



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION
DENIAL

CASE FILE: LU 16-251880 DZM
PC # 16-221061
REVIEW BY: Design Commission
WHEN: October 19 at 1:30PM
WHERE: CH2M Building, 2020 SW 4th Avenue,
Lincoln Room, Portland, OR 97201

BUREAU OF DEVELOPMENT SERVICES STAFF: PUJA BHUTANI / PUJA.BHUTANI@PORTLANDOREGON.GOV

GENERAL INFORMATION

Applicant: Leslie Cliffe,
Bora Architects
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503-226-1575

Owner/Agent: Adam Tyler,
Killian Pacific, LLC
500 E Broadway Street, Suite #110
Vancouver, Wa 98660
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360-567-0626

Lovejoy Square LLC
101 E 6th Street, Suite 350
Vancouver, Wa 98660
360-567-0626

Site Address: **930 NW 14TH AVENUE**

Legal Description: BLOCK 142 LOT 1&4 LOT 2&3 EXC W 20' TAKEN FOR 14TH ST,
COUCHS ADD; BLOCK 142 LOT 5 LOT 6-8 EXC PT IN STS, COUCHS
ADD

Tax Account No.: R180212340, R180212380, R180212340, R180212380, R180212340,
R180212340

State ID No.: 1N1E33AD 00400, 1N1E33AD 00300, 1N1E33AD 00400, 1N1E33AD
00300, 1N1E33AD 00400, 1N1E33AD 00400

Quarter Section: 2928

Neighborhood: Pearl District, contact planning@pearldistrict.org.

Business District:	Pearl District Business Association, contact Carolyn Ciolkosz at 503-227-8519.
District Coalition:	Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District:	Central City Plan District - River District Sub-district
Zoning:	EXd, Central Employment with a Design Overlay
Case Type:	DZM, Design Review with Modifications
Procedure:	Type III, with a public hearing before the Design Commission. The decision of the review body can be appealed to City Council.

Proposal:

A new full-block mixed-use project in the Central City Plan District's River sub-District. The project includes 2 east-west oriented towers with a central private courtyard on the 2nd level. Phased development is proposed with the south tower constructed first.

- 10 stories: Two 9 story towers on 1 story podium.
- FAR 8:1;
 - Base FAR 5:1 + Bonus FAR 3:1 (Bike Locker Room Bonus + Transfer from Historic Landmark Site)
 - **Draft covenant meeting requirements of PZC 33.700.060 has not been submitted as yet.**
- Maximum Allowed Height of 75', the proposed height: 150'
 - 75' base height
 - 45' General Height Bonus (33.510.210.D.). Maximum available for 3:1 FAR bonus.
 - 30' Bonus Height Option for Housing (33.510.210.E.). Additional discretionary criteria applicable (33.510.210.E.4)
- Approximately 16,000 square feet of retail at ground level
- Approximately 56,000 square feet of office at levels 2-4.
- Approximately 112,000 square feet, 186 residential units at levels 5-10.
- Rooftop program includes green house, roof garden and terrace, amenity rooms, elevator/stair overrun, mechanical enclosure and eco roof.
- 2 levels of below grade parking with access from NW 14th Street. It provides:
 - 143 vehicular spaces
 - 318 long term bike parking, which include the 32 additional bikes required for bike locker room FAR bonus
 - Payment to the bike parking fund in lieu of 14 short term bike parking spaces.
- 13th Ave loading dock within the right-of-way, as allowed by the River District ROW standards.

Three modifications are requested for the following.

1. **Height (33.140.210.B.2).** A height modification is requested as follows. **The requested modification to the building maximum height to allow amenity areas on the roof top is prohibited.**
 - Mechanical and stairwell enclosures to cumulatively cover 20% of the roof area, rather than the allowed 10% of the roof area.
 - Allow the cooling towers to extend to 16 feet in height, rather than the allowed 10 feet per code.
2. **Standards for all Bicycle Parking (33.266.220.C.3.b).** A modification to the required bike parking space width of 2' to a width of 1.5' with bike hangers staggered vertically 6" minimum, and mounted at 18" at center.
3. **Loading Standards (33.266.310.D.a).** A modification to the 2 Type A loading space standards from the required 35' x 10' to the proposed 23' x 9' and 20' x 9'.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

- Central City Fundamental Design Guidelines
- River District Design Guidelines
- 33.510.210 E.4. Bonus Height Option for Housing
- Modification Criteria (33.825.040)

PROCEDURAL HISTORY

The application was deemed complete, per the applicant's request, on March 29, 2017 or it would have been required to be voided on April 3, 2017 per the Zoning Code. However, the applicant requested staff not move forward with processing the application until the proposal's program and scope was settled. Refer to Exhibit A.40. On August 28, 2017 applicant submitted a final submittal for staff review. The Design Commission Hearing was therefore scheduled within 51 days of the final application and scheduled for October 19, 2017.

ANALYSIS

Site and Vicinity: The full block site is bounded by NW Lovejoy St., NW Kearney St., NW 13th Ave. and NW 14th Ave. and includes 2 existing buildings. The north half of the block is anchored with Office Depot as the primary tenant in a 21,500 sf two story tilt up concrete building constructed in 1937. The south half has a number of ground floor tenants with On Deck sports bar at the roof. This building was constructed in 1978, with two floors totaling 28,850 sf.

The predominant full block massing pattern in the area includes either a "donut" pattern with building massed around a central courtyard, or a two tower pattern in a N-S orientation massed around a through linear courtyard. NW 13th street serves as the central spine of the neighborhood, defined by a strong and continuous building frontage articulated with canopied loading docks. Building heights along this street are lower, ranging from approximately 1-5 stories, with heights increasing up to 10 to 16 stories along NW 14th and NW 12th respectively. (Refer to Drawing C.9, Exhibit A.24)

The Pearl District has a rich fabric of historic warehouse buildings combined with contemporary new construction on former vacant railyards as the district reaches toward the north. The project site is situated at the intersection of the new and old. Immediate adjacent developments to the north and east include the 9-story Lovejoy/Safeway Building (office/retail), and the 2 story Rivertech Building (office/retail) respectively. Adjacent historic warehouse buildings include the landmark 8-story Marshall Wells Company Warehouse on the west, and the 2 story Wholesale Crockery warehouse on the south. The site also sits between the historic loading docks of NW 13th street and cobblestones of NW Kearney Street and streetcar line along Lovejoy Street on the north.

The site lies within the Northwest Triangle Pedestrian District per the Transportation System Plan. Street designations are:

- NW Lovejoy St is designated as a Regional Transit way/ Major Transit Priority Street, City Walkway and Bikeway. It is a District Collector Street.
- NW 13th Ave is designated a City Walkway; Local Service Bikeway. It is a Local Service Traffic Street, and is two-way, no striped bike lane.
- NW 14th Ave, is designated as City Bikeway; Local Service Walkway. It is a Major City Traffic Street, and is one-way with a designated right turn lane, bike lane and shared through left lane.
- NW Kearney is designated as Local Service Walkway& Bikeway. It is a Local Service Traffic Street, and is two-way, no striped bike lane.

The River District was established as an Urban Renewal Area in 1998, selected as such for its proximity to the core of downtown and to correct blighted conditions that had overtaken the area. It was envisioned that transit and open space improvements, as well as the introduction of dense housing and commercial opportunities would bring new life into this area while meeting the state land use planning goals. Since 2001, the River District, and in particular the Pearl District at the heart of the URA, has transformed significantly into one of Portland's densest and fastest-growing neighborhoods.

Zoning: The Central Employment (EX) zone allows mixed uses and is intended for areas in the center of the City that have predominantly industrial-type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

The Design Overlay Zone [d] promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

Land Use History: City records indicate that prior land use reviews include the following:

1. LU13-142465: Design review for proposed signs.
2. LU05-168307: Approval to add a new retail entrance with stairway to the corner plaza at NW 13th Avenue and NW Lovejoy Street.
3. LU04-005257 : Approval of a partial third story, a dock and ramp system along NW 13th Avenue, a corner plaza with fountain at NW 13th Avenue and NW Lovejoy Street, signs and lighting.
4. LU03-171435: Renovation to include new storefronts; new glass and steel awnings, and penthouse addition.
5. LU90-004003: Renovations.

