



# DOZA

## DESIGN OVERLAY ZONE AMENDMENTS

VOLUME 1 | STAFF REPORT

Proposed Draft - September 2019





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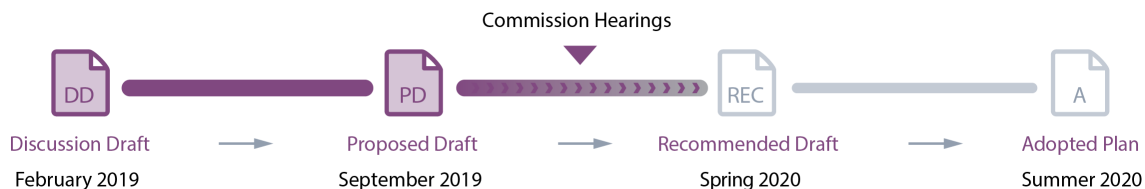
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## How to Testify

The Design Overlay Zone Amendments (DOZA) project will be considered by the Portland Planning and Sustainability Commission (PSC) and Design Commission. The public is invited to submit formal comments (called public testimony) to the Commissions in writing, in person at a public hearing or online. Testimony on this *Proposed Draft* is directed to Commissions, which may amend the proposal and subsequently vote to recommend the changes to Portland City Council. This is then called the *Recommended Draft*.

Testify in person at the public hearings:	Testify in writing before the public hearing:
<p><b>Tuesday, October 22, 2019, at 5 p.m.</b> 1900 SW 4th Avenue, Room 2500, Portland, Oregon</p> <p>To confirm the date, time and location, check the PSC calendar at <a href="http://www.portlandoregon.gov/bps/35452">www.portlandoregon.gov/bps/35452</a></p>	<p><b>Map App:</b> <a href="http://www.portlandoregon.gov/bps/mapapp">www.portlandoregon.gov/bps/mapapp</a> Click on the DOZA project. Click on the "Testify" button. You can testify about a specific location or on the proposals in general. Testifying in the Map App is as easy as sending an email. Once your testimony is submitted, others can read it in real time.</p> <p><b>U.S. Mail:</b> <b>Please provide your name and address to receive future notices.</b> Portland Planning and Sustainability Commission DOZA Testimony 1900 SW 4<sup>th</sup> Ave, Suite 7100 Portland, OR 97201</p>

## Next Steps:



The next draft of the proposal – the *Recommended Draft* – will incorporate the changes the Commissions make to the proposal. The *Recommended Draft* will be forwarded to City Council for additional public testimony and hearings, deliberations, possible amendments and vote. The *Recommended Draft* is anticipated to be heard by City Council in Summer 2020.

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# Acknowledgements

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- Section 7: Sign Code Amendments
- Section 8: Map Amendments

## Volume 3 – Citywide Design Guidelines (under separate cover)

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- Appendix A: BDS Administrative Improvements
- Appendix B: Housing Affordability Memo (February 6, 2017)
- Appendix C: What We Heard Report
- Appendix D: Consultant Testing of Draft Standards and Guidelines



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## Section 1: Introduction

Portland's 2035 Comprehensive Plan reaffirms the City's commitment to grow *up* — not *out*. To do so, many of our existing centers and corridors will see larger and denser development than the built environment today. Over the next 20 years, these more populated areas will continue transforming into even more vibrant urban places as they accommodate 80% of projected housing units in the city.

Portland's highest-capacity centers and corridors are zoned with a design overlay where 60% of projected housing units will be built by 2035. These areas are designated with a 'd' on Portland's zoning maps. The **Design Overlay Zone Amendments (DOZA)** project restructures the processes and tools for Portland's design overlay zone and Design Review Program to ensure they move us toward the future described in the 2035 Comprehensive Plan and Climate Action Plan.

This proposal advances the following value statements:

- The design of places matters because people experience their built environment daily.
- Quality of design is more successful when the design process and the design solutions are inclusive.
- Good design does not have to be expensive and people living in affordable housing should benefit from quality, well-designed places.
- The design of new development should expand and amplify the character and identity of a place and its community, rather than diminish it.
- The principles of design can be discussed in everyday language.

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## How did we get here?

Portland has received national and international acclaim for supporting a high-quality built environment through planning and urban design. In part, this is due to its long-standing tradition of design review. Thoughtful application of design guidelines, standards, and review processes has created a central city renowned for its public realm and pedestrian-friendly environment.

Portland is predicted to grow by an additional 123,000 households by 2035, and the concordant boom in development must serve the needs of an increasingly diverse population. As the City applies the design overlay tool to new areas of the city and continues to ensure high-quality design during this period of unprecedented growth, some questions arise:

- How can design review evolve to better respond to the changing development environment?
- What improvements could be made to both the processes and tools to allow for the greatest benefit and least burden to all stakeholders?

*Excerpt from DOZA Assessment – April 2017  
123,000 household projection covers the time period of 2010 to 2035*

In 2016, the City of Portland began working with a consultant team to evaluate the City's Design overlay zone (d-overlay). The resulting findings and recommendations are in the 2017 Design Overlay Zone [Assessment](#) document (excerpt above), which is available on the project website: [www.portlandoregon.gov/bps/doza](http://www.portlandoregon.gov/bps/doza).

The next step was to develop actions to implement the Assessment's recommendations. Initially envisioned as two legislative projects on different timelines, DOZA Process and DOZA Tools, the projects were merged into one legislative project.

The Design Overlay Zone Amendments (DOZA) update the zoning tools that apply to development in the Design overlay zone. The project creates a new purpose statement for the overlay zone to reflect the changes driven by the Comprehensive Plan update. It adjusts the situations applicable to the overlay zone, updates the thresholds that trigger land use reviews, creates new development standards that can apply to building permits, and develops new design guidelines (approval criteria) applicable to design reviews in many areas of the city.

The project makes some administrative changes that impact the review and the Design Commission. The project also removes the Design overlay zone from most areas with single-dwelling zones.

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## Summary of Proposals

### 1. PURPOSE — What is the purpose of the Design overlay zone?

Revise the purpose statement for the Design overlay zone and related design chapters to reflect the goals and policies Portlanders set out in the 2035 Comprehensive Plan.

### 2. MAP — Where is the Design overlay zone mapped?

Remove the Design overlay zone from single-dwelling-zoned properties, except for the Terwilliger Design District. This includes areas in and around Sellwood-Moreland, Hillsdale, Macadam, Floyd Light Middle School, and North Prescott.

### 3. THRESHOLDS — What are the thresholds for review in the Design overlay zone?

- a. Establish review thresholds based on the size and scale of a project, with the goal of aligning the level of review with the level of impact a project will have on the community. Require a higher level of review for larger projects and a lower level of review (or exemption) for smaller projects and alterations.
- b. In Central City Plan District, expand the number of small projects and alterations that use a Type II and Type I review procedure and exempt certain smaller alterations.
- c. In the Gateway Plan District, allow smaller projects to use design plan check (design standards) as an alternative to a design review.

### 4. PROCESS — What is Design Review and how is it changing?

- a. Update the Design Commission membership rules to allow landscape architects as industry technical experts and clarify that the public-at-large member is independent of these industries.
- b. Align the Type III design review and historic resource review processes with an applicant's design process.
- c. Make administrative improvements to the efficiency and transparency of the design review process.
- d. Clarify that, except in limited cases in the Central City, the design review process cannot require a reduction of proposed floor area ratio (FAR).
- e. Clarify that mitigation may be required to lessen the cumulative impacts of modifications; clarify the definition of a use-related development standard.

### 5. TOOLS — What are the tools used to evaluate projects in the Design overlay zone?

- a. Based on the three tenets of design (context; public realm; and quality and resilience) create new approval criteria – *Portland Citywide Design Guidelines* – for areas in the Design overlay zone (d-overlay) outside the Central City.
- b. Based on the three tenets of design (context; public realm; and quality and resilience) create new objective standards – *Design Standards* – for areas in the Design overlay zone (d-overlay) outside Central City that sync with the new *Portland Citywide Design Guidelines*.

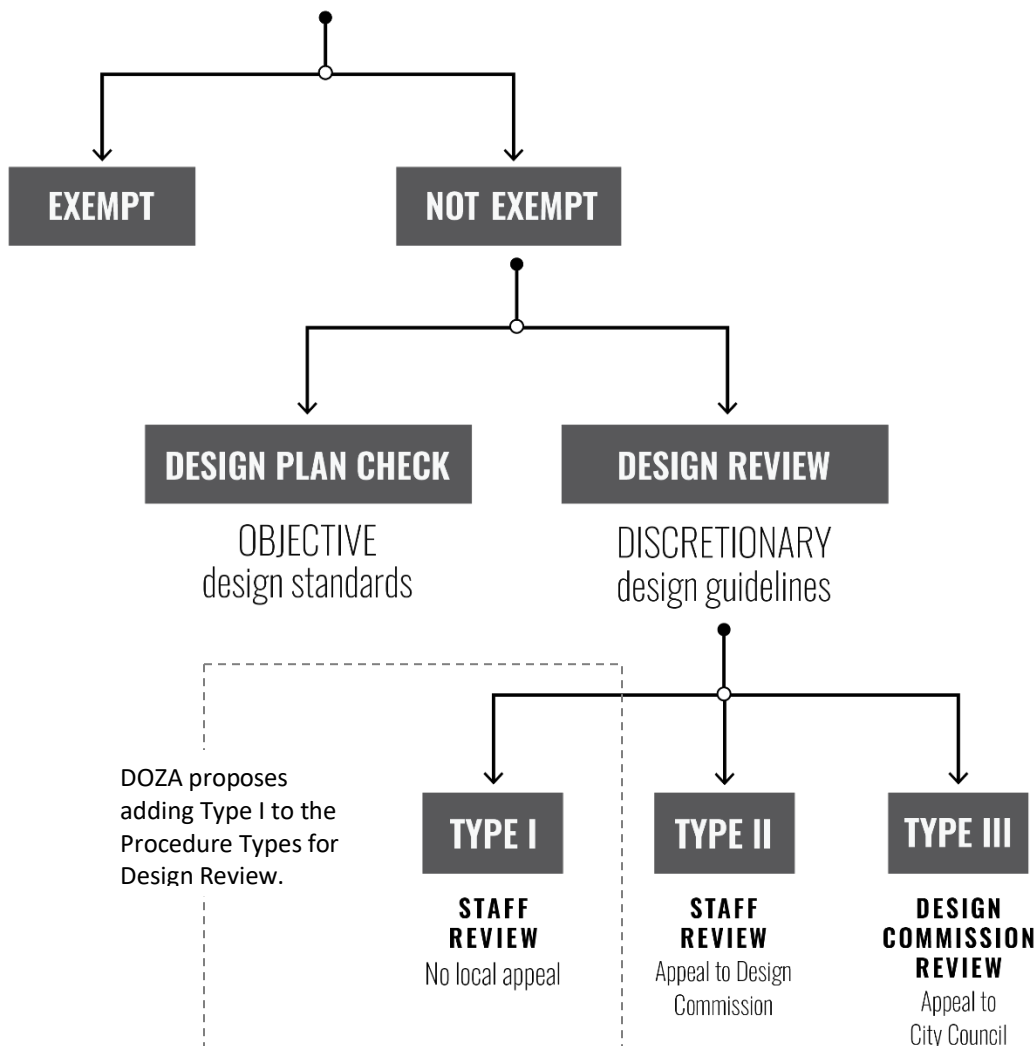
## Design overlay zone basics

The Design overlay zone is applied to current and emerging centers, usually through a legislative planning project, or automatically in conjunction with more intense base zones. The Design overlay zone is shown on the official Zoning Maps with a letter 'd' map symbol.

If a project is not exempt from regulations, the Design overlay zone provides two options for approving development proposals: the objective (design plan check) track and the discretionary (design review) track.

Currently, *discretionary design review* is required for development in the Central City and Gateway plan districts. Outside of these regional centers, Oregon law requires local governments to provide an *objective design plan check track* for housing development. In most cases, applicants for all projects outside regional centers may choose to go through the discretionary process if they do not want to meet, or cannot meet, the clear and objective standards.

### DESIGN OVERLAY ZONE 'd'



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**The objective (design plan check) track** uses clear and objective design standards (e.g., the main entrance of each primary structure must face the street lot line). Standards provide certainty and are measurable. However, they are written for a specific result on a site and can be inflexible in certain cases. The current Community Design Standards are found in Portland’s Zoning Code and approval is granted as part of the application for building permit. Building permits do not provide opportunities for public comment.

**The discretionary (design review) track** uses design guidelines, which provide flexibility and can be context sensitive (e.g., make the main entrance prominent, interesting, pedestrian-accessible and transit-oriented). However, it can be costlier and time intensive to administer. Design guidelines are currently reviewed as part of either a Type II or a Type III Land Use Review, depending on geography and project valuation. Type II reviews are conducted by staff; Type III reviews are heard by the Portland Design Commission. Public comment and/or testimony is welcomed for both types of review.

## Design overlay zone terminology

The Design Overlay Zone Assessment recommended simplifying the terminology around the Design overlay zone. The glossary below provides some guidance to frequently used terms:

- **Design overlay zone:** Interchangeable with the term ‘d-overlay’, this refers both to areas on the zoning map within the overlay zone as well as the set of regulations in Zoning Code Chapter 33.420. These regulations steer applicants to the type of process they are subject to.
- **Design review:** This refers to the discretionary Land Use Review process described in Chapter 33.825. This is the process that lists the discretionary design guidelines as the approval criteria used in design review.
- **Design standards:** These are additional, objective development standards that apply to projects using the standards track in the Design overlay zone. Zoning Code Chapter 33.218, Community Design Standards, are the current standards. DOZA proposes a new set of design standards for the d-overlay zone outside of the Central City Plan District.
- **Design guidelines:** These are the approval criteria used to review and approve a project that goes through discretionary design review. Some guidelines apply to a specific geographic area (e.g., Central City Fundamental Design Guidelines, Gateway Design Guidelines). Currently, the Community Design Guidelines apply to most remaining areas in the Design overlay zone subject to design review. DOZA proposes a new set of design guidelines for areas of the city without existing, area-specific guidelines: the Citywide Design Guidelines.
- **Type I, II, or III procedure types:** These are different procedure types for discretionary land use reviews. Each procedure has its own timeline and public involvement requirements. Currently, design review follows either a Type II or a Type III process. Type I and II procedures require staff-level decisions with opportunities for public input. For Type III procedures, the Design Commission or Historic Landmarks Commission holds a hearing and is the deciding body.





