



# DOZA

## DESIGN OVERLAY ZONE AMENDMENTS

### VOLUME 1 | STAFF REPORT

Discussion Draft - February 2019

Comments due by April 12, 2019



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## How to Comment

Please submit comments or questions on this report by **April 12, 2019**.

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A digital copy of this report can be found on the project website.

### Next Steps:

Staff will consider comments received during this time before releasing the Proposed Draft in Summer 2019.



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## Section 1: Introduction

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?

*Taken from DOZA Assessment – April 2017*

*123,000 household projection covers the time period of 2010 to 2035*

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

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

This report includes proposals that:

- Develop ways to make the regulatory process more efficient, predictable and transparent. The project proposes amendments to the Zoning Code that work in conjunction with ongoing administrative improvements being led by the Bureau of Development Services (BDS), which carries out the City's design review program through the development review process.
- Create new discretionary design guidelines and objective design standards to implement the Design overlay zone outside of the Central City.
- Update the thresholds and exemptions for triggering a design review.
- Expand the Design overlay zone map into additional centers that were incorporated into the new Comprehensive Plan.

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## Why is DOZA Important?

The quality of design matters for a city to grow successfully. The effectiveness of the codes and processes cities use to help accomplish this cannot be taken for granted. They need to be evaluated and updated periodically, with consideration of the following questions:

- Do they still reflect community and City values and goals?
- Do they encourage and foster equitable and inclusive development?
- Are they relevant and responsive to changes in the market, building technology, design, and development methods?
- Do they align with the economic and housing needs of a growing city?

DOZA updates the rules and processes for Portland's Design overlay zone and design review program to ensure they're moving us toward the future described in the 2035 Comprehensive Plan, Climate Action Plan and Portland Plan.

The Comprehensive Plan directs most growth and development to the city's centers and corridors. Buildings in these places will be bigger and taller. The number and diversity of people, as well as the level of activity and interaction, will also increase in these areas.

***With attention to design, this change will result in great places in which people live, work, gather and recreate—rather than just clusters of dense development.***

As stated in the Comprehensive Plan, Portland will grow by 123,000 households by 2035. Much of that growth will be in areas subject to the Design overlay zone, as 61 percent of projected housing units will be in mixed use/commercial or multi-dwelling zones within the d-overlay. An effective, efficient and thoughtful application of design principles—within a process that encourages and facilitates robust civic participation—can contribute to Portland's quality of life and help reduce disparities, especially in this period of change.



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## Summary of Proposals

The proposals are loosely organized below by what, where or how they apply:

### 1. The purpose of the Design overlay zone

- 1a. Revise the purpose statement for the Design overlay zone and related design chapters to reflect the direction of the new Comprehensive Plan.

### 2. Where the Design overlay zone applies

- 2a. Expand the Design overlay zone map to commercial/mixed use-zoned properties in all Neighborhood Centers, including: 42nd/Killingsworth, Cully, Division/162nd, Heart of Foster, Jade District, Mid-Lombard, Montavilla, North Tabor, Parkrose, Powell/Creston, Raleigh Hills, Roseway and Woodstock.
- 2b. Remove the Design overlay zone from single-dwelling-zoned properties outside of the Terwilliger Design District, i.e., areas in and around Sellwood-Moreland, Hillsdale, Macadam, Floyd Light Middle School and North Prescott.

### 3. The process used to review projects in the Design overlay zone

- 3a. Establish review thresholds based on the size and scale of a project, with the goal of aligning the level of review with the level of impact a project will have on the community. Require a higher level of review for larger projects and a lower level of review (or exemption) for smaller projects and alterations.
- 3b. In the Gateway Plan District, allow smaller projects to use design plan check (design standards) as an alternative to a design review.
- 3c. Align the Type III design review and historic resource review processes with an applicant's design process.

### 4. The tools used to evaluate projects in the Design overlay zone

- 4a. Based on the three tenets of design (context, public realm and quality) create new approval criteria for areas outside Central City that have the Design overlay (d-overlay) zone: Design Standards and Citywide Design Guidelines.
- 4b. Support new development that incorporates older buildings or facades that provide local context for an area.

### 5. Additional improvements to support clarity and transparency for all stakeholders

- 5a. Update the Design Commission membership rules to allow landscape architects as industry technical experts and clarify that the public-at-large member is independent of these industries.
- 5b. Clarify that, except in limited cases in the Central City, the design review process cannot require a reduction of proposed floor area ratio (FAR).
- 5c. Clarify that mitigation may be required to lessen the cumulative impacts of modifications; clarify the definition of a use-related development standard.
- 5d. Make administrative improvements to the efficiency and transparency of the design review process.

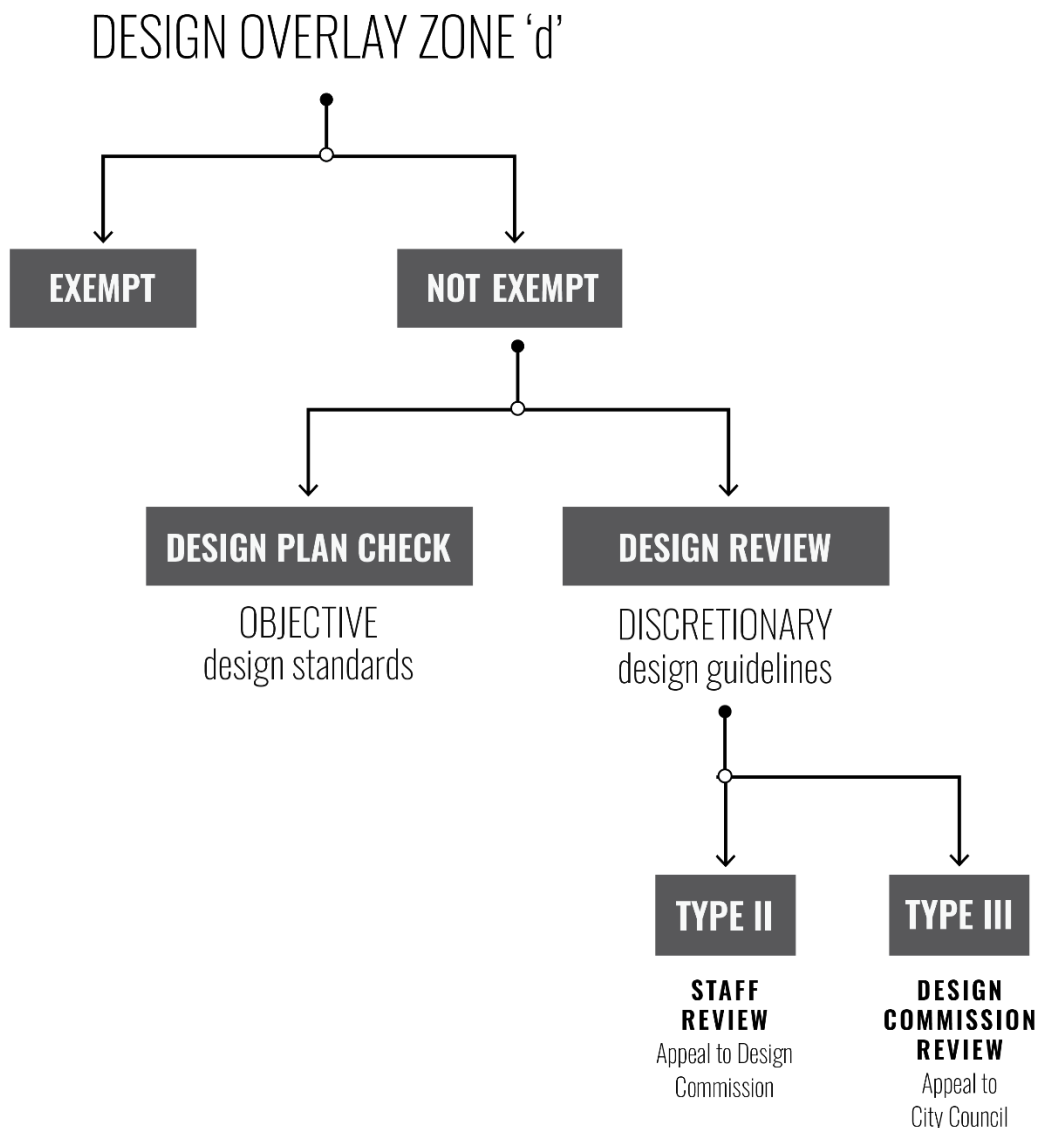
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## Design overlay zone basics

