



Bureau of Planning and Sustainability

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MEMO

DATE: April 20, 2020

TO: Portland Planning and Sustainability Commission

FROM: Phil Nameny

CC: DOZA Project Team

SUBJECT: Design Overlay Zone Amendments (DOZA) Work Session on Process Amendments on April 28, 2020

At the April 28, 2020 PSC meeting, BPS staff will present a set of process amendments to the *Proposed Draft for DOZA* (Design Overlay Zone Amendments). These are changes suggested by the PSC the last time we met on February 25. At that time, we had a work sheet that contained 19 suggestions for amendments to DOZA that involve the process and administration items in our Zoning Code.

The subgroup of PSC and Design Commission members, known as the ‘3x3’ met on March 13 to discuss several of the process amendments and to make final suggestions (a summary handout is included at the end). At that time, staff also asked the subcommittee to add a 20th item to the list.

Attached is staff’s suggested code amendments/direction for the 20 items. The items have been split between consent items (the first 6 items) and discussion items (the last 14). However, note that items 8-15 are related to the list of items/development exempt from the Design overlay zones. We would like to review these 8 items through one discussion. In addition, three items are for issues where we are proposing no amendment to the *Proposed Draft*.

Please review the attached changes against the original Proposed Draft that was contained in Volume 2. Please come prepared to discuss and vote on these amendments. We will be checking in at the beginning of the work session to see if any members would like to take an item off of consent to discuss further.

For questions, contact Phil Nameny at phil.nameny@portlandoregon.gov.



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1	Technical amendments: Amend various sections for typos/clarification and update commentary.	Various	Consent
2	Amend Purpose Statement (33.420.010)	Pg 13	Consent
3	Amend commentary on applying the 'd' overlay (33.420.021)	Pg 14	Consent
4	Consider PSC role in reviewing and recommending new or altered design guidelines [NO AMENDMENT] (33.720.030)	Pg 117	Consent
5	Thresholds: Assign Type II Design Review for alterations w/o expansions in the Central City Plan District (Table 825-1)	Pg 133	Consent
6	Modifications: Clarify when mitigation may or may not be needed (33.825.040)	Pg 139	Consent
7	Add bridges to list of r.o.w. improvements needing design oversight (33.420.041 & 050)	Pg 15	Discuss
8	Reorganize Exemptions (33.420.045)	Pg 15-21	Discuss all exemptions together
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15	• Remove edge/peak setbacks for sloped roofs (33.420.045)	Pg 21	
16	Thresholds: Increase height of buildings that can use standards from 55 to 75 feet (33.420.050)	Pg 31	Discuss
17	Amend Design Commission membership to add Sustainability and Natural Resource experts to list (33.710.050)	Pg 113	Discuss
18	Consider not limiting number of DARs (design advice requests) [NO AMENDMENT] (33.730.050)	Pg 125	Discuss
19	Further refine the factors not subject for design review discussion (height, FAR qualifier, other standards) (33.825.035)	Pg 139	Discuss
20 (NEW)	Retain current language to address alterations to approved buildings not yet completed. (33.825.025)	Pg 131	Discuss

ITEM #1 (Consent)

VARIOUS TECHNICAL AMENDMENTS

Amend various areas of the code/ commentary where typos and other small edits are needed to clarify intent.

ITEM #2 (Consent)

PURPOSE STATEMENT

Add a reference to the purpose statement (and Design Guidelines introduction) that reflects that the Design overlay zone balances the design of the physical city with the natural environment. The change is highlighted below.

33.420.010 Purpose

The Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of design guidelines and standards that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people's daily experience; and
- Promote quality and long-term resilience in the face of changing demographics, climate and economy.

~~The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.~~

ITEM #3 (Consent)

ADDITIONS TO COMMENTARY ABOUT APPLYING THE DESIGN OVERLAY

Expand the commentary under the Section “Applying the Design Overlay Zone” to provide additional history about where the Design overlay zone has been applied in the past. This addition is highlighted below.

33.420.021 Applying the Design Overlay Zone These revisions incorporate the changes from the Comprehensive Plan Update for qualifying areas for the Design overlay zone. The Design overlay zone has expanded over the years beginning with its start in the downtown core and areas of special features like the Terwilliger Parkway. It was expanded into additional areas as part of the Albina and Outer Southeast plans. It has more recently been applied to several centers that have undergone area plans such as Hollywood, Gateway and St. Johns. As part of the Comprehensive Plan Update, many commercial centers and corridors were assigned the Design overlay zone based on the anticipated growth in those areas. The code change recognizes the more general application of the Design overlay zone to areas of growth. However, the section still acknowledges the past application of the Design overlay zone to areas that contain a distinct development pattern including such places as the Marquam Hill design district.

