



DOZA

DESIGN OVERLAY ZONE AMENDMENTS

VOLUME 1 | STAFF REPORT

Recommended Draft - *As Amended*
June 2021



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Next Steps

The Portland City Council will hold a public hearing on this *Recommended Draft* of the Design Overlay Zone Amendments (DOZA) in early 2021. The public will be invited to submit formal comments (called public testimony) to the City Council in advance or at their public hearing. At the conclusion of their hearing, the Council may amend the recommendation and subsequently vote to adopt the changes. Please visit www.portlandoregon.gov/bps/doza for information on hearing dates and how to testify.

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October 6, 2020

Mayor Wheeler and City Commissioners
City Hall
1220 SW 4th Avenue
Portland, Oregon 97205

The Planning and Sustainability Commission (PSC) is pleased to forward our recommendation for the Design Overlay Zone Amendments, or DOZA, for short. DOZA updates the City's zoning regulations as they apply to the Design overlay zone. These updates amend both the application of the Design overlay zone and the tools used to review projects within the overlay. The nine members of the PSC voted unanimously to forward the *DOZA Recommended Draft* to City Council.

The DOZA project has been a multi-year project that began with a consultant assessment in 2016-2017. Many of these code amendments were the result of recommendations from the assessment. DOZA is unique to other zoning code projects in that it includes recommendations from two bodies. The PSC is the recommending body on the zoning code and map amendments; the Design Commission is the recommending body for changes to the Citywide Design Guidelines.

Over the past year, we have worked closely with members of the Design Commission to ensure a coherent project and to avoid conflicts between our regulatory recommendations and those for the new guidelines. This coordination included holding joint briefings and hearings last October and the development of a cross-commission working group, known as the "3x3", which met several times during 2019 and 2020. We are grateful for the expertise provided by the Design Commission during our deliberations.

Our primary goal for this project is to revise the design review program to better support high-quality design in development projects through a process that is efficient and effective. In doing so, we balanced the policies of the 2035 Comprehensive Plan calling to respond and enhance an area's context, public realm and resilience, with the need for a clear and predictable system.

To achieve these objectives, DOZA rewrites the paradigm for the Design overlay zone by:

- **Creating a new Purpose Statement** focusing on a city for people through the three design tenants: context, public realm, and quality and resilience. It also expands the objectives of the Design overlay zone to include more equity and sustainability-focused tools.



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- **Creating new objective design standards** to improve the development of buildings and sites while providing flexibility through a point-based system. This will allow developers to emphasize certain site features, whether it is sustainable buildings, resident livability or an active public realm. These standards bring greater design parity between projects that meet the objective design standards and those that meet the design guidelines through discretionary design review. This parity is a major reason why we recommend **allowing taller buildings, as well some projects within the Gateway regional center, to have the option to meet the objective standards** as part of the building permit process.
- **Not applying the Design overlay zone to four or fewer units.** We recognize the Design overlay zone tools add value to commercial and mixed-use developments, whereas the current base zone requirements provide adequate design requirements for houses and small-scale residential development. For this reason, we have recommended that the 'd' overlay not apply to four or fewer units.

Other changes that impact the Design review process include the following:

- **Creating a simpler set of Design review thresholds** that base the type of review on the size and height of the building rather than on construction costs,
- **Clarifying the role and process for the Design Advice Request (DAR)**, which is an optional conversation held with the Design Commission, and
- **Clarifying that certain development standards, such as allowed height and floor area, are determined during the legislative planning projects** and not subject to required reductions to gain project approval through the Design review process.
- **Amending the composition of the Design Commission** to include experts in sustainable building practices and natural resources as well as requiring the public-at-large member to not be associated with the development industry. We understand that good design is no longer solely about a building's materials and architecture, but also its resiliency over time and its role within the environment, both social and physical. This amendment ensures that the Design Commission is well positioned to incorporate these disciplines.

While the PSC voted unanimously 9-0 to forward this recommendation, there was a recognition of issues and concerns that warrant continued consideration. Since the new set of design guidelines and standards are intended to apply citywide, we will need to consider expanding these to better address the individual character of unique areas of the city. This will likely require developing character statements within the guidelines as well as additional standards that provide parity with those statements.

In addition, many of the regulations added through DOZA are new, such as the menu approach and point system for the objective design standards. These methods and approaches should be monitored to verify that they are achieving the objectives set out by this project. This monitoring could help determine if the objective standards can be expanded into areas that currently don't allow this option. Finally, as should be required of all new regulations, the impact of the DOZA project on housing availability and affordability in the future should be monitored.



However, these issues do not reduce the positive impact that the DOZA project makes to the current state of the Design overlay zone and the tools used. We are confident that this packet will result in both better design and resilient development, while providing greater flexibility for developers.

For this reason, we recommend that the City Council:

- Adopt the Ordinance for DOZA.
- Adopt the DOZA *Recommended Draft* Volumes 1, 2 & 4.
- Amend the Zoning Code as shown in DOZA *Recommended Draft: Volume 2*.
- Amend the Zoning Maps as shown in DOZA *Recommended Draft: Volume 2*.

Sincerely,



Eli Spevak
Chair





City of Portland

Design Commission

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Date: October 9, 2020
To: Portland City Council
From: Portland Design Commission
Re: Portland Citywide Design Guidelines

The Portland Design Commission recommends adoption of the attached Portland Citywide Design Guidelines to the City Council. The new Guidelines are part of the Design Overlay Zone Amendments (DOZA) project and replace the 1998 Portland Community Design Guidelines. These guidelines are a tool used during the design review process for sites in the “design” overlay zone outside the Central City. Following three years of collaborative work with staff in the Bureau of Planning & Sustainability (BPS) and the Bureau of Development Services (BDS), the Design Commission voted unanimous support for the new guidelines on June 4, 2020.

Background

In April 2017, Council accepted the original Design Overlay Zone Assessment report by the multi-disciplinary firm Walker Macy. This report was the result of a year-long evaluation of the City’s design review process. It recognized Portland’s international reputation as a walkable city with a successful public realm is due to the high bar established by 40+ years of design review, recommended improvements to the process and administration of design review, and a renewal of outdated tools (guidelines and standards).

Process and administrative improvements were immediately developed and implemented by BDS and the Design Commission in 2017, as documented in Appendix A and shared with City Council in past annual reports.

Design review is a two-track system—an objective track, based on standards included in the zoning code, and a discretionary track, based on guidelines specific to a geographic area, district, or neighborhood. The PSC is the recommending body for revisions to the zoning code and is forwarding a package of revisions to objective design standards. The Design Commission is the recommending body for guidelines and is forwarding the new Portland Citywide Design Guidelines. The two Commissions engaged in a joint hearing and multiple work group discussions during the development of the standards and guidelines.

The New Portland Citywide Guidelines

Design Commission’s goals for this project were threefold:

- Simplify, consolidate, and clarify the guidelines in a manner that benefits all parties involved in the design review process—applicants, the public, BDS staff, and the commission;
- Build on Design Commission’s efforts to address diversity, equity, and inclusion already begun with process and administrative improvements; and
- Create a direct correlation between the organization and content of the discretionary design guidelines and the objective standards to foster consistent and high outcomes for both tracks.

Commission recognized the existing Community Design Guidelines contained many strong concepts that have contributed to Portland’s successful urban environment, and it was important to update, but not lose, these concepts.

Key changes include:

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

Important Work Remains to be Done

Pressure from population growth and an easy path to demolition of significant buildings during periods of economic expansion are unravelling the fragile fabric of Portland’s neighborhoods, especially our historically Black neighborhoods. Community character, both physical and cultural, is undocumented and increasingly difficult to find. Character Statements describing the context and history of neighborhoods outside the Central City are an important tool to help developers, designers, and community members understand our city’s history, but to date only one has been completed. All seven Design Commissioners support PSC’s request to create Character Statements for areas subject to design review.

Design Commission Recommendation

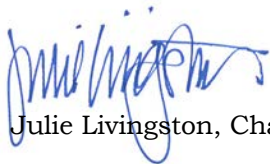
We recommend the City Council:

- Adopt the DOZA Recommended Draft Volume 3, Portland Citywide Design Guidelines; and
- Identify and assign funding for a Character Statement project for all areas outside the Central City Plan District that don’t yet have a Character Statement planned or in progress.

Thank you for the very challenging work you do on Portland’s behalf.