Agency Review: A "Request for Response" was mailed **September 1, 2017**. The following Bureaus have responded with no issues or concerns:

The Bureau of Environmental Services responded with the following comment: BES does not object to the approval of the Design Review application. The proposed development will be subject to BES standards and requirements during the permit review process. Please see Exhibit E-1b for additional details.

The Site Development Section of BDS responded with no objection to the Design Review Approval. Please see Exhibit E-3 a&b for additional details.

The Water Bureau responded with the following comment: Water Bureau has no issue with the development. Please see Exhibit E-5a&b for additional details.

The Fire Bureau responded with the following comment: A separate building permit is required for this proposal. All applicable Fire Code requirements shall apply at the time of permit review and development. Please see Exhibit E-6 a&b for additional details.

The Portland Bureau of Transportation (PBOT) does not support the approval of the Design Review Proposal. PBOT denied the Driveway Design Exception (DDE) to allow the garage access from NW 14th Avenue. It should be noted that PBOT is only recommending that NW 14th Street be

reclassified from a Major City Traffic Street to a Traffic Access Street, which is similar in function to a District or Neighborhood Collector outside the Central City. Therefore, PBOT is recommending that garage access be provided from NW Kearney Street. Refer to Exhibit G.9.

PBOT also does not support the modification to the two Type A loading spaces as requested. PBOT are requiring that two Standard A loading spaces be provided on-site. However, given the pattern in truck sizes associated with smaller office and retail deliveries and moving trucks, PBOT will support a modification to one of the Standard A spaces. This modified space may be 25-feet long, 10-feet wide, and 11.5-feet in clearance height. The 25-foot long space will accommodate most moving trucks and 3-axle, single unit (Class 6) trucks. Similarly, the 11.5-foot clearance height will accommodate the vast majority of moving and delivery trucks.

A 1-ft dedication is required along NW Lovejoy. PBOT staff is not supportive of the suggestion to move the curb 1-ft further into NW Lovejoy. The applicant must provide a survey that documents there is a minimum of 12-ft from the face of the curb to the property lines on the other three frontages. If there is less than 12-ft, dedications to provide 12-ft will be required. Please see **Exhibit E-2b** for additional details.

The Urban Forestry Services does not object to the approval of the Design Review application. However, one street tree must be planted or retained for each full increment of 25 linear feet (11.50.060.C.1). Street trees must be planted at a minimum 2.5 caliper inches.

- NW 13th: There are approximately 160 feet of street frontage at this location, requiring 6 trees to be planted or preserved.
- NW 14th Ave: There are approximately 165 feet of street frontage at this location, requiring 6 trees to be planted or preserved.
- NW Lovejoy St: There are approximately 160 feet of street frontage at this location, requiring 7 trees new trees to be planted or the remaining six Norway maples meet density standards in the are preserved.
- W Kearney St: Due to the current purposed design of this frontage no street trees are required.

Trees will be required to be planted through the building permit or public works permit. The applicant has provided a conceptual street tree planting plan. One street tree must be planted or retained for each full increment of 25 linear feet (11.50.060.C.1). Street trees must be planted at a minimum 2.5 caliper inches. Trees will be required to be planted through the building permit or public works permit. Please see Exhibit E-4a&b for additional details.

The Life Safety Section of BDS does not support approval of the Design Review proposal. They commented that several additional building code requirements may impact the final design of this building, and strongly recommended that the applicant request a Preliminary Life Safety Meeting to verify building code requirements. They noted that the exterior exit stairways are not permitted as an element of a required means of egress for high-rise buildings. In the likely event that an exterior stairway appeal is not granted the stairs will need to address the requirements for interior exit stairway exterior walls. Please see Exhibit E-7c for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on 9/28/2017. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. David Dysert, Planning & Transportation Co-Chair, Pearl Neighborhood Association; responded with concerns regarding the proposed height along NW 13th Avenue, phasing and courtyard design. Refer to Exhibit F2 for more details.

Staff appreciates the interest and comments received regarding the proposed development. The comments were shared with the applicant, and also carefully reviewed while making the decision. Staff shares the concerns expressed by the Mr. Dysert and these are discussed in greater detail in the findings below.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Central City Fundamental Design Guidelines and River District Guidelines.

River District Design Guidelines and Central City Fundamental Design Guidelines

The River District is a remarkable place within the region. The area is rich with special and diverse qualities that are characteristic of Portland. Further, the River District accommodates a significant portion of the region's population growth. This area emphasizes the joy of the river, connections to it, and creates a strong sense of community. The goals frame the urban design direction for Central City and River District development.

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

River District Design Goals

1. Extend the river into the community to develop a functional and symbolic relationship with the Willamette River.
2. Create a community of distinct neighborhoods that accommodates a significant part of the region's residential growth.
3. Enhance the District's character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.
4. Strengthen connections within River District, and to adjacent areas.

Central City Plan Design Goals

1. Encourage urban design excellence in the Central City;

2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

A1. Integrate the River. Orient architectural and landscape elements including, but not limited to lobbies, entries, balconies, terraces, and outdoor areas to the Willamette River and greenway. Develop access ways for pedestrians that provide connections to the Willamette River and Greenway.

A1-1. Link the River to the Community. Link the Willamette River to the community reinforcing the river's significance. This guideline may be accomplished by:

- 1) Organizing land areas and groupings of buildings to visually define the river's linkage to the community.
- 2) Focusing and articulating roadways and pedestrian ways to emphasize the river.
- 3) Developing projects that celebrate the river and contribute to creating centers of interest and activity that focuses on the Willamette.
- 4) Connecting the internal areas of the District to the Willamette Greenway Trail.

A2. Emphasize Portland Themes. When provided, integrate Portland-related themes with the development's overall design concept.

A5-3. Incorporate Water Features. Incorporate water features or water design themes that enhance the quality, character, and image of the River District. This guideline may be accomplished by:

- 1) Using water features as a focal point for integrated open spaces.
- 2) Taking cues from the river, bridges, and historic industrial character in the design of structures and/or open space.
- 3) Integrating stormwater management into the development.

C1. Enhance View Opportunities. Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.

C1-1. Increase River View Opportunities. Increase river view opportunities to emphasize the River District ambiance. This guideline may be accomplished by:

- 1) Designing and locating development projects to visually link their views to the river.
- 2) Providing public stopping and viewing places which take advantage of views of River District activities and features.
- 3) Designing and orienting open space and landscape areas to emphasize views of the river.

Findings A1, A1-1, A2, A5-3, C1 & C1-1: The site is not located close to the Willamette River, however several design features reinforce it's significant and emphasize water and Portland-related themes within the overall concept:

- The ground floors include a variety of public space-activating uses including storefront retail on all frontages, office and residential lobbies and amenity space. These active, sidewalk-proximate spaces will enhance pedestrian connectivity throughout the district and reinforce connections to the Willamette River (about eight blocks north and west of the site.)

- The roof terrace and unit balconies will have river and territorial views. Many visual cues signifying river and greenway connections are evident from the abutting right-of-way including the arched span of the Fremont Bridge and the Union Station clock tower. These features and others like them serve as visual landmarks for the entire neighborhood. The towers do not interfere with views down Kearney Street to the Union Station clock tower. The roof terraces and balconies will offer views northward to the river and the Fremont Bridge, and southward to downtown and the west hills.
- The project includes storm water planters, roof gardens and eco roofs on the 10th floor which expresses the rainy climate of the Pacific Northwest.
- A large amount of bike parking has been provided on the ground floor for the residents, and supports the bike culture of the City.

The proposal while not close to the river provides several building features that help convey the significance of the river and Portland themes.

These guidelines are met. However, the applicant must significantly redesign the ground floor per the issues identified by PBOT and also to meet the public realm guidelines discussed below. Therefore, these guidelines must be revisited with a new design.

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

A5. Enhance, Embellish and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

A5-1. Reinforce Special Areas. Enhance the qualities that make each area distinctive within the River District, using the following "Special Area Design Guidelines" (A5-1-1 – A5-1-5).

A5-1-1. Reinforce the Identity of the Pearl District Neighborhood. This guideline may be accomplished by:

- 1) Recognizing the urban warehouse character of the Pearl District when altering existing buildings and when designing new ones.
- 2) Recognizing the urban warehouse character of the Pearl District within the design of the site and open spaces.
- 3) Designing buildings which provide a unified, monolithic tripartite composition (base/middle/top), with distinct cornice lines to acknowledge the historic building fabric.
- 4) Adding buildings which diversify the architectural language and palette of materials.
- 5) Celebrating and encouraging the concentration of art and art galleries and studios with design features that contribute to the Pearl District's "arts" ambiance. Consider features that provide connectivity and continuity such as awnings, street banners, special graphics, and streetscape color coordination, which link shops, galleries, entrances, display windows and buildings. Active ground level retail that opens onto and/or uses the sidewalk can contribute to the attraction of the "arts" concentration.