ITEM #4 [No Amendment] (Consent)

PSC ROLE IN ESTABLISHING/AMENDING DESIGN GUIDELINES

The PSC asked the 3x3 to discuss a more formal PSC involvement as a recommending body when BPS staff propose to establish or amend design guidelines. Three options were discussed at the 3x3:

- 1) Design Commission as recommending body (Current process): The Design Commission is the recommending body. Staff briefs the PSC and the PSC testifies to the Design Commission (and Council, if necessary).*
- 2) PSC and Design Commission as recommending bodies: Both hold hearings (together or apart) and each makes a recommendation to Council. (Like some amendments to the Tree Code)*
- 3) Sequenced hearings: PSC holds a hearing and makes a recommendation to the Design Commission. Then the Design Commission holds a hearing and makes a recommendation to Council.*

The 3x3 determined that the current process (Option 1, above) with a briefing to the the PSC is sufficient and a zoning code amendment is not needed. One reason was that, in practice, legislative changes to design guidelines are nearly always accompanied by code and map changes, which would come to the PSC (like the DOZA project). In addition, changes to the guidelines must meet the same approval criteria (i.e. be in compliance with the Comprehensive Plan, Metro and State planning goals) regardless of which body is making the recommendation.

ITEM #5 (Consent)

THRESHOLD FOR ALTERATIONS IN THE CENTRAL CITY PLAN DISTRICT

This amendment reassigns the procedure type for alterations in the Central City that do not increase floor area from a Type III to a Type II procedure. Consequently, the only alteration triggering a Type III review within the CCPD is one that adds floor area at a similar intensity as the Type III threshold for a new building. (note footnote #1 addresses height exceptions from Item #16.)

Table 825-1			
Procedure Type for Design Review Proposals			
Geographic Area	Proposal	Threshold	Procedure
Central City Plan District	New development or new building(s) on a site with existing development	1) New floor area is > 25,000 s.f. or 2) New building height is > 45-ft. [1]	Type III [2]
		All other new development or new buildings	Type II
	Exterior alteration to existing development	Addition to an existing building > 45-ft height [1], and adds > 25,000 s.f. of floor area	Type III [2]
		Exterior alteration affecting 500 s.f. or less of façade or roof area	Type I
		All other exterior alterations	Type II
	All Other Areas Subject to Design Review	New development or new building(s) on a site with existing development	1) New floor area is > 80,000 s.f. or 2) New building height is > 65-ft. [1]
All other new development or new buildings			Type II
Exterior alteration to existing development		Addition to an existing building > 65-ft height [1], and adds > 50,000 s.f. of floor area	Type III [2]
		Exterior alteration affecting 500 s.f. or less of façade or roof area	Type I
		All other exterior alteration	Type II
Exterior development not listed above			Type II

[1] The height threshold does not include additional height allowed through a height exception in the bases zone.

[2] An affordable housing project that qualifies as a City Subsidy Project under Title 30 may choose a Type III or Type II review procedure. At least 20% of the total number of dwelling units must be affordable to those households earning no more than 60 percent of the area median family income (MFI). As part of the application, the applicant must provide a letter from the Portland Housing Bureau confirming that the project qualifies as a City Subsidy Project that meets the above requirements.

ITEM #6 (Consent)

CLARIFY WHEN MITIGATION MAY, OR MAY NOT ALWAYS BE REQUIRED FOR MULTIPLE MODIFICATIONS.

The previous proposed language implies that proposals with multiple modifications will always need to provide mitigation for the cumulative impact of the modifications. The revision rewords the approval criteria for the modification, separating out the mitigation criteria and prefacing it with the term “any impacts”, meaning that the criteria is applicable only if there are impacts. The new wording more closely follows existing wording for the Adjustment approval criteria.

33.825.040 Modifications That Will Better Meet Design Review Requirements

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. The review body may not consider modifications to standards for which adjustments are prohibited. Modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or standards that are calculated based upon the size or intensity of the concentration of uses such as parking or loading standards) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.
- C. Mitigation of impacts. Any impacts resulting from the modifications are mitigated to the extent practical.**

ITEM #7

BRIDGES AND DESIGN REVIEW REQUIREMENTS

The 3x3 reached a conclusion that would require larger bridges to go through a DAR, but not require a design review. (Note, current code states that non-standard right-of-way improvements require design review, whereas standard improvements are exempt.)

The issue revolves around whether a bridge, especially “iconic” bridges such as those crossing the Willamette River, qualify as a standard improvement. Although the 3x3 agreed that requiring a Type III Design Review would be ideal, they recognized that such a change would require more coordination with all the agencies that build bridges – PBOT, TriMet, ODOT, Multnomah County, etc. Therefore, this code amendment requires any bridge with a horizontal span length greater than 100 feet to go through a DAR. This allows for the exchange of ideas without impacting later engineering designs.

