

Agenda No.

ORDINANCE NO.

Amend the Zoning Map, Title 33 Planning and Zoning, and Title 32 Signs and Related Regulations to implement the Design Overlay Zone Amendments project to update the process and tools of the Design Overlay Zone and related code sections (Ordinance; amend Code Titles 32 and 33)

The City of Portland ordains:

Section 1. The Council finds:

1. In 2016, City Council replaced the City's 1980 Comprehensive Plan with the new 2035 Comprehensive Plan. This plan was approved by the LCDC on March 15, 2018 and became effective on May 24, 2018. This new plan provided the guidance for the development of the Design Overlay Zone Amendments (DOZA).
2. In 2016, the Bureau of Planning and Sustainability (BPS) contracted out with the consultant Walker Macy to provide an assessment of the city's regulations and processes within the Design overlay zone.
3. The Design Overlay Zone Assessment included a review of the current regulations, interviews with stakeholders, a public survey and open house, analysis of built projects, and consideration of best practices in other cities. This analysis result in a list of recommendations for improving the City's tools and processes.
4. This assessment was done in relation to the Comprehensive Plan Update which included Zoning Map changes that added the Design

Introduced by

Commissioner Rubio

Bureau

Planning & Sustainability

Prepared by

Phil Nameny

Date Prepared

April 21, 2021

Requested Council Date

May 12, 2021

Requested Agenda Type

Time Certain 2:00 pm

3 hours

Date Filed with Clerk

May 4, 2021

overlay zone to centers and corridors within the City anticipated to accommodate the City's growth.

5. In April 2017, the consultant, with support of City staff presented a report of their findings to the City Council. The Council supported the report and gave direction to staff to develop a legislative project based on the findings.
6. In April 2018, staff published a DOZA Process Discussion Draft of Zoning Code Changes, and in May 2018, staff published a DOZA Tools Concept Report with ideas for new guidelines and standards. On May 9, 2018, an open house was held to review the proposals.
7. During the spring and summer of 2018, staff continued to meet with neighborhood and stakeholder groups. At this point, staff made the decision to consolidate the code regulations and design guidelines back into one project.
8. In February 2019, staff released a new DOZA Discussion Draft that included all proposed Zoning Code and Map Amendments as well as the proposed Citywide Design Guidelines.
9. During the spring and summer of 2019, BPS staff met with neighborhood and stakeholder groups to review the consolidated DOZA proposal.
10. On September 16, 2019, a notice of proposed action was received by the Department of Land Conservation and Development pursuant to post-acknowledgement review process requirement of OAR 660-18-020.
11. On September 16, 2019, staff published the DOZA Proposed Draft and sent notice of the release and the upcoming public hearing to approximately 350 people by mail, and to approximately 700 people by email.
12. On October 8, 2019, staff held a joint briefing with the Design Commission and the Planning and Sustainability Commission.
13. On October 22, 2019, staff held a joint public hearing with the Design Commission and the Planning and Sustainability Commission (PSC).
14. Per Title 33, both Commissions have a role in providing a recommendation to City Council. The PSC is the recommending body for amendments to the Zoning Code and Zoning Map. The Design Commission is the recommending body for the Citywide Design Guidelines.

15. From November 2019 until June 2020, each Commission held several work sessions on the staff's proposal for DOZA.
16. On June 18, 2020, the Design Commission voted unanimously to forward their recommendation on the Citywide Design Guidelines.
17. On July 14, 2020, the PSC voted unanimously to forward their recommendation on the amendments to Title 33 and the Zoning Map.
18. In November 2020, BPS staff released the DOZA Recommended Draft, posted on the website.
19. On April 23~~0~~, 2021, notice of the May 12, 2021 City Council public hearings was mailed to the legislative list and to those who presented oral and written testimony at the Planning and Sustainability and Design Commission public hearing.
20. The Findings of Fact Report, attached as Exhibit A, included additional findings demonstrating consistency with the Statewide Planning Goals, Metro Urban Growth Management Functional Plan and the City of Portland 2035 Comprehensive Plan.
21. The amendments to Title 32, Signs and Related Regulations are necessary to provide consistency between this Title and Title 33.

NOW, THEREFORE, the Council directs:

- A. Adopt Exhibit A, As Amended ~~dated April 2021~~, as additional findings.
- B. Adopt the commentary in Exhibit B, Design Overlay Zone Amendments Recommended Draft – As Amended as legislative intent and further findings.
- C. Amend Title 32 Signs and Related Regulations of the Municipal Code of the City of Portland as shown in Volume 2 of Exhibit B, Design Overlay Zone Amendments Recommended Draft – As Amended.
- D. Amend Title 33 Planning and Zoning, of the Municipal Code of the City of Portland, as shown in Volume 2 of Exhibit B, Design Overlay Zone Amendments Recommended Draft – As Amended.
- E. Amend the official Zoning Map as shown in Volume 2 of Exhibit B, Design Overlay Zone Amendments Recommended Draft – As Amended.

F. Adopt the Citywide Design Guidelines as the replacement design guidelines for the Community Design Guidelines in areas of the city that do not have their own guidelines, as shown in Volume 3 of Exhibit B, Design Overlay Zone Amendments Recommended Draft.

G. Direct the Bureau of Planning and Sustainability to create character statements with area specific plans that have the Design overlay zone.

Section 2. This ordinance shall be in full force and effect on August 1, 2021.