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## Section 2: Relationship to Comprehensive Plan Guiding Principles

The Design Overlay Zone Amendments (DOZA) are based upon recommendations from the 2017 assessment and are consistent with the guiding principles, goals, and policies of Portland's new Comprehensive Plan. The 2035 Comprehensive Plan guides how and where land is developed to prepare for and respond to population and job growth.

There are five guiding principles within the Comprehensive Plan: economic prosperity, human health, environmental health, equity, and resilience. Implementation of these principles must be balanced, integrated, and multi-disciplinary. DOZA advances these guiding principles in the following ways:

### 1. Economic Prosperity

*Support a low-carbon economy and foster employment growth, competitiveness and equitably distributed household prosperity.*

Design matters, and the **quality of our built environment contributes to Portland's competitiveness nationally and internationally**. Design review has had a central role in guiding the context-sensitive, high-quality development that Portland is renowned for today. High quality of place, in turn, enables the city to grow and prosper.

An efficient and effective review process is one component of attracting business and housing development to Portland. **DOZA furthers this principle by streamlining the design review process in numerous ways.**

One way is by creating a **new purpose statement** that guides the program and uses the **three tenets of design** to simplify, consolidate, and revise all approval criteria.

**Updating thresholds and exemptions for design review citywide** streamlines the program. By right-sizing the project impact with the level of review required, design attention is focused on projects where it matters most, and smaller projects avoid additional regulations and procedures.

For projects subject to design review, we have **reduced the number of design guidelines** to focus the review on the most important elements of design and avoid redundancy in both the review and deliberations.

The **design standards have been rewritten to include a menu approach**, providing flexibility for projects, while still meeting the intent design overlay. New standards encourage the provision of commercial and affordable commercial space to create mixed use buildings. In addition, the list of allowable exterior materials has been expanded to **balance quality** – and the desire to prevent future replacement of materials – **with project cost and affordability**.

In the **Gateway Plan District**, DOZA allows some forms of development to use the objective design standards as an alternative to discretionary review, thus removing a step in the review process. This change makes the requirements easier for businesses proposing smaller developments, alterations, and storefront improvements.

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The **improved administration of the design program** also plays a large role in streamlining design review. Many changes have been made through DOZA that promote better implementation by more efficient meeting management, trainings, clear charters, for decision-makers.

Finally, the project **aligns the City's development review process with an applicant's design process**. The result of these changes should be a more efficient, predictable and transparent system that benefits all Portlanders.

## 2. Human Health

*Avoid or minimize negative health impacts and improve opportunities for Portlanders to lead healthy, active lives.*

A well-designed built environment contributes positively to human health and encourages active human interactions. DOZA amends the **purpose of the Design overlay zone** to build on area context, contribute to the public realm, and promote quality and long-term resiliency. These **three tenets of design** ensure that Portland continues to be a city designed for people, and to encourage active, inclusive use of the built environment.

The new tools used for design review, the *design standards* and *Portland Citywide Design Guidelines*, require and **encourage building and site features to promote active, healthy, comfortable, and safe environments**. These include encouraging plazas, common areas for recreation or gardening, and opportunities for interaction between residents, workers, and people on the street.

## 3. Environmental Health

*Weave nature into the city and foster a healthy environment that sustains people, neighborhoods, and fish and wildlife. Recognize the intrinsic value of nature and sustain the ecosystem services of Portland's air, water and land.*

Well-designed projects often take their cues from the surrounding context, including both the built and natural environment. DOZA supports this principle by **amending the purpose of the design overlay to build on an area's context, including environmental context, and to increase the resiliency of the built environment**. These principles are also brought to life in the new *design standards* and *Portland Citywide Design Guidelines*. Some examples include incentivizing the preservation of natural features such as large trees, landscaping with native plants, allowing views into the site, and connecting the development to the city's existing trail network.

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## 4. Equity

*Promote equity and environmental justice by reducing disparities, minimizing burdens, extending community benefits, increasing the amount of affordable housing, affirmatively furthering fair housing, proactively fighting displacement, and improving socio-economic opportunities for under-served and under-represented populations. Intentionally engage under-served and under-represented populations in decisions that affect them. Specifically recognize, address and prevent repetition of the injustices suffered by communities of color throughout Portland's history.*

The **update of the Design overlay zone purpose statement** – which serves as the foundation for the whole program – supports this guiding principle by shifting the focus from a conservation tool used in relatively well-established areas to a more dynamic tool that aims to create more equitable, inclusive and human-centered places.

How community responds to new development often reflects how included they feel in the development process, as well as how intentionally populations that are under-served and under-represented were engaged in the decisions that affect them. **Clarifying the design review process for the public**, in conjunction with new neighborhood contact requirements that bring more design-related meetings into the community, **lowers barriers for civic engagement**.

**DOZA uses the three tenets of design to simplify, consolidate, and revise all approval criteria making them more accessible to everyone** and helps everyone understand the principles of design so they can more effectively engage in the discussion. These amendments include reducing the number of guidelines from 16 to ten.

The proposal includes an option for **certain affordable housing developments to be reviewed through a Type II staff procedure instead of a Type III hearing process**. This change continues to allow for public involvement in the process but lessens a barrier for affordable housing projects. To truly further equitable processes and outcomes, these elements of the proposal must work in tandem with ongoing efforts by City bureaus to intentionally engage with and build capacity with under-served and under-represented communities.

A memo in *Appendix B* outlines how design review could affect housing affordability. DOZA proposes most of the **changes called for to reduce the time, investment, and uncertainty on the part of the development team**. These changes include updating the thresholds and exemptions for design review, reducing the number of design guidelines, providing a menu approach for design standards, expanding the list of allowable materials (while being mindful of costs), allowing projects in Gateway Plan District to use the objective design standards track, making administrative improvements to the process, and aligning the City's design review process with an applicant's design process. The memo concludes that these changes could be positive for housing affordability when compared to current processes and regulations.

In the development and implementation of tools, **DOZA considers how design can intentionally catalyze positive development that is truly equitable and supportive of strong, inclusive communities** – specifically through strengthening the public realm, encouraging the provision of welcoming spaces, and promoting thoughtful site design that considers the comfort and dignity of residents, workers, and visitors.

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## 5. Resilience

*Reduce risk and improve the ability of individuals, communities, economic systems, and the natural and built environments to withstand, recover from, and adapt to changes from natural hazards, human-made disasters, climate change, and economic shifts.*

The best buildings and places are adaptable over time to respond to the changing economy, needs, demographics and environments of the area. DOZA supports this principle by explicitly prioritizing the role of quality and long-term resilience in **the new purpose statement**. This language served as guidance in the creation of related implementation tools.

The **proposed design guidelines encourage designing for resilience and adaptability to climate change** as the city evolves. New standards require taller ground floors of buildings to ensure longevity and flexibility over time.

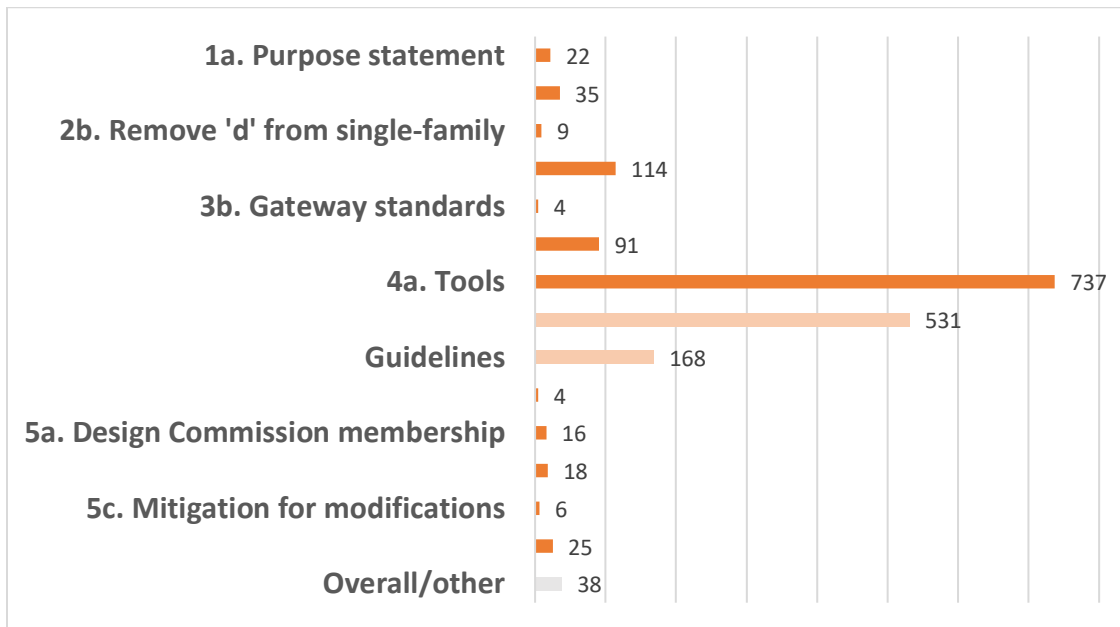
**New standards also provide incentives for including features to make a building more resilient**, including considering life cycle assessments and installing solar energy systems, pervious paving and reflective roofs or eco-roofs. **Other standards incentivize creating areas that work well with active transportation options** as the city prepares for a future with a greater emphasis on active modes of transportation.

Further, **an explicit goal of the Design overlay zone is to create active, inclusive centers** — centers that define and create community — by building resilient places in the physical sense, but just as importantly, by building relationships, investment, social capital, and community resilience through the collaborative process of developing these spaces.

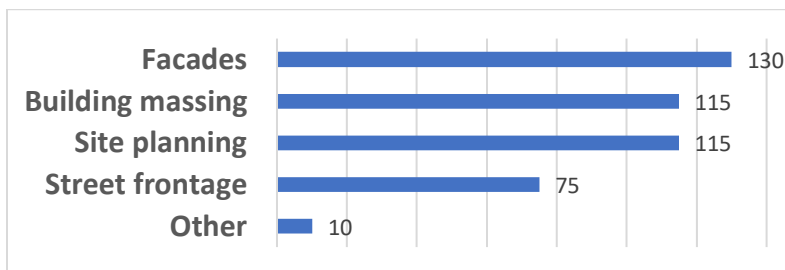
## Section 3: Public Involvement for this Project

### Discussion Draft Outreach

Between February 2019 and May 2019, staff conducted a total of 61 open houses, meetings, focus groups, and briefings to introduce the proposed legislation in the DOZA Discussion Draft to the public. Overall, staff received approximately 1,100 comments from 97 different participants, including individuals; bureaus, agencies, and commissions; organizations and advocacy groups; and neighborhood groups. The chart below shows the number of comments received for each of the proposals:

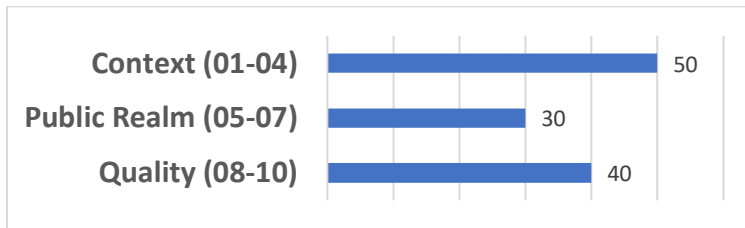


The comments touched on a number of topics – from the revision of the purpose statement to address issues of climate change to better aligning the Design Review process with the industry standard design processes. However as shown above, most feedback was given in response to the tools (Discussion Draft proposal 4a.), which included drafts of both the new Design Standards and discretionary Citywide Design Guidelines. Comments for the standards generally fell into one of the five standard categories (site planning, building massing, street frontage, facades, and other), as detailed in the chart below:



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Facade standards generated the most comments, and in general there was strong support for the combination of required and optional standards. Similarly, comments received in response to the Guidelines focused on specific guidelines as well as the photos that represented them, as detailed in the graph below:



The issue of context received the most attention. Comments reflected tension about how to respond to context, with some commenters wishing for a stronger response to context or more prescription in the guidelines about relating to existing buildings. However, in general, feedback noted appreciation for the reduction of guidelines to only ten, as this creates a more streamlined approach to the review process, as well as the use of more prescriptive language.

A few major themes emerged from the comments that relate to both standards and guidelines. For example, there was a call to strengthen the response to context as many commenters noted the need for both traditional architecture — preserving and creating new “fabric” or background buildings — and innovative architecture, “jewels,” and strong civic buildings. Other themes included a desire to see more response to issues of equity and inclusion, as well as strongly encouraging green infrastructure. Finally, many commenters stated that the organization and formatting of the Design Standards needs to align more closely with the Citywide Design Guidelines.

More specific data on comments and commenters can be found in *Appendix C: What We Heard Report*.

## Earlier Public Involvement

The public outreach following publication of the Discussion Draft built upon the work and relationships developed during the initial Design Overlay Zone Assessment phase of the project, as well as on outreach related to earlier versions of this report: the *DOZA Process* Discussion Draft and *DOZA Tools* Concept Report.

## Design Overlay Zone Assessment

The Design Overlay Zone Assessment was a one-year project that culminated in a report to City Council in April 2017. During this time, the City and the consultant, Walker Macy, provided many opportunities for the public to engage in the research work — convening an equity focus group and coordinating other stakeholder interviews and focus groups, creating online questionnaires, hosting an open house, and presenting the findings at open meetings with the Planning and Sustainability Commission and the City Council. Additional information on this outreach can be found within the assessment document and appendices located on the project webpage.

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### **Administrative Improvements**

The Bureau of Development Services (BDS) has made many improvements to the administration of the design review process and coordination of the Design Commission’s public hearings and briefings. These improvements have been vetted through public discussions with the Design Commission and with stakeholders. This process continues independent of the more formal, legislative public involvement process described below. For more information on administrative improvements, see *Volume 4: Appendix A: BDS DOZA Administrative Improvements*.

