



Bureau of Planning and Sustainability

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## MEMO

**DATE:** November 5, 2019

**TO:** Portland Design Commission  
Portland Planning and Sustainability Commission

**FROM:** Lora Lillard and Phil Nameny, BPS

**CC:** DOZA Project Team

**SUBJECT:** Design Overlay Zone Amendments (DOZA) – Clarification to some testimony and questions

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The purpose of the memorandum is to provide the Design Commission and the Planning and Sustainability Commission with some clarity around testimony received at the October 22, 2019, joint hearing on DOZA and in written testimony. The topics covered include:

- 'm'-overlay
- PDX Main Street Design Guidelines
- floor area transfers in the Central City
- Design overlay and sign regulations
- review process for affordable housing projects
- testing of Design Standards.

In addition, we wanted to provide a snapshot of public testimony to date. As a reminder, written testimony is scheduled to close on November 15, 2019, to allow both commissions time to provide testimony to each other.

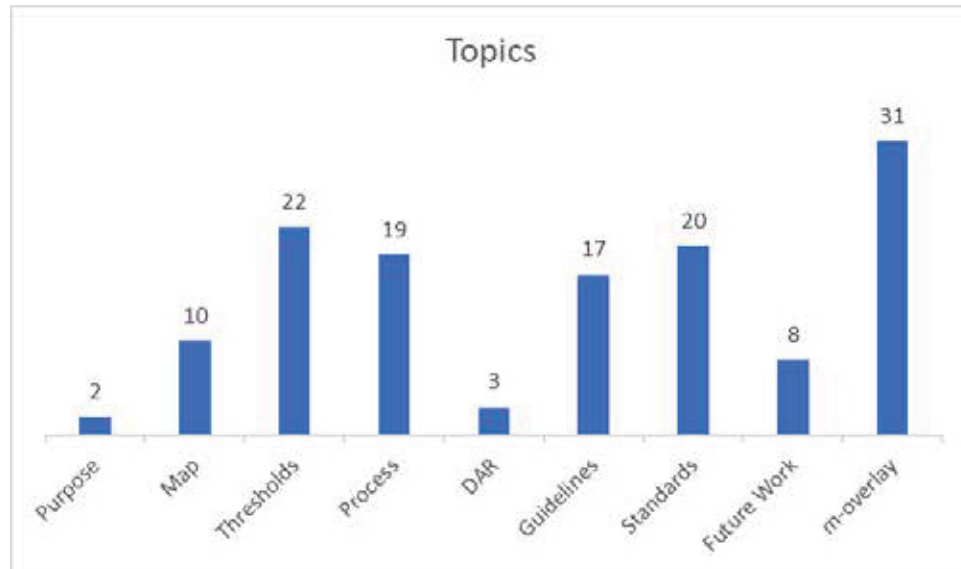
- 35 people testified in person at the DOZA public hearing on 10/22/19. Watch the video [here](#).
- 75 pieces of written testimony on the DOZA proposals have been received to date. Read the testimony [here](#).
- Testimony covered the following topics (shown on next page):



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1900 SW 4th Avenue, Suite 7100, Portland, OR 97201 | phone: 503-823-7700 | fax: 503-823-7800 | tty: 503-823-6868

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### The ‘m’ Overlay

Many testifiers requested that the ‘m’ overlay – the Centers Main Street Overlay Zone – be added to areas in the Arbor Lodge neighborhood. DOZA includes a set of proposals related to the Design overlay zone. There are no proposals in DOZA to amend the m-overlay map nor proposals to amend any code impacting the m-overlay.

The m-overlay is applied to commercial/mixed use (CM) base zones on key main streets within all designated town centers and neighborhood centers. The m-overlay is a set of tighter regulations on uses, floor-to-area ratios (FARs), setbacks, ground floor window requirements, and location of vehicles that enforce a more urban environment than the base zone, emphasizing these places as the “center of the center.”

DOZA project staff had conversations with members of the Arbor Lodge neighborhood earlier in the project. Their testimony reflects their concern that recent projects contain residential-only uses within the CM zones. This was allowed when most of the projects referenced came in for land use reviews and permits in 2016/17. It continues to be allowed in the CM zones. The m-overlay requires that 25% of the ground floor be an active commercial use.