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

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

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



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

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

## Design overlay zone terminology

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

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



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## Section 2: Relationship to Comprehensive Plan Guiding Principles

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

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

### 1. Economic Prosperity

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

An efficient, effective review process is one component of attracting business and housing development and enables the city to grow and prosper. DOZA furthers this principle by addressing complexities in design review, streamlining the process and better aligning 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.

The project also updates thresholds and exemptions for design review citywide. By better aligning the impact of a project with the level of review required, design attention is focused on projects where it matters most, and smaller projects avoid additional regulations and procedure.

In the Gateway Plan District, DOZA expands on the types of development that can use the less time-consuming design standards as an alternative to discretionary review. This change makes the requirements for alterations and storefront improvements easier to meet for small businesses.

### 2. Human Health

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

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

The new tools used for design review, the *design standards* and *Citywide Design Guidelines*, require and encourage building and site features intended to promote active, healthy, comfortable and safe environments.

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### 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 *Citywide Design Guidelines*.

### 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 underrepresented populations in decisions that affect them. Specifically recognize, address and prevent repetition of the injustices suffered by communities of color throughout Portland's history.*

How neighborhoods receive new development often reflects how included they feel in the development process, as well as how intentionally populations that are underserved and underrepresented were engaged in the decisions that affect them.

The update of the Design overlay zone purpose statement 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.

The expansion of the map creates new opportunities for communities to have a voice in large projects that may have significant impacts on their respective communities. Simplifying and 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 robust civic participation. These changes open up space for involvement in the process, but to truly further equitable processes and outcomes, these elements of the proposal must work in tandem with ongoing efforts by BPS, BDS and other City agencies to intentionally engage with and build capacity within underserved and underrepresented communities.

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.

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## 5. Resilience

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

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

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.





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## Section 3: Public Involvement for this Project

Public involvement for DOZA builds on 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.

Now under a single cover, additional outreach will be done to gather input and feedback on all aspects of DOZA.

### 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.

### Design Overlay Zone Amendments

#### Administrative Improvements

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

#### 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 this new Discussion Draft.

#### Unified DOZA Discussion Draft

This Discussion Draft is available for public review for about eight weeks (February 19 through April 12, 2019). During this time the public can learn about the proposals online, at public events, or at other community and stakeholder meetings. For meeting dates, check the project website: [www.portlandoregon.gov/bps/DOZA](http://www.portlandoregon.gov/bps/DOZA).

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In addition to these public events and meetings, staff will be intentionally conducting outreach to historically underserved and underrepresented groups and is available to help groups and organizations participate in the Discussion Draft review. This can be done through staff presentations at meetings upon request or other ways to share information about the project. Comments can be submitted via mail or email or by contacting project staff directly. Contact information can be found on the inside cover of this report.

### **Next Steps**

Based on Discussion Draft feedback, a DOZA Proposed Draft will be published in Summer 2019. While all of the DOZA proposals will remain under one cover and eventually go to City Council for adoption, different components of the project have different recommending bodies. Therefore, portions of the Proposed Draft will be considered by the Planning and Sustainability Commission for recommendation to City Council, and other portions will be considered by the Design Commission for recommendation.

To make testifying on the project easier at the Proposed Draft stage, staff will hold joint hearings with the two recommending bodies so that members of the public can come to one meeting and speak about whatever aspects of DOZA interest them. Amendments made by both bodies will be incorporated into the Recommended Draft, anticipated in Fall 2019, for hearings and consideration by City Council.

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## Section 4: Proposal and Analysis

### Summary

The DOZA proposals are loosely organized below by what, where or how they apply:

#### 1. The purpose of the Design overlay zone

- 1a. Revise the purpose statement for the Design overlay zone to reflect the direction of the new Comprehensive Plan.

#### 2. Where the Design overlay zone applies

- 2a. Expand the Design overlay zone map 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.
- 2b. Remove the Design overlay zone from single-dwelling-zoned properties outside of the Terwilliger Design District: areas in and around Sellwood-Moreland, Hillsdale, Macadam, Floyd Light Middle School and North Prescott.

#### 3. The process used to review projects in the Design overlay zone

- 3a. Establish review thresholds based on the size and scale of a project, with the goal of aligning the level of review with the level of impact a project will have on the community.
- 3b. In the Gateway Plan District, allow smaller projects to go through design plan check (design standards) as an alternative to design review.
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- 4a. Based on the three tenets of design (context, public realm and quality) create new approval criteria for areas outside Central City that have the Design overlay (d-overlay) zone: Design Standards and Citywide Design Guidelines.
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#### 5. Additional improvements to support clarity and transparency for all stakeholders

- 5a. Update the Design Commission membership rules to allow landscape architects as industry technical experts and clarify that the public-at-large member is independent of these industries.
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- 5c. Clarify that mitigation may be required to lessen the cumulative impacts of modifications.
- 5d. Make administrative improvements to the efficiency and transparency of the design review process.



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## 1. The purpose of the Design overlay zone

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

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

### PROPOSAL

#### 1a. Revise the purpose statement for the Design overlay zone to reflect the direction of the new Comprehensive Plan.

*Related Assessment recommendations: A4, B1, B3*

**Proposal:** The amendments revise the purpose of the d-overlay in the Zoning Code, updating the focus to consider the **three tenets of design**: building on context, contributing to the public realm, and promoting quality and long-term resilience (see Proposal 4a. for more information on the tenets). The amendment also recognizes the expanded role of the d-overlay as it applies to areas of growth and change.

