



## **REVISED STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION**

CASE FILE: LU 15-209034 DZM HR AD  
PC # 14-222438  
SW 4<sup>th</sup> & Harrison  
REVIEW BY: Design Commission  
WHEN: February 18, 2016 at 1:30pm  
WHERE: 1900 SW Fourth Ave., Room 2500A  
Portland, OR 97201

**Bureau of Development Services Staff:** Staci Monroe 503-823-0624 /  
staci.monroe@portlandoregon.gov

### **GENERAL INFORMATION**

**Applicant:** Chad Matesi | Core Spaces, LLC | (773) 227-2850 | 2234 W North Avenue | Chicago, IL 60647

**Architects:** Megan Zack | Hartshorne Plunkard Architecture | 232 N Carpenter Chicago, IL 60607  
Don Sowieja | Myhre Group Architects | 620 SW 5th Ave, Suite 500  
Portland, OR 97204

**Owners:** Goodman Generations LLC and Bay City LLC | 920 SW 6th Avenue #223 Portland, OR 97204

**Site Address:** 325 SW HARRISON STREET

**Legal Description:** BLOCK A LOT 1, SOUTH AUDITORIUM ADD; BLOCK A LOT 2 TL 1600, SOUTH AUDITORIUM ADD

**Tax Account No.:** R777500010, R777500110, R777500010, R777500010

**State ID No.:** 1S1E03CB 01500, 1S1E03CB 01600, 1S1E03CB 01500, 1S1E03CB 01500

**Quarter Section:** 3229

**Neighborhood:** Portland Downtown, contact Rani Boyle at 503-725-9979.

**Business District:** None

**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Plan District:** Central City - Downtown/South Auditorium

**Zoning:** CXd – Central Commercial zone with a deisgn overlay

**Case Type:** DZM AD HR – Design Review with Modifications, Adjustments and a Historic Resource Review

**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 15-story mixed-use development in the South Auditorium and Central City plan districts. The 175' tall building will provide 424 residential units on the upper floors, a 33,000 SF supermarket, and a 5,000 SF retail space on the ground floor. Parking for 208 vehicles (137 for residential, 66 for supermarket and 5 for retail) will be provided within three basement levels and accessed from SW Harrison Street. An optional 4<sup>th</sup> level of parking for 80 additional spaces is also proposed, which would increase the total parking for the residential units to 288. One large, Standard A (35' long x 10' wide x 13' vertical) loading space will be provided on-site adjacent to the garage entry on SW Harrison. Additional loading and parking will be provided along both street frontages. The L-shaped tower will align with the street frontages while a lower podium and two levels of townhomes will occupy the north and east portions of the site adjacent to the pedestrian mall and Pettygrove Park. Outdoor common spaces are proposed atop the 2<sup>nd</sup>, 4<sup>th</sup>, and 15<sup>th</sup> floors. Exterior finishes include glass curtain wall, aluminum windows and storefront system, metal panels (flat and perforated), and cast-in-place and vertical board-formed concrete.

The total above-grade floor area proposed is 355,198 SF resulting in an FAR of 8.61:1 for the site. The 2.61:1 FAR above the base 6:1 FAR allowed in both the Central City and South Auditorium plan districts is achieved through the residential bonus option of Section 33.510.210.C.1. See the Analysis Section of this report for more information on the FAR.

A series of oriel windows that project 3'-6" into the right-of-way on SW 4<sup>th</sup> Avenue are also proposed. The projecting bays along SW 4<sup>th</sup> Avenue range from 21'-8" to 24'-3" in width. An exception to the maximum 12'-0" width of each bay is requested.

The following Modifications are requested:

1. *Building Setbacks* – To reduce the depth and landscaping of the required building setbacks along all four frontages (street and pedestrian mall) as follows (PCZ Section 33.580.100):
  - SW 4<sup>th</sup> Avenue – from 6' to 0' and no landscaping.
  - SW Harrison Street – from 15' to 5' with no landscaping.
  - SW 3<sup>rd</sup> Avenue & SW Montgomery – not provide some of L2 landscaping within portions of the 6' deep setback at the northwest, northeast and southeast corners).
2. *Loading* – To allow the loading space in the building on the SW Harrison Street frontage to be accessed in a reverse motion along the streetcar alignment (PZC 33.266.310.F).
3. *Rooftop Projections* – To allow the rooftop elements to exceed: height limit exceptions of 10' (15' for cooling tower and up to 16'-0" for mechanical screens), and 10% of roof coverage (10.9% proposed) (PZC Section 33.140.210.B.2)
4. *Bike Parking* - To reduce the width of the 656 long-term bike parking spaces provided from the required 2' to 17.69" (PZC Section 33.266.220.C.b).

The following Adjustments are requested:

1. *Maximum Parking* – To allow the maximum number of parking spaces provided on-site for the supermarket to be 2 spaces per 1,000 SF (66 spaces for the 33,000 SF supermarket) rather than 1 space per 1,000 SF (PZC Section 33.510.263, Table 510-6).
2. *Access Restricted Street* – To allow both the garage and loading bay to be accessed from SW Harrison Street, which is an Access Restricted Street due to the Streetcar Alignment (PZC Section 33.510.263.G.6.c)

A Historic Resource Review is also requested for the changes within the pedestrian mall frontages of SW Montgomery and 3<sup>rd</sup>, which are within the Halprin Open Space Sequence Historic District. The changes proposed include:

- Within 3<sup>rd</sup> Avenue pedestrian trail - Removing existing trees and ground cover and replacing both with alternative species.
- Within SW Montgomery pedestrian trail - Removing and replacing ground cover and adding trees, adding a transformer vault, and relocating the monument at NW corner.
- Within both pedestrian trails – Reduce the planter areas along the north and east frontages to allow for outdoor seating areas and at the northeast corner for building access.

**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:

- Central City Fundamental Design Guidelines
- Modifications – Section 33.825.040
- Adjustments – Section 33.805.040
- Other Approval Criteria – Section 33.846.060.G

## ANALYSIS

**Background:** In 1958, the South Auditorium Urban Renewal Plan was adopted for an 83.5 acre site, generally bounded by SW Market Street on the north, SW Front Avenue on the east, SW Fourth Avenue on the west, and SW Arthur Drive on the south. By the late 1980s, the City was adopting a Central City Plan to update and expand the old Downtown Plan. Because the urban renewal plan regulations governing the South Auditorium Renewal Area were set to expire by the early 1990s, the Portland Development Commission proposed that the area be converted to a Plan District with distinct land use regulations reflecting those of the renewal plan.

In June 1988, the City Council accepted the Planning Commission recommendation to establish the South Auditorium Plan District whose regulations are currently encoded in Chapter 33.580 of the Portland Zoning Code. The Plan District protects the unique character of the former South Auditorium urban renewal district. This is accomplished by requiring new development to meet additional landscaping requirements, preserve existing trees, screen roof-top equipment, and limit the type, number, and size of signs.

On March 6, 2013 the four public parks (Lovejoy Fountain, Pettygrove, Forecourt Fountain/ Ira Keller Fountain, Source Fountain) connected by a system of pedestrian malls within the South Auditorium plan was designated as a historic district known as the Halprin Open Space Sequence after Lawrence Halprin, the noted landscape architect who designed the spaces.

**Site and Vicinity:** The site is located at the west edge of the South Auditorium District. This District is formed along the 2nd and 3rd Avenue pedestrian-only malls that create a unique north-south pedestrian corridor at the core of this 1960's urban renewal project. Equally unique to this District is the series of public fountain and parks, designed by Lawrence Halprin, that form a progression of open spaces and urban oasis along this pedestrian corridor. The three primarily open spaces that make up this sequence are Lovejoy Park, Pettygrove Park and the Ira Keller Fountain. Pettygrove Park, adjacent to the site and in the middle of this progression of open spaces, is a small, sequestered park with berms, meandering paths and dense plantings.

The site is within the Downtown Pedestrian District and bounded on two sides by pedestrian malls – SW Montgomery Street to the north and SW 3<sup>rd</sup> Avenue to the east. The site's street frontages both include a Streetcar alignment and are designated as follows:

- SW 4<sup>th</sup> Avenue (west) - Traffic Access Street, City Walkway, Local City Bikeway
- SW Harrison (south) – Traffic Access Street, Regional Transitway/Major Transit Priority Street, Central City Transit/Pedestrian Street, City Bikeway

The surrounding area consists primarily of more newly developed buildings that are a mix of institutional, commercial and residential and vary in height. The district itself, an award-winning development, is noted for its plain, light-colored concrete buildings as objects set in a lush landscape, connected by a well developed pedestrian system buffered by generous setbacks and landscaping and numerous plazas and fountains.

**Zoning:** The Central Commercial (CX) Zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

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 prior land use reviews including:

1. CU 061-81 – Approval of a Conditional Use for a surface parking lot.
2. LUR 96-00408 PR – Approval of a Central City Parking Review for an existing surface parking lot.
3. LU 02-110910 CCPR – Approval of a Central City Parking Review for the renewal of approval of an existing 63-space surface parking lot, located at 1820 SW 4th Avenue. The lot was granted approval for Central City Parking status under LUR 96-00408 PR.
4. LU 06-155204 DZM - Approval of corner wall sign and changes to the previously approved design review (LU 06-155204 DZM) for a temporary sales office with numerous modifications to development standards.

**Agency Review:** A “Notice of proposal in Your Neighborhood” was mailed **November 13, 2015**. The following Bureaus have responded with no issue or concerns:

- Bureau of Environmental Services (Exhibit E.1)

- Water Bureau (Exhibit E.2)
- Fire Bureau (Exhibit E.3)
- Plan Review Section of BDS (Exhibit E.4)
- Site Development Section of BDS (Exhibit E.5)
- Bureau of Parks-Forestry Division (Exhibit E.6)
- Bureau of Transportation Engineering (Exhibit E.7) – Added a Condition of Approval

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **November 13, 2015**. A total of 38 written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Nikki Dennis, 10/30/15, in opposition to the project stating concerns related to trees, grocery use, modifications, traffic, size of building.
2. Bill Bowling, 11/5/15, stating concerns with scale, ground level, and design
3. James Perry, 11/6/15, stating concerns with project impacts on movement of private vehicles, public transportation systems and bicycles.
4. Dorothy Aeto, 11/6/15, stating concerns with the design, impacts on historic district and pedestrian systems, and scale.
5. Steven Koch, 11/11/15, stating concerns with proposed changes in pedestrian trails (historic district).
6. Penny Rush, 11/17/15, stating concerns with setbacks, landscaping, and parking and loading.
7. Jack Hardman, 11/18/15, stating concerns with traffic and pedestrian, bicycle and transportation systems.
8. Alicia Rossini, 11/20/15, stating concerns with Modification (loading) and Adjustment (access from Harrison).
9. Michael Starosciak, 11/4/15, stating concerns with FAR allowance.
10. Portland Downtown Neighborhood Association, 11/25/15, stating concerns with landscaping, rooftop mechanical and loading.
11. Deborah Popper, 12/3/15, stating concerns related to public health and safety.
12. Steven Koch (KLA), 12/1/15, stating general support and issues related to landscaping, use, lighting and trees.
13. Grant Higgins, 12/2/15, stating concerns related to the pedestrian malls and Pettygrove Park.
14. Zelijka Carol Kekez (PLACE), 12/2/15, stating support for the project.
15. Randy Gragg (Portland Open Space Sequence), 12/2/15, stating support for the project.
16. Larry Risch, 12/3/15, stating concerns with the 3<sup>rd</sup> Avenue, Harrison Street and grocery store use.
17. Diane Perry, 12/3/15, stating concerns with landscaping and setbacks.
18. Dorothy Aeto, 12/3/15, stating concerns with impacts on the pedestrian trail and park, architectural compatibility, pedestrian system.
19. Petition on Change.org, 12/3/15, stating opposition with concerns related to setbacks, density, parking access, loading, landscaping, and rooftop.
20. List of public testifiers from 12/4/15 Design Commission hearing
21. Phil Gilbertson, 1/20/16, stating support for the project.
22. Bill Bowling, 1/30/16, requesting a wind study to address potential concerns regarding the quality of the balcony spaces.
23. Elsa Porter, 1/20/16, stating support for the project.
24. Helen Ying, 1/21/16, stating support for the project.
25. Merrily Burger, 1/21/16, stating support for the project.
26. Kathy Stuttaford, 1/21/16, stating support for the project.
27. Joan C. Johnson, 1/22/16, stating support for the project.
28. Kathi Belknap, 1/22/16, stating support for the project.
29. Jim & Judy Heltzel, 1/22/16, stating support for the project.