Sincerely,

The Portland Design Commission



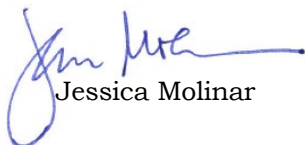
Julie Livingston, Chair



Sam Rodriguez, Vice Chair



Brian McCarter



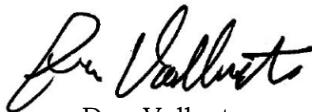
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- Section 6: Zoning Code Amendments
- Section 7: Sign Code Amendments
- Section 8: Map Amendments

Volume 3 – Citywide Design Guidelines (under separate cover)

Volume 4 – Appendices (see portlandoregon.gov/bps/doza)

- Appendix A: BDS Administrative Improvements
- Appendix B: Housing Affordability Memo (February 6, 2017)

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 is important because people experience their built environment every day .
- The principles of design can be discussed in everyday language.
- Design priorities in Portland are expressed through three tenets: build on context, contribute to public realm, and promote quality and resilience.
 - **Build on context:** The design of new development should expand and amplify the character and identity of a place and its community, rather than diminish it.
 - **Contribute to public realm:** Design should consider the human experience from the public realm and throughout the site, not just how a building looks from the street.
 - **Promote quality and resilience:** Buildings should be designed to last beyond today's users and needs, to ensure that future generations will retain and adapt them.
- Good design does not have to be expensive and people living in affordable housing should benefit from quality, well-designed places.
- Portland's densest places should not exclusively promote Western European architecture but instead encourage designs that are inclusive, focusing on how its architecture and site planning can provide comfort, safety and dignity to residents, workers, and visitors.

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.

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.

Summary of Proposals

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

Revise the purpose statement for the Design overlay zone to reflect the goals and policies in the new Comprehensive Plan, including the three tenets of design: build on context, contribute to public realm, and promote quality and long-term resilience.
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 project’s level of impact 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. **Expand the list of projects that are exempt or subject to a lower level of review 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. **Allow smaller projects in the Gateway Plan District to use design standards.** Allow 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. **Limit the number of design advice requests** in design review and historic resource review processes.
 - b. **Update the Design Commission membership** to allow those experienced in natural resource and sustainable building practices, landscape architects, architects and urban planners to serve on the Commission 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 the design review process cannot require a reduction of proposed floor area ratio (FAR) or height of the project**, if they are allowed within the zone, except in limited cases.
 - e. **Clarify that mitigation may be required to lessen the impacts of modifications..**
5. **TOOLS – What are the tools used to evaluate projects in the Design overlay zone?**
 - a. **Create new approval criteria for design review – *Portland Citywide Design Guidelines*** – for areas outside the Central City. Use the goals and policies of the Comprehensive Plan and the three tenets of design (context; public realm; and quality and resilience) as a framework.
 - b. **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. Use the goals and policies of the Comprehensive Plan and the three tenets of design (context; public realm; and quality and resilience) as a framework.

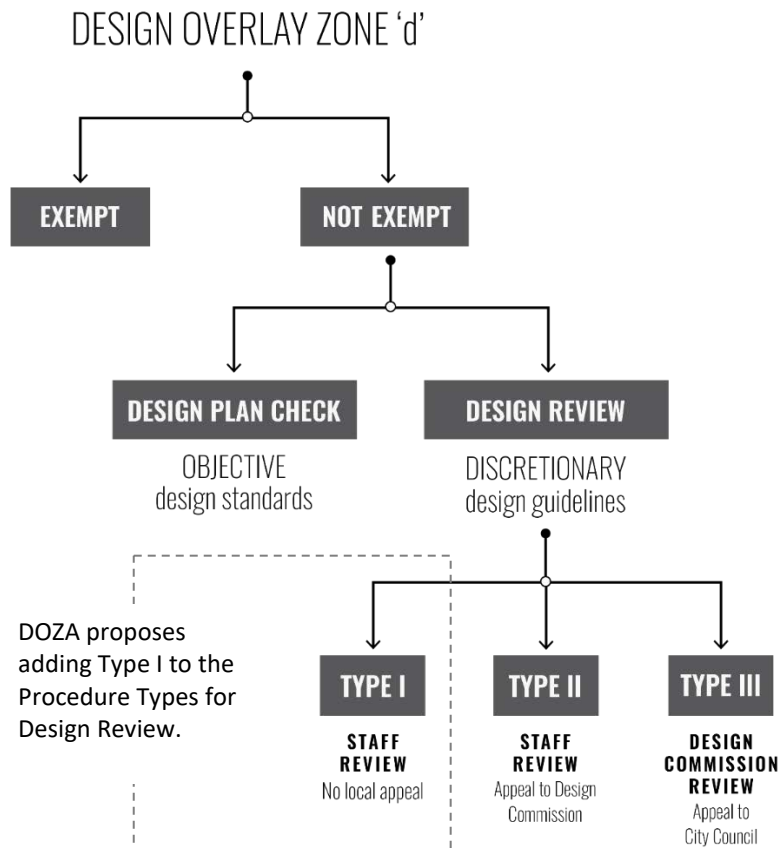
Design overlay zone: Frequently Used Terms

- **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 and requirements they are subject to.

The Design overlay zone is applied to the Central City, Gateway Regional Center, town centers and higher-density centers and corridors across the city. It may also be added 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.

- **Two-track system for design overlay:** If a proposal is within the design overlay zone, and it is not exempt from regulations, the d-overlay provides two options for approving development proposals: the objective (design plan check) track and the discretionary (design review) track.
- **The discretionary (design review) track:** A process currently required for development in the Central City and Gateway districts that uses design guidelines as approval criteria. In many cases, applicants for projects with d-overlay outside of Central City and Gateway may choose to go through this process if they do not want to meet, or cannot meet, the clear and objective standards. The process may provide flexibility and encourage context sensitivity. However, it can be costlier and more time intensive to administer.
 - **Design review:** This refers to the discretionary Land Use Review process described in Chapter 33.825. This process uses discretionary design guidelines as the approval criteria as part of either a Type II or a Type III Land Use Review, depending on geography and project valuation.
 - **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. **DOZA is proposing that a Type I be available for small proposals.** Type I and II procedures require staff-level decisions with opportunities for public input. In the d-overlay, for Type III procedures, the Design Commission holds a hearing and is the deciding body.
 - **Design guidelines:** These are the approval criteria used to review and approve a project that goes through discretionary design review. They are qualitative requirements that must be met, but there are many ways to do so (e.g., make the main entrance prominent, interesting, pedestrian-accessible and transit-oriented). Currently, the Community Design Guidelines apply to most areas in the Design overlay zone for the design review track. **DOZA proposes to replace these guidelines with a new set of design guidelines: the *Portland Citywide Design Guidelines*.**

- The objective (design plan check) track:** An alternative process to design review that uses clear and objective design standards. Oregon law requires local governments to provide this option for housing development outside of regional centers. Approval is granted as part of the application for building permit. Building permits do not provide opportunities for public comment. **DOZA is proposing to allow Gateway the ability to use the objective design plan check track in certain cases.**
 - Design standards:** These are objective development standards additional to base zone standards. Design standards can be verified (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 design standards, called the Community Design Standards, are found in Portland’s Zoning Code and Zoning Code Chapter 33.218, Community Design Standards. **DOZA proposes a new set of design standards within the Design overlay zone Chapter 33.420 for the d-overlay zone outside of the Central City Plan District.**



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 is important, 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, quality development that Portland is renowned for today. Building and enhancing Portland's quality of places, 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 many ways.**

One way is by creating a **new purpose statement** that guides the program and uses the **three tenets of design**: build on area context, contribute to the public realm, and promote quality and long-term resilience. These values reflect the goals of the Comprehensive Plan and are used to simplify, consolidate, and make all approval criteria consistent and transparent.

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 larger projects where it matters most, while smaller projects avoid additional regulations and procedures.

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

The **design standards have been rewritten to include a menu of options approach**, providing flexibility for projects, allowing for **certainty without rigidity** while still meeting the intent of 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 smaller 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 more modest developments, alterations, and storefront improvements.

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, and 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 address the **three tenets of design**. These tenets (context, public realm, quality and resilience) ensure that Portland continues to be a city designed for people, encouraging active, inclusive use of the built environment.

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

In addition to encouraging more outdoor areas, many incentivized building features are well-adapted to accommodate recent pandemic responses for businesses and residents. These incentives include: balconies and a greater amount of operable windows, which allow fresh air to circulate; residential stoops allowing direct access to the outside; and oversized street-facing operable doors and weather protection which better accommodate outdoor tables and chairs. The new design standards also require taller ground floor heights which can provide flexible floor plans for different uses as needs and markets evolve.

