

DOZA Discussion Draft

What We Heard Report

June 2019

From February 2019 through May 2019, staff hosted or attended a total of 61 open houses, meetings, briefings and focus groups. Staff also accepted comments via email and phone.

Overall, staff received approximately 1,100 comments from 97 different commenters, including individuals; bureaus, agencies, and commissions; organizations and advocacy groups; and neighborhood groups.

Below is a summary of themes heard, organized by proposal and supplemented by examples of comments received.

List of commenters

Bureaus, agencies, and commissions

Bureau of Development Services
Bureau of Environmental Services
Bureau of Planning and Sustainability
Diversity and Civic Leadership Partners
Design Commission
Development Review Advisory Committee
Historic Landmarks Commission
Portland Bureau of Transportation Planning Division
Portland Housing Bureau
Prosper Portland
Urban Forestry Commission

Organizations and advocacy groups

American Institute of Architects Urban Design Panel
Building Owners and Managers Association
Equity Focus Group
Livable Gateway
National Association for the Advancement of Colored People (NAACP)
NAIOP – Commercial Real Estate Development Association
Neighborhood Prosperity Initiative Managers
Oregon Smart Growth
Plan Design Xplore
Portland Audubon
Portland Community College
Portland Main Streets Design Initiative

Neighborhood groups

Arbor Lodge Neighborhood Association
East Portland Neighborhood Office
Hosford-Abernethy Neighborhood District
Northeast Coalition of Neighbors
Central Northeast Neighbors
North Portland Land-Use Group
Sellwood-Moreland Improvement League
Southwest Neighborhoods, Inc.
West End Group
Woodstock Neighborhood Association Land Use Committee

Architectural Firms

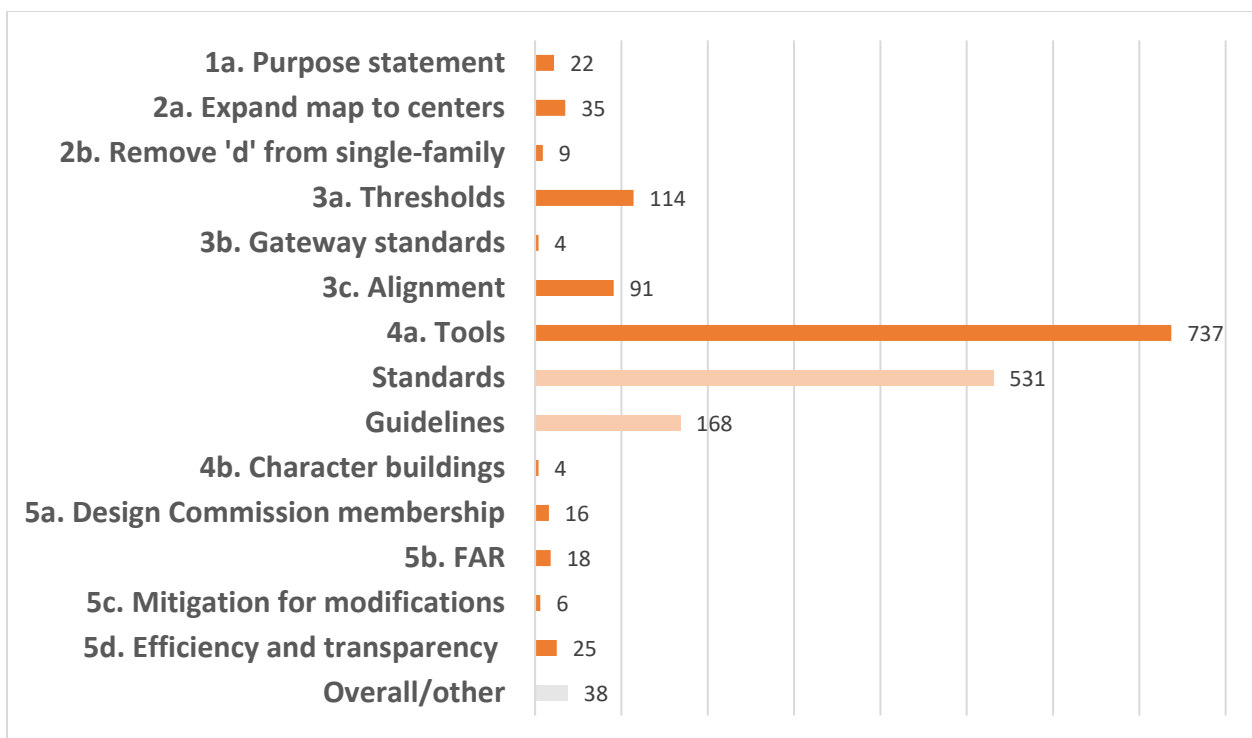
Paul Jeffreys, Ankrom Moisan Architects
Julio Rocha, LRS Architects
Suzannah Stanley, Mackenzie
Jennifer Nye, Salazar Architect
Scott Edwards Architecture
John Marasco, Security Properties
Design Standards Focus Group (Fieldwork Design and Architecture LLC, Fosler Architecture, Tahrn Architecture & Planning LLC, LRS Architects, Merryman Barnes Architects, Scott-Edwards Architecture)