30. Penny Rush, 1/24/16, stating concerns with setbacks, density, landscaping, and loading zone.
31. Bill Bowling, 1/24/16, stating numerous concerns mostly relating to quality, massing, setbacks, loading, sidewalk width & obstructions, FAR, parking and traffic impacts.
32. Deborah Popper, 1/24/16, stating concerns with FAR and impacts on neighborhood livability and public health and safety.
33. Nikki Dennis, 1/24/16, stating concerns with FAR, traffic, tree removal, and modifications requested.
34. Kenneth Fukunaga, 1/25/16, stating concerns with FAR, traffic and pedestrian impacts, and compatibility.
35. Larry Risch 1/25/16, stating concerns with the removal of trees and parking
36. Linda Stovall, 1/25/16, stating support for the project.
37. Joel Thorson, 1/25/16, stating concerns with scale and FAR allowance.
38. Dorothy Aeto, 1/25/16, stating numerous concerns related to the FAR allowance, scale, compatibility, etc.

*Staff Response:* Responses to the concerns related specifically to impacts on traffic and pedestrian, bicycle and transportation systems have been addressed by Transportation in the Modification (loading) and Adjustment (Access from Harrison) findings in Section 2 and 3 below.

Regarding the Floor Area Ratio (FAR) allowance, the property resides in the Central City and South Auditorium plan districts, which both establish a maximum base FAR of 6:1 for the site. The Central City plan district allows for bonus FAR up to 3:1 above the maximum 6:1 FAR per section 33.510.210.C. Per subsection 1 (residential bonus option) additional FAR is allowed on sites in the CX zone that are outside the South Waterfront and North Pearl subarea, which is the case for this property. Some opponents of the project state the language in the South Auditorium plan district Section 33.580.020 (Where These Regulations Apply), specifically, “where the regulations of this chapter conflict with the regulations of the Central City plan district, the regulation of this chapter prevail,” limits the FAR to 6:1 on this site.

There is no conflict between the FAR regulations of the Central City Plan District and the South Auditorium District. Both plan districts establish the same maximum FAR for the site. The Central City plan district allows bonus FAR per Sections 33.510.210.C, while the South Auditorium plan district does not include any regulations that explicitly prohibit additional FAR above the maximum, either through a bonus option or transfer from another site. Because the South Auditorium Plan District does not contain bonus FAR regulations and does not contain any prohibition on bonus FAR, there is no conflict and the Central City bonus FAR regulations apply to allow up to 3:1 bonus FAR.

Similar application of these code sections occurred in 2006 where a development (Cyan) that resides in both plan districts utilized the residential bonus option of the Central City plan district for FAR above the 6:1.

The remaining concerns are addressed throughout the approval criteria responses below.

**Project History:**

- The first hearing for the Design Review occurred on December 3, 2015. Staff’s summary of the Commission’s comments from this hearing can be found in Exhibit H.4

- This project had four DARs with the Design Commission on December 30, 2014, February 19, 2015, March 12, 2015, and June 18, 2015. The first three hearings primarily centered around the overall massing and need to respond to the abutting open space conditions and to the distinct forms within the South Auditorium Plan District. The last DAR hearing continued to focus on the massing, as well as the ground level, vehicle access and overall composition.

## ZONING CODE APPROVAL CRITERIA

### (1) DESIGN REVIEW (CHAPTER 33.825)

#### 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.

#### Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City.

The Central City Fundamental 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.

#### Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within all of the Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;

7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

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

**Findings:** The proposal incorporates several Portland-related themes. Firstly, the integration of a series of outdoor courtyards and amenity spaces into the full block scheme extends the tradition of integrated outdoor space so prevalent in residential buildings within the Central City. Secondly, the building embraces stormwater management techniques with a large green roof and stormwater planters in the courtyard atop the 4th floor, which also emphasizing Portland's movement towards a more environmentally responsible city. Thirdly, the project provides more than the required bike parking, which supports the City's nationally recognized bike culture. And finally, the proposed residential tower extends and reinforces the theme of higher density and the livable urban experience that is starting to emerge by providing high quality residential and commercial space in the area. *This guideline has been 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 superblock 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 proposed full block development maintains the traditional 200-foot block pattern within the pedestrian mall layout of the South Auditorium Plan District. *This guideline has been 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 proposed project is located within the South Auditorium District. This neighborhood is filled with mid-century modern buildings and the Halprin Open Space Sequence of pedestrian trails and parks. The project's overall massing and character have developed in direct response to the unique character of the pedestrian trails, predominant massing approach of the district, and prominence of open space provided in the surrounding developments. The proposal's architectural aesthetic is derived from its neighbors – the Cyan to the north and Harrison Towers to the east and is intended to be complementary as opposed to repetitive. A unified and singular architectural character is provided along 4th and Harrison, embracing the urban edge. Where the mass addresses the 3rd and Montgomery rights-of-way, the façade steps down in scale in response to, and in acknowledgement of, the pedestrian trails. This shift in architectural approach both embellishes the



architecture of the proposal, and identifies the unique character of the pedestrian trails where they interface with the typical vehicular streets.

Setbacks and activated corners demarcate the 3rd Avenue and Montgomery pedestrian trails which line the north and east sides of the site. Grade level planters, which continue the pattern of the existing stepped planters found throughout the Halprin sequence, connect the activated corners to both enhance the existing walkways, and embellish their connection points at 4th & Harrison.

Over the course of four DAR hearings with the Commission, the massing of the building significantly changed from a full block form to an L-shape tower atop a podium to better respond to the different frontage conditions and the tower forms in the district. At the 4<sup>th</sup> DAR hearing on June 18<sup>th</sup>, 2015, the building was noted as still pushing the limits of the site and one more pass at the massing was needed. Several suggestions were noted including increasing the depth of the setback from the glass to the metal façade where the additional depth carves back into site, removal of the townhomes atop the podium at the northeast corner to reduce the mass along the open space frontages, and a more generous width for the 6' wide terraces at the northwest and southeast corners.

At the Design Review hearing on December 3, 2015, the majority of the Commission stated the massing and setbacks were acceptable so long as more attention was given to the north and east frontages along the pedestrian mall and park. In response, a 16'x16' notch in the building at the northeast corner has been incorporated to open up the ground floor entry and step back the podium from the park. The notch extends up to the townhomes atop the podium which is set back an additional 10' for a terracing effect. This revision strengthens the buildings response to the surrounding park and pedestrian trail by scaling back the mass of the podium.

*As revised, these guidelines have been met.*

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

**Findings:** The new building's walls lining the south and west right-of-ways successfully define a sense of urban enclosure. Canopies along the street frontages further establish a feeling of enclosure. In addition, terraced planters, low walls, bench alcoves and trees will create a strong edge and sense of enclosure along the pedestrian trail frontages of the block. *This guideline has been met.*

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

**Findings:** The proposal will enhance the pedestrian system in several ways. On the SW Harrison, the public sidewalk will be extended 5' back into the property for a total of 17'-3" deep pedestrian area (see Modification #1) to abut the building edge. This increase in sidewalk width creates a more urban street environment that corresponds to the sidewalk areas in most of the Downtown area and provides direct access to the sidewalk zone from retail entrances. The location of retail along both SW 4th and SW Harrison at the ground level with

large expanses of glass, canopies and recessed entries will further encourage the use of the sidewalks.

The remainder of the site is bounded by pedestrian malls on the north and east sides. While the width of the paved pedestrian pathway within the trails will remain the same as part of this project, the pedestrian experience along these malls will be enhanced by the addition of terraced landscaping elements and seating areas. At the northeast corner a building entry that accesses the bike room and grocer tenant will facilitate movement through the area, particularly to and from the pedestrian mall and Pettygrove Park. *This guideline has been 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.

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

**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.

**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, B5, C1 and C7:** The proposed development concentrates its mass with a unified and singular architectural character at 4<sup>th</sup> and Harrison, embracing the urban edge of the site. This primary corner is further articulated with a framed projecting glazed “box” which focuses the architectural expression toward the main entry point of the primary commercial tenant (grocer). At the southeast and northwest corners of the building the residential lobby and retail tenant space with fully glazed façades and entries highlight these corners adjacent to the pedestrian trail. Retail lining the ground floor of the SW 4<sup>th</sup> and SW Harrison façades consists of clear glazed storefronts, establishing a direct visual connection between the sidewalk and the interior. This visual connection encourages the active use of the sidewalk and invites pedestrians into the building.

There was much discussion at the prior DARs about ways to maximize transparency and activity along all of the frontages. The interior floor level and exterior grade transitions have since been resolved along 4<sup>th</sup> and Harrison. However, the 3 levels of podium above grade along both pedestrian trail frontages were a primary topic of discussion at the December 3, 2015 hearing as they remained rather solid due to the interior program of the garage and mezzanine. The applicant has responded with changes to both the program and the façade. Along Montgomery the parking has been moved inboard to allow for a fitness room and coffee amenity spaces for the residents. Along 3rd, racks in the bike room have been shifted away from the glass with work areas and

benches placed along the windows. The entry at the northeast corner has been enlarged to accommodate a point of sale for the grocer and a seating area. At the 2<sup>nd</sup> floor and mezzanine levels, floor plans show the layout of the grocer, which indicates active uses like retail sales, office, and seating areas near the windows. Glazing on the podium along both the north and east facades has been significantly increased as well. Together these changes strengthen the visual and physical relationship of the building and the adjacent public pedestrian trail and park (see Exhibits 33 and C.34). To ensure the areas on the 1<sup>st</sup>, 2<sup>nd</sup> and mezzanine levels near the northeast corner retain visible active uses to establish a visual connection from the sidewalk and adjacent park to the active interior spaces, Staff recommends a condition of approval for the areas indicated on Exhibits C.9 through C.11 to exclude back-of-house functions such as storage, mechanical, and shelving, and the glazing immediately adjacent to these areas remain clear and transparent. This condition is further needed for the ground level condition to ensure the ground floor windows remain qualifying window features under Section 33.130.230.C.

The applicant is not in support of the condition stating it could impact the lease negotiations with the grocer and deter further tenants from leasing the space as it may limit their operations and layout. However, Staff believes an active, engaging façade facing a tucked-away public park is critical in meeting these guidelines and contributing to a safe and viable open space. It is imperative that this building is active on all four sides given its context. Unless another option or mechanism is identified by the February 18<sup>th</sup> hearing to ensure the podium facades at the northeast corner adjacent to the pedestrian trail and park remain transparent and contain active uses, Staff's condition remains as proposed.

*As revised and conditioned to exclude back-of-house function and retain clear glazing on the podium façade near the northeast corner, these guidelines have been met.*

**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.

**Findings:** Street trees between the curb and sidewalk zone will help to create a physical barrier between pedestrians and moving vehicles. Shared access to the parking garage and loading space along SW Harrison minimizes the amount of driveway area crossing the pedestrian space and thus reducing the potential for pedestrian/vehicle conflicts, which is discussed in much more detail in Section 2 (Modifications – Loading) and Section 3 (Adjustment –Access) of this report. Light from the retail storefronts as well as recessed fixtures in the entry canopies will help illuminate the sidewalk, in addition to increasing the pedestrian's sense of security during evening hours. Street lighting for 4th and Harrison and the public pedestrian malls will conform to city standards.

At the hearing on December 3, 2015 more information and clarity was requested regarding the mechanical and ventilation equipment and screening. A sample of the perforated panel was provided as well as a mock-up to show the louver and condition behind the perforated panel, which appears to successfully integrate the louver and mechanical elements behind. More details regarding the mechanical system location and operations were also provided. Exhaust and intake systems within the building will occur at least 10' above the pedestrian

trail and sidewalk. Kitchen exhaust for the grocer will occur on the upper roof and not along the ground level. Some of the exhaust is periodic (generator) and some is continuous (garage), however both are above the sidewalk level and have little to no odors associated with them unlike exhaust from a kitchen hood. As revised, *these guidelines have been 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.

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

**Findings for B4 and C6:** At the ground level seating areas and lush terraced landscaped planters enhance the pedestrian trail by providing a human scale edge and encourage passersby to stop, sit and enjoy the views of the park. At the northwest and southeast corners 6' deep outdoor terraces are proposed that offer places for people to sit and view the activity within the pedestrian trail and adjacent streets. A large building entry at the northeast corner also creates a protected area to gather and sit. The 5' building setback along Harrison provides additional area beyond the public sidewalk that could be utilized for outdoor seating or activities associated with the grocer or retail uses. *These guidelines have been met.*

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

**Findings:** All building access points will be protected from rain, wind and sun by a combination of canopies (4'-0" deep) and recessed entries. A continuous canopy element will wrap the entire base of the tower along SW 4<sup>th</sup> Avenue and SW Harrison and return along the pedestrian trail frontages to extend over the outdoor terraces at the northwest and southeast corners, providing full weather protection for pedestrians. *This guideline has been met.*

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

**Findings:** All entry points to the proposed development are at-grade with adjacent public sidewalks, and will provide barrier-free access to the interior of the structure. *This guideline has been 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:** The proposed development will be constructed of cast-in-place concrete for both its below grade and above grade structural system and vertical board formed concrete for the stepped retaining and

landscape walls. The exterior cladding will consist of aluminum storefront and glazed window wall, and 18-gauge (unbacked) metal panels. IPE wood will be limited to the columns beneath the canopies that flank the ground level entries for the grocer tenant. All of these materials have demonstrated to be durable and of high-quality.