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, connecting the development to the city's existing trail network, and incentivizing bird-safe glazing.

Further, to ensure that the tools are applied with a perspective that acknowledges the relationship of the built environment to the natural context, the makeup of the Design Commission has been amended to **include natural resource experience in the pool from which to select members.**

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.

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 9.

This shift also includes **moving away from design and architecture dominated by white culture.** The new *Citywide Design Guidelines* acknowledge that development can cause and has caused harm. The Guidelines document asks applicants and reviewers to consider this harm when reviewing new projects and to work to **promote an anti-racist built environment.** New guidelines also promote inclusive design and the inclusion of under-represented histories and stories in the design and art.

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.

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 are 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.**

The proposal includes an option for **certain affordable housing developments to be reviewed through a Type II staff procedure with a design advice request 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 the appendix outlines how design review could affect housing affordability. DOZA proposes most of the **changes called for in the memo 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.

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 and incentives for providing oversized street facing openings, which can be adapted to multiple business and retail arrangements.

New standards also provide incentives for including features to make a building more resilient, including options for sustainable materials or low carbon concrete and installing solar energy systems, pervious paving 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.

In addition, to ensure that the design guidelines are applied with an eye toward climate change and a development’s ability to adapt, the makeup of the Design Commission has been amended to **include sustainable building experience in the pool from which to select members**.

Section 3: Public Involvement

This section summarizes the public involvement conducted during this project. The phases of the project are listed in reverse chronological order.

City Council Hearing and Testimony

This draft was initially published in November 2020, well in advance of scheduling the City Council hearing date and at the time the hearing was only planned for the first half of 2021. This amended draft contains updates that are the result of the legislative process in front of council, which included opening the testimony window in the MapApp, sending a notice in April, a hearing on May 12 and a second hearing on amendments on June 10. To view the full recap of the Council process, please check Exhibit A: Findings - As Amended, including Goal 2 of the Comprehensive Plan.

Proposed Draft Hearing and Testimony

In September 2019, staff released the DOZA *Proposed Draft* and sent a notice via email of the release and upcoming hearing to nearly 700 recipients who had expressed an interest or participated in any DOZA discussion. Additional mailed notice was sent to over 350 recipients who are part of the legislative notice list to be notified of all planning projects and hearings, resulting in a total noticing of over 1000 recipients.

A special joint hearing of the Planning and Sustainability Commission (PSC) and the Design Commission was held on October 22, following a joint briefing on October 5. Written and oral testimony were heard by the Commissions. In total, the Commissions received 168 distinct pieces of testimony, although multiple pieces of testimony were provided by single individuals in a few cases. Of the 168 pieces of testimony, 36 people testified in person at the hearing on October 22. At the conclusion of the public hearing, the two Commissions held the record open for additional written testimony until November 15.

A wide variety of neighbors, businesses, developers, contractors and housing advocates testified. Many residents and businesses of close-in neighborhoods expressed concern about the scale and amount of development impacting the character of these neighborhoods. There was concern about the thresholds under which the objective standards could be used instead of the discretionary design review. Many wanted more input into shaping individual development on their main streets. Many testifiers wanted directives for buildings in existing neighborhoods to include features/architecture that fit in with the traditional main streets. Others expressed concern about the impact of more discretionary reviews and the threats of land use appeals on affordable housing. They requested to be able to use the objective standards for taller buildings.

Additional testimony was raised in relation to specific thresholds and exemptions. Some were concerned about the exemption for small-scale residential, while others were concerned that some exemptions were too limited, such as those for signage. Other testifiers requested that the City expand the recently developed Centers Main Street ('m') overlay zone into commercial areas in the Arbor Lodge neighborhood to ensure that new development includes mixed use. However, the DOZA project was not proposing any changes to this overlay, which was first implemented in 2018.

Finally, the extended deadline for submitting written testimony allowed both the Design Commission and the PSC to submit testimony to the other Commission. The PSC provided testimony

to the Design Commission related to the Citywide Design Guidelines, while the Design Commission provided testimony to the PSC on the amendments to the Zoning Code.

In the period from mid-November 2019 until the final recommendations in June and July 2020, both Commissions engaged in work sessions with staff and proposed amendments. During this time, a cross-commission working group featuring 3 Commissioners from each Commission (known as the 3x3) met several times to ensure consistency in the approaches to each Commission's recommendations. The Commissions considered staff discussions, public testimony and the opinions of the 3x3 in developing the amendments that make up the *Recommended Draft*.

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 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, most feedback was given in response to the tools, which included drafts of both the new Design Standards and discretionary Citywide Design Guidelines. Comments for the standards generally fell into one of five standard categories (site planning, building massing, street frontage, facades, and other).

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.

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 an area's existing 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 (now reduced to 9 with the Recommended Draft), 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.

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.

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. 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 combined *Discussion Draft* and the *Proposed Draft*.

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 to reflect the goals and policies in the new Comprehensive Plan, including the three tenets of design: build on context, contribute to public realm, and promote quality and long-term resilience.
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 project’s level of impact 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. **Expand the list of projects that are exempt or subject to a lower level of review 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. **Allow smaller projects in the Gateway Plan District to use design standards.** Allow 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. **Limit the number of design advice requests** in design review and historic resource review processes.
 - b. **Update the Design Commission membership** to allow those experienced in natural resource and sustainable building practices, landscape architects, architects and urban planners to serve on the Commission 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 the design review process cannot require a reduction of proposed floor area ratio (FAR) or height of the project**, if they are allowed within the zone, except in limited cases.
 - e. **Clarify that mitigation may be required to lessen the impacts of modifications.**
5. **TOOLS – What are the tools used to evaluate projects in the Design overlay zone?**
 - a. **Create new approval criteria for design review – *Portland Citywide Design Guidelines*** – for areas outside the Central City. Use the goals and policies of the Comprehensive Plan and the three tenets of design (context; public realm; and quality and resilience) as a framework.
 - b. **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. Use the goals and policies of the Comprehensive Plan and the three tenets of design (context; public realm; and quality and resilience) as a framework.

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 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 being accomplished 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** to reflect the goals and policies in the new Comprehensive Plan, including the three tenets of design: build on context, contribute to public realm, and promote quality and long-term resilience.

The purpose statement has been revised to focus on the **three tenets of design** derived from the Comprehensive Plan: 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.

Benefit: The proposal provides clarity for all participants and a 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.

Additional Information: 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 have given Portland "national and international acclaim for supporting a high-quality built environment through planning and urban design." 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*).

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). The two-track system provided an alternative to discretionary design review in parts of the city that may have been less familiar with the steps required to meet discretionary approval criteria. This two-track system later became an Oregon state land-use requirement.

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 that did not include d-overlay as well as to Inner Ring Neighborhood Centers and Civic Corridors. This latest expansion took effect on May 24, 2018.

