their surroundings, with high visual impact from all directions.

Reviewing the design of public buildings does not lend itself to applying a set of standards or guidelines; indeed, these structures should be encouraged to break the pattern and be foreground buildings. Nevertheless, the process of designing these sites and buildings could benefit from a thoughtful public review process, albeit using different tools.

### **Detail**

One tool that has been used in other cities is a “Design Brief.” (Other terms such as Design Objectives and Design Principles are used. This is a document prepared by the agency or board charged with the overall long-term design of the city – in the case of Portland, the Design Commission. The Brief sets forth some essential directions as to desired attributes such as orientation, massing, public spaces, connections, relationships, role of art, etc. It is crafted specifically for a particular building on a particular site. It is usually prepared well in advance of design firms being solicited so that there is a clear idea of expectations. There might be a general outline, with potential subjects to be covered, that could assist in the crafting of a document for a particular public project. Alternatively, the Design Commission could develop a set of guidelines that are intended to specifically address public buildings. This could be an annotated version of the Central City Fundamentals as well.

## **C. Tools: Community Design Standards**

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**1. RECOMMENDATION:** Ensure that the Community Design Standards add value to recently adopted base zoning codes. <priority>

### **Commentary**

An important consideration is making sure these standards add value to those in the base zones. If not, having these standards might be redundant with the base zones. An important question is: how can these standards build upon the base zones? After all, the d-overlay tool brings with it the expectation of higher quality, more thoughtful design, and a more careful

consideration of the surroundings. This will necessitate concentrating on a few elements and, again, the three basic tenets could provide a means

### **Detail**

**Use the standards to add more specificity and design attention that adds value to areas with d-overlay.**

## **2. RECOMMENDATION: Provide for optional ways of meeting standards. <priority>**

### **Commentary**

Sometimes standards can lead to just one solution, when there might be many ways of accomplishing an intent. The design process could benefit from having a menu of choices to allow for solutions tailored to unique conditions. This also allows for more variety. This might not be possible for every standard or guideline but some might easily lend themselves to this approach. This would address the request, heard in interviews, for more flexibility.

### **Detail**

Two possibilities should be considered, separately or together:

- a.       Use a menu of options.  
A given standard might include a number of optional features, as described above. For example, the applicant would choose to include at least 4 of 7 possible elements from an illustrated, annotated set of choices.
- b.       Allow a “departure”. Allow an applicant one “departure” (i.e. variances) from certain specified standards without a LU review. This would require indicating which standards are eligible for departure, as some would be too important to waive.

The current system allows variances only through Land Use review, with no exceptions.

## D. Tools: Community Design Guidelines

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**1. RECOMMENDATION:** In recrafting the Community Design Guidelines, recognize the changing nature of the city.

### **Commentary**

The current guidelines include a section that addresses “blending into the neighborhood”, partially because they were originally put together in the late 90s and were revised in 2008. However, they continue to reflect the original focus, which seems to be more historicist in nature, referring to older patterns of lower density residential architecture. While this may be an important aspect for some areas, the extent of recent development makes this guideline more difficult to accomplish. Thoughtful design includes a thorough understanding of the context with respect to its evolution, patterns, scale, and character-giving elements.

### **Detail**

An analysis and recognition of the context is an important step in the design process and should be required for both Type II and Type III reviews. The outcome might not be so much about “blending in” but drawing from and echoing certain previous patterns of development. Alternatively, some proposals might establish entirely new directions, if the existing context does not display desirable attributes. This type of analysis should be conveyed through photos and diagrams describing a larger neighborhood context, not just adjacent parcels.

Guidelines should be organized to apply differently to varying parts of the city. For example, some areas such as 82nd Ave have a desired future character as a long term goal but short term enhancements to existing buildings make more economic sense in the near future. There would be a different approach for older main street areas where the intention is to foster continuity and appropriate fit within an establish context. This lends itself to making distinctions between “inner city” patterns and “outer city” patterns.