The proposed project is located within the South Auditorium District. This neighborhood is filled with mid-century modern buildings and the Halprin Open Space Sequence of pedestrian trails and parks. The project's façade has taken a direct influence from its neighbors – the Cyan to the north and Harrison Towers to the east. A large glass box on the 4th responds to the modern glass façade of the Cyan. It integrates a series of vertical reveals – simple and elegant that is reminiscent of the large vertical reveals of Harrison Towers. This façade turns the corner onto Harrison, embracing the urban edge. The façade steps down in scale as it gets to the pedestrian trails. The side and pedestrian trail façades are composed of a series of frames – this is very similar to the vernacular of the mid-century office buildings throughout the South Auditorium District. The building mass is focused on the urban corner of 4th and Harrison in a fashion similar to the Cyan to the north of the site.

The parti for the proposed design is of a unified single development, and is composed of a clearly defined base on which sits an L-shaped tower pulled to the south and west of the site in deference to Pettygrove Park and the SW 3rd Avenue and Montgomery Pedestrian Pathways. The building base contains active use spaces, and pedestrian entry points at its four corners which interact with the four sides of pedestrian frontage. It is primarily glazed, and is provided with a continuous and unifying projecting canopy along SW4th and SW Harrison. This continuity and consistency of cladding, glazing, and entry design reinforces the unified character of the building base as a distinct element.

At the hearing on December 3, 2015, the Commission indicated the podium along the pedestrian trails needed to be re-examined to increase the glazing and better integrate with the overall composition. In response, the language of the tower on the 4<sup>th</sup> and Harrison facades was extended to the podium replacing the solid chevron panels for clear glass and perforated metal panels contained within a metal frame.

At the 4<sup>th</sup> DAR there was a lot of discussion regarding the potential for the gridded façade to feel flat. At the 1<sup>st</sup> Design Review hearing on December 3, 2015, the depth of the window recess was indicated as 4.5". The Commission requested a comparison between 4.5" and 5.5" to demonstrate the difference. The plans show a rendering of both and a mock-up was provided with the 4.5" depth. While the side-by-side perspectives provided in the plans doesn't appear to have significant difference between the 4.5" and 5.5" window depth, there are several built examples (937 and Pearl West office building) where 5.5" in depth has successfully articulated large facades with repetitive fenestrations providing texture and interest. Therefore, Staff recommends a condition of approval to increase the dimension at the punched window to 5.5" to provide more articulation on the gridded facades and to be more consistent with the deeper punches of the buildings in the district.

*As revised and conditioned to increase the punched window depth to 5.5", these guidelines have been met.*

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

**Findings:** The majority of the building's base contains active use spaces, and pedestrian entry points at its four corners which interact with the four sides of pedestrian frontage. It is primarily glazed, and is provided with a continuous and unifying projecting canopy along SW 4th and SW Harrison. This continuity and consistency of cladding, glazing, and entry design reinforces the unified character of the building base as a distinct element, and differentiates the sidewalk level of the building from the upper stories. *This guideline has been met.*

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

**Findings:** The proposal provides for a large scale tenant (grocer) for the majority of the ground floor commercial space, however, the space can be subdivided to accommodate a variety of uses at the pedestrian level if needed. In addition, a secondary commercial space is provided at the southeast corner of the development which has the ability to be tenanted in a variety of configurations. *This guideline has been 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 project includes two types of projections into the SW 4th Avenue right-of-way, a canopy along the building base and a series of oriel windows. The canopy is a continuous element that complements the materials and clean lines of the south and west facades and enhances the pedestrian environment by providing weather protection. The oriel windows that comprise the western portion of the glass "box" along the south and west facades, comply with items A-E and G of the City's Window Projections into the Public Right of Way, Code Guide. The width of the individual bays, however, exceeds the 12' maximum established in item F, which can be modified through this design review. The proportions of the projecting windows on SW 4th are a continuation of the architectural expression along SW Harrison, and are an integral part of the overall project design. At the 4th DAR the Commission expressed support for the projecting bays stating they were appropriately scaled for the building, successfully modulate the street-facing facades, and better than what may result if all the all oriel window standards were met. Lastly, Transportation has not stated any objection to the proposed projection. *This guideline has been 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:** The majority of the roof area of the proposed development will include occupied roof areas as amenities for either the overall development, or individual tenants. Floors 2-3, on the north and east façades of the proposed development

step back an additional 10' from the already set back base creating private terraces for activated exterior uses with additional eyes on the park, and minimizing the mass of the proposal along the trails. At floor 2, behind the setback townhomes, is a common use roof deck, which will include storm water management facilities. A large outdoor active green space will be provided on the 4th floor. This space will overlook Pettygrove park, providing still more eyes on the park. At the eastern end of the 14<sup>th</sup> level, another outdoor terrace is provided as a common use amenity with distant view.

Atop the tower, a mechanical penthouse and an elevator overrun are provided along with mechanical equipment and screen enclosure. These elements are setback from the street edge, utilize materials from the building (solid and perforated metal panels), are integrated into the east facades of the tower and are grouped to create to unified elements. Since the hearing on December 3, 2015, enlarged elevations of the rooftop screens and enclosures, as well as a sample of the perforated metal panel, have been provided as requested by the Commission. The revised information supports the findings above of high-quality materials and an integrated design. *With this additional information, this guideline has been met.*

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

**Findings:** Lighting at the ground level will be provided by recessed fixtures within the soffits of the canopies and recessed entries. Street lighting for 4th and Harrison and the public pedestrian malls will conform to city standards. Light from within the retail storefronts will also help illuminate the sidewalk. At the upper levels bollard lights will illuminate the outdoor terrace on the 4<sup>th</sup> floor. As a residential tower, the units will be lit from the interior side at night, casting a varied yet unobtrusive light pattern. The fixture types and locations ensure no adverse impact on the nighttime skyline. *This guideline has been met.*

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

**Findings:** No signage is proposed at this time. *Therefore, this guideline does not apply.*

## **(2) MODIFICATION REQUESTS (SECTION 33.825.040)**

### **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 Modifications are requested:

- 1) Building Setbacks** – To reduce the depth and landscaping of the required building setbacks along all four frontages (street and pedestrian mall) as follows (PCZ Section 33.580.100):
- SW 4<sup>th</sup> Avenue – from 6’ to 0’ and no landscaping.
  - SW Harrison Street – from 15’ to 5’ with no landscaping.
  - SW 3<sup>rd</sup> Avenue & SW Montgomery – not provide some of L2 landscaping within portions of the 6’ deep setback at the northwest, northeast and southeast corners).

**Purpose:** *The South Auditorium plan district protects the unique character of the former South Auditorium urban renewal district. The district is an award-winning development, with its high-rise buildings, generous setbacks and landscaping, numerous plazas and fountains, and elaborate pedestrian walkway system. Maintenance of this character is achieved by requiring additional landscaping requirements, the preservation of existing trees, screening of roof-top equipment, and additional sign regulations which limit the type, number, and size of signs.*

**Findings:** The proposed development will include a fully paved area between the building and sidewalk along SW 4<sup>th</sup> and SW Harrison and will also have some paved areas between the building and pedestrian trails for building access and outdoor seating. The majority of the 6’ deep setbacks provided along both pedestrian mall frontages contain the required landscaping. Despite the additional paved areas, the proposed design thoughtfully maintains the South Auditorium Plan District’s character through the preservation of the pedestrian malls and the landscaped areas along SW Montgomery Street and SW 3<sup>rd</sup> Avenue. By retaining the unique character of the District, the new development meets the purpose of the standard.

The site is located at the western most edge of the South Auditorium plan district, which is where the most urban conditions along the streetscape occur. On the most urban edge of the site, SW 4<sup>th</sup> Avenue, the sidewalk will be widened to abut the building edge, mimicking typical downtown Portland sidewalks, in close alignment with the most recent development in the plan district immediately north of the site (Cyan), and encouraging a more active relationship between the building and pedestrian space. Along SW Harrison, the 5’ deep setback will provide a transition from the deeper setbacks of the developments in the plan district to the east, to the more urban conditions along 4<sup>th</sup>. This setback, when combined with the sidewalk, results in 17’-3” of pedestrian accessible space along this frontage, allowing passers-by to engage with the building and the ground floor uses, which are intended spill out into this space via the overhead glass doors. The combination of hardscape and landscape along the pedestrian trail frontages incorporates seating areas and a primary building access at the northeast corner that activate these edges and offer a variety of experiences along the pedestrian malls. By providing more active and usable area in the pedestrian environment, the proposed design



better meets Design Guidelines A8 – Contribute to a Vibrant Streetscape and B1 – Reinforce and Enhance the Pedestrian System.

At the 4<sup>th</sup> DAR, a Commissioner stated the building was still stretching the limits of the site, with the shallow 6' depth of the outdoor terraces at the northwest and southeast corners as contributing elements to this larger concern. At the 1<sup>st</sup> Design Review hearing on December 3, 2015, the majority of the Commission concluded the 6' depth of the terraces and setbacks were acceptable as designed so long as more attention was given to the north and east frontages. As indicated in the findings above in Section 1 (Design Review), the proposal has been revised to scale back the mass at the northeast corner and provide more active uses and transparent facades along the pedestrian mall and park. The plans have also been updated to reflect comments received from Parks and the public, which include:

- Lowered the height of the landscape and seatwalls along both Montgomery and 3<sup>rd</sup>.
- Added more planting on the SE corner in back of the tree well to keep people from shortcutting through the plant bed to Harrison.
- Added another Hinoki Cypress in the planter within the building setback along Montgomery for a total of 4.

*With these revisions, the approval criteria have been met.*

- 2) **Loading** – To allow the loading space in the building on the SW Harrison Street frontage to be accessed in a reverse motion along the streetcar alignment (PZC 33.266.310.F).

**Purpose:** *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:** Since the on-set of this land use proposal, at the early assistance stage, City staff and the applicant recognized challenges to site access for both passenger and loading vehicles. The abutting streets, SW 4th Ave and SW Harrison carry volumes of traffic entering the downtown area from the south and east, with recognized congestion during peak periods. Further, the City's Street-car operations have track alignments along both site frontages. Lastly, given the site's location in the core of the downtown area and in proximity to Portland State University, there is a high volume of pedestrians along (and beyond) the site's frontages.

At PBOT's direction, the applicant brought on a traffic consultant to weigh in on site access options. There were a series of options including separating the garage access and loading access points to both street frontages and combining them on both frontages as well. In an effort to minimize the potential impacts to the extent practicable, it was initially determined that combining the garage/loading access points to one site frontage was preferred. Next, consideration was given to which site frontage would result in the greater number of conflicts if the access points were assigned thereto. SW 4th Ave, with its additional travel lane and direct access from I-5/I-405, carries a higher

volume of vehicles (and likely greater speeds) than SW Harrison. PBOT has no current data on file, but comparable data from 2008 indicates that volumes along SW 4th Ave are twice that of SW Harrison. Further, SW Harrison also has a median island which eliminates conflicts with east-bound travel lanes. A concern with garage access along SW 4th Ave that PBOT expressed was with the potentially unsafe and dangerous movement of exiting vehicles from the site attempting to cross the 3 travel lanes of SW 4th Ave to access SW Montgomery. SW Montgomery leads to SW 5th Ave which is a commonly utilized southbound route leading to the freeway connections with I-5/I-405. Exiting drivers from a garage point (at the northern end) of the SW 4th Ave frontage might make unsafe decisions about adequate gaps in conflicting pedestrian and vehicular traffic along SW 4th Ave. Additionally, turning movement analyses were performed to study trucks accessing the required on-site loading bay(s) with a curb cut/driveway along SW 4th Ave. Although trucks were shown to be able to maneuver into the loading bays within the confined ROW (due to Streetcar infrastructure), the concern here was relative to the similar potential conflicts with the volumes of pedestrian and vehicle traffic along SW 4th Ave (compared to those along SW Harrison). Additionally, loading vehicles would be required to back across the existing marked (and legal) crosswalk across SW 4th Ave at SW Montgomery to access the potential loading bays along this site frontage.

With significant resources and time spent on the access issue, PBOT (along with the Design Commission's initial support) ultimately identified that all vehicle access to the site would be from SW Harrison. Similar truck movement analyses were performed for loading access from SW Harrison. It was at this time, also, that PBOT and the applicant began discussions about accommodating some loading activities associated with the anticipated grocer user along the site frontages (in addition to the on-site loading spaces). Accordingly, and although it would impact the proposed building on the subject site, the applicant offered to widen the roadways along both site frontages (by 10-ft along SW Harrison and 8-ft along SW 4th Ave) to accommodate parking/loading lanes [the roadway widening will result in property dedication]. Along SW Harrison, the expected largest loading vehicles will utilize the on-street truck loading zone for a specified period of time throughout the day; this will be an efficient location for loading activities to occur because it aligns with the on-site loading bay and first level floor plan. After the limited time frame for loading expires, this lane will revert to general on-street public parking (which does not currently exist along either site frontage). Similarly along SW 4th Ave, an on-street truck loading zone will be established by widening the roadway, for utilization of smaller loading vehicles and with the same reversion to on-street parking.

