

Division Design Initiative (DDI) Top Ten Policy Recommendations Comp Plan Testimony	Staff Responses to DDI Top Ten Policy Recommendations and Comments on the Mixed Use Zones Project Discussion Draft		DDI Response to City Comments 2/17/16
	Policy Response from City Staff	Related Mixed Use Zone (MUZ) Code Amendments	
1. Improve notification and enable constructive community engagement about growth.	<p>Addressed in part by Chapter 2 (Community Involvement)</p> <p>Policy 2.24 Early involvement. Improve opportunities for interested and affected community members to participate early in planning, and investment processes, including for identifying and prioritizing issues, needs, and opportunities; participating in process design; and recommending and prioritizing projects and/or other types of implementation.</p>	<p>Neighborhood contact requirement being expanded to apply to larger projects in all mixed use zones.</p> <p>Staff recommends that a follow-up project update neighborhood contact procedures.</p>	<p>Recommended City Council Action: Allocate funding for development of Neighborhood Land Use Review Notification/Engagement process now.</p> <p>Recommended Staff Action: Use DDI Notification & Community Engagement Policy <i>An extensive public process led to the development of this policy and it has already garnered much community support. Although developed for Division Street, it could easily be applied city-wide. Further, it has already been endorsed by the following organizations:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Richmond Neighborhood Association (RNA), <input type="checkbox"/> Hosford Abernethy Neighborhood District (HAND) <input type="checkbox"/> Division Clinton Business Association (DCBA) <input type="checkbox"/> Hawthorne Boulevard Business Association (HBBA) <input type="checkbox"/> Mt. Tabor Neighborhood Association (MTNA) <input type="checkbox"/> Laurelhurst Neighborhood Association (LNA) <p><i>This policy was submitted with our testimony to Planning Commission in March 2015 and includes an overview of:</i></p> <p><i>(1) How to notify neighborhoods, business associations and other nearby community members,</i></p> <p><i>(2) Types of information to bring and preferred timeframe to engage neighborhood associations for adequate and effective input</i></p> <p><i>(3) Simple follow-up and response process for community feedback:</i></p> <p>★ One-page Notification & Community Engagement policy proposal linked here: https://divisiondesigninitiative.files.wordpress.com/2014/08/notification-community-engagement-recommendation-5-11-15.pdf</p> <p>Recommended Additional Implementation Tools: Use an online interactive tool to engage community members with real-time feedback sharing <i>such as Crowd-brite® Project Planning & Engagement Systems or others like mysidewalk.com (formerly known as Mindmixer), both of which are platforms to allow local governments to solicit ideas from their communities.</i></p>

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2. Close the residential floor area ratio gap now (include residential in FAR calculations).	About implementation rather than policy.	No proposal to change regulations to count residential as part of floor area limits prior to effective date of the MUZ code amendments. There is not a legal mechanism to implement that change without the required legislative process.	<p style="text-align: center;">MOST CRITICAL & IMMEDIATE IMPLEMENTATION ITEM</p> <p><i>Per the DDI 11/19 testimony letter:</i></p> <p><u>Recommended City Council Action:</u> Direct staff to come back with a recommendation for how to address this critical code gap NOW via RICAP, special ordinance or other mechanism.</p> <p><i>This is an outdated incentive for mixed use development that is no longer needed in the market and is causing building form that is:</i> <i>(1) causing great discord with community members across Portland,</i> <i>(2) creating incompatible with development patterns, neighborhood character and context, and</i> <i>(3) has the unintended consequences of turning neighborhoods off density because of bad building massing and form. Closing this gap would have an important impact of rebuilding community trust.</i></p>