The code is structured so that bridges are subject to the Design overlay zone, but exempts the bridge if a DAR is completed. The code combines bridges with nonstandard improvements but allows the DAR option only for bridges (see exemptions under Items 8-15).

33.420.041 When Design Review or Meeting Design Standards is Required

Unless exempted by Section 33.420.045, Items Exempt From Design Review and Design Standards, design review is required for the following must meet the design standards or be approved through design review:

- A. New development;
- B. Exterior alterations to existing development, ~~including changes to exterior color when the existing color was specifically required by a design review approval;~~
- C. Nonstandard improvements in the public right-of-way such as street lights, street furniture, planters, public art, sidewalk and street paving materials, ~~and landscaping,~~ **and bridges with a horizontal span length greater than 100 feet.** Nonstandard improvements in the public right-of-way must receive ~~prior~~ approval from the City Engineer prior to applying for design review. Improvements that meet the City Engineer’s standards are exempt from this chapter design review;
- D. Items identified in the Citywide Policy on Encroachments in the Public Right-of-Way or Title 17, Public Improvements, as requiring design review;
- E. Removal of trees 6 or more inches in diameter in the South Auditorium plan district;
- ~~F. Exterior signs larger than 32 square feet, except in the South Auditorium plan district, where all signs are subject to design review;~~
- FG.** Where City Council requires design review of a proposal because it is considered to have major design significance to the City. In these instances, the City Council will provide design guidelines by which the proposal will be reviewed, and specify the review procedure; and
- GH.** Floating structures, except individual houseboats, ~~and~~
- ~~I. In the Marquam Hill plan district, proposals to develop or improve formal open area required by Chapter 33.555. This includes designating existing open areas as formal open areas.~~

Additional Change to 33.420.050, Design Standards

If a bridge applicant doesn’t elect to use the DAR, this new language under 33.420.050 states that the bridge cannot use the objective design standards and must go through design review.

- ~~B. The Community Design Standards may not be used as an alternative to design review as follows:~~
 - 1-4. **[Other changes shown under Item #13 below]**
 - E5. Non-standard improvements in the right-of-way, bridges, or other encroachments into the right of way identified in other City Titles as requiring design review;**

ITEMS #8-15

AMENDING AND REORDERING EXEMPTIONS.

There are eight requests related to the list of exemptions listed below. In addition, a bridge exemption (Item #7) is added so a bridge that has undergone a DAR does not need to go through design review. It's likely that only one of the eight (Item #13 will generate a discussion among the PSC. The others are included here, but are mostly consent. The following is a list of each potential amendment to the Proposed Draft.

Item #8 – Reorganize Exemptions: The exemptions are now grouped into 3 categories –

- (A) General Development Exemptions,
- (B) Exterior Alteration Exemptions and
- (C) Geographically Specific Exemptions,

Item #9 – Historic Exemption Separation: The historic exemption is moved to the section's introductory text and guides the reader to 33.445.

Item #10 – Electric Charging Station [No amendment]: No change as these are defined as structures and could fall under the accessory structure exemption within parking lots (see exemption B.4). Note reference to floor area changed to area since not all structures provide floor area.

Item #11 – Louvers: Add language that louvers under each case have a matching intrinsic color or be painted to match (see exemption B.7.c).

Item #12 – Radon System: Add an exemption for radon systems if placed on non-street-facing walls (see exemption B.7.d).

Item #13 – Alterations to Facades outside Central City: Based on further internal and 3x3 conversations, amend blanket 200 s.f. exemption to apply above ground floor, or to ground floors set back from the street, or not facing the street (see exemption B.7.g)

Item #14 – Rooftop Alteration/Equipment: Add railings as an exemption, clarify color/paint provision. Also change Radio Frequency exemptions to add clarity regarding antennas and equipment (see exemption B.8.a).

Item #15 – Rooftop Equipment on Sloped Roof: Remove limitation to set back from roof edges or roof lines (see exemption B.8.b).

33.420.045 Items Exempt From Design Review and Design Standards

The following items are exempt from design review and design standards. **If a site is a Historic or Conservation Landmark, or in a Historic or Conservation District, it is instead subject to the regulations for historic resource review as set out in Chapter 33.445, Historic Resource Overlay Zone:**

A. General development:

1. Development that does not require a permit;
2. Development when:
 - a. The only use on the site will be Household Living;
 - b. There will be no more than four dwelling units total on the site;
 - c. All new buildings and additions to existing buildings on the site are no more than 35 feet in height; and
 - d. The site is not zoned RX, EX, or CX;
3. Houseboats in a houseboat moorage;

4. Manufactured dwelling parks;
5. Development associated with a Rail Lines and Utility Corridor use,
6. Development associated with a Parks and Open Areas use when the development does not require a conditional use review;
7. Anemometers, and small wind energy turbines that do not extend into a view corridor designated in the Scenic Resources Protection Plan; and
8. Bridges with a horizontal span length greater than 100 feet when a design advice request has been completed. See 33.730.050.B.