Some of the testimony is related to the Rosa Parks station, which is in the middle of Arbor Lodge. This station area did not receive the ‘m’ because it is not a designated center like Killingsworth/Interstate and Kenton/Lombard. Those two centers along Interstate now have the m-overlay, so future projects will need to meet the ground floor active use requirements.

While DOZA isn’t proposing any changes to the m-overlay, we are proposing that design standards include optional points for providing ground floor commercial of a certain size. (See Volume 2, p.45: PR3 Ground Floor Commercial Space).



## **PDX Main Street Design Guidelines**

PDX Main Streets Design Initiative evolved from the Division Design Initiative, which started as a group of community members who were concerned with how inner SE Division was transforming over a short period of time in the early 2010s.

They began developing a tool for advocacy – now known as the [PDX Main Street Design Guidelines \(PDXMainDG\)](#). “These voluntary Main Street Design Guidelines highlight strategies for new development any community can use to help new development fit better within our most historic areas while leaving room for creativity and innovation.” ([PDX Main Streets Design Initiative](#))

The group worked with BPS staff during the development of the commercial/mixed use base zones, but several of their ideas did not receive support from the Planning and Sustainability Commission. Some of these ideas include: “stepping-down” the height for buildings taller than 35 feet along corridors and downzoning the “low-rise commercial storefront areas” – historically commercial parts of Portland’s inner main streets – to CM1.

The group has continued, reaching out to other communities including Hawthorne, Belmont, Woodstock, and Sellwood, expanding the PDX Main Street Design Guidelines as DOZA was getting started. Though the group often cites that several neighborhood organizations have adopted the PDXMainDG in their communities, the guidelines are not City-endorsed or City-adopted approval criteria for design review.

Many of the goals listed within the PDXMainDG **do align** with DOZA’s proposed Design Standards and Portland Citywide Design Guidelines.

Below is a list of where the DOZA proposal aligns with DMSDG stated goals:

- Valuing neighborhood qualities such as a connection to local history and culture
- Maintaining visual continuity of the main streets
- Relating new developments to existing character and patterns
- Providing access to green space and public gathering spaces
- Providing pedestrian amenities
- Promoting active streetfronts
- Promoting sustainability, resiliency and green building practices
- Promoting quality design and materials to ensure new development is built to last

Beyond the goals, the PDXMainDG lists a series of design features. The DOZA proposal also aligns with many of these features, encouraging in both the guidelines and standards where appropriate:

- Tall first floors to encourage a diversity of uses and businesses
- Active ground floor uses and large storefront windows
- Awnings, overhangs, window shades and balconies
- Facade articulation
- Emphasis of building corners including angled front facades where appropriate



- Entry courts and plazas, rooftop spaces and gathering spaces
- Inner courtyards, walkways and passageways
- Site design to reduce impacts of sun, air, and light for building occupants
- Breaking up the building side wall
- Utility and rooftop screening
- Shielded lighting
- Recessed windows
- Minimizing number of building materials
- Use of brick, stucco, wood, metal and steel
- Minimizing blank walls (through provision of upper story windows)
- Operable windows and rollup doors
- Adaptive reuse of existing buildings
- Bird-friendly designs
- Ecoroofs
- Pervious paving
- Preservation of trees and planting of native species
- Historic markers

The DOZA Proposals **differ** from the PDXMainDG because the PDXMainDG states an emphasis on “protection of the authentic character and identity of the Division Street neighborhood while also acknowledging the issues that business and property owners confront in planning new commercial development. While NOT requiring new buildings to emulate the design of existing buildings, the guidelines encourage developers to **acknowledge the foundational character in their designs.**” [emphasis added]

DOZA’s proposals use **the new purpose statement as its foundation**, emphasizing a **city designed for people** and highlighting the three tenets: context, public realm, and quality and resilience. The defined context within DOZA is **rooted in history but also considers the future**, rather than solely on the foundational character of existing buildings. In some cases, the stated purpose for PDXMainDG can be served, but DOZA is broader and more flexible.

