



Portland Design Commission

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Date: April 19, 2021
To: Portland City Council
From: Portland Design Commission
Re: Recommended Drafts of DOZA Code and Map Amendments (Volume 2) and Portland Citywide Design Guidelines (Volume 3)

Mayor Wheeler and Commissioners Rubio, Ryan, Hardesty, and Mapps:

Thank you for the opportunity to present testimony on the Design Overlay Zoning Amendments (DOZA) Recommended Draft. The Planning & Sustainability Commission (PSC) is the recommending body for the objective Code and Map Amendments (DOZA Volume 2), the Design Commission is the recommending body for the discretionary Citywide Design Guidelines (DOZA Volume 3). Over the five-year span of the DOZA work, these two Commissions have engaged in a collaborative process that we believe has resulted in new processes and new tools that will improve development and development-related procedures in the City of Portland. The Design Commission is grateful to staff from the Bureaus of Planning & Sustainability (BPS) and Development Services (BDS), consultants, and the PSC for bringing vision, a diversity of perspectives, and enthusiasm to this work.

This letter is the Design Commission's testimony on DOZA Volumes 2 and 3. It addresses Guidelines first, followed by Code and Map Amendments; **Design Commission recommends revisions to five proposed code amendments to improve the process and outcomes of design review for all involved parties (refer to Section B below).**

A. PORTLAND CITYWIDE DESIGN GUIDELINES (DOZA Recommended Draft Vol. 3)

The new Citywide Design Guidelines replace the Community Design Guidelines, which were adopted by Council in 1997. They are applicable in the design overlay zone outside the Central City. The "d" overlay zone was just expanded to growing centers and corridors across Portland as part of the 2035 Comprehensive Plan work, and a refresh of these dated guidelines was undertaken to ensure the discretionary design review track delivers buildings, streets, and neighborhoods that are consistent with the goals of the 2035 Plan.

Design Commission's objectives were to (1) simplify, consolidate, and clarify the guidelines in a manner that benefits all parties involved in the design review process - applicants, the public, staff, and the commission - and, to the maximum extent possible, (2) create a direct correlation between the organization and content of discretionary design guidelines and objective standards.

The Community Design Guidelines contain many strong concepts that have contributed to Portland's reputation as a walkable, pedestrian-friendly city with a successful and active public realm, and so it was important to update, but not lose, these concepts.

Key changes include:

- An organizational structure based on the three tenets of design: context, public realm, and quality & resilience;
- A focus on “a city designed for people” and “a city built in harmony with nature”;
- Guidelines that address equity, resiliency, sustainability, and the value-based policies of the 2035 Comprehensive Plan, as well as an introduction that centers these guidelines in 2035's Urban Design Framework;
- A recognition that Portland's neighborhoods are not static, and that an appropriate contextual response considers the past, the present, and the future; and
- All new photographs and diagrams illustrate the core concepts of each guideline.

Thank you to Lora Lillard of BPS and Staci Monroe of BDS for their vision, hard work, and patience during the development of the new guidelines.

Conclusion: The Design Commission recommends adopting the Portland Citywide Design Guidelines as presented.

B. CODE AND MAP AMENDMENTS (*DOZA Recommended Draft Vol. 2*)

It is important that new development meet Portlanders' expectations for a high quality and resilient urban environment for all members of our community, as envisioned in the 2035 Plan. Regardless of which review path an applicant chooses - the design opportunities available through the discretionary review process (design review with guidelines) or the simplicity of an objective review process (compliance with zoning code standards) - the tools available should be capable of delivering comparable results.

Over the past two years, Design Commissioners Livingston, Molinar, and Robinson, bureau staff, consultants, and three members of the PSC have engaged in a series of “3 by 3” workshops to evaluate the comparability of the Citywide Design Guidelines and the DOZA Code and Map Amendments. **Design Commission believes five issues merit Council's attention and further consideration:**

- 1. Items exempt from Design Review** (Section 33.420.045 and Table 825-1) - This section exempts parks and open space development from design review if a conditional use review isn't also triggered.