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3. Add permit review criteria for assessing compatibility with neighborhood context.	<p>Also includes request for TDM approaches for projects with no parking.</p> <p>Policy 4.3 Site and context. Encourage development that responds to and enhances the positive qualities of site and context — the neighborhood, the block, the public realm, and natural features.</p> <p>Policy 9.53 New development. Create and maintain TDM regulations and services that prevent and reduce traffic and parking impacts from new development and redevelopment. Encourage coordinated area-wide delivery of TDM programs. Monitor and improve the performance of private sector TDM programs.</p>	<p>MUZ Project proposes to add the d-overlay to SE Division and other inner Southeast corridors, which will provide the strongest tool for reviewing the design of development allowed by state law. Some of the requested permit review elements could be considered in future projects updating neighborhood contact requirements and design review procedures, but would not meet the clear and objective standards required for base zone regulations.</p> <p>TDM requirements proposed in MUZ project.</p>	<p><i>These goals are excellent. However, necessary planning and review tools, criteria, and definitions are sorely lacking for any evaluation or measurement. Recommend adding both the following new Comp Plan policy language and an implementation efforts.</i></p> <p><u>Compatible Development Policy Recommendation</u> <i>Add new Comp Plan policy goal: “Create tools and criteria to provide clear and objective standards for assessing compatibility with neighborhood context and character.”</i> OR see alternative below: <i>Ensure clear and objective standards for compatible development by designing tools and criteria for measuring context sensitivity and compatibility with neighborhood context and character along with the positive aspects of the site and the surrounding environment.</i></p> <p>Support for Portland Historic Resources Coalition proposed “Policy 4.46 Continuity with Established Patterns”</p> <p><u>Implementation Recommendations:</u> <i>Add Permit Submittal Requirements for effective community engagement and community understanding and assessment of project relationship to context including:</i></p> <ol style="list-style-type: none"> <i>a. Elevations showing proposed development in context of adjacent building/block development,</i> <i>b. Solar shading analysis, privacy and view impact drawing</i> <i>c. Statement of features/approaches used to demonstrate alignment with community design goals and preferences if formal guidelines exist</i> <p><i>NOTE: These are not for approval/disproval of a project but for factual disclosure of project context implications</i></p> <p><i>Also see the following:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> <i>DDI hearings examiner DDI letter regarding Brentwood Darlington 2015 successful appeal on grounds related to need for assessing compatibility and context, and lack of definition in code.</i> <input type="checkbox"/> <i>DDI has design language recommendations that could provide both clear and objective criteria that still allows for flexibility in design using a “must meet 3 out of 7 criteria” approach to maintain compatibility.</i>

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4. Develop density transition zones and Foster the “Missing Middle.”	<p>Policy 4.15 Residential area continuity and adaptability. Encourage more housing choices to accommodate a wider diversity of family sizes, incomes, and ages, and the changing needs of households over time. Allow adaptive reuse of existing buildings, the creation of accessory dwelling units, and other arrangements that bring housing diversity that is compatible with the general scale and patterns of residential areas.</p> <p>Policy 4.30 Land use transitions. Improve the interface between non-residential uses and residential uses in areas where commercial or employment uses are adjacent to residentially-zoned <u>residential uses</u> and land.</p>	<p>Residential Infill Project may consider possibilities for additional housing options close to centers and corridors.</p> <p>Upcoming Multi-Dwelling Development project will also address medium-density housing types.</p> <p>The Residential and Open Space Zoning Update is reviewing areas where the residential Comprehensive Plan map designation is higher than the existing residential zone, including areas in southeast that could be upzoned to mid-density residential zoning of R2.5 or R1.</p>	<p><i>We support this and have testified in our 11/19 DDI letter to the City Council to request the City Council to Direct staff to conduct further analysis of the growth scenarios to include missing middle housing including</i></p> <ol style="list-style-type: none"> <i>1. Already built ADU’s, duplexes, divided older homes, etc</i> <i>2. How it could be accommodated within neighborhoods and corridors to recalibrate and assess its impact on growth projections and needed zoning capacity on corridors and neighborhoods. (see attached letter from 11/19)</i> <p><i>This form of housing is more “compatible with the general scale and patterns of residential areas” (Policy 4.15)</i></p> <p><i>Should also consider nodes and assumptions around need and where transit is available.</i></p> <p><i>Additionally, the current Comprehensive Plan does not address sufficient development context of the SE area. A SE Plan is a significant policy and planning gap – as this was done for other areas but not SE. This has been recommended by other City Staff to the neighborhood.</i></p> <p><u>Policy & Implementation Action Item:</u> The need for a specific SE Area Plan should be called out in the Task 5 Comp Plan implementation activities to address: zoning, development standards, design guidelines and other action items for Southeast.</p>

