



STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION

CASE FILE: LU 14-230014 DZM AD
PC # 14-134111
Block 136
REVIEW BY: Design Commission
WHEN: December 18, 2014
WHERE: 1900 SW Fourth Ave., Room 2500A
Portland, OR 97201

Bureau of Development Services Staff: Jeffrey Mitchem 503-823-7011 /
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GENERAL INFORMATION

Applicant/Owner: Michael Nanney | Security Properties
701 Fifth Ave, Suite 5700 | Seattle, WA 98101
SP Pearl LLC | 1201 Third Ave #5400 | Seattle, Wa 98101

Representatives: Heidi Oien | Mithun
1201 Alaskan Way, Ste. 200 | Seattle, WA 98101
Karen Karlsson | KLK Consulting, LLC
906 NW 23rd Ave | Portland, OR 97210

Site Address: 1241 NW JOHNSON ST

Legal Description: BLOCK 136 LOT 1-8, COUCHS ADD
Tax Account No.: R180211770
State ID No.: 1N1E33AD 01600
Quarter Section: 2928

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.

Plan District: Central City - River District

Zoning: EXd, Central Employment with Design Overlay

Case Type: DZM AD, Design Review with Modifications (3) and an Adjustment (1)

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

Proposal:

A new full-block mixed-use project in the Central City Plan District's River sub-District. The project includes 2 north-south oriented bar buildings with a courtyard between.

BLD #1: NW 13th Avenue Brick Building

- 5 stories
- Maximum Allowed Height of 120', the proposed building reaches 76'-1"
 - 75' base height
 - 45' General Height Bonus (33.510.210.D.). Maximum available for 3:1 FAR – 45'.
- Approximately 15,000 square feet of retail at ground level
- Approximately 60,000 square feet of office at levels 2-5.
- Rooftop program includes roof terrace, elevator/stair overrun, mechanical enclosure and eco roof.
- An at-grade loading space will be located within the public right-of-way on the east side of NW 13th Ave immediately north of the intersection with NW Johnson St
- 13th Ave dock within the right-of-way, as allowed by the River District ROW standards – approximate dimensions: 124' long, 12'-16' deep, 3' – 4'-9" high. Single ADA ramp oriented north to NW Johnson St.
- Courtyard dock – approximate dimensions: 124' long, 8'-14' deep, 3' – 4'-9" high

BLD #2: NW 12th Avenue Tower Building

- 15 stories
- Maximum Allowed Height of 150', the proposed building reaches 148'-4"
 - 75' base height
 - 75' height bonuses
 - 45' General Height Bonus (33.510.210.D.). Maximum available for 3:1 FAR – 45'.
 - 30' Bonus Height Option for Housing (33.510.210.E.). Maximum available for housing – 75'.
 - If both bonus options are used, combined bonus height may not exceed 75'.
- Approximately 208 residential flats
- Total number of parking spaces proposed is 211 spaces in two levels of underground parking
- Parking and loading will be accessed from NW 12th Avenue

Site FAR

- Maximum FAR allowed for the site is 7:1, the proposed buildings combined reach approximately 6:1.
 - 4:1 base FAR (Map 510-2)
 - 3:1 FAR Residential Bonus (33.510.210.C.1.a(1)). For each square foot of housing, a bonus of 1 square foot of floor area is earned (max 3:1).

One (1) Adjustment is required for *Quantity of Loading* (33.266.310.C.) Two (2) Standard A loading spaces are required. The applicant is proposing one (1) Standard A loading space on site within the 12th Ave apartment building. See Modification #1 for the size of this loading space.

Three (3) Modifications are required for

1. **Rooftop Access & Mechanical (33.140.210.B.2.)** All rooftop mechanical equipment and enclosures of stairwells that provide rooftop access must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Rooftop elevator mechanical equipment may extend up to 16 feet above the

height limit. Stairwell enclosures, and other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit. **12th Ave Building** – The rooftop mechanical enclosure is set back 13'-2" from the roof edge abutting 12th Ave and 8'-0" from the roof edge facing the courtyard. One piece of mechanical equipment is in excess of 10 feet tall (a make-up air unit at 13 feet tall.) And, the cumulative area of roof enclosures 10' above the height limit – exceeds the 10% of roof area limit. Total coverage for this building is 18.8%.

2. Size of Loading Spaces (33.266.310.D.a.) A Standard A loading space must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet. The proposed loading space within the footprint of the 12th Ave NW apartment building (with access from NW 12th Ave) is 35 feet long x 11 feet 5 inches wide (except at doorway which is 10 feet wide). The height of the space, however, varies. A majority of the space (28 feet of it) is 19 feet 6 inches high with the remaining portion varying from 11 feet (at doorway) to 12 feet outside the doorway.

3. Modification Request #2: Bike Parking Space Dimension (33.266.220.C.3.b.) A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components. The project proposes staggered vertical storage, dimensioned at 18" x 6' with a 5' walk aisle.

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
- 33.510.210 E.4. Bonus Height Option for Housing
- Central City Fundamental Design Guidelines
- Adjustment Criteria (33.805.040) & Modification Criteria (33.825.040)

ANALYSIS

Site and Vicinity: The subject property is full 40,000 square-foot block, located in the River District, bound by NW 13th and NW 12th Avenues and by NW Johnson and NW Kearney Streets. Presently under the ownership of SP Pearl LLC, the property supports one single-storey 38,000 square-foot structure occupied by the Pacific Northwest College of Art. The building will be demolished to make way for the proposed project.

Over the past several years, the character of the neighborhood has significantly changed, providing increased opportunities for a variety of residential, diversified commercial/retail, and open space development. Starting at the north and rotating clockwise, immediately adjacent developments include the two-story Rivertech Building (office/retail), the 5-story Kearney Plaza, the 6-story Riverstone, the Johnson Street Townhomes, the Armco Building (Downtown Self Storage), 24 Hour Fitness, the Stagecraft Building (Nossa Familia Coffee, PNCA Studios), and Lovejoy Square (retail/office).

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

- NW 13th Ave is designated a City Walkway;
- NW 12th Ave, NW Johnson St and Kearney St designated as Local Service Walkways; and,
- NW Johnson St is also designated as a City Bikeway.

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

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

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

Land Use History: City records indicate the following land use reviews for this site:

- EA 14-134106 – Pre-application conference for the proposed project (Exhibit G-2);
- EA 14-134111 – Design Advice Request for the proposed project (Exhibit G-3);
- LU 14-217898 – Withdrawn;
- LUR 01-00379 DZ – Addition of three entry awnings;
- LUR 95-00301 DZ – Removal of overhead door and infill a 20'x60' wall and door void;
- LUR 97-01095 DZ– Interior tenant improvements;

Agency Review: A “Request for Response” was mailed October 16, 2014. The following Bureaus have responded with no issue or concerns:

The **Life Safety Plans Examiner** responded with preliminary Building Codes information that could affect the Land Use Review and/or future Building Permit reviews. Please see **Exhibit E-1** for additional details.