Section 3. If any section, subsection, sentence, clause, phrase, diagram or drawing contained in this ordinance, or the map, report, inventory, analysis, or document it adopts or amends, is held to be deficient, invalid or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the map, report, inventory, analysis, or document each section, subsection, sentence, clause, phrase, diagram and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, diagrams or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

Passed by Council:

MARY HULL CABALLERO

Auditor of the City of Portland

Action Taken:

By

Deputy

Commissioners voted as follows (Yea or Nay)

Rubio -

Ryan -

Hardesty -

Mapps -

Wheeler -



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Dan Ryan, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portland.gov/bds

MEMORANDUM

DATE: April 13, 2021

TO: Mayor Ted Wheeler
Commissioner Jo Ann Hardesty
Commissioner Dan Ryan
Commissioner Mingus Mapps
Commissioner Carmen Rubio

FROM: Kara Fioravanti, Supervisor of the BDS Design & Historic Review Team
Staci Monroe, Senior Planner with the BDS Design & Historic Review Team

RE: Updates to the September 16, 2019 BDS DOZA Administrative Improvements Report

The BDS DOZA Administrative Improvements (DOZA Recommended Draft, Volume 4, Appendix A) detail BDS efforts through Fall 2019 to make the Design Review program more efficient, focused, predictable, and effective for all participants— applicants, Design Commission, staff, and the public. As BPS initiated the DOZA Assessment in 2015, BDS staff immediately seized the opportunity to establish administrative improvements that did not have to wait for approval of the legislative DOZA Assessment and Amendments. BDS continued implementing new administrative improvements until late 2019 due to staff reductions, and that pause continued until March 2020 as COVID hit. While the COVID pandemic impacted workflow across the City, it also provided an opportunity to improve additional elements critical to the success and efficiency of the Design Review program such as virtual hearings, information access, outreach and digital tools.

With support from Council, BDS's commitment to leading with a racial equity framework to address the disparities that exist in our services is stronger and more resourced since the initial planning phases of the DOZA Assessment in 2015. Portland's 2019 Historical Context of Racist Planning reasserts Vision PDX's (2007) concepts that, "the benefits and burdens of growth and change should be shared fairly among communities, and all residents and groups should be fully involved as equal partners in public decision-making"; staff notes that design is a shared process of adding value and that these concepts are more relevant than ever. The DOZA project values affirm that the City is updating its d-overlay zone processes and tools to ensure that they serve to move us toward the future described in the 2035 Comprehensive Plan and to ensure that new development meets the needs of current and future residents. BDS staff has worked diligently to ensure the Design Review program and processes focus on inclusivity, diversity and expanding the knowledge and access for all to participate.

This memo serves as an addendum to the attached September 16, 2019 Report and captures additional improvements made by BDS. The following improvements align with recommendations from the DOZA Assessment.

1. More efficient and effective public hearings

(DOZA Assessment Recommendation A2)

Implemented:

- Facilitated more timely hearings for applicants with the flexibility afforded by virtual meetings.
- Created virtual hearing guides for all hearing participants - public, applicant, staff and Design Commission.

- Enabled real-time screen editing during deliberations to assist Commission feedback.

Next Steps:

- Consider the real time experience for hearing “attendees” versus “panelists” to improve transparency.
- Research ways to incorporate a visible virtual hearing timer to manage time similar to in-person hearings.
- Explore the pros and cons of hybrid hearings for post-pandemic.

2. Improve public participation and access to information for all participants

(DOZA Assessment Recommendations A2, A4 and A5)

Implemented:

- Removed a barrier for public participation with the implementation of virtual hearings on Zoom.
- Enabled the live closed-caption feature in Zoom, improving access for the hearing impaired.
- Expanded archives to include video and written transcripts.
- Improved online public hearing agendas; they are now more user-friendly and include the ability to view archived agendas with links to past case information.
- Increased staff coordination with Neighborhood Associations to assist in their effective participation.
- Increased access to Design and Historic Team staff via free services such as the Zoning Hotline and 15-Minute Appointments.
- Improved access to technology and digital tools for staff and Participants (allowance of digital submittals, use of Adobe Suite, virtual meetings, video cameras, laptops, cell phones).

Next Steps:

- Revise the Commission’s “Guide to Design Review” to improve applicants’ and public’s understanding of the process and implementation of the design guidelines (approval criteria).
- Coordinate with BDS and other City Bureaus to increase digital access for public participation.
- Investigate translation of live closed-caption and transcripts to increase participation for non-English speakers.

3. Further training opportunities for staff and Commission and prioritize opportunities for engagement

(DOZA Assessment Recommendations A2 and A5)

Implemented:

- Facilitated training for virtual hearings via Zoom, including mock hearings, with Design Commissioners and staff.
- Expanded staff equity trainings with focused monthly discussions.
- Continued support from Equity Policy Development team to reflect on and expand equity conversations and Commission recruitment practices.
- Continued annual equity trainings for the Design Commission via OCCL, Oregon Humanities and other organizations.
- 57% of current Commission members are BIPOC members.

Next Steps:

- Expand collaboration with other organizations for staff and Commission equity trainings.
- Expand efforts to support the retention of BIPOC Commission members.
- Further engagement and relationship-building for Commission recruitments to maintain Citywide racial equity commitments.

4. Better communicate the role of urban design and the opportunity of the Design Overlay tool

(DOZA Assessment Recommendations A4 and A5)

Implemented:

- Collaborated with BPS in drafting Character Statements for two centers in the d-overlay (Macadam and West Portland Town Center) to identify the desired qualities that will guide redevelopment in these communities.
- Initiated discussions with BPS to address how the Design Review process and tools can encourage and support equitable and inclusive development.

