



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

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**FINAL FINDINGS AND DECISION BY THE DESIGN
COMMISSION RENDERED ON September 5, 2013**

CASE FILE NUMBER: LU 13-178392 DZM – PEARL BLOCK 17
EA 12-217936 PC and 13-106862 DA

BUREAU OF DEVELOPMENT SERVICES STAFF: Kara Fioravanti 503-823-5892 /
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GENERAL INFORMATION

Owners: Tiffany Sweitzer, Block 17 LLC
1022 NW Marshall Street Suite 270 / Portland, OR 97209

Steve Yoon, Block 17 Holding, LLC
20 Sunnyside Avenue, Suite B / Mill Valley, CA 94941

Applicant:: John Meadows, BOORA Architects Inc.
720 SW Washington Street, Suite 800 / Portland, OR 97205

Site Address: Block bound by NW 11th, 12th, Overton, Pettygrove
Legal Description: LOT B, HOYT STREET YARDS NO 2; LOT 25, HOYT STREET YARDS NO 2; LOT 26, HOYT STREET YARDS NO 2; LOT 27, HOYT STREET YARDS NO 2
Tax Account No.: R405840750, R405841300, R405841350, R405841400
State ID No.: 1N1E34BB 2634, 1N1E34BB 2630, 1N1E34BB 2631, 1N1E34BB 2632
Quarter Section: 2928
Neighborhood: Pearl District, contact Patricia Gardner 503-243-2628.
Business District: Pearl District Business Association, contact Adele Nofield 503-223-0070.
District Coalition: Neighbors West/Northwest, contact Mark Sieber 503-823-4212.
Plan District: Central City - River District
Zoning: EXd, Central Employment with design overlay
Case Type: DZM, Design Review with Modification Requests
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 seeks **Design Review** approval for a new mixed-use building in the River District of the Central City Plan District. Housed in a high and a low-rise structure, Block 17 will supply 281 rental apartment units. 210 parking spaces are provided in a two level below grade parking structure. The five-story low rise building along NW 11th Ave incorporates 5 flex units, 58 residential units as well as a small retail and lobby at the ground level, oriented to NW Overton to the south. Toward the west of the site along NW 12th Ave, a 16-story tower at approximately 178 feet tall houses 3 flex spaces and 215 apartment units. Between the two buildings is a through-block courtyard, allowing the units maximum daylight potential and providing private and shared outdoor space for the residents.

The applicant seeks approval for five **Modifications** to required Zoning Code standards:

1. **Ground Floor Windows** 33.130.230. This standard requires windows into active areas of the building for at least 50% of the building's wall length and 25% of the building's ground level wall area. The proposed building does not meet this standard at NW 12th Avenue. The NW 12th Avenue ground level only includes windows for 35% of the building wall length.
2. **Stacked Parking** 33.266.100. This standard requires an attendant to be present to move vehicles when stacked parking is proposed. The project includes some stacked parking, but will not include an attendant for daily operations.
3. **Size of Vehicle Spaces** 33.266.130. This standard requires 90-degree parking stalls to be at least 16' long and 8.5' wide. 60 of the 210 spaces proposed are 16' long, but only 7.5' wide.
4. **Bike Parking** 33.266.220. This standard requires bike parking spaces to be 2' wide x 6' long. The proposal is required to provide 422 long-term residential spaces. Of the 434 long-term spaces provided, 138 do not meet the minimum dimensions of 2' x 6'. Those 138 spaces are wall mounted spaces. The vertical rack system for those 138 spaces only provides spaces at 18" on center, with a 6" vertical stagger.
5. **Loading Clearance** 33.266.310 D. This standard requires 2 loading stalls that are at least 18' long, 9' wide and 10' clear. The 2 spaces proposed are 18' long and 9' wide, but only 8'-4" clear.

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:

- River District Design Guidelines
- 33.825.040 Modifications
- Central City Fundamental Design Guidelines

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. This application was submitted on July 11, 2013 and determined to be complete on August 1, 2013.

ANALYSIS

Site and Vicinity: The subject property is a gravel full-block site, located in the River District, bound by NW 12th and NW 11th Avenues and by NW Pettygrove and NW Overton Streets. The property was formerly owned by the Spokane, Portland and Seattle Railway Company and housed freight yards, a train shed and office. Over the past several years, the character of the neighborhood has significantly changed, providing opportunities for viable residential, commercial, and open space development.

Nearby developments include the recently-opened Fields Park, the 16-story Encore, the 14-story Pinnacle, the 6-story Lexis on the Park, Tanner Springs Park, the 7-story Bridgeport, the 6-story Sitka building. All named buildings are mixed-use buildings with dwelling units over ground floor retail. The area is designated as the Northwest Triangle Pedestrian District in the Transportation System Plan with NW 11th and 12th designated as Local Service Bikeways. NW Overton is designated a City Bikeway and a Traffic Access Street. NW Pettygrove is a designated Greenstreet from NW 11th to NW 15th.

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 “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. 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:

- ZC 7948 – Approval of a 1979 Zone Change & Master Plan with Conditions;
- DZ 91-89 – Approval of a 1989 Railroad Area Master Plan Review with Conditions;
- LUR 92-00798 MS, LA – Approval of a 1992 Master Plan Amendment and late Acceptance Review of ZC 7948 & DZ 91-89 with Conditions;
- LUR 93-00819 DZ – Approval with conditions of open space improvements within the vacated portion of NW Irving street between NW 10th and 11th Avenues;
- LUR 99-00542 SU, MS – Approval of a 1999 Subdivision Review to create 43 lots with new streets; Amendment to Glacier Park Company/Hoyt Street Yards Master Plan (approved 11/7/89) Development Agreement between City of Portland & Hoyt Street Properties, LLC (approved 9/8/97 & 3/12/99). Approval with Conditions;
- LUR 99-00897 – Approval with conditions of a 5-story apartment building with ground floor retail and parking;
- LUR 99-00939 DZ – Approval with conditions of non-standard improvements in the right-of-way; boardwalk, straight-in parking, and art to cover three streetcar catenary poles;
- LUR 00-00021 DZM, MS – Approval with conditions of a full block mixed-use development at NW Lovejoy between NW 11th and 12th Avenues, and approval of modifications to size of loading space, parking aisle width, forward motion loading, and ground floor windows. In addition, the review included approval of the Central City Master Plan Amendment to change the planned 50’ wide NW Marshall Street pedestrian tracts between NW 9th and 12th Avenues to a 60’ wide public street.
- LUR 00-00217 DZ – Approval with conditions of alterations to the NW Marshall frontage façade of the Block 10 development and modification to ground floor windows;
- PC 02-150732 – Pre-Application Conference for a 15-story mixed-use development with 179 dwelling units, ground floor retail and underground parking;
- LU 03-100642 DZM – Approval with conditions of a 14-story mixed-use development (The Pinnacle) with 179 dwelling units and 7,000 square feet of retail space;
- PC 03-119843 – Pre-Application Conference for a 6- and 11-story two-building mixed-use development with 225 dwelling units, ground floor retail and underground parking;
- LU 03-158491 DZ – Approval of revisions to the previously approved 14-story development;
- LU 05-181234 DZM AD – Design Review and Modification Approval for a 16-story mixed-use development (The Encore) with 177 dwelling units, 10,945 square feet of retail and 3 levels of parking;
- LU 06-103275 DA – Design Advice Request for the site area’s Master Plan;
- LU 06-184605 DA – Block 17 Design Advice Request for a different proposal;
- LU 07-115608 DZM – Block 17 Type III Design Review for a different proposal. This case was withdrawn before a decision was rendered;
- EA 12-217936 PC – Pre-Application Conference for the current proposal;
- EA 13-106862 DAR –Design Advice Request for the current proposal;

- LU 13-139762 DZM, AD – Type III Design Review approval for a 28-story building for Block 15.