The **Site Development Section of BDS** responded with general comments related to permitting requirements. Please see **Exhibit E-2** for additional details.

The **Fire Bureau** responded with the following comment: A separate building permit is required for this proposal. All applicable Fire Code requirements shall apply at the time of permit review and development. Please contact the Fire Marshal's Office with any specific questions. Please see **Exhibit E-3** for additional details.

The **Bureau of Environmental Services** responded with the following comment: BES takes no exception to approval of this Design Review application. The proposed development will be subject to BES standards and requirements during the permit review process. Please see **Exhibit E-4** for additional details.

The **Bureau of Parks-Forestry Division** responded with general comments related to street trees. Please see **Exhibit E-5** for additional details.

The **Portland Bureau of Transportation** responded with general comments related to encroachment permitting for the loading dock on NW 13th Ave and the vaulted garage under NW Johnson St, and queuing analysis for the garage entrance.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 28, 2014. *No written comments have been received at the time of this staff report.*

Project History: The project was presented to the Design Commission for three Design Advice Requests – May 15, June 5 and July 24, 2014. The feedback provided by the Commissioners is contained in Exhibit G.3 and summarized in the attached memorandum.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

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

Section 33.825.055 Design Review Approval Criteria

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

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

River District Design Guidelines and Central City Fundamental Design Guidelines

The River District is planned to become a place that is remarkable within the region. The area is intended to grow rich with special and diverse qualities that are, or will become characteristic of Portland. Further, the River District will accommodate a significant portion of the region's population growth. The plan calls for the creation of a new community of dense neighborhoods, housing a resident population of over 15,000 people, and providing jobs, services, and recreation to this population and others. This area is intended to emphasize the joy of the river, connections to it, and create a sense of community. The goals frame the urban design direction for Central City and River District development.

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

River District Design Goals

1. Extend the river into the community to develop a functional and symbolic

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

Central City Plan Design Goals

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

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

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

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

- a. Organizing land areas, and groupings of buildings to visually define the river’s linkage to the community;
- b. Focusing and articulating roadways and pedestrian ways to emphasize the river.
- c. Developing projects that celebrate the river, and contribute to creating centers of interest and activity that focuses on the Willamette; or
- d. Connecting the internal areas of the District to the Willamette Greenway Trail.

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

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.

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.

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

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

- a. Designing and locating development projects to visually link their views to the river and /or waterways.
- b. Providing public stopping and viewing places which take advantage of views River District activities and features; or
- c. Designing and orienting open space and landscape areas to emphasize views of the river and waterways.

Findings for A1, A1-1, A2, A3-1, B1, C1, and C1-1:

Conceptually, the project (Heartwood + Seedling) relates to Portland themes in two ways: 'Heartwood' for lumber industry and 'Seedling' for Portland's natural setting and forested past. The courtyard's log-jam concept relates to Portland's history in the timber industry, and the NW 13th Ave Building's roof terrace uses a wood grain theme. Stormwater planters incorporated into the courtyard highlight the rain and natural environment unique to Portland and the Northwest.

The proposed two-Building development will support and enhance pedestrian activity within the public right-of-way. The ground floors of both buildings include a variety of public space-activating uses including storefront retail, office and residential lobbies and amenity space. These active, sidewalk-proximate spaces will enhance pedestrian connectivity throughout the district and reinforce connections to the Willamette River (about eight blocks north and west of the site.) The project adds a layer to the circulation hierarchy in the neighborhood by providing an on-grade, accessible public courtyard running north-south between the buildings fronting NW 12th and 13th Aves. The NW 13th Ave Brick Building contributes to the predominant loft warehouse typology in the area with a raised retail/restaurant loading dock and flexible retail/restaurant spaces that can help to activate the active, mixed-use pedestrian corridor on NW 13th Ave and can help to reinforce the sense of place of the street. The project is retaining cobblestones on NW Kearney St to maintain a pedestrian scale to the street.

The apartment building roof terrace and unit balconies will have river and territorial views. Many visual cues signifying river and greenway connections are evident from the abutting right-of-way including the arched span of the Fremont Bridge and the Union Station clock tower. These features and others like them serve as visual landmarks for the entire neighborhood. Neither building interferes with views down Johnson Street to the Union Station clock tower.

NW 13th Ave Brick Building: The roof terrace will offer views northward to the river and the Fremont Bridge, and southward to downtown and the west hills. Projecting box bays intermittently located on floors 2-5 will offer views over the courtyard below and obliquely on NW 13th Ave.

NW 12th Ave Tower Building: The roof terrace will offer views eastward (SE Portland, Mt Hood, etc.), westward (NW Portland, West Hills, etc.) and southward (central city, West Hills, etc.). The orientation of the tower puts the long walls along a north-south axis. Since river views are north and east, most of the units on three sides will all be able to enjoy at least some river view. Balconies for over one third of the units are oriented for views of the river. This orientation also maximizes sun exposure to the courtyard.

These guidelines are 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.

Findings: The project is being developed utilizing a traditional 200' by 200' block pattern, with right-of-way improvements as per adopted River District standards. The project will further enhance pedestrian connectivity by providing a mid-block connection through the courtyard between NW Johnson and Kearney Sts.

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.

Findings for A4 and A5: The project will reinforce a unified streetscape through the use of established street elements such as historic light standards, street tree spacing, and sidewalk joint patterns. The material palette continues that found in the Pearl District, and each building is unified with its immediate context. The NW 13th Ave building relates in height to the buildings in the predominantly brick historic district immediately south, while the NW 12th Ave building relates to the spine of taller buildings north of the site between NW 11th and 13th Aves where the height limit reaches 225'.

Two-Building Identity. While the two buildings differ in height, program, and materials, to contribute to the diversity of the Pearl, they share several unifying features – transparent storefronts, board-formed concrete base elements, painted steel canopies, galvanized railings, a similar storefront character, a common color palette and relational bays at the courtyard. The spaces are unified across the courtyard through vision glass and actives along the courtyard edges in both buildings.

Loading Docks. The project will include a covered retail dock along NW 13th Ave, contributing to the unique streetscape of covered loading docks along NW 13th Ave which are important symbols of the area's industrial past. The NW 13th Ave Building will use materials similar to the NW 13th Ave Historic District: brick, punched openings and light steel elements.

Ground Floor Residential. Townhouses along NW Johnson St and NW 12th Ave activate the street and enhance the residential character of these streets. The use of board-formed concrete, painted steel, canopies, and soft landscaping reflect the Pearl District and enhance the pedestrian experience.

Public Character. The public courtyard continues vital Pearl District place-making traditions such internally activated open spaces, social pocket places, anything bicycle, pervasive artistic expression, integrated landscapes and Italian pastimes such as Bocce Ball.

These guidelines are met.

A5-3. Incorporate Water Features. Incorporate water features or water design

themes that enhance the quality, character, and image of the River District.