Next Steps:

- Continue to work with BPS on future Character Statements for all communities within the d-overlay.
- Utilizing the framework established in the BPS report, Historical Context of Racist Planning (2019), continue to reflect on the purpose of the design overlay zone and how it has changed over time, and explore how this tool can increase accountability to communities in support of the equity-focused, place-based participation policies outlined in the 2035 Comprehensive Plan.

Moving forward, as resources allow, BDS staff will continue to make improvements to the program and its processes. We welcome suggestions that could further enhance positive and equitable outcomes of the design review program for all participants.



THE BUREAU OF
**PLANNING &
SUSTAINABILITY**

DATE: June 3, 2021
TO: City Council and Interested Parties
FROM: Sandra Wood, Principal Planner
SUBJECT: DOZA Potential Amendments List

On June 10, 2021 City Council will hold a public hearing on City Commissioners' potential amendments to the Design Overlay Zone Amendments (DOZA) project. The potential amendments are listed in the tables below. The code language and accompanying commentary are on the following pages.

Zoning Code Potential Amendments

#	Name	Sponsor	Amendment
1	Bridges	Hardesty	Require a design advice request (DAR) for bridges with a span of over 100 feet, instead of requiring a Type III Design Review for bridges with a span of over 60 feet.
2	Makeup of Design Commission	Ryan	Move positions with expertise in natural resource management and sustainable building practices to the larger list of development-related experts from which 5 members are chosen, instead of reserving a position for each expertise.
3	Main Street Standards bundle	Mapps	This amendment adds 5 optional design standards for projects on sites with the Centers Main Street overlay (m-overlay) in the Inner Pattern area.
4	Affordable Housing Review Procedure	Rubio	Allow more affordable housing projects to choose between a Type II and Type III procedure. Expands the eligible projects to those using a wider variety of funding options beyond City Subsidy projects. Thresholds are 50% of units at or below 60% median family income (MFI).



City of Portland, Oregon | Bureau of Planning and Sustainability | www.portland.gov/bps
1900 SW 4th Avenue, Suite 7100, Portland Oregon, 97201 | phone: 503-823-7700 | tty: 503-823-6868

The City of Portland is committed to providing meaningful access. To request translation, interpretation, modifications, accommodations, or other auxiliary aids or services, contact 503-823-7700, Relay: 711.

Traducción e Interpretación | Biên Dịch và Thông Dịch | अनुवादन तथा व्याख्या | 口笔译服务 | Устный и письменный перевод | Turjumaad iyo Fasiraad | Письмовий і усний переклад | Traducere și interpretariat | Chiaku me Awewen Kapas | 翻訳または通訳 | ການແປພາສາ ຫຼື ສາຍພາສາ | الترجمة التحريرية أو الشفهية | Portland.gov/bps/accommodation

#	Name	Sponsor	Amendment
5	Threshold for Design Review	Rubio	Reduce the threshold for design review from 75' to 55', except for projects meeting the affordable housing eligibility requirements in Amendment #4. Those affordable housing projects can choose to use the design standards or go through design review.
6	Technical Amendments	Rubio	<p>Make technical amendments to the Recommended Draft or include updates from other projects that weren't initially incorporated into the Draft.</p> <ol style="list-style-type: none"> 1) Add outdoor shelter exempt from Shelter to Housing Continuum (S2HC) project 2) Allow existing screening to screen rooftop equipment 3) Clarify low carbon concrete standard 4) Revise code language for joint hearings for legislative projects 5) Correct typos in the Design Standards Table 6) Correct references in the Sign Code
7	Ground floor active use in Arbor Lodge	Ryan	This amendment adds a new Context standard for the Eastern edge of the Arbor Lodge neighborhood along North Interstate in the CM3 zone that requires ground floor active uses in new buildings.

Ordinance Potential Amendment

#	Name	Sponsor	Amendment
8	Directive to create character statements	Wheeler	Direct the Bureau of Planning and Sustainability to create character statements with area-specific plans that have the Design overlay zone.



How to read this document:

Strikethrough and underline font is used to mark changes relative to current code. Text shading is for informational purposes to highlight where the text amendment from the Recommended Draft occurs.

Item #1: Bridge exemption with DAR requirement for larger bridges.

Require a design advice request (DAR) for bridges with a span of over 100 feet, instead of requiring a Type III Design Review for bridges with a span of over 60 feet. There will also be commentary changes which will be reflected in the Amended Recommended Draft. Below are the code changes.

Moved by Hardesty and seconded by Ryan. (Y-5)

Amend code on page 17:

8. ~~New bridges in the right-of-way, and alterations to existing bridges in the right-of-way. However, a new bridge in the right-of-way with a horizontal span more than 100 feet must complete a design advice request with the Design Commission as specified in 33.730.050.B.~~

Amend Code for 33.420.050.B.5 related to use of design standards for bridges. Since all bridges will be exempt from the chapter and larger bridges are only subject to the design advice request, this reference is no longer needed.

Amend code on page 35 to remove bridges:

5. ~~Non-standard improvements in the right-of-way or other encroachments identified in City Titles as requiring design review;~~

Amend Table 825-1 to remove references to bridges. This is consistent with the above exemption for bridges. No review threshold is needed for bridges.

Amend Table 825-1 on Page 153.