### **DOZA Process and DOZA Tools Drafts and Outreach**

Initially envisioned as separate projects, a *DOZA Process* Discussion Draft was published in April 2018 for public consideration and a *DOZA Tools* Concept Report followed in May 2018. An open house was held on May 9, 2018, and in the months that followed, staff presented at six neighborhood coalitions and several neighborhood associations and met with other interested stakeholders, individuals from the previously convened equity group, and other community groups. This feedback was considered in the creation of the Proposed Draft.





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## Section 4: Proposal and Analysis

### Summary of Proposals

**1. PURPOSE – What is the purpose of the Design overlay zone?**

Revise the purpose statement for the Design overlay zone and related design chapters to reflect the goals and policies Portlanders set out in the new Comprehensive Plan.

**2. MAP – Where is the Design overlay zone mapped?**

Remove the Design overlay zone from single-dwelling-zoned properties except for the Terwilliger Design District. This includes areas in and around Sellwood-Moreland, Hillsdale, Macadam, Floyd Light Middle School, and North Prescott.

**3. THRESHOLDS – What are the thresholds for review in the Design overlay zone?**

- a. Establish review thresholds based on the size and scale of a project, with the goal of aligning the level of review with the level of impact a project will have on the community. Require a higher level of review for larger projects and a lower level of review (or exemption) for smaller projects and alterations.
- b. In the Central City Plan District, expand the number of small projects and alterations that use a Type II and Type I review procedure and exempt certain smaller alterations.
- c. In the Gateway Plan District, allow smaller projects under 35 feet high to use design plan check (design standards) as an alternative to a design review.

**4. PROCESS – What is Design Review and how is it changing?**

- a. Align the Type III design review and historic resource review processes with an applicant's design process.
- b. Expand the Design Commission membership to allow landscape architects, architects and urban planners as industry experts and clarify that the public-at-large member is independent of these industries.
- c. Make administrative improvements to the efficiency and transparency of the design review process.
- d. Clarify that, except in limited cases in the Central City, the design review process cannot require a reduction of proposed floor area ratio (FAR).
- e. Clarify that mitigation may be required to lessen the cumulative impacts of modifications; clarify the definition of a use-related development standard.

**5. TOOLS – What are the tools used to evaluate projects in the Design overlay zone?**

- a. Based on the three tenets of design (context; public realm; and quality and resilience) create new approval criteria – *Portland Citywide Design Guidelines* – for areas in the Design overlay zone (d-overlay) outside Central City.
- b. Based on the three tenets of design (context; public realm; and quality and resilience) create new objective standards – *Design Standards* – for areas in the Design overlay zone (d-overlay) outside Central City that sync with the new *Portland Citywide Design Guidelines*.

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## 1. PURPOSE – What is the purpose of the Design overlay zone?

In Portland, every property is assigned a *base zone* (e.g., R5, CM2, IH). The base zone determines what uses are allowed on each site (e.g., residential, retail sales and service, industrial service) and includes development standards (e.g., height, density, setbacks) that align with those uses. In addition to their base zone, some properties are also assigned *overlay zones*. Overlay zones each serve a specific purpose that may be applicable across different base zones. For example, *Environmental overlay zones* help protect natural resources and the *Scenic Resource overlay zone* helps protect public views.

What is the purpose of the *Design overlay zone (d-overlay)*? What is the City trying to do with this tool? Why do Portlanders care about design? The purpose statement for the overlay zone addresses these questions and serves as high-level guidance for all the processes and tools that follow.

### **PROPOSAL**

- 1. Revise the purpose statement for the Design overlay zone and related design chapters to reflect the goals and policies Portlanders set out in the new Comprehensive Plan.**

*Related Assessment recommendations: A4, B1, B3*

**Proposal:** The amendments revise the purpose of the d-overlay in the Zoning Code, updating the focus to consider the **three tenets of design**: building on context, contributing to the public realm, and promoting quality and long-term resilience (see Proposal 5 for more information on the tenets). The amendment also recognizes the expanded role of the d-overlay as it applies to areas of growth and change.

This amendment is an important element to the overall DOZA package because it provides direction for the other amendments and program. A major finding of the consultant’s assessment was that the tools used to address design make Portland “a city that is highly walkable, culturally distinguished, very civil and eminently livable.” However, the consultant also found with added growth pressures that the design tools needed a “major refresh.” Part of this refresh is to realign the purpose of the d-overlay — a purpose which hasn’t been updated significantly in over 20 years — with the new Comprehensive Plan. The *Urban Form* and *Design and Development* chapters of the Plan provided significant guidance for this proposal.

In addition to providing guidance for the thresholds and design review process, the direction espoused by the purpose statement guided the creation of two new tools that implement the overlay zone: *Portland Citywide Design Guidelines* (found in *Volume 3: Portland Citywide Design Guidelines*) and *Design Standards* (found in *Volume 2: Code Amendments*).

The purpose statements addressing design review and the Design Commission are also amended to be consistent with the purpose statement of the d-overlay.

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**Benefit:** The proposal provides clarity for all participants and deeper understanding of the intent of the Design overlay zone and serves to connect the new goals and policies of the Comprehensive Plan to the Zoning Code. It aligns better with the current mapped application of the d-overlay within areas anticipated for growth and change as well as with established centers and corridors. It formalizes the three tenets of design, as recommended by the DOZA Assessment, within the regulatory context of the Design overlay zone. It establishes an intent that is focused on people rather than simply the built environment. It sets up a foundation for the development of synchronized guidelines and standards.

**Code Sections Affected:** The proposal affects the purpose statement within the Design overlay zone chapter (33.420.010). The change also impacts the purpose statements for design review (33.825.010) and the Design Commission (33.710.050).

## 2. MAP – Where is the Design overlay zone mapped?

The Design overlay zone (d-overlay) was created in 1959 for the “purpose of conserving and enhancing the appearance of the City of Portland, especially in areas of existing or potential scenic value, of historical note, of architectural merit, or for interest to tourists.” Until the 1990s, the tool was only used downtown.

The adoption of the Albina Community Plan in 1993 was a pivotal point in mapping and using the d-overlay outside of the Central City. Because the Plan mapped several new areas with the d-overlay, its adoption prompted the City to create a two-track system (a discretionary design review track and an objective standards track), in part because discretionary design review was perceived as too expensive or cumbersome for areas outside of the Central City.

As the City expanded its neighborhood planning efforts to other areas, the d-overlay often expanded with it — into areas including East Portland, Hollywood/Sandy, St. Johns, and Sellwood/Moreland. The 2035 Comprehensive Plan further expanded the map to designated Town Centers as well as to Inner Ring Neighborhood Centers and Civic Corridors. This latest expansion took effect on May 24, 2018.

### ***PROPOSAL***

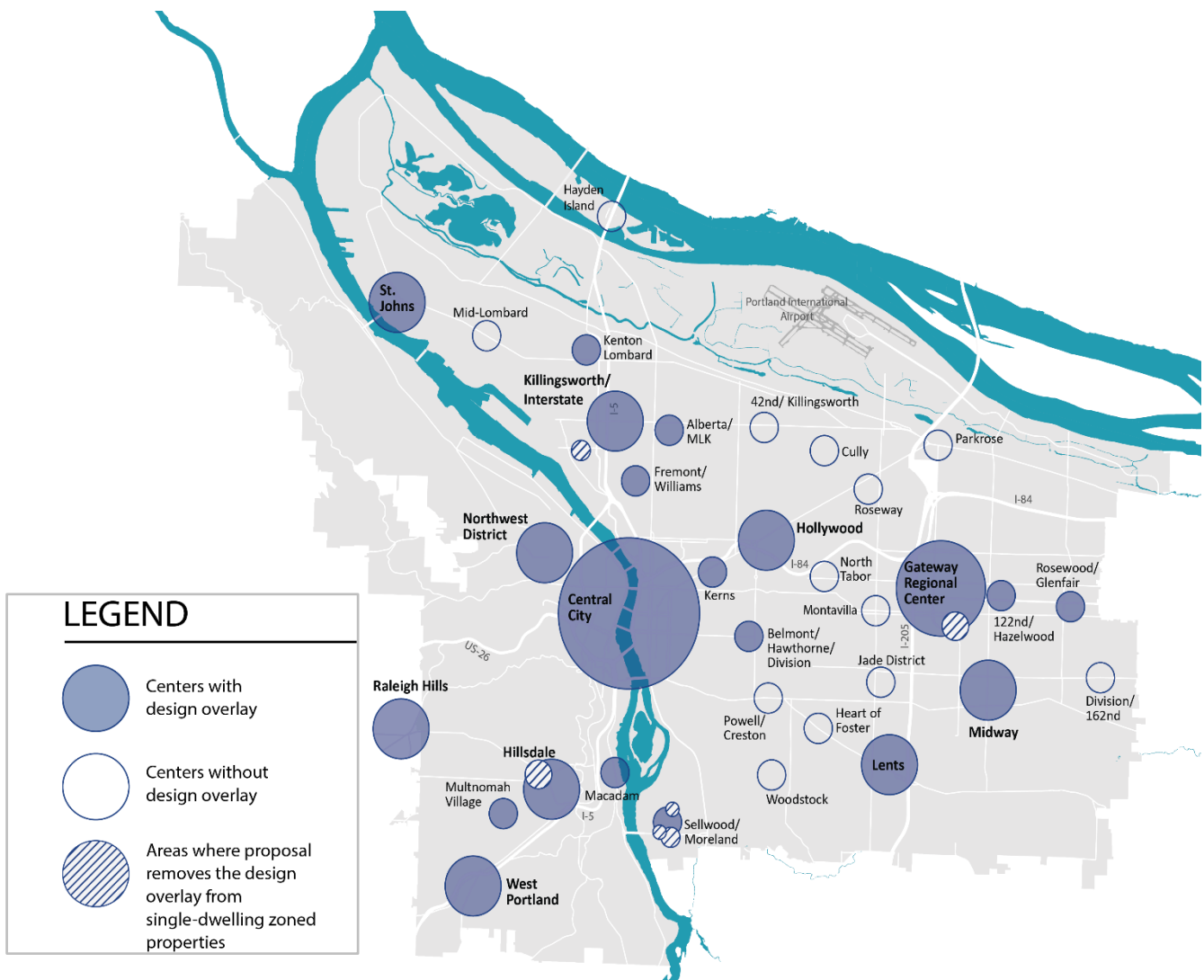
- 2. Remove the Design overlay zone from single-dwelling-zoned properties, except for the Terwilliger Design District. This includes areas in and around Sellwood-Moreland, Hillsdale, Macadam, Floyd Light Middle School, and North Prescott.**

**Proposal:** The intention of the d-overlay is to focus additional design attention on projects that will have a big impact on the community. Therefore, it should not include single-dwelling-zoned properties, where only small projects are allowed by code.

The one exception to this proposal is within the boundaries of the original Terwilliger Design District. This district includes many areas with single-dwelling zones and was one of the first applications of the d-overlay. The intent of this district is to preserve and maintain the current landscaping and

views along the Terwilliger Corridor. This corridor is also the location of the current and future transportation links between the Oregon Health and Science University’s campuses. Staff felt that this area needs further study to determine if the objective of the area could be met through other tools such as environmental or conservation regulations. In the interim, amendments in 33.420 will exempt projects of four or fewer units in all d-overlay zones but will still apply the ‘d’ overlay to larger scale or institutional development that could occur in the district. The four or fewer units is a threshold set to align with the changes recommended through the Residential Infill Project.

Though the Discussion Draft also considered expanding the Design overlay zone to all Neighborhood Centers, public discussion on that topic was mixed, and the project team decided to focus the DOZA proposal on changes that would improve the design overlay tools and process before considering an expansion. More detail on this topic is available below, in Section 5 of this Volume.



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**Benefit:** The proposal aligns Zoning Code tools with the vision of the Comprehensive Plan’s Urban Design Framework across the city because it focuses design attention on the areas of highest capacity growth and development, where regulations for large scaled projects can serve the most people. At the other end of the spectrum, it removes the design overlay in areas that only allow small-scale residential development with their own set of design standards within the base zone.

**Code Sections Affected:** This proposal is a zoning map change, not a Zoning Code change.

**Relationship to Other Proposals:** The map amendments are consistent with the changes made to the thresholds (Proposal 3) in the Zoning Code. The residential development allowed in single-dwelling zones (small scale development of 1-4 units) is exempt from the Design overlay in 33.420, so removing the d-overlay from the single-dwelling zoned properties eliminates confusion.

### **3. THRESHOLDS – What are the thresholds for review in the Design overlay zone?**

An effective Design overlay zone and design review process can create positive impacts for diverse communities and the city. The review process should be clear and effective for all parties and simple enough so it’s easy for busy community members to meaningfully engage with and provide feedback to applicants and decision-makers.

A key recommendation made in the Design Overlay Zone Assessment was to “adjust the thresholds for design review to provide a high level of review for larger projects in d-overlay districts but lessen the level of review for smaller projects.” The recommendation was to provide greater design attention for projects proposed within the Central City, with a tiered approach citywide that ensures that larger projects undergo a level of review compatible with the magnitude of change.

The Assessment also recommended exemptions for small-scale projects, including some additions and remodels, reducing the overall number of projects subject to the regulations of the Design overlay zone. These projects have less impact on the surrounding community and are often undertaken by individual business or property owners, so the additional layer of regulation can be a barrier to making small improvements.

The current rules dictating the level of review has been augmented over the last 20 years — each time a new area has undergone a planning process where a Design overlay has applied. This has created a table of regulations that is more complex than necessary and treats projects in similar areas of the city differently (i.e. a project on SE Foster in Lents that is a Type II staff level review could be a Type III hearing closer in on SE Foster). In addition, the list of exemptions has grown considerably as various examples of alterations have been added to the list.

A simpler table of thresholds and a concise list of exemptions will standardize the review process citywide and make application of the Design overlay zone more effective.