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed **August 16, 2013**. The following Bureaus have responded with no issue or concerns: the Bureau of Parks-Forestry Division (Exhibit E-5: *street trees will be required on all street frontages*).

The Bureau of Environmental Services responded with the following comment: Exhibit E-1.

- *BES has no objection to the requested Design Review but recommends that the applicant complete the Public Works concept review without delay and prior to the Design Commission Hearing. Note that the proposed development will be subject to BES standards and requirements during the permit review process.*

The Bureau of Transportation Engineering: Exhibit E-2.a.

- *Portland Transportation/Development Review has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.*

At this location, NW Overton St is classified as a Traffic Access Street, City Bikeway, City Walkway, Major Emergency Response Street and a Local Service street for all other transportation modes in the City’s Transportation System Plan.

NW Quimby, NW Pettygrove (west of the site), NW 11th and NW 12th Avenues are classified as Local Service streets for all transportation modes in the City’s Transportation System Plan.

All frontages must be constructed to current River District Standards. The only dedications required are NW Pettygrove which will be 60-ft wide between NW 11th and NW 12th Avenues. The dedication and a bond and contract for all the street improvements shall be a condition of building permit approval. The extent of the improvements within NW Pettygrove will be determined through the public works permit process. Some temporary improvements on the north side of the ROW centerline may be included in the public works permit as the northern half of Pettygrove will be completed as part of a future project on the northern site. The applicant has requested 4 modifications. Of the transportation related modifications, PBOT has no objection to the stacked parking, size of vehicle spaces, and loading clearance modifications.

PBOT can support the request to modify the bike parking standards with a requirement that at building permit review the applicant provide details of the wall mounted bike hangers in the residential units. The details should document that the bike racks provide for securing one wheel and the frame as required by 33.266.220.C.3.a. The racks must provide a minimum of a 12-inch stagger to mitigate the narrower width.

*Transportation System Development Charges (Chapter 17.15)
System Development Charges (SDCs) may be assessed for this development. The applicant can receive an estimate of the SDC amount prior to submission of building permits by contacting Rich Eisenhauer at 503-823-6108.*

*Driveways and Curb Cuts (Section 17.28)
Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits.*

RECOMMENDATION

No objection subject to the following condition:

As a condition of building permit approval, the applicant shall provide details of the wall mounted bike hangers in the residential units. The details must document that the bike racks provide for securing one wheel and the frame as required by 33.266.220.C.3.a. The racks must provide a minimum of a 12-inch stagger to mitigate the narrower width.

NOTE: As a condition of building permit approval the applicant shall dedicate 60-ft of ROW for NW Pettygrove between NW 11th and NW 12th Avenues and provide a bond and contract for the required street improvements.

The Bureau of Transportation Bicycle Coordinator: Exhibits E-2.b and c.

- *Objections to bike parking Modification request.*

The Water Bureau responded with the following comment: Exhibit E-3.

- *There are no existing water services to this property site. There is an existing 8" Branch Service line located at the property frontage of NW 11th Ave which may potentially be used by this development, but if this branch service is not utilized the applicant will need to pay to have this service line killed by the Water Bureau. There is water available to this site from the existing 8" DI water mains in NW 11th Ave, NW 12th Ave and NW Overton St. The estimated static water pressure range for this location is 67 psi to 84 psi at the existing service elevation of 33 ft. For the proposed development, City code 21.12.010 will require any new building construction, or any construction that will need water to have a water service and meter of appropriate size installed within the public right-of-way and within the specific property boundary/frontage for which it will serve. A Water Bureau review for fixture count will need to be submitted, along with any required fire flow needs, by the applicant at the time of submittal of the building permit to appropriately size the water service and meter for this location. All applicable costs will be the responsibility of the applicant.*

The Fire Bureau responded with the following comment: Exhibit E-4.

- *The applicant shall obtain a separate building permit for the proposed work. All applicable Fire Code requirements will apply to the new development at time of permit review and development. Please contact the Fire Marshal's Office with any specific questions.*

The Site Development Section of BDS: Exhibit E-6.

- *Geotechnical. At the time of building permit application, a geotechnical engineering report will be required. The building qualifies as a major structure as defined by ORS 455.447(1)(c). Therefore, the geotechnical report must include a site-specific seismic hazard study. The report will need to include recommendations for temporary excavations and/or shoring to support the Right-of-Way and/or private property. In addition, it will need to evaluate high groundwater conditions resulting from the 100 year design flood. Please direct questions to Jason Butler-Brown, at 503-823-4936.*

Erosion control. Erosion prevention and sediment control requirements found in Title 10 apply to both site preparation work and development. Full compliance with the erosion control requirements of Title 10, as well as maintenance of the erosion control elements, such as sediment retention measures on private property, storm drain inlet protection and bio bags in the public right-of-way, is the responsibility of the property owner and the builders of structures on the lot.

The project area meets the criteria specified in City Code 10.30.030 as a Special Site with additional requirements for erosion, sediment and pollution control. An erosion control plan prepared by a Certified Professional in Erosion and Sediment Control (CPESC) or State of Oregon registered professional engineer will be required at the time of building permit. Special inspections by the CPESC or P.E. may be required during construction.

DEQ permit required: A 1200-C permit from the Oregon Department of Environmental Quality is required for construction activities including clearing, grading, excavation, and stockpiling that will disturb one or more acres and may discharge to surface waters or conveyance systems leading to surface waters of the state.

Site Development has no objection to the approval of this land use and does not request any conditions of approval.

The Life Safety Section of BDS responded with the following comment: Exhibit E-7.

- *A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. More information regarding building code requirements can be obtained by visiting the Bureau of Development Services Development Services Center - 1900 SW 4th Ave, 1st floor. The Development Services Center is open Tuesday through Friday from 8:00 a.m. to 3:00 p.m. (closed on Mondays). No appointment is necessary. Building Code information is also available online at: <http://www.portlandonline.com/bds/>, or by calling (503) 823-1456.*

It is recommended the applicant contact the project Process Manager to arrange a Preliminary Fire and Life Safety Meeting.

A separate Mechanical Permit is required for the work proposed. OMSC 106.1

At least one accessible route shall be provided within the boundary of the site from public transportation stops, accessible parking spaces, passenger loading and drop off zones, and public streets or sidewalks to an accessible entry. OSSC 1104.1

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **August 16, 2013**. Three written responses have been received in response to the proposal. The written testimony submitted on the bike parking Modification (Exhibits F.1, 2, and 4) was also presented by 3 individuals at the hearing. One additional person testified at the hearing in opposition to the ground floor window Modification at the NW 12th frontage. Staff findings addressing the Modification approval criteria are found below

- I'm writing to express my concern about the request adjustments for bike parking in this project. As a member of the Planning and Sustainability Commission I was involved in the adoption of the 2' x 6' standard this spring. Prior to that we had no definition for the size of a bicycle parking space. As a regular cyclist I see daily the diversity of bicycle styles and types on our streets and encounter the challenges of fitting my bike, which has a wide front rack and handlebars, into narrow bike parking spaces. The new standard promises to make this easier. I would hate to see us immediately start a habit of adjusting it down. (Chris Smith, 8-20-13, Exhibits F. 1 and F.4)
- I'd like to reach out to you on a recent matter that has come to my attention regarding a proposal to modify zoning code standards on bike parking. In the case file referenced in this email subject line there is a request to install bike parking facilities that are too narrow to accommodate standard bicycle handlebar widths. As a technical matter, 16 inches is simply insufficient to allow bicycle handlebars to park side-by-side. Many, if not most, bike handlebars are between 20 and 24 inches wide. Even if the bikes are vertically staggered to make them physically fit, the close proximity prevents people from reaching into the parking structure to adequately lock their wheel and frame to the rack. I would appreciate an opportunity to discuss this issue with you further. Please feel free to call or email me if you have any questions. If the issue is not resolved prior to the public hearing on Sept. 5th, I plan to testify regarding these concerns. Thanks for your consideration. (Gerik Kransky, 8-21-13, Exhibit F. 2)

