



## MEMORANDUM

---

**TO:** Code Streamlining and Updates Advisory Committee

**FROM:** Sarah Selden, Neighborhood Planner

**SUBJECT:** Code Streamlining and Updates – Clear and Objective Housing Draft Code Amendments

**DATE:** March 14, 2013

---

### ACTION

Provide feedback on the Clear and Objective Housing draft code amendments. The feedback will help guide the consultants in revising the first draft, and preparing a set of final amendments over the next two months.

### INTRODUCTION

The Clear and Objective Housing amendments are being done as part of the required Periodic Review update of the Comprehensive Plan. Periodic Review is the opportunity for local governments to make changes to ensure the plans and implementing ordinances fully comply with State law. Oregon Administrative Rule (OAR) 660-007-0015 requires that regulations relating to the development of housing must provide a path for development code approval based on clear and objective standards. Currently, the City utilizes a combination of clear and objective standards and discretionary standards when reviewing multi-family and mixed use housing projects.

To comply with the administrative rule, the City is moving forward with a two-track process, whereby developers can choose one of two options:

- Comply with a measurable list of code requirements and proceed to the building permit stage (the existing process for detached single family home development in low-density residential zones), or
- Vary from the measurable list of code requirements and follow a minor development process where the Development Review Commission or staff have some discretion in applying the Community Development Code.

The focus of this work to date has been on translating discretionary code language into clear and objective standards. Staff will also be developing the two-track process, described above, to be adopted along with the clear and objective standards. Depending on timing, the Advisory Committee may wish to review this work, however it is not part of the Committee's official charge.

## **BACKGROUND & DISCUSSION**

The Advisory Committee, Planning Commission and Development Review Commission reviewed the Clear and Objective Housing Code Concepts Report in early January. After receiving this input, the attached code amendments were drafted. Following the March 21 Advisory Committee meeting, the commissions will meet on March 25 to review the same materials. If the combined feedback from these groups necessitates additional review by the Advisory Committee, a final contingency meeting may be scheduled to guide the final draft amendments, scheduled for completion by the end of May.

The following code sections contain discretionary language applicable to housing, and draft amendments are attached for review by the committee:

- Building Design: Commercial, Industrial and Multi-Family Development and Minor Development in the R-DD (Old Town) Zone
- Downtown Redevelopment Design District
- West Lake Grove Design District
- Old Town Neighborhood Design
- Lake Grove Village Center Overlay District
- Appendix A: Lake Oswego Styles (applies in Downtown and West Lake Grove)
- Appendix C: Old Town Styles (applies in Old Town Design District)

### **Draft Amendments**

Several general approaches have been utilized in drafting the amendments:

- An intent or purpose statement was added to many sections, where they were not already included in the existing code. These statements capture some of the discretionary language in the code. When an applicant follows the discretionary review track, they will be asked to demonstrate that their proposal meets the intent.
- The citywide Building Design standards contain discretionary language that essentially calls for well-designed buildings. To achieve this intent, these standards have been amended to include specific requirements for building articulation and building façade elements. Currently, the area-specific design district codes (with the exception of Old Town) supersede the citywide Building Design standards. The design districts, however, include similar requirements for complex massing and visually engaging facades that can be achieved in a clear and objective manner through the requirements outlined the Building Design standards (building articulation and façade element requirements). Instead of repeating these requirements in each code section, the design districts cross reference the Building Design Standards (and they are no longer fully superseded).
- Throughout many of the amendments, the discretionary language remains in place in addition to new clear and objective standards. The discretionary language will continue to be utilized for non-residential development, and for housing developing taking the discretionary track approach. Some discretionary language, however, has been completely replaced by the clear and objective standards where the new standards provided a positive clarification for all development. Where new clear and objective standards are intended to apply only to residential and mixed use residential structures, this is specified.