Individuals

Individuals (anonymous)
Laurence Qamar
Sam Noble
Don Vallaster
Leon Porter
Hannah Silver
Doug Klotz
David Ashman
Sarah Iannarone
Elly Adelman
Gayle Bast
Colin Cortes
Kim Lakin
Peter Finley Fry

Feedback on proposals

The chart below shows how many comments each proposal received. The tools (proposal 4a.), which include drafts of both the new Objective Design Standards and discretionary Citywide Design Guidelines, garnered the most attention, followed by the thresholds that govern which type of review projects are subject to (proposal 3a.) and the alignment of the applicant’s design process with the City’s review process (proposal 3c.).



1a. Revise the purpose statement for the Design overlay zone and related design chapters to reflect the direction of the new Comprehensive Plan.

Feedback on the purpose statement was largely positive, with many commenters appreciating the new direction of the purpose statement and expressing general support for the big-picture values it outlines in the three tenets.

However, several commenters advocated for the purpose statement to more strongly emphasize climate change, carbon emissions, housing affordability, and housing production.

“The statement is clearly inadequate to address the most pressing issue of our time: climate change, or the most pressing local issue: housing. We no longer have the luxury of time and

resources to worry about the “context” by making buildings smaller and more expensive or otherwise difficult to build.”

A few commenters expressed dismay at the lack of emphasis on conservation and neighborhood character.

2a. Expand the Design overlay zone map to commercial/mixed use-zoned properties in all Neighborhood Centers, including: 42nd/Killingsworth, Cully, Division/162nd, Heart of Foster, Jade District, Mid-Lombard, Montavilla, North Tabor, Parkrose, Powell/Creston, Raleigh Hills, Roseway and Woodstock.

Some commenters believed that given the values espoused by the purpose statement, the d-overlay should apply to the whole city, not just centers. Applying d-overlay everywhere would allow for the community to have a voice in defining their own place and creating a sense of ownership over their place.

Stakeholders in specific centers, neighborhoods, and other areas advocated for d-overlay to be applied. These areas included Arbor Lodge, Overlook, Woodstock, Montavilla, Lombard, certain areas around Interstate Avenue, and Powell and other civic corridors.

Several commenters expressed interest in knowing where or how the d-overlay would be mapped within the centers.

Other commenters did not wish to see d-overlay applied in their area. Representatives from Cully expressed concern that the discussions had in d-overlay only involve mostly white homeowners, not the rest of the community, who feels left out of the conversation. Others expressed concern that the City only considers applying the d-overlay after an area has begun to gentrify.