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

(See Item #4 for changes to footnote #2)

Item #2: Design Commission Makeup

Move positions with expertise in natural resource management and sustainable building practices to the larger list of development-related experts from which 5 members are chosen, instead of requiring a position to be reserved for each expertise.

Moved by Ryan and seconded by Hardesty. (Y-5)

Amend code on page 133:

33.710.050 Design Commission

B. Membership. The Design Commission consists of seven members, none of whom may hold public elective office. The Commission must include:

1. One representative of the Regional Arts and Culture Council;
2. 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
3. Five members experienced in either urban planning, design, architecture, landscape architecture, natural resource management, sustainable building practices, 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 #3: Main Streets Design Standard Bundle

This amendment adds a new optional standard with 5 options to incentivize architectural features on sites with the Centers Main Street ‘m’ overlay in the inner pattern area identified in 130-3.

Moved by Mapps and seconded by Hardesty. (Y-5)

Add a new standard, C3, on page 41, shift and renumber the remaining commentary for the old C3-C17 list to C4-C18:

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	C3	Buildings in Inner Neighborhoods with Centers Main Street overlay zone	
	New building located in the Centers Main Street (m) overlay zone within the Inner Pattern area shown on Map 130-3.	<p>Meet any of the following standards up to a maximum of 4 points:</p> <ul style="list-style-type: none"> • The portion of the street-facing façade that fronts a non-residential use must provide the following: <ul style="list-style-type: none"> • A transom window must be provided above each ground floor window and door opening. The transom window must be at least 12 inches in height and separated from main ground floor windows by at least 4 inches. Mullions within a storefront glazing system do not count toward the window separation. • A base sill or bulkhead must be provided at the ground level. The base must be at least 18 inches above grade, but is not required where access doors are located. • Street-facing ground floor windows must be split up into sections no more than 25 feet wide, separated by a column made up of a different material than the storefront glazing system and at least 12 inches wide. • The following must be provided on street-facing facades: <ul style="list-style-type: none"> • The ground floor of the building must be visually distinct from upper stories by providing either a cornice, belt course or projecting band between the first and second floor of the building, or a change of material between the first floor and upper floors of the building. • The top of the building must have a parapet or cap that extends at least 18 inches above the roofline and is distinguished from the rest of the building by a different color or material. 	<p>2</p> <p>1</p>

		<ul style="list-style-type: none"> The street-facing windows on floors above the ground floor must be vertical – taller than it is wide. Street-facing windows on each upper floor must be directly above the one below, excluding the ground floor. Upper floors that step back per the standard below do not need to be vertical or aligned. 	1
		<ul style="list-style-type: none"> On street-facing facades, floors that are more than 35 feet above the existing or proposed sidewalk adjacent to the site must be set back at least 5 feet from the exterior walls below. 	2
		<ul style="list-style-type: none"> On corner sites, a main entrance for a ground floor tenant must be located at the corner of the intersecting streets and be at an angle of 30 to 45 degrees from the transit street with the highest classification. 	1

Renumber C3-C17 to C4-C18

Item #4: Review of Affordable Housing Projects.

This amendment allows more affordable housing projects to choose between a Type II and Type III procedure. It expands the eligible projects to those using a wider variety of funding options beyond City Subsidy projects. The Portland Housing Bureau will amend any administrative rules so that they can consider these projects and provide the letter of confirmation at the time of land use review.

Amend Table 825-1: Footnote #2 on page 153 (see Item #1 for changes to the table itself):

Moved by Rubio and seconded by Hardesty. (Y-5)

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 may choose a Type II review procedure if at least 50 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. If a Type II review procedure is chosen, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau.

Item #5: 55-foot versus 75-foot tall for standards (w/ affordable housing).

The shaded text indicates the amendment from the Recommended Draft.

Amendment withdrawn.

Reduce the threshold for design review from 75-feet to 55-feet, except for projects meeting the affordable housing eligibility requirements similar to Amendment #4. These affordable housing projects can choose to use the design standards or got through design review. The taller affordable housing buildings will be required to provide a higher rate of optional design points as well as meeting three additional standards that become required for the taller buildings. Note that this limitation will only apply in zones or plan districts that would allow buildings taller than 55-feet. Revised commentary will be included in the Amended Recommended Draft.

Amend 33.420.050.B3 Code on page 35

3. New buildings or additions when any portion of the new building or addition exceeds the following height maximum:
 - a. The building or addition exceeds 55 feet in height, not counting additional height allowed through a base zone height standard exception and does not qualify as an affordable housing project in b;
 - b. The building or addition is an affordable housing project that exceeds 75 feet in height, not counting additional height allowed through a base zone height standard exception. To use this threshold, at least 50 percent of the total number of dwelling units on the site must be affordable to those earning no more than 60 percent of the area median family income. The applicant must provide a letter from the Portland Housing Bureau certifying that the project meets the affordability requirement of this standard and any administrative requirements of the Portland Housing Bureau. The letter must be submitted before a building permit can be issued for the development.

Amend 33.420.050.C code on page 37

C. Design standards.

1. New development.
 - a. Required design standards. New development must meet all the design standards identified in Table 420-2 as required standards. Only the standards applicable to the development apply; and
 - b. Optional design standards. New development must meet the optional design standards as follows. Unless otherwise stated, if a standard is required, no optional points are earned:
 - (1) Buildings up to 55 feet tall. New development with buildings that are 55 feet tall or less must meet enough of the standards identified in Table 420-2 as providing optional points to total 20 points, or one point for every 1,000 square feet of site area, whichever is less. For sites that are required to earn 20 points, at least one point must be earned in each of the context, public realm, and quality and resilience categories;

(2) Building more than 55 feet tall that qualify as an affordable housing project under 33.420.050.B.3.b. New development with buildings that are more than 55 feet tall must meet enough of the standards identified in Table 420-2 as providing optional points to total 20 points, or two points for every 1,000 square feet of site area, whichever is less. For sites that are required to earn 20 points, at least one point must be earned in each of the context, public realm, and quality and resilience categories.