PROPOSAL

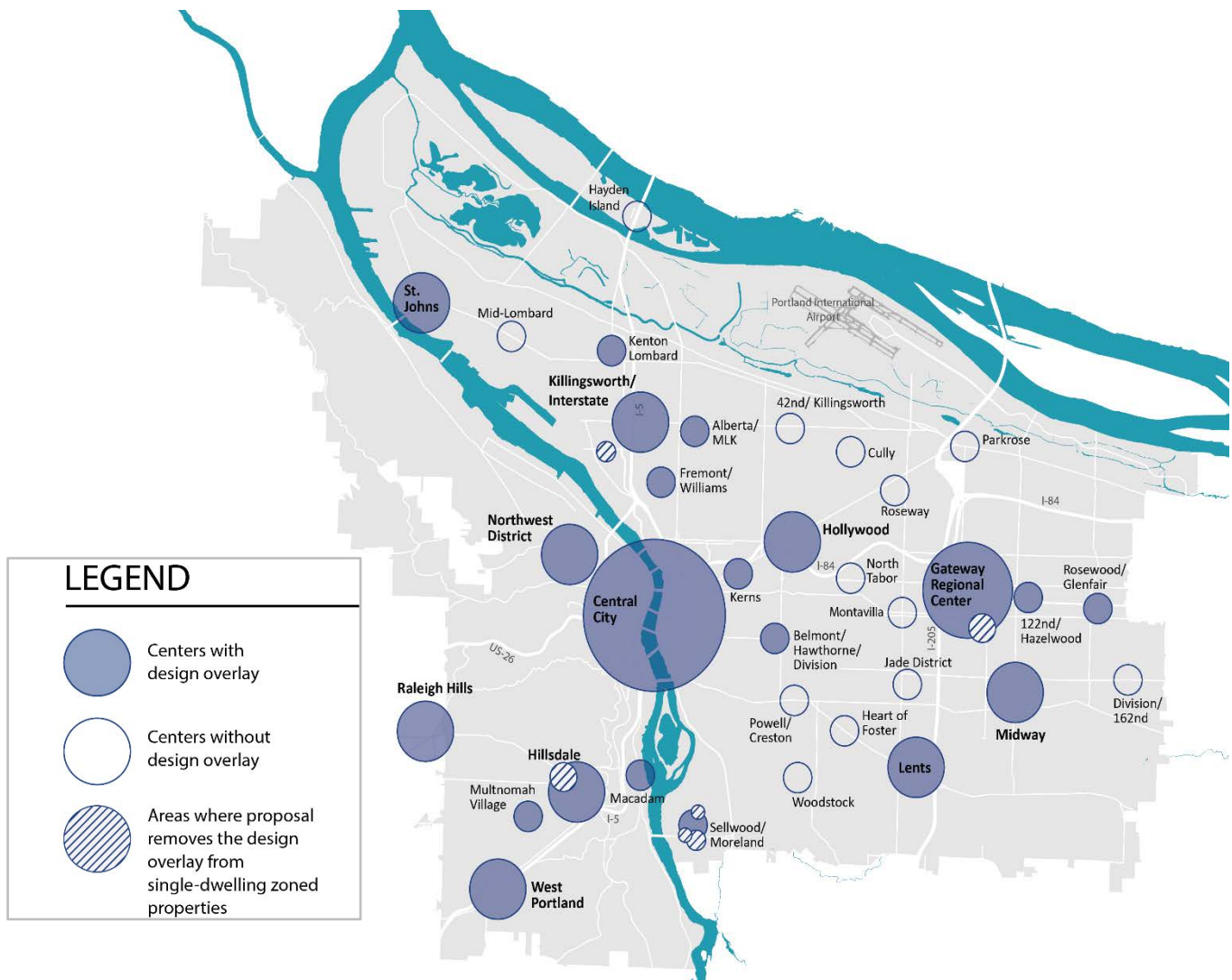
2. **Remove the Design overlay zone from single-dwelling-zoned properties** except for the Terwilliger Design District. This includes areas in and around Sellwood-Moreland, Hillsdale, Macadam, Floyd Light Middle School, and North Prescott.

The amendment removes d-overlay from single-dwelling-zoned properties, mostly in R5 and R2.5, which include areas in and around Sellwood-Moreland, Hillsdale, Macadam, Floyd Light Middle School, and North Prescott.

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 growth capacity and development allowances, where regulations for large-scale projects can serve the most people. At the other end of the spectrum, it removes the ‘d’ overlay in areas that only allow small-scale residential development with their own set of design standards within the base zone.

Additional Information: 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.

The one exception to this proposal is within the boundaries of the original Terwilliger Design District. This district includes many areas with open space and 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. This area needs further study to determine if the intent could be met through other tools such as the current environmental regulations or as a future conservation district. In the interim, amendments in 33.420 will exempt projects of four or fewer units in all d-overlay zone but will still apply the ‘d’ overlay to larger scale residential/mixed use or institutional development that could occur in the district.



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.

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?

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.

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.

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 project’s level of impact 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. Consolidate and revise review thresholds 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.

These amendments 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 of review for larger projects and a lower level of review (or exemption) for smaller projects. The amendments also create a simpler tiered system between projects within and projects outside of the Central City.

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.

Additional Information: 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 zone has been 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 more concise list of exemptions will standardize the review process citywide and make application of the Design overlay zone more effective.

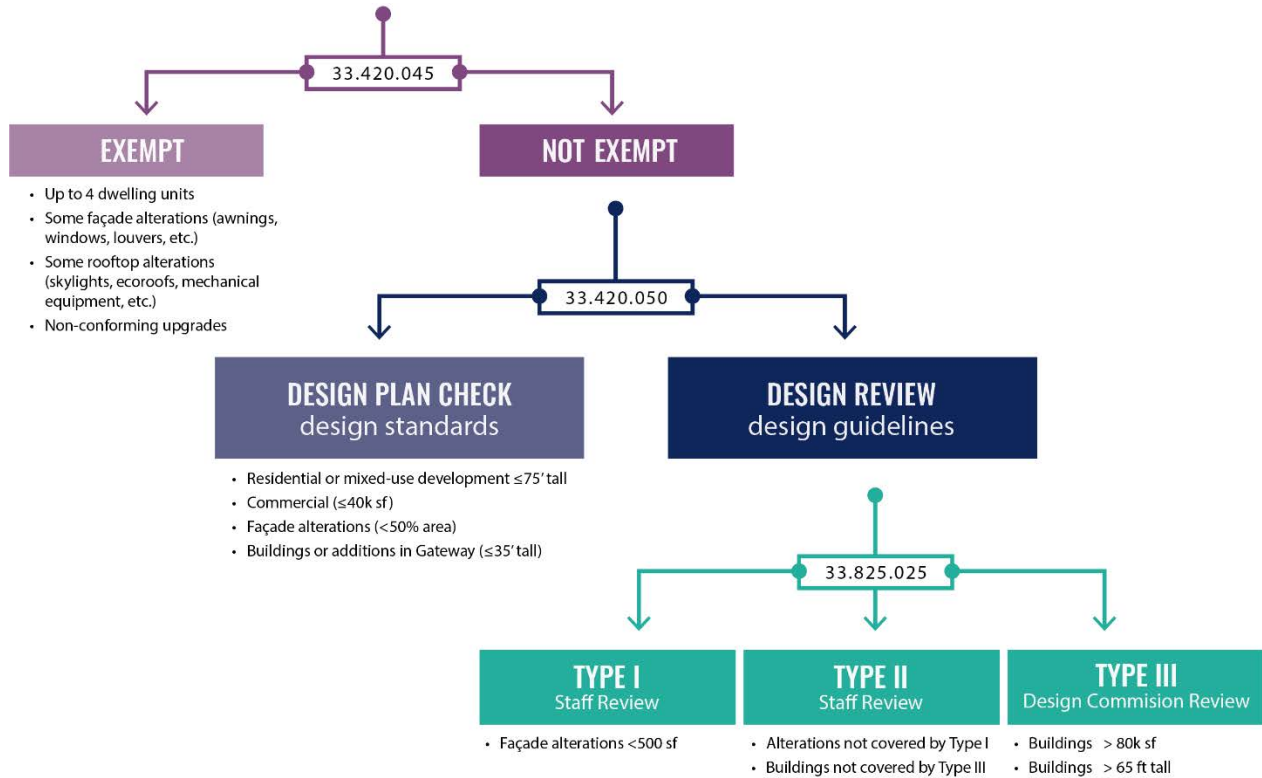
The changes in thresholds accomplish the following:

- 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.