A5-4. Integrate Works of Art. Incorporate works of art or other special design features that increase the public enjoyment of the District.

Findings: While the project does not propose a water feature with running water, the design of the courtyard is based on logs moving down a river during their industrial process from trees to lumber. Stormwater planters are incorporated into the courtyard with visible overflows from rooftops. These provide buffers from the building to the public through block connection and perform critical stormwater function. Eco-roofs are planned for portions of both building's rooftops.

Given the history of the Pacific Northwest College of Art on the site, special importance is placed on incorporating art at Block 136. The project owner, Security Properties is working with PNCA on a concept plan for integrating public art by PNCA alumni. The concept plan will describe two programs for incorporating art:

- *Courtyard.* An area has been designated for art in the courtyard; and
- *Buildings.* Art will also be integrated into the buildings.

RACC-approved art is strongly encouraged, but not subject to design review.

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: To continue the Pearl's sense of urban enclosure, both buildings will be built to their lot lines on all streets. The only exceptions occur where the residential building form steps back at the lower levels to create semi-public townhouse stoops at NW Johnson and 12th Avenue.

The overall form of the 13th Avenue Building is kept at 75' tall to relate to the historic fabric around it. Retail spaces at the corner of NW 13th & Johnson and NW 13th & Kearney step with the adjacent grade to create street level urban spaces.

This guideline is met.

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

B1-1. Provide Human Scale to Buildings along Walkways. Provide human scale and interest to buildings along sidewalks and walkways.

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.

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 for A8, B1-1, B2, and C7: Streetscape. Providing a round-the-clock mix of residential, office and retail uses on the block ensures diverse human activity in the streetscape throughout the day and night. The project incorporates a variety seating options on the sidewalk and within the courtyard. The through-block connection at the courtyard provides ample opportunities for seating, gathering and people watching. The bocce court provides an active public program, as do public bicycle repair stations and ample bike parking.

The furnishing zone of the abutting streets has a mix of River District standard elements including trees, benches, bike racks and light poles separating pedestrians from cars. Existing parallel parking on NW Johnson, Kearney Sts and 12th Ave will maintain an effective separation from the pedestrian and vehicular traffic. Canopies at major building entry points will provide weather protection. Mechanical equipment is isolated from pedestrian view on the roof or penthouse levels of the buildings. No ground level mechanical equipment is proposed. The office building includes a band of louvers in the top level of the retail storefronts out of the pedestrian realm.

Human Scale. The design of the NW 13th Ave building will promote use of the loading dock with large folding storefront doors for direct public access into the proposed market. High-volume active ground-levels (18'-21'), deep steel canopies, folding storefront walls, and custom entry doors with custom hardware to the office lobby will provide human scale proportion adjacent to the sidewalk and raised dock. The NW Johnson and Kearney St elevations are designed to encourage the use of adjacent on-grade sidewalks by providing direct visual and physical connections to retail spaces through large windows and storefront openings. In addition, recessed ground level wall planes will enhance these spaces for spill out activity.

Pedestrian Safety. In the NW 12th Ave Tower, connections between the residential lobbies, units and the sidewalk are enhanced with outdoor transition areas – large windows facing the street, and elevated stoops (2'-6") at the townhouse entries. Tall 20' ceilings and large expanses of clear glazing at the northeast corner of the residential building will allow views into the leasing office and lobby. Sensitive detailing of the townhouse transitions on 12th Avenue and Johnson Street, including low planter walls, high and low plantings, trellises and canopies at the stoops also provide human scale. The high rise also includes balconies to allow for informal surveillance of the street. Ground level building detailing, proportions, materials, interior space configuration and entries of both buildings are human scaled and will induce conditions supportive of pedestrian interest, activity and safety.

Active Corners. The corner of NW13th Ave and Johnson St has long been an important corner in the neighborhood with the active PNCA entry and artistic bike parking. In an effort to continue this use and energy, the NW 13th Ave dock pulls back at the corners creating spill-out potential. Both wall- and ground-mounted bike parking are provided at both corners as well as prominent retail building entries. This will induce sidewalk-level spill-out on NW Johnson and Kearney Sts.

These guidelines are 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 street improvements on all frontages are consistent with the adopted street standards for the River District and will ensure a well-integrated and well-marked pedestrian system. At approximately 125' in length, both the NW 13th Ave dock and the courtyard dock are pulled back from the corners allowing for at-grade retail entries and spill-out potential. This is

NW 13 Ave Dock. The raised loading dock on NW 13th Ave is consistent with PBOT's street standards. A single accessible ramp will be provided at the south end of the dock orienting to the corner of SW Johnson and Kearney Sts.

Courtyard Dock. The courtyard between the buildings will provide a new mid-block connection between NW Johnson and Kearney Sts including a variety of features to enhance pedestrian safety, convenience and enjoyment. A single accessible ramp will be provided at the south end of the dock orienting to SW Johnson at mid-block.

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: The unique street plan along NW 13th Avenue provides opportunities to create places for people to linger that are different from most other places in the downtown grid. The pervasive "loading dock" feature is included for a majority of the NW 13th Avenue block face with steps at both ends and a ramp at the south end. The courtyard between the two buildings will provide both formal and informal resting opportunities, tables and chairs, and a bocce court. Ample raised spill-out areas are provided on both sides of the NW 13th Ave Brick Building designed to accommodate retail or restaurant tenants. Canopies proposed at all the retail storefront bays will provide protection from the elements.

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.

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

Findings for B6 and B7: Well integrated all-weather protection is provided at all primary points of entry in both buildings and within the courtyard.

NW 13th Brick Building. The building includes a singular canopy covering the entire dock and canopies are provided over the north and south retail entries, as well as a glass canopy over the courtyard dock.

NW 12th Ave Residential Building. The 12th Avenue building has a canopy over the residential lobby entrance, and canopy/trellis combinations are provided

over the townhouse entries.

The elevated docks on both the east and west sides of the 13th Ave building feature ramps to ensure accessibility for all people.

These guidelines are met.

B6-1. Provide Outdoor Lighting at a Human Scale. Provide outdoor lighting at a human scale to encourage evening pedestrian activity.

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.

C1-2. Integrate Signs and Awnings. Integrate signs and awnings to be complementary and respectful of a building's architecture. This guideline may be accomplished by:

- a. Placing signs and awnings to fit with and respect a building's architecture;
- b. Avoiding large, excessively illuminated or freestanding signs that contribute to visual clutter; or
- c. Integrating with a building's design, an exterior sign program/system for flexible sidewalk level space that accommodates changing tenants.

Findings for B6-1, C1-2, and C12: *Lighting goals* have been established for the project in order to enhance the pedestrian environment: identify entry points; provide ambient light; accent the landscape; define building edges; and, define circulation. These goals have been achieved through a combination of pedestrian-oriented lighting strategies including downcast flood lighting in security critical areas such as interior courtyard spaces, low-level ground plane illumination, well-concealed landscape accent lighting, wall surface mounted downlighting of building faces and corners, in-grade uplighting of structural columns, and recessed linear lighting to accent ground-plane grade changes. No roof-top lighting has been specified at the roof terrace area, but the planter walls may incorporate low-level steplights to provide gentle night-time illumination. Overall, the exterior lighting approach illuminates the buildings, landscape and gathering spaces with well-concealed fixtures that will minimize light throw-back to nearby residences.