Several commenters opposed the expansion of the d-overlay based on its perception that it could burden housing production, lengthen the time development takes, and increase the cost of housing.

2b. Remove the Design overlay zone from single-dwelling-zoned properties outside of the Terwilliger Design District, i.e., areas in and around Sellwood-Moreland, Hillsdale, Macadam, Floyd Light Middle School and North Prescott.

The majority of the comments were in support of removing the d-overlay from single-dwelling zoned properties outside the Terwilliger Design District, with the exception of one resident of Sellwood and the Sellwood-Moreland Neighborhood Improvement League.

3a. Establish review thresholds based on the size and scale of a project, with the goal of aligning the level of review with the level of impact a project will have on the community. Require a higher level of review for larger projects and a lower level of review (or exemption) for smaller projects and alterations.

Multiple commenters appreciated moving away from valuation to determine the thresholds and instead basing them on size of the project.

Suggestions for more clarity included defining exterior alterations to include roof alterations; determining where signs fit into the thresholds, as they are not considered exterior alterations; and further delineating Type III projects to list required documentation based on the scale of the project.

In addition, one commenter noted the thresholds only consider physical impact and do not consider social impact:

“The level of impact is primarily articulated in terms of the physical impact, namely the size and scale of the improvements. The thresholds do not factor in the impacts on existing social and community structures, and neighborhood character. For instance, larger projects in the east district would be easier to develop but could have more displacement, affordability and loss of character impacts than closer to the central district. The thresholds should address and factor in the social, displacement, and neighborhood character impacts of developments.”

Exemptions

Generally, commenters felt the exemptions were moving in the right direction. One design professional requested more detail for some exemptions, noting that planners make discretionary determinations when things are not explicitly stated in the zoning code, such as the meaning of “repair” or which types of work do not require a permit. They also requested more clarity around standards for signs and the relationship between design review and nonconforming upgrades.

One group also advocated for making the 55’ height limit for commercial Design Standards buildings clearer by including it in the exemptions section, instead in the standards themselves. Another commenter suggested making the option to use Design Standards for buildings with residential use more prominent by including it in the body of Table 420-1 instead of as a footnote.

Making exemptions more strict

Comments from the Design Commission and BDS staff revealed a philosophical difference about the meaning of exemptions compared to BPS staff. The two groups advocated for performance-based exemptions, which exempt an item if certain criteria are met—for awnings, storefronts, and louvers as an example—as opposed to just exempting these items from review completely.

Both groups also suggested removing or limiting the proposed exemptions for residential-only buildings with up to four residential units as well as for façade alterations up to 200 square feet outside the Central City.

Making exemptions more liberal

Multiple stakeholders commented in support of exempting residential-only buildings with up to four units, and one suggested exempting those with up to six units to address housing supply and cost concerns. Commenters also supported exemptions for some façade and rooftop alterations.

Commenters also suggested exempting landscape materials in existing planting areas, radon mitigation systems, and temporary trailers. BDS staff offered suggestions for expanding exemptions for some rooftop equipment. One community group expressed interest in exemptions (or standards points) for community-led or -funded projects at risk of being made infeasible by design review requirements.

Making thresholds more strict

Neighborhood groups generally advocated for lower thresholds so that development in their neighborhoods would be subject to a higher level of review.

“Section 33.420.050 proposes a doubling of the maximum square footage where design standards may be utilized for the projects that are solely non-residential uses. We strongly object to this change, and recommend it remain at the current 20,000 square foot maximum. Community members should have an opportunity to participate and have their voice heard, and the city should recognize that the impact of a new project very much depends on the context of its surroundings.”

The Design Commission and several other commenters considered the thresholds too high and suggested lowering them—for example, by requiring Type III review for buildings at four to five stories, 45 feet in height, or 50,000 square feet in building size. They also suggested switching some work from Type I, as proposed, to Type II—for example, exterior alterations up to 500 square feet both inside and outside the Central City.