The above referenced information is provided in context to address the requested Modification to the forward motion requirement. By reducing the access point to the site parking garage and on-site loading bay to one street frontage and within a shared curb cut/driveway, potential vehicular conflicts with pedestrians along the abutting sidewalks are reduced. Given the dimensions associated with the required on-site loading space, providing the necessary maneuvering area on-site to allow a large loading vehicle to enter and exit in a forward direction would effectively either significantly impact the programming of the first level floor plan or trigger a second access point. The second access point would need to be accommodated on the other street frontage, thereby further impacting pedestrians and vehicle traffic (that has now been reduced by limited site access to SW Harrison, only). Allowing loading vehicles to back into the on-site loading bay will permit the drivers of said vehicles to more easily view pedestrians (and passenger vehicles along SW Harrison) as they carefully maneuver into the

space also taking into consideration the existing median in the street. This maneuver, as compared with entering the loading bay in a forward motion and exiting it in the reverse motion with no available line of sight (of either pedestrians or vehicles) is a safer movement.

As shown on the submitted site plan, there is a full length wall separating the on-site loading space from the parking garage ramp. If a truck entered the loading space in a forward motion, it would need to back out of the space with no opportunity for the truck driver to see pedestrians or queued or approaching motorists until the truck was virtually entirely out of the loading bay. In this scenario, access to and from loading facilities would have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way, therefore, this is not a maneuver that PBOT would endorse.

PBOT is in receipt of public testimony that was submitted by nearby neighbors expressing concerns about many elements of the proposed project, including several transportation-specific issues. Most of the transportation issues expressed was addressed in the findings noted above. However, there was a concern about the proposed on-street truck loading zone along SW Harrison and its location within 50-ft of the SW 4th Ave/SW Harrison intersection. This limitation is referenced from City Code Section 16.20.220.D which states that “truck loading zones should not be located within 50-ft of an intersection in order to facilitate traffic safety. This does not apply to the area of the street where the direction of traffic is leaving an intersection on a one-way street”. Since it is not further defined, PBOT assumes that for the benefit of protecting pedestrians to the extent possible, that the “50-ft of an intersection” limit is measured from the abutting site’s property line intersection. If this is the case, a portion of the western end of the proposed truck loading zone along SW Harrison is within 50-ft of the property line intersection. However, pedestrians will be protected by the resulting curb extension which will be created by virtue of the proposed shifting of the curb along SW Harrison further north (10-ft) that will be necessary to create the parking/loading lane. Pedestrians will not be any further endangered by the creation of the proposed parking/loading lane than they currently are awaiting to cross the intersection (across SW Harrison); they will be in the same position (on the sidewalk/ramp) as they are today and will continue to have a protected signalized crossing while traffic on SW Harrison is stopped. The Code language cited previously does not outright prohibit a truck loading zone from being closer than 50-ft of an intersection and in this case, PBOT does not find that pedestrians will be further impacted by the creation of said truck loading zone along SW Harrison. Additionally, the applicant is proposing a similar truck loading zone along the site’s SW 4th Ave frontage. With this proposal, the above referenced second statement quoted from the Code section is relevant (the 50-ft limitation does not apply to the area of the street where the direction of traffic is leaving an intersection on a one-way street). In both cases, the loading activities within the proposed on-street truck loading zones will be time restricted (to be determined by PBOT’s Parking Control Section) and will revert to general public on-street parking opportunities thereafter. The on-street parking opportunities (which do not exist today) will be a public benefit.

In supporting the applicant’s Modification request, PBOT acknowledges that the resulting loading maneuvers may potentially create some additional delay and congestion along SW Harrison. However, all on-site loading activities (trucks entering/exiting the on-site loading space) must be completed by noon each day as required in the Driveway Design Exception (15-247120 TR) approved for the

loading by PBOT. This will alleviate further impacts along the street and nearby intersection during the afternoon peak period of travel. PBOT is supportive of the requested Modification.

As stated above, reverse motion loading access on Harrison allows the truck driver to see pedestrians when maneuvering back into the space. If the truck entered the loading space in a forward motion, it would need to back out of the space with no opportunity for the truck driver to see pedestrians until the truck was virtually entirely out of the loading bay. This Modification therefore better meets design guideline B2 (Protect the Pedestrian). *For these stated reasons, the approval criteria are met.*

- 3) Rooftop Projections** – To allow the rooftop elements to exceed: height limit exceptions of 10' (15' for cooling tower and up to 16'-0" for mechanical screens), and 10% of roof coverage (10.9% proposed) (PZC Section 33.140.210.B.2)

**Purpose:** *The height limits are intended to control the overall scale of buildings. The height limits in the CN1, CN2, and CO1 discourage buildings which visually dominate adjacent residential areas. The height limits in the CO2, CM, CS, and CG zones allow for a greater building height at a scale that generally reflects Portland's commercial areas. Light, air, and the potential for privacy are intended to be preserved in adjacent residential zones. The CX zone allows the tallest buildings, consistent with its desired character.*

**Findings:** The building will be constructed at the maximum allowed height of 175' and the rooftop elements that project above this height are beyond the 15' setback from roof edges along the street. The L-shape of the building tower results in a more slender form than a typical full block development, and thus has less overall bulk. As a result, the rooftop area is smaller than typically found on the full block towers, causing the coverage of mechanical equipment to be higher than 10%.

The mass of these elements are reduced in a number of ways: they are setback from the street edges, grouped to create two distinct elements with a rectilinear form that aligns with the tower and use perforated metal panels that result in lighter, less solid objects while also obscuring views of the mechanical equipment, as required in the South Auditorium Plan District.

Along with the rectilinear form that complements the tower form, the enclosures utilize materials from the building (solid and perforated metal panels) and are integrated into the east facades of the towers resulting in a coherent overall building design and better meeting Design Guidelines D5 – Design for Coherency and C11 – Integrate Roofs and Use Rooftops.

Since the hearing on December 3, 2015, enlarged elevations of the rooftop screens and enclosures, as well as a sample of the perforated metal panel, have been provided as requested by the Commission. The revised information supports the findings above of high-quality materials and an integrated design. *With this additional information, this criteria has been met.*

- Modification #4 (Bike Parking)** - To reduce the width of the 656 long-term bike parking spaces provided from the required 2' to 17.69" (PZC Section 33.266.220.C.b).

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

**Findings:** The Urban Double Stacker bike parking system is proposed for the 780 long-term bike parking for the occupants and tenants of the building and located in bike rooms in parking levels 1 and 2. This two tier system is manufactured with an 18" spacing rather the 2' required by code. Transportation has considered the reduced 18" width on numerous projects when the mounts include a vertical offset of 6", which this system will be customized to provide. The stagger of the mounts allows for the racks to function as well as a rack meeting the 2' width. Allowing the bikes to be closer together maximizes the number of bikes that can be parked. It would also create extra space within the bike parking room for bike racks that could support larger/or uniquely designed bikes. The pneumatic lift system enables anyone of any agility to store their bike in the upper trays of the rack. The system allows for bikes to be locked by any type of lock.

Because these racks will be used by residents and tenants, it can be assumed that they will have some familiarity with the rack systems. For these reasons, the bicycle parking system is safe and secure, located in a convenient area, and designed to avoid any intentional or accidental damage to bicycles; as such, the proposal is consistent with the purpose statement of the bicycle parking standards. The proposed functional and space efficient system also better meets the design guidelines because it eases floor plan demands and results in additional opportunities for active uses at the street, such as lobby and retail spaces. *This approval criteria has been met.*

### **(3) ADJUSTMENT REQUESTS (CHAPTER 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 and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

#### **33.805.040 Approval Criteria**

The approval criteria for signs are stated in Title 32. All other 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.

The following adjustments are requested:

**Adjustment #1 (Maximum Parking)** – To allow the maximum number of parking spaces provided on-site for the supermarket to be 2 spaces per 1,000 SF (66 spaces for

the 33,000 SF supermarket) rather than 1 space per 1,000 SF (PZC Section 33.510.263, Table 510-6).

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

**Findings:** The proposed development includes a 33,000 SF supermarket and provides 66 parking spaces for this tenant. Five spaces will be provided for Retail B (5,000 SF), and 137 spaces will be provided for the residential tenants. An optional 4<sup>th</sup> basement level has been recently added to make up for the loss of parking on level 1 when the program along the north and east edges changed to fitness and bike rooms. This additional parking level will provide 80 more spaces for the residents for a total of 217 dedicated to the building occupants. The additional parking was reviewed by the traffic consultant and was determined to not change the outcome of their analysis related to vehicular site access.

The purpose of the regulation is to implement the Central City Transportation Management Plan by managing the supply of off-street parking to improve mobility, promote the use of alternative modes, support existing and new economic development, maintain air quality, and enhance the urban form of the Central City. Adding additional parking for the grocer will help alleviate traffic caused by people looking for street parking. Taking the cars off the street and parking under the building would help manage the off-street parking and promote mobility. Although the building is a full city block, it only has two frontages for on-street parking and loading, and two pedestrian trails. The parking underground helps to maintain the urban form of the Central City by creating active uses around the perimeter and especially at the corners of the building at grade.

The 71 parking spaces for the commercial tenants (66 of supermarket and 5 for retail B) have been identified on levels one and two. These spaces will be reserved and marked for retail patrons only with a secured gate that operates via a RFID reader for the residents to access their parking beyond. The gate will ensure the retail parking does not extend or spill over into the dedicated residential parking.

*This approval criterion has been met.*

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

**Findings:** Allowing the addition of 33 more parking spaces on-site for the supermarket takes the cars off the street and puts them in the building and underground. This is consistent with how parking is handled in other buildings in the area. The underground location ensures the additional spaces do not impact the desired character of the area, which is defined by the high-rise buildings, generous landscaping, public plazas and fountains and elaborate pedestrian walkway system. *This approval criterion is met.*

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

**Findings:** See the response below under Adjustment #2, C.

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

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

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

**Findings:** Because there were no impacts identified in the findings, this criterion does not apply.

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

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

**Adjustment #2 (Access Restricted Street)** – To allow both the garage and loading bay to be accessed from SW Harrison Street, which is an Access Restricted Street due to the Streetcar Alignment (PZC Section 33.510.263.G.6.c)

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

**Findings:** The purpose of the parking and access standards is found in Code Section 33.510.261.A and is stated as follows: “the parking and access regulations implement the Central City Transportation Management Plan by managing the supply of off-street parking to improve mobility, promote the use of alternative modes, support existing and new economic development, maintain air quality, and enhance the urban form of the Central City”. The italicized portion of the purpose statement is the focus of PBOT’s assessment.

The proposed parking garage access from SW Harrison will limit vehicles to right-in/right-out movements only due to the existing median in the street. The use of SW Harrison for access will provide motorists with an efficient option for connecting to SW 5th Ave to then reach the broader transportation system of the I-5/I-405 freeways (and beyond). Vehicles exiting the proposed garage will not directly impact the operations of the Portland Streetcar, which has a track along SW Harrison, since there is a travel lane available for the exiting vehicle that is separate from the Streetcar’s track (lane) – SW Harrison has two lanes in the west-bound direction with the street-car track located closer to the center median.

As mentioned previously in the Loading Modification response, the determination that the proposed garage and loading access should be combined along one of the site’s street frontages and specifically along SW Harrison, was in part to minimize impacts to pedestrians in this highly pedestrian active area of downtown. The location of the proposed garage access along SW Harrison is preferred since a) pedestrians utilizing the pedestrian pathway/mall adjacent to the east side of the subject site will be upstream of the proposed garage access, b) pedestrians desiring to cross either SW 4th or SW Harrison at the SW 4<sup>th</sup>/SW Harrison intersection are protected by the signalized and marked crosswalks, and c) the volumes of pedestrians and vehicles along SW Harrison is lower than

on SW 4th. Any proposed garage access along SW 4th Ave would be located towards the northern end of the site, in close proximity to the marked (but unsignalized) crossing across SW 4th Ave. PBOT finds that the proposed garage access along SW Harrison therefore “improves mobility and promotes the use of alternative modes”.

*This approval criterion is met.*

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

**Findings:** The site is located in the CX zone and the South Auditorium Plan District. The desired character of the CX zone and plan district include intense development with elaborates pedestrian walkway system. Ganging the two vehicle access points together on Harrison reduces the potential for pedestrian conflicts, as noted in the findings for A. above, thereby supporting the pedestrian walkways that characterize the area. *This approval criterion is met.*

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

**Findings:** The purpose of the CX zone is to provide for commercial development within Portland’s most urban areas. Development is intended to be very intense with high building coverage, large buildings, buildings placed close together, and pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

Providing additional parking for the grocer as well as providing access off of Harrison will be consistent with this purpose in that the proposal provides an intense and compact development that also enhances the streetscape and pedestrian walkways in a number of ways: locates parking underground and out of site, provides transparent and active uses in the ground floor, mid-block entry on Harrison allows for the building corners to be activated, and provides a buffer from the pedestrian crossing at 3rd Avenue. *This approval criterion is met.*

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

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

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

**Findings:** Because there were no impacts identified in the findings, this criterion does not apply.

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

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



#### **(4) HISTORIC RESOURCE REVIEW (CHAPTER 33.846)**

##### **Purpose of Historic Resource Review**

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

##### **Historic Resource Review Approval Criteria**

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

**Findings:** Proposal includes alterations in a designated Historic District in the Central City Plan District, which are non-exempt treatments. Therefore, the proposal requires Historic Resource Review with approval criteria being those listed in 33.846.060 G – *Other Approval Criteria*.

