

Design Overlay Zone Assessment

Major Themes from Interviews

September 6, 2016

Over the course of two weeks in July, we interviewed more than fifty people about the current d-overlay, the non-discretionary review undertaken by City staff, and the discretionary Design Review process involving either staff or the Design Commission. We also discussed guidelines used in Type II reviews and Type III reviews and the Community Design Standards found in Section 33.218 of the Portland Zoning Code. Interviewees included representatives of neighborhood organizations, professionals in the development industry, architects, landscape architects, planners, City staff in both the Bureau of Planning and Sustainability and the Bureau of Development Services, and current and past Design Commissioners.

Virtually all of the people interviewed recognized the value of design overlay zones. They also spoke to the need for clarity and explicitness in the criteria for both discretionary reviews and non-discretionary plan checks, regardless of who is making the decision. The City of Portland is well-known nationally for elevating the quality of urban development; most of the people interviewed recognized that Portland has indeed raised the bar in design of buildings. No one called for an elimination of the review process, guidelines, or standards. On the other hand, no one asserted that the current process is perfect, as is. There were widely-shared observations about issues in the current system that need to be addressed.

It should be noted that, typically, when interviews about regulatory subjects are conducted, many people immediately assume a critical perspective. Because development in urban areas is frequently contentious, with sharply drawn opinions, participants tend to feel frustrated and vent even in the best of circumstances. However, over the past couple of years, all stakeholders have been burdened to varying degrees by the crush of recent permit applications, the pace and intensity of development, and a general concern about the identity and character of Portland. In a sense, therefore, these comments are an expression of on-going angst among all the people involved in urban change. Nonetheless, a number of these comments can form the basis of recommendations for improvement of the objectives, process, and tools.

Dozens of comments have been sorted by subject matter and frequency. The first grouping under each subject contains comments made by at least four and as many as ten people; these have been highlighted in bold. The second group includes those made by two to three people, with the last group made by single individuals. We have included all comments so that the breadth can be seen. Finally, we have also included a group of other comments that do not seem to fit into any category but were stated with enough frequency to suggest that they are also important to examine. All of these suggest directions for potential changes, whether small and simple or more deeply structural.

Comments regarding the d-overlay Process in General

Many people commented:

Dialog between neighborhoods and development teams seems token, with no documented responses.

Public notice is inadequate, both on-site and mailed, regarding geographic coverage and renters.

There is a tendency in building design towards “the middle” in quality in order to gain approval; more adventurous designs are rare.

Some development teams design precisely to Community Design Standards (CDS) in order to avoid discretionary review.

It is not possible to seek adjustments to CDS without opening up entire project to review.

Several people commented:

Larger issues of urban design and context have been missing lately.

No clear, reliable list of submittals that is appropriate to the normal stages of the design process; considerable detail is requested upfront before it typically occurs in the design process.

Lack of coordination with PBOT and other agencies.

No assistance is available to small businesses / owners on how to navigate the process.

Neighborhood engagement seems minimal, especially for Type II.

Local business / civic associations are not involved in the design review process.

There is no requirement/incentive by City for developers to work with neighborhoods.

There is no consistent method of collaboration (or documentation) with neighborhoods.

There is a need for citizen training in “design literacy” so as to make useful comments.

There is a lack of clarity about how and when people can weigh in.

The design review process adds significant time and costs to projects.

Singular comments:

There is little or no follow-through with inspections.

There are no rewards / incentives for better design.

There is no clear tie with other City priorities.

There should be a way to nurture long term relationships between development teams and neighborhoods.

Lengthy review processes can be a financial burden to smaller developers.

The process favors larger developers with more national brand tenants; smaller developers struggle more with navigating the process and the time involved.

Can more support be provided to neighborhoods during reviews?

How can the process encourage designers to have a strong, coherent idea?

Could the City have small satellite offices in neighborhood centers to assist small businesses navigate the process?

The d-overlay is myopic, seems driven by white, middle-class concerns; communities of color may have other ideas about how they want neighborhoods to look and function.

There is a need to define what success is with the d-overlay. Better relationships with the community are desirable. Aren't social considerations as important as physical ones?

Comments regarding Design Commission

Many people commented:

There are too many personal preferences and subjects during deliberations.

The Commission often over-reaches authority.

Commission spends too much time fussing with details, materials, utilities, and building services.

Excessive meetings necessary for details/revisions, Commission could refer to staff.

Specific guidelines are not cited during deliberation; there is a lack of focus.

Timing of review is out of sync with design process.

DAR originally helpful at early stage; now occurs too late.