Making thresholds more liberal

Many commenters urged allowing more projects—both residential and commercial, including in the Central City and Gateway—to use Design Standards. Multiple comments specifically asked that the height limit for using the Design Standards be deleted.

“Why put a height limit on residential (and commercial) that can use standards? If it’s the right kind of development, within the zoning/height allowance, we shouldn’t be coming back in and penalizing them by forcing them into review.”

One commenter suggested allowing buildings in the CM3 zone to use the Design Standards even when they receive the height bonus for inclusionary housing:

“The height maximum of 65’ to stay at Type II seems aimed at exempting all CM2 buildings...but not many CM3 buildings. Some CM3 buildings would fit, but only if they do not take advantage of [the inclusionary housing] height bonus, or [tall] ground floor or parapet bonuses. Is that the intention? I believe that CM3 should be able to use the standards track as well.”

The Design Commission and BDS staff expressed support for allowing more alterations in the Central City to go through Type II review.

Many commenters supported the proposed higher thresholds for Type III review.

A few commenters suggested deleting the distinction in thresholds for Central City and allowing projects there to use the thresholds proposed for the rest of the city.

3b. In the Gateway Plan District, allow smaller projects to use design plan check (design standards) as an alternative to a design review.

Stakeholders from Gateway wrote in support of allowing smaller projects to use the design standards. Staff received some suggestions for thresholds based on floor area, number of stories, and other factors.

“It would certainly make development less burdensome, faster and less costly if there were a pre-determined set of design standards or guidelines that we could follow in lieu of going through Type III Design Review...The City has very capable staff that could easily guide us through a less strident process and reach agreement on design features and materials that would meet the City’s purpose statement of; 1) building on context, 2) contributing to the public realm, and 3) quality and resilience.”

3c. Align the Type III design review and historic resource review processes with an applicant’s design process.

While most commenters found value in looking at projects early in the design process, comments from all types of stakeholders revealed confusion about the purpose of the DAR versus the land use review. Many stated that the DAR was an “early decision” in which direction from the Commission would not or should not be reversed at the land use review. Some urged that if the DAR is required, it should be binding as well, not just “advice.”

“DARs should be a documented review of early concepts that allows the concepts to be approved and moved beyond for future reviews. Otherwise the DAR process is a waste of time for everyone involved.”

Some thought the DAR was the last time at which the public could influence the project, while the only value of the land use review was for testifiers to get standing for appeal. Members of the public would not have any influence on the project at the time of formal review, since major decisions would have been decided at the DAR. Other commenters noted the legal issues this practice would pose.

Individuals, organizations, and agencies all noted that design review currently examines too many details. They expressed a desire for discussion at the DAR, in particular, to focus generally on the three tenets of design in the d-overlay purpose statement, and for a broader design review with a focus on the bigger picture rather than fine-grained specifics.

“Need to align the LUR submittal requirements with a more reasonable level of information. The requested information (e.g., product data, louver configuration, canopy construction, color of material, etc.) is not ready at this early level of design.”

Residents preferred the ability to engage early in the design process when bigger-picture massing and programming details are being discussed, while some design professionals urged flexibility in the sequencing of the Neighborhood Contact and DAR to minimize delays.

Some commenters concerned about public participation discussed the relationship between the Design Advice Request (DAR) and Neighborhood Contact meeting. Some noted that the Neighborhood Contact meetings do not currently have much impact, while others suggested staff presence at Neighborhood Contact meetings to make sure attendees' viewpoints get transmitted at the DAR.

Several commenters noted the challenges of representation in the current design review system, asking about the demographic makeup of members of the public participating the process and noting the need to create mechanisms that enable historically underrepresented groups to participate more often and effectively.