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## **PROPOSAL**

- 3a. Establish review thresholds based on the size and scale of a project, with the goal of aligning the level of review with the level of impact a project will have on the community. Require a higher level of review for larger projects and a lower level of review (or exemption) for smaller projects and alterations.**
- 3b. In the Central City Plan District, expand the number of small projects and alterations that use a Type II and Type I review procedure and exempt certain smaller alterations.**

*Related Assessment recommendation: A1*

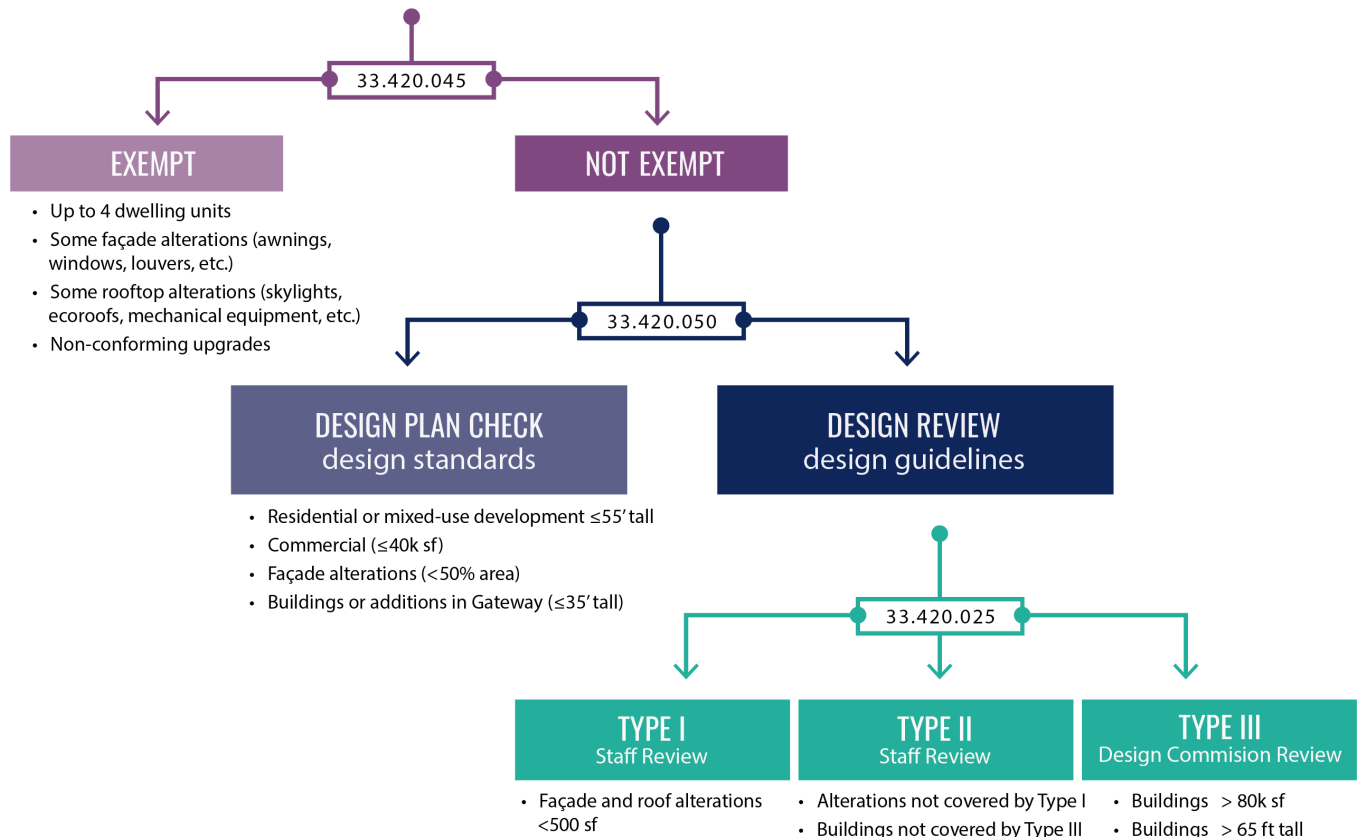
**Proposal:** This amendment will adjust the review thresholds for projects in the Design overlay zone. The goal is to establish review thresholds based on the size and scope of the project — requiring a higher level or review for larger projects and a lower level of review (or exemption) for smaller projects. The amendments also create a simpler tiered system between project within and projects outside of the Central City.

The flowchart below provides an overview of how the Design overlay zone applies. Currently, a project within the Design overlay may be either exempt, may be approvable through the application of objective standards, or may be subject to a discretionary Land Use Review (either a Type II staff decision or a Type III hearing in front of the Design Commission). This proposal does not fundamentally change this flowchart. Instead, it changes the types of projects that fall within each of the categories below and assigns some projects to the Type I procedure type.

The changes in thresholds are intended to accomplish the following:

- Base the level of review on the scale of development, rather than on a dollar cost;
- Distinguish between new buildings, additions to buildings, and alterations;
- Distinguish between projects inside the Central City and those outside the Central City; and
- Simplify the review table and list of exemptions.

## HOW THRESHOLDS WORK IN THE DESIGN OVERLAY ZONE



**Benefit:** The changes better align the level of review with the impact of a proposal on the community. This is a benefit because it focuses City resources and the public’s time on large-impact projects while not burdening small projects and alterations with additional process and/or regulations.

**Code Sections Affected:** This amendment affects the exemptions listed in the Design Overlay Zone Chapter, 33.420 and the thresholds found in the Design Review Chapter, 33.825.

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## **PROPOSAL**

### **3c. In the Gateway Plan District, allow smaller projects under 35 feet high to use design plan check (design standards) as an alternative to a design review.**

*Related Assessment recommendation: A1*

**Proposal:** The amendment allows smaller projects and alterations/additions in the Gateway design district (which aligns with the Gateway Plan District) to use the objective design standards as an alternative to discretionary design review. Currently, all proposals in Gateway, like Central City, are required to go through the discretionary review process. However, all projects taller than 35 feet in height will continue to require discretionary review since they can have a transformative impact on shaping the Gateway Regional Center and will benefit from having the flexibility, transparency and public process provided by discretionary reviews. This places Gateway in a middle position of discretionary oversight between the requirements in our Central City and the centers and corridors, recognizing that Gateway is Portland's only Regional Center.

**Benefit:** The changes provide the opportunity for smaller projects in Gateway to use objective design standards that are reviewed within the building permit. This especially benefits remodels and additions to existing structures, which are often proposed by property owners or businesses making modest changes to a building's exterior with the intent of enlivening the district.

**Code Sections Affected:** This amendment affects the Design Overlay Zone Chapter, 33.420. Specifically, Section 33.420.050 is amended to allow design standards to be used for the Gateway Design District except for new projects over 35-feet high.



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## 4. PROCESS – What is Design Review and how is it changing?

The process recommendations in the Design Overlay Zone Assessment were based on the goal of continuing to support high quality design in development projects while ensuring a process that is efficient, effective and more transparent. They included suggesting better ways to serve and include the community through more understandable and accessible rules and processes.

The report stated that:

*People in Portland, whether residents, merchants, property owners, or developers, generally seem to recognize the high value that the City places on design and support its efforts to achieve that. To uphold a sense of communal responsibility for designing and building the city, all parties involved in the design review process, whether staff, Commission, applicants, or the public should bring to the discourse an attitude of working together to create better places within the overall framework of long-term City policies regarding growth and development.*

Several amendments forward the recommendations from the Assessment while also acknowledging the fact that the City’s land use review process must meet the requirements of state law. The following proposals attempt to update the design review process, its review bodies, and the administration of the review.

### **PROPOSAL**

#### **4a. Align the Type III design review and historic resource review processes with an applicant’s design process.**

*Related Assessment recommendations: A3, A5*

*Note: For an explanation of the terms in italics font, please see the box “The Nuts and Bolts of Aligning Processes” at the end of this section.*

A Type III Design Review process is used for many of Portland’s largest development projects and the Assessment recommended that the City organize its “review process to correspond to a project’s typical design process.” The idea was to focus on “big picture” aspects of a project at the early stage of design, with more detail provided by the development team as the project moves through the review process — tailoring submittal requirements to match the corresponding stage of review.

An applicant’s typical design process goes through four stages: *concept design, schematic design, design development, and construction documents*. As a project moves through design, details are developed that rely on previous design decisions — and opportunities to make changes become increasingly expensive and complicated. See the diagram at the end of this section for more detailed information.

The Assessment also recommended that “Issues resolved at each stage should not be revisited in subsequent meetings...”. While this is a logical decision-making process, it implies that the design process is linear, which it is not. It also implies that the City could make interim decisions at each stage, even if the stage occurs outside the land use review process. In Oregon, discretionary land use decisions

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must be made through a *Land Use Review (LUR)* – in this case a Design Review or Historic Resources Review – so, decision-making outside the land use review is not possible.

### Initial Alternatives

Given this challenge, staff shared two alternatives for alignment in the Discussion Draft. The first alternative required a *Design Advice Request (DAR)* with parameters for the meeting and increased notification to neighbors. The second alternative eliminated the DAR and make the LUR the focal point for discussion and testimony.

Staff received comments from applicants and the general public who supported having several opportunities to discuss the project with a Commission prior to a LUR application being submitted. Staff also received comments from people expressing concern over the number of meetings held. Other comments spoke to the confusion about when public input has the best chance of influencing the project and providing standing for appeal. Some commenters thought of the DAR as an early decision. Others thought of the current land use review process as focused mostly on the details of the project. At the same time, there was concern that eliminating the DAR entirely could create delays and/or generate more appeals of land use review cases, if no preliminary discussion had taken place.

**Proposal:** The amendments, coupled with administrative improvements (see Proposal 4c and Appendix A), align the Type III Design Review and Historic Resource Review processes with the applicant's process by making the changes listed below. Many of the administrative changes have already been implemented.

1. **Better communicate the stage of design** that is appropriate for each step in the City's process to all participants:
  - The applicant, so they know when it's optimal to submit information;
  - The public, so they know when to engage and what that engagement means; and
  - The Design Commission or Historic Landmarks Commission, so they can focus their discussions on the level of detail appropriate for each stage.
  
2. **Encourage applicants to submit their Land Use Review (LUR) earlier in their design process** – when input from the public is more valuable and the design can still change. This translates to a public hearing closer to the end of Schematic Design through Design Development.
  
3. **Improve the Design Advice Request (DAR) process** by clarifying the purpose, process and public notification requirements. These changes to the DAR process are proposed through Zoning Code amendments or administrative improvements:
  - Continue to allow optional DAR for Type II and III reviews, except for limited situations where the code already requires it (code).
  - Limit number of DARs to one per review, unless the proposal involves multiple buildings on a site (code).
  - Phase application submittals to allow applicants to continue work while the City review process is underway (admin).
  - Require that DARs be held within 56 days from receiving a complete application (code).
  - Require that notice of the DAR be posted on development site (by applicant); emailed to recognized organizations (by the City) and mailed to nearby neighbors (by the City) at least 20 days before the meeting (code).

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- Continue to allow for public comment during the meeting (admin).
  - Improved DAR staff templates (admin).
  - Improved coordination with service bureaus (admin).
  - Public information available in meeting room (admin).
  - Clarify DAR submittal requirements (code and admin).

This alignment was vetted by multiple applicant teams in 2017 to determine the effectiveness of early DAR meetings and phased submittals. Representatives from four firms also compared the conceptual alignment to their internal project schedules to ensure applicability. These test cases were largely successful, and elements of the updated process and accompanying tools were implemented.

**Benefit:** These improvements to the Type III Design Review and Historic Resource Review process:

- Allow applicants to get **early direction (i.e., at the Concept Design phase) from decision-makers** before the time and expense of more detailed drawings are spent (i.e., Schematic Design and Design Development-level drawings).
- Support **appropriate conversations occurring at the appropriate times** in the applicant's design process, providing decision-makers (staff and the Commissions) with timely information and materials so they can facilitate a collaborative review process among all participants – the applicant, staff, the Commission and the public.
- **Respect the public's time** and clearly direct their effort and input to the point(s) in the process where that input can influence the applicant and decision-makers; and
- Ensure that **meetings designed to support a successful land use review don't undermine the land use review itself** – the only part of the process required by Oregon State law and where participation guarantees a right to an appeal.

**Code Sections Affected:** The code section most affected by this proposal is Section 33.730.050 within Chapter 33.730, Quasi-Judicial Procedures. This section provides the standards that apply to all early assistance meetings, including DARs. Some additional code sections are amended to update the references made to pre-application conferences and DARs that occur elsewhere in the code.

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## The Nuts and Bolts of Aligning Processes

The task of aligning the Type III Design Review process with the applicant's design process requires a working understanding of both. The diagram on the next page illustrates the nuts and bolts of both processes. The top portion shows the applicant's design process, while the bottom portion shows the City's Design Review process.

### Applicant Design Process

An applicant's typical design process goes through four stages of design: **concept design, schematic design, design development, and construction documents**. As a project moves through design, details are developed that rely on previous design decisions and opportunities to make changes become increasingly expensive and complicated. The list of features in the diagram reflect areas commonly discussed during the design process.

The colors in the diagram represent how easy or difficult it is to make significant changes to the item highlighted: purple indicates a change to that component is easy; teal indicates that change is difficult; and as items move into the realm of no longer feasible without extensive cost or other changes, they fall off the list. For example, in looking at *vehicle areas* (the third item in the list), the placement and design of these spaces is easy to change in Concept Design and Schematic Design but becomes increasingly difficult through Design Development, and largely unfeasible without other significant changes at the Construction Documents stage.

It's important to note that design is not a linear process. Things shift, new challenges may be discovered, or a design team may hear something in the review process that causes them to go back and change something that may be extremely difficult — resulting in larger changes — costing time and money. While the process is by its nature iterative, in order to streamline the process, the City's review process should support a process that is as linear as possible.

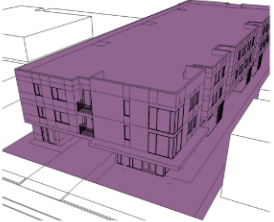
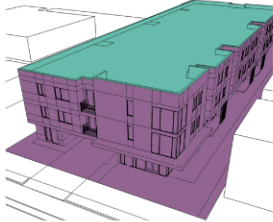
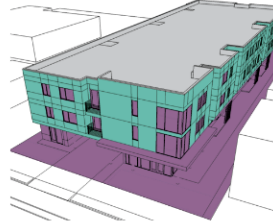

### City Design Review Process

*For more information on the types of meetings at the City's disposal and the opportunities for public involvement related to each, please see the "Types of Meetings" at the end of this proposal.*

Currently, the DAR is optional, with many applicants choosing to go through the process. The scenarios shown here illustrate how the process often played out before the DOZA administrative improvements (see Appendix A) were implemented. Sometimes more than one DAR was held prior to applying for the LUR and sometimes multiple LUR hearing dates were necessary. Either way, the LUR was held in the Design Development stage of an applicant's design process.