B. Exterior alterations:

1. Repair, maintenance, and replacement with comparable materials;
2. Alterations to a structure required to meet the Americans With Disabilities Act's requirements, or as specified in Section 1113 of the Oregon Structural Specialty Code;
3. Exterior work activities associated with an Agriculture use;
4. Detached accessory structures no more than 300 square feet in area when located at least 20 feet from all street lot lines, or within an existing vehicle area;
5. Alterations for parking lot landscaping, short-term bicycle parking, and pedestrian circulation systems when all relevant development standards of this Title are met;
6. Except in the South Auditorium plan district, signs that are 32 square feet or less in size;
7. The following alterations to the façade of a building:
 - a. Awnings as follows:
 - (1) If awnings were approved on the same facade through design review, then a new or replacement awning is exempt if it meets the previous design review conditions of approval; or
 - (2) If there are no previous conditions of approval for awnings on the same facade, then a new or replacement awning is exempt if the awning projects at least four feet from the wall, and the area of the awning does not exceed 200 square feet measured from the building elevation, except in the Central City, where it does not exceed 100 square feet measured from the building elevation;
 - b. Alterations to an existing ground floor storefront glazing and mullion system that uses the same storefront materials and profile as the existing system without reducing the percentage of ground floor windows on the facade;
 - c. Louvers or vents for mechanical systems that meet the following:
 - (1) The louver or vent opening affects 1 square foot or less of the façade and has the same color as, or is painted to match, the color of the adjacent material; or
 - (2) The louver or vent is placed within an existing window mullion and has the same color as, or is painted to match, the color of the mullion, and is at least 8 feet above the adjacent grade;
 - d. Radon systems when installed on a facade that does not face the street;

- e. The removal of fire escapes;
 - f. Seismic bracing. Within the Central City plan district, seismic bracing on a street-facing facade is not exempt; or
 - g. Any other alteration to a façade when the total area of the alteration is 200 square feet of the façade or less measured from the building elevation and the alteration meets one of the following. This exemption does not apply to signs or in the Central City plan district:
 - (1) On street-facing facades, the alteration is above the ceiling of the ground floor or is setback at least 20 feet from the street lot line; or
 - (2) The alteration is on a façade that does not face the street;
8. The following alterations to the roof of a building when the roof has a 1/12 pitch or less:
- a. Ecoroofs, landscaping on a roof, solar panels, skylights, and roof hatches;
 - b. Protective railings that project up to 4 feet above the adjoining roof;
 - c. Rooftop alterations and equipment that do not increase floor area when:
 - (1) The proposed alteration or equipment is screened by a parapet that is as tall as the tallest part of the addition or alteration;
 - (2) The proposed alteration or equipment is set back 4 feet from the edge of the roof for every 1 foot of height above the roof surface or top of parapet;
 - (3) The proposed alteration or equipment is located entirely within 5 feet of the façade of an existing equipment penthouse, does not extend above the penthouse, and has the same color as, or is painted to match, the color of the penthouse; or
 - (4) The proposed alteration or equipment does not exceed 3 feet in width, depth, length, diameter or height.
 - d. Radio frequency transmission facilities that meet the following:
 - (1) New or replacement antennas that are mounted to the side of an existing stairwell enclosure or an existing or extended equipment penthouse. The antennas do not extend above the penthouse and has the same color as, or is painted to match, the color of the existing penthouse or stairwell enclosure.
 - (2) New or replacement equipment associated with the antennas that are screened by the existing penthouse, or are located entirely within 5 feet of the façade of the existing penthouse. As an alternative, the existing penthouse may be extended to screen the equipment, if the penthouse extension is at least 15 feet from street facing roof edges, the equipment does not extend above the penthouse and the penthouse extension has an the same color, or is painted to match, the color of the existing penthouse;
 - (3) Alterations to an existing facility that comply with a previous design review approval for the facility including screening or concealment; or;

(4) Modifications to an existing facility that qualifies as an eligible facility under the terms pursuant to 47 U.S.C. §1455, if approved measures of concealment are maintained.

9. Alterations and additions to a roof that has a greater than 1/12 pitch as follows:

a. The addition or alteration is parallel with the roof surface and extends no more than 12 inches above the roof surface; or

b. The addition or alteration extend no more than 18 inches from the surface of the roof and is less than 2 feet in diameter.