"The [alternatives rely] on the Neighborhood Contact requirements that notify established organizations like neighborhood associations, district coalitions and businesses associations. These are forums that have historically not been inclusive of the marginalized and the underrepresented. The proposal for more extensive noticing and neighborhood contacts meeting before a Design Assistance Request (DAR) would allow public feedback and concerns to be factored in earlier in the design process. However, critical work is still needed for strengthening outreach, making neighborhood meetings more inclusive, and effectively integrating public feedback from the neighborhood meetings into the design review process, as well as clarifying the role of the DAR."

Alternative 1

Several design professionals supported the required DAR in Alternative 1 but explicitly asked that direction given at the DAR be made binding. In addition, a few design professionals wanted to retain the ability to have multiple DARs, and others did not support a mandatory DAR for all projects.

Some supported Alternative 1 as a refinement of the status quo but highlighted the importance of changing behaviors to ensure discussions are disciplined and constrained to only the approval criteria that are meant to be reviewed at each step. Suggestions included adding language to the tools ensuring direction given in the DAR "will not be reviewed in the Land Use Review unless new and significant information relevant to the Commission's direction on these elements is submitted X days before the scheduled LUR hearing" as well as removing materiality from the list of topics to be discussed at the DAR.

However, some design professionals noted that since much uncertainty remains at the schematic design phase, during which DARs are held, and cost estimates are not finalized until the 50 percent design development phase, nailing down irreversible direction early on could be problematic.

Another commenter noted a timeline challenge with Alternative 1:

"I think this is a challenging timeframe and puts a lot of pressure on design teams and applicants to push schematic design well beyond a traditional schematic design scope in order to have enough detail in design development for the land use review. It also has a lot of risks associated with it because so many design decisions have to be made in regards to cost estimating. In my

opinion, that often encourages 'safe' design solutions that will more easily gain approval rather than daring ones that if not approved, require a significant amount of redesign."

Alternative 2

Some design professionals and commissioners did not support Alternative 2 because it removes the DAR or because it leaves some more detailed design questions unresolved by the City. Some applicants believed Alternative 2 should still allowed a DAR if an applicant wants it.

However, other stakeholders did not agree with the need for a DAR. They noted that removing the DAR avoids the legal problem of making decisions outside the formal land use review process and would encourage true collaboration to happen earlier in the process.

"The current "optional" Design Advice Request hearing unnecessarily lengthens the permitting process and does a poor job of respecting our goals for public involvement in the design review process. The bulk and massing of a building are typically the most noticeable and contentious aspects of new development. It's disrespectful for these two details to be essentially decided in advance of the formal design hearing."

Design professionals noted that moving to Alternative 2 would required a concerted effort by the City to change how the design review system operates:

"In order to realize the pros of this concept there would need to be a very, very significant investment in defining, 'testing', and refining over several cycles a description of a schematic design deliverable that could be approved and not revisited by the participating parties, most particularly the city. The key question is: Can the City really define a schematic/design development level deliverable upon which it will base its decision while still retaining the potency of a discretionary review process?"

Some supported pushing the land use review to earlier in the design process because current practice creates a "scary, gray" period of time for designers working without feedback from the Commission. While DARs currently help, examining the building at 75 percent design instead of 99 percent would also help shorten this time.

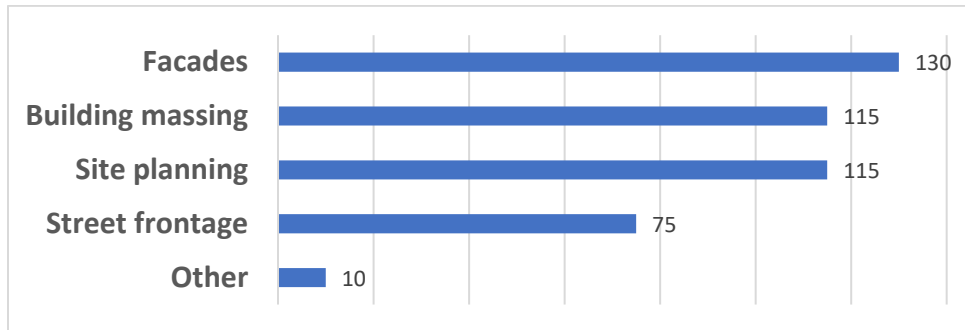
4a. Based on the three tenets of design (context, public realm and quality) create new approval criteria for areas outside Central City that have the Design overlay (d-overlay) zone: Design Standards and Citywide Design Guidelines.