Design Commission's request: Make public parks and open spaces in urban centers and corridors subject to Type III design review by the Design Commission.

Design Commission recognizes Portland Parks & Recreation’s long-standing commitments to community engagement and the design of world class parks, whether in the “d” overlay or not.

Parks and open spaces are the embodiment of the “places for people” at the heart of Portland’s design guidelines and the design review process, and eliminating any type of design review procedure for publicly-owned park assets disregards a fundamental aspect of Portland’s larger community engagement framework and the constituencies who participate. Public projects draw professionals, business interests, and people with a casual interest to the impartial forum of the hearings room to discuss the merits of a proposal based on established and well-known criteria. Like new bridges and large masterplan sites (e.g., the Broadway Corridor, RiverPlace, OMSI), people recognize that parks and open spaces have an outsized impact on our city’s context, public realm, and overall quality. *In fact, they are our single-most important urban place-making tool.* Parks can occupy significantly more frontage than any one building proposal, their character determines the success of surrounding businesses, and the Portland zoning code specifies they may contain any number of accessory buildings (e.g., clubhouses, maintenance facilities, concessions).

Portland’s parks are crucial to its livability and they merit the same level of consideration as all other elements in our urban environment.

2. **Design Standards Threshold** (Section 33.420.050.B.3) - This section allows buildings up to 75 feet in height (seven stories) to use design standards as an alternative to design review outside the Central City. The current standard is 55 feet (five stories).

Design Commission’s request: Maintain discretionary design review for all buildings in the “d” overlay that are 55 feet or more in height.

When the “d” overlay was expanded, it was done at the request of the neighborhoods that surround Portland’s growing commercial corridors—Division, Gateway, Hillsdale, St. Johns, Williams/Vancouver, etc. Neighborhoods requested discretionary design review for five story buildings, the number of stories consistent with the current threshold of 55 feet. Now, Council is being asked to approve a 35% increase to a height standard before the increase has been discussed with the neighborhoods that will be impacted by the change—the increase from five to seven stories was introduced to the DOZA Recommended Draft after public testimony was closed.

A seven story building has a significant impact on surrounding streets, buildings, and houses, and preserving the discretionary design review process for any proposal above five stories provides an impartial forum for neighbors to give design feedback, protest, educate, support, and participate. Furthermore, while a goal of DOZA is to better align discretionary design guidelines and objective design standards, the Commission truly believes objective standards cannot achieve the robust discussion about site, community context, equity, and sustainability that happens in a public hearing.

- 3. Procedure Type for Design Review Proposals** (footnote [2] to Table 825-1) - This footnote allows qualified housing projects to choose between a Type II or a Type III design review procedure.

Design Commission’s request: Restore the Type III review for affordable housing developments in the “d” overlay and ask BDS staff to expedite review of all affordable housing projects.

Households with little money deserve to be afforded the right to live in buildings that benefit from the same level of public discussion that informs, improves, and validates the design of all other buildings in the neighborhood. Residents of affordable housing should not be subjected to lower standards for community engagement, no input from an impartial Commission, and a lesser appeal body than all other buildings of a similar scope in the “d” overlay zone.

The housing emergency ordinance, originally passed in 2015, provides an option for affordable housing developers working in the “d” overlay zone to choose a Type IIx design review procedure rather than a Type III - a move that saves between 5 and 26 days on the overall entitlements review process. Since 2015, only two affordable housing projects have chosen the Type IIx. The current recommendation to Council further reduces design review for affordable housing from a Type IIx to a Type II, even though there is little appetite for the Type IIx.

If Council restores the Type III review for affordable housing developments, the Design Commission and BDS Staff will prioritize affordable housing projects and facilitate Type III reviews within 70 days instead of the state-mandated 103 days.

- 4. Factors Reviewed During Design Review** (Section 33.825.035) - This section allows the design review process to shift a building’s height and massing to better respond to context but does not allow a corresponding increase or decrease in Floor Area Ratio (FAR, akin to the building’s total square footage).