2. Alterations to existing development must meet all the design standards identified in Table 420-2 as required. Only the standards applicable to the alteration apply. In addition, major remodels must meet enough of the standards identified in Table 420-2 as optional to total 5 points, or one point for every 1,000 square feet of site area, whichever is less.

The following design standards are shown for illustration since they are the additional required standards for the taller affordable housing developments. However, they do not need to specifically reference affordable housing, since that is already covered above.

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
X	PR2	Ground Floor Height for Taller Buildings	2
	<p>New building with a ground floor that fronts on a street identified as a civic or neighborhood corridor on Map 130-3 as follows:</p> <p>The standard is required for a new building with a height that exceeds 55 feet.</p> <p>The standard is optional for a building that is 55 feet or less in height.</p>	<p>At least 50 percent of the ground floor must meet the following:</p> <ul style="list-style-type: none"> The distance from the finished floor to the bottom of the structure above must be at least 15 feet. The bottom of the structure above includes supporting beams; and The area meeting this standard must be at least 25 feet deep, measured from the street-facing façade. 	

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
X	PR15	Weather Protection Along a Transit Street	
	<p>New building on a transit street as follows:</p> <p>The standard is required for a new building with a height that exceeds 55 feet.</p> <p>The standard is optional for new buildings that are 55 feet or less in height</p>	<p>Weather protection must be provided along at least 50 percent of the street-facing façade located within 20 feet of a transit street lot line. The weather protection must meet the following:</p> <ul style="list-style-type: none"> • The weather protection must project out at least 4 feet from the adjoining wall. • The height of the weather protection must be between 9 feet and 15 feet above the grade underneath it. <p>When this standard is met as an optional standard, the street facing façade within 20 feet of a transit street lot line must have a length of at least 50 feet.</p>	2

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
X	QR14	Ground Floor Windows	
	<p>New building as follows:</p> <p>The standard is required for a new building with a height that exceeds 55 feet.</p> <p>The standard is optional for new buildings that are 55 feet or less in height</p>	<p>The 60 percent ground floor window standard in 33.415.340 of the Centers Main Street Overlay Zone applies to all street-facing elevations. Other ground floor window standards of the base zone apply.</p>	2

Item #6: BPS Technical Amendments

Make technical amendments to the Recommended Draft or include updates from other projects that weren't initially incorporated into the Draft.

- 1) Add outdoor shelter exempt from Shelter to Housing Continuum (S2HC) project
- 2) Allow existing screening to screen rooftop equipment
- 3) Clarify low carbon concrete standard
- 4) Revise code language for joint hearings for legislative projects
- 5) Correct typos in the Design Standards Table
- 6) Correct references in the Sign

Moved by Rubio and seconded by Hardesty. (Y-5)

1. **Add outdoor shelter exemption from Shelter to Housing Continuum (S2HC) project.** City Council exempted outdoor shelters from the design overlay zone chapter in the S2HC project. This provision was effective on April 30, 2021. This amendment inserts the exemption into the new list of exemptions.

Amend 33.420.045 A.5 and renumber 5-8 to be 6-9 on page 17:

33.420.045 Items Exempt From This Chapter Design Review

The following items are exempt from the regulations of this chapter design review:

A. General exemptions:

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. Outdoor shelters;
6. Development associated with a Rail Lines and Utility Corridor use;
7. Development associated with a Parks and Open Areas use when the development does not require a conditional use review;
8. Anemometers, and small wind energy turbines that do not extend into a view corridor designated in the Scenic Resources Protection Plan; and
9. New bridges in the right-of-way with a horizontal span length of 60 feet or less, and alterations to existing bridges in the right-of-way.

2. Allow existing screening to screen rooftop equipment. *The Recommended Draft exempts rooftop equipment that can be placed behind a parapet and is no higher than the parapet. Rooftops often have other forms of existing screening on the roof which can equally hide the equipment, including existing equipment enclosures and screens. This technical amendment includes ‘screens and enclosures’ as existing screening options that can meet the exemption.*

Amend 33.420.045.B.8.c.(1) on page 21:

c. Rooftop alterations and equipment that do not increase floor area when:

- (1) The proposed alteration or equipment is screened by an existing parapet, screen or enclosure that is as tall as the tallest part of the equipment 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 is the same color as the penthouse; or
- (4) The proposed alteration or equipment does not exceed 3 feet in width, depth, length, diameter or height.