5. Create incentives for reuse and preservation of existing buildings with special community character.

Supported by policies 4.26, 4.27, the Historic and Cultural Resources policies (4.45 – 4.53), and policies 4.56 and 4.58.

Policy 4.26 Protect defining features. Protect and enhance defining places and features of centers and corridors, including landmarks, natural features, and historic and cultural resources.

Policy 4.27 Historic buildings in centers and corridors. Protect and encourage the restoration and improvement of historic resources in centers and corridors.

Policy 4.45 Historic and cultural resource protection. Protect and encourage the restoration of historic buildings, places, and districts that contribute to the distinctive character and history of Portland’s evolving urban environment.

Policy 4.53 Community structures. Encourage the adaptive reuse of historic community structures, such as former schools, meeting halls, and places of worship, for arts, cultural, and community uses that continue their role as anchors for community and culture

Policy 4.56 Rehabilitation and adaptive reuse. Encourage rehabilitation and adaptive reuse of buildings through the use of incentives and other tools, especially those of historic or cultural significance, to conserve natural resources, reduce waste, and demonstrate stewardship of the built environment

MUZ project is expanding options for historic TDR (but not available for properties that are not documented historic resources), and staff are considering zoning code approaches for older, low-rise commercial storefront areas to continue their scale and characteristics.

Future historic preservation work will expand the HRI and consider additional preservation strategies.

Policy Recommendation: Amend Policy 4.56 to include incentives and other tools

Implementation & Policy Recommendation for MUZ:

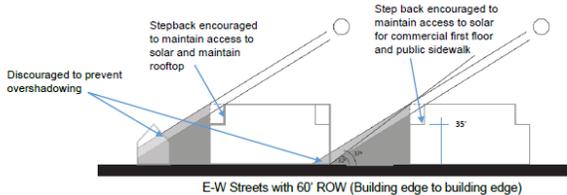
Add other incentives that support adaptive reuse of these such as **waivers of SDC for additions to older buildings**, and transfer of development rights (**including non-designated historic properties**)

Supporting Analysis

Report: “The Greenest Building: Quantifying the Value of Building Reuse” by Preservation Green Lab/Nat’l Trust for Historic Preservation provides the following key evidence that supports a stronger policy and incentivize-based approach including climate impacts of demolitions in Portland and resulting impacts:

- **Energy.** Building reuse typically offers greater environmental savings than demolition and new construction. It can take between 10 to 80 years for a new energy efficient building to overcome, through efficient operations, the climate change impacts created by its construction. The study finds that the majority of building types in different climates will take between 20-30 years to compensate for the initial carbon impacts from construction.
- **Climate Impacts.** Collectively, building reuse and retrofits substantially reduce climate change impacts. **Retrofitting, rather than demolishing and replacing, just 1% of the city of Portland’s office buildings and single family homes over the next ten years would have the potential impact reduction of approximately 231,000 metric tons of CO2, approximately 15% of the county’s total CO2 reduction targets over the next decade.**
- **Jobs:** Historic rehabilitation has a **thirty-two year track record of creating 2 million jobs and generating \$90 billion in private investment.** Studies show residential rehabilitation creates **50% more jobs** than new construction.

Report: “Older, Smaller, Better” Preservation Green Lab/Nat’l Trust for Historic Preservation – notes districts with mixed vintage buildings have less chain stores, greater economic diversity, greater ethnic diversity, and greater affordability.