A5-4. Integrate Works of Art. Integrate works of art or other special design features that increase the public enjoyment of the District. This guideline may be accomplished by:

- 1) Integrating art into open spaces or along pathways.
- 2) Incorporating art within the structure of the building.
- 3) Using "found objects" that are remnants from the area's history.

C4. Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

Findings for A4, A5, A5-1, A5-1-1, A5-4 & C4: The Pearl District has a rich fabric of historic warehouse buildings combined with contemporary new construction as the district reaches toward the north and west. Immediate adjacent developments to the north and east

include the 9-story Lovejoy/Safeway Building (office/retail), and the 2 story Rivertech Building (office/retail) respectively. Adjacent historic warehouse buildings include the landmark 8-story Marshall Wells Company Warehouse on the west, and the 2 story Wholesale Crockery warehouse on the south. The site also sits between the historic loading docks of NW 13th street and cobblestones of NW Kearney Street and streetcar line along Lovejoy Street on the north. The project design responds to this intersectionality between new and old by the following methods:

- The simple design with repetitive window patterns reflect and reinforce the urban warehouse character of the Pearl District, while interpreting it in contemporary material palette and detailing.
- While the building doesn't model itself after the more historic tri parte model, it does have a strong base with 20' floor to floor height and large windows into retail and lobby spaces to create an active streetscape.
- The project will include a retail dock along NW 13th Ave frontage, contributing to the unique streetscape of covered loading docks along NW 13th Ave which are important symbols of the area's industrial past. The loading dock provides raised retail/restaurant spaces that help activate the mixed use pedestrian corridor on NW 13th Avenue.
- The building is wrapped with retail spaces and entrance lobbies which help activate the street frontages.
- NW Kearney St. is one of the few remaining streets in the district that retains the original cobblestone surface. The project will repair the street with the historic cobblestones stockpiled by the Parks Bureau when the street utility connections are made.
- The simple material palette consisting primarily of GFRC, glass and metal is consistent with the area's material vocabulary.

However, the proposal not successful in the responding to the predominant massing and orientation patterns in the vicinity. In addition, NW 13th street serves as the central spine of the neighborhood, and is defined by a strong and continuous building frontage articulated with canopied loading docks. Building heights along this street are lower, ranging from approximately 1-5 stories, with heights increasing up to 10 to 16 stories along NW 14th and NW 12th respectively. (Refer to Drawing C.9, Exhibit A-24) A more successful response could be achieved by:

- **Massing and Orientation:** A north-south tower orientation with the length of the towers located along NW 14th and NW 13th Avenue would be a stronger contextual response. This orientation would:
 - *Define and provide a consistent urban edge* along NW 13th Avenue, which is considered the main spine for the Pearl District by the neighborhood.
 - *Stepping down the re-oriented east tower* would better respond to the lower scale of this street and the neighboring NW 13th Avenue Historic District. Doing so would meet the approval criteria for the requested 30' residential height bonus. A similar condition was a successful feature of the recently approved Block 136, immediately SE of the site. This is discussed in greater detail in the findings for the bonus residential height approval criteria.
 - Provide *more sunlight to the central courtyard.*
 - Would be aligned with PBOT's direction to access the *garage from NW Kearney street.*
- **Phasing:** A phased development approach proposes constructing the south tower first in response to existing building lease arrangements. This phasing and leasing arrangement rather than the site context is driving the E-W tower orientation, and should be reconsidered. (Refer to drawing C.20A & C21.a). The proposed phasing logically uses the central courtyard to connect the different timelines of the development of the towers. However, more information is needed in order to review each phase for code compliance

and site conditions including remaining conditions and demolition.

- **Central Courtyard:** The quality and usability of the central courtyard is an important consideration. The courtyard as proposed is a private, gated space located on the second floor. However, an *at-grade publicly accessible* courtyard should be provided as a public amenity, especially since the development is requesting a 30' residential height bonus. At-grade courtyards and pedestrian streets are also common typologies for this neighborhood. The design and articulation of the courtyard should create a welcoming, high quality space that helps to preserve existing views and support various pedestrian connections. Currently, the design includes a cut out with a terrace looking in to the garage driveway on the east. This is not appropriate and the cut out should be capped to extend the terrace to the street frontage, so as to provide more useable courtyard space and better activate the street. A N-S tower orientation as discussed above would provide south sunlight in to the courtyard, which would be very limited given the proposed east - west orientation. A N-S orientation would also better relate, and should be designed to provide public connection and amenities associated with the streetcar station on NW Lovejoy Street. This is discussed in greater detail below.
- **External Stairwell.** Each tower features an exposed egress stair, enclosed by a metal mesh, within the central private courtyard space that leads up to the amenity terraces on the roofs. These exterior exit stairs are envisioned as artistic elements and are meant to reflect historic fire escapes. However, the design of the stairways, as proposed, does not achieve this intent and does not reflect the historic or industrial character of the district. Furthermore, external stairwells for high rise buildings do not comply with the Building Code and would not be allowed as stated by the Life-Safety Section of BDS. The courtyard would however be an ideal space for providing contextually relevant art and alternative artwork is strongly encouraged.
- **Ground Floor Articulation along NW 13th and NW 14th Avenue:** The design of the ground floor facade should better relate to the loading dock along NW 13th Avenue, and also provide a better design response to the historic Marshall Wells building across NW 14th Avenue. This could be achieved by providing contextually designed garage doors, canopies, storefront systems and exterior detailing. This is discussed in greater detail below.

Due to concerns about the fundamental massing, orientation, external stairway and ground floor detailing, these guidelines have not yet been met.

A6. Reuse/Rehabilitate/Restore Buildings. Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

Findings for A6: The existing buildings on the Lovejoy Square site are not significant in historic character and have no elements of sufficient significance for reuse or rehabilitation.
This guideline is met.

A3. Respect the Portland Block Structures. Maintain and extend the traditional 200-foot block pattern to preserve the Central City's ratio of open space to built space. Where superblocks exist, locate public and/or private rights-of-way in a manner that reflects the 200-foot block pattern, and include landscaping and seating to enhance the pedestrian environment.

A3-1. Provide Convenient Pedestrian Linkages. Provide convenient linkages throughout the River District that facilitate movement for pedestrians to and from the river, and to and from adjacent neighborhoods. This guideline may be accomplished by:

- 1) Using visual and physical cues within the design of the building and building entries to express connections to the river and to adjacent neighborhoods.

- 2) Orienting integrated open spaces and trails that physically and visually link the river and/or surrounding neighborhoods.
- 3) Reusing or retaining cobblestone within the design of new development.
- 4) Encouraging flexibility and creativity along streets enhancing their historic or cultural role.
- 5) Creating visual and physical links across major corridors such as I-405, Burnside, and Front/Naito to strengthen connections to the river and other neighborhoods.

A7. Establish and Maintain a Sense of Urban Enclosure. Define public rights-of-way by creating and maintaining a sense of urban enclosure.

A8. Contribute to a Vibrant Streetscape. Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

A8-1. Design Fences, Walls and Gateways to be Seen Over. Design fences, walls and gateways located between a building and the sidewalk to be seen over to allow for social interaction. This guideline may be accomplished by:

- 1) Elevating building entries higher than the public sidewalk or path.
- 2) Creating a low fence or wall to visually separate but not hide semi-private spaces.
- 3) Using a low or stepped-down planting area or terraces to separate private development from a public sidewalk.

A9. Strengthen Gateways. Develop and/or strengthen gateway locations.

A9-1. Provide a Distinct Sense of Entry and Exit. When developing at gateway locations, provide a distinct sense of entry and exit that relates to the special qualities of an area. This guideline may be accomplished by:

- 1) Orienting building massing and form towards the intersection of a major district entrance.
- 2) Creating structures or art or using special historic structures to frame a key district or special area entry.

B1-1. Provide Human Scale to Buildings along Walkways. Provide human scale and interest to buildings along sidewalks and walkways. This guideline may be accomplished by:

- 1) Providing street furniture outside of ground floor retail, such as tables and chairs, signage and lighting, as well as large windows and balconies to encourage social interaction.
- 2) Providing stoops, windows, and balconies within the ground floors of residential buildings.