3. Clarify low carbon concrete standard. *The City’s Procurement Office is working with Oregon DEQ and other technical experts to establish a standard for low-carbon concrete for City projects. While the new standard is appropriate for City projects which mostly use concrete for horizontal flatwork, it is not a reach for private developers that mostly use concrete for vertical walls. This technical change provides a more aggressive target (15% lower than the City established standard) to warrant gaining a point.*

Amend QR19 of the Design Standards, Table 420-2 within 33.420.050.C on page 85:

	QR19	Low Carbon Concrete	
	New building using concrete as allowed for an exterior material in Table 420-3	Use mixes that have a global warming potential (GWP) that is 15 percent lower than the GWP limits referenced in the City’s Pre-Approved Concrete Mix Design List maintained by the Bureau of Environmental Services’ materials testing lab.	1

4. *Revise code language for joint hearings for legislative projects. The Recommended Draft included a provision that required legislative projects that amended design guidelines or the design standards to host a joint hearing of the PSC and the Design Commission. After the PSC recommendation, it was discovered that the regulating language should have been made a part of 33.740, Legislative Procedure, instead of 33.720, Assignment of Review Bodies. This technical amendment makes this change but keeps a reference within 33.720 to provide clarity to readers.*

Amend 33.720.030 on page 137

33.720.030 Legislative Land Use Reviews

- A. Legislative land use reviews, unless stated otherwise in Subsections B or C, ~~below~~, are assigned to the Planning and Sustainability Commission, who will make a recommendation to City Council.
- B. Design Guidelines in Historic Districts and Conservation Districts ~~are adopted by~~ require a recommendation from the Historic Landmarks Commission ~~before being submitted to the City Council for adoption.~~
- C. Design guidelines in design districts are adopted by require a recommendation from the Design Commission before being submitted to the City Council for adoption. In some cases, a joint hearing with the Design and Planning and Sustainability commissions is required. See 33.740.020.
- D. Final action on all legislative land use reviews is by the City Council.

Add 33.740.020 A & B to the draft as amended after Chapter 33.730 ends on page 147:

33.740.020 Commission Review (Amended by Ord. No. 170704, effective 1/1/97.)

- A. **Hearing required.**
 - 1. A Commission must hold at least one public hearing before recommending action on a legislative matter.
 - 2. When a legislative matter includes the establishment or amendment of any design standards in 33.420 or the establishment or amendment of any design guidelines for design review, at least one joint public hearing with the Planning and Sustainability Commission and the Design Commission is required before each commission recommends action on the subject matter assigned to them.
- B. **Public notice for the hearing.**
 - 1.-3. [No change]
 - 4. More than one Commission or hearing involved. The notice requirements of Paragraph 1. above apply to the initial hearing on the legislative matter, whether it is held by the Planning and Sustainability Commission, Design Commission, or Historical Landmarks Commission, or is a joint hearing. When more than one hearing is held, additional notice will be made as follows:
 - a. To a specific time and place. If notice of a subsequent hearing is made at a public hearing on the same legislative matter and the specific time and place of the subsequent hearing are stated, then no additional notice is required.

- b. Undetermined time and place. If a subsequent hearing has not been scheduled at the time of a previous hearing, as provided in Subparagraph a. above, then notice of the subsequent hearing must be mailed to all persons who responded to the matter in writing, testified at the previous hearing, or have requested such notice. The notice must be mailed at least 14 days before the hearing.

C.-E. [No change]

- 5. **Correct typographical references to Design overlay zone maps.** *The Recommended Draft includes the removal of Map 420-4. However, the River Plan, effective 8/1/21, removed map 420-2 for the Macadam design districts. This creates additional edits to the numbering of the maps and the related zoning code references.*

33.284.040.D: Revise numerical order of Maps to reflect removal of Macadam

33.420 Table of Contents list of maps: Remove Macadam and renumber a total of 4 (420-1 – 420-4)

33.420.021 Applying the Design Overlay zone: Revise numerical order of Maps to reflect removal of Macadam.

33.420.045.C.2 Revise number for Marquam Hill Design District.

33.420.050.B.2: Revise number for Gateway plan district.

33.420.065 Design Guidelines: Revise numerical order of Maps to reflect removal of Macadam.

33.825.065 Design Guidelines: Revise numerical order of Maps to reflect removal of Macadam.

33.825.065 Design Guidelines: Revise numerical order of Maps to reflect removal of Macadam.

Amend 33.284.040.D on page 11:

- D. Design review approval criteria.** A design review application will be approved if the review body finds that the applicant has shown that the Portland CitywideCommunity Design Guidelines have been met. If the site is within a design district, the guidelines for that district apply instead of the Portland CitywideCommunity Design Guidelines. Design districts are shown on maps 420-1 through ~~420-3 and 420-4~~ through 420-6. Where two of the design districts shown on those maps overlap, both sets of guidelines apply.

Amend 33.420 Table of Contents on page 13:

Sections:

33.420.010 Purpose

33.420.020 Map Symbol

33.420.021 Applying the Design Overlay Zone

33.420.025 Where These Regulations Apply

33.420.041 When Design Review or Meeting Design Standards is Required

33.420.045 Items Exempt From Design Review and Design Standards

~~33.420.051 Design Guidelines~~

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

~~33.420.060 When Community Design Standards May Not Be Used~~

33.420.060 Design Guidelines

Map 420-1 Design Districts and Subdistricts in the Central City and South Auditorium Plan Districts

Map 420-2 Terwilliger Design District

~~Map 420-4 Sellwood-Moreland Design District~~

Map 420-~~34~~ Marquam Hill Design District

Map 420-~~45~~ Gateway Design District

Amend 33.420.021 on page 15:

33.420.021 Applying the Design Overlay Zone

The Design ~~o~~Overlay ~~z~~Zone is applied to ~~are~~current and emerging urban locations including centers and corridors. The Design overlay zone is also applied to areas outside of centers and corridors that have distinct features with important development context, and to specific zones identified through the Comprehensive Plan. ~~where design and neighborhood character are of special concern.~~ Application of the Design ~~o~~Overlay ~~z~~Zone must be accompanied by adoption of design guidelines, or by specifying which guidelines will be used.