- The Planning Committee of the Pearl District Neighborhood Association voted to support Pearl Block 17 at our meeting of September 3rd, 2013. We have multiple times with the Architects and reviewed the project. While we have in general been impressed by the caliber of the design, the ground level of the building has become much better in design. The pedestrian level has great variety and offers great connection to the street level. As the building is quite transparent in general, we are in specific support of the modification regarding the ground level windows on 12th avenue. The one area that we think needs some work with the design is the little appendage on the Northwest corner of the site. Bringing the brick across the walkway weakens the overall material concept of the building. That appendage would be better if was in metal and related more strongly to the tower. If it must be brick, it should be a different color that aligns better with the materials on the west side of the walkway. One other note has to do with future buildings in the Pearl District. We are going through a period of construction in the Pearl all concentrated at the North end of the Pearl. Architectural fashion is currently enamored of white buildings and fenestration that dances across the façade in a “random” order. While this building is fine as designed, as new buildings go through the design review process, we urge you to make sure the North end of the Pearl has architectural variety so that it does not become a monument to the narrow style window of 2008-2018. (Pearl District Neighborhood Association, 9-5-13, Exhibit F. 3)
- A representative for the block west of Block 17 testified in person at the hearing in opposition to the ground floor window Modification request at NW 12th.

ZONING CODE APPROVAL CRITERIA

(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.

It is important to emphasize that design review goes beyond minimal design standards and is viewed as an opportunity for applicants to propose new and innovative designs. The design guidelines are not intended to be inflexible requirements. Their mission is to aid project designers in understanding the principal expectations of the city concerning urban design.

The review body conducting design review may waive individual guidelines for specific projects should they find that one or more fundamental design guidelines is not applicable to the circumstances of the particular project being reviewed.

The review body may also address aspects of a project design which are not covered in the guidelines where the review body finds that such action is necessary to better achieve the goals and objectives of design review in the Central City.

Findings: The site is designated with design overlay zoning (d). Therefore the proposal requires Design Review approval. Because the site is within the River District of the Central City Plan District the applicable approval criteria are listed in the Central City Fundamental Design Guidelines and the River District Design Guidelines.

A1 Integrate the River

A1-1 Link the River to the Community

Findings for A1, A1-1:

- While the Block 17 tower is several blocks from the Willamette River, it will have a positive impact on linking the North Pearl to the river. The elongated north-south orientation of the tower plan will provide the east and north units with views to the Willamette River, making them more connected to the River and its life. Block 17's river views will help orient residents to the nearby presence of the water and allow them to enjoy its beauty.
- As one of the most northern sites in the neighborhood, the tower will provide a visual landmark to the North Pearl District and to the adjacent edge of the Central City. This structure will be seen from the river, used as a marker of the gateway to downtown.
- Block 17 will complete an important vacant block on NW Overton, the North Pearl's only real vehicular, bike, and pedestrian connection to the river. The new tower lobby and low rise retail on NW Overton will activate this street, making it a more inviting pathway to and from the river.

These guidelines are met.

A2 Emphasize Portland Themes

A3 Respect the Portland Block Structures

Findings for A2, A3:

- As noted above, NW Overton is the only significant vehicular, bike, and pedestrian link from the North Pearl to the Willamette River. This new development turns a vacant lot, adjacent to Fields Park, into a vital and active link which strengthens Overton. The new two story residential lobby and retail at NW Overton provide an enhanced and active street edge which allows movement to and from the river through the North Pearl neighborhood.
- Block 17 plays an important role in helping enclose and define The Fields Park to the east. The tower building is placed on the west side of the site, while the low rise building along the east supplies density and activity along NW 11th Ave. This edge strengthens the boundary of the adjacent outdoor room with a visual (and in the future potentially physical) connection of The Fields Park to the Willamette River.
- NW Pettygrove will be dedicated and improved to meet the recently adopted NW Pettygrove Greenstreet standards, defining this as a typical 200'x200' Portland block.

These guidelines are met.

A3-1 Provide Convenient Pedestrian Linkages

Findings for A3-1:

- The courtyard/garden, like many in the North Pearl provides important short cuts through blocks and alternative walking paths for casual walkers. Visitors and residents enjoy walking through these gardens for their variety, quiet and calm, and people watching. The north south courtyard/garden in this project extends this pattern and continues the two block north south courtyard pattern creating visual continuity between these blocks and allowing an alternate pedestrian path. Though the courtyard in this block is elevated above Overton and Pettygrove, it has been lowered since the Design Advice Request proposal and the current design includes wide stairs as an invitation to encourage the public to use this garden as a pedestrian linkage.
- The block is bounded by NW Overton, Pettygrove, 11th and 12th, all of which will be improved to City standards, including the new Greenstreet standards at NW Pettygrove. The inclusion of multiple building entries accessing the sidewalk and active uses at the ground level, particularly by building ground level units that can be easily converted to commercial use, will enhance and enliven the pedestrian experience of an important site adjacent to a major City park, an east-west street connecting to the river, and a Greenstreet. Additionally, the green

edge and generous steps up to a promenade and seating areas will add to the variety and enjoyment at the sidewalk level of the neighborhood.
This guideline is met.

A4 Use Unifying Elements

A5 Enhance, Embellish, and Identify Areas

A5-1 Reinforce Special Areas

C4 Complement the Context of Existing Buildings

Findings for A4, A5, A5-1, C4:

- The Hoyt Master Plan identified this area surrounding the Fields Park as more contemporary than most of the Pearl District and lighter in character and architectural materials than the darker fabric of the Brewery Blocks. Different from the dense fabric of industrial or historic buildings in the central or south Pearl District, the two buildings comprising Block 17 relate to the other new and proposed projects in the North Pearl by establishing a continuity of character distinct to this area. The two buildings in this project are light in exterior color to help reinforce the goals of the Hoyt Master Plan and create greater continuity between the existing Encore and the Proposed Block 15 project. The white brick in the low rise building and the white metal panel and window system and light glass create this 'lightness' the white metal panel in the tower will recall the white panels in the Encore and the white brick in the low rise is similar to the white brick in the Encore. The light glass of the tower is achieved by a degree of reflectivity in the glass which will be similar in color and character to the glass of Block 15, even though the character of the window system is quite different. (Note: the Hoyt Master Plan was an effort taken on by the private property owners in this area and shared with the City and the Design Commission, but has no official standing in terms of land use regulations and/or approval criteria.)
- Block 17 introduces two different, yet complimentary building types and overall material palettes on the same site. Breaking down the full block development that is so characteristic of recent development is a positive improvement in terms of adding variety, light, liveliness and interest to the neighborhood. Having two distinct buildings on one block site recalls the scale and variety of development that was more common in the historic development pattern in the south Pearl. The 5 story low rise relates to the Sitka at the south, as well as the developing Parker to the north in both scale and brick clad façade. It incorporates a diversity of uses including live-work spaces, stoops, and retail with a canopy overhang. The 16 story tower closely relates to the height and scale of the Encore directly across the Fields Park, as well as using a similar window system exterior. The street level remains active with access to the main lobby, as well as resident entries and flex space entries directly from the sidewalk.
These guidelines are met.