B4. Provide Stopping and Viewing Places. Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

B6. Develop Weather Protection. Develop integrated weather protection systems at the sidewalk-level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

C6. Develop Transitions between Buildings and Public Spaces. Develop transitions between private development and public open space. Use site design features such as movement zones, landscape elements, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

C7. Design Corners that Build Active Intersections. Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.

C8. Differentiate the Sidewalk-Level of Buildings. Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.

C9. Develop Flexible Sidewalk-Level Spaces. Develop flexible spaces at the sidewalk-level of buildings to accommodate a variety of active uses.

Findings for A3, A3-1, A7, A8, A8-1, A9, A9-1, B1-1, B4, B6, C6, C7, C8 & C9: The proposed development successfully meets many aspects of the above the guidelines as itemized below:

- The project is being developed utilizing a traditional 200' by 200' block pattern, with right-of-way improvements as per adopted River District standards.
- The proposal responds to the urban context by building to the edge of all street frontages and providing no or minimal setbacks.
- The building has a strong base with 20' floor to floor height and large windows into retail and lobby spaces to create an active streetscape, and help differentiate the sidewalk level of the building.
- The project recreates the loading dock and activates it with a number of retail and lobby entries. In addition the loading dock is planned to include tables and chairs for outdoor seating for restaurants where they occur.
- All facades at the street level have large expanses of glass at the retail and lobby spaces.
- The retail and lobby entrances are recessed, and along with the loading docks provide transitional spaces and alcoves for people to stop and gather.
- Retail and lobby entries typically include a canopy with integral down lights to protect the pedestrian from rain and provide a safe walking environment.
- Back of house programs such as trash rooms, recycling rooms, generators, and bike rooms are coalesced into the center of the building away from the façade at ground level.
- The building corners help activate the intersections:
 - The corners along the NW 13th are activated by the entrances to the elevated loading dock platform. **However more information is needed regarding the design and articulation of these steps and entrances.**
 - The corner at NW Lovejoy and 14th is notched back due to existing easements and creates a generous public plaza space activated by the adjacent retail spaces. **However more information is needed regarding the design of the plaza area.**
 - The corner at NW Kearney and 14th is a quieter intersection that is fronted by retail tenant space.

However, the proposal fails to meet and should provide a stronger response to these guidelines as follows:

- **Private Courtyard:** The quality and usability of the central courtyard is an important consideration for activating and enhancing the pedestrian realm. The courtyard as proposed is a private, gated space located on the second floor. However, an at-grade publicly accessible courtyard should be provided as a public amenity, especially since the development is requesting a 30' residential height bonus. An at grade, through-block connection will also enhance pedestrian connectivity by providing a mid-block connection, similar to recently approved Block 136.

A N-S tower courtyard orientation would provide south sunlight in to the courtyard, and avoid shadows resulting from the proposed east - west orientation. This orientation would also better relate, and should be designed to provide public connection and amenities associated with the streetcar station on NW Lovejoy Street.

The design and articulation of the courtyard should create a welcoming, high quality space that helps to preserve existing views. Currently, the design includes a cut out with a terrace looking in to the garage driveway on the east. This does not seem appropriate and the cut out should be capped to extend the terrace to the street frontage, so as to provide more useable courtyard space and better activate the street. The building frontages should be unified across the courtyard through vision glass and activities along the courtyard edges in both buildings. External Stairways, as proposed, detract from the quality and usability of the courtyard. Furthermore, external stairwells for high rise buildings do not comply with the Building Code and would not be allowed as stated by the Department of Life-Safety. The courtyard would be an ideal space for providing contextually relevant art and an alternative expression is strongly encouraged.

- **Ground Floor Articulation along NW 13th and NW 14th Avenue:** The design of the ground floor facade should better relate to the loading dock along NW 13th Avenue and provide a better design response to the historic Marshall Wells building across NW 14th Avenue. This could be achieved by providing contextually designed garage doors, canopies, storefront systems and exterior detailing, including deep steel canopies, folding storefront walls, and custom entry doors with custom hardware. Sufficient information has also not been provided to fully evaluate some of these requirements.

Due to concerns and lack of information regarding pedestrian connectivity, stopping and viewing places, building active intersections, and weather protection these guidelines have not yet been met.

B1. Reinforce and Enhance the Pedestrian System. Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

B2. Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

B3. Bridge Pedestrian Obstacles. Bridge across barriers and obstacles to pedestrian movement by connecting the pedestrian system with innovative, well-marked crossings and consistent sidewalk designs.

B7. Integrate Barrier-Free Design. Integrate access systems for all people with the building's overall design concept.

Findings for B1, B2, B3, B7

- The project will reinforce a unified streetscape through the use of established street elements such as historic light standards, street tree spacing, and sidewalk joint patterns.
- The furnishing zone of the abutting streets has a mix of River District standard elements including trees, benches, bike racks and light poles separating pedestrians from cars. Existing parallel parking on NW 13th and Kearney will maintain an effective separation from the pedestrian and vehicular traffic.
- Mechanical exhausts and louvres are located above the canopies of the retail storefronts, and out of the pedestrian realm.
- Each entry to the building is set back from the street to allow for a transition zone so that those entering the building or using the intercom do not block the pedestrian zone.
- The project will include a covered retail dock along NW 13th Ave, contributing to the unique streetscape of covered loading docks along NW 13th Ave which are important symbols of the area's industrial past.

However, the proposal fails to meet and should provide a stronger response to the guidelines as follows:

- **Ground Floor Articulation along NW 13th and NW 14th Avenue:** The design of the ground floor facade should better relate to the loading dock along NW 13th Avenue and provide a better design response to the historic Marshall Wells building across NW 14th Avenue. This could be achieved by providing contextually designed garage doors, canopies, storefront systems and exterior detailing, including deep steel canopies, folding storefront walls, and custom entry doors with custom hardware. Sufficient information

has also not been provided to fully evaluate some of these requirements.

- **Street Trees:** The existing street trees are important as they provide protection from inclement weather, especially for the streetcar users along Lovejoy Street. The proposed drawing show the removal of 6 trees along NW Lovejoy Street and their replacement with 4 trees (Drawings C-12-C14). Per the Urban Forester's comments the existing trees are Norway Maples and these removals are allowed. However, the code requires replacement with 7 trees, with the exact number determined at the time of Public Works Permit depending on the location of below grade utilities. The applicants are strongly encouraged to at least provide the existing number of trees, especially along Lovejoy, so as to maintain continuity and the existing level of public amenity at such a significant transit and pedestrian street.

Due to concerns regarding reinforcing the pedestrian system and protection, these guidelines are not yet met.

B5. Make Plazas, Parks and Open Space Successful. Orient building elements such as main entries, lobbies, windows, and balconies to face public parks, plazas, and open spaces. Where provided, integrate water features and/or public art to enhance the public open space. Develop locally oriented pocket parks that incorporate amenities for nearby patrons.

Findings for B5: The project provides tall 20' ceilings and large expanses of clear glass for the retail uses on all street frontages.

However it does not meet this guideline fundamentally as follows:

- **Private 2nd floor Courtyard:** The quality and usability of the central courtyard is an important consideration for activating and enhancing the pedestrian realm. The courtyard as proposed is a private, gated space located on the second floor. However, an at-grade publicly accessible courtyard should be provided as a public amenity, especially since the development is requesting a 30' residential height bonus. An at-grade, through-block connection will also enhance pedestrian connectivity by providing a mid-block connection, similar to recently approved Block 136.

A N-S tower courtyard orientation would provide south sunlight in to the courtyard, and avoid shadows resulting from the proposed east - west orientation. This orientation would also better relate, and should be designed to provide public connection and amenities associated with the streetcar station on NW Lovejoy Street.

The design and articulation of the courtyard should create a welcoming, high quality space that helps to preserve existing views. Currently, the design includes a cut out with a terrace looking in to the garage driveway on the east. This is not appropriate and the cut out should be capped to extend the terrace to the street frontage, so as to provide more useable courtyard space and better activate the street. The building frontages should be unified across the courtyard through vision glass and activities along the courtyard edges in both buildings. External Stairways, as proposed, detract from the quality and usability of the courtyard. Furthermore, external stairwells for high rise buildings do not comply with the Building Code and would not be allowed as stated by the Life-Safety Section of BDS. The courtyard would be an ideal space for providing contextually relevant art and an alternative expression is strongly encouraged.