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6. Relate building height to street width and consider nodal focus.	Policy 4.22 Relationship between building height and street size. Encourage development in centers and corridors that is responsive to street space width, thus allowing taller buildings on wider streets.	MUZ project is proposing upper-level building step backs along narrower streets in the denser CM3 zone. Civic vs. Neighborhood Corridor designations have been a consideration in mapping of the commercial/mixed use zones. Possibilities for a finer grained nodal pattern of zoning should be addressed in future local area planning.	<p><i>Per Recommendation #1 from DDI 11/19 letter of testimony to the City Council:</i></p> <p>City Council Recommendation <i>“Growth Scenarios are Incomplete & Need Additional Analysis & Refinement: We encourage the City Council not to approve the Draft Comprehensive Plan without directing further assessment of some important missing components not fully analyzed as part of the published Growth Scenarios Report.</i></p> <p>Direct the Bureau of Planning & Sustainability (BPS) staff to conduct the following additional analysis:</p> <p>1. Study Growth Scenario Alternatives for Increasing Infill Density with Fewer Development Impacts:</p> <ul style="list-style-type: none"> Higher density on (a) wider streets, (b) North-South corridors and major arterials, (c) higher density at major intersection nodes to balance the reductions proposed below. <p><input type="checkbox"/> Reduce/refine scale of development on narrower streets and older street-car era main streets with special character.”</p> <p>*****</p> <p><i>Excerpt from written testimony by H. Flint Chatto in December 2015 – see this for further specific policy recommendations and supporting analysis.</i></p> <p>PROPOSED EQUITY & INNOVATION SOLAR POLICY Comprehensive Plan Policy Implications & Recommendations</p> <p><u>Comprehensive Plan</u></p> <ol style="list-style-type: none"> Maintain fair and reasonable access to sun, air and light for buildings, residents and the pedestrian right way. Scale Building Heights to Street Widths -> Build taller buildings on wider streets. Growth Strategy: Focus taller buildings on North-South Streets where shading impact is the least impactful to adjacent existing residential neighborhoods <p><u>Mixed Use Zoning Recommendations:</u></p> <ol style="list-style-type: none"> 8'-12' step back of main street building façade beginning at 4th floor of street frontage <ol style="list-style-type: none"> Specifically on narrow/60' E-W main street corridors. (e.g. Division, Sellwood) Areas with a Neighborhood Center designation if desired (Woodstock) Areas with smaller scale historic main street character (e.g Hawthorne, Mississippi, Belmont) Provide windows on all sides of upper stories of residential buildings Provide light wells where a building is planned to abut another future building façade <p>Encouraged and Discouraged Building Form & Shading Conditions on East-West Streets</p> 

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7. Consider incentives in mixed use proposal for community amenities.	3.3.c. Encourage use of community benefit agreements to ensure equitable outcomes from development projects that benefit from public facility investments, increased development allowances, or public financial assistance. Consider community benefit agreements as a tool to mitigate displacement and housing affordability impacts.	Some of the MUZ bonuses and other provisions under consideration relate to requested amenities/outcomes, including bonuses for affordable housing, high-performance buildings, and historic preservation (TDR).	MUZ bonuses and incentives are insufficient at this point <u>MUZ Policy Recommendations:</u> <ul style="list-style-type: none"> <input type="checkbox"/> See DDI Response in #5 above regarding preservation incentives: TDR is not the only tool; need better incentives for encouraging adaptive reuse and additions not demos <u>such as waiver of SDCs.</u> <input type="checkbox"/> Bonuses for Zero Net Energy (ZNE) Buildings should be included

8. Incorporate solar policy into zoning code amendments to support more high performance buildings and minimize/mitigate solar shading of adjacent infill.

Policy 4.11 Access to light and air. Provide for public access to light and air by managing and shaping the height and mass of buildings while accommodating ~~urban-scale~~ development.

Policy 4.12 Privacy and solar access. Encourage building and site designs that ~~con-~~ consider minimize impacts to privacy and solar access for residents and neighbors while accommodating ~~urban-scale~~ development.