This amendment is an important element to the overall DOZA package because it sets the tone for the work. A major finding of the consultant’s assessment was that the tools used to address design make Portland “a city that is highly walkable, culturally distinguished, very civil and eminently livable.” However, the consultant also found with added growth pressures that the design tools were in need of 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 mapping of the zone and the review process, the direction espoused by the purpose statements guided the creation of two new tools that implement the overlay zone: Citywide Design Guidelines (found in *Volume 3: Citywide Design Guidelines*) and Design Standards (found in *Volume 2: Code Amendments*).

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

**Benefit:** The proposal provides clarity and deeper understanding of the intent of the Design overlay zone and serves to connect the new goals and policies of the Comprehensive Plan to the Zoning Code. It aligns better with the current and future mapped application of the d-overlay into areas

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anticipated for growth and change, as well as established centers and corridors. It establishes the three tenets of design, discussed during the DOZA Assessment, within the regulatory context of the Design overlay zone, which lead to its use in the development of guidelines and standards.

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

## **2. Where the Design overlay zone applies**

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

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

As the City expanded its neighborhood planning efforts to other areas, the d-overlay often expanded with it—into areas including East Portland, Hollywood/Sandy, St. Johns, and Sellwood/Moreland. The most recent Comprehensive Plan 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.

### ***PROPOSALS***

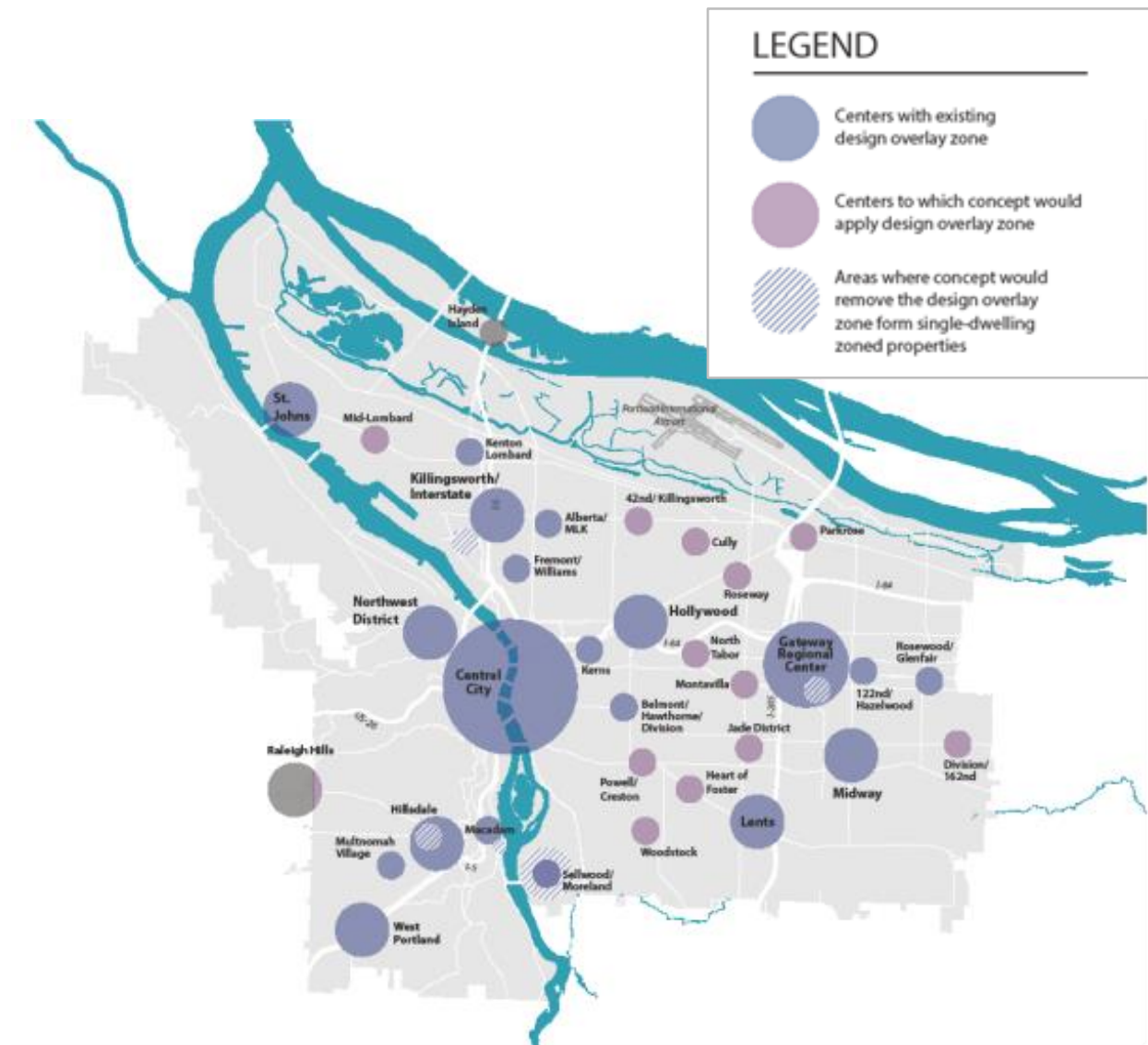
- 2a. Expand the Design overlay zone map to commercial/mixed use-zoned properties in all Neighborhood Centers:** 42<sup>nd</sup>/Killingsworth, Cully, Division/162<sup>nd</sup>, Heart of Foster, Jade District, Mid-Lombard, Montavilla, North Tabor, Parkrose, Powell/Creston, Raleigh Hills, Roseway, and Woodstock.
- 2b. Remove the Design overlay zone from single-dwelling-zoned properties outside of the Terwilliger Design District:** areas in and around Sellwood-Moreland, Hillsdale, Macadam, Floyd Light Middle School, and North Prescott.

**Proposal:** An assumption of the Design Overlay Zone Assessment was that the mapping of the d-overlay zone was already determined. An expansion of the overlay was already taking place as part of the Comprehensive Plan Update and additional amendments were not on the table for consideration.

However, through in the Amendments project, several observations made the team question this assumption:

- a. **New purpose statement.** There was a great deal of energy and excitement around crafting the new purpose statement for the d-overlay. No longer would the zone be based on a conservation district model. Instead, it would be growth-oriented and forward-thinking, and focused not just on established centers, but also on emerging centers. The goal is to create inclusive, accessible, active, and resilient places in which people could gather, live, shop, and build community.

Further, the process itself can provide an opportunity for the community to have a voice in shaping the development/buildings that defines their piece of Portland (i.e., through a Type II or Type III review). As the project team worked with the Planning and Sustainability Commission and Design Commission to craft 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.



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- b. **Low-rise storefront commercial study.** As part of the Mixed Use Zones Project, a study was conducted called the Low-Rise Storefront Commercial Analysis. The study identified 13 areas of the city with similar defining features: neighborhood centers with contiguous concentrations of streetcar-era storefront buildings, many not protected by historic designation. Recognizing the important role these areas play in defining their respective Neighborhood Centers and communities, BPS proposed to downzone these areas to CM1 to help preserve them.