A5-1-1 Reinforce the Identity of the Pearl District Neighborhood

Findings for A5-1-1:

- Block 17 establishes a clear and strong western edge to the Fields Park. The five-story low rise creates a consistent boundary to the park, yet an active one with work/live flex units with multiple entries at NW 11th and residential units on floors 2-5 overlooking the Park. The eyes on the park from the active east elevations and their plentiful Juliette balconies provide additional park security.
- The tower provides a clear strong edge and marker for The Fields Park.
- The parking garage and service entrances are all along NW 12th Ave; away from the park face and NW Pettygrove – a Greenstreet.
This guideline is met.

A5-3 Incorporate Water Features

Findings for A5-3:

- Within the courtyard between the two building lobbies, a gathering space is designed which incorporates fixed and movable seating. The central unique water feature acts as a point of triangulation, encouraging conversation and focus around a shared public element. The

natural stone structure pumps water to the top surface which then washes down all sides, emulating the continuous flow of the River. This water feature will be directly accessed from the corner of NW 11th and Overton via a gradual ramped plaza area or mid-block from Overton via a set of steps up.

- The Pettygrove sidewalk incorporates pervious pavers and stormwater flow through planters; design is based on the Pettygrove Green Street stormwater management requirements. This guideline is met.

A7 Establish & Maintain a Sense of Urban Enclosure

A8 Contribute to the Cityscape, Stage and the Action

A8-1 Design Fences, Walls and Gateways to be Seen Over

Findings for A7, A8, A8-1:

- The work/live flex units along NW 11th Ave are elevated above the sidewalk level to provide a subtle sense of privacy for the raised stoops associated with these units. The raised porch is low enough to make the porch inviting for work or retail uses and high enough to define it as distinct from the public sidewalk and encourage residential use of the porch overlooking the sidewalk.
- Each raised stoop is defined by a raised concrete planter for visual privacy and an at grade planter adjacent to the sidewalk. These raised planters enhance the pedestrian scale and variety as well as providing privacy to the stoops and units.
- Both the NW Pettygrove and Overton street frontages include multiple entries into units, retail and/or the promenade to “contribute to the cityscape, stage and the action”. These guidelines are met.

A9 Strengthen Gateways

A9-1 Provide a Distinct Sense of Entry and Exit

Findings for A9, A9-1:

- Block 17 does help form the gateway to NW Pettygrove – the Greenstreet linking the Fields Park and Chapman Park to the west. To help reinforce this gateway, the low rise building has two north facing residential units open to Pettygrove with small stairs up to porches that overlook Pettygrove. These units and their porches and large windows overlooking Pettygrove help create the landscape rich character of the green street and assure activity at the entrance or gateway to the street from the Fields.
- The two story work/live units north of the tower are built to the property line to create a strong and active edge to the street in this important first block of the green street.
- Between the east and west units on Pettygrove the project provides a series of stepped planters to extend the landscape rich character of the green street along its south edge. These guidelines are met.

B1 Reinforce and Enhance the Pedestrian System

B1-1 Provide Human Scale to Buildings along Walkways

B2 Protect the Pedestrian

B4 Provide Stopping & Viewing Places

B6 Develop Weather Protection

C8 Differentiate the Sidewalk-Level of Buildings

C7 Design Corners that Build Active Intersections

C9 Develop Flexible Sidewalk-Level Spaces

C12 Integrate Exterior Lighting

Findings for B1, B1-1, B2, B4, B6, C8, C7, C9, C12:

- The retail space positioned at the south edge of the low rise along NW Overton provides a location for outdoor seating, activating the south edge and presence on the park. The signage will be integrated with the canopy overhang, as well as lighting for the exterior space.
- Similarly to the retail, the flex unit stoops along NW 11th are set back on the site to supply private outdoor space for the tenants while visually activating the urban edge. The porches are high enough to provide a sense of privacy and a place for residential furniture, but low enough

to be inviting if the units are work or retail. The flex units have extensive window area overlooking the sidewalk and the Fields Park.

- The flex unit on NW 12th has an entrance and porch between the unit and the street. The large windows, porch and adjacent landscape add to the pedestrian experience at this street.
 - The two flex units on NW Pettygrove are built to the property line and have entrances and large windows allowing views into and from the units.
 - The two residential units facing Pettygrove have large windows overlooking the street as well as porches, landscape areas and stairs to the street to activate the pedestrian experience.
 - On the upper floors of the low rise, Juliet balconies are provided which articulate the façade. The integration breaks up repetitive glazing elements and provides larger openings for visual connection. When open, residents and ground level activity both benefit from the potential interaction with the street.
 - The tower Lobby on Overton has extensive two story windows, a canopy and increased pedestrian activity to the Lobby and associated Rental Office to enhance pedestrian activity.
 - The northern and southern ends of the courtyard have generous stairs, raised planters with built in seats and extensive planting to increase the pedestrian experience and invite pedestrians into the courtyard.
 - Most of the parking garage is below grade; where it daylight above grade the north and south edges (at the corners of NW 12th and Overton and NW 12th and Pettygrove) are wrapped in active uses.
 - All entries are provided with generous cover, including a continuous canopy overhead the SE corner retail.
 - The lighting design is integrated architecturally and comprehensive in its ability to provide safety and interest to the pedestrian.
- These guidelines are met.

B5 Make Plazas, Parks & Open Space Successful

B5-1 Recognize the Roles of the Tanner Creek Parks

C6 Develop Transitions between Buildings and Public Spaces

Findings for B5, B5-1, C6:

- The eastern building edge of Block 17 includes work/live flex units at the ground floor, a residential lobby and a retail space connecting to the Fields Park at the east. The flex units have raised porches to encourage outdoor living. The floors above include residential units of various types and sizes. All these uses provide extensive eyes on the street and eyes on the park, as well as active ground floor uses.
 - The outdoor space at the southeast corner will be a desirable location for a commercial use like a restaurant or coffee shop that can spill out onto the plaza, given the proximity to Fields Park at one of its main entries at NW 11th and Overton.
 - The east face of this project includes a significant amount of landscape, which is a soft backdrop and successful transition to the park across the street.
- These guidelines are met.

B7 Integrate Barrier-Free Design

Findings for B7:

- From a straight Code perspective, both the existing and accessibility requirements of the project are met with the current design.
- Staff and the Commission questioned the promenade's design, which begins with a ramp at NW Overton, but ends with a stair at NW Pettygrove. The applicant did study options to making the promenade accessible from one end to the other. Ramping at the north end would have eliminated the north-facing unit terraces or impacted the large planted areas. Overall, however, the project provides equal access to all other parts of the project. If the two north-facing units at the low-rise ground level were flex spaces, Commission would not be opposed to ramping down to NW Pettygrove. Currently, the promenade can be enjoyed by all, but does necessitate the accessible path to be a turn-around back to Overton, rather than through to Pettygrove. Because of the more private adjacent uses at the promenade and because of a

Condition of Approval that requires a place of respite at the north end of the promenade for those that do travel the full length of the promenade, this guideline was found to be met. This guideline is met.

C1 Enhance View Opportunities

C1-1 Increase River View Opportunities

Findings for C1, C1-1:

- Due to the north-south orientation of the tower bar, a high percentage of the units at Block 17 are given opportunity for river views. The park to the east will remain as an open view corridor, connecting the residents to the river landscape.
 - The 16th floor roof terrace, available to all Block 17 residents, is situated to face the river, framing views down NW Overton and to the north beyond The Fields Park. This common area is designed to provide a small gathering place which will allow people to enjoy the view from the exterior, strengthening the connection to the river.
- These guidelines are met.