- **Ground Floor Articulation along NW 13th and NW 14th Avenue:** The design of the ground floor facade should better relate to the loading dock along NW 13th Avenue and provide a better design response to the historic Marshall Wells building across NW 14th

Avenue. This could be achieved by providing contextually designed garage doors, canopies, storefront systems and exterior detailing, including deep steel canopies, folding storefront walls, and custom entry doors with custom hardware.

This guideline has not yet been met

C2. Promote Quality and Permanence in Development. Use design principles and building materials that promote quality and permanence.

C5. Design for Coherency. Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

C11. Integrate Roofs and Use Rooftops. Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

C12. Integrate Exterior Lighting. Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.

Findings for C2, C5, C11 & C12: The design goal of this project is to create a flexible mixed-use building that can accommodate changes in the housing and office uses adaptively over time. The proposal consists of (2) 180' x 70' towers that sit upon a single level active use "base" that features a 20' floor to floor height. The design includes simple massing, high ceiling heights, and exposed structure to allow for maximum flexibility as follows:

- Simple façade system based on a regular grid that allows for flexible wall partitions per user needs.
- Exterior balconies are inset into the grid and the building volume to create a simple, seamless façade.
- Roof top uses includes large terraces, garden plots and eco-roofs for storm water management.
- All back-of-house program such as trash rooms, recycling rooms, generators, and bike rooms are consolidated into the center of the building away from the façade at ground level.
- Exterior lighting is used sparingly to accent building entries. Retail and lobby canopies include down lighting for illuminating the entries.
- A simple building material palette that is contextually appropriate and includes:
 - GFRC (glass fiber reinforced concrete): as the primary façade material which creates a framework system recalling the repetitive character of the historic warehouse buildings to the south of the site.
 - GFRC is consistently used for the ground floor level, which is differentiated by its taller ceiling heights and greater transparency rather than a different material.
 - Heavy timber columns and beams structural system that are visible through the large window grid and provide warmth to the interior spaces.
 - Bronze tone aluminum window system with operable slider windows provide natural ventilation.
 - Bronze tone metal panels for canopies, ground floor generator walls, and inset balcony walls, and bronze tone picket railing.

However, the proposal fails to meet and should provide a stronger response to these guidelines as follows:

- **Rooftop:** The proposal is requesting a modification to the maximum height of the

building to allow amenity rooms on the roof top. This prohibited by code and is not approvable. The modification requests for the rooftop enclosures for mechanical, stairwell and cooling towers can only be evaluated once a revised design is submitted that does not include the amenity rooms.

- **Phasing:** A phased development approach proposes constructing the south tower first in response to existing building lease arrangements. This phasing and leasing arrangement rather than the site context is driving the E-W tower orientation, and should be reconsidered. (Refer to drawing C.20A & C21.a). The proposed phasing logically uses the central courtyard to connect the different timelines of the development of the towers. However, more information is needed in order to review each phase for code compliance and site conditions including remaining conditions and demolition.
- **External Stairwell.** Each tower features an exposed egress stair, enclosed by a metal mesh, within the central private courtyard space that leads up to the amenity terraces on the roofs. These exterior exit stairs are envisioned as artistic elements and are meant to reflect historic fire escapes. However, the design of the stairways, as proposed, does not achieve this intent and does not reflect the historic or industrial character of the district. Furthermore, external stairwells for high rise buildings do not comply with the Building Code and would not be allowed as stated by the Life-Safety Section of BDS. The courtyard would however be an ideal space for providing contextually relevant art, and alternative artwork is strongly encouraged.
- **Ground Floor Articulation along NW 13th and NW 14th Avenue:** The design of the ground floor facade should better relate to the loading dock along NW 13th Avenue, and also provide a better design response to the historic Marshall Wells building across NW 14th Avenue. This could be achieved by providing contextually designed garage doors, canopies, storefront systems and exterior detailing.
- **Loading Dock Uplights.** Recessed uplights are proposed in the floor of the loading dock. This seems awkward given the public use and seating proposed in this space, and is atypical for all other River District docks. Refer to drawing C.42, Exhibit C.21.
- **More information** is needed in order to evaluate for quality and permanence of development including sections, details, and material cut sheets / samples in various areas all around the building.

These guidelines are not yet met.

C3-1. Integrate Parking. Design parking garage exteriors to visually integrate with their surroundings. This guideline may be accomplished by:

- 1) Designing street facing parking garages to not express the sloping floors of the interior parking.
- 2) Designing the sidewalk level of parking structures to accommodate active uses, display windows, public art or other features which enhance the structure’s relationship to pedestrians.

Findings: The Lovejoy Square parking is below grade and not visible from the street. The parking/loading/trash access is all consolidated in the center of the building and accessed from a single entry. The back of house facilities are wrapped with retail on all street frontages. The garage entry is concealed with bronze tone, metal panel coiling door that is set back from the property line by approximately three feet. This depth is consistent with the rhythm established by the adjacent retail and service entrances. The depth is sufficient to allow motorists oblique visual access to the sidewalk upon exiting thereby minimizing potential conflicts with pedestrians.

This guideline is met. However, the applicant must significantly redesign the ground floor per the issues identified by PBOT and also to meet the public realm guidelines discussed below. Therefore, these guidelines must be revisited with a new design.

C13. Integrate Signs. Integrate signs and their associated structural components with the building's overall design concept. Size, place, design, and light signs to not dominate the skyline. Signs should have only a minimal presence in the Portland skyline.

Findings:. Signage is not proposed at this time. Therefore, guidelines relevant to signage do not apply. The applicant understands that any future signage in excess of 32 square feet will be subject to design review.

This guideline is not Applicable

MODIFICATIONS (33.825)

33.825.040 Modifications That Will Better Meet Design Review Requirements:

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Modification #1: Exceptions to Height (33.140.210.B.2). A height modification is requested to allow:

- Mechanical and stairwell enclosures to cumulatively cover 20% of the roof area, rather than the allowed 10% of the roof area.
- Allow the cooling towers to extend to 16 feet in height, rather than the allowed 10 feet per code.

Purpose Statement. The height standards work with the FAR, building setback, and building coverage standards to control the overall bulk and intensity of an area. The EX zone height limit reflects its use in intense urban areas and the range of uses that are allowed.

Standard. Exceptions to the maximum height standard are stated below.

2. Rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades:
 - a. Elevator mechanical equipment may extend up to 16 feet above the height limit; and
 - b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.

Findings: The proposal is requesting a modification to the maximum height of the building to allow amenity rooms on the roof top. This is prohibited by code and is not approvable (33.510.205.B and 33.150.210).

The modification requests for the coverage of rooftop enclosures for mechanical & stairwell and height of cooling towers can only be evaluated once a revised design is submitted that does not include the amenity rooms. ***This modification does not yet merit approval.***

Modification #2. Standards for all Bicycle Parking (33.266.220.C.3.b). A modification is requested to the required bike parking space width of 2' to a width of 1.5' with bike hangers staggered vertically 6" minimum, and mounted at 18" at center..

Purpose Statement: Bicycle parking is required for most use categories to encourage the use of bicycles by providing safe and convenient places to park bicycles. These regulations ensure adequate short and long-term bicycle parking based on the demand generated by the different use categories and on the level of security necessary to encourage the use of bicycles for short and long stays. These regulations will help meet the City's goal that 10 percent of all trips be made by bicycle.

Standard: Bicycle racks. The Portland Bureau of Transportation maintains a handbook of racks and siting guidelines that meet the standards of this paragraph. Required bicycle parking may be provided in floor, wall, or ceiling racks. Where required bicycle parking is provided in racks, the racks must meet the following standards:

- b. A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components. See Figure 266-11;

Findings: The project includes 318 total long term bicycle parking spaces (residential and retail). Accommodating 318 bicycle parking spaces in a horizontal rack would consume considerable floor area. Relying upon a vertical/wall hanging bike rack is a far more efficient use of space and is identical to the parking system recently approved in other Pearl District projects. The proposed functional and space efficient system better meets the design guidelines A8, B1-1, B4, and C6 because it eases floor plan demands and results in active uses at the street, such as commercial use, lobbies and residential units.