Explicit differences between the PDXMainDG and the DOZA proposal are:

- The DOZA proposals cover a larger swath of the city, not just the streetcar-era main streets. Many of the detail-oriented guidelines of the DMSDG **are not appropriate everywhere**. That stated, several of the PDXMainDG approaches are mentioned in the Citywide Design Guidelines and are encouraged through the flexible point system within the Design Standards, but not required.
- The PDXMainDG guidelines **do not acknowledge the requirement for a two-track system**; ie, one that allows housing projects outside of regional centers to follow an objective, development standards track. The PDXMainDG can only be used with discretion.



- Many of the PDXMainDG are **preservation-oriented** and **less future/growth-oriented**, e.g. minimizing the appearance and effect of buildings larger than three stories. The DOZA proposal acknowledges that new development built in the d-overlay will be greater than three stories and therefore these impacts do not necessarily need to be mitigated.
- Many of the PDXMainDG guidelines are **taken from the lens of how buildings affect people that don't live or work in them** (e.g. "carefully consider the quality of life of residents on abutting rear-yard lots", "take into consideration the privacy of adjacent properties"), while DOZA's proposals are focused internally on site design and the safety and dignity of building users, as well as the development's contribution to a comfortable and pleasant public realm.
- PDXMainDG guidelines **encourage compatibility with adjacent architecture**, while DOZA proposals limit compatibility-type standards to adjacent historic landmarks.
- PDXMainDG guidelines **state a preference for buildings from one to four stories**. They **encourage setbacks on the street-facing façade**, for buildings over three stories; **on rear-facing facades**, to consider sunlight for rear-facing properties; and **on side walls**, to minimize blank walls. DOZA proposals rely on the base zones standards developed from the Comprehensive Plan Update to regulate massing and height. Setbacks are discussed as they relate to adjacent historic landmarks.

### **FAR Transfers in Central City**

Building massing in many zones and plan districts within Portland is regulated through a combination of floor area ratio (FAR) and height limits. Ultimately, the FAR is the deciding factor in determining the overall mass, since many areas have height limits that could allow either a taller, skinny building or a shorter, squat building.

There are several instances where FAR bonuses are allowed if they meet certain criteria. In some cases, bonus height can also be granted. In addition, there are situations where floor area can be transferred, including from sites containing historic resources. In the Central City, there is a transfer option to move floor area from one site to another within a "transfer sector." There are few requirements for this transfer within a sector, and there is no limit to the amount of floor area that can be transferred to the receiving site.

While staff's proposal limits the ability for a Design Review to condition approval on a reduction of floor area below the allowed amount, it does make an exception for the unlimited transfer option within a sector. That allows the decision-makers to consider this transfer FAR against the applicable design guidelines.

There is a question about whether the code within the Central City plan district should also be clarified to acknowledge that the sector transfer is only granted through the discretionary design review process. Staff is currently looking into this.



## Design Overlay and Sign Regulations

Signs are regulated by Title 32 as well as being referenced in Title 33. Title 32 includes regulations on maximum sign sizes, their placement and measurements. Currently, signs in the d-overlay follow a similar thresholds path as other forms of building alterations. Outside of the South Auditorium plan district, signs that are 32 square feet or less are exempt from any requirements of the d-overlay, citywide. Thus a sign measuring 4-ft x 8-ft or 3-ft x 10-ft would be exempt from any design requirements. For DOZA, staff has not proposed changes to the exemption with the exception that we would allow 32 square foot signs to be exempt in the South Auditorium plan district unless they are adjacent to the historic Halprin Park sequence.

Like other development outside of the Central City, a non-exempt sign can follow a two-track system. Title 32 includes additional design standards that require the sign to meet the size requirements for the RX zone. This zone allows signage similar to other zones but caps the maximum size of a free-standing sign or a sign attached to a building at 50 square feet. To go larger than that triggers a Design Review.

Generally the size amounts for the exemptions and standards are sufficient for signs within compact main streets, but larger signs may be needed for more suburban locations or larger sites/development. With the new Type I threshold applying to all exterior alterations under 500 square feet, most design reviews for a sign should be a Type I Design Review.