Policy 4.63 Energy efficiency. Encourage and promote energy efficiency significantly beyond the Statewide Building Code and the use of solar and other renewable resources in individual buildings and at a district scale.

Policy 4.66 Energy-producing development. Encourage and promote development that uses renewable resources, such as solar, wind, and water to generate power on-site and to contribute to the energy grid.

MUZ project modelled solar access as part of developing building height/scale regulations, and the draft regulations include requirements for building height step downs and setbacks adjacent to residential zones.

Consideration of opportunities for greater scale on north-south corridors (versus east-west) is a zone mapping issue and could be a possibility in future local area planning.

We support these policies. *However, “urban-scale development” is open to interpretation since there is no definition in the Comp Plan Glossary. SE neighborhoods are already highly pedestrian-oriented. “Urban-scale development” suggests a range of density that may be more intense than Inner Ring corridors can accommodate.*

Policy Recommendation: Suggest striking this language as noted at left.

Supporting Evidence: See 300 person Division Perception Survey responses here:

- **Opinion of Recent Development** <https://divisiondesigninitiative.files.wordpress.com/2015/11/2-opinion-of-new-construction-on-division.pdf>
- **Design Preferences for future mixed use development:** <https://divisiondesigninitiative.files.wordpress.com/2015/11/8-design-preferences-for-future-mixed-use-development.pdf>

Recommended Implementation:
Consider the Draft Equity & Innovation Solar Policy noted in #6 above.

Recommended City Council Action:
Set a target for all Portland municipal buildings to achieve zero net energy performance by ____.

Precedents: See County of Santa Barbara Adopted 2014 Resolution, California Governors Executive order for all State buildings to achieve zero energy buildings, and National policy on same. <https://santabarbara.le-gistar.com/View.ashx?M=F&ID=2866932&GUID=1BB21842-E347-442D-B3DF-9715F0D27F27>

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9. Enhance/maintain community livability through access to sun, air, light, privacy and public views for current and new residents/ businesses.	<p>Related to policies 4.11 and 4.12 above.</p> <p>Policy 4.43 Building placement, height, and massing. Maintain regulations and other tools related to building placement, height, and massing in order to preserve designated significant scenic resources.</p> <p>See above (regarding #8).</p>	<p>MUZ project is also proposing increasing requirements for landscape screening adjacent to residential zones, preventing balconies from being located in setback areas, and is proposing increased setbacks for residential windows located close to property lines.</p>	<p><u>Comp Plan and Climate Action Plan Staff Recommendations:</u> See Draft Equity & Innovation Solar Policy above for consideration and inclusion.</p> <p><u>MUZ Recommendation:</u> <i>Stepbacks and setbacks approach is insufficient. See one-page summary of DDI comments and recommendations submitted to Mixed-Use staff: https://divisiondesigninitiative.files.wordpress.com/2015/10/2-new-mixed-use-zones-draft-recommendations.pdf</i></p>
10. The City should employ broader tracking of and accountability for development impacts.	<p>About implementation rather than policy.</p>	<p>Many of the requested project-specific impact reviews (health and environmental impacts, community and economic impacts) would require discretionary review and would likely not comply with state requirements for clear and objective standards for housing. These topics are considerations in the development of the Comprehensive Plan, mapping of zones, and creation of regulations.</p>	<p><u>Implementation Recommendation:</u> We can't manage what we don't measure. Initiate a one-page Sustainability Scorecard approach for tracking project impacts. <i>This is not about environmental review or about approval criteria; this is about clear and transparent development information for the public about fact-based positive and negative impacts to neighborhood and community sustainability. It also would allow staff to track and compare development impacts across topics and areas of the city over time.</i></p> <p><u>Implementation Recommendation:</u> BPS has requested funding for impact analysis; allocate a portion to develop a permit submittal requirement (simple one page tracking tool of positive and negative impacts of projects over a minimum size threshold).</p>