The Planning and Sustainability Commission did not support the proposal from the project, not wanting to lose opportunities for density in the very areas the City is encouraging growth—areas that are well positioned for growth with access to services, shopping and transit. In the end, the 13 Neighborhood Centers that were identified as qualitatively similar were treated very differently. Two received some downzoning to CM1 while 11 did not. Eight either retained or received the d-overlay, while five did not. The five that did not receive either the downzone or the overlay were the five eastern-most areas of the 13. This realization, coupled with the new purpose statement, again raised more questions about how the overlay was mapped.

- c. **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.

Considering these observations, staff felt that the map deserved another look. If the City is going to support a tool explicitly designed to create strong, growing centers of community, that tool should be available for all Neighborhood Centers.

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

**Benefit:** The proposal aligns Zoning Code tools with the vision of the Comprehensive Plan’s Urban Design Framework more consistently across the city – and specifically across Neighborhood Centers. The map expansion would open space for all Portlanders to have a voice in large projects that impact their respective communities. This proposal works in tandem with ongoing City efforts to educate and build capacity in historically underserved and underrepresented communities – to elevate those voices within the space.

**Relationship to Other Proposals:** While the d-overlay offers numerous benefits for communities, it can also add cost and/or time to a development project. Because of this, the success of the d-overlay is highly related to the proposal for adjusting the thresholds that trigger different levels of design attention, described on the following pages.

The goal is to provide additional design attention, and potentially public input, on big projects that will have a big impact on the community—not ensnare small developments with additional process and cost that might make them unfeasible.



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### **3. The process used to review projects in the Design overlay zone**

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

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

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

The Assessment included a table that split up new development, alterations and additions by size of impact. However, thresholds are currently based on a dollar amount, so it was difficult to determine the size impact of many cases, especially alterations. As a result, the Assessment used existing dollar value for alterations to calculate the workload effect of the changes. Despite this effort, there was general agreement that dollar value was not an ideal way to measure project impact.

In years past, various planning projects included their own area-specific sets of review thresholds and additional exemptions. This added confusion and created a patchwork of minor distinctions between similar areas of the city. A simpler table of thresholds and a concise list of exemptions will standardize the review process citywide and make application of the Design overlay zone more effective.

#### ***PROPOSAL***

##### **3a. Establish review thresholds based on the size and scale of a project, with the goal of aligning the level of review with the level of impact a project will have on the community.**

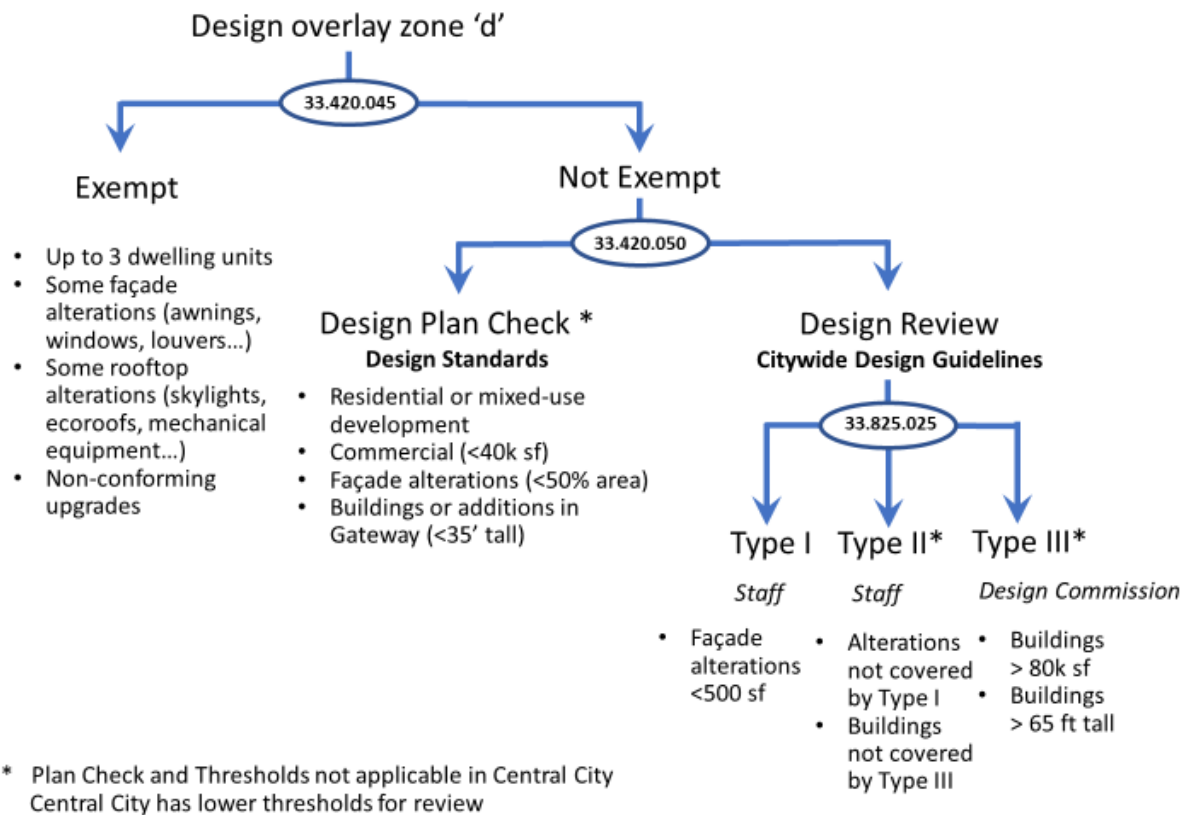
**Proposal:** This amendment will adjust the review thresholds for projects in the Design overlay zone. The goal is to establish review thresholds based on the size and scope of the project—requiring a higher level of review for larger projects and a lower level of review (or exemption) for smaller projects.

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

The changes in thresholds are intended to accomplish the following:

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

## HOW THRESHOLDS WORK IN THE DESIGN OVERLAY ZONE



**Benefit:** The changes better align the level of review with the impact of a proposal on the community.

This is a benefit because it focuses City resources and the public's time on large-impact projects while not burdening small projects and alterations with additional process and/or regulations.

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

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## **PROPOSAL**

### **3b. In the Gateway plan district, allow smaller projects to go through design plan check (design standards) as an alternative to a design review.**

*Related Assessment recommendation: A1*

**Proposal:** The amendment allows smaller projects and alterations/additions in the Gateway design district (which aligns with the Gateway plan district) to use the objective design standards as an alternative to discretionary design review. Currently, all proposals in Gateway, like Central City, are required to go through the discretionary review process. Larger projects 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.

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

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

## **PROPOSAL**

### **3c. Align the Type III design review and historic resource review processes with an applicant's design process.**

*Related Assessment recommendations: A3, A5*

The Design Overlay Zone 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 proceeds through the process—tailoring submittal requirements to match the corresponding stage of review.