9. Public Art as defined in Chapter 5.74, or Permitted Original Art Murals as defined in Title 4

C. Geographically specific:

1. In the South Auditorium plan district shown in Map 420-1, signs that meet the following: and

a. Except within 50 feet of the Halprin Open Space Sequence historic district, signs that are 32 square feet or less in size; and

b. Within 50 feet of the Halprin Open Space Sequence historic district, signs that are 3 feet or less in size;

2. In the Marquam Hill Design District shown on Map 420-4:

a. Additions of less than 25,000 square feet of floor area;

b. Alterations that affect less than 50 percent of the area of a façade where the area affected is also less than 3,000 square feet;

c. Exterior improvements less than 5,000 square feet, except for exterior improvements affecting areas counting towards the formal open area requirements of Section 33.555.260; and

d. Landscaping not associated with formal open areas required under 33.555.260.

ITEM #16

WHEN DESIGN STANDARDS CAN BE USED

The PSC requested an increase in the maximum height allowed to use the objective design standards from 55-feet to 75-feet. In addition, we were asked to clarify that projections (such as parapets, railings, rooftop equipment) and other base zone exceptions to height (such as the one for high ground floor ceiling) can exceed this limit.

At the 3x3 meeting, there was not universal agreement about whether design review for buildings between 55 feet tall and 75 feet tall is warranted, or if standards can achieve the same outcome as guidelines. It was also recognized that the discretionary land use process includes a public participation component not available with permit standards, with testimony provided to staff or the Design Commission.

Staff have held several discussions with the City Attorney regarding how our regulations align with the changes in the state statutes through ORS. The maximum height for a clear and objective path doesn't necessarily have to match the heights within the base zone, as long as the related design review doesn't reduce allocated density (or height if it affects density). The resulting decision should rest on what PSC wishes to recommend for policy. The existing threshold of 55-feet has been in our standards for many years and was reaffirmed with its expansion to the commercial zones in the Mixed Use Zones project that went into effect in May 2018. Both the 55-ft and 75-ft limits could still limit certain development from using the standards in certain higher intensity zones (CM3, CX, RM3, RM4)

The following code shows where the height could be raised and includes the clarifying language.

33.420.0505 ~~When Community Design Standards May Be Used~~

(Intro paragraph and Subsection A remain the same)

B. ~~The Community Design Standards~~ may not be used as an alternative to design review as follows:

A1. In the Central City plan district. See Map 420-1;

B2. In the Gateway plan district ~~as follows~~. See Map 420-56;

a. New development and alterations to existing development when the new development or alteration exceeds 35 feet in height. The height threshold does not include additional height allowed through a height exception in the base zone; and

b. Development subject to the requirements of 33.526.240, Open Area;

3. New buildings or additions that exceed 55 [or 75 per PSC requests] feet in height. The height threshold does not include additional height allowed through a height exception in the base zone;

ITEM #17

DESIGN COMMISSION MEMBERSHIP

The original request from PSC was to create specific slots for a natural resource expert and a sustainable practices expert, either by taking two people away from the group of 5 experts in the architect/ landscape architect/ finance/ developer field, or by increasing the size of the Design Commission from 7 to 9 members.

At the 3x3 meeting, there was concern that the creation of these limited specialty positions for 4 of the 7 (or 9) positions would create excessive hardship in filling Commission slots. It was noted that nominees may have expertise/experience in a variety of subjects. After further discussion, the 3x3 conclusion was to include the sustainability and natural resource positions in the subject expert list for selection of 5 of 7 members. Specialized positions remain for a RACC member and member-at-large. Highlighted code change is shown below.

33.710.050 Design Commission

- A. Purpose.** The Design Commission provides leadership and expertise on urban design and architecture and ~~advances on maintaining and enhancing Portland's~~ the purpose of the Design overlay zone to be a city designed for people ~~historical and architectural heritage.~~
- B. Membership.** The Design Commission consists of seven members, none of whom may hold public elective office. The Commission must include the following members. The Regional Arts and Culture Council member is nominated by the Regional Arts and Culture Council chair and approved by the Mayor. The other members are appointed by the Mayor and confirmed by the City Council:
- One ~~a~~ representative of the Regional Arts and Culture Council;
 - One ~~one~~ person representing the public at-large. The public-at-large member must not be employed in one of the areas of expertise listed in Paragraph B.3; and
 - Five ~~five~~ members experienced in either urban planning, design, architecture, landscape architecture, sustainability practice, natural resources management, engineering, financing, construction or management of buildings, ~~and/or~~ land development. No more than two members may be appointed from any one of these areas of expertise. ~~The Regional Arts and Culture Council member is nominated by the Regional Arts and Culture Council chair and approved by the Mayor. The other members are appointed by the Mayor and confirmed by the City Council.~~

ITEM #18 [No Amendment]

NUMBER OF DESIGN ADVICE REQUESTS (DAR)

PSC discussed removing the limit of one DAR session per application (with the exception for multiple buildings) and wanted the 3x3 opinion. The 3x3 agreed with staff proposal to establish a limit of one DAR per application. This approach helps maintain the scheduling certainty and public transparency. No amendment to the Proposed Draft is needed.

