



STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION - DENIAL

CASE FILE: LU 15-267105 DZM
PC # 15-243722
Hoyt 20 Apartments
REVIEW BY: Design Commission
WHEN: March 3, 2016, 1:30pm
WHERE: 1900 SW Fourth Ave., Room 2500A
Portland, OR 97201

Bureau of Development Services Staff: Jeff Mitchem 503-823-7011 /
Jeffrey.Mitchem@portlandoregon.gov

GENERAL INFORMATION

Applicant: Scott Sholar | C2k Architecture Inc.
1645 NW Hoyt St
Portland, OR 97209
Sarah Radelet | Strata Land Use Planning
Po Box 90833
Portland, OR 97290

Representative: Mark Desbrow | Green Light Development
3050 SE Division St, Ste 235
Portland, OR 97202

Site Address: 604-606 NE 20TH AVE

Legal Description: BLOCK 15 LOT 3&4, SULLIVANS ADD
Tax Account No.: R806101040, R806101040
State ID No.: 1N1E35AD 05400, 1N1E35AD 05400
Quarter Section: 2932
Neighborhood: Kerns, contact Steve Russell at 503-784-8785.
Business District: None
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.

Plan District: None
Zoning: EXd, Central Employment with a Design Overlay
Case Type: DZM, Design Review with Modifications
Procedure: Type III, with a public hearing before the Design Commission.
The decision of the Design Commission can be appealed to City Council.

Proposal:

New 6-story building (65' high) with ground level retail (750 SF) and 59 over-story apartments. Ground level includes 17 vehicle parking spaces and 65 bike parking spaces. Amenity deck on level 6. The maximum allowed FAR per base zone standard is 3:1 and transfers are allowed from a landmark (within 2 miles). The project requires a transfer of 22,000 square feet for which a letter of intent has been provided from the transferring site (Scanlan Kemper Bard Companies, owner) – Janzen Building at 541 NE 20th Ave (Exhibit A.3). The project meets all setback standards to abutting residentially zoned land to the north. The transformer is located within the NE 20th Ave ROW outside of the pedestrian through-zone. The gas meter/valve/stand pipe is proposed to be located near the northwest corner of the building within the side-yard setback outside of the pedestrian through-zone. One Standard B Loading Space (18'x9'Wx10'H) is required and proposed within the southeast corner of the at-grade parking deck.

Three (3) Modifications and two (2) Design Exception are requested:

Modification #1 – Staff Supports

33.266.220.C.3.b. Standards for all bicycle parking. Request to reduce the standard bike parking stall width – *24" on center is required, 18" is proposed.*

Modification #2 – Staff Supports

33.266.130 F 2. Parking Space Dimension. Request for 7 of the 18 parking spaces narrowed by structural columns – *8-6" is required, 7'-9" is proposed.*

Modification #3 – Staff Does Not Support

33.140.230. Ground Floor Windows. Request for less than the standard ground floor window requirement on the NE Hoyt St façade – *50% of ground floor length required, 47% is proposed.*

Design Exception #1– Staff Does Not Support

OOSC 3202.3.2. / IBC/32#1. Window Projections into a Right-of-Way. Width of projections are limited to 12 feet. The project proposes a width of projection of approximately 27 feet on the west elevation facing NE 20th Ave.

Design Exception #2 – Staff Supports

Garage Door Setback less than 20' – Design Exception approval by PBOT (January 25, 2016) with the following conditions: (1) the security gate must be a minimum 20' wide; (2) the security gate shall open/close in 10 seconds or less; (3) the security gate specs and details must be added to the door schedule sheet of the permit plan set; and, (4) the security gate shall be accessed by a remote control device with a minimum 30' detection radius issues to all drivers allowed access to the parking garage.

Design Review is required because the project proposes new construction in a Design Overlay Zone.

Relevant Approval Criteria:

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

- 33.420, Design Overlay
- 33.825, Design Review
- Community Design Guidelines
- 33.825.040, Modifications That Will Better Meet Design Review Requirements

ANALYSIS

Site and Vicinity: The quarter-block site is bounded by NE 20th Ave to the west and NE Hoyt St to the south. Two single-family dwellings currently occupy the site which will be demolished for the proposed project. The subject site lies between two neighbor commercial nodes along Sandy, at NE 20th and NE 28th Avenue. Noteworthy context across NE 20th Ave is the Jantzen Knitting Mills Company Building, a National Register Landmark, constructed in three phases between 1929 and 1946. The reinforced concrete building was designed by Richard Sundleaf, in the Art Deco style. Remaining context is primarily auto-oriented clad in masonry, concrete and stucco. Good transit service serves the residential neighborhood to the south. NE Sandy Boulevard is designated a Regional Main Street, a Major City Traffic Street, a Major Transit Priority Street, a City Walkway, and a City Bikeway.