The proposed Bike Rack system is engineered to stagger bikes vertically to allow the handle bars to overlap. This allows the racks to provide the same level of service that would be provided by a standard 24" on center spacing within an 18" space. The staggered clearance between adjacent bikes and allowance for sliding hangers ease the hanging and locking of a bike. Additionally the loops, to which the bikes are hung, project out of the wall 27" to further ease hanging and locking bikes. A 5' minimum aisle is still provided behind each bicycle rack. The rack system will be located within a secure bike storage enclosure within the parking garage. The bicycle parking system is safe and secure, located in a convenient area, and is designed to avoid initial or accidental damage to bicycles, so the proposal is consistent with the purpose statement of the bicycle parking standards. ***This modification therefore merits approval.***

Modification #3: Loading Standards (33.266.310.D.a). A Modification is requested to the 2 Type A loading space standards from the required 35' x 10' to the proposed 23' x 9' and 20' x 9'.

Purpose Statement. A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.

Standard.

- D. Size of loading spaces. Required loading spaces must meet the standards of this subsection.
 - a. Standard A: the loading space must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet.

Findings: The proposal is requesting a modification to reduce the size of the required two Type A loading spaces. However, given the pattern in truck sizes associated with smaller office and retail deliveries and moving trucks, PBOT can only support a modification to one of the Standard A spaces. This modified space may be 25-feet long, 10-feet wide, and 11.5-feet in clearance height. The 25-foot long space will accommodate most moving trucks and 3-axle, single unit (Class 6) trucks. Similarly, the 11.5-foot clearance height will accommodate the vast majority of moving and delivery trucks. Currently both the proposed loading spaces are smaller and do not meet these dimensions. The modification requests for the loading spaces can only be evaluated once a revised design is submitted that complies with PBOT requirements. ***This modification does not yet merit approval.***

HEIGHT BONUS OPTIONS

Section 33.510.205 & 33.510.210, Height and Floor Area and Height Bonus Options

Base height allowed for this site is 75'. Additional height, up to a maximum of 75' over the base height, is allowed through general bonus heights and the bonus height option for housing. Both towers are utilizing height and FAR bonuses as follows:

- 75' base height
- 45' General Height Bonus (33.510.210.D.). Maximum available for 3:1 FAR bonus.
- 30' Bonus Height Option for Housing (33.510.210.E.).

General bonus heights. (33.510.210.D.)

For achieving a bonus floor area ratio of 3:1, a height bonus of 45' is earned outright. The project is earning bonus FAR through bike locker room bonus (33.510.210.C.8) and FAR transfer from a historic landmark (33.510.200.H).

Other than for the top 30' feet of the building, the applicant desires flexibility in uses that can accommodate housing and office space adaptively over time. Per 33.510.210.C.1, additional floor area and associated bonus height, earned through the general residential bonus may be used entirely for housing or may commit up to ½ of the bonus floor area to non-residential uses. If the general residential bonus option is being used, then the residential uses can be placed on any floor in the building as long as its build at the same time.

Bonus height option for housing. (33.510.210.E.).

Although this subsection allows the review body to approve bonus height, the review body may also require reconfiguration of the building, including reducing its height, and may approve all, some or none of the bonus height requested, based on application of the criteria in Section 33.510.210.E.4. It is important to note that bonus height in excess of the maximum allowed through general bonus heights, above, must be used exclusively for housing, and may not be used to qualify for the residential floor area bonus option.

Section 33.510.210.E.4, Approval Criteria. The approval of the bonus height is made as part of the design review of the project. The bonus height may be approved if the review body finds that the applicant has shown that all of the following criteria have been met:

A. The increased height will not violate an established view corridor;

Findings: There is no established view corridor at the location of the project per the Portland Scenic Resources Protection Plan adopted March 15, 1991 (ord. # 1639577).

B. If the site is within 500 feet of an R zone, the proposed building will not cast shadows that have significant negative impacts on dwelling units in R zoned lands;

Findings: The site is not within 500 feet of an R zone.

C. If the site is shown on Map 510-3 as eligible for the Open Space (OS) performance standard, the project must meet the performance standards of Subsection 33.510.205.E.;

Findings: This criterion is not applicable because the site is not included on map 510-3 as eligible for the Open Space performance standard.

D. If the site is on a block adjacent to the Yamhill or Skidmore Fountain/Old Town Historic Districts, the project must meet the performance standards of Subsection 33.510.205.D.;

Findings: This criterion is not applicable due to the location of the project.

E. The increased height will result in a project that better meets the applicable design guidelines; and

For the reasons stated below, and information still needed, the project does not as yet better meet the applicable Central City Fundamental and River District Design Guidelines noted in parentheses:

- The location and articulation of the towers do not reflect lower context scale and massing of the adjacent historic district. Stepping down the re-oriented east tower would better respond to the lower scale of this street and the neighboring NW 13th Avenue Historic District. A similar consideration was a successful feature and justification for the additional height of the south tower of the recently approved Block 136, immediately SE of the site. [A4, A7, A5,C5].
- A 150' height for a north facing tower would be approvable with the provision of an at-grade public courtyard, and a lower 120' high south tower.
- The central courtyard should be a carefully designed at grade amenity for public enjoyment, with N-S orientation to receive maximum sunshine, and that will be activated with ground level commercial uses connecting the neighborhood with the streetcar station on NW 14th Ave. [A3, A4, A5, B5, C5].
- The design of the ground floor facade should better relate to the loading dock along NW 13th Avenue, and also provide a better design response to the historic Marshall Wells building across NW 14th Avenue. This could be achieved by providing contextually designed garage doors, canopies, storefront systems and exterior detailing. This is discussed in greater detail below. [A4, A5, B1, B2, B3, B5, B6, C5, C7].
- Rooftop Design: The proposal is requesting a modification to the maximum height of the building to allow amenity rooms on the roof top. This prohibited by code and is not approvable. The modification requests for the rooftop enclosures for mechanical, stairwell and cooling towers can only be evaluated once a revised design is submitted that does not include the amenity rooms (C11).
- Phasing: A phased development approach proposes constructing the south tower first in response to existing building lease arrangements. This phasing and leasing arrangement rather than the site context is driving the E-W tower orientation, and should be reconsidered. (Refer to drawing C.20A & C21.a). The proposed phasing logically uses the central courtyard to connect the different timelines of the development of the towers. However, more information is needed in order to review each phase for code compliance and site conditions including remaining conditions and demolition (A4, C2, C4)

This guideline is not met. A 150' height for a north facing tower would be approvable with the provision of an at-grade public courtyard, and a lower 120' high south tower.

F. Approval of the increased height is consistent with the purposes stated in Subsection 33.510.205.A.

Purpose Statement: The maximum building heights are intended to accomplish several purposes of the Central City Plan. These include protecting views, creating a step-down of building heights to the Willamette River, limiting shadows on public open spaces, ensuring building height compatibility and step downs to historical districts, and limiting shadows from new development on residential neighborhoods in and at the edges of the Central City.

Findings: The project design is largely consistent with the purpose of this section as follows, however additional shadow studies are needed to evaluate some of the criteria:

- Protecting Views: Massing and height do not disrupt established views.
- Creating a step-down of building heights to the Willamette River: Inherent in the maximum building heights and sites afforded height bonuses, both depicted on Map 510-3, the River Sub-district will have building heights that generally step down from freeway to river. This project is compliant with height allowances/bonuses of the River Sub-district of the Central City.
- Ensuring building height compatibility and step downs to historical districts: Not applicable since the project is not located adjacent or within the NW 13th Avenue Historic District, which is a block to the south.
- Limiting shadows from new development on residential neighborhood in and at the edges of Central City. This was intended for pre-existing residential developments at the edge of the Central City, and not for infill development within its commercial and employment zones.