## Land Use Review Process for Affordable Housing Projects

In 2015, City Council declared a housing emergency. The housing emergency established a distinct land use process for affordable housing projects that require design or historic review. This alternative process allowed a project that would normally trigger a Type III land use process to go through a Type II process, provided they also completed a Design Advice Request (DAR). Type III processes require a pre-application meeting with staff and the proposal is brought before the Design or Landmarks Commission in a hearing. The alternative options swapped the staff pre-app for a Commission DAR, and the land use decision was made by staff instead of by Commission.

Since 2015, there have been two potential Type III reviews that have elected to go through a Type II Design Review. No historic review projects have chosen this alternative.

There has been a request from the Portland Housing Bureau to implement a permanent alternative review measure to apply to affordable housing. In DOZA, staff has proposed a process that fits within our existing land use hierarchy for Design and Historic Reviews. Our proposal allows specific affordable housing projects to choose a Type II staff-level discretionary review instead of a Type III Commission-hearing discretionary review. In either case, a DAR is an optional addition. The approval criteria remain the same. Projects choosing this route may save a small amount in land use fees and could save some time between application and decision, but this depends on the quality of the submission.



## Standards Testing

Testing on the proposed design standards occurred at different stages of the project:

### Conceptual Framework (May 2018)

Preliminary design standards were first introduced in the Conceptual Framework, nested under the nine proposed design guidelines. Each draft design guideline included a proposed set of “means.” These means were the starting point for the objective design standards.

### **Interim Draft (September 2018)**

Following public feedback on the Conceptual Framework, the Bureau of Planning and Sustainability and the Bureau of Development Services worked with an architectural design team, led by DECA Architects, to finetune and test the design guidelines and design standards into an Interim Draft, which was presented and discussed with select members of the Planning & Sustainability and Design Commissions (the DOZA 3x3). [Appendix D: Conceptual Framework and Testing Scenarios](#) describes the process:

“The initial effort at transforming the ‘means of design’ into Standards resulted in a list of 104 standards, 59 of which were determined by the team to be “required” measures. 34 of the 104 standards were not applicable to small projects, and 11 of them were only applicable to special conditions that do not exist in the majority of projects. Given that the current Community Design Standards only consist of 17 required standards, the team recognized that the proposed standards needed to be reduced to a more manageable quantity.

To prioritize the development of standards, the consultant team arranged them in a Standards Matrix to create a comparative evaluation of all standards. The applicability of standards to projects of varying sizes was assessed, indicating whether the standard was applicable to a small (120,000 sf) project. Each standard was also given a subjective cost ranking to represent the potential additional cost to a building project, as compared with a project that was not required to comply with the d-overlay. Both BPS and the consultant team evaluated multiple iterations of the Standards Matrix to refine the system down to an essential and efficient tool that best represented the goals of the three tenets of design.” ([Appendix D, page 18](#))

“After evaluating several options, the team chose to pursue a point-based system where compliance with a given standard was awarding a certain number of points. The system also reflected contextual priorities for the Pattern Areas, encouraging inclusion of specific Pattern Area features in the design. A point-based system appropriately values different standards in relation to one another, and values could be easily adjusted going forward as development or regulatory conditions change. Values also reflect the cost and difficulty of achieving a given standard, as well as its’ benefit to the public. This type of system balances the need to respond to context with the need for a clear and navigable standards system.” ([Appendix D, page 20](#))



After the point-based system was established, three architectural teams separately tested a total of six sites: three sites with the commercial mixed-use zone and three with the multi-dwelling zone. The sites were geographically spread across the city:

Pattern Area	Mixed Use (new Code)	Multi-Dwelling (BHD Proposed Draft)
East	Guidelines	Guidelines
	Standards	Standards
West	Guidelines	Guidelines
	Standards	Standards
Inner	Guidelines	Guidelines
	Standards	Standards

The sites were chosen because they had been recently developed (within the last 5 years), and the consultant team was asked to use the same program as the new development in order to be realistic about what the market could bear for each area. The consultant teams created schematic designs for new buildings on these sites to test what the interim draft standards and guidelines would deliver. These designs and their recommendations were presented to the 3x3 and the Design Commission, and they are described in [Appendix D](#).