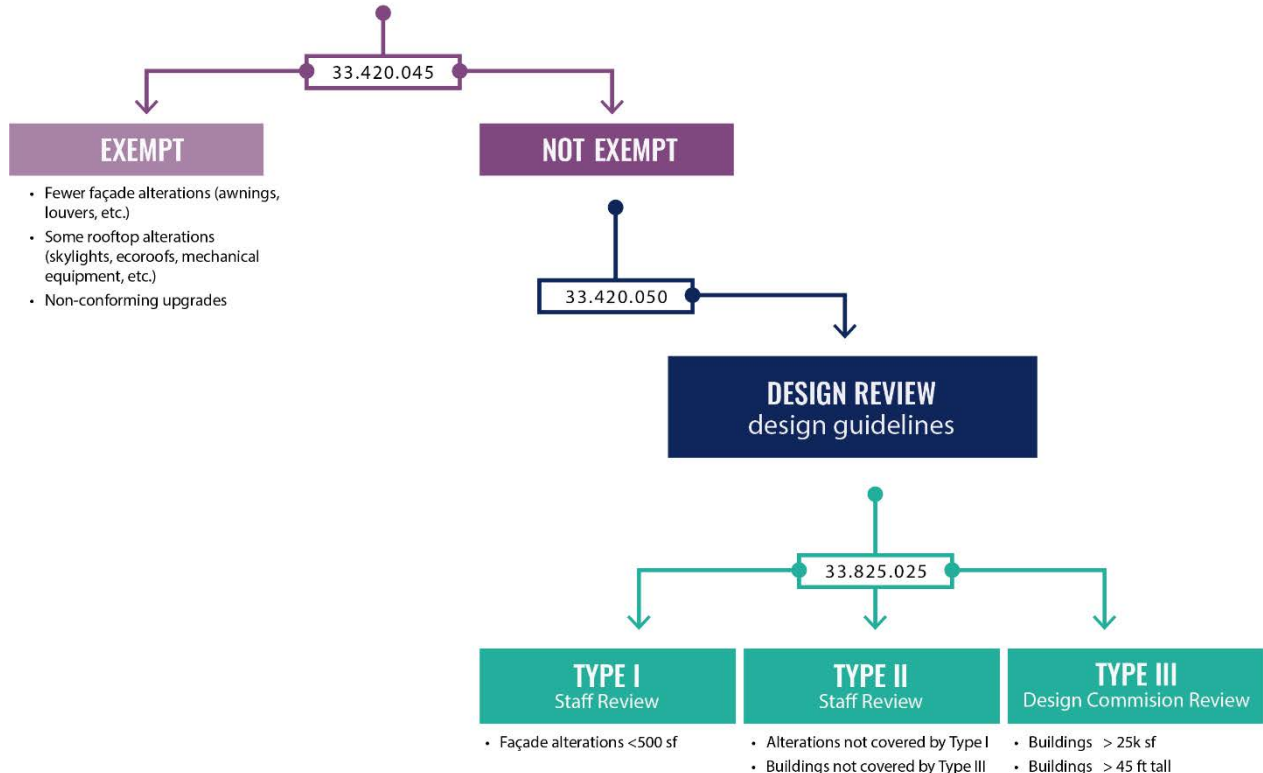
The flowcharts below provide an overview of how the Design overlay zone applies. Currently, a project within the Design overlay may be either exempt, may be approvable through the application of objective standards, or may be subject to a discretionary Land Use Review (either a Type II staff decision 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.

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

THRESHOLDS OUTSIDE OF THE CENTRAL CITY



THRESHOLDS INSIDE THE CENTRAL CITY



PROPOSAL

- 3c. Revise review thresholds 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.

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 design review process.

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

Additional Information: Gateway is an evolving regional center, with greater planned growth and transition than we anticipate in our main streets and neighborhood centers. However, it does not have the history of design oversight that the Central City currently has. As a result, smaller projects can often be at a disadvantage in navigating the added steps of a discretionary design review. The amendments allow alterations as well as commercial or residential projects that don't impact the skyline to choose to meet the objective standards like other areas outside the Central City. 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 – Portland's largest center – and the multiple smaller centers and corridors, recognizing that Gateway is Portland's only Regional Center.

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 projects over 35-feet high.

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 update the design review process, its review bodies, and the administration of the review.

PROPOSAL

4a. Limit the number of design advice requests in design review and historic resource review processes.

The amendments, coupled with administrative improvements (see Proposal 4c and Appendix A), better 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 stage through the Design Development stage.
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 an 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).
 - Continue to allow for public comment during the meeting (admin).
 - Improve the DAR staff templates (admin).
 - Improve coordination with service bureaus (admin).
 - Make public information available in meeting room (admin).
 - Clarify DAR submittal requirements (code and admin).

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.

Additional Information: 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*. Design flexibility is reduced as the project moves through these stages. See the diagram at the end of this section for more detailed information.

However, based on state law, the City cannot make interim decisions outside the land use review process. In Oregon, discretionary land use decisions 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. Using the recently amended neighborhood contact process to establish an initial point of contact between the community and the developer allows conversations to be

held outside of formal City processes. To augment that, providing a clear role for the Design Advice Request (DAR), encouraging an earlier submission of a land use review before flexibility is reduced, as well as better communication with applicants and stakeholders of the various stages of the design process allows for discussion and decisions to work within state land use law.

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.

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.

City Design Review Process


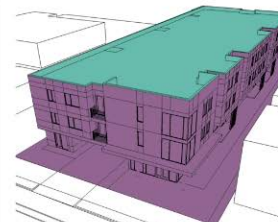


The City's review process consists of five phases: **Neighborhood Contact, Pre-Application Conference, an optional Design Advice Request (DAR), Design Review and building permit**.

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 **Design Review** – land use review (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 may include the *Design Development* stage but flexibility for change is reduced. The LUR will remain the point in time when formal review of the relevant guidelines and approval criteria take place. This is also the phase under which formal standing for appeal occurs.

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

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

PROPOSAL

- 4b. Update the Design Commission membership** to allow those experienced in natural resource and sustainable building practices, landscape architects, architects and urban planners to serve on the Commission as industry experts and clarify that the public-at-large member is independent of these industries.

The amendment expands the list of technical disciplines from which these five of the seven members are drawn to include the fields of natural resource management, sustainable building practices, and landscape architecture, and to distinguish urban planning and architecture fields within the more general term of “design.” This is an alteration to the PSC’s recommendation to have specific positions for natural resource and sustainable building practices. City Council felt that including these within the selection pool would provide the greatest flexibility in selection for these volunteer positions.

Finally, the amendment includes a change to the public-at-large member to ensure that this person has a more general background and is not grouped together with those who have technical experience in the building/design 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.

Current: 7 members	Amended Recommendation: 7 members
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 the same category as the three members in the last cell.
N/A	<i>Sustainable building practices expert included below.</i>
N/A	<i>Natural resource management expert included below.</i>
Five members experienced in either: design, engineering, financing, construction or management of buildings, or land development.	Five members experienced in either: design, engineering, financing, construction or management of buildings, land development, natural resource management, sustainable building practices, architecture, landscape architecture, or urban planning.

Benefit: These amendments expand the potential expertise of the Design Commission to provide a more holistic knowledge of development, environment and resilience. They also acknowledge the increased range of backgrounds within the development fields. Finally, the public-at-large amendment will ensure that the Commission include a general member of the public who can bring a different perspective as someone who is not involved in the design or building trades.

Additional Information: While the assessment had made a recommendation to include additional fields such as planning and landscape architecture in the list of technical experts, the development of guidelines and standards that encourage the use of sustainable materials and reflect the balance of the built and natural environment warranted the need for a broader range of subject experts. During the work sessions, the PSC recommended that the Design Commission have additional dedicated members with experience in sustainable building practices and in natural resource management, to allow for greater discussion on the resiliency of the development and its impact on the environment. However, City Council elected to include these subject topics within the overall selection pool to increase flexibility. Note that an individual member may have knowledge and experience that can span several subjects. The public at large member can provide an opportunity for a member to join from outside the industry to serve, such as a representative of neighborhood or fair housing interests.

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.

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 predictable start times for cases.
- Improved access to public participation and project information.
- Revised Guide to Providing Testimony.
- Updated Design Advice Request process and submittal requirements.
- Creation and adoption of a Design Commission Bylaws.

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- 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.

PROPOSAL

- 4d. Clarify that the design review process cannot require a reduction of proposed floor area ratio (FAR) or height of the project, if they are allowed within the zone, except in limited cases stated.**

The amendment clarifies that generally, zoning allowances for floor area ratios (FAR) and height 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 or staff to review the shape of the building and the distribution of the floor area and height on the site but not to reduce the total floor area or height allowed by the zoning.

An exception may occur in situations where certain bonuses are allowed only as a condition of approval or modification through design review. This currently occurs in a few plan districts. In those cases, the Design Commission or staff can consider whether that bonus still meets the design guideline 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 those amounts established through the long-range planning process and allowed by zoning.

Benefit: The amendment provides more certainty that allowed floor area or height cannot be decreased by decision-makers during the design review process, but still allows for the shaping of the building mass. 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 allowances of the zone.

Additional Information: Height and floor area ratio (FAR) are standards that are developed during the legislative process that result in new zoning regulations, including the base & overlay zones and plan districts. The discussion about overall building intensity in an area takes place during this stage and is when larger policy issues such as the allowed height and bulk of future development should be resolved. These issues are not intended to be discussed on a case-by-case basis with each project.

These changes align with recent updates to State land use laws that limit a city from reducing the density or height of housing if the density is an amount allowed through the local regulation, or if the reduction of height results in reduction of density. Since Portland is using floor area and height to regulate both residential and commercial building intensity, the standard is written to regulate

floor area and height. However, this limitation does not allow an applicant to gain approval to adjust or modify development standards solely based on their need to achieve their proposed floor area ratio. Adjustments or modifications to standards should be reviewed independently of their potential effect on the applicant's requested floor area or height.

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

PROPOSAL

4e. Clarify that mitigation may be require to lessen the impacts of modifications.