The Historic Resource Review is requested for the changes within the pedestrian mall frontages of SW Montgomery and 3<sup>rd</sup>, which are within the Halprin Open Space Sequence Historic District. The changes proposed include:

- **Replacement of the trees and Ivy along the 3rd Avenue trail** - The 3rd Avenue Pedestrian trail currently has Norway Maple trees and Ivy that are both on the City of Portland nuisance list. They are also spaced approximately 15' on center, which shortens their life span considerably. The current trees health is in decline and the construction of the proposed development would accelerate the decline. The applicant has consulted with the Park's Urban Forester to find the best replacement tree for the historic district, which the Mushashino Zelkova trees have been deemed appropriate. Seven of these trees are proposed spaced at 20' on center.
- **Addition of transformer vault and trees in the Montgomery Pedestrian trail:** After considerable discussions with BDS Staff, PP&L (utility provider) and PBOT, the location of the electrical transformer is limited to the pedestrian trails. The Streetcar catenary lines along both 4<sup>th</sup> and Harrison preclude the placement along these frontages. Locating the transformer vault under the pedestrian trail would require the existing trail be excavated, but the intent is to cut out the concrete and replace with the concrete lid (6'x9') with an exposed aggregate concrete to match the existing concrete color, aggregate and joint pattern. A concrete mix specification has been provided within the plans to ensure a close match. No electrical equipment or wiring will be added above grade.

Only 3' of the landscape planter within the Montgomery Pedestrian trail lies within the historic district. The remainder where the existing trees are planted is on private property. To respond to a request from the public, ornamental Japanese Snowbell trees have been added within the 3' deep planters in the trail. Parks has confirmed the species will do well in this location as it can tolerate shady and narrow conditions. Additionally, Parks has indicated this species is used elsewhere in the Halprin sequence providing continuity with what is planted elsewhere in the district.

- **Relocation of the concrete monument at the corner of 4th & Montgomery:** There are three concrete monuments along the site's pedestrian trail frontage. The two existing at the northeast and southeast corners are to remain. The existing concrete monument at the northwest corner has to be shifted 8' eastward of the current location to align with the relocated property line along SW 4th. Moving the monument back will widen pedestrian corridor as required by PBOT and avoid potential tripping hazards. The monument on the other side

of the pedestrian trail adjacent to the Cyan development was removed, so there will not be an issue with alignment.

- **Provide openings through the historic planters along both SW Montgomery and 3rd & Montgomery:** An opening at the northeast corner is proposed to provide bike parking racks and a pedestrian entrance to the grocer, retail and interior bike parking. Two additional openings will allow access to seatwalls integrated into the tiered landscape planters than align the east and north frontages.

*Staff has considered all of the approval criteria and addressed only those applicable to this proposal.*

### **33.846.60 - Other Approval Criteria**

1. **Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.
4. **Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
5. **Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.
7. **Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.
8. **Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.
9. **Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.
10. **Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

**Findings for 1, 4, 5, 7, 8, 9 & 10:** As indicated above, the Norway maples on 3<sup>rd</sup> Avenue are to be replaced and the City's urban forester concurs with the reasons for removal. The replacement species will be differentiated from the existing species on the east side of the trail; however tree variety throughout the sequence is common. In addition, a large effort is getting underway with Parks and interested groups to address repair and maintenance issues within the sequence, which would also establish a list of replacement trees species. A significant number of trees have been removed from the sequence over the years due to disease. The Mushashino Zelkova is likely to be one of the species approved as a replacement tree which will provide continuity throughout the pedestrian mall. The Japanese Snowbell that is to be added to the planter along

Montgomery will also help provide continuity with what is planted elsewhere in the district.

It should be noted that trees removed from the private property and adjacent public ROW associated with this development that are not replaced will be charged a mitigation/replacement fee of \$750.00 per tree and applied to the Tree Fund. This is a requirement of the Tree Code (Title 11) and to meet the approval criteria of Section 33.580.130 (South Auditorium Plan District - Preservation of Existing Trees). This section requires a 1:1 replacement for trees removed or as approved through design review. Rather than have the replacement trees planted now, BDS and Parks Staff prefer an in-lieu fee to allow the location and species of the replacement trees to be further considered. The efforts underway to replace and infill trees throughout the sequence in the near future will be analyzing where a deficient in trees occur. A condition of approval will require tree replacement fees to be paid at the time of building permit for the trees on-site (estimated at 26) and 5 trees within the rights-of-way that will not be replaced with the project.

The monument at the corner of 4<sup>th</sup> and Montgomery must be relocated per PBOT. It has recently been determined that the existing monument can be shifted and re-used rather than be rebuilt, maintaining an exact match of the other 3 that exist along this frontage and throughout the sequence. The monument on the north side of Montgomery was unfortunately removed when the Cyan was constructed, before the historic district designation. Staff inquired about the possibility of replacing it to align with the relocated monument on the south side, however, the location and change in grade with the Cyan patio would cause a tripping hazard and require railing.

Any pavement disturbed during the vault installation will be replaced in design, color, and texture to match the visual qualities of the existing concrete as will the vault's lid. Specifications on the concrete mix, color, aggregate, etc, have been provided in the plans. A similar vault lid treatment occurred on the north side of the Cyan which has proven to be very successful at matching the materials, textures and conditions within the trail.

New stepped planters are proposed to be located adjacent to the Halprin pedestrian trails, on the 6' setback private property. Since this planting is adjacent to the historic landscape, great care has been taken to complement the historic pathway elements without mimicking them. Vertical board-formed concrete planters are proposed which is a modern interpretation of the vertical striations found on the concrete planters in the district. The planters will have a mix of flowering plants arranged in single species zones similar to what is found throughout the historic sequence.

Overall, the proposed changes in the historic district have been designed to be compatible with the conditions within the pedestrian trails, the adjacent properties and the larger open space sequence. Original materials will be maintained and preserved as much as possible. The overall character and integrity of the open space sequence will be maintained with the proposed changes.

*As conditioned to require tree mitigation fees to be paid for the 26 trees on-site and 5 trees within the rights-of-way that will not be replaced with the project, these guidelines have been met.*

**6. Archaeological resources.** Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

**Findings:** There are no known archaeological resources in the area. However, should they be found they will not be disturbed the appropriate mitigations measures will be undertaken. *This guideline has therefore 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 design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal has been responsive to the major items identified in the Design Advice and Design Review hearings. The most recent revisions significantly improve the building's response to its unique context adjacent to a public pedestrian trail and park and historic district along its north and east frontages. Conditions of approval recommended by Staff seek to ensure the visual connections between the activities within the building and the public park and pedestrian system are maintained and the façade is articulated and responds to deeper punches of buildings in the district. As revised and conditioned, the proposal meets the applicable design guidelines of the Central City Fundamentals, Other Approval Criteria – Section 33.846.060.G, the 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 approval of the Design Review and Historic Resource Review.

Staff recommends approval of the following Modifications:

1. *Building Setbacks* – To reduce the depth and landscaping of the required building setbacks along all four frontages (street and pedestrian mall) as follows (PCZ Section 33.580.100):
  - SW 4<sup>th</sup> Avenue – from 6' to 0' and no landscaping.
  - SW Harrison Street – from 15' to 5' with no landscaping.
  - SW 3<sup>rd</sup> Avenue & SW Montgomery – not provide some of L2 landscaping within portions of the 6' deep setback at the northwest, northeast and southeast corners).
2. *Loading* – To allow the loading space in the building on the SW Harrison Street frontage to be accessed in a reverse motion along the streetcar alignment (PZC 33.266.310.F).
3. *Rooftop Projections* – To allow the rooftop elements to exceed: height limit exceptions of 10' (15' for cooling tower and up to 16'-0" for mechanical screens), and 10% of roof coverage (10.9% proposed) (PZC Section 33.140.210.B.2)

- 4. *Bike Parking* - To reduce the width of the 656 long-term bike parking spaces provided from the required 2' to 17.69" (PZC Section 33.266.220.C.b).

Staff recommends approval of the following Adjustments:

- 1. *Maximum Parking* – To allow the maximum number of parking spaces provided on-site for the supermarket to be 2 spaces per 1,000 SF (66 spaces for the 33,000 SF supermarket) rather than 1 space per 1,000 SF (PZC Section 33.510.263, Table 510-6).
- 2. *Access Restricted Street* – To allow both the garage and loading bay to be accessed from SW Harrison Street, which is an Access Restricted Street due to the Streetcar Alignment (PZC Section 33.510.263.G.6.c)

Staff recommends the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B-F) 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 15-209034 DZM". All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The areas indicated on Exhibits C.9 through C.11 shall not include back-of-house functions such as storage, mechanical, and shelving, and the glazing immediately adjacent to these areas shall remain clear and transparent.
- C. The overall depth of the punched window on the gridded façade shall be increased from 4.5" to 5.5, as indicated on exhibit C.50.
- D. The following tree removal mitigation fees must be paid at the time of building permit issuance and applied towards the Tree Fund as follows:
  - For each tree removed and not replaced on the site (estimated to be 26 trees) \$750.00 per tree shall be paid into the Tree Fund.
  - Tree mitigation fee associated with removal and replacement of 5 trees within the right-of-way is \$3,750 (\$750 per tree).
- E. The applicant shall obtain an annual Angle Loading Parking Permit from PBOT's Parking Investigations Section/Parking Control Sections.
- F. No field changes allowed.

=====

**Procedural Information.** The application for this land use review was submitted on July 29, 2015, and was determined to be complete on October 7, 2015.

*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 29, 2015.

*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 G.2).

**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 \$5,000.00 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).**