The report additionally 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.*

The goal of this proposal is to create a Type III review process that:

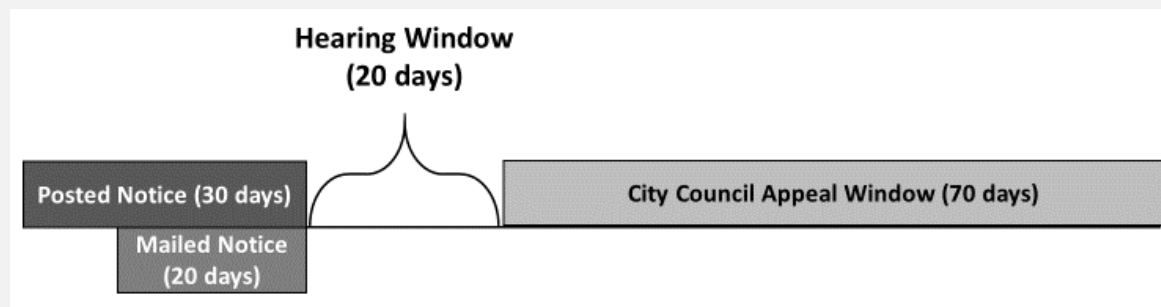
- I. **Provides the applicant with early direction** (i.e., at the Schematic Design phase), before the time and expense of more detailed drawings are spent (i.e., Design Development-level drawings);
- II. **Respects the public's time** and clearly directs their effort and input to the point(s) in the process where that input can influence the applicant and decision-makers; and
- III. **Provides decision-makers** (staff and the Design Commission) **with timely information and materials** so they can facilitate a collaborative review process among all participants.

### ALIGNMENT CHALLENGE: THE 120-DAY RULE

A challenge to creating this process is that Oregon State law requires a local decision on a Land Use Review (LUR) within 120 days of an applicant's application being deemed complete by the City. Design Review and Historic Resource Reviews are types of LUR. While 120 days seems like a long period of time, the window includes time for staff review, time for posting and mailing public notice of the hearing, and approximately 70 days at the end of the window for a potential appeal to City Council. This leaves only a small window for actual review.

While the applicant may choose to waive the 120-day requirement at any point, and they frequently do for a variety of reasons, the City needs to create a process that can be completed within 120 days. The small window for a Type III hearing makes aligning the City's process with the applicant's process extremely challenging. Given all our goals, where is the best place in the applicant's process to align the hearing window?

#### 120-day Timeline



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**Proposal/Two alternatives:** The two alternatives that follow aim to align the City’s Type III design review and historic resource review processes (including opportunities for public input) with an applicant’s process. Both alternatives attempt to meet the goals listed above, but they do so differently.

Staff is interested in feedback on both alternatives and will use the information to identify a preferred alternative for the Proposed Draft. This alternative may be one of the two presented below, a hybrid of the two, or a completely different alternative that better responds to public feedback.

### **Background: the Type III Design Process**

The task of aligning the City’s review process with the applicant’s process requires a working understanding of the applicant’s process, as well as an understanding of the types of meetings and tools the City has at its disposal – and the opportunities for public input involved, or not involved, in each.

#### The applicant/design team’s process

A typical development project 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 diagrams on the following pages illustrate the feasibility of changes to building components during design of a typical mixed-use project. The list is not intended to be exhaustive, but rather reflect areas commonly subject to public discussion.

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

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

#### City Process and Opportunities for Public Input

The City supports and requires a number of different meetings as part of the Type III process. They serve different purposes, occur at different times in the process and provide different opportunities for public input. A summary of each is below:

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

A Pre-application conference is a meeting that city staff have with an applicant who is interested in doing a development project in Portland. Pre-application conferences are required for Type III Land Use Reviews. City bureau representatives attend this meeting to give information to the applicant about what each bureau will require. The public may attend, but the purpose is to



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provide technical information to the applicant. Meetings are scheduled during working hours at BDS' office downtown.

- **Neighborhood Contact (NBH Contact)**

*The regulations related to Neighborhood Contact are currently being updated through the Neighborhood Contact Code Update. This description is based on the regulations as they appear in the January 2019 Recommended Draft and are subject to change at City Council.*

Neighborhood Contact is a set of public outreach steps that must be taken before certain developments can be submitted for approval. Projects that trigger a Type III Land Use Review and are adding 25,000 square feet of floor area will also trigger the Neighborhood Contact requirements – both the notice/posting requirement (Neighborhood Contact I), and the community meeting requirement (Neighborhood Contact II). For the latter, the regulations require the applicant to hold a meeting with community members to discuss potential development. The meeting is held in the community near the site – on a weekday evening or a weekend. The public may provide feedback to the applicant, which is summarized and submitted by the applicant to the City as part of their Land Use Review application.



*NW Raleigh Street and 21<sup>st</sup> Avenue*

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- **Design Advice Request (DAR)**

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

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

A Type III Design Review requires a public hearing in front of either the Design Commission or Historic Landmarks Commission, depending on the type of proposal. Public testimony is taken either in writing or in person, prior to the Commission's deliberation on how the proposal does or does not meet relevant approval criteria. Hearings are scheduled during the week, either during work hours or in the evening and are held at BDS' office downtown. Type III decisions are appealable to City Council.

- **Appeal**


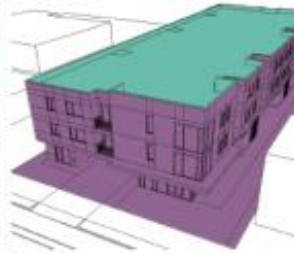


To have standing for an appeal of a Design or Historic Landmarks Commission decision, a member of the public must have provided testimony (oral or written) as part of the LUR. Participation at the pre-application conference, neighborhood contact meeting or Design Advice Request meeting is not sufficient to achieve standing. Appeal hearings are scheduled during the week, typically at 2 or 3 p.m. at City Hall.

# APPLICANT PROCESS & CITY ALIGNMENT ALTERNATIVES

As a project moves through design, the applicant's ability to make changes becomes increasingly expensive and difficult. The table below conveys feasibility of changes to building elements during design of a typical mixed use project. The list is not intended to be exhaustive, but rather reflect areas commonly subject to public discussion.