The proposed alignment shows the recently-adopted Neighborhood Contact requirement into the Design Review Process and aligns that meeting with the *Concept Design* stage. If an applicant requests a DAR, staff encourages them to submit it for the *Concept Design* stage and limits the materials that can be submitted. The increased notification for the DAR allows opportunities for the public to provide comment earlier in the project design and can complement any dialog that has occurred through the neighborhood contact process. Staff also encourages the applicant to submit their LUR closer towards the end of *Schematic Design* stage – where the public can still provide meaningful input and more of the elements can be changed based on testimony and the Commission's deliberations. The LUR phase can go through the *Design Development* stage. The LUR will remain the point in time when formal review of the relevant guidelines and approval criteria take place.

**APPLICANT DESIGN PROCESS** | OPPORTUNITY FOR CHANGE ■ EASY ■ DIFFICULT ■ NOT FEASIBLE

CONCEPT DESIGN	SCHEMATIC DESIGN	DESIGN DEVELOPMENT	CONSTRUCTION DOCUMENTS
 <p><b>Building program</b>                      Building orientation on site                      Vehicle areas                      Outdoor spaces and landscaping                      Main entrance location                      Site utilities</p> <p><b>Total building area</b>                      Height &amp; massing                      Setbacks from street                      Articulation &amp; balconies                      Canopies and overhangs                      Windows and doors                      Exterior finish materials                      Mechanical systems and equipment                      Signage</p>	 <p><b>Building program</b>                      Building orientation on site                      Vehicle areas                      Outdoor spaces and landscaping                      Main entrance location                      Site utilities</p> <p><b>Total building area</b>                      Height &amp; massing                      Setbacks from street                      Articulation &amp; balconies                      Canopies and overhangs                      Windows and doors                      Exterior finish materials                      Mechanical systems and equipment                      Signage</p>	 <p><b>Vehicle areas</b>                      Outdoor spaces and landscaping</p> <p><b>Site utilities</b></p> <p><b>Setbacks from street</b>                      Articulation &amp; balconies                      Canopies and overhangs                      Windows and doors                      Exterior finish materials                      Mechanical systems and equipment                      Signage</p>	 <p><b>Outdoor spaces and landscaping</b></p> <p><b>Canopies and overhangs</b>                      Windows and doors                      Exterior finish materials                      Signage</p>

**CITY DESIGN REVIEW PROCESS**

PRE-DOZA SCENARIO - applicant chose DAR			
Pre-app	Optional DAR Optional DAR	LUR Hearing	
PRE-DOZA SCENARIO - applicant did not chose DAR			
Pre-app		LUR Hearing LUR Hearing	
PROPOSED ALIGNMENT - with administrative changes			
Pre-app NHD Contact* Optional DAR		LUR Hearing	

*\* Future opportunity for public input, with implementation of Neighborhood Contact Code Project*

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## Types of Meetings

The City supports and requires several different meetings as part of the Type III process. In part, the meetings are all designed to support the City's Type III land use decisions. They serve different purposes, occur at different times in the process, and provide different opportunities for public input. Only one, the Land Use Review, is required by Oregon land use law. A summary of each is below:

- **Pre-application conference (Pre-app)**

A Pre-application conference is a meeting that City staff have with an applicant who is interested in doing a development project in Portland. Pre-application conferences are required for all Type III Land Use Reviews. City bureau staff attend this meeting to give information to the applicant about what each will require. The public may attend, but the purpose is to provide technical information to the applicant. Meetings are held during working hours at BDS' office downtown.

- **Neighborhood Contact (NBH Contact)**

Neighborhood Contact is a set of public outreach steps that must be taken before certain developments can be submitted to the City. Starting December 2, 2019, projects within Design overlay zones that add 10,000 square feet of floor area will trigger the Neighborhood Contact III requirement to post a sign at the site and request a public meeting with the neighborhood association at their office, or in a public place if the association doesn't respond. These projects may, or may not, trigger a future land use review. The public may provide feedback to the applicant, which is summarized and submitted by the applicant to the City as part of their Land Use Review application.

- **Design Advice Request (DAR)**

Currently, an applicant may request design advice from the Design Commission or Historic Landmarks Commission prior to submitting a land use review application. The meeting is optional. The purpose of the DAR is for the applicant to receive early feedback from the Commission prior to engaging in further design work. The public is welcome to attend and provide comments on the proposal. DARs are held during the week, during work hours into the evening and are held at BDS' office downtown.

- **Type III Land Use Review (LUR Hearing)**

A Type III Land Use Review requires a public hearing before a hearing body. Testimony may be submitted in writing or in person, prior to the Commission's deliberation on how the proposal does or does not meet relevant approval criteria. Hearings are held during the week, during work hours into the evening and are held at BDS' office downtown. Type III decisions are appealable to City Council. Appeal hearings are held in the afternoon during the week at City Hall.

An LUR is subject to Oregon's land use laws, which are intended to create a timely and predictable process for land use decisions. It requires the City to provide notice and allow the public to participate in discretionary land use decisions. When an individual participates in a Type III LUR, they have formal standing to appeal a decision. A Type III LUR is the process where the Commission makes formal findings of compliance against the approval criteria (design guidelines in the case of Design Review). The land use review and appeal are subject to the state's requirement to process and make decisions on a proposal within 120 days of the receipt of a complete application.

**PROPOSAL**

**4b. Expand the Design Commission membership to allow landscape architects, architects and urban planners as industry experts and clarify that the public-at-large member is independent of these industries.**

*Related Assessment recommendation: A2*

The assessment suggested making changes to the Design Commission charter, which BDS has incorporated into their administrative improvements (see 4c). The assessment also suggested expanding the membership pool for Design Commissioners to include both a wider range of technical fields to select from, as well as to provide an opportunity for a member outside the industry to serve, such as a representative of neighborhood interests.

**Proposal:** The amendment expands the list of technical disciplines from which five of the members are drawn to include the field of landscape architecture, and to distinguish urban planning and architecture fields within the more general term of “design.” The amendment also includes a change to the public-at-large member to ensure that the person has a more general background and is not grouped together with those who have technical experience in one of the other fields.

The powers and duties of the Design Commission are also being amended to emphasize their lead role in reviewing projects, as well as to update some of their other duties to reflect current practice, such as providing advice on an ‘as needed basis’ for transportation projects developed by the City or Metro.

<b>Current: 7 members</b>	<b>Proposed: 7 members</b>
One representative from the Regional Arts and Culture Council	No Change
One person representing the public-at-large but <u>can</u> be employed in a category below.	One person representing the public-at-large and <u>can't</u> be employed in a category below.
Five members experienced in either: engineering, financing, construction or management of buildings, and land development; and  design.	Five members experienced in either: engineering, financing, construction or management of buildings, and land development; and  design, architecture, landscape architecture, urban planning.

**Benefit:** These amendments provide additional clarity of the membership of the Design Commission and will ensure that the make-up of future commissions include a general member of the public who can bring the perspective of someone who is not involved in in the design field.

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**Code Sections Affected:** The bulk of the amendments affect Chapter 33.710, Review Bodies, and specifically the section 33.710.050, which addresses the membership and duties of the Design Commission.

***PROPOSAL***

**4c. Make administrative improvements to the efficiency and transparency of the design review process.**

*Related Assessment recommendations: A2*

**Proposal:** Many of the recommendations outlined in the initial Design Overlay Zone Assessment were intended to make the process more efficient, focused, predictable, and effective. Starting in 2015, the Bureau of Development Services (BDS) began implementing changes to improve the experience of applicants, staff, the Design Commission and the public in the design review process. Informed by stakeholders and driven by the experience of professional staff, these non-legislative actions have improved transparency and efficiency, while maintaining high quality results in the built environment.

**Benefits:** The administrative improvements increase the transparency of the process, clarify the efficiency of the Design Commission meetings and make the process more understandable. Highlights of the work, either completed or in progress, include:

- Inclusion of renters in all mailed land use notices.
- Creation of clearer Design Commission agendas with estimated start times for cases.
- Revised Guide to Providing Testimony.
- Updated Design Advice Request process and submittal requirements.
- Creation and adoption of a Design Commission Bylaws.
- Timer for all presentations and testimony at hearings.
- Tailored equity training related to Commission roles and responsibilities.
- Clarification of roles and responsibilities of all participants with new Staff preamble.

**Location of Details:** More detail on these improvements and others may be found in Appendix A: BDS DOZA Administrative Improvements in Volume 4.



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## **PROPOSAL**

### **4d. Clarify that, except in limited cases in the Central City, the design review process cannot require a reduction of proposed floor area ratio (FAR).**

*Related Assessment recommendations: B1*

**Proposal:** The amendment clarifies that generally, zoning allowances for floor area ratios (FAR) cannot be reduced by decision-makers during the design review process. Because design review plays an important role in examining massing as part of a building's response to context, this clarification is necessary. This allows the Design Commission to review the shape of the building and the distribution of the floor area on the site but not to reduce the overall floor area allowed by the zoning.

An exception is proposed in the Central City, where transfers of FAR from non-historic properties are unlimited. This allowance goes above and beyond the base allowances and standard bonuses and transfers that are generally allowed by right. It can result in large shifts of FAR from some lots to others. In this case, the Design Commission may consider whether the FAR transfer impacts the ability for the project to meet the design guidelines on the development site.

This clarification is consistent with a recently-adopted Oregon statute which limits jurisdictions' ability to reduce the density and size of housing projects below that established through the long-range planning process and allowed by zoning.

**Benefit:** The amendment provides more certainty that allowed floor area cannot be decreased by decision-makers during the design review process. Often, members of the public, architects, developers, and other stakeholders are not aware that design review should focus on the design aspects of the building and site — as detailed in the guidelines — and not the basic floor area allowances of the zone.

**Code Sections Affected:** The code section affected by this proposal is Section 33.825.035 and 33.825.041, within the Design Review Chapter, 33.825.

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**PROPOSAL**

**4e. Clarify that mitigation may be required to lessen the cumulative impacts of modifications; clarify the definition of a use-related development standard.**

*Related Assessment recommendations: B1*

**Background:** Development projects must meet all the development standards in the Zoning Code. This includes setbacks, height, parking lot landscaping, etc. In general, applicants may request adjustments to the standards, which are processed through a Type II procedure. During Design Review and Historic Resource Review processes, some standards may be “modified” through a modification, instead of an adjustment.

**Proposal:** Currently, a decision-maker may approve requested modifications if they find the applicant has shown the proposal will better meet design guidelines, and that, on balance, the proposal will be consistent with the purpose of the standard for which a modification is requested. Unlike an Adjustment Review (33.805.040), there is no mitigation required for modifying a standard — and there is nothing to address the cumulative impact of modifying multiple standards. This proposal requires mitigation, to the extent practical or necessary, to address the cumulative impacts of modifications. Further, the proposal further clarifies what a “use-related” development standards is by providing additional examples.

**Benefit:** This amendment provides clarity around what a use-related development standard is and requires mitigation to address potential cumulative negative impacts of modifications, improving the project. It also creates consistency with the code related to adjustments.

**Code Sections Affected:** This proposal amends Section 33.825.040 Modifications That Will Better Meet Design Review Requirements, within the Design Review Chapter, 33.825

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## 5. TOOLS – What are the tools used to evaluate projects in the Design overlay zone?

The Design Overlay Zone Assessment’s recommendations for Design overlay zone tools were primarily focused on improving the Community Design Guidelines and the Community Design Standards, which apply outside of the Central City and Gateway.

Key recommendations from the Assessment guiding the development of the design guidelines and standards are:

- **Use the three tenets of design** to simplify, consolidate, and revise the guidelines and standards (Recommendation B3).

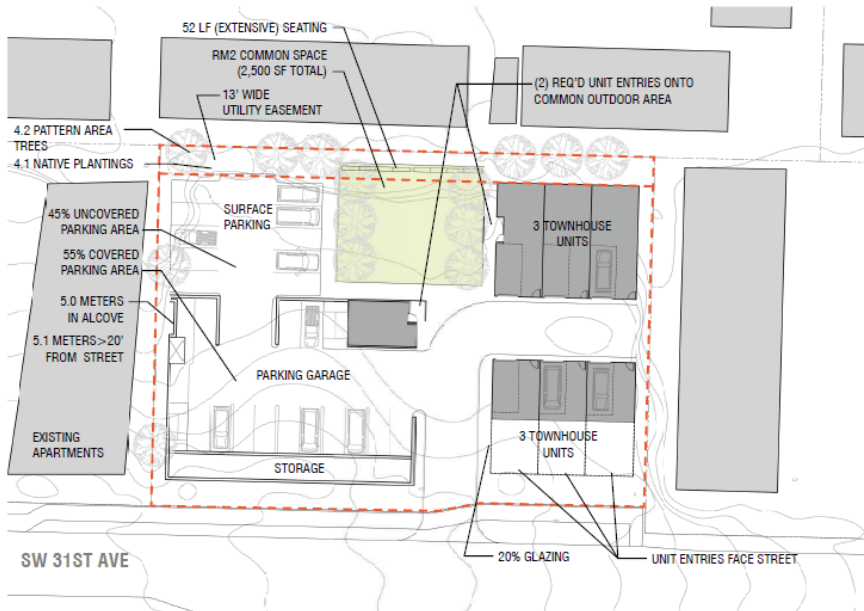
The three design-related core values, or “tenets” in Portland, are rooted in the current Community Design Guidelines and in the Central City Fundamental Design Guidelines as subject headings (Portland Personality, Pedestrian Emphasis, Project Design). Through the Assessment, the three tenets were identified by Design Commission conversationally as: context, public realm, and quality and resilience.

Design Commission cited these three tenets as the most important and grounding topics that organize their deliberations. The Assessment recommended that design-related tools (guidelines and standards) be updated to reflect the three tenets as they are described by the Commission and by the architectural community during the design process and deliberations.

- **Sync the standards and guidelines** (Recommendation B2). The report calls for standards and guidelines to be organized “to fit a parallel structure. This should make it possible to easily see the relationship between the flexible guidelines and the more objective standards.”