A number of documents and sources can guide a consideration of the evolving context:

- Area plans, which indicate intentions of character.  
However, some of these might be old and need updating. Nonetheless, they can serve as a benchmark.

- Comprehensive Plan Policy 3.12:

“Enhance and celebrate significant places throughout Portland with symbolic features or iconic structures that reinforce local identity, histories, and cultures and contribute to way-finding throughout the city.”

Candidates include: high-visibility intersections, attractions, Schools, libraries, parks, and other civic places, bridges, rivers, viewpoints and view corridor locations, historically or culturally significant places, connections to volcanic buttes and other geologic and natural landscape features and neighborhood boundaries and transitions.

(Note: There might need to be a policy that indicates when iconic buildings are not appropriate or desirable. There seems to be a trend to make even rental apartment buildings, with no particularly special location, stand out as attention-getting objects.)

- Low Rise Storefront Commercial Areas  
“Character-giving” places in the heart of Portland’s corridors with d-overlay have potential for new development, as mapped in the Mixed Use Zoning project.
- Early feedback in the process, like in a DAR, serves to identify these contributors.
- Next Portland regularly indicates where development has been occurring, such that concentrations of change are evident through its mapping. Such concentrations could reveal the need for coordination and consistency to create a true neighborhood, rather than merely a collection of individual buildings
- WalkScore, Transit Score and Bikescore can indicate where goods and services are available to people without requiring a car and suggest a changing context
- Neighborhood groups, such as is the case for Division, can provide localized information and ideas about corridors and districts.
- Designated landmark buildings and districts indicate places where efforts to retain and maintain existing structures are more likely.

**2. RECOMMENDATION: Collapse Special District Design Guidelines into one Citywide set.**

**Commentary**

It would be useful to have a set of guidelines that comprehensively address all special districts. Guidelines that are common to all districts should be described. And those that are applicable just to certain special districts should be highlighted.

**Detail**

The current sets of guidelines should be examined to ensure they are still relevant, given the passage of time and changes in the physical setting. Some might need to be updated. They should then be folded into the overall set of Community Design Guidelines.



## E. Tools: Central City Fundamentals

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### **1. RECOMMENDATION: Make Refinements and Revisit some of the Guidelines.**

#### **Commentary**

As indicated previously, this set of guidelines is a great model to follow to describe expectations. It is clear, readable, graphically rich, and inspirational. It invites users to understand the big picture and contribute to a larger whole. And good examples are provided. (For the same reasons, the River District Guidelines are also very good.)

#### **Detail**

Some guidelines should be either rethought or deleted. Examples include “Integrate the River” and “Emphasize Portland Themes.” It is also not evident that these adequately address the small-scale, hand-crafted, personalized kind of social and commercial environments that Portland is well-known for. An added element should address design techniques to encourage this small, quirky end of the development spectrum. Guidelines could include some photo examples of the types of unique, colorful and hand-crafted elements that are valued by the community as representing Portland’s character.

The Central City Fundamentals should also include the following:

- Language that furthers the Goals and Policies from the CC2035 Plan
- Public Realm Concept maps for each of the districts in the CC2035 Plan. These have been vetted and they give the context of any specific site with an urban design lens
- Updated photos – especially with highly regarded examples.

### **2. RECOMMENDATION: Collapse the Subdistrict Guidelines into the Central City Fundamental Design Guidelines.**

#### **Commentary**

The Central City includes a number of districts, each with a different character and history of emergence. Most of these districts have seen a considerable amount of development and renovation over the last decade, with building types far more urban than when guidelines for each were developed twenty years ago.

### **Detail**

While some subdistrict guidelines may still contain useful directions, all of them should be scrutinized for currency and key issues. Some guidelines might be pulled out and placed into a chapter or document with guidelines applicable to all. There could be a smaller subset that applies only to particular areas. All of these could be gathered into a single document for the Central City, with chapters aimed at specific areas. This involves updating guidelines for the districts and incorporating them into the Central City Fundamental Guidelines.