## OPPORTUNITY FOR CHANGE:

- EASY
- DIFFICULT
- NOT FEASIBLE

	CONCEPT DESIGN	SCHEMATIC DESIGN	DESIGN DEVELOPMENT	CONSTRUCTION DOCUMENTS
	 <ul style="list-style-type: none"> <li>Building program</li> <li>Building orientation on site</li> <li>Vehicle areas</li> <li>Outdoor spaces and landscaping</li> <li>Main entrance location</li> <li>Site utilities</li> </ul> <ul style="list-style-type: none"> <li>Total building area</li> <li>Height &amp; massing</li> <li>Setbacks from street</li> <li>Articulation &amp; balconies</li> <li>Canopies &amp; overhangs</li> <li>Windows &amp; doors</li> <li>Exterior finish materials</li> <li>Mechanical systems &amp; equipment</li> <li>Signage</li> </ul>	 <ul style="list-style-type: none"> <li>Building program</li> <li>Building orientation on site</li> <li>Vehicle areas</li> <li>Outdoor spaces and landscaping</li> <li>Main entrance location</li> <li>Site utilities</li> </ul> <ul style="list-style-type: none"> <li>Total building area</li> <li>Height &amp; massing</li> <li>Setbacks from street</li> <li>Articulation &amp; balconies</li> <li>Canopies &amp; overhangs</li> <li>Windows &amp; doors</li> <li>Exterior finish materials</li> <li>Mechanical systems &amp; equipment</li> <li>Signage</li> </ul>	 <ul style="list-style-type: none"> <li>Vehicle areas</li> <li>Outdoor spaces and landscaping</li> <li>Site utilities</li> </ul> <ul style="list-style-type: none"> <li>Setbacks from street</li> <li>Articulation &amp; balconies</li> <li>Canopies &amp; overhangs</li> <li>Windows &amp; doors</li> <li>Exterior finish materials</li> <li>Mechanical systems &amp; equipment</li> <li>Signage</li> </ul>	 <ul style="list-style-type: none"> <li>Outdoor spaces and landscaping</li> </ul> <ul style="list-style-type: none"> <li>Canopies &amp; overhangs</li> <li>Windows &amp; doors</li> <li>Exterior finish materials</li> <li>Signage</li> </ul>
Current practice, applicant chose DAR	Pre-app	Optional DAR Optional DAR	LUR Hearing	
Current practice, applicant did not choose DAR	Pre-app		LUR Hearing LUR Hearing	
Alt. 1	Pre-app NHD Contact*	Required DAR	LUR Hearing	
Alt. 2	Pre-app NHD Contact*		LUR Hearing	

\* Future opportunity for public input, dependent upon outcome of current Neighborhood Contact Code Project



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## Current Practice

### What it does:

- The Design Advice Request (DAR) is optional, but the majority of applicants choose to go through the process. Meetings are posted (by applicant) and email notices are sent to the local neighborhood association, business association and district coalition (by City), but no mailed notice is sent. Frequently, more than one DAR is held prior to applying for the LUR.
- If no DAR is requested, applicants go straight into the LUR process.
- LUR held during *Design Development* phase.

## Alternative 1

### What it does:

- *Requires DAR*
  - Limits number of DARs to 1, unless proposal is for multiple buildings on a site.
  - Requires notice of the DAR to be posted on development site (by applicant); emailed to local organizations (by City) and mailed to nearby neighbors (by the City).
  - Limits submittal materials.
- Holds LUR during *Design Development*.
- Phases application submittals to allow applicants to continue work while the City review process is underway.
- State law requires stakeholders to provide testimony at the LUR, either in person or in writing, to obtain standing for appeal; participation in the DAR does not achieve standing.

### What it aims to accomplish:

- Allows early feedback and identification of issues, outside of the LUR process, before design is too far down the road.
- Provide *public forums* for public input and Commission feedback at *two* points in the applicant's process: ideally focusing on *Schematic Design* at the DAR and *Design Development* at the LUR.
- *Review* phase of City process occurs during *Design Development*.

## Alternative 2

### What it does:

- Eliminates the DAR, moving the LUR earlier in the applicant's process.
- Holds the LUR in the transition from *Schematic Design* to *Design Development*.
- Phases application submittals to allow applicants to continue work while the City review process is underway.

### What it aims to accomplish:

- Focus public input at a single point in the process, at a time when that input can both influence the Commission's decision – and earn the community member standing for appeal.
- *Review* phase of City process occurs during *late Schematic Design/early Design Development*.

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## Comparison of Alternatives

As stated earlier, the goal of this proposal is to create a Type III review process that:

- I. **Provides the applicant with early direction** (i.e., at the Schematic Design phase), before the time and expense of more detailed drawings are spent (i.e., Design Development-level drawings);
- II. **Respects the public's time** and directs their effort and input to the points in the process where that input can influence the applicant and decision-makers; and
- III. **Provides decision-makers** (staff and the Design Commission) **with timely information and materials** so they can facilitate a collaborative review process among all participants.

How do the alternatives meet each of these goals and what are the tradeoffs?

### I. Early direction

Alternative 1: This two-stage process provides a forum for public input and early feedback from the Commission to the applicant in Schematic Design at the DAR. A DAR early in the process provides direction before the applicant's design team invests additional time and money on the project. However, as it occurs outside of the LUR process, guidance given at a DAR is not binding.

Alternative 2: This one-stage process spans Schematic Design into early Design Development, providing a forum for public input and a decision as a project is transitioning into the early stages of Design Development. A land use decision earlier in the process provides certainty for the applicant as they move into late Design Development. However, an earlier decision means that some architectural details that can contribute to design quality may not be reviewed by the City or discussed by the public.

### II. Community influence/respect public's time

Alternative 1: This alternative provides multiple opportunities for public feedback through the applicant's process, both at the Schematic Design and Design Development stages. This requires the public to participate in two processes to meaningfully engage: at the DAR to provide feedback early in the design process when it can be most impactful and at the LUR to testify in person or in writing to the Commission and obtain standing for appeal. Both meetings are held on weekdays downtown during the day and may be challenging for some members of the public to attend.

#### *Relationship to Neighborhood Contact Meeting*

The Neighborhood Contact meeting would likely be held during Schematic Design – in the neighborhood where the project is proposed and in the evening, so this may provide a more convenient opportunity for the public to offer their comments to the applicant. The summary notes from the Neighborhood Contact meeting could be required to feed into the DAR, so that the Commission's early guidance could be informed by more public input – but this also would require a sequencing of these meetings, which could extend the applicant's overall timeline.

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Alternative 2: This alternative aligns the City review process with a public hearing at the point in the applicant's process when input from all stakeholders is most valuable. The alignment means members of the public only need to participate in one meeting (in person or in writing) to meaningfully engage and obtain standing for appeal. As in Alternative 1, this meeting is held on a weekday downtown during the day and may be challenging for some members of the public to attend.

*Relationship to Neighborhood Contact Meeting*

The Neighborhood Contact meeting would likely be held during Schematic Design - in the neighborhood where the project is proposed and in the evening, so this may provide a more convenient opportunity for the public to offer their comments to the applicant. The summary from the Neighborhood Contact meeting would be submitted as part of the LUR application in Schematic Design, so the feedback would be seen by Commissioners at a point in the process where the information could influence their decision.

### **III. Provide decision-makers with timely information/materials**

Alternative 1: The two-stage process focuses the City's land use *review* during Design Development, enabling the Commission to discuss architectural details that may not be present at earlier stages of the applicant's process. It also divides opportunities for public input in two, creating a situation where the Commission gives Schematic Design advice before all public input has been gathered.