The Assessment report concludes that “using the same design purpose and intent, the design standards should use *quantitative* criteria and the design guidelines should use *qualitative* criteria to encourage the best possible result.”

A Concept Report for the Design Overlay Zone Amendments, published in May 2018, posited an initial draft set of tools. The Concept Report included nine design guidelines and a set of design standards – prescriptive ways to meet the intent of each guideline. These guidelines and standards were beta-tested by a team of architects who developed conceptual schematic designs for six sites throughout the city. As they tested the tools, the architectural teams offered recommendations for changes to the guidelines and standards that considered design feasibility, practicality, and cost considerations. Their recommendations informed the tools proposed through DOZA, and their entire study, recommendations, and drawings can be found in the Appendix of this report.



**BUILDING SUMMARY**

Zoning: R1 -> RM2d  
 Site Area: 24,910 of (0.57 acre)  
 Building coverage: 10,000 of (49%)  
 Building height: 4 stories and 2 stories over parking garage (40' / 22')  
 Building Area: 35,000 of (FAR 1.4, approx. sim. to Existing Building)  
 Dwelling Units: Mix of 1, 2, & 3 BR  
 Parking: 32 spaces  
 Bike Parking: Within each unit

**STANDARDS POINTS**

4.1	30% native plantings	+1
4.2	Pattern area trees	+1
5.0	Meters in alcove	+2
5.1	Meters <20' from lot line	+1
6.1	50% Shaded/unit-gated vehicle area	+1
10.1	Entry face street	+4
12.1	Wrap front materials	+1
12.2	50% Balconies on street facade	+3
12.3	50% Sunscreens on street facade	+2
13.1	Window trim	+2
13.4	Natural ventilation at corner units	+2
Total		20

**COMMENTS**

- Common outdoor area requirements are in both Design Standards and RM2 requirements and may not be the same.
  - RM2 and Standards strong encouragement for individualized front unit entries onto the street has a large impact on site planning flexibility, particularly on a sloping site.
  - Requirement for at least (2) dwelling unit entries with layered treatments facing onto open space has unit layout ramifications and removes parking.
- Other Required Standards influencing the site plan, building form, and detailing include:
- 7.1 – REQ'D: We are assuming minimum ground floor height of 10' (residential) refers to floor-to-floor height (not floor-to-ceiling).
  - 13.1 – REQ'D: At minimum 80% of street facing façade windows, provide perimeter trim min. 3 1/2" wide or recess window glazing minimum 4" back from exterior wall surface.
  - 13.2 – REQ'D: Exterior walls facing on-site pedestrian circulation to have minimum 15% windows.

Site & Ground Floor Plan 1" = 30' - 0"

Examples of Schematic testing provided by Consultant Team

Building on the Assessment and the DOZA Tools Conceptual Framework published in May 2018 for public comment, this report proposes two design-related tools to carry forward the purpose statement of the Design overlay zone:

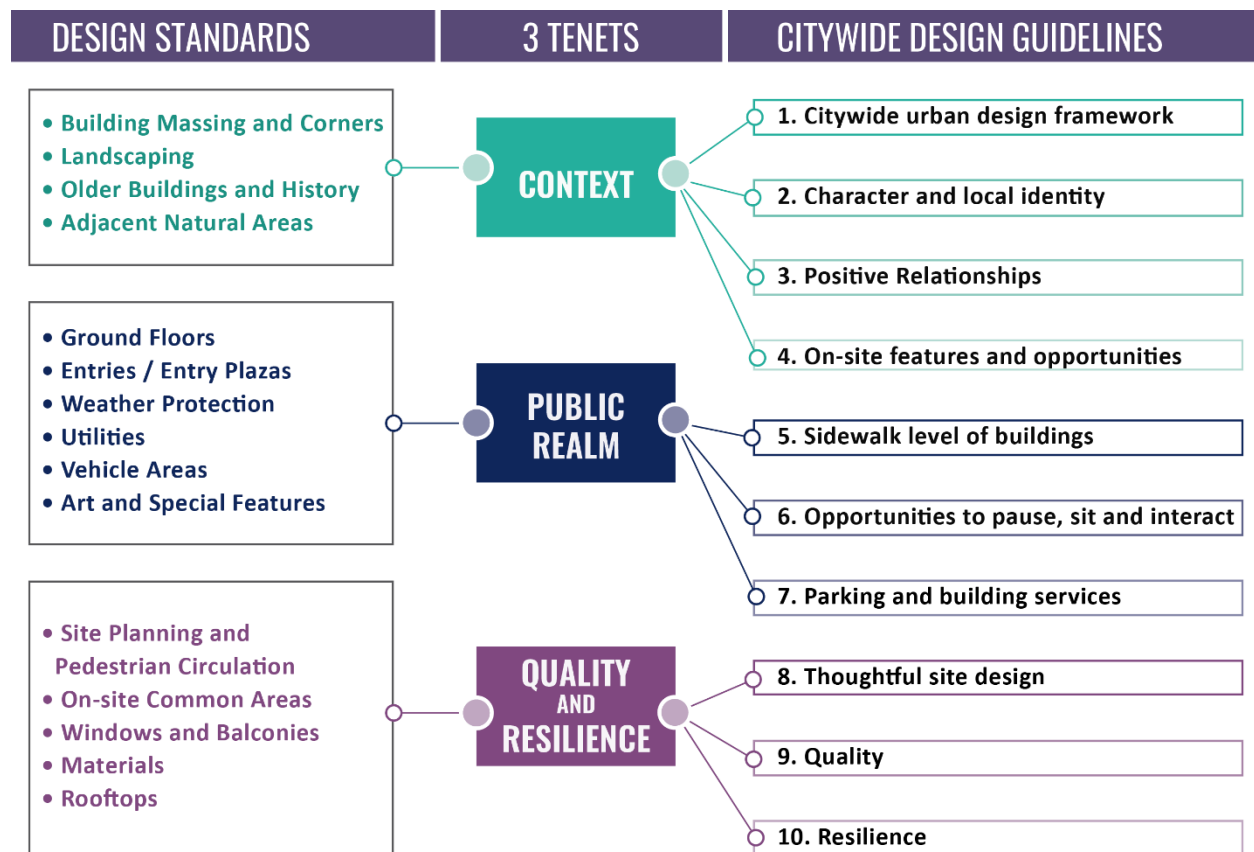
**1. Portland Citywide Design Guidelines** (as detailed in *Volume 3: Portland Citywide Design Guidelines*)

The design guidelines were written to directly nest under each of the three tenets. They are intended to be broad and flexible and will work towards achieving the aspirations listed in the Design overlay zone purpose statement.

**2. Design Standards** (found in Section 33.420.055 of *Volume 2: Code Amendments*)

The Design Standards were written to provide a variety of prescriptive ways to meet the intent of the purpose statement for d-overlay. In this way, the standards can be clear and objective, but both the Guidelines and Standards is working towards the same desired outcome.

**RELATIONSHIP BETWEEN THE STANDARDS AND THE GUIDELINES**



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### How the Tools treat historic resources:

Portland’s main streets and centers often contain a concentration of older buildings. Buildings designated as historic landmarks will use a separate set of tools and process in the zoning code, but other historic resources within the design overlay zone (and outside special Design Districts) will use these proposed tools. In addition, buildings adjacent to both historic resources and designated landmarks (outside of special Design Districts) will use these proposed tools.



*Addition to a historic building in the Pearl District*

These context-setting buildings are touchstones of the vibrant commercial areas that developed around the city’s streetcar network or were at the intersection of important crossroads. Portland’s policies encourage these areas to grow and further develop, but this can result in the demolition of character-giving buildings that are not protected by an historic designation. While nothing currently prohibits builders and developers from incorporating existing buildings or facades into new development, these options can increase cost and complexity.

The DOZA proposal supports development that responds to context, especially adjacent to historic landmarks. It also encourages preservation of historic buildings and forwards the “character building” concept identified in the DOZA Discussion Draft that supports context-responsive upper story additions to undesignated historic resources.

The **Citywide Design Guidelines**, and particularly Design Guidelines 04 and 10, support preserving and adapting historic buildings. Design Guideline 03 encourages development to relate to adjacent historic resources through massing, proportions and setbacks, especially when the resource is a historic landmark.

For projects using the **Design Standards**, a combination of indirect incentives and optional standards points encourage the preservation of these structures:

1. Preservation of some aspect of a structure is considered an alteration or addition, depending on whether new floor area is added, resulting in a lower level of design attention/oversight.
2. If an alteration or addition is eligible to use standards, fewer standards would apply than for new construction.
3. For alterations or additions, there will be greater flexibility in using existing materials along with listed materials.
4. Three optional standards have been included in the menu so that applicants can earn points for preserving existing buildings or building facades in new development.

The Design Standards also require that new buildings adjacent to historic landmarks provide a feature from a menu list to align with features of the landmark.



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## **PROPOSAL**

### **5a. Based on the three tenets of design (context; public realm; and quality and resilience) create new approval criteria – *Portland Citywide Design Guidelines* – for areas in the Design overlay zone (d-overlay) outside Central City.**

*Related Assessment recommendations: B2, B3, B9*

**Proposal:** The *Portland Citywide Design Guidelines* are built and organized around the three tenets. They uphold goals and policies found in the 2035 Comprehensive Plan. They will replace the Community Design Guidelines for areas within the d-overlay zone (Conservation Districts will continue to use the Community Design Guidelines with the historic resource review process). Specifically, the guidelines propose:

- **Context-related guidelines** that telescope in scale, from citywide to site-specific.
  - Guideline 01 references Portland’s Urban Design Framework as a resource for understanding the city’s future context, not just the built environment that exists today, but also the area’s desired future character.
  - Guideline 02 seeks to build on character and local identity as determined by a site’s community, architectural, and natural contexts.
  - Guideline 03 draws on the context of adjacent relationships to neighboring sites, such as historic landmarks; open spaces, paths, and trails; and lower-density residential zoning.
  - Guideline 04 looks into opportunities and features on the site itself, including site-specific social and cultural history, as well as physical attributes.
- **Public Realm-related guidelines** that look at a building’s relationship with the public rights-of-way.
  - Guideline 05 places emphasis on the sidewalk level of buildings to ensure that rights-of-way are comfortable, pleasant and human-scaled.
  - Guideline 06 encourages providing opportunities for pausing, sitting, and interacting.
  - Guideline 07 strives to integrate parking and other necessary building services.
- **Quality and Resilience-related guidelines** that underscore holistic site and building design that benefit people and climate.
  - Guideline 08 seeks thoughtful site design supporting comfort, safety, and dignity of building users.
  - Guideline 09 urges designing for quality, both through materials and strategies.
  - Guideline 10 aspires for resilience in site design and architecture, ensuring adaptability to climate change and the city’s evolution.

**Benefit:** The *Portland Citywide Design Guidelines* will be the approval criteria for design review within the d-overlay zone areas outside of Central City and Gateway that do not have specific guidelines.

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The new guidelines:

- **Better align with the aspirations of the 2035 Comprehensive Plan and reflect public feedback.** New guidelines inspired by the plan include themes such as: future context found in the Urban Design Framework (DG 01), supporting thoughtful site design (DG08), and designing for resilience and adaptability (DG 10).
- **Delete redundancies by bundling guidelines with common themes** (e.g. E3. Sidewalk Level of Buildings; E5. Light, Wind and Rain; and D2. Main Entrances were combined within “DG 05, Design the Sidewalk Level Of Buildings To Be Comfortable, Pleasant And Human-Scaled”). This is a shorter set of guidelines, compared to the sixteen provided by the Community Design Guidelines. Fewer guidelines will make staff memos, reviews and hearings more efficient, and will also make it easier for the public to track and testify citing the approval criteria.
- **Focus the design review and reflect current thinking.** Discussion between applicants, staff, Design Commission and the public can focus on important aspects of building and site design, with current examples that reflect Portland’s latest and greatest design approaches.

**Code Sections Affected:** Citywide Design Guidelines are not part of the Zoning Code and will be adopted under a separate cover.

### **PROPOSAL**

**5b. Based on the three tenets of design (context; public realm; and quality and resilience) create new objective standards – *Design Standards* – for areas in the Design overlay zone (d-overlay) outside Central City that sync with the new Portland Citywide Design Guidelines.**

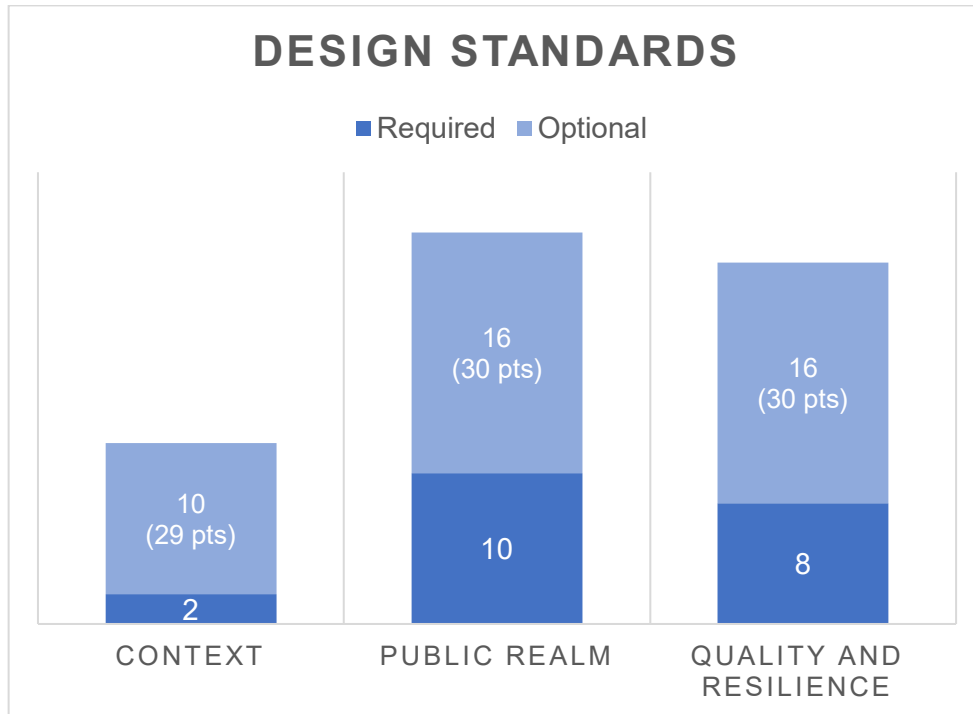
*Related Assessment recommendations: B2, B3, B6, B7*

**Proposal:** The *Design Standards* are built and organized around the three tenets. They replace the Community Design Standards found in Zoning Code 33.218 for areas within the d-overlay zone. Conservation Districts will continue to use the Community Design Standards with the design plan check process. The Design Standards in this proposal includes a set of required standards (*all* must be met) and a set of optional standards (*some* must be met). Specifically, the standards propose:

- **Context-related standards:** These standards provide an opportunity for development to respond to the surrounding natural and built environment and the site itself. The context standards are split into the following categories: Building Massing and Corners, Landscaping, Older Buildings/History, and Adjacent Natural Areas.
- **Public Realm-related standards:** These standards support development that contributes positively to the adjoining sidewalks, streets, and trails. They encourage spaces on the ground floor that support a range of uses and offer people a welcoming and comfortable experience. The public realm standards are split into the following categories: Ground Floors, Entries/Entry Plazas, Weather Protection, Utilities, Vehicle Areas, and Art and Special Features.