Staci Monroe  
February 11, 2016

**EXHIBITS – NOT ATTACHED UNLESS INDICATED**

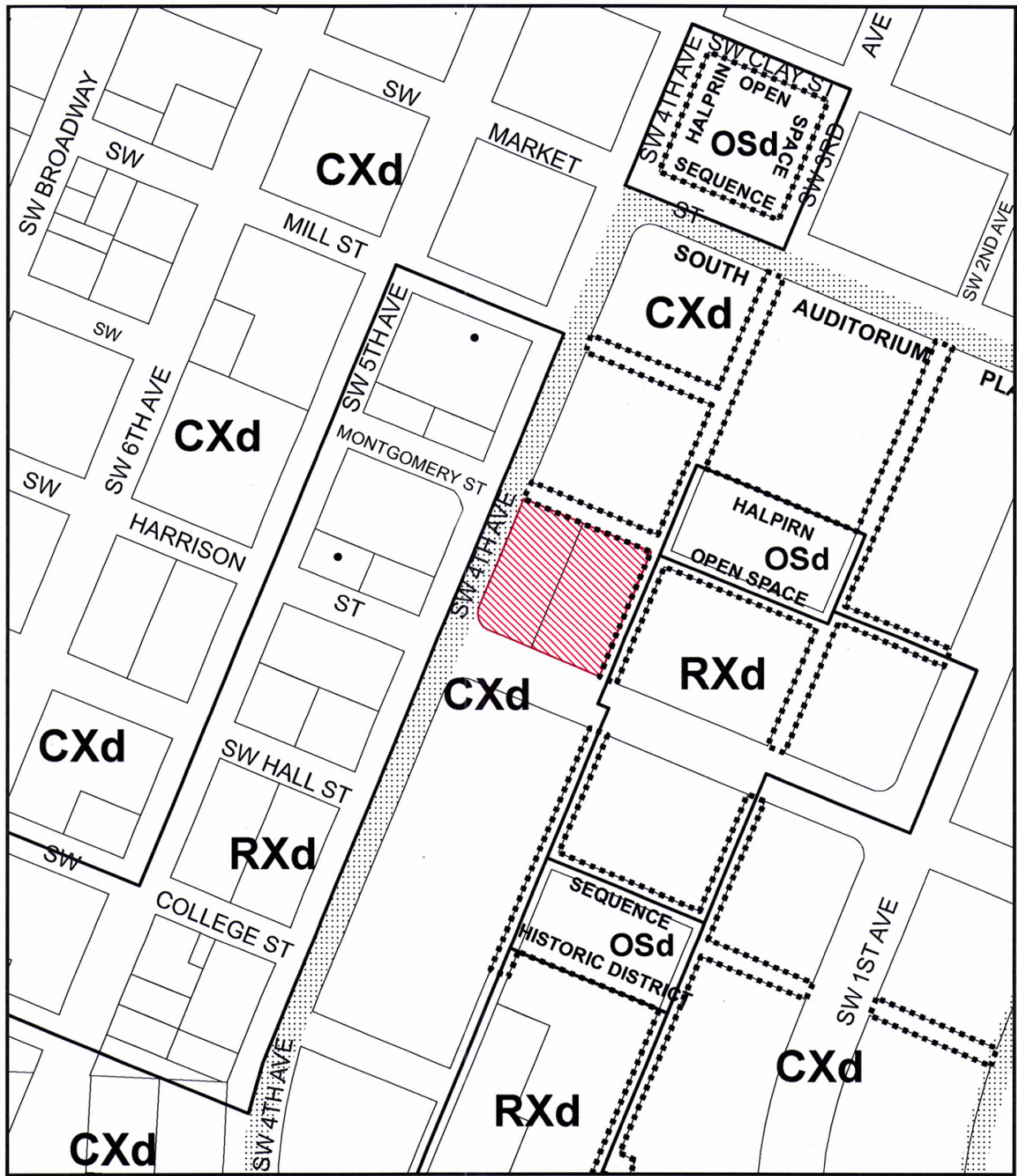
- A. Applicant's Statement
  - 1. Applicant's narrative & responses to approval criteria
  - 2. Kittleson Memo dated 10/15/15 regarding Adjustment for Access Restricted Street
  - 3. Letter from Pacific Power dated 10/14/15 regarding the transformer vault
  - 4. Letter from Pacific Power dated 11/16/15 regarding the transformer vault
  - 5. Letter from Lango Hansen (landscape architect) dated 11/13/15 regarding alterations in pedestrian malls
  - 6. Kittleson Memo dated 11/17/15 regarding public comments related to transportation and access
  - 7. Applicant's response to Incomplete Letter
  - 8. Applicant's summary of meeting minutes to HLC board member on 11/3/15
  - 9. Stormwater Memo & Information from KPPF dated 9/25/15
  - 10. Stormwater Memo & Information from KPPF dated 9/28/15
  - 11. Drawings dated 7/24/15
  - 12. Drawings dated 9/22/15
  - 13. Drawings dated 10/21/15
  - 14. Applicant's REVISED narrative & responses to approval criteria
  - 15. Envelope Compliance Certificate (Simple Trade-Off method)
- B. Zoning Map (attached)
- C. Plan & Drawings
  - 1. through (C.6, C.29, C.35-C.39 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. Bureau of Environmental Services
  - 2. Water Bureau
  - 3. Fire Bureau
  - 4. Plan Review Section of BDS
  - 5. Site Development Section of BDS
  - 6. Bureau of Parks-Forestry Division
  - 7. Bureau of Transportation Engineering
- F. Letters
  - 1. Nikki Dennis, 10/30/15, in opposition to the project stating concerns related to trees, grocery use, modifications, traffic, size of building.
  - 2. Bill Bowling, 11/5/15, stating concerns with scale, ground level, and design
  - 3. James Perry, 11/6/15, stating concerns with project impacts on movement of private vehicles, public transportation systems and bicycles.
  - 4. Dorothy Aeto, 11/6/15, stating concerns with the design, impacts on historic district and pedestrian systems, and scale.
  - 5. Steven Koch, 11/11/15, stating concerns with proposed changes in pedestrian trails (historic district).
  - 6. Penny Rush, 11/17/15, stating concerns with setbacks, landscaping, and parking and loading.
  - 7. Jack Hardman, 11/18/15, stating concerns with traffic and pedestrian, bicycle and transportation systems.



8. Alicia Rossini, 11/20/15, stating concerns with Modification (loading) and Adjustment (access from Harrison).
  9. Michael Starosciak, 11/4/15, stating concerns with FAR allowance.
  10. Portland Downtown Neighborhood Association, 11/25/15, stating concerns with landscaping, rooftop mechanical and loading.
  11. Deborah Popper, 12/3/15, stating concerns related to public health and safety.
  12. Steven Koch (KLA), 12/1/15, stating general support and issues related to landscaping, use, lighting and trees.
  13. Grant Higgins, 12/2/15, stating concerns related to the pedestrian malls and Pettygrove Park.
  14. Zelijka Carol Kekez (PLACE), 12/2/15, stating support for the project.
  15. Randy Gragg (Portland Open Space Sequence), 12/2/15, stating support for the project.
  16. Larry Risch, 12/3/15, stating concerns with the 3<sup>rd</sup> Avenue, Harrison Street and grocery store use.
  17. Diane Perry, 12/3/15, stating concerns with landscaping and setbacks.
  18. Dorothy Aeto, 12/3/15, stating concerns with impacts on the pedestrian trail and park, architectural compatibility, pedestrian system.
  19. Petition on Change.org, 12/3/15, stating opposition with concerns related to setbacks, density, parking access, loading, landscaping, and rooftop.
  20. List of public testifiers from 12/4/15 Design Commission hearing
  21. Phil Gilbertson, 1/20/16, stating support for the project.
  22. Bill Bowling, 1/30/16, requesting a wind study to address potential concerns regarding the quality of the balcony spaces.
  23. Elsa Porter, 1/20/16, stating support for the project.
  24. Helen Ying, 1/21/16, stating support for the project.
  25. Merrily Burger, 1/21/16, stating support for the project.
  26. Kathy Stuttaford, 1/21/16, stating support for the project.
  27. Joan C. Johnson, 1/22/16, stating support for the project.
  28. Kathi Belknap, 1/22/16, stating support for the project.
  29. Jim & Judy Heltzel, 1/22/16, stating support for the project.
  30. Penny Rush, 1/24/16, stating concerns with setbacks, density, landscaping, and loading zone.
  31. Bill Bowling, 1/24/16, stating numerous concerns mostly relating to quality, massing, setbacks, loading, sidewalk width & obstructions, FAR, parking and traffic impacts.
  32. Deborah Popper, 1/24/16, stating concerns with FAR and impacts on neighborhood livability and public health and safety.
  33. Nikki Dennis, 1/24/16, stating concerns with FAR, traffic, tree removal, and modifications requested.
  34. Kenneth Fukunaga, 1/25/16, stating concerns with FAR, traffic and pedestrian impacts, and compatibility.
  35. Larry Risch 1/25/16, stating concerns with the removal of trees and parking
  36. Linda Stovall, 1/25/16, stating support for the project.
  37. Joel Thorson, 1/25/16, stating concerns with scale and FAR allowance.
  38. Dorothy Aeto, 1/25/16, stating numerous concerns related to the FAR allowance, scale, compatibility, etc.
- G. Other
1. Original LUR Application
  2. 120-Day Waiver Form (signed)
  3. Incomplete Letter dated 8/21/15
  4. Pre-Application Conference Summary Memo dated 12/15/14
  5. Memo from John Russell dated 9/18/14 regarding the Halpin Sequence tree planting
  6. Driveway Design Exception Decision (15-247120 TR) from PBOT dated 10/9/15

H. Post First Hearing

1. Staff Memo to Design Commission dated 11/25/15
2. Staff Report and Recommendation to Design Commission dated 11/25/15
3. Copy of Staff's Presentation from 12/3/15 hearing
4. Email to applicant dated 12/7/15 with summary of 1<sup>st</sup> hearing
5. Letter from Ball Janik dated 1/28/16 regarding condition of approval
6. Letter from Ball Janik dated 2/1/16 regarding FAR
7. Memo from Applicant dated 2/10/16 regarding condition of approval



# ZONING

- Site
- Historical Landmarks



This site lies within the:  
**CENTRAL CITY/SOUTH AUDITORIUM PLAN DISTRICT**  
**DOWNTOWN SUB DISTRICT**

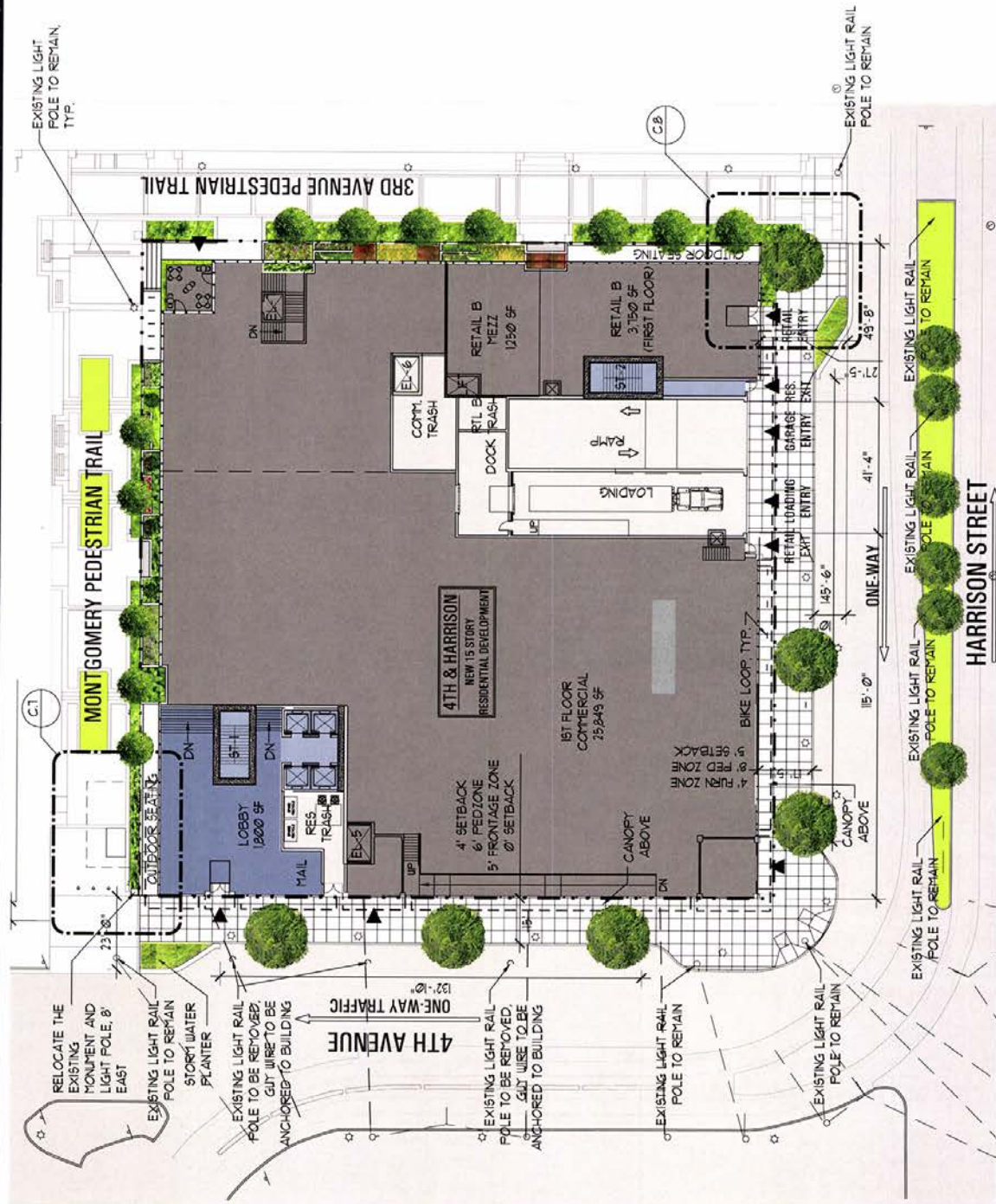
File No. LU 15-209034 DZM HR AC  
 1/4 Section 3229  
 Scale 1 inch = 200 feet  
 State\_Id 1S1E03CB 1500  
 Exhibit B (Oct 19, 2015)

# Proposed Site Plan/Ground Level Plan

- Historic Monument at 4<sup>th</sup> & Montgomery moved 8' East.
- Transformer vault location finalized and approved
- Additional trees added to 3<sup>rd</sup> and Montgomery
- Stormwater planter shape updated
- Additional planting added adjacent to Retail B to incorporate the street tree and encourage pedestrians to avoid walking into the existing historic monument