A new issue was raised during the 3x3 discussion. The concern is when an applicant proposes multiple buildings through a single Design Review. The amount of work required of staff, the Design Commission and the public is not accurately reflected with one application and one timeline. The 3x3 posed a question for the PSC to discuss: Should proposals with multiple larger buildings on a site go through a separate Design Review for each building?

BPS staff explored this approach and does not recommend an amendment at this time. Our concerns are that the urban design issues are often best evaluated on a larger scale, thresholds would need to be crafted so that small accessory buildings don't trigger a separate design review and a code provision would remove flexibility for everyone, since the issue can often be site specific. It should also be noted that locking in multiple buildings into a single design review also forces an applicant into developing detailed plans for buildings that may be part of a future phase, and so may not be pursued with frequency by a developer/applicant.

ITEM #19

DETERMINE THE FACTORS THAT CAN BE CONSIDERED DURING DESIGN REVIEW

The 3x3 considered whether a Design Review can consider FAR, unlimited FAR transfers, height, setbacks or other standards in conditioning their approval. The 3x3 agreed that base and bonus FAR (earned through inclusionary housing or historic transfer) as well as height should not be reduced through a Design Review approval. Since the unlimited FAR transfer is specific to the Central City, the 3x3 felt this should be part of a future Central City discussion. Other standards, such as setbacks, ground floor requirements, etc. could be considered since the objective design standards often encourage features that exceed the base zone requirements.

Option 1 – General exception: *The amendment changes the proposed draft in the following way: While stating the FAR and height cannot be reduced or increased as a condition of approval, it provides a general exception for situations where the bonus or transfer FAR requires approval or a modification through design review. There are currently no situations where this exists, but the unlimited FAR transfer could get added through the Central City discussions. The disadvantage of this approach is that it doesn't specify whether the unlimited transfer of FAR in the Central City is a factor that can be reviewed during design review, without the additional language in the Central City. This would push the policy discussion to a Central City update. A similar exception is provided for height, since there are several places in the code where bonus height specifically references design review approval or a modification.*

33.825.035 Factors Reviewed During Design Review.

The review may evaluate the architectural style; structure placement, dimensions, height, and bulk; lot coverage by structures; and exterior alterations of the proposal, including building materials, color, off-street parking areas, open areas, landscaping, and tree preservation.

While the review may evaluate the distribution of massing and placement of structures on the site, the review may not require the applicant to reduce or increase the total floor area or height except as follows:

- A.** When the amount of floor area being proposed includes floor area transferred to the site or floor area gained through a bonus and the transfer or bonus requires approval through design review or a modification through design review; and
- B.** When the height being proposed includes bonus height and the bonus requires approval through design review or a modification through design review.

The review body is not obligated to approve modifications or adjustments that are requested in order to achieve the proposed development intensity.

Option 2 – Central City-specific exception: *This option codifies the original intent of staff. It clarifies that the unlimited transfer of FAR in Central City can be reviewed during design review for now. The provision could be amended through future conversations in a Central City project.*

33.825.035 Factors Reviewed During Design Review.

The review may evaluate the architectural style; structure placement, dimensions, height, and bulk; lot coverage by structures; and exterior alterations of the proposal, including building materials, color, off-street parking areas, open areas, landscaping, and tree preservation.

While the review may evaluate the distribution of massing, and placement of structures on the site, the review may not require the applicant to reduce or increase the total floor area or height proposed for the site except as follows:

- A.** When floor area has been transferred to the site using the floor area within a sector transfer option stated in 33.510.205.D.2 In this case, the review may require the proposed floor area to be reduced, but not more than the amount that was transferred from within the sector.
- B.** When the height being proposed includes bonus height and the bonus requires approval through design review or a modification through design review.

The review body is not obligated to approve modifications or adjustments that are requested in order to achieve the proposed development intensity.

ITEM #20 (NEW)

CLARIFY PROCESS FOR CHANGES TO AN APPROVED DESIGN REVIEW PRIOR TO FINAL PERMIT APPROVAL

Currently, the Design Review chapter addresses projects that require changes to an approved design review while the building is still in planning or construction phases. This was originally proposed to be removed and to have the thresholds/procedure table (Table 825-1) apply. However, that table is focused on alterations to buildings already completed.