C2 Promote Quality and Permanence in Development

C5 Design for Coherency

Findings: for C2, C5:

- Two north-south residential bars provide a strong edge to The Fields Park. The 5-story low rise along the park edge provides a residential scale and reduces shading on the Park. The tower to the west complies with the fundamental zoning requirements; working within the site's height restrictions while providing a strong secondary edge and scale to the park.
 - A landscaped courtyard/garden between the low rise and high rise buildings supplies residents with shared amenities. The courtyard, like many in the North Pearl, is open to the adjacent streets at NW Overton and Pettygrove allowing views and access into and through the site. Due to the unique slope on this block, the Courtyard is slightly elevated from the adjacent streets. Gracious wide stairs and ramps provide options to access this public space from the north and south sides of the block. A Condition of Approval requires a place of respite at the north end of the promenade if someone traveling through needs to or wants to turn around and go back to NW Overton.
 - The two buildings on site are constructed using different building systems and clad in distinctly separate materials, although both aspire to work together to create a unified project. Both structures have exterior cladding that is high quality material and light in color, consistent with Hoyt's Master Plan for this precinct. Light colored brick wraps the low rise, while the tower rises in a glass and white metal panel unitized window system and smaller sections of dark curtainwall. Each building works to create a strong and simple character, using few well detailed materials.
 - The high-quality materials and details are evident – cast stone base and sills, brick, glass, metal, and integrated vents.
 - The subtle design shifts present a simple and also complex project - a darker curtainwall system at the base and recessed areas of the tower, purposeful shifts in window patterning, differing heights at the 3 volumes of the tower, and shifts in brick coursing.
- The intent for a high quality project is evident in the drawings provided; these guidelines are met.

C3-1 Integrate Parking

C9-1 Reduce the Impact of Residential Unit Garages on Pedestrians

Findings for C3-1, C9-1:

- Block 17 integrates all on-site parking below grade of the adjacent Fields Park. Because of the 10' site slope down to the west, the first level of parking is exposed along NW 12th Ave where it daylight at the street level.
- Most of the parking garage is below grade; where it daylight above grade the north and south edges are wrapped in active uses. At the north, two flex units open to Pettygrove and screen the

garage from this important street. At the south, the tower Lobby and Rental Office open to Overton and screen the garage from this busy main street.

- The parking garage entrance is located at 12th Ave, along with other essential service functions such as the generator room and garage exhaust rooms. Since all these have been removed from more active streets there is no other location for these other than along 12th Ave. This street has an established pattern as a quieter street which houses other service functions on existing buildings to the south. In Block 17 these service functions are screened with a 5' setback and L2 landscaping. The architecture of the building continues the tower cladding to the ground to maintain the continuity and higher quality materials as a back drop for the landscape screening. At the hearing, the proposal included framed high-quality metal louvers and spandrel glass within some of the ground level sections of tower cladding to screen the service functions. The Commission adopted a Condition of Approval to improve those areas proposed for louvers, by requiring either metal Art panels, a sturdy greenscreen or mesh (that matches the garage doors) within the frames proposed for the metal louvers.
- Entry to the parking garage for both buildings is accessed from NW 12th Ave. The parking doors will be clad in a high-quality metal mesh, matching the adjacent architectural cladding to integrate the doors into the west elevation.
- In the small areas where the garage is above Pettygrove and Overton, terraced landscaped planters line the north and south faces.
- Since the only visibility into the garage is through the entrance itself, neither car headlights nor interior lighting will be directly visible or identifiable from the outside. These guidelines are met.

C11 Integrate Roofs & Use Roof Tops

Findings for C11:

- The tower roof provides a substantial gathering area for residents of both buildings.
- A screen wall around the tower's mechanical needs is integrated into the overall composition of the tower and helps to screen unsightly equipment.
- The roof of the low-rise is simple in that mechanical is within an enclosure and minimal vents are organized and below the parapet. Commission noted, though, that the roof should be well-mannered and disappear. Given the high visibility of this roof, Commission adopted a Condition of Approval requiring an ecoroof around the central space delineated on the roof plan.

This guideline is met.

C13 Integrate Signs

(Note: The signs proposed are not subject to Design Review as they are each 32 SF or less in area, 33.420.041 F. However, staff comment is made here since the designs were shared in this application. The sign design concept shared shows an intent for the signs to be cohesive in their locations, sizes and materials – a goal desired in all Design Review applications.)

This guideline does not apply 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.

The following five modifications are requested.

1. **Ground Floor Windows** 33.130.230. This standard requires windows into active areas of the building for at least 50% of the building's wall length and 25% of the building's ground level wall area. The proposed building does not meet this standard at NW 12th Avenue. The NW 12th Avenue ground level only includes windows for 35% of the building wall length.

Purpose Statement: In the EX zone, 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 areas;*
- *Encourage continuity of retail and service uses;*
- *Encourage surveillance opportunities by restricting fortress-like facades at street level; and*
- *Avoid a monotonous pedestrian environment.*

Findings: In order to maintain activity along the park edge at NW 11th (better meeting Guidelines B5 and B5-1), as well as at the two intersecting streets that provide important circulation access routes, the parking entry and services were placed at NW 12th Ave. To activate this sidewalk, the leasing office is located to the south and one flex unit with its front door is located on the opposite corner to the north (better meeting Guideline C7). An additional flex unit with access from Pettygrove also looks onto NW 12th Ave. The amount of glazing provided at these locations exceeds the requirement for window area at the ground level. Between the two active corners, the window wall system continues to the ground level, providing modulation and small scale pattern along the more solid exterior (better meeting Guideline C5). This continuous façade system of spandrel glass panels and louvers creates project continuity at a human scale. Lining the building edge between NW Overton and NW Pettygrove are L2 landscaped planters which buffer louvered components. The 5' building setback as well as the additional 18" of allowable planting strip creates a generously deep zone of rich landscape to activate a green edge at the building face. Overall, when considering all 4 street frontages, the project is consistent with the stated purposes of the standard, as listed above. Because the active spaces are appropriately consolidated at the corners, the space in between is significantly lacking in ground level windows, though. Due to the resulting extent of "blank wall" for the central portion of NW 12th, a Condition of Approval will require either metal Art panels, a sturdy greenscreen, or mesh (that matches the garage doors), in lieu of louvers at the ground level sections of tower cladding at NW 12th.

These criteria have been met.

2. **Stacked Parking** 33.266.100. This standard requires an attendant to be present to move vehicles when stacked parking is proposed. The project includes some stacked parking, but will not include an attendant for daily operations.

Purpose Statement: The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians.

Findings: All parking proposed is for private use by the residents and will be assigned by the building management. Parking spaces that are stacked together will be assigned to the same individual, avoiding operational challenges. The proposal meets the approval criteria because

it maintains safety and includes an efficient use of service space to allow more room for active uses at the ground level.

These criteria have been met.

3. **Size of Vehicle Spaces** 33.266.130. This standard requires 90-degree parking stalls to be at least 16' long and 8.5' wide. 60 of the 210 spaces proposed are 16' long, but only 7.5' wide.

Purpose Statement: The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians.

Findings: It is not expected that the narrower stalls would have any negative effect on the operation of the private driveway, which opens onto the public street system. An aisle width of 20'-0" is provided for ease of access to these spaces. Additionally, the spaces will be assigned resulting in drivers who will be familiar with the slight maneuvering challenges of narrower spaces. The proposal meets the approval criteria because it maintains safety and includes an efficient use of service space to allow more room for active uses at the ground level.

These criteria have been met.