- Limiting shadows on public open space (Jamison Square, Tanner Springs Park). **Shadow studies are needed to evaluate this criteria.**

This criterion is not met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal does not yet meet all the applicable design guidelines, residential bonus height approval criteria and modification criteria and therefore does not yet warrant approval.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Design Commission decision)

Until the concerns and items identified above are resolved, Staff is not able to support the Design Review, Height Exception Modification, Loading Standards Modification and Residential Bonus Height therefore must recommend denial at this time

Procedural Information. The application for this land use review was submitted on October 3, 2016, and was determined to be complete on March 29, 2017.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on October 3, 2016.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case the applicant requested that the 120-day review period be extended for 245 days as stated with (Exhibit A-7). **The 120 days will expire on: 3/29/2018.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the recommendation of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

This report is not a decision. The review body for this proposal is the Design Commission who will make the decision on this case. This report is a recommendation to the Design Commission by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Design Commission will make a decision about this proposal at the hearing or will grant a continuance. Your comments to the Design Commission can be mailed c/o the Design Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201 or faxed to 503-823-5630.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

Appeal of the decision: The decision of the Design Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Design Commission, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record on hearing or if you testify at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$ 5,000 will be charged.**

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization’s bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

Planner’s Name: Puja Bhutani
Date: 10/6/2017

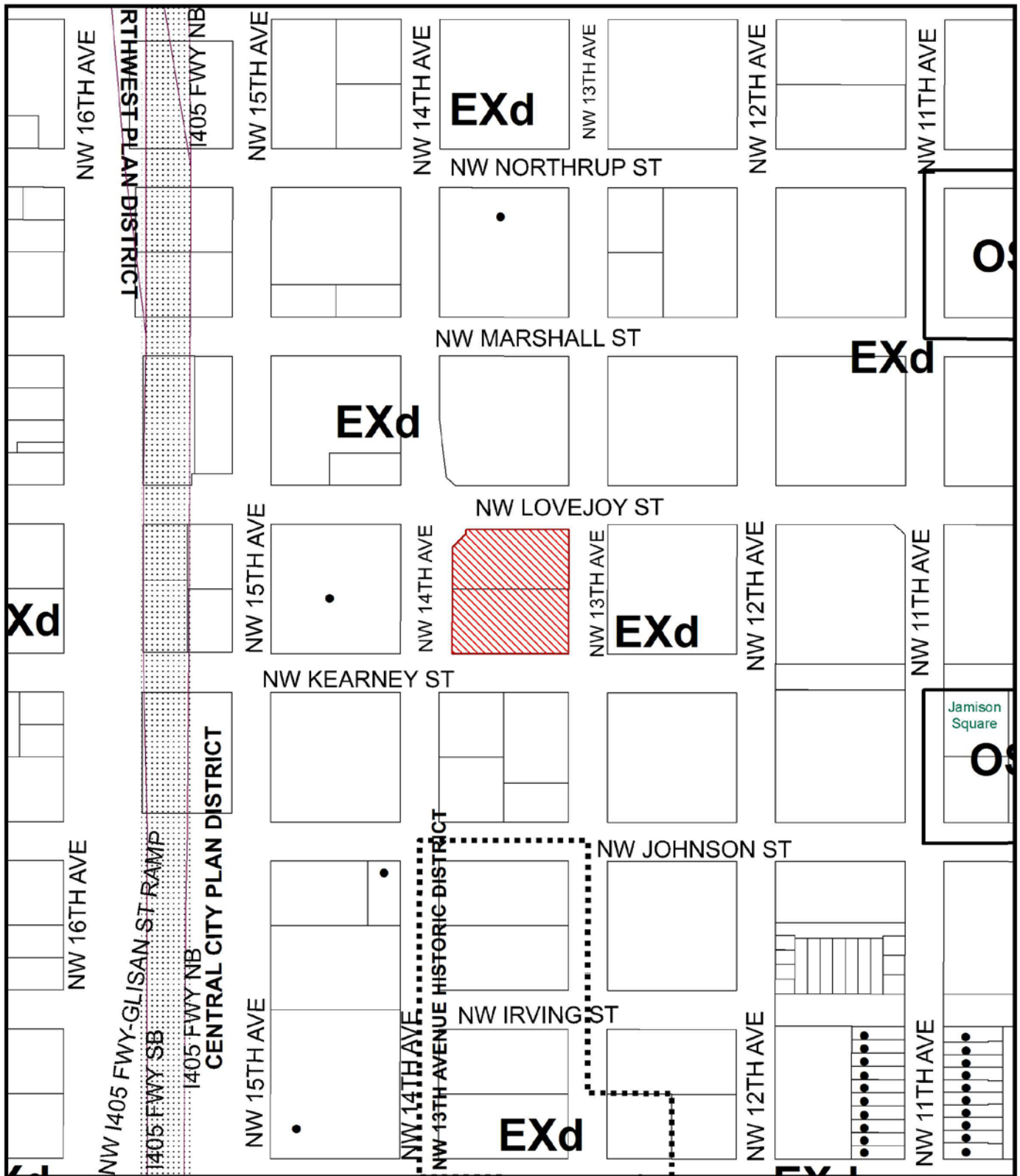
EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement:
 1. Narrative: Zoning and Guidelines Summary
 2. Pre-Application Conference Documents
 3. Pre-Application Conference Drawings. For Review only, Not approved.

4. Original Drawing set, submitted 10/3/2016. For Review only, Not approved.
 5. Preliminary Drainage Report
 6. Driveway Design Exception Report, Kittelson & Associates
 7. 120-day waiver
 8. Revised Narrative: Zoning and Guidelines Summary, submitted 3/29/17
 9. Memo from Jeff Shoemaker, DOWL addressing completeness comments
 10. Preliminary Drainage Report
 11. Traffic analysis for 14th Avenue Driveway Location
 12. Driveway Design Exception Report
 13. Loading Demand Design Exception Report
 - 14-38 Project Information, Context, Design Concept, Renderings
 - 39 Modifications
 - 40 Request to Reschedule Hearing to October.
- B. Zoning Map (attached):
- C. Plans & Drawings:
1. Plan Cover Sheet
 2. Level B1, B2 Plans
 3. Site Plan (attached)
 4. Mezzanine Floor Plan, Typical Office Single-tenant Floor Plan
 5. Typical Multi-tenant office floor plan, Typical Residential Floor Plan
 6. Mechanical/Amenity Plan; Roof Plan
 7. Sections Cover Sheet
 8. Building Sections
 9. Elevations Cover Sheet
 10. South, East Elevations
 - 10.b South East Elevations, black and white rendering(attached)
 11. North, West Elevations
 - 11.b North, West Elevations, black and white rendering (attached)
 12. Courtyard- North/South Elevations
 - 12.b Courtyard- North/South Elevations, black and white rendering
 13. Materials
 14. Detail: West Elevation
 15. Detail: South Elevation
 16. Detail: East Elevation
 17. Section
 18. Landscape and Lighting Cover Sheet
 19. Landscape Material Concept
 20. Street Planting and Material Plan
 21. Lighting Plan
 22. Level 2 Courtyard Planting Plan
 23. Level 2 Courtyard Plant Images
 24. Level 2 Courtyard Materials Plan
 25. Level 12 South Deck: Materials & Planting Plan
 26. Level 12 North Deck: Materials & Planting Plan
 27. Eco-roof Notes
 28. The Site Coversheet
 29. Existing Conditions
 30. Demolition Plan
 31. Preliminary Site Plan
- D. Notification information:
1. Request for response-1, 4/4/17
 2. Request for response- revised hearing date, 4/13/17
 3. Request for response-3; 9/1/2017
 4. Posting letter sent to applicant
 5. Notice to be posted

6. Applicant's statement certifying posting
7. Mailing list
8. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 - a. RFC
 - b. 1st RFR & 2nd RFR
 2. Bureau of Transportation Engineering and Development Review
 - a. RFC
 - b. RFR
 3. Site Development Review Section of Bureau of Development Services
 - a. 1st RFR
 - b. 2nd RFR
 4. Urban Forestry
 - a. 1st RFR
 - b. 2nd RFR
 5. Water Bureau
 - a. 1st RFR
 - b. 2nd RFR
 6. Fire Bureau
 - a. 1st RFR
 - b. 2nd RFR
 7. Life-safety Review Section of BDS
 - a. 1st RFR
 - b. 2nd RFR
 - c. 2nd RFR- revised.
- F. Letters:
 2. David Dysert, Planning & Transportation Co-Chair, Pearl Neighborhood Association; responded with concerns regarding height, phasing and courtyard design.
- G. Other:
 1. Original LUR Application
 2. Incomplete Letter from staff to applicant, sent 10/25/2016
 3. Request for Completeness, 10/10/2016
 4. Void notification, 3,21,2017
 5. Historic Resources Inventory
 6. Site Photographs
 7. Staff email encouraging DAR
 8. Applicant email with update of meeting with Pearl District Neighborhood Association.
 9. PBOT email response regarding street reclassification; staff email requesting clarification of PGE vaults locations.
- H. Not used.