In discussions with BDS and at the 3x3 meeting, it was agreed to reinsert the review procedure specifically applicable to buildings approved for design review but not yet completed. There was also a desire to require major changes to larger buildings that were subject to a Type III review to go back through the Type III process. Instead of using the change in dollar figure (since that no longer determines review type) staff proposes a maximum change to the façade area. This maximum change is 30% per façade.

33.825.025 Review Procedures

This section lists procedures for design review for proposals in Ddesign overlay zones. These procedures also apply where design review is required by the regulations of a plan district or overlay zone, or as a condition of approval of a quasi-judicial decision.

The procedures stated in this section supersede procedural and threshold statements in the City's adopted design guidelines documents. Procedures for design review vary with the type of proposal being reviewed and the geographic areadesign district in which the site is located. Some proposals in the Central City plan district must provide a model of the approved proposal, as set out in Subsection D. ~~When determining procedure type for exterior alterations based on project valuation, the dollar amount refers to the value of the exterior changes and any new floor area only. It does not include interior or subgrade alterations.~~

- A.** Proposals subject to design review are reviewed according to the procedure type listed in Table 825-1. When a proposal is subject to more than one procedure type, the higher procedure type applies. For example, a proposal may include both an alteration and an addition to a building. If the alteration located in the Central City Plan District may not exceed the dollar threshold is subject to a for a Type II procedure, but the addition is subject to a Type III procedure, because it is also in the Downtown Design District and it exceeds the square footage threshold for a Type II procedure, the proposal would be subject to a Type III procedure.
 - B.** Minor changes to an approved design review prior to issuance of final permit approval. Minor changes to an approved design review that was originally processed through a Type III procedure are reviewed through a Type II procedure when all of the following are met. Alterations to a structure after the final building permit approval are exempt from this regulation:
 - 1. The original design review has not expired;
 - 2. The building permit for the project has not received final approval; and
 - 3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
 - 4. The change alters no more than 30 percent of any façade and does not increase the approved floor area. The cumulative value of the changes will not result in an increase or decrease in the original project value by more than 15 percent.
 - C.** **Phased design plans.** [No change.]
 - D.** **Models of proposals in the Central City plan district.** [No change.]
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DOZA 3x3 P R O C E S S Items – Summary of Conclusions
Meeting held on March 13, 2020. Summary finalized on March 31, 2020.

#	Topic	Issue Identified by the PSC	Design Commission's original testimony from 11/15/19	BPS Staff's Recommendation	3x3 Conclusions
1 and A	Purpose	Add "...in harmony with nature." to the purpose statement.	Add "...in harmony with nature" to the Guidelines Introduction.	AGREE	AGREE Add to purpose statement in code and Guideline document
2	Bridges	Nonstandard improvements in the ROW are subject to DZ.	No discussion.	Bridges in the 'd' overlay to go through a DAR, not Design Review. BDS and PBOT staff agree.	AGREE Require DAR for bridges longer than X (100?) feet, but not Design Review. In letter to Council capture discussion: Require DZ b/c they are iconic, but understand that various agencies need to coordinate to make this happen. Clarify factors reviewed so that bridge structure type isn't a factor. Work with PBOT/etc. (possibly address in CCFDG).
3	Reorganized Exemptions	Reorganize the exemptions by types of development subcategories.	No discussion.	AGREE	AGREE Reorganize

#	Topic	Issue Identified by the PSC	Design Commission's original testimony from 11/15/19	BPS Staff's Recommendation	3x3 Conclusions
4	Alteration Exemptions	Clarify how the last façade exemption relates to other façade exemptions.	<p>Concern about blanket 200 sq ft exemption on street frontage.</p> <p>AGREE with limitation on exemptions:</p> <ul style="list-style-type: none"> • Items listed (vents, etc) are exempt. • Alterations of up to 200 sq ft are exempt in the following locations: <ul style="list-style-type: none"> ○ Upper floors of street-facing façades ○ Ground floor street-facing facades that are set back more than 20-ft from street. ○ Non-street-facing facades. 	Allow any combination of these exemptions to be used.	<p>DISCUSS w/ PSC.</p> <p>AGREE with limits on exemptions:</p> <ul style="list-style-type: none"> • Items listed (vents, etc.) are exempt. • Outside of Central City, alterations of up to 200 sf ft for items not listed are exempt in the following locations: <ul style="list-style-type: none"> ○ Upper floors of street-facing facades; ○ Ground floor of street-facing facades that are set back more than 20-ft from street; and ○ Non-street-facing facades.
5	Changes to an approved Type III Design Review where the development hasn't received final occupancy	No discussion, though the PSC is recommending Type II Design Review for all alterations.	No discussion.	<p>"Alteration" is defined as a physical change to a site. AGREE to Type II if building is completed.</p> <p>Staff recommends that only minor changes (up to 50%?) be allowed to an approved Design Review through a Type II review, when the development hasn't been physically built and finalized yet.</p>	<p>DISCUSS w/PSC.</p> <p>3x3 concluded that 50% of street-facing façade was too high of a threshold. But current cost change threshold of 15% doesn't always relate to visual impact of changes.</p> <p>A new alternative: BPS staff proposes reducing the allowed percentage and applying it to any façade (i.e no more than 25 or 30% of any one façade).</p>