4. **Bike Parking** 33.266.220. This standard requires bike parking spaces to be 2' wide x 6' long. The proposal is required to provide 422 long-term residential spaces. Of the 434 long-term spaces provided, 138 do not meet the minimum dimensions of 2' x 6'. Those 138 spaces are wall mounted spaces. The vertical rack system for those 138 spaces only provides spaces at 18" on center, with a 6" vertical stagger.

Purpose Statement: These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

Findings: The application has been revised several times in response to issues raised about this Modification request. The latest proposal presented to the Design Commission is for 434 residential long-term bike spaces (12 more than required by the Zoning Code). All residential units will have a space within the unit, with 185 floor spaces and 95 wall-mounted that meet the 2' x 6' minimum dimensions. This means all units will have at least one convenient bike parking space that is consistent with the purpose statement, meeting the goals of security, convenience and safeguarding.

The remaining 154 spaces are also secure and convenient, provided in alcoved bike parking rooms within the secure parking garage. A wall-mounted staggered bike parking system will be installed which allows residents to vertically hang and lock their bicycles, with 6" staggered clearances to adjacent bikes. The specified bike rack system staggers frames vertically at only 18" on center. It is this narrower 18" dimension that raised concern in public testimony. The Commission discussed this dimensional deficiency at length given this was the first request of its kind. The 18" on center separation may be a narrower dimension, but the stagger and allowance for sliding hangers will help assist hanging/locking a bike. Additionally, the loops to which the bikes are hung project out of the wall 27" to further ease hanging/locking a bike. A 5'-0" minimum aisle is still provided behind each bicycle rack. For all of these reasons, and the fact that the project proposes more bike parking than required, it was felt the purpose statement is satisfied. A note was also made by the Commission that the Zoning Code does not yet establish a distinction between minimum dimensions for wall hanging spaces vs. floor mounted spaces.

To better meet design guidelines, a functional and space efficient system that meets the purpose of the standard alleviates floor plan demands, which in turn results in active uses at the street, like commercial use, lobbies, and residential units.

These criteria have been met.

5. **Loading Clearance** 33.266.310 D. This standard requires 2 loading stalls that are at least 18' long, 9' wide and 10' clear. The 2 spaces proposed are 18' long and 9' wide, but only 8'-4" clear.

Purpose Statement: A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. 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.

Findings: The minimum parking garage clear height is 7'-0", which is adequate for resident vehicles. The loading spaces are greater at 8'-4" high to allow larger vehicles access during the move process. The location chosen is within the parking garage, directly adjacent to the lobby and elevator. These spaces do not take away from the total parking count of the building and are reserved to be available for resident loading use. Building service and maintenance vehicles which choose not to park along the adjacent street at NW 12th Ave can also access the two loading spaces. Service to the retail space at the south end of the low rise is expected to be at the curb along NW Overton. Service will either be at metered spaces or in a designated loading zone. This is typical throughout the Pearl District. Due to the smaller footprint of the residential units – 800sf average – large moving trucks are uncommonly used for tenant belongings. If large truck access was needed, several metered spots are able to be reserved along an adjacent street, including NW 12th. The proposal meets the approval criteria because it maintains safety and includes an efficient use of service space to allow more room for active uses at the ground level.

These criteria have been 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 project is authentic and honest in its design. The material palette is simple and of a high quality. The buildings are straightforward, but incorporate subtle details and shifts for an interesting ensemble. The landscape is an integral part of the project, not just in the promenade, but around the perimeter and establishes a strong connection to the Pettygrove Greenstreet and Fields Park.

The project has greatly improved since the Design Advice Request with regard to ground level engagement and activity, as evidenced in C.20-C.23.

The intent for a high quality project is evident in the drawings and samples provided by the applicant.

DESIGN COMMISSION DECISION

Approval of Design Review for a new mixed-use building in the River District of the Central City Plan District. Housed in a high and a low-rise structure, Block 17 will supply 281 rental apartment units. 210 parking spaces are provided in a two level below grade parking structure. The five-story low rise building along NW 11th Ave incorporates 5 flex units, 58 residential units as well as a small retail and lobby at the ground level, oriented to NW Overton to the south. Toward the west of the site along NW 12th Ave, a 16-story tower at approximately 178 feet tall houses 3 flex spaces and 215 apartment units. Between the two buildings is a through-block courtyard, allowing the units maximum daylight potential and providing private and shared outdoor space for the residents.

Approval of five Modifications to required Zoning Code standards.

1. **Ground Floor Windows** 33.130.230. This standard requires windows into active areas of the building for at least 50% of the building's wall length and 25% of the building's ground level wall area. The proposed building does not meet this standard at NW 12th Avenue. The NW 12th Avenue ground level only includes windows for 35% of the building wall length.
2. **Stacked Parking** 33.266.100. This standard requires an attendant to be present to move vehicles when stacked parking is proposed. The project includes some stacked parking, but will not include an attendant for daily operations.
3. **Size of Vehicle Spaces** 33.266.130. This standard requires 90-degree parking stalls to be at least 16' long and 8.5' wide. 60 of the 210 spaces proposed are 16' long, but only 7.5' wide.
4. **Bike Parking** 33.266.220. This standard requires bike parking spaces to be 2' wide x 6' long. The proposal is required to provide 422 long-term residential spaces. Of the 434 long-term spaces provided, 138 do not meet the minimum dimensions of 2' x 6'. Those 138 spaces are wall mounted spaces. The vertical rack system for those 138 spaces only provides spaces at 18" on center, with a 6" vertical stagger.
5. **Loading Clearance** 33.266.310 D. This standard requires 2 loading stalls that are at least 18' long, 9' wide and 10' clear. The 2 spaces proposed are 18' long and 9' wide, but only 8'-4" clear.

Approvals per Exhibits C.1-C-107, signed, stamped, and dated September 6, 2013, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (A – E) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 13-178392 DZM. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. No field changes allowed.
- C. In lieu of louvers, the ground level sections of tower cladding at NW 12th that include framed louvers must be revised to include either metal Art panels, a sturdy greenscreen, or mesh (that matches the garage doors).
- D. The roof of the low rise building must include an ecoroof around the central space delineated on the roof plan.
- E. A place of respite at the north end of the promenade must be included.

=====


By: _____
Guenevere Millius, Design Commission Chair

Application Filed: July 11, 2013
Decision Filed: September 6, 2013

Decision Rendered: September 5, 2013
Decision Mailed: September 17, 2013

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on July 11, 2013, and was determined to be complete on August 1, 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 July 11, 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 waived the 120-day review period, as stated with Exhibit G.4.

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. This report is the final decision of the Design Commission with input from other City and public agencies.

Conditions of Approval. This approval 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.

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. **Appeals must be filed by 4:30 pm on October 1, 2013** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor in the Development Services Center until 3 p.m. After 3 p.m. and on Monday, appeals must be submitted to the receptionist at the front desk on the fifth floor. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case by appointment at, 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201.

If this decision is appealed, a hearing will be scheduled and you will be notified of the date and time of the hearing. The decision of City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

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, one in which new evidence can be submitted to City Council.

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified 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 \$5,000.00 will be charged.**

Neighborhood associations may qualify for a waiver of the appeal fee. 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. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

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.

- *Unless appealed*, The final decision may be recorded on or after **October 2, 2013**.
- 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.