Alternative 2: The one-stage process focuses the City's land use *review* on the span between Schematic Design into early Design Development. Because the review is done in one process, the Commission may hear all public testimony at once, so that all information is gathered prior to advice or a decision being given. Because some of the architectural details of a project may not yet have been fully worked out, the review will focus more on larger architectural and urban design issues.

**Benefit:** This proposal (either alternative) will result in a more streamlined Type III review process that benefits applicants, provides opportunities for robust public engagement, and focuses the City's review process on the aspects of a proposal that the community finds most important.

**Code Sections Affected:** Draft code is not included in this Discussion Draft. Code will be drafted for the preferred alternative based on continued analysis and public feedback. Either alternative will affect Chapter 33.730, Quasi-Judicial Procedures.

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## 4. The tools used to evaluate projects in the Design overlay zone

### **PROPOSAL**

- 4a. Based on the three tenets of design (context, public realm and quality) create new approval criteria for areas outside Central City that have the Design overlay (d-overlay) zone: Design Standards and Citywide Design Guidelines.**

*Related Assessment recommendations: B2, B3, B6, B7, B8, B9*

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

Key recommendations from the Assessment guiding this Conceptual Framework are:

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

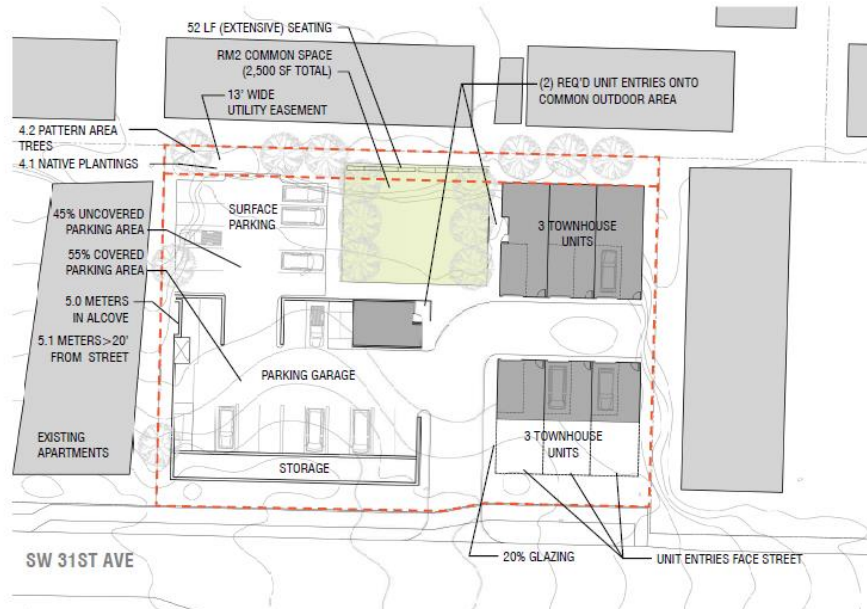
The three design-related core values, or “tenets” in Portland, are rooted in the current Community Design Guidelines and in the Central City Fundamental Design Guidelines as subject headings (Portland Personality, Pedestrian Emphasis, Project Design). Through the Assessment project, the three tenets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

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 Commission and by the architectural community during the design process and deliberations.

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

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

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



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

#### BUILDING SUMMARY

Zoning:	R1 -> RM2d
Site Area:	24,810 sf (0.57 acres)
Building coverage:	10,800 sf (44%)
Building height:	4 stories and 2 stories over parking garage (40' / 22')
Building Area:	35,000 sf (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 facade 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.

#### Examples of Conceptual Schematic testing provided by Consultant Team

- Providing optional ways of meeting the standards to offer flexibility** (Recommendation B7), especially in responding to area context. "The design process could benefit from a menu of choices to allow for solutions tailored to unique conditions. This also allows for more variety."

**Proposal:** 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. Citywide Design Guidelines** (found in *Volume 3: Citywide Design Guidelines*)

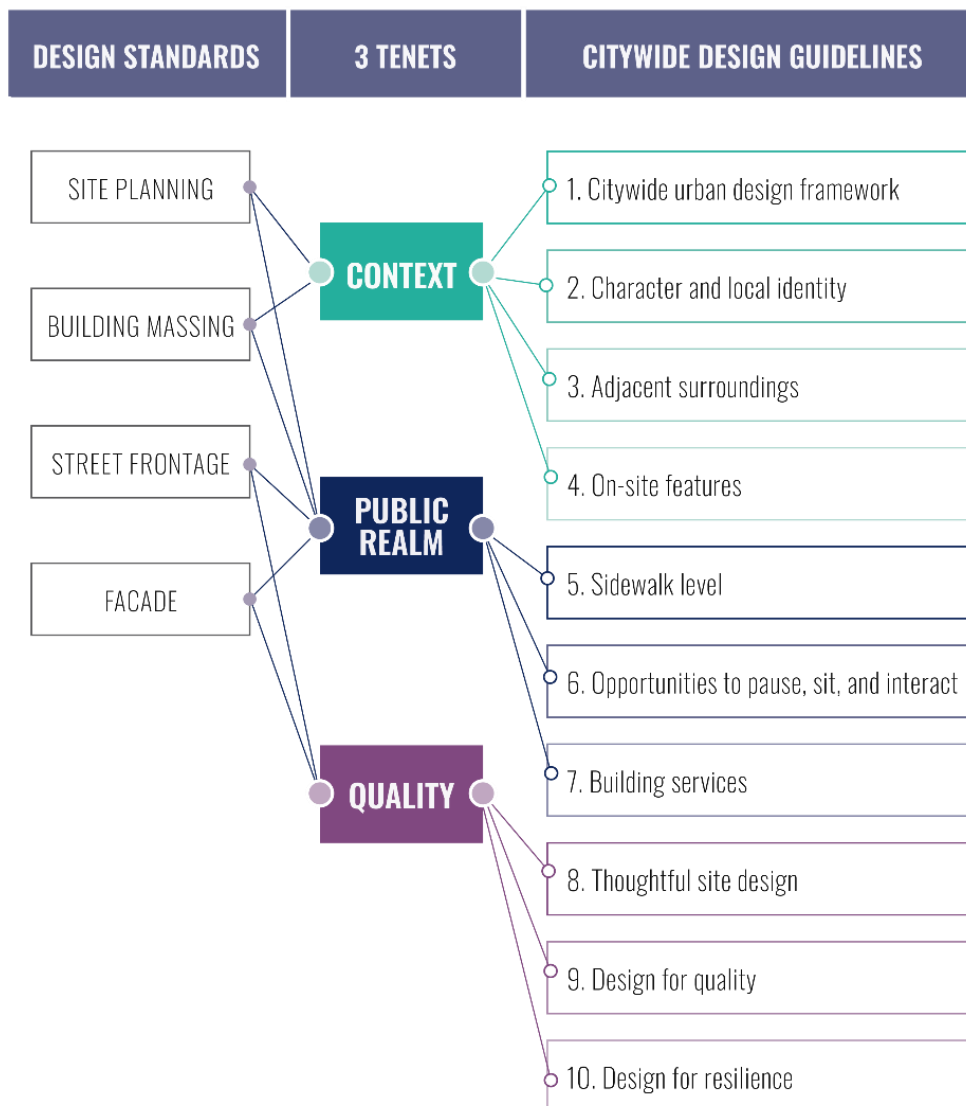
The design guidelines were written to directly nest under each of the three tenets. They are intended to be broad and flexible and will work towards achieving the aspirations listed in the Design overlay zone purpose statement.