#	Topic	Issue Identified by the PSC	Design Commission's original testimony from 11/15/19	BPS Staff's Recommendation	3x3 Conclusions
6	Height Threshold	Increase the threshold for triggering design review from 55' to 75' tall buildings.	55' height threshold is correct.	<p>Keep 55' threshold.</p> <p>Current standards threshold works well within other review thresholds</p> <ul style="list-style-type: none"> • 55' threshold for Design Standards • 55' - 65' threshold for Type 2 Design Review with staff • > 65' threshold for Type 3 Design Review with Design Commission 	<p>DISCUSS w/PSC.</p> <p>Mixed response. Higher limit for standards limits public discourse. If greater height allowed, then more standards needed (E.g.: higher ground floor height requirement)</p> <p>Height is the right measure (not street frontage) b/c it's what you see from more areas. Only use one measure (one "yard stick.")</p>
7	Design Commission Membership	<p>Option 1: Earmark 2 positions for: 1) Sustainability practices and 2) natural resources management.</p> <p>Option 2: Earmark the 2 positions and increase to 9 members.</p>	Agree with Proposed Draft.	<p>Keep Commission at 7 members.</p> <p>Add these two fields of expertise to the list to draw from.</p>	<p>DISCUSS w/ PSC.</p> <p>AGREE WITH STAFF RECOMMENDATION</p> <p>Concern over filling of positions. Appointees could have knowledge in several areas.</p>
8	PSC role in Guidelines	With DOZA, Standards and Guidelines are aligned. Should the PSC have a formal role in the amendments of Guidelines?	No discussion.	The PSC should be briefed during the Discussion Draft Phase, so they can testify to the DC. This doesn't need to be codified. This matches historic guideline direction.	<p>AGREE WITH STAFF RECOMMENDATION.</p> <p>Keep the status quo with general briefing. Note that the Comp Plan are the approval criteria regardless of the review body assigned.</p>
9a	Limit of 1 DAR	Add the limit of 1 DAR, with exception for multiple buildings.	Remove the limit of 1 DAR, with exception for multiple buildings.	Add the limit of 1 DAR, with exception for multiple buildings.	AGREE WITH STAFF RECOMMENDATION.

#	Topic	Issue Identified by the PSC	Design Commission's original testimony from 11/15/19	BPS Staff's Recommendation	3x3 Conclusions
9b	Number of Design Reviews for Multiple Buildings	No discussion.	No discussion.	<p>Design commission is allowed to hold additional DAR sessions for projects with multiple buildings.</p> <p>To consider for decision Should separate LUs also be allowed for multiple buildings on a site to focus the discussion? Can this be codified? How would public engagement work?</p>	<p>DISCUSS w/PSC. Agree: Existing allowance for multiple DAR ok for multiple buildings</p> <p>Should code require one LUR per each building, or should the decision rest with the applicant?</p>
10	Factors Reviewed in DZ	<p>a. DZ can't decrease base and bonus FAR.</p> <p>b. Question re: whether it was Council's understanding that unlimited FAR transfers in Central City would be a factor to review in DZ.</p> <p>c. DZ can't decrease height.</p> <p>d. DZ can't increase setbacks.</p>	<p>a. DZ can't decrease base and bonus FAR.</p> <p>b. No discussion.</p> <p>c. DZ can decrease height.</p> <p>d. DZ can increase setbacks.</p>	<p>a. DZ can't decrease base and bonus FAR.</p> <p>b. No evidence in the CC record, therefore, use DOZA to clarify that unlimited transfers of FAR in CC is a factor that can be reviewed in Design Review.</p> <p>c. DZ can decrease height, but not for the whole site.</p> <p>d. DZ can increase setbacks.</p>	<p>DISCUSS w/PSC.</p> <p>a. AGREE</p> <p>b. Use Central City Fundamental Design Guidelines (CCFDG) project to address issue and amount of FAR transfer</p> <p>c. AGREE</p> <p>d. AGREE b/c design standards do this. Perhaps consider discussing it during CCFDG.</p>