~~Many applications of the Design Overlay Zone shown on the Official Zoning Maps~~Some areas of the Design overlay zone are referred to as design districts. A design district may be divided into subdistricts. Subdistricts are created when an area within a design district has unique characteristics that require special consideration and additional design guidelines. The location and name of each design district and subdistrict is shown on maps 420-1 through 420-~~46~~ at the end of this chapter.

~~Other applications of the Design Overlay Zone shown on the Official Zoning Maps are not specific design districts. Some are adopted as part of a community planning project, and some are applied automatically when zoning is changed to CX, CM3, EX, RX, or IR.~~

Amend 33.420.045.C.2 on page 23:

2. In the Marquam Hill Design District shown on Map 420-~~3~~:
 - a. Additions of less than 25,000 square feet of floor area;
 - b. Exterior alterations that affect less than 50 percent of the area of the façade where the area affected is also less than 3,000 square feet;
 - c. Exterior improvements that are less than 5,000 square feet in total area, 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.

Amend 33.420.050.B.2 on page 33:

- ~~B~~2. In the Gateway plan district as follows. See Map 420-~~46~~:
 - a. New development and alterations to existing development when any portion of the new development or alteration exceeds 35 feet in height not counting additional height allowed through a base zone height standard exception; and
 - b. Development subject to the requirements of 33.526.240, Open Area;

Amend 33.420.065 on page 91:

33.420.065 Design Guidelines

For projects subject to design review, guidelines specific to a design district have been adopted for the areas shown on maps 420-1 through 420-4 at the end of this chapter. Projects within the South Auditorium Plan District use the Central City Fundamental Design Guidelines for the Downtown Subdistrict. All other areas within the Design overlay zone use the Portland Citywide Design Guidelines.

Amend 33.825.065.B on page 161:

- B. Design guidelines.** Guidelines specific to a design district have been adopted for the areas shown on maps 420-1 through 420-4 ~~3~~ and 420-5 through 420-6. Where two of the design districts shown on those maps overlap, both sets of guidelines apply. Projects within the South Auditorium Plan District use the Central City Fundamental Design Guidelines for the Downtown Subdistrict.

All other areas within the Design oOverlay zZone or proposals subject to design review use the Portland CitywideCommunity Design Guidelines.

TheA district's design guidelines are mandatory approval criteria used in design review procedures. Within design districts, tThe design guidelines may consist of a common set of design guidelines for the whole district and special design guidelines for subdistricts. Where subdistrict guidelines conflict with the district guidelines, the subdistrict guidelines control.

- 6. Correct references in the Sign Code.** *The sign code listed in Section 7 was updated during 2020 after the Proposed Draft was published, and this update was not recognized in the Recommended Draft. This technical amendment updates the code references to include this update.*

Amend 32.34.030 on page 175:

32.34.030 Additional Standards in Plan Districts.

(Amended by Ordinance Nos. 176469, 179092, 182072 and 188959, effective May 24, 2018.) Plan districts are shown on the Official Zoning Maps.

A-E. [No change.]

F. South Auditorium plan district

1. Where these regulations apply. The regulations of this subsection apply to the South Auditorium plan district.
2. Standards.

a. Design review. Unless exempted under Subparagraphs **F.2.f.** and **g.**, below, all exterior signs are subject to the regulations of, ~~regardless of size, are subject to design review.~~ See Chapter 33.420, Design Overlay Zone.

b-g. [No change.]

G-I. [No change.]

Item #7: Arbor Lodge Ground Floor Active Use

This amendment adds a new contextual standard for the Eastern edge of the Arbor Lodge neighborhood along North Interstate in the CM3 zone. The provision requires ground floor active uses in new buildings similar to requirements in the Centers Main Street 'm' overlay zone.

Amendment withdrawn.

Add new standard C19 (or C18 if Item 3 doesn't pass) after current C17 standard on page 55

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
X	<p>C19 Ground Floor Active Use in Arbor Lodge.</p> <p>New building in a CM3 zone located on North Interstate between North Lombard and North Ainsworth Streets</p> <p>Alterations to existing buildings cannot move further out of compliance with .</p>	<p>At least 25 percent of the ground level floor area in the CM3 zone must be in one of the following active uses. Only uses allowed in the CM3 zone may be chosen:</p> <ul style="list-style-type: none"> • Retail Sales and Service • Office • Industrial Service • Manufacturing and Production • Community Service • Daycare • Religious Institutions • Schools • Colleges: If a College use is provided to meet this regulation, the floor area must be in one or more of the following functions: lobby; library; food service, theatre; meeting area; or • Medical Centers: If a Medical Center use is provided to meet this regulation, the floor area must be in one or more of the following functions: lobby; waiting room; food service; out-patient clinic. 	

IMPACT STATEMENT

Legislation title: Amend the Zoning Map, Title 33 Planning and Zoning, and Title 32 Signs and Related Regulations to implement the Design Overlay Zone Amendments project to update the process and tools of the Design overlay Zone and related code sections (Ordinance; amend Code Titles 32 and 33)

Contact name: Phil Nameny

Contact phone: 503-823-7709

Presenter name: Lora Lillard / Phil Nameny / Sandra Wood

Purpose of proposed legislation and background information:

The Design Overlay Zone Amendments (DOZA for short) revise the regulations applicable to areas of the city with the Design overlay zone. This is the first major revision of the regulations in over 20 years. Tools, such as the guidelines and standards, have remained unchanged since the late 1990s. Over time, the application of the Design overlay zone expanded to include centers, commercial corridors, transit station areas and other areas anticipated for growth, with the latest expansion occurring with the Comprehensive Plan Update in 2018.