Kara Fioravanti
September 10, 2013

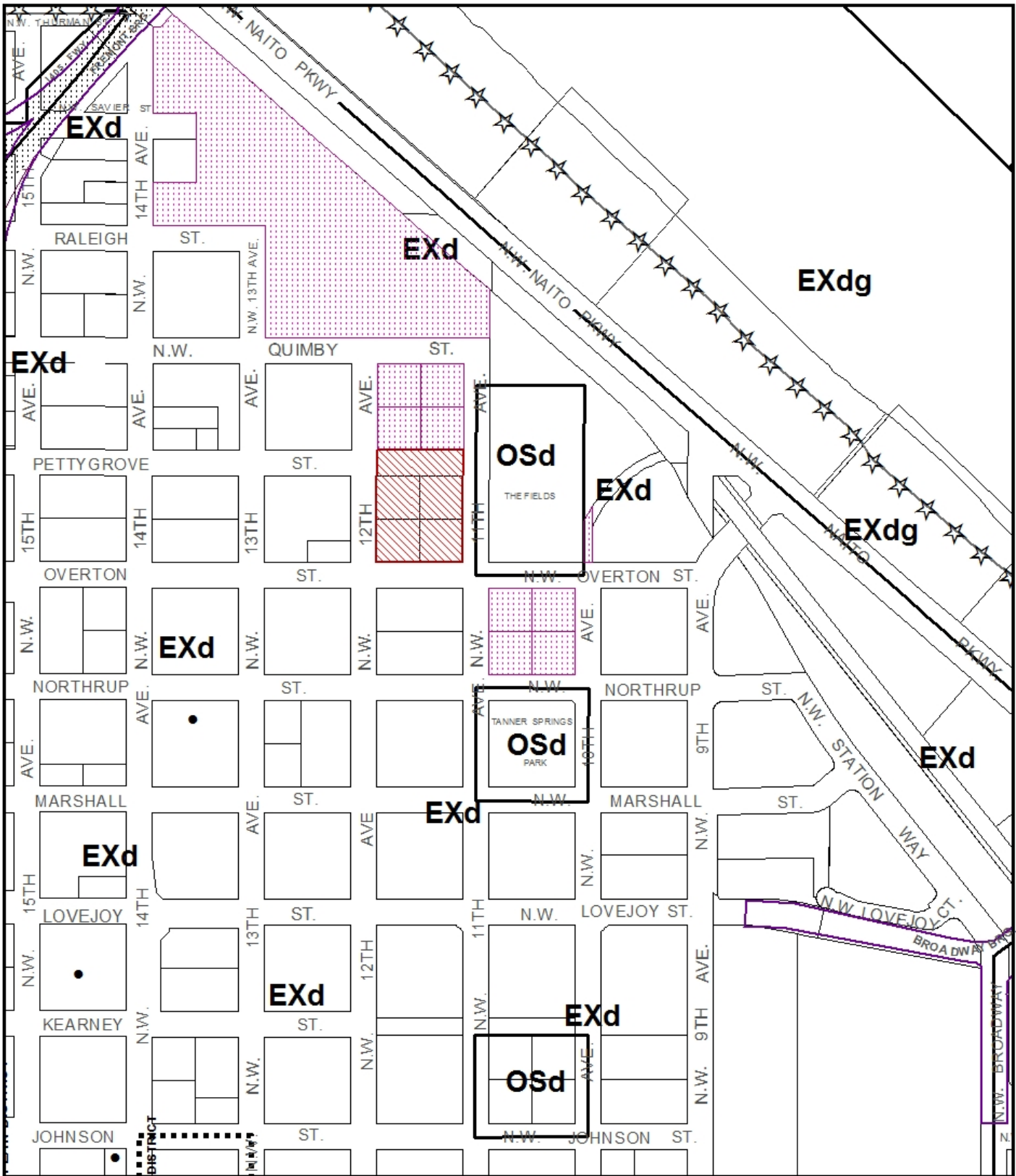
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 1. Original narrative
 2. Original drawings
 3. Draft narrative
 4. Draft drawings
- B. Zoning Map (attached)
- C. Plan & Drawings
 - 1.-107. (C.25 site plan and C.31 south elevation attached)
- D. Notification information:
 1. Request for response
 2. Posting letter sent to applicant
 3. Notice to be posted
 4. Applicant's statement certifying posting
 - 5.a.Mailed notice, long version
 - 5.b.Mailed notice, short version
 - 6.a.Mailing list, long version
 - 6.b.Mailing list, short version
- E. Agency Responses:
 1. Bureau of Environmental Services
 - 2.a.Bureau of Transportation Engineering and Development Review
 - 2.b.Bureau of Transportation Bicycle Coordinator, letter 9-3-13
 - 2.c.Bureau of Transportation Bicycle Coordinator, email 9-4-13
 3. Water Bureau
 4. Fire Bureau
 5. Bureau of Parks, Forestry Division
 6. Site Development Review Section of BDS
 7. Life Safety Review Section of BDS
- F. Letters
 1. Chris Smith, 8-20-13, opposed to bike parking Modification
 2. Gerik Kransky, 8-21-13, opposed to bike parking Modification
 3. Pearl District Neighborhood Association, 9-5-13, support for project
 4. Chris Smith, 9-5-13, PowerPoint presentation presented at 9-5-13 hearing
- G. Other
 1. Original LUR Application
 2. Pre-application Summary memo (12-217936 PC)
 3. Design Advice Request Summary notes for Block 17 (13-106862 DA)
 4. Waiver of the 120-day review period
 5. Design Advice Request Summary notes for Hoyt Street Master Plan (LU 06-103275 DA)

6. Memo to Commission, 8-27-13
7. Staff Report and Recommendation to the Design Commission
8. Staff presentation to Commission, 9-5-13
9. Staff notes from Commission hearing, 9-5-13

cc: Applicants and Representatives
Neighborhood Associations
Those who testified, orally or in writing



ZONING

-  Site
-  Also Owned
-  Historic Landmark



This site lies within the:
CENTRAL CITY PLAN DISTRICT
RIVER DISTRICT
NORTH PEARL SUBAREA

File No.	<u>LU 13-178392 DZM</u>
1/4 Section	<u>2928</u>
Scale	<u>1 inch = 300 feet</u>
State_Id	<u>1N1E34BB 2632</u>
Exhibit	<u>B (Jul 12, 2013)</u>