Signage Integration. Signage is not proposed at this time. Therefore, guidelines relevant to signage do not apply. The applicant understands that any future signage in excess of 32 square feet will be subject to design review per Portland Zoning Code Section 33.420.041.

These guidelines are met.

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

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

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, C4, and C5:

Quality and Permanence. Material choices are responsive to DAR comments, especially with regard to the NW 12th Ave building – greater reference to Pearl District context, simplification of vertical striping pattern, increase ground floor volumes, etc. Primary material composition includes: board-formed concrete (in place of GFRC), composite aluminum panels and aluminum window wall proposed at the levels above. The red brick proposed for the bulk of the NW 13th Ave building adds a long-lasting, human-scale layer of texture that can be experienced by pedestrians at the ground level as well as by those observing from other vantage points. Both buildings will include high quality detailing of light, small-scale steel elements such as steel railings and canopies.

Compliment Context. The Pearl District is mixed in use and styles. The two proposed buildings take their cues from different eras of construction observed in the Pearl. The NW 13th Ave building complements the 13th Avenue Historic District in massing, opening proportions and material. Interpreted with modern details, the building also repeats design elements that are common to the Historic District’s design vocabulary, such as a loading dock with canopy and human-scaled light steel elements like railings and canopies. The NW 12th Ave building uses elements that are common in newer high rises in the Pearl, such as subtle variation in massing, use of window wall, and the addition of balconies and roof terraces. Most importantly, the base of the building takes cues from successful adaptive reuse and new ground-related residential units in the area, such as townhouses with raised stoops, set-in windows and planting areas.

Coherency. Each building is a coherent composition of its own – the NW 13th Ave red brick warehouse vernacular reflecting a simply composed office over retail partie (history, heartwood) juxtaposed with the layered verticality of the NW 12th Ave building (future, seedling). As a two-building composition, they reference one another in subtle ways – unifying elements of concrete at the base of both buildings, matching metal panels on the residential and office bays, projecting metal/glass window bays on the brick building and an overlapping color palette.

The 12th Avenue Building expresses the lightness of a young forest, as metal panels and bays accentuate verticality. A concrete base at the townhouses anchors the building, but the window wall comes to the ground in a few areas to integrate the base with the middle and top. Charcoal ground-level canopies and a light-colored trellis at the top of the building have similar details to unify the building, and also express a dark-to-light color scheme from bottom to top.

The 13th Ave Building expresses the solidity and industry of worked lumber. The building is a solid, compact composition of punched openings in brick. It contains a few inset areas—‘kerf’ patios and retail entries—cut into the form to open the building to the street, as well as the addition of two raised docks with canopies to anchor the solid building to the ground.

These guidelines are met.

- C1-1. Integrate Parking.** Design surface parking and parking garage exteriors to visually integrate with their surroundings. This guideline may be accomplished by:
- a. Designing street facing parking garages to not express the sloping floors of the interior parking;
 - b. 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; or
 - c. Accommodating vending booths along sidewalks adjacent to parking facilities,

when active ground level uses are not possible.

C7-1. Reduce the Impact of Residential Unit Garages on Pedestrians. Reduce the impact on pedestrians from cars entering and exiting residential unit garages by locating garage access on alleys, and active spaces on ground floors that abut streets.

Findings for C1-1 and C7-1: The project provides two levels of underground parking accessed via a single garage entry from NW 12th Ave at mid-block. Ground floor uses adjacent to the garage entry are elevated townhome stoops, the enclosed trash room and a single loading bay. The remainder of the ground floor around both buildings includes active residential amenity and retail space. Because the below-grade parking is expressed at the building exterior only at the garage entry, the buildings' ground level enhances the site's relationship to pedestrians.

The garage entry is concealed with a 5-panel telescoping door set back from the property line by approximately six feet. This depth is consistent with the rhythm established by the adjacent townhome porches and effectively conceals oblique views of garage door operations by residents. The board-form concrete will return to the face of the garage doors. The depth is sufficient to allow motorists oblique visual access to the sidewalk upon exiting thereby minimizing potential conflicts with pedestrians.

These guidelines are 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.

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

Findings for C8 and C9: The sidewalk level of the NW 13th Ave building is differentiated with a continuous retail storefront expression and associated canopies. The elevated docks on NW 13th Ave and the courtyard feature ample retail entries, operable wall panels, and unique steel/glass canopies.

The sidewalk level of the NW 12th Ave building is distinguished with double-height glazing (averaging approximately 18'-7") and a material unique to the ground floor (board-formed concrete). Steel canopies, plantings and wire mesh occur at the townhouse entries, while glazing comes to the ground at the residential amenity spaces facing the courtyard and the leasing area to distinguish the public nature of its use from the rest of the semi-private and private uses.

The NW 13th Avenue building is designed to be flexible, as tenants can be either demised east-to-west with access to both docks for each tenant, or ideally will accommodate an open market-type space. Corner retail either can be added to the larger market space (ramped internally), or can serve as smaller retail spaces. These spaces could include restaurants, retail shops or professional services in the future life of the building.

These guidelines are 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: The NW 13th Ave building features a covered loading dock projecting into the right-of-way by approximately 12 feet for 125 of the building’s 200 feet of frontage. This type of encroachment is characteristic of the NW 13th Avenue Historic District adjacent to the site. In addition, projecting window bays are proposed at levels 2-5 on the east façade allowing oblique views between the building’s interior and the courtyard.

The NW 12th Ave building will feature a large canopy over the residential lobby entrance on NW Kearney St. Residential balconies on the south façade at levels 2-14 project over the NW Johnson St right-of-way by approximately four feet.

Though no skybridges are proposed, the canopies, balconies and projecting window bays will conspire to shape and protect the at-grade pedestrian environment, while adding visual interest and relief to upper wall planes.

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: Roof terraces are proposed on both buildings designed in reference to each building’s overall design concept. The roof of the NW 13th Ave building is integrated into the overall ‘heartwood’ concept through the use of a wood grain pattern executed in different colors and textures of eco-roof. The roof of the NW 12th Ave building includes two outdoor kitchens, a fire pit, benches with river/mountain views, a large planter with trees which may be seen from elsewhere, and community gardens.

On both buildings, the mechanical equipment is organized into north and south mechanical enclosures which are integrated with stair penthouses and elevator overruns, thereby being unobtrusive when viewed from other locations. Trellises are placed over the office building’s mechanical enclosures to block views of equipment from potential taller buildings to the north, improve the appearance of the otherwise non-descript enclosures and provide an interesting element to Portland’s skyline. In addition, the roof of the subterranean parking garage is resolved as a landscaped, publically accessible courtyard between the two buildings.