**2. Design Standards** (found in *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 and the design guidelines. In this way, the guidelines can remain flexible and the standards can be clear and objective, but each tool is working towards the same desired outcome.

Standards were initially drafted to nest under specific guidelines but were later reorganized to better align with the applicant's design process and permit review.

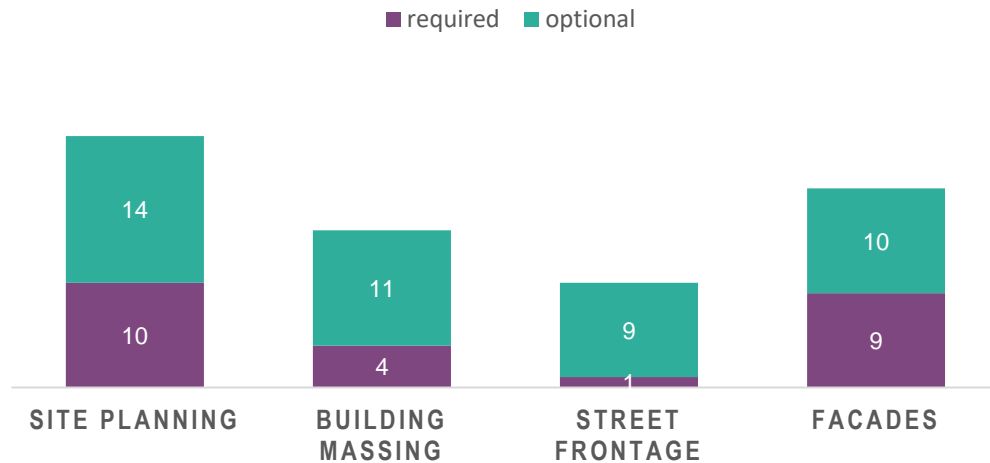
## RELATIONSHIP BETWEEN THE STANDARDS AND THE GUIDELINES



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The Design Standards provided in this draft offer a degree of flexibility because they outline a set of required standards (*all* must be met) and a set of optional standards (*some* must be met). This menu approach brings them more in parity with the flexibility available to meet the discretionary guidelines. In addition, the flexibility allows the applicant to respond to the context of each development site by choosing which optional standards to meet.

## DESIGN STANDARDS



**Benefit:** The **Citywide Design Guidelines** will be the criteria for design review for the d-overlay zone areas outside of Central City and Gateway that do not have specific guidelines. The new tools will better align with the aspirations of the new Comprehensive Plan and reflect public feedback.

The **Design Standards** will be the criteria for all d-overlay zone areas outside of the Central City. These standards, through the use of an optional standards menu, will provide both certainty and flexibility for applicants—and should facilitate variation and context responsiveness in the design of new buildings.

**Code Sections Affected:** Design Standards are found in Chapter 33.420.055 Design Standards. Citywide Design Guidelines are not part of the Zoning Code and will be adopted separately.



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## PROPOSAL

### 4b. Support new development that incorporates older buildings or facades that provide local context for an area.

Portland's main streets and centers often contain a concentration of older buildings. These "character buildings" are touchstones of the vibrant commercial areas that developed around the city's streetcar network or were at the intersection of important crossroads. Portland's policies encourage these areas to grow and further develop, but this often results in development that demolishes existing buildings that identify the area.



*Character building on NE Alberta*

While some main streets (such as in Northwest/Alphabet District, Kenton or, Mississippi) are in historic or conservation districts that have rules regulating the demolition of significant structures, most older commercial areas are not in designated districts and have no such protections. However, these areas are intended to accommodate a large portion of the city's growing population. While nothing currently prohibits builders and developers from incorporating existing buildings or facades into a new development, these options can increase cost and complexity.

**Proposal:** At this time, DOZA is not proposing to create a program or incentives dedicated to "character buildings." The tools support many types of development – and the character building concept identified in the DOZA Tools Concept Report is just one of them. The Citywide Design Guidelines, and particularly Guidelines 2 and 4 support character buildings. For projects using the Design Standards, a combination of indirect incentives and optional standards points encourage the preservation of these structures:

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



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## **5. Additional improvements to support clarity and transparency for all stakeholders**

### ***PROPOSAL***

- 5a. Update the Design Commission membership rules to allow landscape architects as industry technical experts and clarify that the public-at-large member is independent of these industries.**

**Proposal:** Current code lists the specific disciplines that qualify as technical experts for the Design Commission as a formal review body. The amendment expands the list of technical disciplines from which five of the members are drawn to include the field of landscape architecture. The amendment also includes a change to the public-at-large member to ensure that the person has a more general background and is not grouped together with those who have technical experience in one of the other fields.

Also within this section, the powers and duties of the Design Commission are being updated to emphasize their lead role in reviewing projects as well as to update some of their other duties to reflect current practice.

**Benefit:** These amendments provide additional clarity of the membership of the Design Commission and will ensure that future commissions include a general member of the public who is not also involved in work that may have a direct engagement in the design review process.

**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***

- 5b. Clarify that, except in limited cases in the Central City, the design review process cannot require a reduction of proposed floor area ratio (FAR).**

*Related Assessment recommendations: B1*

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

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However, an exception to this is that within the Central City, the Design Commission may consider the impacts of unlimited FAR transfers from non-historic properties.

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

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

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

## **PROPOSAL**

### **5c. Clarify that mitigation may be required to lessen the cumulative impacts of modifications** *Related Assessment recommendations: B1*

**Proposal:** Currently, a review body will approve requested modifications if it finds that 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 Adjustment Review (33.805.040), there is no mitigation required for modifying a standard—and there is nothing to address the cumulative impact of modifying multiple standards. This proposal requires mitigation, to the extent practical, to address the cumulative impacts of modifications. Further, the proposal clarifies what a “use-related” development standards is by providing additional examples.

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

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

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## **PROPOSAL**

### **5d. Make administrative improvements to the efficiency and transparency of the design review process.**

*Related Assessment recommendations: A2*

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 enacting focused 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.

Highlights of the work, either completed or in progress, include:

- Inclusion of renters in all mailed land use notices
- Creation of clearer Design Commission agendas with estimated start times for cases
- Revised Guide to Providing Testimony
- Updated Design Advice Request process and submittal requirements
- Creation and adoption of a Design Commission Bylaws
- Timer for all presentations & testimony at hearings

More detail on these improvements and others may be found in *Volume 4: Appendices*.