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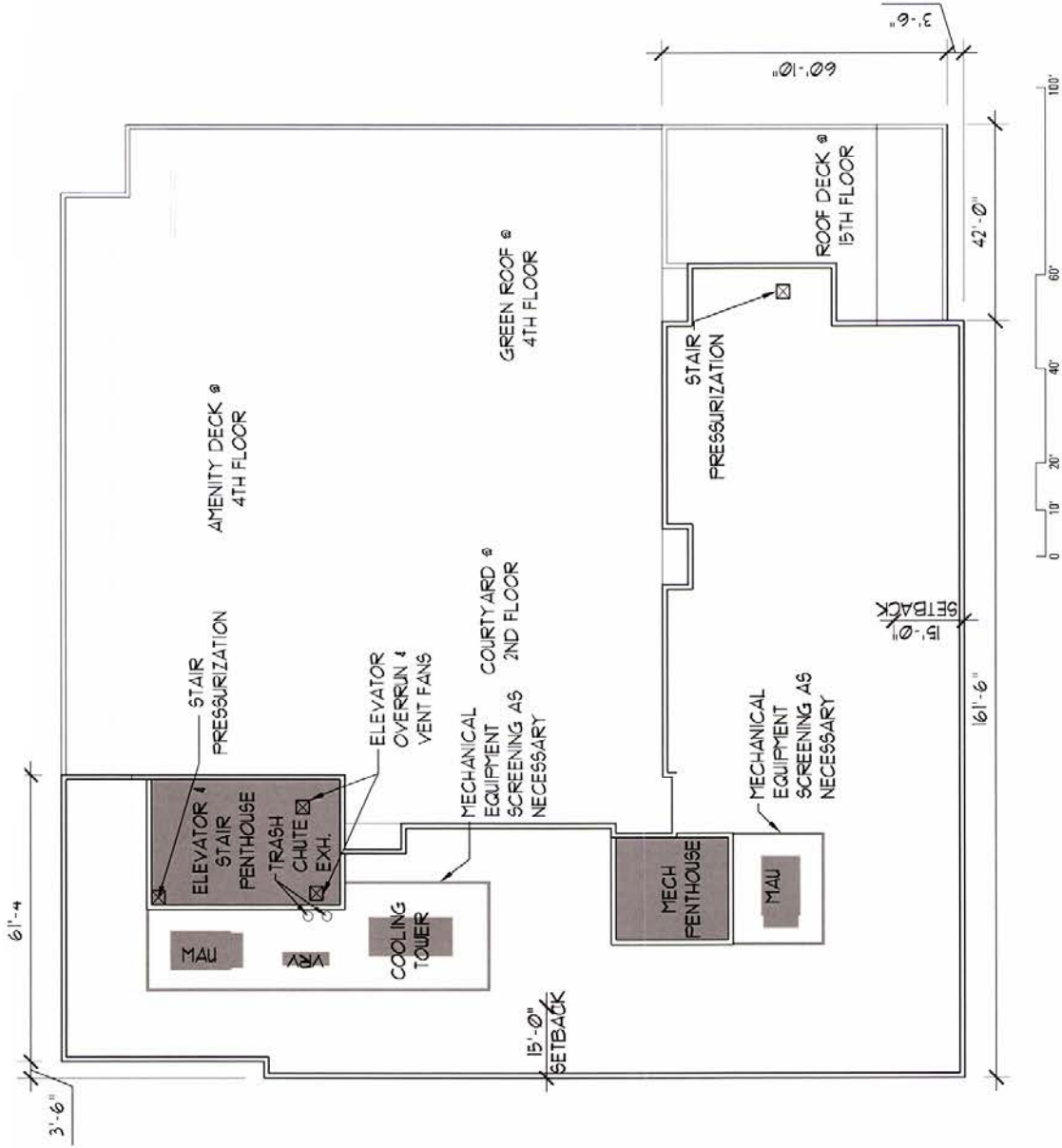


# Proposed Roof Plan

- Roof Area:
  - Upper Roof: 20,350 SF
  - Lower Roof: 18,525 SF
  - Total: 38,875 SF
- Mechanical Area: 2,225 SF
- **10.9% of Upper Roof**
- 5.7% of Total Roof



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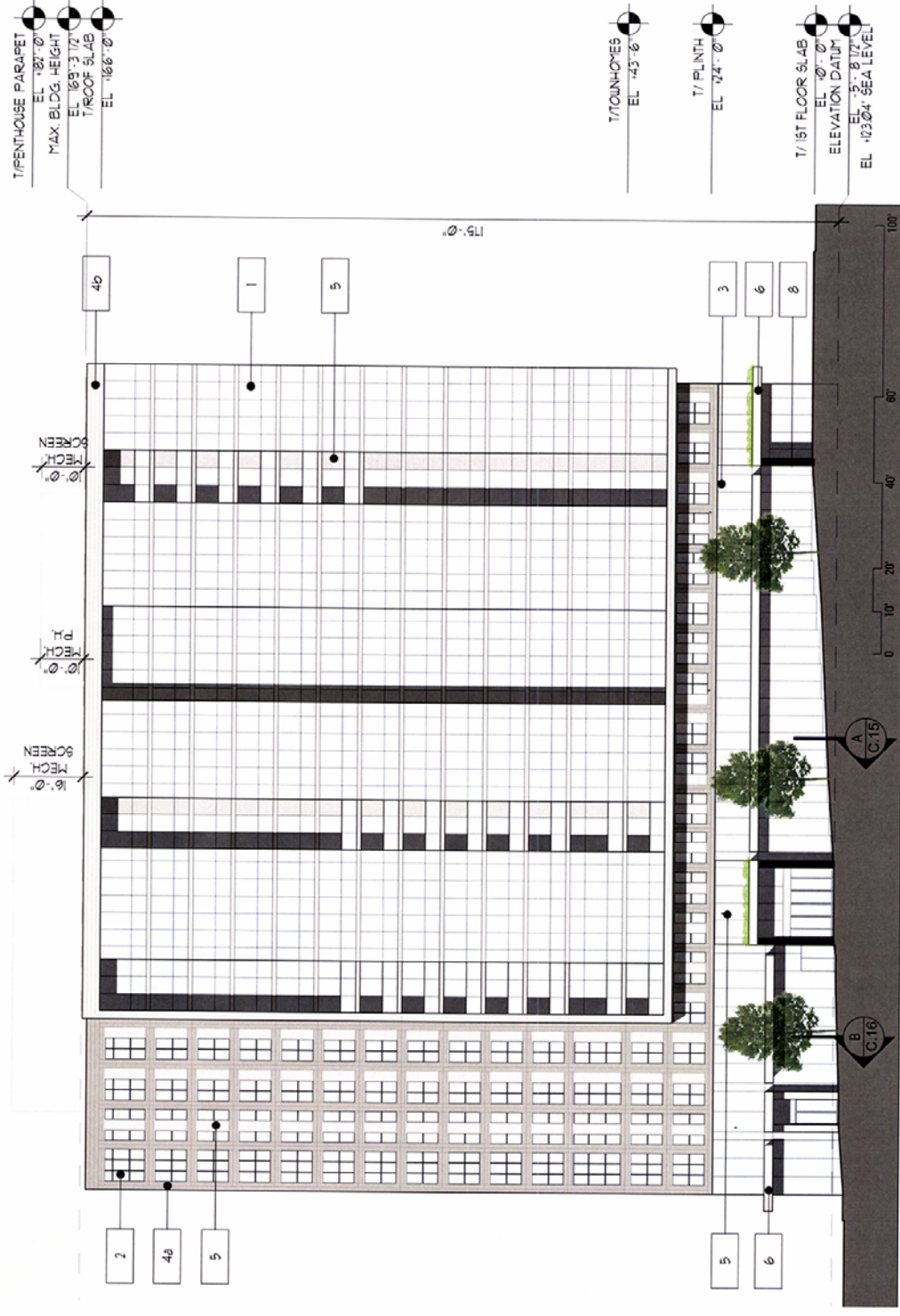
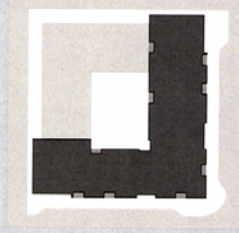
Section II: Design Proposal

# SW 4th Avenue Elevation

## Materials:

1. Glass – window wall
2. Glass – punched window
3. Glass – storefront
- 4a. Flat metal panel, color a
- 4b. Flat metal panel, color b
5. Perforated metal panel, color b
6. Metal Canopy, color b
7. Glass & aluminum overhead garage door
8. Ipe wood cladding
9. Concrete, vertical board form
10. Spandrel glass
11. Steel metal panel, color b

ELEVATION DATUM	EL. +113.04'
LOWEST GRADE	EL. +123.04'
ELEVATION DATUM	EL. +123.04'
DATUM = LOWEST GRADE, +10'-0"	
BUILDING 0.0	EL. +28.75'
BUILDING HEIGHT	EL. +28.04'



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## Section II: Design Proposal

# Harrison St. Elevation

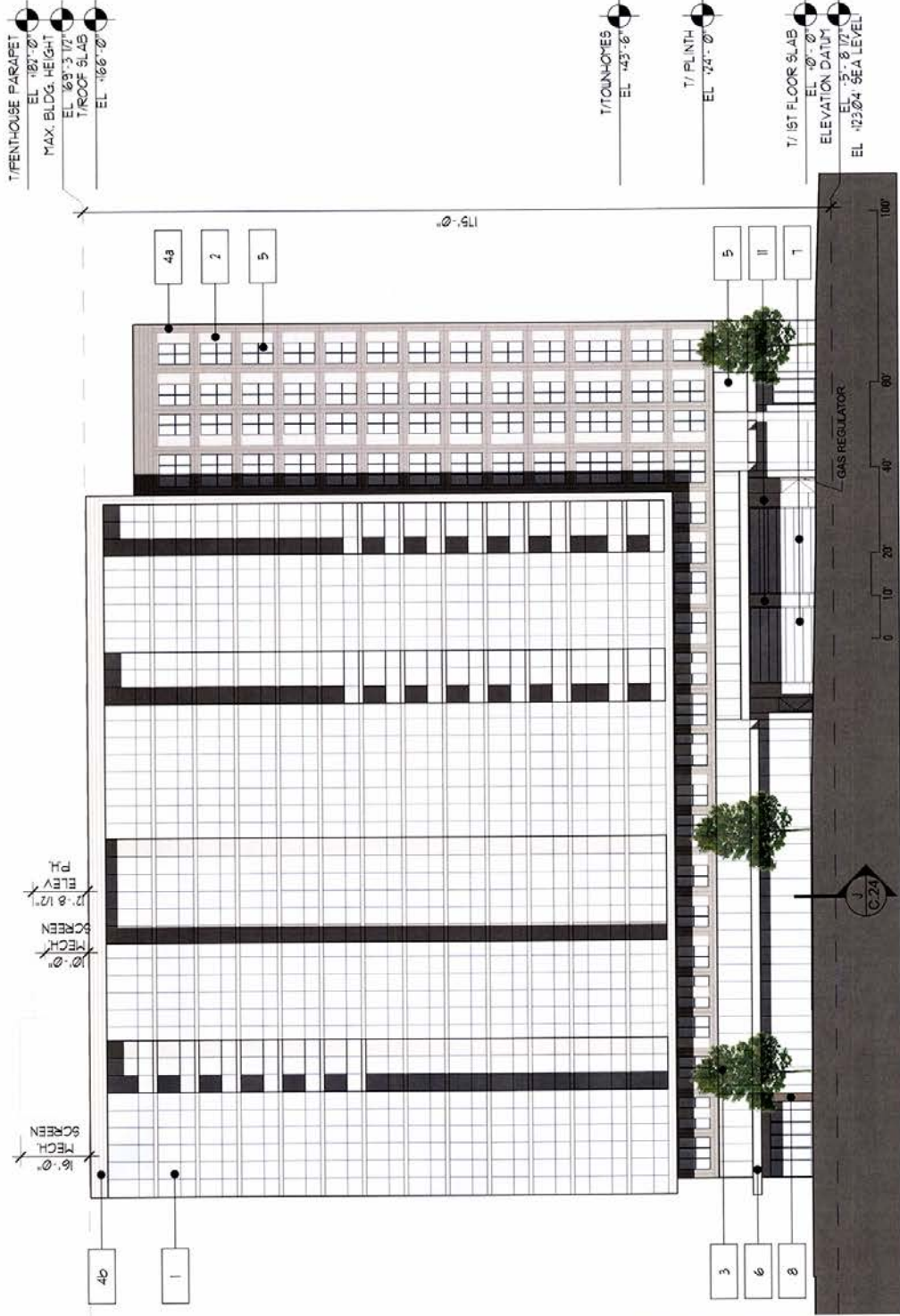
**Materials:**

1. Glass – window wall
2. Glass – punched window
3. Glass – storefront
- 4a. Flat metal panel, color a
- 4b. Flat metal panel, color b
5. Perforated metal panel, color b
6. Metal Canopy, color b
7. Glass & aluminum overhead garage door
8. Ipe wood cladding
9. Concrete, vertical board form
10. Spandrel glass
11. Steel metal panel, color b

ELEVATION DATUM EL +113.06  
 LOWEST GRADE EL +123.06  
 ELEVATION DATUM EL +123.06  
 DATUM = LOWEST GRADE + 10'-0"  
 BUILDING ID EL +123.15 EL +235.04  
 BUILDING HEIGHT EL +235.04



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## Section II: Design Proposal