Design Commission’s Request: Don’t change FAR but incentivize better massing by allowing a 10-foot (or one floor) height bonus for 50% of the site area if an applicant chooses both a Design Advice Request and a Type III review process.

If a building design is pushing to the limits of its allowable square footage and building envelope—a common response to financial realities—there’s no path forward to finessing the height and massing; it’s an impasse between quantitative code and qualitative guidelines that yields buildings that don’t respond to their context.

A discretionary height bonus would allow an applicant to use all available FAR and make design decisions that are appropriate to the context—it shifts the discussion from a lose-

lose compliance issue for the applicant and neighbors to a win-win design negotiation in a public forum.

5. **Review Bodies** (Section 33.710.050.B) - This section allocates two of the Design Commission's existing five open positions to dedicated positions - Sustainable Building Practices and Natural Resource Management - and, as a result, both reduces the number of members with expertise in urban planning, architecture, and landscape architecture and reduces Design Commission's ability to recruit candidates from communities of color.

Design Commission's request: Add Sustainable Building Practices and Natural Resources Management to the list of qualified professions and maintain five open positions.

The proposed membership is tangential to the mission of the Design Commission, mimics the membership of the Planning & Sustainability Commission, and will create competition between the two commissions for members.

It will also limit the Design Commission's ability to recruit from the broadest possible spectrum of candidates. Being a Design Commissioner is a 12-18 hour per week commitment when development is thriving, and it's difficult to recruit qualified people who are willing and able to spend this time away from their careers, children, and other responsibilities. More restrictions make it harder to open the door to people who may not have a background in a specified field but do have relevant lived experience and an interest in serving.

Conclusion: Given the scope of DOZA, B1-5 above is a very short list of requested revisions to the proposed zoning code and, if granted, they will further improve the design review process. Design Commission recommends adopting all other Code and Map Amendments as presented, including:

1. Maintaining the Type III Design Review for bridges, arguably the most visible and architecturally significant structures in our city;
2. Expanding the list of items exempted from Design Review to support small, incremental improvements to our public realm (e.g., the installation of better and more functional awnings and canopies);
3. Aligning the timing of Design Advice Requests and Design Reviews with the design process so development projects can reap the benefit of good advice early in design and aren't unnecessarily slowed down during entitlements;
4. Revising the thresholds for the different levels of Design Review to better match the intensity of the development with the level of review; and
5. A long list of Administrative Improvements (Volume 4, Appendix A) that were implemented by BDS staff immediately following the commencement of the Design Overlay Zoning Assessment in 2015 and updated since the early days of Covid-19. These improvements, the result of hard work by Staci Monroe and the BDS Design Review team, have improved the process for all participants.

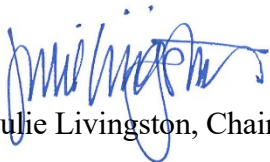
C. NEXT STEPS

The process of creating new guidelines and code in a City that has changed significantly over the past 10 years has surfaced the need for some follow up work. **Design Commission requests Council provide funding for the development of Character Statements for all areas of the city with the “d” overlay.** Pressure from population growth and an easy path to demolition of significant buildings during periods of economic expansion are unravelling the fragile fabric of Portland’s neighborhoods, especially historically Black neighborhoods. Community character, both physical and cultural, is undocumented and increasingly difficult to find. Character Statements describing the context and history of neighborhoods outside the Central City are an important tool to help developers, designers, city staff, Commission, and community members understand our city’s history, but to date only the Macadam Character Statement has been completed.

Thank you for giving us the opportunity to provide this testimony today, and thank you for the work you do on Portland’s behalf. Both the Design Commission and BDS staff are available to discuss revised Code language for any of the amendments suggested above.

Sincerely,

The Portland Design Commission



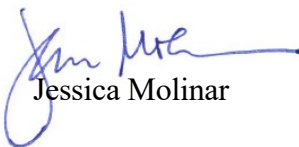
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cc: DOZA Staff, Bureau of Development Services
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