In 2017, City Council accepted a consultant's assessment of the Design overlay zone (also called DOZA for Design Overlay Zone Assessment). Many of the amendments are the result of recommendations from the assessment.

The project creates new citywide design guidelines and objective design standards to replace the current guidelines and standards. It does not amend guidelines that are specific to certain geographic areas, such as the Gateway district. These new tools are more adaptable to the areas of growth and expands the review beyond the public realm to consider site design and climate resilience. DOZA clarifies and simplifies the processes within the Design overlay zone, including better grouping of exemptions, options for more projects to use the objective standards, including in the Gateway plan district, and a simpler table use to determine the type of reviews. The process for the preliminary Design Advice Requests has been formalized and the background of Design Commission members have been expanded. Corresponding administrative improvements have also been made by the Bureau of Development Services to increase efficiency to the review and public hearing process.

Financial and budgetary impacts:

DOZA has some short-term and longer-term financial impacts. Since the project rewrites the regulations that apply to projects within the Design overlay zone, there will be the need for some training of Bureau of Development Services (BDS) staff into the intent and application of the new code and to gain comfort and efficacy in reviewing projects against the new standards and guidelines.

The code amendments streamline the development review process for many projects. In some cases, the amendments change the workloads among BDS staff. For example, some development proposals that currently go through a discretionary Design Review process may skip that process and go straight to building permit. In other situations, smaller projects will be exempt from the Design overlay zone and no longer need to be reviewed against design guidelines or standards at all. These changes are not a financial impact to the City, as the current fee system provides cost recovery for these reviews.

There are two amendments that result in changes to BDS's Land Use Review fee structure:

1. Type I Design Review – Currently, the zoning code does not assign any Design Reviews to the Type I land use procedure. This ordinance assigns some projects to a Type I procedure and BDS will need to create a Type I fee for Design Review. This will be included in BDS's July 1, 2021 fee proposal. It is not a financial or budgetary impact as the applicant's fee covers the cost of review.
2. New Design Standards – The ordinance includes a significant change to the design standards that apply to projects. The design standards may take more time due to a point system and added complexity of standards. The current fee in the fee schedule is based on project value and has a maximum fee. For large valuation permits the current fee covers the review. However, for some smaller valuation permits, it does not. Therefore, BDS will be setting a minimum fee for implementing Community Design Standards. Again, this is not a financial or budgetary impact, as the applicant's fee covers the cost of review.

Community impacts and community involvement:

This legislation impacts the regulations that apply to the Design 'd' overlay zone. Approximately 7 percent of the area of the city has the 'd' overlay zone, but a majority of the housing units that are expected in the mixed use and higher density residential zones. The new guidelines and standards will impact new development and larger alterations along the city's main corridors and in neighborhood and town centers. This impacts property owners in those areas and tenants and residents of those areas and immediately adjacent.

Prior to the development of the amendments for DOZA, BPS hired a consultant to assess current Design overlay regulations and practices. The consultant's assessment included interviews of architects and builders, city staff, and residents in the affected areas. These interviews helped guide the recommendations of the assessment.

During the development of the legislative project, staff held open houses and attended dozens of meetings with neighborhood & business associations, groups associated with under-represented populations, and professionals involved in the development process. Open houses were held, and 1100 comments were provided during the review of the Discussion Draft. Many changes resulted from the comments received, including staff not proposing to expand the 'd' overlay to emerging neighborhood centers, and modifying the standards and guidelines.

For the Proposed Draft, notice was provided to nearly 700 people who were interested in City projects and specifically with DOZA. A joint hearing was held with the Design Commission and Planning and Sustainability Commission (PSC) on October 22, 2019. This hearing drew 168 pieces of written testimony and 36 people who testified in person. The PSC and Design Commission held several work sessions and incorporated hundreds of changes into their recommendations. The main ones were:

- Increase thresholds to allow development up to 75' to use the standards
- Update the Design Commission membership
- Codify that neither height nor floor-area-ratio (FAR) are subject to design review

Testimony at the PSC and Design Commission hearing included support for the process improvements which clarify and simplify the design process. Testimony also included concern that the changes remove some discretionary review requirements that provide opportunity for testimony on individual projects. There is a desire within some inner Portland neighborhoods to require discretionary review for a greater variety of projects.

Council testimony is expected to both support and oppose the DOZA changes, with the focus on review thresholds and the types of guidelines and standards that will apply. There may be testimony about more preservation of the existing built form in older areas, and suggestions to formally consider community-developed guidelines. These alternative guidelines focus more on the historic context of the streetcar-era main streets and are generally not objective. The guidelines and standards recommended through DOZA do not preclude this approach, but don't dictate historical architectural context as the sole approach to site development.

The intent of this project is to balance the opportunities for review with the need to ensure that the city can meet its housing and development goals with a process that is clear and easy to understand.

100% Renewable Goal:

While this project does not change the City's policies on its own energy use, it does provide incentives for developments to incorporate green building and resiliency practices such as solar installations, green roofs, operable windows and sunshades. All of these have the effect of reducing a site's energy usage or transferring over to renewable energy.

Budgetary Impact Worksheet

Does this action change appropriations?

YES: Please complete the information below.

NO: Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount