



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

CASE FILE: LU 13-147922 DZM AD – Janey II Apartments
Pre-App.: EA 12-173395 PC
REVIEW BY: Design Commission
WHEN: Thursday July 18, 2013 @ 1:30 PM
WHERE: 1900 SW Fourth Ave., Room 2500A
Portland, OR 97201

It is important to submit all evidence to the Design Commission. City Council will not accept additional evidence if there is an appeal of this proposal.

Bureau of Development Services Staff: Mark Walhood 503-823-7806,
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GENERAL INFORMATION

Applicant: Marcus Lima
GBD Architects Inc.
1120 NW Couch St. Suite 300
Portland, OR 97209

Property Owner: 315 NW 11th LLC 50% and HFTB LLC 50%
Attn.: Peter Stott
2775 SW Old Orchard Rd.
Portland, OR 97201

Site Address: 315-317 NW 11TH AVE

Legal Description: BLOCK 78 LOT 1&4, COUCHS ADD
Tax Account No.: R180207180, R180207180
State ID No.: 1N1E33DA 02900, 1N1E33DA 02900
Quarter Section: 3028, 3029

Neighborhood: Pearl District, contact Patricia Gardner at 503-243-2628.
Business District: Pearl District Business Association, contact Adele Nofield at 503-223-0070.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Zoning: **EXd** (Central Employment base zone with Design overlay zone),
Central City plan district, River District subdistrict

Case Type: **DZM AD** (Design Review with Modifications and Adjustment)

Procedure: **Type III**, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

Proposal: The applicant has proposed the development of a new nine-story mixed-use building, to be known as the Janey II. The proposal is for a quarter-block site at the northwest corner of the intersection of NW 11th Avenue and Everett Street, directly east of the recently-completed quarter-block Janey Apartments. An existing one-story 1906 warehouse building on the site will be demolished.

The proposed building includes eight stories with 62 market-rate apartments over a ground floor residential lobby, retail space, and covered resident parking. The ground floor retail is approximately 2,500 square feet, and oriented to entries facing NW Everett Street. A residential lobby is located on the west end of the site, also facing NW Everett Street, and the covered parking area accommodates 47 vehicles with a mechanized vertical car parking system. There are exterior decks on the second floor for individual units facing NW Everett, as well as a fitness room and exterior decks on the same level facing north. Eighth-floor units also include exterior decks facing NW Everett Street, and a rooftop amenity room and outdoor terrace provides tenants with views of the surrounding neighborhood.

Exterior building materials include a light palette of buff-colored masonry, two colors of metal panel material, and metal clad wood windows with projecting aluminum sunshades. The sunshades and fixed windows are a dark bronze color, with terra cotta-colored operable window sashes on the upper floors. Exterior deck railings and rooftop terrace railings are clear glass. Both the north-facing second floor decks and the primary rooftop have extensive eco-roof plantings. At the ground floor retail and lobby spaces there are projecting steel canopies with exposed wood soffits, and metal storefront window systems with a stained concrete sill below.

Because of the project valuation and Central City location, the proposal requires a Type III Design Review. Concurrently, the applicant has requested the following three additional reviews:

1. An Adjustment to allow parking access onto NW 11th Avenue, a Parking Access Restricted Street (Map 510-9);
2. A Modification through Design Review to reduce the minimum length of Ground Floor Windows along NW 11th Avenue from 50' to 38' (33.140.230); and
3. A Modification through Design Review to reduce the amount of Ground Floor Active Use Area along NW 11th Avenue from 50' to 38' (33.510.225).

Approval Criteria:

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

- The *Central City Fundamental Design Guidelines*;
- The *River District Design Guidelines*;
- 33.805.040.A-F, Adjustment Approval Criteria; and
- 33.825.040.A-B, Modifications.

ANALYSIS

Site and Vicinity: The site is a quarter-block parcel of 10,000 square feet, located at the northwest corner of the intersection of NW 11th Avenue and Everett Street. On-site is a one-story building with a partial basement originally constructed in 1906, which

has served over the years as different automotive service shops, a parking garage, and a storage warehouse. The building has plain walls with multi-light industrial steel sash windows, original mediterranean tiled parapets and pilasters flanking each end of both street facades, and a section of remodeled wall and windows along the NW 11th Avenue façade. Directly adjacent to the site on the east is the Janey I six-story apartment building. Directly to the north is a two-story concrete warehouse with industrial windows.

Surrounding development is a mix of older industrial structures and newer mid-rise office, retail and residential towers. Abutting streets are improved with paved public sidewalks, curbing, and one-way streets. The adjacent frontage at this site has no street trees today, and features a projecting curb extension in NW 11th Avenue for a southbound streetcar stop, directly adjacent to the corner.

Zoning: The Central Employment (EX) base 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.

The Central City plan district contains regulations addressing special circumstances in the central city area, and implements several adopted plans specific to the area. This plan district sets the maximum height and floor area ratios allowed throughout the central city, and contains additional development standards, use regulations, and parking-related regulations.

Land Use History: City records indicate no prior land use reviews at the site.

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed **June 27, 2013**. The following Bureaus have responded with no issue or concerns:

The *Bureau of Environmental Services* (BES) has reviewed the proposal and provided informational comments, a cautionary note, and technical information, but no objections to the requested Design Review, Modifications or Adjustment. The stormwater management plan for the building is still being reviewed, and the necessary Special Circumstances request for a 2,155 square foot ‘unmanaged’ area of the rooftop that is not in eco-roof is still in process. If the Special Circumstances request is not approved, it could potentially change the rooftop design by requiring a vegetated flow-through planter on the rooftop, in turn triggering the need for a future Design Review. While no objections are raised with regards to the land use reviews, these stormwater-related issues must be resolved prior to issuance of any building permits for the project. Sanitary service details and permitting information are provided in detail in the written response. Exhibit E.1 contains staff contact and additional information.

The *Development Review Section of Portland Transportation* (PBOT) has reviewed the proposal and provided feedback, a narrative addressing the Adjustment approval criteria, information about the public street configuration that will be required during

permitting, and other technical details. The applicant is advised that public right-of-way frontage improvements and a Public Works Permit will be required as a condition of building permit approval for the project. As detailed in the Adjustment findings later in this report, the PBOT does not object to the requested driveway access onto NW 11th Avenue. No objections are raised with regards to the requested Design Review or Modifications. Exhibit E.2 contains staff contact and additional information.

The *Water Bureau* has reviewed the proposal and offered information and comments regarding water service availability, but no objections or recommendations regarding the requested Design Review, Modifications or Adjustment. Water services are available to the site, and a complete review for fixture count and other water needs will occur during the building permit review process. Exhibit E.3 contains staff contact and additional information.

The *Fire Bureau* has reviewed the proposal and provided informational comments, but no objections or recommendations regarding the requested Design Review, Modifications or Adjustment. A separate building permit is required for the project, and all applicable Fire Code requirements must be met as documented on the building permit drawings and in the built project. Exhibit E.4 contains staff contact and additional information.

The *Urban Forestry Division of Portland Parks and Recreation* has reviewed the proposal and commented that ‘street trees will be required’. Exhibit E.5 is a hard-copy printout of their electronic comment.

The *Site Development Section of Bureau of Development Services* has reviewed the proposal and provided informational comments, but no objections or concerns regarding the requested Design Review, Modifications or Adjustment. The project will require a site-specific seismic hazard study, and erosion control plan, and a demolition permit for the existing building prior to project approval through the building permit process. Exhibit E.6 contains staff contact and additional information.

The *Life Safety Section of Bureau of Development Services* has reviewed the proposal and provided informational comments, but no objections or concerns regarding the requested Design Review, Modifications or Adjustment. A separate building permit is required for the project, and all applicable building codes and ordinances must be met. Exhibit E.7 contains staff contact and additional information.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **June 27, 2013**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

NOTE: This staff report finds that the majority of approval criteria and design guidelines have been met for the proposal. The outstanding area of concern, where staff feels that the approval criteria and design guidelines are NOT met, are called out in this report within boxed text, in the same manner that this paragraph is boxed. Thanks, -MW

(1) DESIGN REVIEW (33.825)

33.825.010 Purpose

Design Review ensures:

- That development conserves and enhances the recognized special design values of a site or area;
- The conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district;
- That certain types of infill development will be compatible with the neighborhood and enhance the area; and
- High design quality of public and private projects.

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.

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

Findings: The exterior of the building is composed primarily of brick, metal clad wood windows, and steel with colors that reflect the Pacific Northwest – neutral light and dark browns in the brick skin found in Forest park, the vivid orange and reddish hues on the casement windows and sun shade louver blades common in autumn, the deep brown metal components from NW soil, and the lush greens found throughout Portland on the rooftop planted areas. Wood canopy soffit material along the street softens and warms the angularity of the brick and metal components on the façade. The second floor and rooftop eco-roof plantings provide not only a visual amenity, but also help to functions as a stormwater management facility for the building. *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.

Findings for A3 & A3-1: The site is a 100' by 100' parcel on the corner of a standard 200' by 200' block. This project is built to the property line and continues the standard block pattern downtown. The redevelopment of the adjacent streets to current River District standards will improve the convenience of pedestrian travel to and past the site, with retail spaces along NW Everett Street to enhance the active, pedestrian-scale character of this street. *This guideline is met.*

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.

Findings for A4, A5, A5-1 and A5-1-1: The recent history of the River District includes light industrial uses such as the previous use of the site. Building on that character, the primary exterior building material of brick is typical of the kind of material commonly found in the older buildings throughout the neighborhood. The use of structural steel sections to build the canopies along NW 11th and NW Everett also recall the light industrial heritage of the District. The area that surrounds the site has a high percentage of small, glassy ground floor spaces—such as the restaurants along NW 12th, the housing lobby across the street at the Casey Condominiums, and the small retail spaces across the street along NW Everett. This project will remove a vacant light industrial auto shop along NW Everett and replace it with a small ground floor retail space and housing lobby. A continuous painted steel and wood pedestrian canopy provides weather protection along the retail frontage similar to the scope of canopies found throughout the Brewery Blocks development just a few blocks to the South, as well as at the original Casey building directly to the west. The variegated color across the street of the concrete panels on the Casey Condominiums is complemented with the proposed blended brick pattern used for the exterior of the proposed West Bearing Project. *These guidelines are met.*

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

Findings: The existing building on site is built to the property line for the entire frontage. With this redevelopment project, the entire site will remain built to the property line providing a continuous street wall along NW 11th and NW Everett. A continuous pedestrian canopy along NW Everett and a partial pedestrian canopy along NW 11th provide weather protection. *This guideline is met.*

A8. Contribute to the Cityscape, Stage and the Action. 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.

Findings for A8: Large ground floor windows along NW Everett and a continuous canopy provide a pleasant environment for pedestrians. In combination with original Janey project directly to the west, an entire block frontage along NW Everett Street has been activated with indoor-outdoor visual connections between interior activities and the public realm. *This guideline is 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.

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.

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.

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 for B1, B1-1, B2 & C3-1: In its existing condition, the NW Everett Street frontage has a wide curb cut approximately 50' wide, and the building has mostly painted over windows in poor condition facing the sidewalk, resulting in a poor pedestrian experience. With the redevelopment proposal, this curb cut will be removed along NW Everett, street trees will be planted, and almost 100% vision glazing will be at the ground floor along NW Everett for retail space and a housing lobby. In addition, weather protection will be provided through a continuous overhead pedestrian canopy along all of NW Everett and a significant portion of NW 11th. For the purposes of the Everett Street frontage, this guideline is met.

Along NW 11th Avenue, the first 44' of the building from Everett also includes the continuous canopy, with large glazed areas allowing views into the corner retail space. Beyond the retail space a section of glazing allows for views into a fire egress stairway, although the exterior window and canopy sequence remains the same. Further to the north on this façade, however, there is an inset egress door vestibule serving the garage, a single glazed opening that is rendered alternately as glass or as an art/retail display window, the metal mesh coiling loading door with metal louvers above, and another vertical opening in the brick skin for a large louver with a metal panel opening directly below.

This area of the street-level on the project does not support the pedestrian environment as successfully as it could, especially considering the adjacent streetcar stop. The expanse of wall adjacent to the interior parking area presents a filtered view into the parking area through the mesh door material, and the size and placement of the other elements including the glazing/display window could be further refined. This portion of the building could be a good location for public art, or a green wall of the type installed at the original Janey project along NW 12th Avenue, or an otherwise re-designed façade that better engages the pedestrian environment.

Although the Everett Street face of the project meets these guidelines, the 11th Avenue side requires further consideration and design changes to provide human scale and interest along the street, and integrate the loading, parking, and egress stair functions in a manner that does not detract from the pedestrian environment. *Therefore, these guidelines are not fully met.*

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.

Findings: The existing obstacles to a safe pedestrian accessway, such as the large curb cut along NW Everett, is being removed from the site. A reconstructed sidewalk corridor built to current City standards with street trees will be provided along NW Everett Street. *This guideline is met.*

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.

Findings: Extensive ground floor windows into retail space and a housing lobby along NW Everett and NW 11th provide visual interest for pedestrians. Above their head is a continuous pedestrian canopy for weather protection for viewing into the building. *This guideline is met.*

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.

Findings: Weather protection will be provided for pedestrians through a continuous overhead canopy along all of NW Everett Street, and along a significant portion of NW 11th Avenue, abutting the streetcar stop. *This guideline is met.*

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

Findings: All entries into the building are at grade and barrier free to all. *This guideline is met.*

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.

Findings for C1: The proposed building design provides many view opportunities to surrounding natural and built points of interest. Large windows at the south and north facades provide visual connections between the interior spaces and the city beyond. The north orientation, with 37% of the façade in glazing, provides a connection to the River District, with the Willamette River and its bridges and the Rose Garden complex and the towers of the convention center. The south façade, with 42% glazing, makes connections to the denser and taller buildings of the downtown area as well as the West Hills beyond. Although the east elevation has a smaller window percentage, it still manages to take advantage of river views, the industrial east side beyond and Mt. Hood in the distance. Extensive glazing along the Everett Street façade and at the corner at street-level help to engage the interior functions of the building with the pedestrian realm. *This guideline is 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.

Findings for C2 & C5: The historical context of the River District is light industrial and brick buildings. The redevelopment of this site involves a contemporary interpretation of classic building materials. In addition to the use of a light and dark brick palette, the remainder of the exterior skin is comprised of painted metal panels, and a metal clad wood window system that has a vibrancy to its color scheme. Also fully integrated into the building are the painted steel sunshades, ground level canopy, and roof deck canopy – each of these overhead elements are detailed in a manner to present a sense of cohesion and quality critical for a thoughtful and permanent project. The overall building massing is simple and clear: a ground floor base, terraces at the second floor, and a five-story brick volume framed by dark metal panel and further terraces on the rooftop. All materials and colors are intended to complement the natural quality of brick and are neutral in color.

The nature of the proposed design, with its large windows within the brick facades, evokes the industrial character of the River District. The design also integrates well with the existing Janey building next door, by making a direct connection to its composition and materials. The use of the exterior cladding material as a unifying element throughout the project, along with the blending of these materials, and augmented by the stable concrete base and extensive glazing at the sidewalk level, create a coherent and stable composition that blends with its surroundings. *These guidelines are met.*

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

Findings: In addition to blending into the material fabric of the River District, many of the sustainable strategies employed will be legible from the exterior of the building complementing the Portland sensibility towards the green building movement. Among the more visible strategies are the solar shades on the south side of the building, and the use of extensive eco-roof surfaces. The proposed design continues the language established by the neighbor directly to the west, the Janey. As a continuation of that previous development, the proposed design attempts to bring in the elements used in that project, such as the window type and size, similar building materials and general character, while attempting to

provide a visual break and create a varied massing and scale on this block. *This guideline is met.*

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.

Findings: As the proposed design takes the building edges all the way to the property line along the public sidewalk, the transitions between the public sidewalk and the more private interior spaces occur in ground floor pedestrian entries that are recessed a minimum of three feet from the sidewalk. *This guideline is met.*

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.

Findings: The main vertical circulation system for the building is midblock along NW Everett. This allows the corner at NW 11th & Everett to be glassy, giving a future retail tenant maximum flexibility with regard to storefront, retail entries and signage. Through retail signage is not a part of this project submittal, the continuous steel pedestrian canopy along NW Everett provides a variety of integrated signage opportunities for future retail tenants. *This guideline is met.*

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.

Findings: The ground floor, especially along NW Everett, is comprised primarily of large, vision glazing set on top of a continuous stained concrete base. This amount of glazing, coupled with the continuous pedestrian canopy above, clearly differentiates it from the floors above. *This guideline is met.*

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

Findings for C9: The ground floor retail space along NW Everett is approximately 60 feet wide by 37 feet deep, or large enough to be divided into two smaller tenant spaces if desired. Because of the parallel orientation along NW Everett and two distinct entry door locations, this is flexible space that can be easily divided to accommodate a variety of active uses. *This guideline is met.*

C10. Integrate Encroachments. Size and place encroachments in the public right-of-way to visually and physically enhance the pedestrian environment. Locate permitted skybridges toward the middle of the block, and where they will be physically unobtrusive. Design skybridges to be visually level and transparent.

Findings: No encroachments into the right-of-way are expected beyond the street-level canopies and future signage to be mounted to these canopies. All encroaching elements (canopies) are well-integrated into the overall building

design, and add depth and pattern to the building design. *This guideline is met.*

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.

Findings: A rooftop amenity space and terrace on the top of the building provides a building amenity to the occupants. This space is well integrated into the architecture, with an overhead roof visible from different points nearby. The almost fully-vegetated roof provides a visual amenity to surrounding sites and buildings as well, including the green spaces on the north-facing terrace at the second floor. *This guideline is met.*

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: Exterior lighting is confined to downlights at the main building entry canopies, at the private second floor terraces, and at the rooftop terrace. All lighting is discrete, and will comply with the LEED for Homes levels that discourage light pollution while providing for safety and visual accent for users. The design intent is not to light the building exterior, or to have major visual lighting impacts on the skyline. *This guideline is met.*

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: No signage is proposed as part of this design review submittal. Though signage is not part of this submittal, the continuous steel pedestrian canopy along NW Everett and part of NW 11th provides a variety of integrated signage opportunities for future retail tenants. *This guideline is not applicable at this time.*

(2) MODIFICATION REQUESTS (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.

Findings: The applicant has requested the following two Modifications:

1. Reduce the minimum length of Ground Floor Windows along NW 11th Avenue from 50' to 38' (33.140.230); and
2. Reduce the minimum amount of Ground Floor Active Use Area along NW 11th Avenue from 50' to 38' (33.510.225).

The purpose statements for these two regulations are as follows:

1. "Blank walls on the ground level of buildings are limited in order to:
 - Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk uses;
 - Encourage continuity of retail and service uses;
 - Encourage surveillance opportunities by restricting fortress-like facades at street level; and
 - Avoid a monotonous pedestrain environment." (33.140.230.A) and
2. "The ground floor active use standards are intended to reinforce the continuity of pedestrian-active ground-level building uses. The standards are also to help maintain a healthy urban district through the interrelationship of ground-floor building occupancy and street level accessible public uses and activities. Active uses include but are nto limited to: lobbies, retail, residential, commercial, and office." (33.510.225.A).

The regulatory intent of these two regulations are similar, and both Modifications are triggered by identical components on the building, namely the 38'-long length of storefront glass facing NW 11th Avenue just north of Everett. If the retail space inside the buidling extended an additional 12' to the north, these Modifications would not be required.

Along NW 11th Avenue, the first 44' of the building from Everett includes a continuous canopy, with large glazed areas allowing views into the corner retail space. Beyond the retail space a section of glazing allows for views into a fire egress stairway, although the exterior window and canopy sequence remains the same. Further to the north on this façade, however, there is an inset egress door vestibule serving the garage, a single glazed opening that is rendered alternately as glass or as an art/retail display window, the metal mesh coiling loading door with metal louvers above, and another vertical opening in the brick skin for a large louver with a metal panel opening directly below.

This area of the street-level on the project does not support the pedestrian environment as successfully as it could, especially considering the adjacent streetcar stop. The expanse of wall adjacent to the interior parking area presents a filtered view into the parking area through the mesh door material, and the size and placement of the other elements including the glazing/display window could be further refined. This portion of the building could be a good location for public art, or a green wall of the type installed at the original Janey project along NW 12th Avenue, or an otherwise re-designed façade that better engages the pedestrian environment.

The 11th Avenue side requires further consideration and design changes to meet the regulatory intent of enhancing the pedestrian environment and creating interest and activity per the above purpose statements. As noted earlier in this

report, this area of the façade also does not meet guidelines B1-1, B2 and C3-1. Further consideration and design changes are necessary to integrate the loading, parking, and egress stair functions in a manner that does not detract from the pedestrian environment. *Therefore, these criteria are not met.*

(3) ADJUSTMENT REQUEST (33.805)

33.805.010 Purpose of Adjustment Reviews

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.040 Adjustment Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F., below, have been met.

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The applicant has requested an Adjustment to allow parking access onto NW 11th, which is a Parking Access Restricted street (Map 510-9). The purpose of the parking and access regulations in the Central City is found at 33.510.261.A, and is stated as follows: “The parking and access regulations implement the Central City Transportation Management Plan by managing the supply of off-street parking to improve mobility, promote the use of alternative modes, support existing and new economic development, maintain air quality, and enhance the urban form of the Central City.”

The applicant is proposing an exit-only access point along the site's NW 11th Avenue frontage. Entrance into the new sub-grade parking garage will be through the existing and abutting Janey building, west of the subject site. Because the subject site's only other frontage is along NW Everett, a street with higher volumes of traffic, PBOT staff recommended that the access for the new Janey II building be taken off of NW 11th Ave. This recommendation was made acknowledging that the streetcar line travels along NW 11th Ave., and, in fact, there is a streetcar stop/platform immediately abutting the proposed exit from the Janey II building. The proposed one-way direction (exiting) from the access driveway will limit potential conflicts with the operations of the streetcar. There will be ample maneuvering area and a similar garage entrance gate/mechanism as has been installed in the Janey building. Given the confined nature of the subject site, PBOT has no objections to the proposed Adjustment. The above-referenced parking and access purposes are satisfied. *This approval criterion is met.*

- B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in a C, E, or I zone, the proposal will be

consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: The site is located in an EX zone, and PBOT staff has reviewed the proposal for street classification issues and potential conflicts, as well as overall potential impacts to the transportation system. Staff from PBOT supports the requested Adjustment request, as noted above under findings for criterion A. The proposed driveway allows egress from a parking garage for a new mixed-use structure that is consistent with the desired character of this EX-zoned area. *This approval criterion is met.*

- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Only one Adjustment has been requested. *This approval criterion does not apply.*

- D. City-designated scenic resources and historic resources are preserved; and

Findings: There are no city-designated scenic or historic resources on this site. *This criterion does not apply.*

- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: Any potential impacts resulting from the Adjustment request are mitigated to the extent practical by the absence of a new curb cut on NW Everett Street, and by the exit-only movement from this garage opening onto NW 11th Avenue. *This criterion is met.*

- F. If in an environmental zone, the proposal has a few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: This site is not within an environmental zone. *This criterion does not apply.*

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 proposal involves the demolition of a 1906 quarter-block warehouse building, and the construction of a new eight-story mixed-use apartment building. Using the architectural language of the original/sister Janey building directly to the west, the proposal greatly enhances the pedestrian environment along NW Everett Street with large areas of glazing onto the apartment lobby and retail space with a continuous canopy above. Both adjacent streets will be reconstructed to current City standards with River District scoring patterns, street trees, and ornamental light standards. The building continues the successful design language of the Janey next door while adding

second floor terraces with glass railings, two additional floors of housing, and another rooftop amenity deck with eco-roof plantings.

While the vast majority of the applicable guidelines and criteria have been met, the street-level experience along the NW 11th Avenue façade requires further design development. Refining the design along NW 11th Avenue abutting the internal garage and egress stair is necessary to meet three design guidelines, as well as the approval criteria for Modifications to Ground Floor Window and Active Use standards. With resolution of these issues before Design Commission, staff expects to eventually recommend full approval of the project.

TENTATIVE STAFF RECOMMENDATION

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

While a majority of the approval criteria are met for the proposal, at this time the following design guidelines and criteria are not fully met:

B1-1. Provide Human Scale to Buildings along Walkways

B2. Protect the Pedestrian

C3-1. Integrate Parking

33.825.040.A-B, Modification Approval Criteria

One area of concern remains:

#1 – Ground floor design of the building along NW 11th Avenue, and the pedestrian experience of the garage/loading/mechanical/service stair sequence in the portion of façade north of the retail space.

=====

Procedural Information. The application for this land use review was submitted on May 3, 2013, and was determined to be complete on June 10, 2013.

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 May 3, 2013.

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 did not waive or extend the 120-day review period.

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.

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. You may review the file on this case by appointment at the Development Services Building, 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 review body, only evidence previously presented to the review body will be considered by the City Council.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. **Appeals must be filed within 14 days of the decision. An appeal fee of \$5,000.00 will be charged (one-half of the application fee for this case, up to a maximum of \$5,000.00).**

Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. 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 must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.

- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034. For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

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.

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

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

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).

Mark Walhood
July 8, 2013

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements
 1. Original drawing set & narrative packet, 5/3/13 – drawings for reference only – not approved
 2. Supplemental information cover memo and stormwater report, received 5/10/13
 3. Cover memo provided with updated plan set, 6/10/13
 4. Narrative (labeled Appendices A-D) provided with new plan set, 6/10/13
 5. Overview and LEED Summary with Janey I photos provided with new plan set, 6/10/13
- B. Zoning Map (attached)
- C. Plan & Drawings
 1. Vicinity Map
 2. Rendered view to the northwest from 11th & Everett (attached)
 3. Rendered view to the southwest from 11th
 4. Rendered ground level windows from Everett
 5. Site/Ground level floor plan (attached)
 6. Second level floor plan

7. Third-Seventh floor plans
 8. Eighth level floor plan
 9. Roof plan
 10. Ground floor landscape plan
 11. Second floor landscape plan
 12. Second level roof deck section and aerial renderings
 13. Rooftop deck and details
 14. Aerial rendering of rooftop deck
 15. Upper roof planting plan
 16. South elevation – color (attached)
 17. south elevation – black & white
 18. West elevation – color
 19. West elevation – black & white
 20. North elevation – color
 21. North elevation – black & white
 22. East elevation – color (attached)
 23. East elevation – black & white
 24. Building materials
 25. Transverse north-south building section
 26. Longitudinal east-west building section
 27. Skin composite 01 – storefront at Everett
 28. Skin composite 02 – storefront at Everett
 29. Skin composite 03 – entry at Everett
 30. Skin composite 04 – storefront at 11th
 31. Skin composite 05 – loading bay door
 32. Skin composite 06 – garage louvers
 33. Skin composite 07 – top three floors at rooftop enclosure along Everett
 34. Sunshade plan and section detail
 35. Section detail at entry canopy
 36. Section detail at retail/lower canopy
 37. Exterior skin enlarged section details
 38. Glass railing section details
 39. Rytex overhead coiling door details
- D. Notification information:
1. Request for response
 2. Posting information and notice as sent to applicant
 3. Applicant's statement certifying posting
 4. Short version mailed notice – mailed copy
 5. Short version mailed notice – master with mailing list
 6. Long version mailed notice – mailed copy
 7. Long version mailed notice – master with mailing list
- E. Agency Responses:
1. Bureau of Environmental Services
 2. Development Review Section of Portland Transportation
 3. Water Bureau
 4. Fire Bureau
 5. Urban Forestry Division of Portland Parks and Recreation
 6. Site Development Review Section of Bureau of Development Services
 7. Life Safety Section of Bureau of Development Services
- F. Letters
1. *(none received at time of staff report publication on July 8, 2013)*
- G. Other
1. Original LU application form and receipt
 2. Completeness review information and agency responses
 3. Incomplete letter from staff to applicant, sent 5/10/13

4. Pre-Application Conference Summary Notes, EA 12-173395 PC



ZONING



Site



Historic Landmark



NORTH

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

File No. LU 13-147922 DZM,AD

1/4 Section 3028

Scale 1 inch = 200 feet

State_Id 1N1E33DA 2900

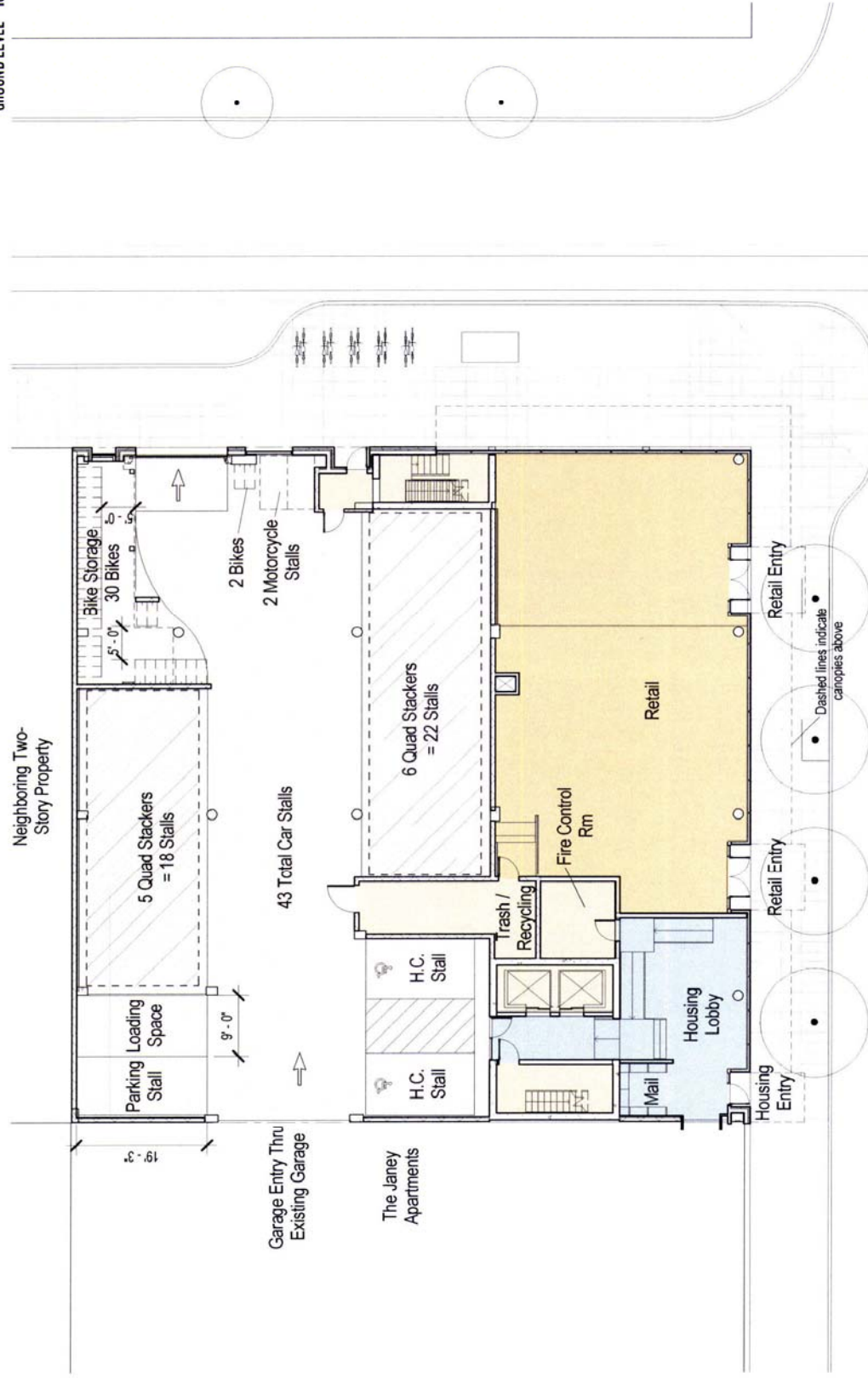
Exhibit B (Jun 14, 2013)



Exhibit C.2
W 13-147972 02M A0

VIEW TO THE NORTHWEST FROM INTERSECTION OF 11TH & EVERETT

GROUND LEVEL = 10,000 SF

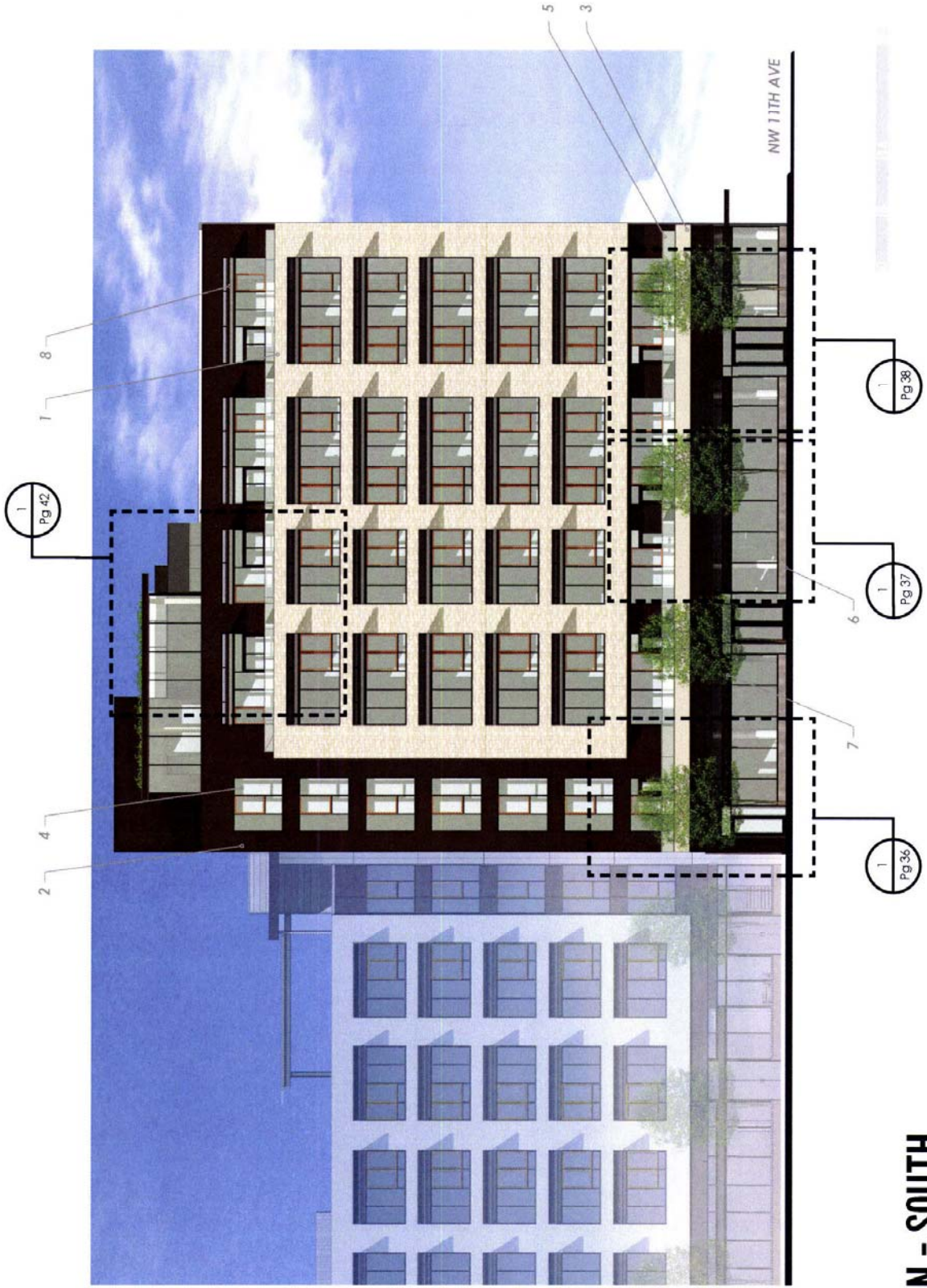


W 13-147972 D21A0
Exhibit C.S

GROUND LEVEL FLOOR PLAN

Material Legend

- 1 Light Brick Facade
- 2 Pol. Alum. Panel - Dark
- 3 Pol. Alum. Panel - Light
- 4 Metal Clad Wood Windows
- 5 Glass Curtain Wall
- 6 Stained Concrete