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

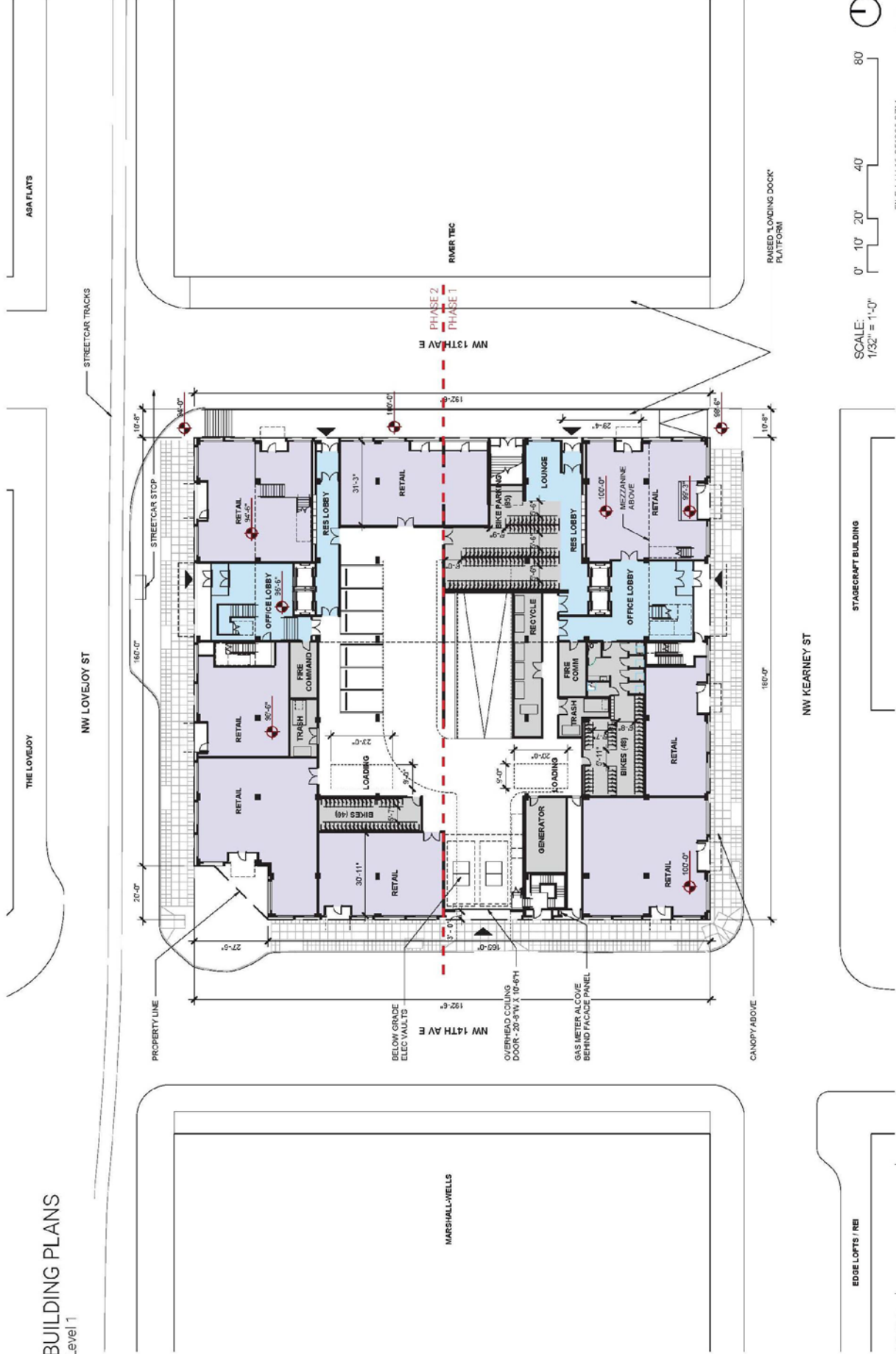
-  Site
-  Historic Landmark

This site lies within the:
CENTRAL CITY PLAN DISTRICT
RIVER DISTRICT SUBDISTRICT



File No. LU 16-251880 DZM
 1/4 Section 2928
 Scale 1 inch = 200 feet
 State_Id 1N1E33AD 400
 Exhibit B (Oct 06, 2016)

BUILDING PLANS
Level 1



SCALE: 1/32" = 1'-0"

FILE # LU 16-251890 D2M
APRIL 3, 2017 EXHIBIT C.24

BORA | KILLIAN PACIFIC | LOVEJOY SQUARE

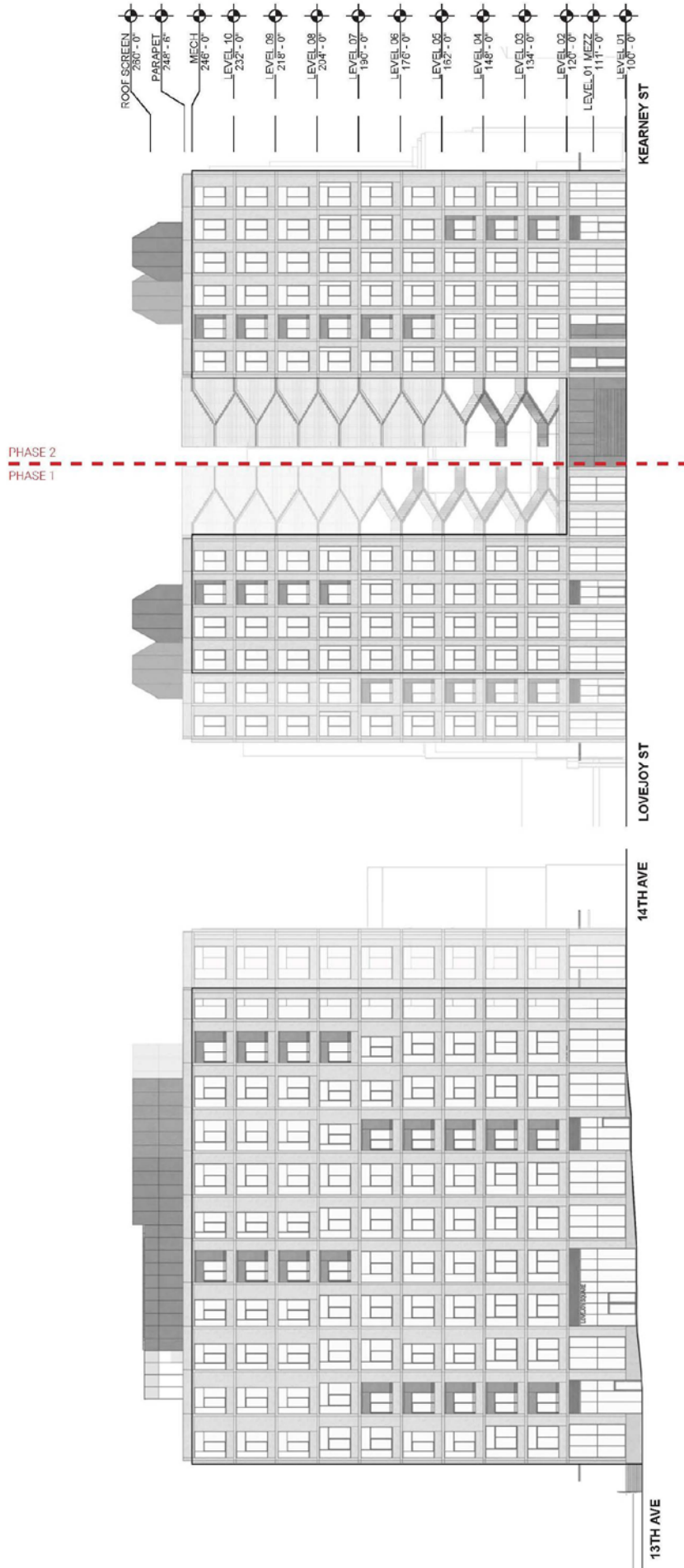
EDGE LOFTS / NE

RAISED LOADING DOCK PLATFORM

EXTERIOR
North and East Elevations



EXTERIOR
South and West Elevations



NORTH ALONG LOVEJOY ST

WEST ALONG 14TH AVE

SCALE: 1/32" = 1'-0"

0 10' 20' 40' 80'

FILE # LU 16-25188D DZM
APRIL 3, 2017 EXH-BIT C.32B

BORA | KILLIAN PACIFIC | LOVEJOY SQUARE