### **Discussion Draft (February 2019)**

The standards in the Discussion Draft reflected recommendations from the consultants during the interim testing period, including:

- Requiring 1 point per 1000 square feet of site area. The consultants tested a requirement to achieve 20 points regardless of site size and expressed concerns that smaller sites would have difficulty achieving all 20 points.
- Murals were deleted from optional standards, as it was perceived as a superficial “add on”.
- Clarifying that optional points related to ground-level dwelling units do not apply to upper-level units.
- Requiring dimensions for weather protection.

### **Internal Testing and Public Feedback (April-May 2019)**

After the release of the Discussion Draft, staff tested three recently proposed or built projects to determine if they would meet the proposed design standards in the Discussion Draft. These projects were chosen by BDS Design staff as examples that would not meet the design guidelines in design review. Because the tools are written to reflect parity between the guidelines and standards, staff wanted to understand if these projects would meet the proposed design standards – and if so, what changes needed to be made to the proposed design standards to improve the result.





These projects were:

- Proposed Type II development on N Williams that was denied by staff and going through an appeal with the Design Commission
- Recently built project in Northwest that met the Community Design Standards (current standards that will be replaced by the proposed Design Standards in DOZA)
- Recently built project in Southeast that does not have design overlay

In addition to receiving public comments, staff also held a Standards Focus group with invited architects and developers who frequently use the current Community Design Standards and Current Design Guidelines to discuss opportunities and tradeoffs with the Discussion Draft proposal.

Staff also met with BPS Climate and Energy Policy staff to explore reducing embodied carbon in buildings, increasing energy efficiency and improving the overall climate friendly nature of buildings.

### **Proposed Draft (September 2019)**

The standards in the Proposed Draft reflected public feedback and results from this internal testing, Standards Focus Group and Climate and Energy Policy staff meetings. Changes included:

- **General:** Standards were bundled under the three tenets (context, public realm, quality & resilience) and listed each as they relate to topics, such as corners, windows, landscaping, etc.
- **C6. Trees in Setbacks along a Civic Corridor.** Added new optional standard.
- **C8. Vertical Extension of Existing Building Features.** Added new language allowing matching vertical windows as well as columns and pilasters to count toward meeting this optional standard.
- **C10. Buildings Adjacent to Historic Landmarks.** Added a required standard for how new development should respond when it is adjacent to a historic landmark. Several options are available to meet this required standard.
- **PR4. Affordable Ground Floor Commercial Space.** Added an optional standard for providing affordable commercial space.
- **PR5. Oversized Street-Facing Opening.** Clarified language for how to meet this optional standard to allow more than rollup garage door openings.
- **PR6 Louvers and Vents.** Clarified language for how to meet this required standard on placement of louvers and vents.
- **PR7 Exterior Lighting.** Clarified language for how to meet this required standard.
- **PR13 Pedestrian Access Plaza.** Added a new optional standard for providing an outdoor plaza accessible to the public right-of-way.
- **PR18 Location of Utilities.** Clarified language and added options for how to meet this required standard.
- **PR19 Pervious Paving.** Made this an optional standard, reduced to 50%.
- **QR5 Onsite Outdoor Common Area.** Bundled several options for meeting this optional standard.
- **QR9 Street-Facing Window Detail.** Added an option for window trim to meet this required standard.



- **QR10 Upper Floor Windows.** Made this an optional standard, reduced to 30% to better align with energy goals.
- **QR11 Street-Facing Balconies and QR12 Sun shades for Windows.** Separated these two optional standards.
- **QR15 Ground Floor Windows.** Made this an optional standard.
- **QR16 Exterior Finish Materials and Table 420-3.** Clarified standards for wood, metal wall cladding, fiber cement wall cladding.
- **QR19 Environmental Assessment of Building Materials.** Added this optional standard.
- **QR23 Solar Energy System.** Added this optional standard.

We hope these clarifications help the commissions better understand the testimony received. We look forward to the first work sessions on November 7 (Design Commission) and November 12 (Planning and Sustainability Commission).