There is little meeting management by staff or Chair.

The review is unpredictable and time consuming; some will do anything to avoid it.

There is a lack of a clear Council-given “charter” with authority and focus of reviews. Or if it is indeed there, does the Commission need to be reminded?

Need to resolve massing at first meeting and not revisit later.

List of “Unacceptable Materials” by the Commission in their “Best Practices Guide” seems close-minded to creative possibilities.

Several people commented:

There is no sense of how the length of review affects financing, costs, affordability.

There is too much revisiting big issues later with Commissioners not initially involved.

A single commission is inadequate to deal with the number of cases.

The length of time for testifying too limited.

Neighborhoods feel marginalized by Commission.

Attending daytime meetings requires residents to take off work to testify.

Commission has scrutinized proposals in more detail as a reaction to some poorly built projects in the past.

Design Review can add value, both community value and economic value.

Design review should help people navigate City processes.

The Commission changes direction from time to time depending on the people attending.

DAR's should be required, not optional.

DAR's should be less about detail and more about overall concept.

Commission seems to want everything to be brick.

Central City orientation doesn't translate well to neighborhood situations.

It seems that written testimony is weighed less than oral testimony.

Sometimes the tone of Commissioners can seem arrogant and condescending.

Singular comments:

There is no accountability to / oversight by Council.

The Commission seems to often react negatively to prior approved projects.

Commission review is not well suited to smaller projects.

Commission is overloaded; long hours.

Little training is done for new commissioners.

There is not enough discussion by *all* commissioners; consensus not achieved.

Design Review by the Commission requires unusually high design costs.

The Commission is not set up to look at the structure of the community around a proposed project.

Comments regarding Staff

Many people commented:

There seems to be lack of coordination with other agencies; often there are conflicts.

Not clear who has the final authority when there are conflicts between agencies.

Applicants need to know the location of basic elements early (e.g. location of vaults and building services and garage door setbacks).

Several people commented:

Staff is over-worked, overloaded, sometimes not available.

Staff seems to prefer to say “NO” rather than collaborate on issues.

There are too many questionable interpretations of Community Design Standards.

Staff doesn't seem to be empowered to make independent decisions.

Staff is asking for more detailed information and graphics, like the Commission.

More review by staff could reduce load on Commission.

Singular comments:

Training is needed for new staff; field visits both in Portland and elsewhere are useful.

Some staff have acquired Commission's preference for details and minutiae.

No clear description available about what is a good application.

Some applicants dismiss staff direction; prefer to hear from Commission.

More staff (and qualified staff) needed.

Sometimes advice by staff is contradicted by the Commission.

Staff doesn't attend community meetings to get a sense of concerns.

Expand the BDS website to provide more information and guidance to the public.

Comments regarding Standards and Guidelines

Many people commented:

Too many standards and guidelines, with repetition and overlap.

Community Design Standards are weak, ineffective, outdated, reflect an earlier era.

Community Design Standards don't address location-specific patterns, context and public realm sufficiently.

Community Design Standards are not a good fit with so many diverse parts of the city.

Some discretionary guidelines are too vague (e.g. "reflect the river," "design coherency.")

Several people commented:

Lack of FAR Transfer causing smaller, older, interesting buildings to disappear.

Standards and guidelines reflect no clear nexus between policy and regulations.

Standards do not include possible options that are acceptable (a "menu" approach)

Many standards are too fussy / lack of focus / big picture getting lost.

Need more choices in Ground Floor Activation.

No involvement by neighborhoods in design standards and guidelines.

Community design Standards force big, useless overhangs to meet requirement for a "cornice."

Model guidelines for Division could be applied as a starting point elsewhere.

Buildings designed to meet Community design Standards often result in poor quality as the standards do not address high quality detailing.

Could there be a code amendment to allow common modifications and adjustments to proceed in a more expeditious manner?

Singular comments:

CDS don't make sense for larger projects.

Discretion severely limited.

Small tweaks to a design can result in an approval.

No clear relationship between standards and guidelines.

Certain areas of the City have no standards despite the need.

Incentives / requirements for better design needed for a number of corridors.

Other Comments

Many people commented:

Confusion over importance of contextual versus unique building designs.

Streets are shifting to a “coarser grain” / neighborhoods losing idiosyncrasies.

Areas without standards are getting poor quality development.

Several people commented:

Too many boxes with no character or Portland quirkiness.

Prevents terrible projects but is creativity discouraged?

Is Design Review through the Commission over-riding base zoning?

Is the lengthy and complex process sucking the “joy” out of design?