- Quality and Resilience-related standards:** These standards provide an opportunity for development of quality buildings that provide benefits to current users and can adapt to future changes. They also provide an opportunity for successful site design. The quality and resilience standards are split into the following categories: Site Planning and Pedestrian Circulation, On-site Common Areas, Windows and Balconies, Building Materials, and Rooftops.



**Benefit:** The **Design Standards** will be alternative regulations meeting the clear and objective track within the d-overlay zone areas outside of Central City. The new standards:

- Provide optional ways of meeting the standards to offer flexibility.** This menu approach brings them more in parity with the flexibility available to meet the discretionary guidelines.
- Allow for context-responsiveness.** It is often cited as difficult for design standards to truly respond to context when they are intended to be clear and objective, rather than discretionary. Not only do the standards in this proposal offer context-related regulations, the flexibility offered with a menu approach allows the applicant to respond to the context of each development site by choosing which optional standards to meet. “The design process could benefit from a menu of choices to allow for solutions tailored to unique conditions. This also allows for more variety.” (*DOZA Assessment, Recommendation B7*)
- Encourage better site design and consideration of the user’s experience.** By focusing the standards on how a building and site are designed for people rather than focusing regulations on the building as an object, these standards reflect the most current thinking in design and respond to the goals and aspirations of the *2035 Comprehensive Plan*.

**Code Sections Affected:** Design Standards are found in Chapter 33.420.055 Design Standards.



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## Section 5: Future Work

While DOZA makes significant improvements to the tools and process used in the Design overlay zone, there were some concepts that did not materialize in this proposal. These concepts were discussed with community members, but time did not allow for them to be fully developed or for meaningful community engagement to take place. Rather than omitting this information from this report, Section 5 includes concepts for future workplans. They are:

### All Centers:

- A. Expand the Design Overlay Zone to all Neighborhood Centers.
- B. Develop “Character Statements” for each Center to augment the Portland Citywide Design Guidelines.

### Other Geographies:

- C. **Low-Rise Storefront Commercial Areas:** Formalize “Character Areas” within the Design Tools.
- D. **Conservation Districts:** Update Conservation District Design Guidelines and Standards.
- E. **Special Design Districts:** Update District-Specific Design Guidelines (Central City, Gateway, Terwilliger, Marquam Hill, Macadam).

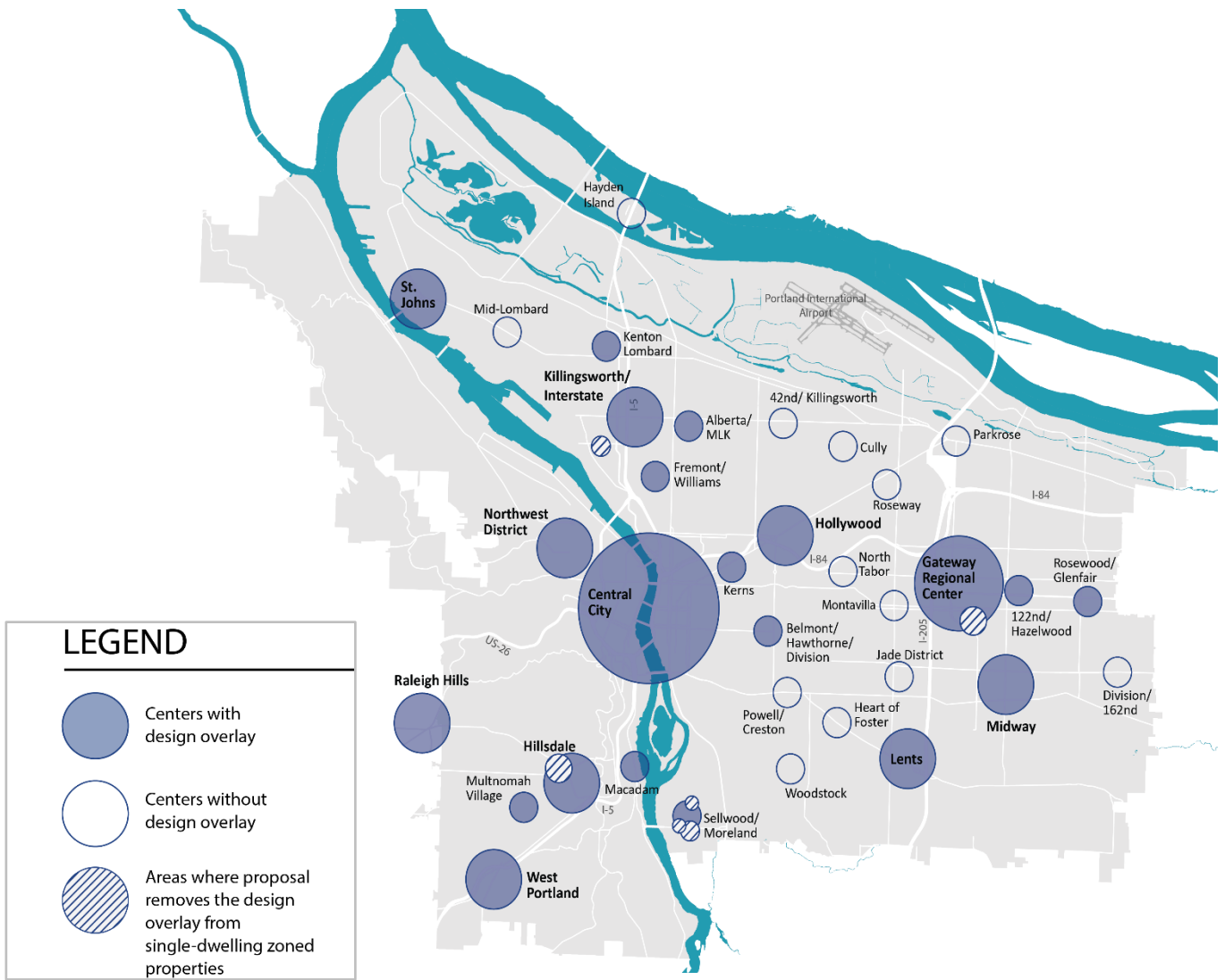
### All Centers:

#### A. Expand the Design Overlay Zone to all Neighborhood Centers

Many of the ideas described in this section relate directly or indirectly to the map expansion concept that was put forward during in the Discussion Draft in February 2019 (Volume I: Staff Report, p. 18-20). The Concept was to **expand the Design overlay zone to commercial/mixed use-zoned properties in all Neighborhood Centers:** 42<sup>nd</sup>/Killingsworth, Cully, Division/162<sup>nd</sup>, Heart of Foster, Jade District, Mid-Lombard, Montavilla, North Tabor, Parkrose, Powell/Creston, Raleigh Hills, Roseway, and Woodstock.

As the Discussion Draft describes, the Design overlay zone (d-overlay) was created in 1959 and until the 1990s, the tool was only used downtown. The adoption of the Albina Community Plan in 1993 first mapped the d-overlay outside of the Central City, primarily in Conservation Districts. Over time, the City’s neighborhood planning efforts in other areas resulted in further expansion of d-overlay, including East Portland, Hollywood/Sandy, St. Johns, and Sellwood/Moreland.

The recent Comprehensive Plan project further expanded the map to designated Town Centers, as well as Inner Ring Neighborhood Centers and Civic Corridors. This latest expansion took effect in May of 2018, as recommended in the Mixed Use Zone Project that revamped all mixed-use and commercial zoning.



*Concept Map included in the February 2019 Discussion Draft considered expanding d-overlay to all centers*

Three factors contributed to staff exploring whether the design overlay should be expanded to more of the city. These factors were shared in the Discussion Draft phase:

1. With **new DOZA proposals**, staff questioned why the design overlay zone map did not include *all* areas with similar high development capacity. The project team reasoned that if the City is going to support a tool explicitly designed to create strong, growing centers of community, that tool should be considered for all Neighborhood Centers.
  - The **purpose statement** refers to a city designed for people within current and emerging centers.
  - The **tools** – design guidelines and design standards – aim to create inclusive, accessible, active, and resilient places in which people gather, live, shop, and build community.
  - The **process** can provide an opportunity for the community to have a voice in shaping the development/buildings that defines their piece of Portland through design review.

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As the project team worked with the Planning and Sustainability Commission and Design Commission to craft purpose statement language with an explicit equity lens, questions began to arise around how the overlay is mapped — and why certain Neighborhood Centers have access to this tool and others do not.

2. **Low-rise storefront commercial study.** As part of the Mixed Use Zones Project and most recent d-overlay expansion, a study was conducted in 2016 called the “[Low-Rise Storefront Commercial Analysis](#).” The study identified 21 areas of the city with similar defining features: neighborhood centers with contiguous concentrations of streetcar-era storefront buildings, many not protected by individual or district historic designation. Recognizing the important role these areas play in defining their respective Neighborhood Centers and communities, BPS staff proposed to downzone 13 of the strongest contiguous areas to CM1 to decrease development pressure on them.

The Planning and Sustainability Commission did not support the proposal to downzone these areas, not wanting to lose opportunities for density in the very areas planned for growth — areas that are well positioned for increased access to services, shopping, and transit.

In the end (2018), only two of the 13 Neighborhood Centers were downzoned to CM1, while 11 were not. All were mapped within a “Centers Main Street”, or m-overlay. The m-overlay is intended to promote high concentrations of active storefront reminiscent of the patterns found in these areas. It requires ground floor active uses within 100 feet of a transit street, minimum floor area ratios and higher percentages of windows and entrances. It prohibits self-storage and vehicle servicing and allows 100 percent maximum building coverage.

However, the 13 that were identified as qualitatively similar were also treated very differently with respect to Design overlay:

- Eight either retained or received the d-overlay, while five did not.
- The five that did not receive either the downzone or the d-overlay were the eastern-most areas of the 13 (Roseway, Parkrose, SE Foster, SE Woodstock, and Montavilla)

This realization that the map changes occurred mostly within inner neighborhood areas, coupled with the new purpose statement, again raised more questions about how the d-overlay should be mapped.

3. **Peer city research.** Seattle also has a design review process but does not map a design overlay. Design review is triggered by zone-specific thresholds, regardless of where those developments are located within the city. The idea is that large projects that will have a large impact should receive additional scrutiny, regardless of where they are. Staff found this idea very compelling.

Though the case for map expansion is compelling, the concept was not fully embraced by affected communities. Many were concerned about the extra time and process, even if the resulting design of any given site would likely be better. Development pressures for these areas is not high compared to areas where the design overlay zone is already mapped, so community members are

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not experiencing the transformation that change can sometimes bring. This proposal is proactive, but not urgent.

Further, staff reasoned that applying the new tools and process developed through DOZA over a period of time would give community members and the City a better perspective to determine if these rules would benefit the Neighborhood Centers that don't already have d-overlay mapped.

**B. Develop Character statements for each Center to augment the *Portland Citywide Design Guidelines***

The proposed *Portland Citywide Design Guidelines* rely on Design Guidelines 01 and 02 to balance the direction of future growth and desired character with the *existing* character:

- Design Guideline 01, **Respond to the citywide urban design framework**, building on pattern area characteristics and advancing the aspirations of center, corridor and transit station designations) and
- Design Guideline 02, **Build on the character and local identity** of the place.

However, many community members shared that smaller-scale, **community context should be specified within the design tools for all Centers**, both within the Portland Citywide Design Guidelines and within the Design Standards. But what is that context and how can it be incorporated into the new design tools?

The project team looked to adopted area plans for this specificity. The Comprehensive Plan calls for reliance on the Urban Design Framework (UDF) for general context, and on sites where an existing area-plan applies, they should be used to supplement the community context discussion. But the continued reliance on these plans is problematic for several reasons:

1. **Context is not static.** Many of the adopted area plans, and their respective character statements, are decades old. Demographics have shifted. Growth and new development have occurred. Does it make sense to use character statements from 25 years ago to guide the next twenty years? While certain portions of each plan may still be relevant and useful, other portions are outdated.
2. **Not all centers have supplemental area-specific plans.** Some areas of the city have historically received more planning and design attention than others. Similarly, some communities were historically more actively engaged in those context-defining efforts than others. By continuing to rely on these plans to supplement the context of specific centers today, are we perpetuating those inequities? While some centers have multiple adopted area plans to supplement the UDF and would benefit from those character-giving statements; other centers have none.
3. **The content and level of design detail in the area-specific plans varies greatly.** Some adopted area plans are more design and/or conservation-focused than others. Some plans have general vision statements, others have pages of detailed architectural specifications that describe the character of the place. This creates a somewhat imbalanced situation where the cost of meeting very detailed design criteria in some areas could create a barrier for certain types of development, and by extension, certain types of residents and businesses.