### **Additional Notes for the Advisory Committee's Review**

- Due to the number of draft amendments, staff has outlined some specific questions to focus on. Feedback on any of the amendments is welcome, however staff recommends that the committee does not review the attached amendments page by page, but rather focus on these outlined questions and provide feedback by section.
- The Old Town neighborhood code sections are also being reviewed by a subcommittee of the neighborhood association board. The amendments to this section are significant, and the neighborhood was highly involved in drafting the original code and subsequent amendments. This subcommittee met on March 8, and will meet again on March 22. They have completed review of the Old Town Appendix section (attached). They have not yet completed a review of the Old Town Design District standards, so this section is not attached to this report. Their feedback will be shared with the commissions on March 25.
- The West Lake Grove Design District code amendments reflect the consolidation of zones within this district, as proposed by the Code Streamlining project. The Advisory Committee will review this work on April 11.

### **QUESTIONS FOR CONSIDERATION**

#### **Feedback on Specific Code Sections:**

##### Building Design Standards (Attachment 1)

- Should articulation be required on all sides of the building (vs. street-facing facades only or sides that are visible from residential zones)?
- The Advisory Committee and commissions may consider a minimum of two feet versus four feet in building façade offset in the Building Articulation requirements. Staff will discuss the options during the committee meeting.
- The Advisory Committee and commissions may consider the pros/cons of 20 feet versus 40 feet spacing for building articulation. The 20-foot spacing results in more “townhouse-like” multi-family and could preclude more urban mixed use development, and discourage flat roofed structures.
- Are there any important building articulation or building façade elements missing from the standards that should be applicable to multi-family, residential mixed use, or townhouse/rowhouse building design to ensure good design?

##### Lake Grove Village Center Overlay (Attachment 3)

- Page 6 includes a requirement for Open Space Amenities. If the City wishes to retain this requirement for publicly accessible open spaces, the language will need to be revised to establish a minimum number of enumerated landscape elements that must be provided. Should this be added to the code, or should the clear and objective review track exclude this requirement?

- Page 8 includes a discretionary standard for colors. In order to be clear and objective, color requirements would need to be specified in an approved color palette. Should a specific color palette be developed for development with a residential component, or should residential project be exempt from this requirement?

#### Appendix C: Old Town Styles Appendix (Attachment 7)

- The Old Town NA review committee suggested adding design principles to supplement the Intent Statement. Should universal Design Principles be added at the beginning of the code as the measure by which discretionary applicants will be reviewed? Or should Design Principles be added for every section with a 2-track standards process (see page 1 of this code section)?

#### **General Feedback:**

- Is any of the new language not sufficiently clear and objective?
- Do the code amendments provide enough clarity regarding which standards apply only to residential development?
- Design quality is a community value and is required under existing and draft comprehensive plan policies. Do the clear and objective policies do enough to ensure that new projects meet Lake Oswego's standards of quality?
- Following the Planning Commission meeting, the consultant and staff will work to make revisions to the standards based on feedback from the commissions and Advisory Committee, and prepare final draft amendments by the end of May. As part of this next phase, the consultant will conduct a testing exercise on the new standards, where completed projects will be tested against the new standards to ensure the desired design (accomplished through design review) could also be achieved through the clear and objective track. One development will be tested for each code section being updated. Staff is interested in receiving ideas for which Lake Oswego developments have successful designs that we'd like to see supported by clear and objective standards.
- Are revisions needed on any of the standards (detailed feedback may be submitted to staff in writing)?

#### **ATTACHMENTS**

##### Draft Code Amendments

1. Building Design: Commercial, Industrial and Multi-Family Development and Minor Development in the R-DD (Old Town) Zone
2. Downtown Redevelopment Design District
3. Lake Grove Village Center Overlay District
4. West Lake Grove Design District
5. Appendix A: Lake Oswego Styles (applies in Downtown and West Lake Grove)
6. Appendix C: Old Town Styles (applies in Old Town Design District)
7. Old Town Neighborhood Design (*forthcoming; Old Town Neighborhood Association assisting with review*)