This proposal adds a criterion to the review of modifications that allows the review to consider mitigation, to the extent practical or necessary, to address the impacts of the requested modifications.

Benefit: This amendment clarifies that a project requesting one or more modifications may need to provide measures to mitigate the potential cumulative negative impacts of modifications, improving the project. These mitigating factors can strengthen the development and its relationship with its surroundings.

Additional Information: 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.

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. By adding an additional criterion, this allows the reviewer to consider the potential impacts of the modification and potentially ask the applicant to mitigate those impacts as part of the approval.

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

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.

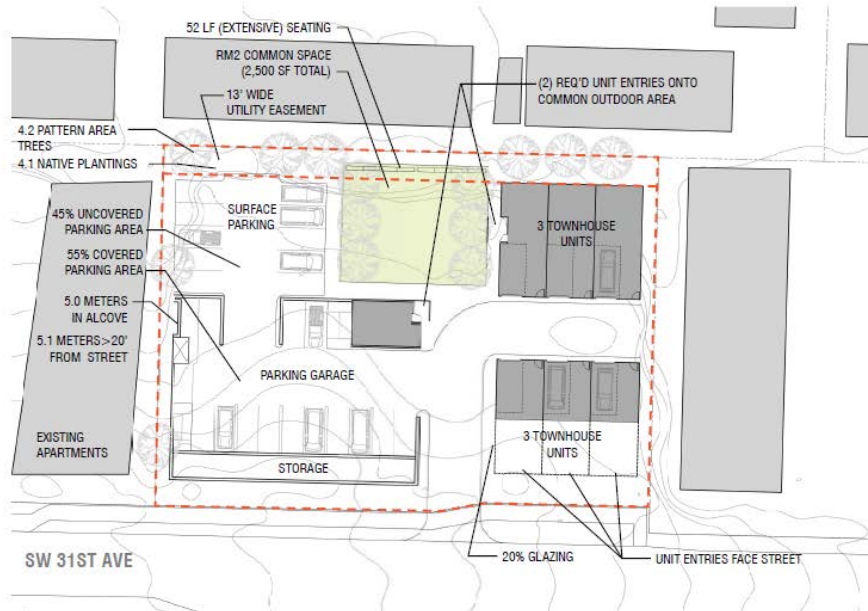
The three design-related core values, or “tenets” in Portland, are rooted in the current Community Design Guidelines and in the Central City Fundamental Design Guidelines as subject headings (Portland Personality, Pedestrian Emphasis, Project Design). Through the Assessment, the three tenets were identified 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.** 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 on the project website.



BUILDING SUMMARY

Zoning:	R1 -> RM2d
Site Area:	24,910 of (0.57 acre)
Building coverage:	10,000 of (40%)
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-paved 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.

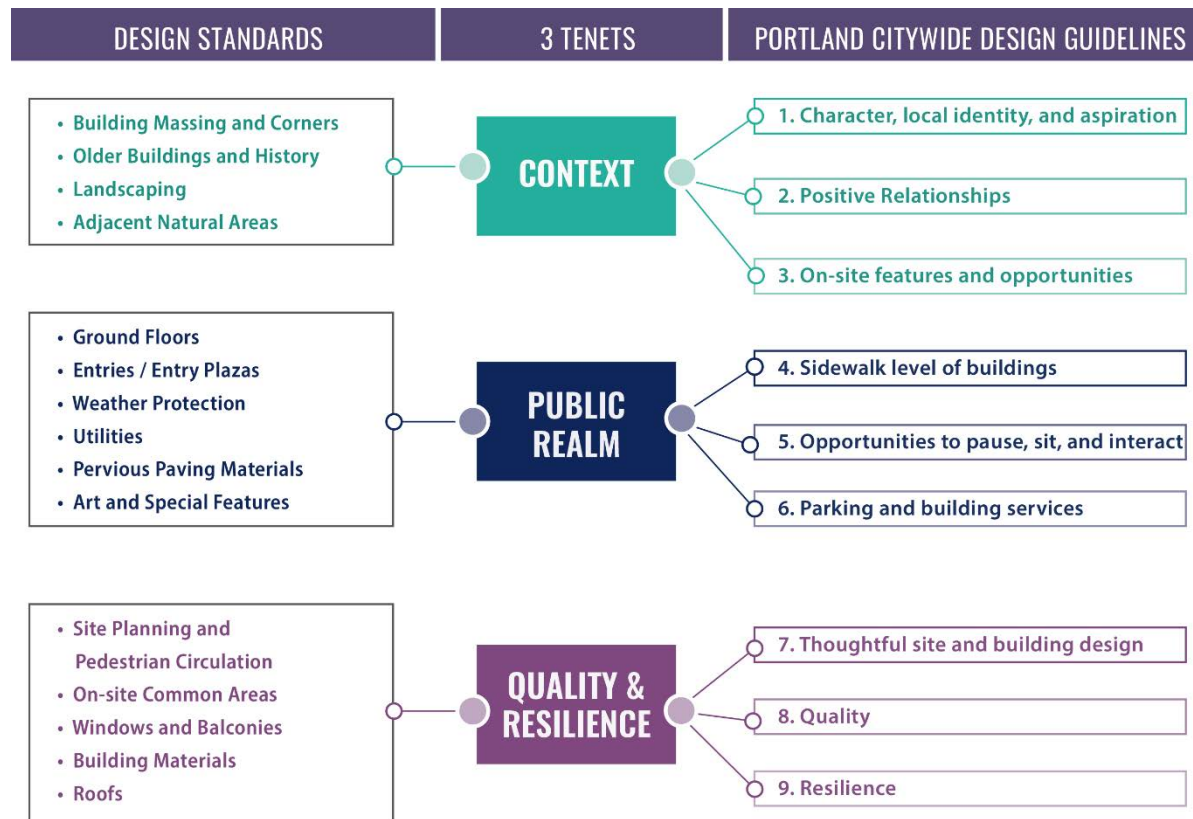
Site & Ground Floor Plan 1" = 30' - 0"

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** (found 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 33.420.050.C 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



PROPOSAL

- 5a. Create new approval criteria for design review – *Portland Citywide Design Guidelines* –** for areas outside the Central City. Use the goals and policies of the Comprehensive Plan and the three tenets of design (context; public realm; and quality and resilience) as a framework outside Central City.

The *Portland Citywide Design Guidelines* advance goals and policies found in the 2035 Comprehensive Plan. They are built and organized around the three tenets. 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).

Benefit: The *Portland Citywide Design Guidelines* offer multiple benefits. They:

- **Better align with the aspirations of the 2035 Comprehensive Plan and reflect community feedback.**
New guidelines inspired by the Plan include themes such as: acknowledging past harms and promoting an inclusive, anti-racist built environment (Background), designing for a future found in the Urban Design Framework (DG 01), supporting thoughtful site design (DG07), and designing for resilience and adaptability (DG 09).
- **Delete redundancies by bundling guidelines with common themes.** This is a shorter set of guidelines, compared to the sixteen in the Community Design Guidelines (e.g. E3. Sidewalk Level of Buildings; E5. Light, Wind and Rain; and D2. Main Entrances were combined within “DG 04, Design the Sidewalk Level Of Buildings To Be Comfortable, Pleasant And Human-Scaled”). 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 best design approaches using recently built examples.

Additional Information: The new guidelines align with the three tenets (context; public realm; quality and resilience) with one main idea per guideline, to carry out the purpose statement of the d-overlay.

- **Context-related guidelines** that telescope in scale, from citywide to site-specific.
 - Guideline 01 details Portland’s Urban Design Framework, found in the Comprehensive Plan, as a resource for understanding the city’s future context, the built environment that exists today, and the area’s desired future character. It asks for development to build on character and local identity as determined by a site’s community, architectural, and natural contexts.
 - Guideline 02 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 03 seeks 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 04 places emphasis on the ground level of buildings to ensure that sidewalks are active and human-scaled.
 - Guideline 05 encourages providing opportunities for pausing, sitting, and interacting.
 - Guideline 06 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 07 seeks thoughtful site design supporting comfort, safety, and dignity of building users.
 - Guideline 08 urges designing for quality, both through materials and strategies.
 - Guideline 09 aspires for resilience in site design and architecture, ensuring adaptability to climate change and the city’s evolution.

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

PROPOSAL

5b. 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*. Use the goals and policies of the Comprehensive Plan and the three tenets of design (context; public realm; and quality and resilience) as a framework.

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 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).