This guideline is met.

MODIFICATIONS (33.825)

33.825.040 Modifications That Will Better Meet Design Review Requirements:

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment

process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

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

Modification Request #1: 33.140.210.B.2. Rooftop Access And Mechanical

Equipment All rooftop mechanical equipment and enclosures of stairwells that provide rooftop access must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Rooftop elevator mechanical equipment may extend up to 16 feet above the height limit. Stairwell enclosures, and other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit. . **12th Ave Building** – The rooftop mechanical enclosure is set back 13'-2" from the roof edge abutting 12th Ave and 8'-0" from the roof edge facing the courtyard. One piece of mechanical equipment is in excess of 10 feet tall (a make-up air unit at 13 feet tall.) And, the cumulative area of roof enclosures 10' above the height limit – exceeds the 10% of roof area limit. Total coverage for this building is 18.8%.

Purpose Statement. *The height standards work with the FAR, building setback, and building coverage standards to control the overall bulk and intensity of an area. The EG1 zone height limit is the same as the General Commercial zone because the EG1 zone often functions as a transition zone between industrial and residential or commercial zones. The EX zone height limit reflects its use in intense urban areas and the range of uses that are allowed. The other zones do not have height limits because tall buildings in these areas have traditionally not been a problem.*

C11 Integrate Roofs and Use Rooftops. All rooftop mechanical equipment and enclosures of stairwells that provide rooftop access must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Rooftop elevator mechanical equipment may extend up to 16 feet above the height limit. Stairwell enclosures, and other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.

- A. **Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines.*

Findings: The mechanical equipment is organized into north and south mechanical enclosures which are integrated with stair penthouses and elevator overruns, thereby being unobtrusive when viewed from other locations.

In an effort to create a unified building top appropriate for this prominent site, the mechanical enclosure has been integrated with the penthouse to create a singular form which serves to anchor the overall rooftop design. The resulting singular volume is enclosed with materials similar to residential floors below and further enhanced with the integrated trellis feature. The building mechanical equipment being integrated and screened in this manner will better meet the guidelines because the alternative to locate the equipment elsewhere on the building would result in a more visible, less integrated configuration. Overall, the rooftop is a nicely composed assemblage of simple landscape elements and passive gathering areas.

Therefore this criterion is met.

- 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 purpose of the design standard is to limit building rooftop mechanical equipment area to reduce clutter and preserve views. In this situation, building views have been maintained and enhanced by the integration of the mechanical equipment with the access enclosures and rooftop terrace landscape elements. Combined with screening and planted steel trellises the appearance will be unified and softened. The relatively modest increase in all dimensions will still enable the purpose of the design standard, which is to limit clutter while preserving the building's aesthetic. *Therefore this criterion is met.*

Therefore this Modification merits approval.

Modification Request #2: Modification to 33.266.310.D (Loading Standards; Size of loading spaces). The applicant requests approval to provide one on-site loading space within the footprint of the NW 12th Ave apartment building with access from 12th Ave NW. The size of the space is 35 feet long x 11 feet 5 inches wide (except at doorway which is 10 feet wide). The height of the space, however, varies. A majority of the space (28 feet of it) is 19 feet 6 inches high with the remaining portion varying from 11 feet (at doorway) to 12 feet outside the doorway. Because the clearance for the entirety of the space is less than 13 feet, a modification is required.

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

Standard:

33.266.310.D: *Size of loading spaces*

- a. *Standard A: the loading space must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet.*

- A. Better meets design guidelines.** The resulting development will better meet the applicable design guidelines.

Findings: The provision of one Standard A space (with varying clearance) within the below-grade parking area better meets Central City Fundamental Design Guidelines *B1-1 Provide Human Scale to Buildings Along Walkways, B2: Protect the Pedestrian, B3: Bridge Pedestrian Obstacles, B4: Provide Stopping and Viewing Places, and B5: Make Plazas, Parks, and Open Space Successful.* The reason for the varying heights has to do with the desire to create a uniform façade design, scaled for pedestrians at street level, as well as an aesthetically rich design facing the neighbors to the east. Artistically designed doors which are appropriately scaled, along with entry canopies denoting entry to the building, create this richness. *Therefore this criterion is met.*

- 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 purpose statement for the Loading standard states that the appearance of loading areas should be “consistent with that of parking areas;” this is met simply by virtue of the loading space being located within the below-grade

parking area, and with adequate clearance for a majority of the space. The truck loading space size is intended to ensure that trucks have adequate clearance given vehicle dimensions. Because the low average unit sizes demand smaller moving vehicles, the slight reduction in clearance is unlikely to significantly constrain loading operations. Lastly, the placement of the loading spaces below-grade greatly reduces negative effects “on the traffic safety or other transportation functions of the abutting right-of-way.” The proposal remains consistent with the purpose statement for the Loading standard. *Therefore this criterion is met.*

This Modification therefore warrants approval.

Modification Request #2: Bike Parking Space Dimension (33.266.220.C.3.b.) A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components. The project proposes staggered vertical storage, dimensioned at 18” x 6’ with a 5’ walk aisle.

A. Better meets design guidelines. The resulting development will better meet the applicable design guidelines.

Findings: The project includes 332 total long term bicycle parking spaces (residential and retail). Accommodating 473 bicycle parking spaces in a horizontal rack would consume considerable floor area (3,984 sf + maneuvering area). Relying upon a vertical/wall hanging bike rack is a far more efficient use of space and is identical to the parking system recently approved in other Pearl District projects. The proposed functional and space efficient system better meets the design guidelines because it eases floor plan demands and results in active uses at the street, such as commercial use, lobbies and residential units. *This criterion is met.*

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 purpose of the bike parking standards is: *(italicized)*

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

This Modification therefore warrants approval.

ADJUSTMENTS (33.805)

33.805.010 Purpose

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. They also 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 Approval Criteria

All adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, 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
- 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
- D.** City-designated scenic resources and historic resources are preserved; and
- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and
- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; or
- G.** Application of the regulation in question would preclude all reasonable economic use of the site; and
- H.** Granting the adjustment is the minimum necessary to allow the use of the site; and
- I.** Any impacts resulting from the adjustment are mitigated to the extent practical.

Adjustment #1 (33.266.310.C.), Quantity of Loading Spaces. Two on-site loading spaces meeting Standard A are required for the project. The project proposes one loading space within the lot line of the project – within the NW 12th Ave below grade parking deck (see Modification #3 for the size of this space.)

In similarly-sized apartment buildings managed by Security Properties, operational evidence indicates 4 to 10 move-ins/outs per month accommodated through one loading bay. In those projects (and proposed for this project) the leasing office schedules each resident a one-to-two hour time slot during which they are able to have a truck or van in the loading bay. In the bay, two lockable staging areas are located adjacent to the loading zone, allowing two apartments to simultaneously move belongings from the staging areas to the elevators. This relieves demand on the truck area. Upon initial lease up of the new building, move-in times will be carefully coordinated by day and time, so that the pressure on the loading area is never more than it can accommodate. Only with unusually large packages does Security Properties anticipate using the loading bay for package deliveries. They have always been able to accommodate such deliveries with one loading bay in a project of this size.