Many commenters noted the need for both traditional architecture—preserving and creating new "fabric" or background buildings—and innovative architecture, "jewels," and strong civic buildings. Some commenters pushed for the tools to more strongly encourage green infrastructure. Others raised equity concerns by noting, for example, that the tools address building design when some parts of the City, such as Cully and East Portland, do not have adequate infrastructure.

"Tools should intentionally focus on creating more equitable and inclusive places and not only 'people-centered places,' which is equity neutral."

Standards

The standards include five categories: site planning, building massing, street frontage, facades, and other. The façade standards received the most comments, at around 130, followed by building massing and site planning with about 115 comments each. The street frontage standards received around 75, while standards in the “other” category received around 10.



In addition, design professionals, individuals, and agency staff all submitted feedback on materials. Several commenters noted that context was absent in the standards, difficult to achieve with standards, or not appropriate to include in objective criteria.

Multiple commenters suggested changes to the organization and/or formatting of the standards. For example, some suggested organizing the standards by the three tenets to better align them with the guidelines as called for in the DOZA Assessment. Others suggested creating a template applicants could fill in or reorganize to make clearer.

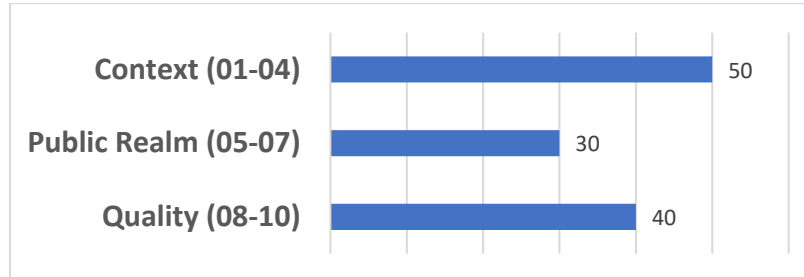
“Please consider revising the Table organization so that the standards for New Development are closest to the standard (i.e., reverse the column order for ‘Alterations’ and ‘New Development.’). Please also rearrange some of the standards so that, for instance, all standards that apply to windows or main entrances are next to each other in the Table.”

Virtually all comments supported the combination of required and optional standards, though some design professionals and agencies advocated for more flexibility in which standards can be met.

“Appreciate the menu approach and the ability to have some flexibility to work within specific project/design needs.”

Guidelines

Many commenters provided feedback on specific guidelines as well as the photos that represented them in the draft. A plurality of comments on specific guidelines concerned the guidelines about context, followed by those about quality and then public realm.



Commenters appreciated the more streamlined approach to context of limiting the guidelines to ten. Some applicants supported clearer, more prescriptive guidelines than those proposed to give more guidance to applicants and achieve more certainty in the design review process.

The comments reflected tension about how to respond to context, with many commenters wishing for a stronger, more prescriptive response to context and relationships to existing buildings. However, other commenters expressed a desire to prioritize future context over current conditions, acknowledging that the context of a site could change in a year given changing uses and sizes of buildings around the site.

"I am mainly concerned about Tenet 1: Context. I believe this tenet should be primarily concerned with the Citywide Urban Design Framework, and with the Comprehensive Plan Designation and the zoning on the site, and adjacent to the site. Unless it is in an Historic District, or there is an Historic Landmark next to it, the 'Context' for a site should not be determined by surrounding buildings, as these buildings may be replaced, within 10 years or 10 days."

4b. Support new development that incorporates older buildings or facades that provide local context for an area.