- 7 Pol. Steel Canopy
- 8 Pol. Alum. Sill Profiles

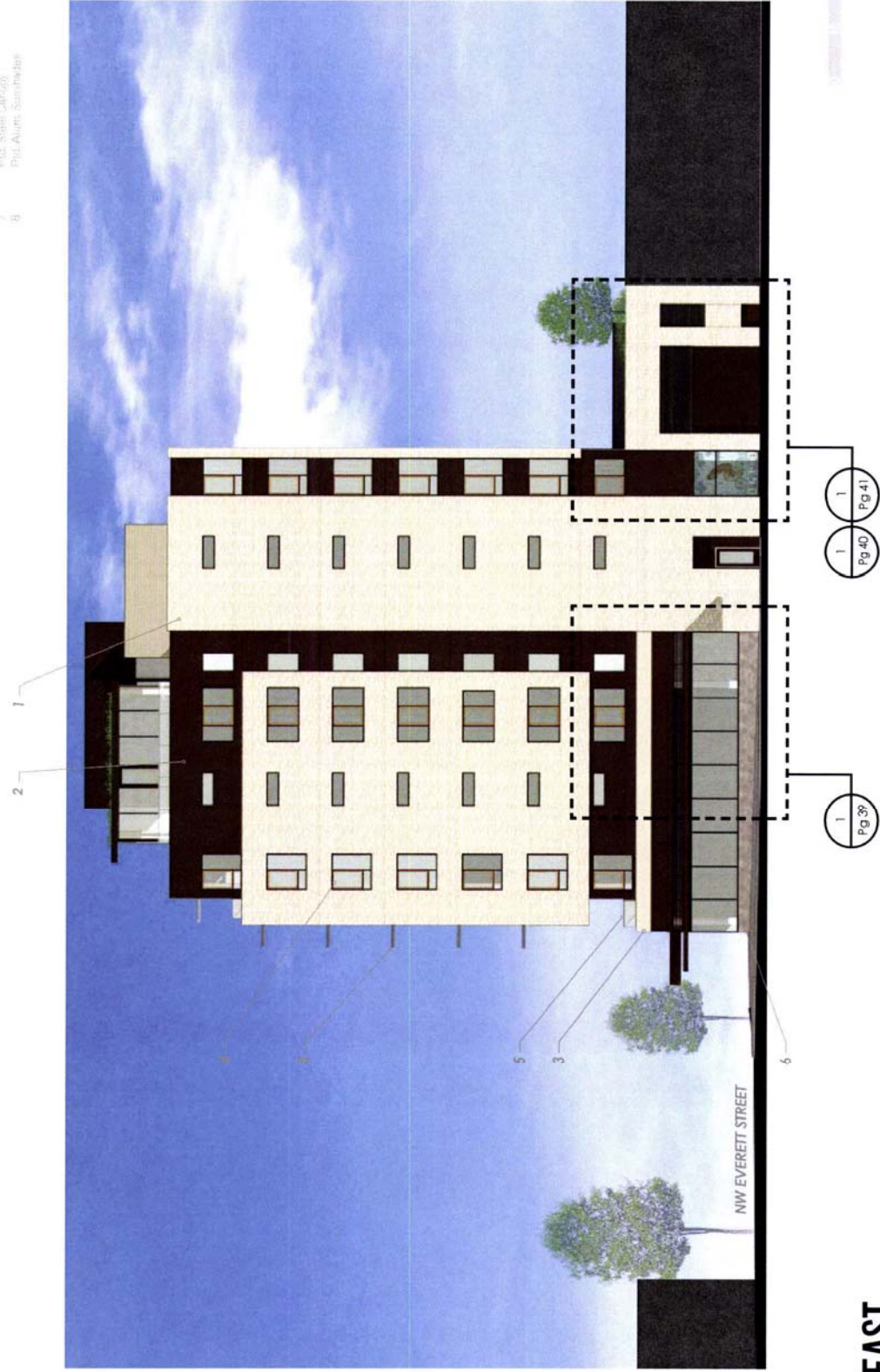


W 13-147922 02MAD
Exhibit C.16

ELEVATION - SOUTH

Material Legend

1. Light Brick Façade
2. Pol. Alum. Panel - Dark
3. Pol. Alum. Panel - Light
4. Metal Clad Wood Windows
5. Glass Curtain Wall
6. Stained Concrete
7. Flat Steel Decking
8. Pol. Alum. Siding



W 13-147922 D2M AD
Exhibit C.22

ELEVATION - EAST