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:

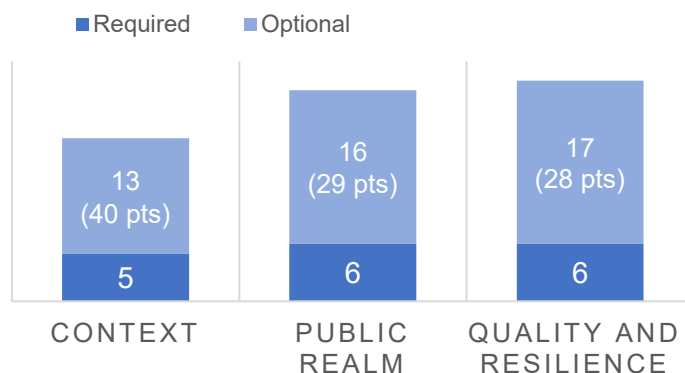
- **Provide optional ways of meeting the standards to offer flexibility.** This menu approach offers more choices to the standards, bringing them more in parity with the flexibility available to meet the discretionary guidelines, while maintaining certainty.
- **Allow for context-responsiveness.** It 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. As mentioned in the DOZA Assessment: “The design process could benefit from a menu of choices to allow for solutions tailored to unique conditions. This also allows for more variety.”
- **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*.

Additional Information: The new standards align with the three tenets (context; public realm; quality and resilience) and the new guidelines. The required standards will apply to all development in the design overlay that choose to go through the design plan check. If an applicant is unable to meet the required standards, they will go through a discretionary design review. For this reason, the required standards are fewer in number and are the highest priority for new development.

The optional standards, on the other hand, offer an applicant a choice of development features supported by the Comprehensive Plan that best suit their project. The optional standards achieved must meet a required amount of points, depending on site size. Those standards are summarized below. The number of required standards and availability of optional points achieves a reasonable balance across the three tenets.

- 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, Older Buildings/History, Landscaping 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 Roofs.

PROPOSED DESIGN STANDARDS



Code Sections Affected: Design Standards are found in Chapter 33.420.050.C Design Standards.

How the Tools treat historic buildings:

Portland's main streets and centers often contain a concentration of older buildings. Buildings designated as historic landmarks or conservation landmarks will use a separate set of tools and process in the zoning code (Historic Resource review), but older buildings within the design overlay zone (and outside Design Districts) will use these proposed tools, whether or not they are listed on the Historic Resource Inventory.

These historic buildings are touchstones of the vibrant commercial areas that developed around the city's streetcar network or were at the intersection of important historic 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.

DOZA's proposed tools support the preservation of older buildings and encourage new development to respond to historic context, especially adjacent to historic resources.

The **Citywide Design Guidelines**, and particularly Design Guidelines 03 and 09, encourage preserving and adapting historic buildings. Design Guideline 02 encourages development to relate to adjacent historic resources through massing, proportions and setbacks, especially when the resource is a historic landmark.

The **Design Standards** use a combination of indirect incentives and optional standards points to promote the preservation of older buildings. The standards do the following:

1. Lower level of design oversight. Because preservation of some aspect of a structure is considered an alteration or addition (depending on whether new floor area is added), there are fewer design standards required when a building is preserved compared to new construction.
2. More allowances for exterior materials. For alterations or additions, there is greater flexibility in using existing materials along with listed materials.
3. Preservation-related incentives. 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 standards also require that new development respond to adjacent designated Historic Landmarks by meeting a standard from a menu list (e.g. matching ground floor heights, ground floor window heights, or exterior materials).

New development adjacent to buildings listed on the Historic Resources Inventory (HRI) or across the street from a designated Historic Landmark or HRI building may choose from a similar menu for optional points. An additional standard allows new buildings in older close-in neighborhoods to provide features symbolic of older commercial districts.



Addition to a historic building in the Pearl District

Section 5: Future Work

The ideas in this section reflect the concepts that staff heard from the public during the Discussion Draft phase. They don't reflect the priorities of the Planning and Sustainability Commission nor the Design Commission, with the exception of: *B. Develop "Character Statements" for each Center to augment the Portland Citywide Design Guidelines.* (Note this became a directive for the Council Ordinance.)

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:

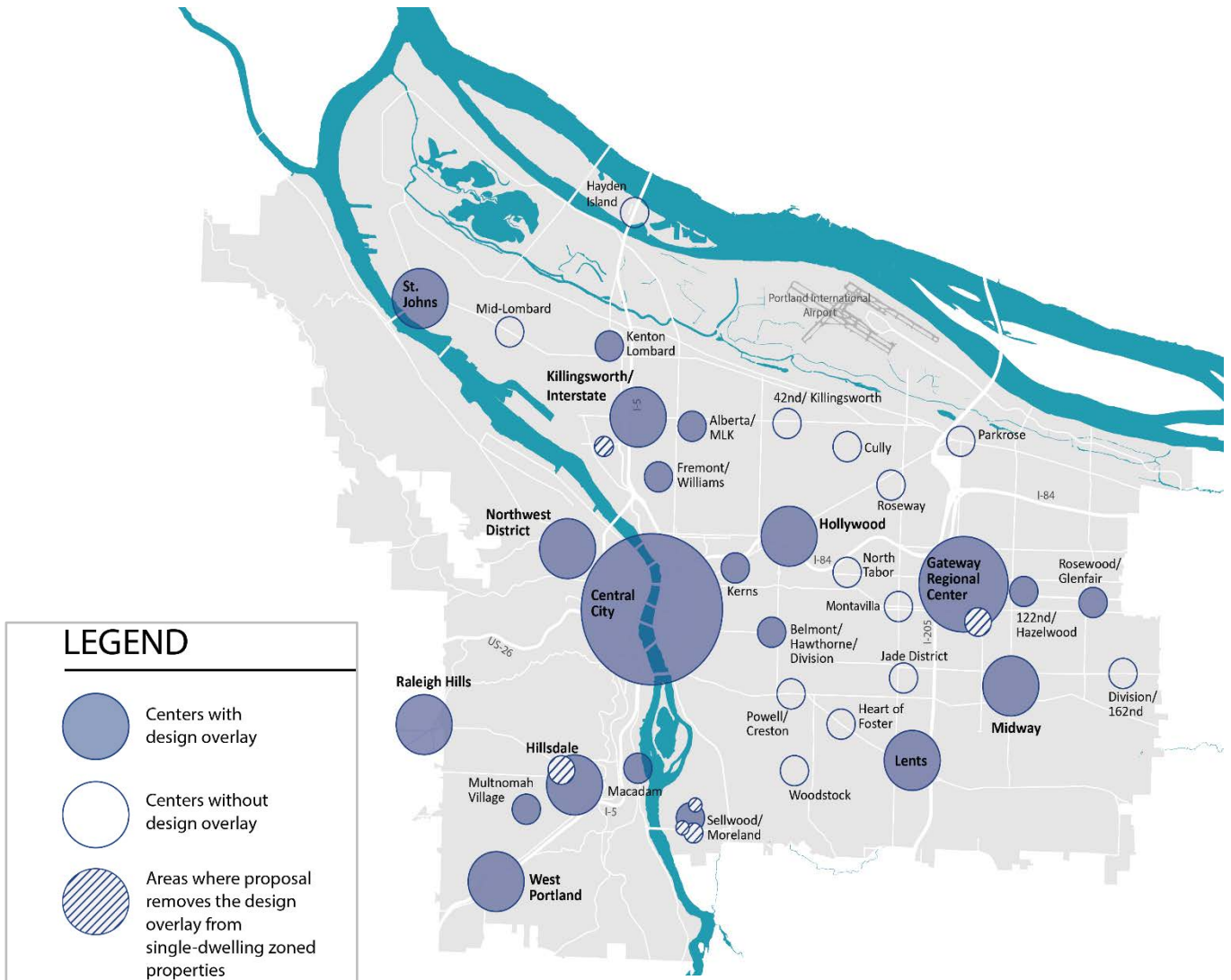
A. Expand the Design Overlay Zone to all Neighborhood Centers

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:** 42nd/Killingsworth, Cully, Division/162nd, 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.

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- 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.

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 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 Guideline 01 to balance the direction of future growth and desired character with the *existing* character: ***Build on the character, local identity, and aspiration 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.

Design Guideline 01 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. These sources should be balanced with community voices that engage throughout the design process.