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Design Guideline 02 points to several sources, in addition to adopted City policies and plans, for defining the character and local identity:

### **How are character and local identity defined?**

Applicants, decision-makers and the public can rely on several sources to draw inspiration, information and guidance, such as:

- **Neighborhood Contact meeting.** Participate in a Neighborhood Contact meeting to discuss how and where local identity and character can be enhanced.
- **Local community engagement.** Meet and engage neighbors and community members who have a relationship or a perspective about the site, program or context.
- **Site and area observations.** Study the natural and built environment of the area. How is it intended to grow and what key characteristics can be integrated into new development?
- **Adopted City policies and plans.** Read place-specific characteristics and features previously identified and adopted by the City. (See Comprehensive Plan Policy 1.19 for a list of adopted plans).
- **Designated historic and natural resources.** Identify designated historic resources and natural resources in proximity.
- **Community-guided sources.** Seek sources developed by communities related to the area's needs and desired character.

The project team also discussed developing explicit context direction for each center – a tool we called Character Statements. Character Statements could each follow a template for content and word count, answering what specific characteristics per area are relevant in terms of Community, Architecture, and Nature. The development of Character Statements would optimally be integrated into Town Center or Neighborhood Center planning projects where community outreach is already in progress, such as the Montavilla Historic Resource Survey and the West Portland Town Center, both currently underway. Samples of Character Statement templates are included on the following pages.

Ultimately, staff has not developed this strategy further. For Montavilla and for West Portland Town Center, the effort to include a Character Statement is not too late, but staff has not moved forward for the following reasons:

- Montavilla is one of the Neighborhood Centers that does not currently have design overlay, so a Character Statement for this area would require on a map expansion to be implemented.
- Though the timing for developing a West Portland Character Statement is good, development of all Center Character Statements could take decades to complete, as area planning is incremental and sometimes opportunistic.
- Not all areas mapped with d-overlay fit neatly into a Center.
- The level of commitment for moving forward on this strategy is unclear.





# CHARACTER STATEMENT | TOWN CENTER | WEST PORTLAND TOWN CENTER

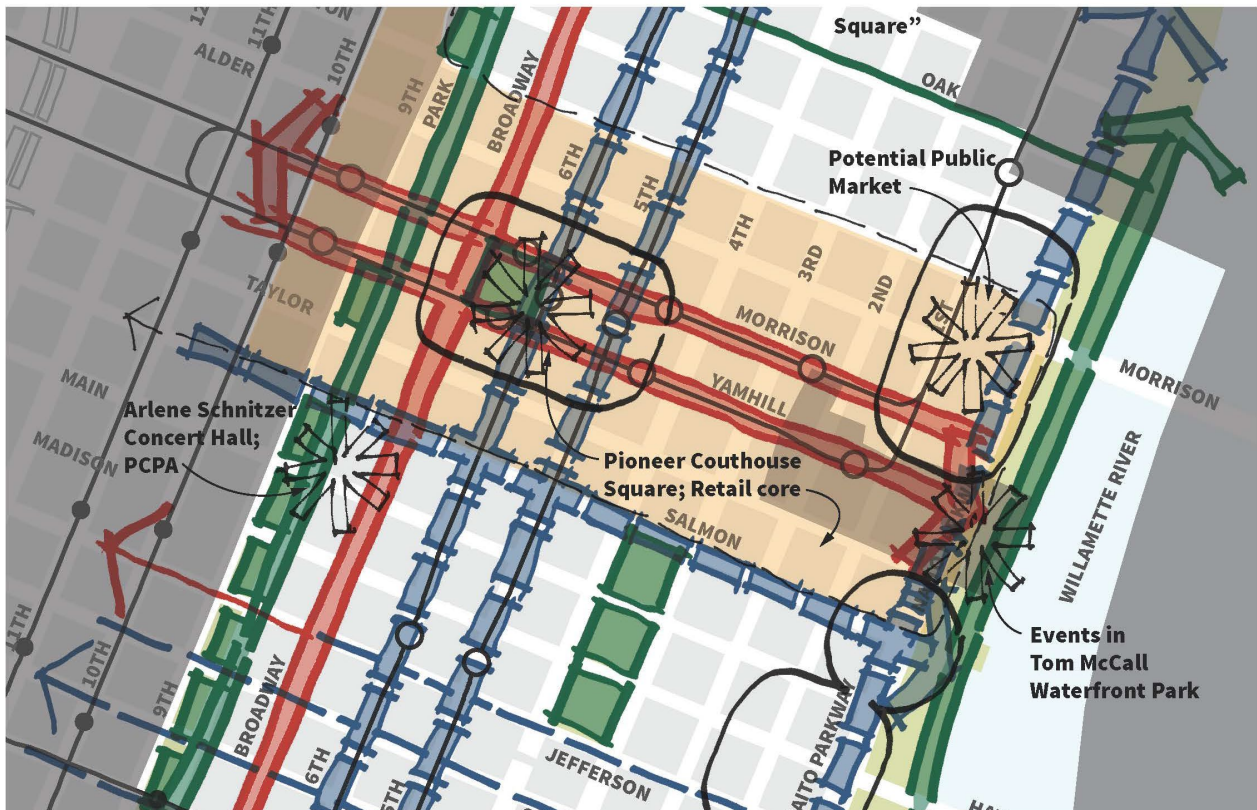
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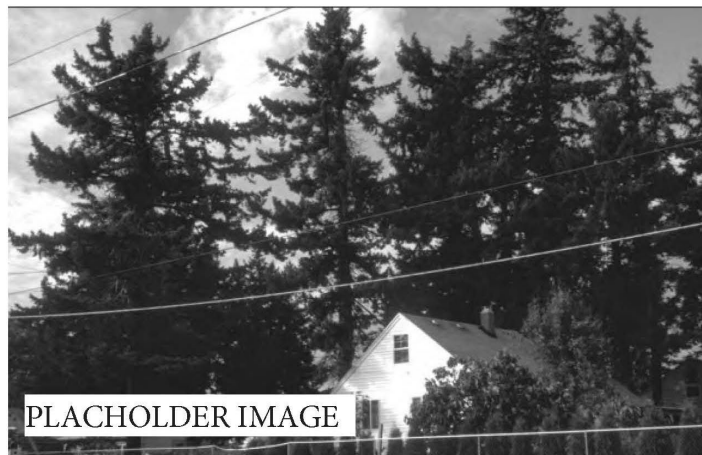
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# 02

## CHARACTER STATEMENTS | NEIGHBORHOOD CENTER | *MONTAVILLA*

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### NATURAL RESOURCES 58 WORDS

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## **Other Geographies:**

### **C. Low-Rise Storefront Commercial Areas: Formalize “Character Areas” within the Design Tools**

During the public feedback that followed the Discussion Draft, several community members and the Historic Landmarks Commission recalled the previously mentioned 2016 “[Low-Rise Commercial Storefront Analysis](#)” and asked staff to consider these areas as a basis for more specific guidance within the design guidelines and the standards.

The Analysis had evaluated and mapped areas, sometimes referred to as “center of Centers” that shared the following characteristics:

- Contiguous concentrations of low-rise (1-2 story) streetcar-era storefront buildings;
- Storefront building are the predominant type of development for at least a two block or 400’ length of corridor; and
- Located in Neighborhood Centers (which are intended to have less of an emphasis on growth than larger centers).

**“The objective of the Low-Rise Commercial Storefront Analysis was to identify areas that had concentrations of low rise-storefront buildings built during the Streetcar Era (from the nineteenth century through 1950, when the original Portland streetcar system was discontinued). This analysis was not intended to determine the historic significance or architectural integrity of these buildings (in many cases, storefront buildings included in the analysis have had storefront windows replaced by walls or smaller windows), although the locations of historic landmarks and buildings on the Historic Resources Inventories were mapped to help inform the analysis.**

The building type that was the focus of this analysis, commercial storefront buildings, were typically built adjacent to sidewalks and often feature large, storefront windows. Their ground levels were originally used for retail or other commercial purposes, and sometimes also included an upper level with residences, offices, or other commercial spaces. **The analysis identified areas where these storefront buildings are the majority of development (over 50 percent) for at least a two-block or 400-foot long length of corridor, amounting to a small district.** The analysis focused on areas with one- to two- story buildings. Areas with existing three-story buildings were excluded, as the zoning allowance for 45-foot height (four stories) is a relatively small increment taller. The analysis did not select for further consideration locations with scattered storefront buildings or smaller groupings of buildings, of which there are many in Portland’s inner neighborhoods.”

Given that five eastern-most areas from the Analysis do not have — and are not proposed to have — the Design overlay zone, project staff did not want to further exacerbate the disparities between those areas with design guidance and those without.

However, project staff also acknowledge the historic and community value of the places studied in the Analysis. The identified areas comprise Portland’s earliest building blocks that still define today’s neighborhoods. The buildings that make up these areas are a lasting testament to the physical characteristics that design overlay zone espouses: defining context, contributing to public realm, and designing for quality and resilience through generations of merchants, residents, and visitors. They embody the image of what makes Portland, Portland.

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These areas are indeed well-positioned for growth with access to services, shopping, and transit. Without demolition protection, the blocks that comprise these early buildings and their immediate surrounding blocks are in danger of being fully redeveloped without a nod to their character-giving features. Absent the development of Historic or Conservation Districts within these areas (which would require owner consent due to State law), these blocks – because most are within the d-overlay – could rely on specific guidance for development and redevelopment within the d-overlay tools, which would continue to build on this valued character.

Embarking on the task of providing more specificity for these places is grounded in looking for similar architectural features across all areas. This process would be somewhat more limited in scope (because the boundaries are tighter and there are fewer of them) and could be more expedient than defining Character Statements for each center.

To formalize these “Character Areas” in the Design Tools, the following steps would need to be taken:

1. **Reconfirm/re-evaluate maps** – Confirm the criteria and boundaries for inclusion of Character Areas based on the earlier Analysis recommended in the Mixed Use Zone Project that rewrote the rules for all mixed-use/commercial zoning.
2. **Determine whether to expand design overlay zone** – Determine whether to expand the design overlay zone to the five areas that currently don’t have the overlay.
3. **Apply “context specific” standards to these sites** – Specificity to the standards could build on Design Standard C10 (33.420.055, Table 420-2), which requires new buildings adjacent to designated historic landmarks to meet a standard such as:
  - Matching window dimensions at the base or height.
  - Including transom windows if the adjacent landmark features transom windows.
  - Using the same exterior materials.
  - Matching floor and cornice bands.
  - Setting back taller portions of the new building.

A design standard for new development or alterations within the Character Areas could require or make optional the provision of similar features that reference buildings over 50 years old within the Character Area boundaries.

Additionally, if more specificity is desired per Character Area, staff would need to conduct more robust public outreach and evaluation to identify what, if any, particular features exist that could be required or made optional for providing within each Character Area.

4. **Add language to Portland Citywide Design Guideline 02** – This design guideline already asks applicants to “Build on the character and local identity of the place.” The Background statement describes how to do this, but the boundaries for character and local identity are not specific.

For these Character Areas, staff would add to Design Guideline 02, referring to Character Areas in the Zoning Code. These areas would function similarly to the Portland Citywide Design Guidelines as the “Special Areas” do within the Central City

Fundamental Design Guidelines ([Central City Fundamental Design Guidelines, p. 140](#)). Applicants proposing development within these boundaries would need to respond to the context asked for in Design Guideline 02 by specifically **responding to characteristics of the buildings within the boundaries** as the guidance for character and local identity.



*Example of a mapped area in the 2016 Low-Rise Commercial Storefront Analysis*

Due to a lack of affirmation from community members on the topic of expansion and due to little public discussion on the steps to make specific amendments on this topic, the project team is not proposing to move forward on this concept at the current time.

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**D. Conservation Districts: Update Conservation District Design Guidelines and Standards**

Conservation Districts, which use the existing Community Design Guidelines and the Community Design Standards for alterations, additions, and new construction will continue to do so. The Alphabet Historic District, which currently uses the existing Community Design Guidelines, will also continue to do so.

With the Historic Resources Code Project currently underway, proposals for refinements to listing criteria, demolition protections, exemptions, and thresholds for designated historic resources will be proposed. Following the adoption of the historic resource code changes, new Conservation District Design Guidelines and Standards should be developed, with the tools developed in this proposal serving as a foundation. Additionally, revisions to the Conservation District designation may allow Conservation Districts to be a valuable option to consider for d-overlay character areas that warrant preservation of critical buildings within small areas.

**E. Special Design Districts: Update Design Guidelines for Design Districts**

The Proposed Portland Citywide Design Guidelines will apply to areas with d-overlay that are not within a special Design District and do not have a specific set of Design Guidelines. Five areas with d-overlay will not use these proposed guidelines. These areas are worth mentioning because several of them have or will undergo planning efforts that will need to reassert the use of their special design guidelines or transition to another tool, presumably the Citywide Design Guidelines proposed through DOZA.

- **Central City Design District and Subdistricts**
  - Current design guidelines: Central City Fundamental Design Guidelines (2001) and subdistrict design guidelines.
  - Pending a decision to uphold the Central City 2035 Plan (it is currently under appeal at the Land Use Board of Appeals), the process to update these guidelines will begin in earnest, taking direction from the Central City 2035 Plan and the amendments in DOZA.
  
- **Gateway Design District**
  - Current design guidelines: Gateway Regional Center Design Guidelines (2004).
  - There is no pending update to the Gateway Regional Center Design Guidelines.
  
- **Marquam Hill Design District**
  - Current design guidelines: Marquam Hill Design Guidelines (2003).
  - There is no pending update to the Marquam Hill Design Guidelines.

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- **Macadam Design District**

- Current design guidelines: Macadam Corridor Design Guidelines (1985).
- With the South Reach Plan underway, community conversations around the future of Macadam to the Willamette River have sparked discussion about the relationship of development to the river and greenway trail. In addition, Macadam was recently designated a Civic Corridor in the Comprehensive Plan, so much of the Civic Corridor-related guidance should apply. The design guidelines currently in use are over thirty years old, so the discussion in the area should include the possibility of applying the *Portland Citywide Design Guidelines* to this area. Likewise, the inclusion of river-related development requirements in the Design Standards may be included in future discussions for this area.

- **Terwilliger Design District**

- Current design guidelines: Terwilliger Design Guidelines (1983).
- The Terwilliger Design Guidelines were intended to preserve and maintain the current landscaping and views along the Terwilliger Corridor over its mostly single-dwelling zoned properties. Since its adoption, other tools such as environmental or conservation regulations make many of the guidelines redundant to code regulations already in place. More discussion needs to occur with the community on the future of this special Design District and related design tools.