The project recognizes the requirement and need for a second loading space to be associated with the NW 13th Ave retail/office building. The project proposes that an on-street truck loading zone be located on the east side of NW 13th Ave, just north of the intersection with NW Johnson St.

Purpose Statement

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

Findings: The main use of the second loading area on NW 13th Ave is for deliveries to the retail and office uses. These are generally done by small trucks and vans so locating this loading zone in the street right-of-way adjacent to where it will be used will better serve this need. This is an ideal spot for several reasons:

- Trucks will be able to pull straight into the spot when arriving from the south. The truck can then back up just a few feet (if necessary) and pull out in a forward direction, making this much safer for pedestrians since the truck will continually be in the auto zone, not pedestrian zone.
- The space is adjacent to the accessible ramp to the loading dock which leads to the front entry of the office building and retail spaces. Deliveries using hand-carts, or other wheeled devices, will have ready access to the ramp, minimizing delivery times.
- The space will be on grade and fully compliant with Standard A loading space dimensions (i.e. 35 feet long x 10 feet wide x 13 feet tall)

The provision of one, rather than two loading spaces, meets the purpose of the standard in that it reduces the potential for conflicts between loading vehicles, other vehicular traffic, and pedestrians. In addition, the reduction in the number of required loading spaces reduces the negative effects of an additional curbcut and blank wall surfaces and frees up the square footage to provide areas for more active leasable uses such as retail. The proposed adjustment will not have any effect on environmental, scenic or historic resources and the Portland Bureau of Transportation had no objection to the requested adjustment. *Approval criteria A-F are met; therefore, approval of this Adjustment is warranted.*

HEIGHT BONUS OPTIONS

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

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

The NW 13th Ave brick building is allowed a maximum height of 120' (75' base height + 45' General Height Bonus). The proposed building reaches 76'-1".

The NW 12th Ave residential tower is allowed a maximum height of 150' (75' base height + 75' height bonuses: 45' General Height Bonus (33.510.210.D.), maximum available for 3:1 FAR – 45' and 30' Bonus Height Option for Housing (33.510.210.E.), maximum available for housing – 75'. If both bonus options are

used, combined bonus height may not exceed 75'. The proposed building reaches 148'-4".

General bonus heights.

For achieving a bonus floor area ratio of 3:1, a height bonus of 45' is earned. The project is earning bonus FAR through residential bonus and Eco-roof bonus.

Bonus height option for housing.

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

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

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

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

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

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

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

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

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

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

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

Findings: For the reasons stated below, the project better meets the applicable Central City Fundamental and River District Design Guidelines noted in parentheses:

- The parallel bar building plan with on-grade central access is a common precedent throughout the Pearl District. The repetition of building footprint, contrasted by height and material variation, sharing a common ground plane will serve to tie the project to the immediate area [A2, A4, A5].

- The placement of the tower on the east side of the block allows the program to step down to NW 13th Ave, reflecting context scale and massing of the adjacent historic district. [A2, C3, C9].
- A lower height would likely consume more ground plane thereby yielding a less public-oriented courtyard amenity space. [A4, A5, C4].
- The central courtyard is a carefully designed amenity for public enjoyment that will be activated with ground level commercial uses connecting the courtyard to NW 13th Ave. [B4, B5, C6].
- The height and orientation of the residential tower surrounded by the lower-scale brick building reinforces the north-south view opportunity between river and downtown along NW 13th Ave. [A1, C1, C2-1].

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

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

The project design is consistent with the purpose of this section as follows:

- Massing and height do not disrupt established views.
- Inherent in the maximum building heights and sites afforded height bonuses, both depicted on Map 510-3, the River Sub-district will have building heights that generally step down from freeway to river. This project is compliant with height allowances/bonuses of the River Sub-district of the Central City.
- The project does not shadow public open space (Jamison Square) anymore than would a project meeting the 45' height bonus only.
- The project steps down to NW 13th Avenue (the spine of the NW 13th Avenue Historic District to the south).
- The project is compatible with desired/allowed building heights and massing. It adds to a positive and varied skyline in this district.
- The zoning for the site, EX, allows for a variety of uses. The development in the Pearl District has typically been with a residential focus.

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The applicant has addressed all major concerns expressed by staff and designed a building that embodies the spirit intended by the applicable design guidelines, and responds well to the natural, cultural and built context. The proposal meets, and in some cases exceeds the applicable design guidelines, and Modification and Adjustment criteria and therefore warrants approval.

TENTATIVE STAFF RECOMMENDATION

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

Staff recommends Design Review **approval** to construct the following:

BLD #1: NW 13th Avenue Brick Building

- 5 stories
- Maximum Height 76'-1"
- Approximately 15,000 square feet of retail at ground level
- Approximately 60,000 square feet of office at levels 2-5.
- Rooftop program includes roof terrace, elevator/stair overrun, mechanical enclosure and eco roof.
- An at-grade loading space on NW 13th
- 13th Ave dock
- Courtyard dock

BLD #2: NW 12th Avenue Tower Building

- 15 stories
- Maximum Height of 148'-4"
- Approximately 164,000 square feet of residential, floors 1-15.
- Approximately 208 residential flats
- Two levels of below grade parking – 211 spaces – access via NW 12th Ave

Staff recommends approval of the following Adjustment (1) and Modifications (3):

Adjustment

1. **Quantity of Loading (33.266.310.C.)** Two (2) Standard A loading spaces are required. The applicant is proposing one (1) Standard A loading space on site within the 12th Ave apartment building. See Modification #1 for the size of this loading space.

Modifications

1. **Rooftop Access & Mechanical (33.140.210.B.2.)** All rooftop mechanical equipment and enclosures of stairwells that provide rooftop access must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Rooftop elevator mechanical equipment may extend up to 16 feet above the height limit. Stairwell enclosures, and other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit. **12th Ave Building** – The rooftop mechanical enclosure is set back 13'-2" from the roof edge abutting 12th Ave and 8'-0" from the roof edge facing the courtyard. One piece of mechanical equipment is in excess of 10 feet tall (a make-up air unit at 13 feet tall.) And, the cumulative area of roof enclosures 10' above the height limit – exceeds the 10% of roof area limit. Total coverage for this building is 18.8%.
2. **Size of Loading Spaces (33.266.310.D.a.)** A Standard A loading space must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet. The proposed loading space within the footprint of the 12th Ave NW apartment building (with access from NW 12th Ave) is 35 feet long x 11 feet 5 inches wide (except at doorway which is 10 feet wide). The height of the space, however, varies. A majority of the space (28 feet of it) is 19 feet 6 inches high with the remaining portion varying from 11 feet (at doorway) to 12 feet outside the doorway.