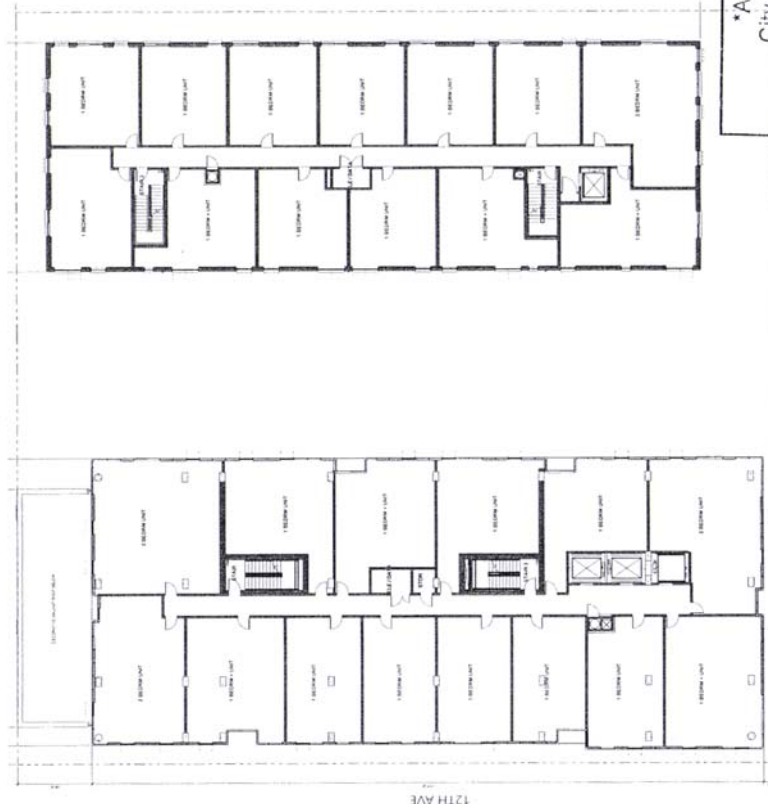
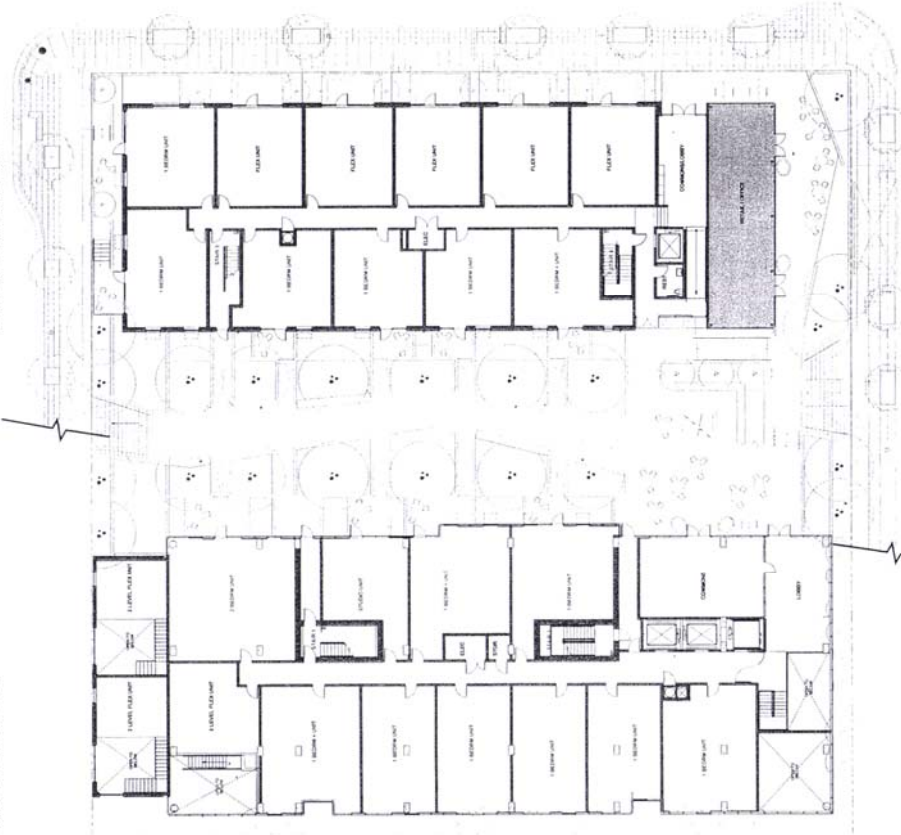
BLOCK 17
boora

Level 01 Tower Plan

Level 01 Low-Rise Plan

Level 02 (Typ. Even Floor Through Level 14) Tower Plan

Level 02 Low-Rise Plan



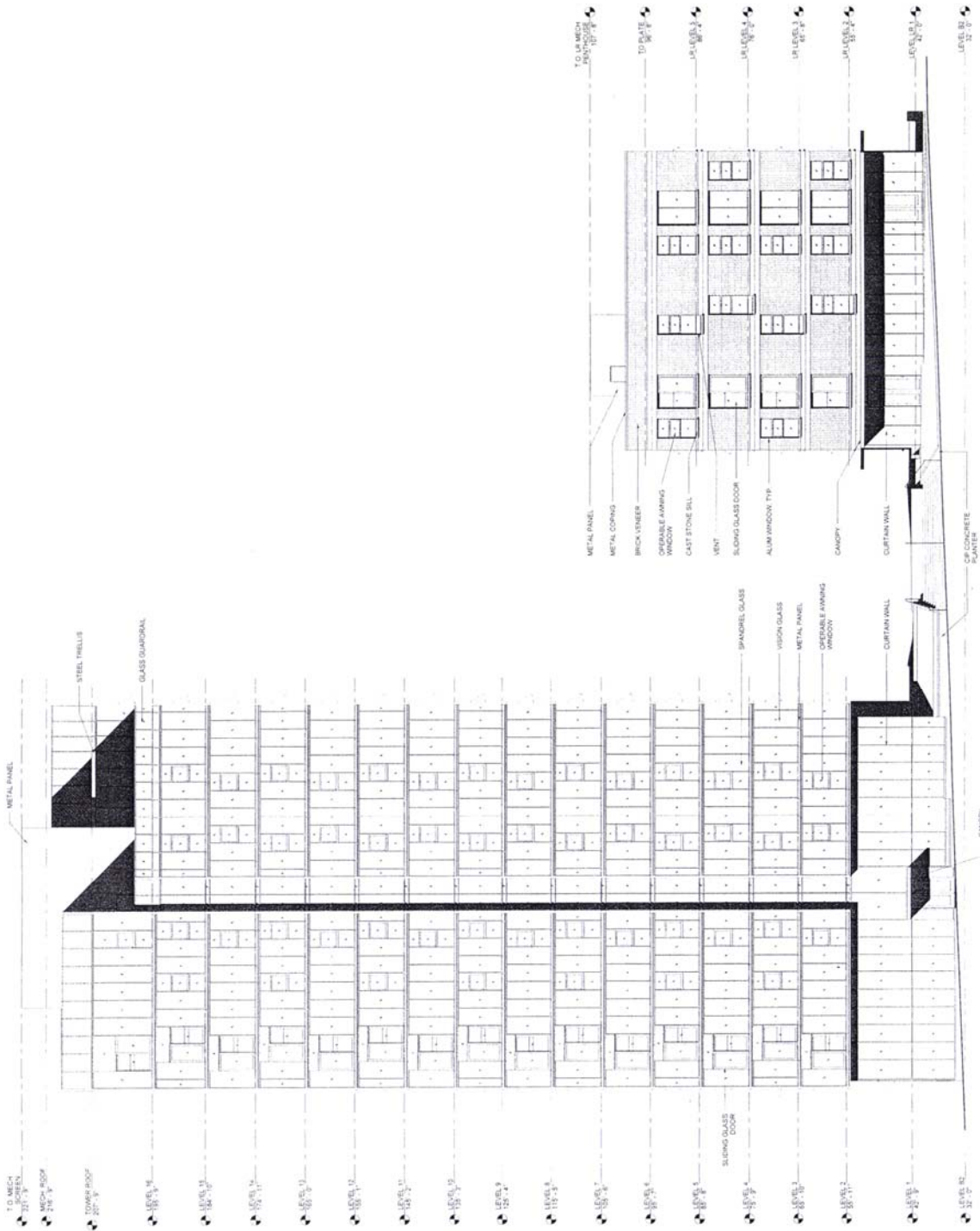
Approved
City of Portland
Bureau of Development Services
Planner _____
Date 9.6.13
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Scale: 1/32" = 1' 0"

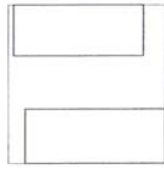
FILE # LU 13-178992-D2M-AD
September 5, 2013

Residential
Lobby/Common
Retail
Service/Storage, Typ.
Future Flex Units
Outdoor Landscape

BLOCK 17
boora



Approved
City of Portland
Bureau of Development Services
Planner _____
Date 9.6.13
*This approval applies only to the
revisions requested and is subject to all
conditions of approval.
Additional zoning requirements may apply.



Key Plan

Scale 3/64" = 1' 0"

FILE # LU 13-178392-D2M-AD
September 5, 2013