# 3rd Avenue Elevation

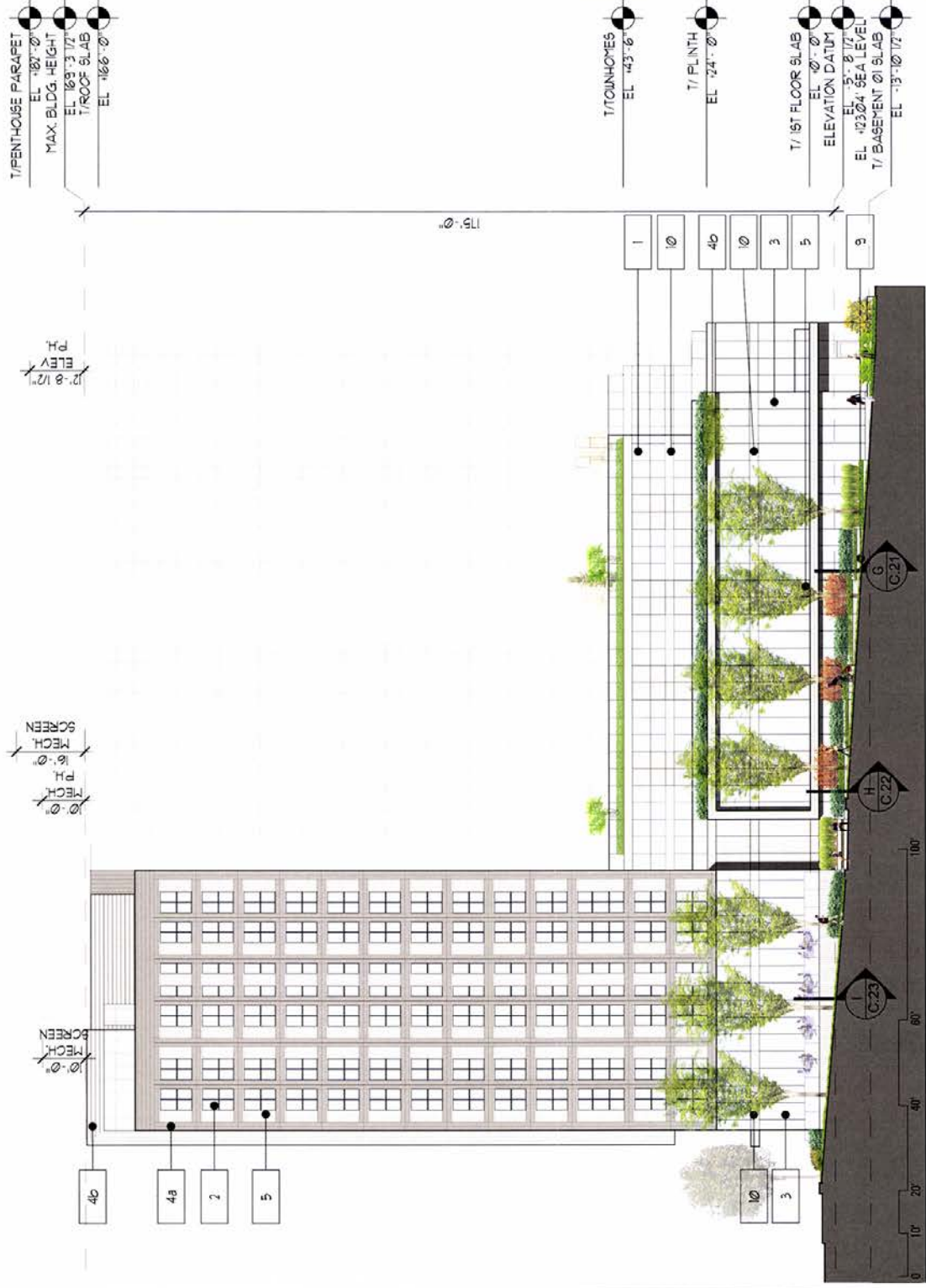
## Materials:

1. Glass – window wall
2. Glass – punched window
3. Glass – storefront
- 4a. Flat metal panel, color a
- 4b. Flat metal panel, color b
5. Perforated metal panel, color b
6. Metal Canopy, color b
7. Glass & aluminum overhead garage door
8. Ipe wood cladding
9. Concrete, vertical board form
10. Spandrel glass
11. Steel metal panel, color b

ELEVATION DATUM	EL. +113.04'
LOWEST GRADE	EL. +123.04'
ELEVATION DATUM	EL. +123.04'
DATUM = LOWEST GRADE + 10'-0"	
BUILDING 0.0	EL. +128.75'
BUILDING HEIGHT	EL. +288.04'



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Section II: Design Proposal

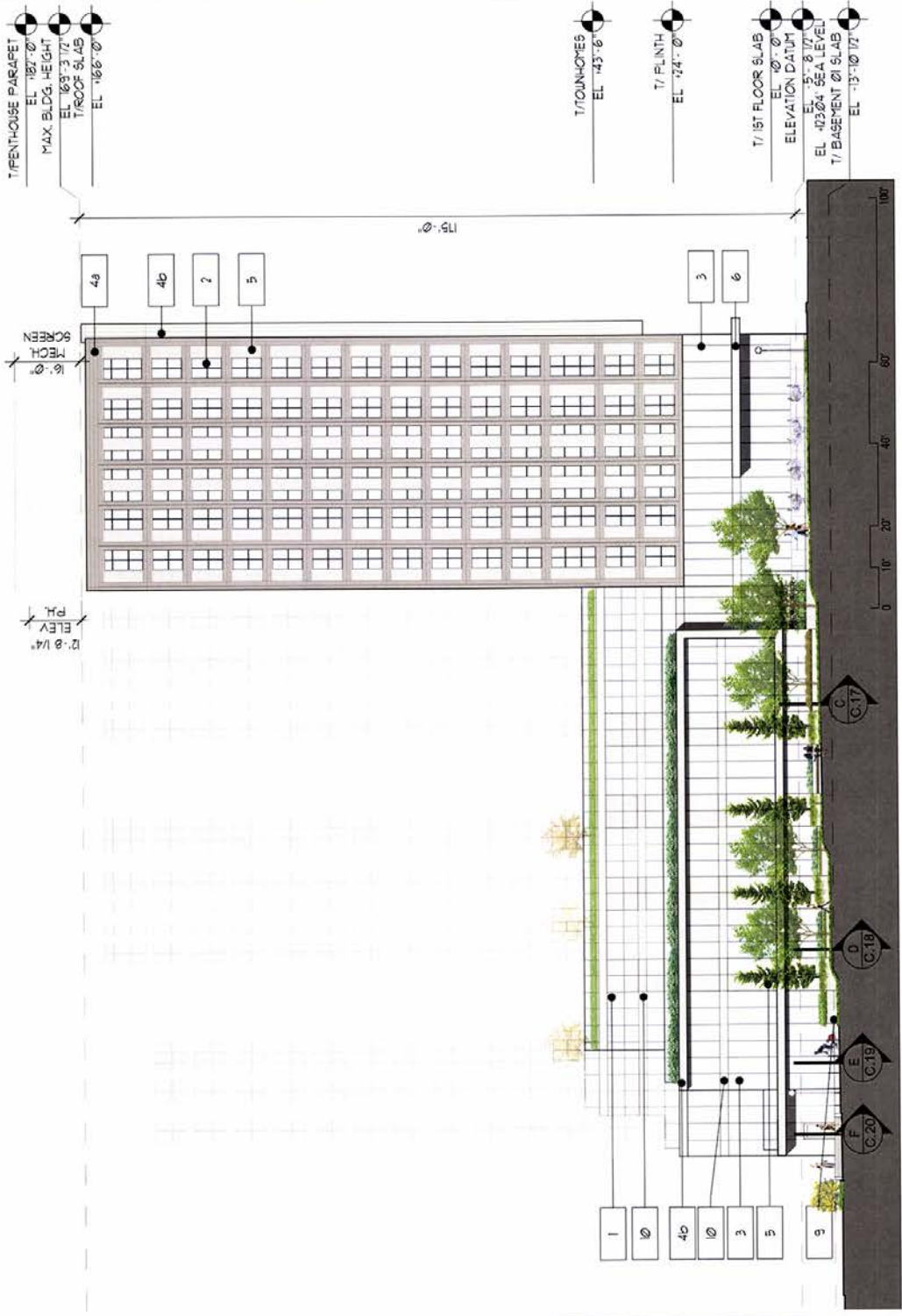


# Montgomery St. Elevation

**Materials:**

1. Glass – window wall
2. Glass – punched window
3. Glass – storefront
- 4a. Flat metal panel, color a
- 4b. Flat metal panel, color b
5. Perforated metal panel, color b
6. Metal Canopy, color b
7. Glass & aluminum overhead garage door
8. Ipe wood cladding
9. Concrete, vertical board form
10. Spandrel glass
11. Steel metal panel, color b

ELEVATION DATUM EL +113.04  
 LOWEST GRADE EL +123.04  
 ELEVATION DATUM EL +123.04  
 DATUM = LOWEST GRADE + 10'-0"  
 BUILDING U/D EL +128.75  
 BUILDING HEIGHT EL +288.04



Section II: Design Proposal

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 C.38

# Courtyard Elevations

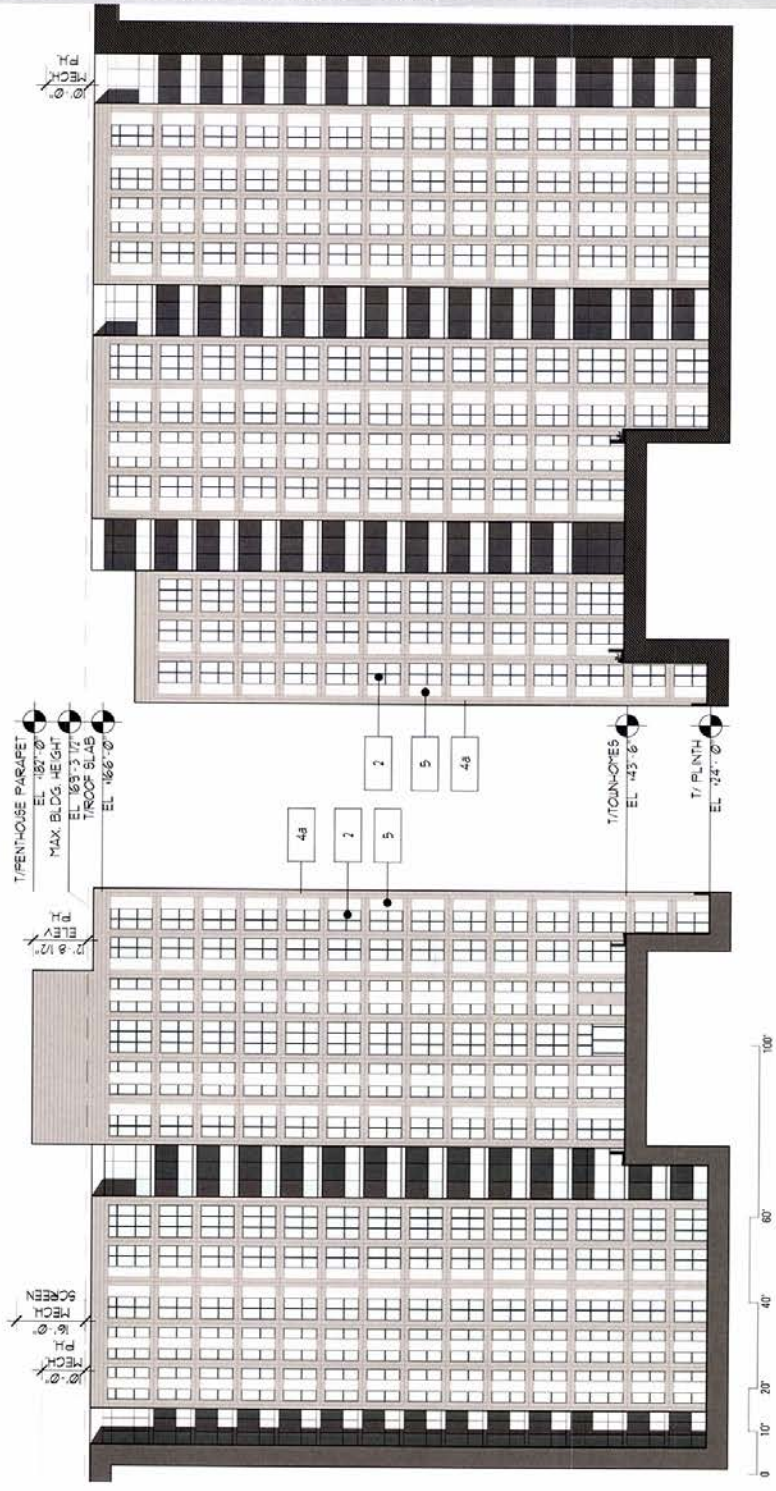
**Materials:**

1. Glass – window wall
2. Glass – punched window
3. Glass – storefront
- 4a. Flat metal panel, color a
- 4b. Flat metal panel, color b
5. Perforated metal panel, color b
6. Metal Canopy, color b
7. Glass & aluminum overhead garage door
8. Ipe wood cladding
9. Concrete, vertical board form
10. Spandrel glass
11. Steel metal panel, color b

ELEVATION DATUM	EL. +113.04'
LOWEST GRADE	EL. +123.04'
ELEVATION DATUM	EL. +123.04'
DATUM = LOWEST GRADE + 10'-0"	
BUILDING 0.0	EL. +128.75'
BUILDING HEIGHT	EL. +298.04'



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## Section II: Design Proposal