3. Bike Parking Space Dimension (33.266.220.C.3.b.) A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components. The project proposes staggered vertical storage, dimensioned at 18" x 6' with a 5' walk aisle.

If approved, staff recommends the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.149. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-230014 DZM AD. No field changes allowed."

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Procedural Information. The application for this land use review was submitted on October 24, 2014, and was determined to be complete on October 26, 2014.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on October 24, 2014.

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 (Exhibit #A3). Unless further extended by the applicant, **the 120 days will expire on October 24, 2015:**

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 our office at 1900 SW Fourth Ave., Suite

5000, Portland, OR 97201. Please call the file review line at 503-823-7617 to schedule an appointment.

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

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record 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 will be charged (one-half of the application fee for this case).**

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.

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

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).

Jeffrey Mitchem
December 8, 2014

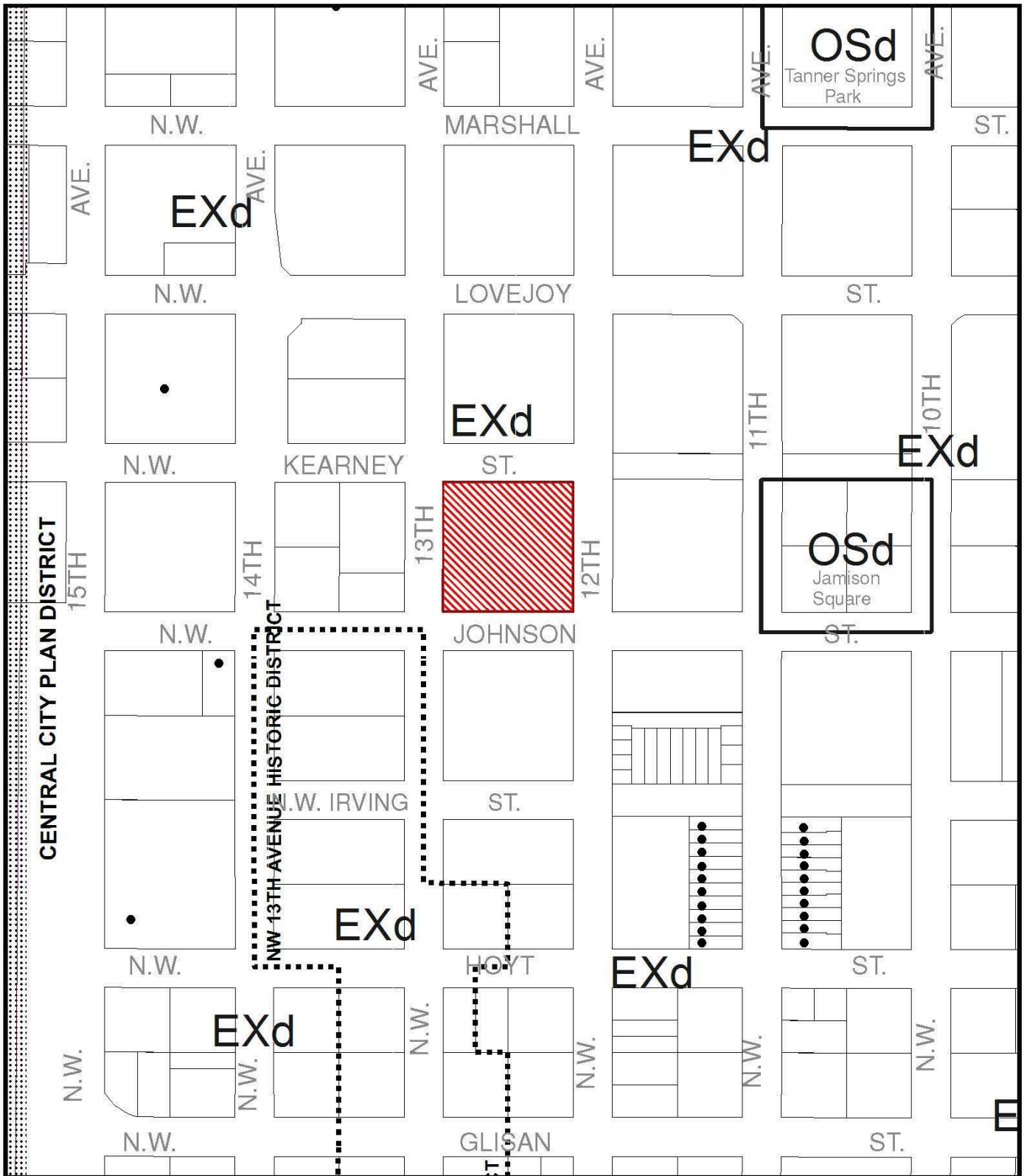
EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Block 136 Written Statement
 2. Stormwater Drainage Report
 3. Request for an Evidentiary Hearing and Waiver of Right to a Decision within 120 days
- B. Zoning Map (attached)
- C. Plan & Drawings
 1. See Attached Drawing Set Sheets 1-149 (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. Mailed notice
 6. Mailing list
- E. Agency Responses:
 1. Life Safety Plans Examiner
 2. Site Development Section of BDS
 3. The Fire Bureau
 4. The Bureau of Environmental Services
 5. The Bureau of Parks-Forestry Division
- F. Letters