- **Character Statement.** Where provided, read the Character Statement of the area offered in the Appendix and respond to the desired current and future local identity and character.
- **Urban Design Framework (UDF).** Look up the site’s applicable layers on the UDF, as described in the Introduction and within this guideline. Respond to the aspirations for growth and development and the pattern area context.
www.portlandmaps.com/bps/designguidelines
- **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 2035 Comprehensive Plan Policy 1.19c and Figure 1-2, Area-Specific Plans Adopted by Ordinance Prior to May 24, 2018)
- **Designated historic and natural resources.** Identify designated historic resources and natural resources in close proximity.

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. West Portland Town Center is developing a Character Statement, but staff has not moved forward in Montavilla or other areas 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

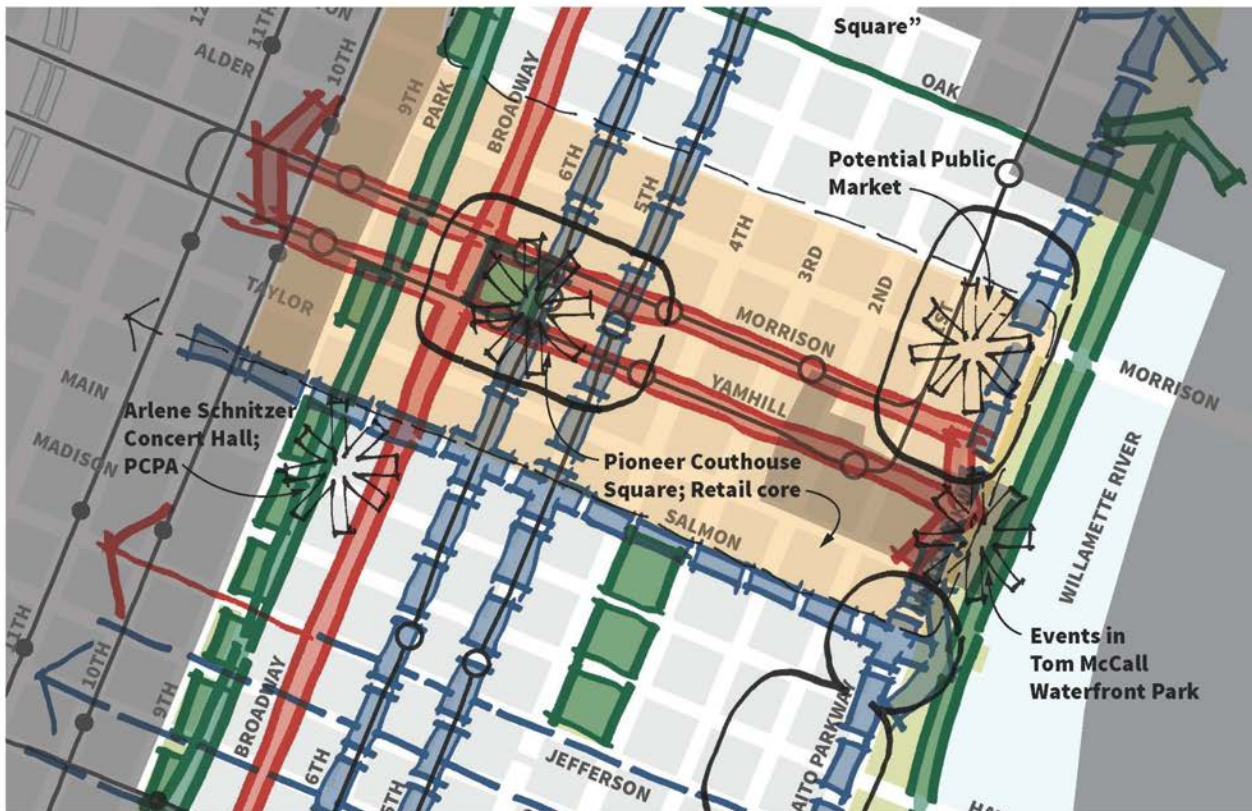
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CHARACTER STATEMENTS | NEIGHBORHOOD CENTER | *MONTAVILLA*

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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.

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:

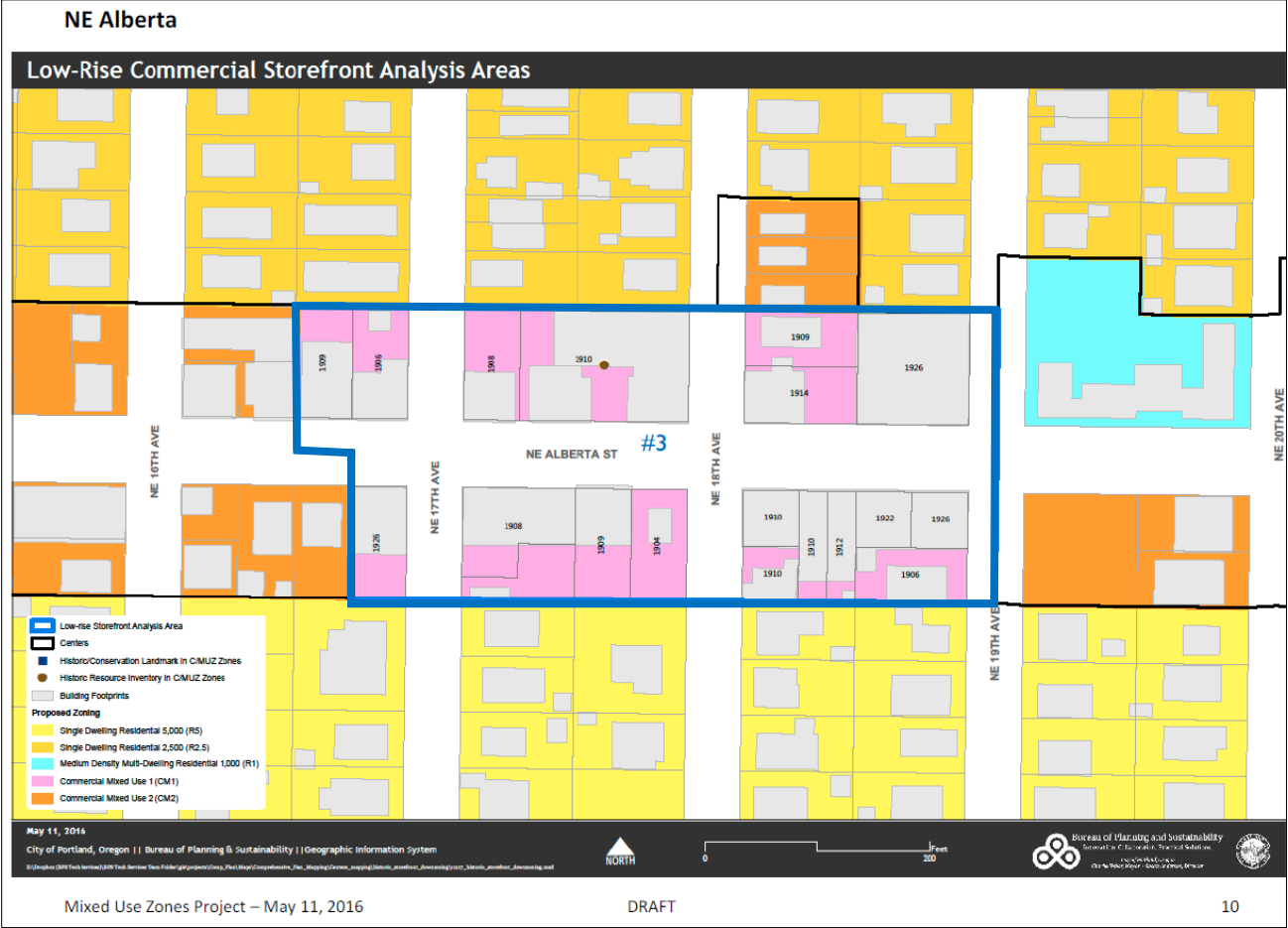
1. **Reconfirm/re-evaluate maps** – Confirm the criteria and boundaries for inclusion of Character Areas based on the earlier Analysis recommended in the Mixed Use Zone Project that rewrote the rules for all mixed-use/commercial zoning.
2. **Determine whether to expand design overlay zone** – Determine 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 01** – This design guideline already asks applicants to “Build on the character, local identity and aspiration 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 01, 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 01 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.

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 completed, community conversations around the future of Macadam to the Willamette River 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 in use were over thirty years old, so the discussion in the area resulted in rescinding the Macadam Design Guidelines and applying the *Portland Citywide Design Guidelines* with a Character Statement to this area. Likewise, the inclusion of river-related development requirements under the Context design standards addressed relationships between buildings and the Willamette River.

 - **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. It should be noted that the parkway recently received National Historic Designation.