The methods to implement the incorporation of older buildings or façades into new projects remained to be determined at the time of Discussion Draft publication, but a few commenters expressed support for the idea. Some suggested it remain optional and incentivized, not mandatory. The Historic Landmarks Commission does not support this idea except in limited cases, but other stakeholders appreciate it as an approach to preserve local context – as a way to allow change and growth while maintaining the recognizability of a place over time.

5a. Update the Design Commission membership rules to allow landscape architects as industry technical experts and clarify that the public-at-large member is independent of these industries.

Commenters supported the addition of landscape architects as industry experts and clarification around the at-large member.

Some commenters expressed concerns about representation of different parts of the city among the Design Commission as well as representation of tenants and other underrepresented groups. Some commenters specified disciplines to be added, including affordable housing provider, economist, and building/housing expert.

“Given the City’s new goals around preparing for climate change and addressing inequity, there is a growing need for an expanded set of skills during design review. We suggest the City consider professionals with an ecological science/green infrastructure and building science/energy efficiency expertise, as well as community representatives from historically marginalized groups, and tenants.”

5b. Clarify that, except in limited cases in the Central City, the design review process cannot require a reduction of proposed floor area ratio (FAR).

While some individuals expressed concern about this item, questioning what the point of design review was if it can’t reduce the size of a building, other commenters supported the change to disallow reductions in proposed floor area, and many commenters suggested also disallowing reductions in height.

“Existing height and FAR standards reflect Comprehensive Plan and related zoning goals to increase housing across our centers and corridors. DOZA should support that goal by ensuring that staff and Design Review Commissioners proposals do not decrease the amount of housing built.”

5c. Clarify that mitigation may be required to lessen the cumulative impacts of modifications; clarify the definition of a use-related development standard.

While not many people commented on this proposal, the responses centered around clarity needed in the development process. Some considered this proposal open-ended and costly, desiring a clearer definition for conditions that can be imposed during the land use review process.

“Further discussion is needed on proposal 5C allowing city staff or the Design Commission to ‘require’ modifications to lessen cumulative impacts. Past experience has shown requests of staff and the Commission to again be random and subjective and not always address the nature of the impact.”

5d. Make administrative improvements to the efficiency and transparency of the design review process.

Many commenters wrote in support of these changes and advocated for improvements including clearer noticing and presentation of projects, explanation of what components are under review versus allowed by right, a focus on how proposals meet the approval criteria, ability to receive feedback in multiple languages, web and mobile platforms for participation, checklists of guidelines for discussion, staff seated in a facilitative role at the table during Design Commission meetings, coordinated bureau/agency responses, and more procedural training for the Design Commission.

Other comments/general comments

Some overarching comments about the project and the d-overlay concerned their impacts on housing affordability and potential to add to housing costs. These comments were received from both individuals and organizations.

"I'd like the draft and the guidelines revised to more strongly weigh their potential impacts on housing supply and costs. Given Portland's housing emergency, the top priority for DOZA should be removing regulatory obstacles that raise the cost of housing development. The unmet human need for housing is more fundamental and urgent than any aesthetic considerations that might conflict with it."

"I am grateful for the high quality of design that shapes Portland and your efforts to maintain it. This results in a high standard of living for our city. Unfortunately, this high-quality experience is not evenly shared among all the people in Portland, so we must be careful to ensure that our focus on design never precludes affordability or accessibility."

Some commenters raised the question of how the d-overlay considers the history of racism and redlining in Portland. Others noted that participation in the system today is largely limited to older, wealthier, often white homeowners who are often retired and have extra time to devote to City processes that may not be convenient for working families. This feeds into a larger question of who the d-overlay serves.

Among the participation that does occur, some commenters expressed frustration that members of the public focus on parking, building size, traffic, and other components not within the scope of the d-overlay. They expressed a desire for better communication about what elements of a project are and are not subject to review.