None Received at the time of Staff Report

G. Other

1. Original LUR Application
2. Pre-Application Conference Summary Notes
3. Design Advice Request Summary Notes



ZONING



Site



Historic Landmark

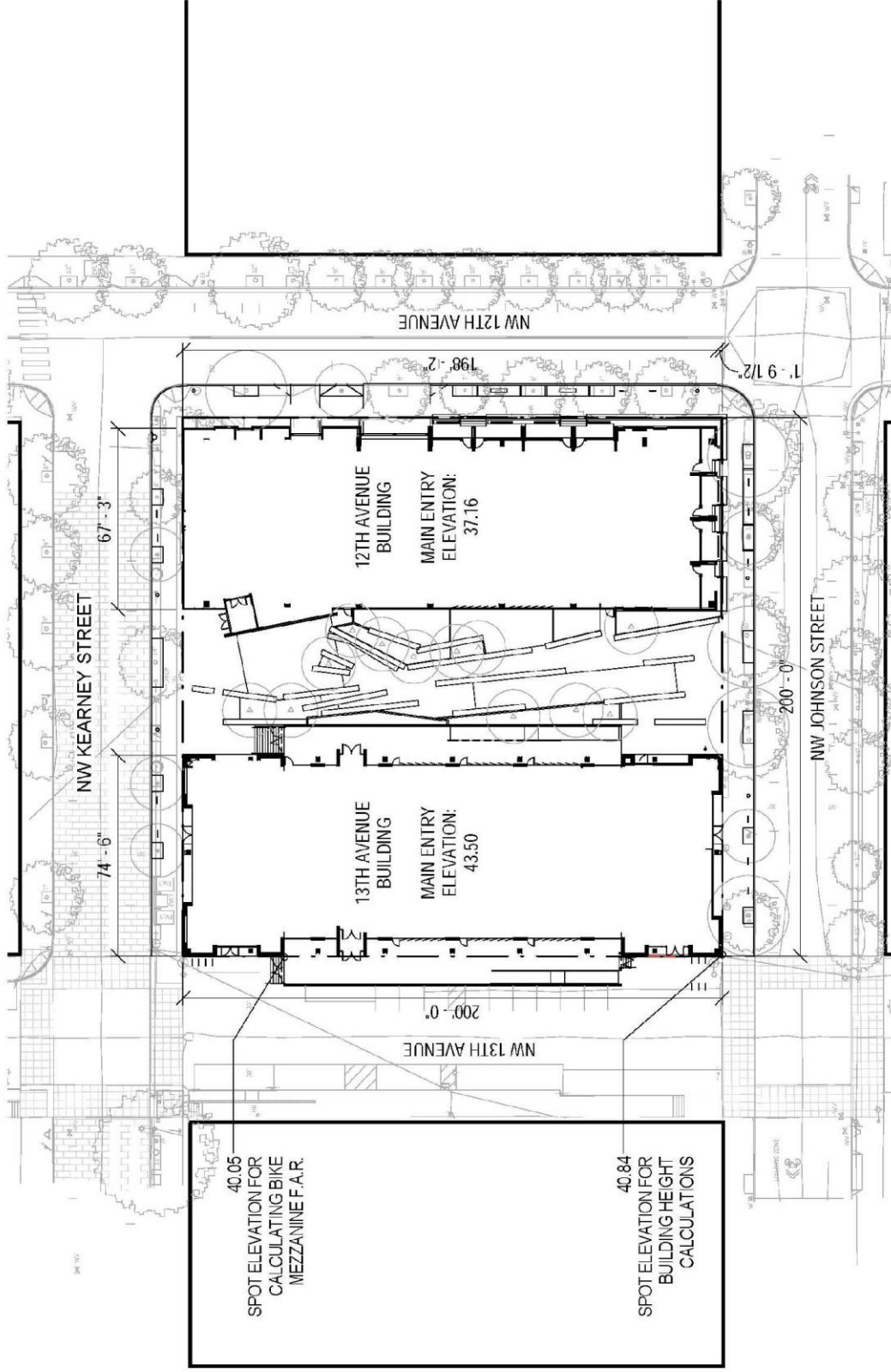


This site lies within the:
CENTRAL CITY PLAN DISTRICT
RIVER SUBDISTRICT

File No. LU 14-230014 DZM, AD
 1/4 Section 2928
 Scale 1 inch = 200 feet
 State Id 1N1E33AD 1600
 Exhibit B (Oct 24, 2014)

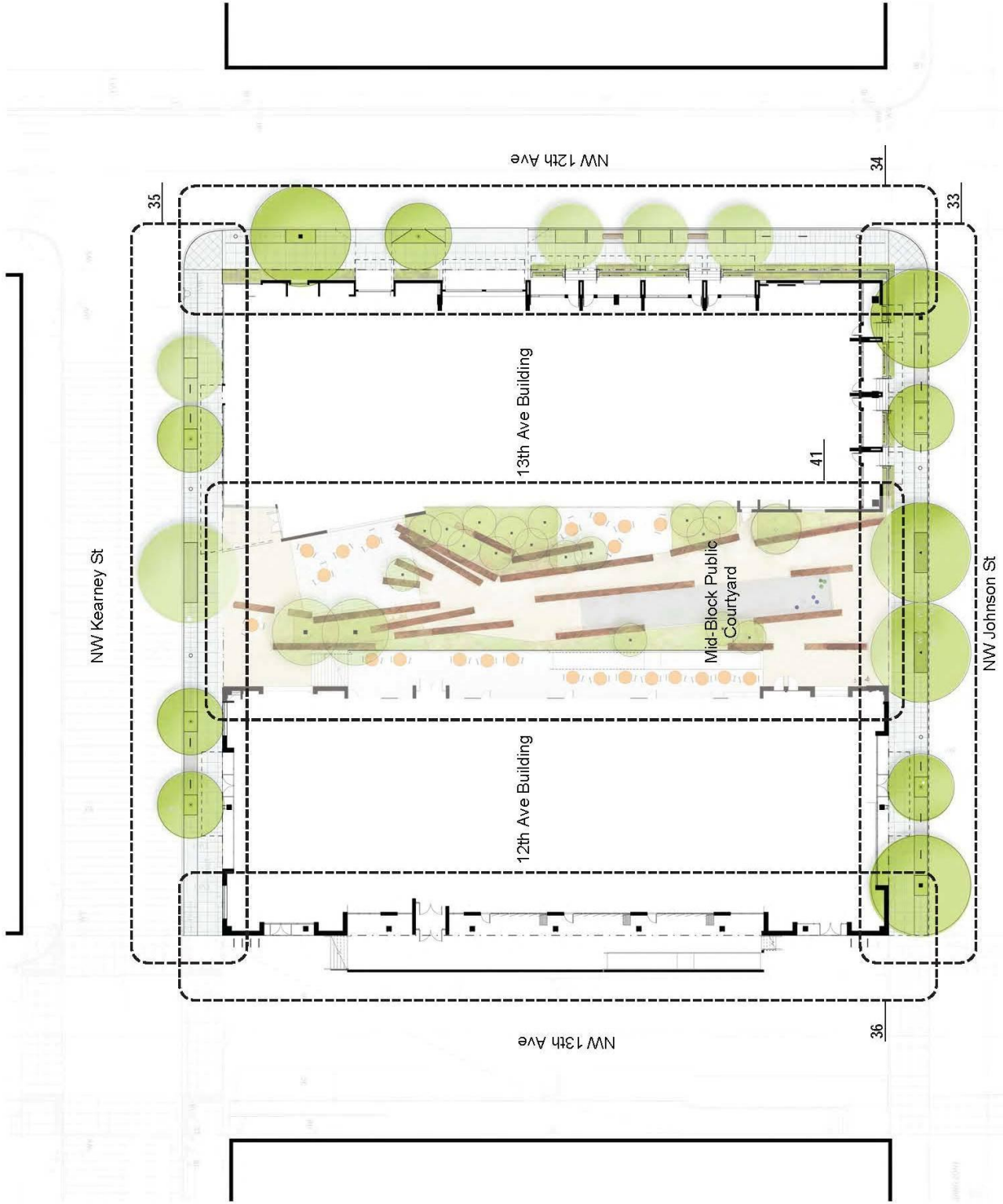
Appendix A - Miscellaneous Plans

Site Plan



Streetscape

Materials Plan



Overall Project

North Project Elevation



PORTLAND BLOCK 136

| LAND USE APPLICATION 14-217898-LU

October 03, 2014

MITHUN

Overall Project

12th Avenue Building - East Elevation on 12th Avenue



Overall Project

South Project Elevation



Overall Project

13th Avenue Building - West Elevation on 13th Avenue