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

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

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A *Notice of proposal in Your Neighborhood* was mailed on **February 12, 2016**. The following Bureaus have responded with no issue or concerns:

- Portland Water Bureau
- Portland Fire Bureau
- Site Development Section of BDS
- Portland Bureau of Transportation
- Life Safety Section of BDS

The Bureau of Environmental Services responded with the following comment: **BES does not recommend approval of the design review.** *Although there are no BES-specific approval criteria, the applicant should submit a plan that shows approvable stormwater management facilities. Because required stormwater facilities can affect the design and layout of the site, the applicant should be accounting for approvable facilities in their application.* Please note that changes required by at the time of permit may require additional design review. Please see **Exhibit E-1** for additional details.

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on **February 12, 2016**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

This section of the Staff Report contains the following:

- (1) **Design Review** – Community Design Guidelines
- (2) **Modifications** (3)
- (3) **Design Exceptions** – Oriel Window

(1) DESIGN REVIEW (33.825)

33.825.010 Purpose

Design Review ensures:

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

33.825.055 Design Review Approval Criteria

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

It is important to emphasize that design review goes beyond minimal design standards and is viewed as an opportunity for applicants to propose new and innovative designs. The design guidelines are not intended to be inflexible requirements. Their mission is to aid project designers in understanding the principal expectations of the city concerning urban design. The review body conducting design review may waive individual guidelines for specific projects should they find that one or more fundamental design guidelines is not applicable to the circumstances of the particular project being reviewed.

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

Findings: The site is designated with Design Overlay Zone (d). Therefore the proposal requires Design Review approval unless the applicant can meet the development requirements stated in 33.218 Community Design Standards without requiring adjustments. As the applicant could not meet those standards outright, Design Review is required. The site is located outside the Central City and not within a designated design district. *The Community Design Guidelines are used for design review as the approval criteria in design zones for sites that are outside the Central City plan district, do not have their own, specific design guidelines.*

Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other movement systems; and **(D) Project Design**, which assures that

each development is sensitive to both Portland's urban design framework and the users of the city.

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

NOTE: Findings for Approval Criteria *not yet met* are boxed.

P1. Plan Area Character. Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.

D7. Blending into the Neighborhood. Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

D8: Interest, Quality and Composition. All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

Findings for P1, D7 and D8: Because the project will be a unique and pioneering contribution to the neighborhood with regard to massing and orientation, it will, in large measure, establish context for future projects of comparable scope and scale. While such a circumstance might encourage new and/or divergent design solutions, these guidelines encourage direct design reference to, and incorporation of, contextual characteristics. For these reasons, Staff has encouraged the Applicant to explore contemporary design solutions while referencing and/or interpreting local relevant context. However, drawings submitted by the Applicant to date do not adequately describe in sufficient detail how the overall project – from design parti to massing and materiality – is responsive to context.

Throughout the early land use review process (Pre-Application notes, Incompleteness Letter and Post-Incompleteness Issues Summaries), Staff has advised the Applicant respond to the context of the immediate project vicinity – *the node centered at E Sandy Blvd and 20th Ave and not that of the Central Eastside*, which is over ½ mile west of the project site (Applicant references to Block 75 and 6th and Couch are not contextually germane.) Staff concludes that the Applicant's response to date is insufficient – the massing (monolithic cube) and material composition (fiber-cement panel as primary and metal as secondary) is still too great a departure from the more traditional context of including simple, graceful structures of singular materiality (pre-cast concrete, brick, tile, cement plaster, stone and wood.)

Additionally, given that the project is seeking a FAR transfer, massing is a critical contextual concern – the building must strike a harmonious balance between innovation and tradition. Contextual responses related to massing and materials are critical to the full and complete realization of genuinely humane neighborhood. Specifically, Staff advises a simpler materials palate with less metal/cement panel and more masonry cladding; articulated/stepped back upper floor; and, additional upper-story amenity spaces and decks. Therefore, as proposed, the design insufficiently draws on the areas desired characteristics and does not adequately incorporate elements of nearby quality buildings (articulated massing and masonry cladding).

As a contemporary expression, the building reads as a uniformly massed five-over-one, bipartite composition – a predominate panelized (fiber-cement and metal) mass atop a recessed storefront base. The project's singular organizing idea – a 5-

level recess on the NE Hoyt St elevation is offset by a 4-level Oriel projection on the NE 20th Ave elevation – is not fully enough resolved and lacks the coherency necessary to anchor the project's parti. The Oriel is out of alignment with the ground floor residential lobby and retail entry, appears volumetrically disproportionate to the corresponding NE Hoyt St recess, and does not serve to distinguish or better-organize program. Though some of the proposed cladding materials – Alpolitic metal composite, cmu masonry, VPI vinyl windows and aluminum storefront – are generally considered to meet guidelines for quality and permanence, Staff has composition and materiality concerns that will require reconsideration, and greater detail and specification as follows:

- Fiber cement panel with faced-fastened rivets (refer to material sample);
- Detailing associated with unit air conditioning ports at panel seams (see Sheet D.41):
- The lack of balconies on upper-level residential units;
- The lack of eroded upper-level; and,
- The lack of material variation on east elevation (end wall).

With additional measures – *more active uses included in the ground floor program fronting NE Hoyt St, more masonry cladding (replacing metal panel and fiber-cement), simpler, more coherent massing, and an eroded upper floor* – these guidelines could be met. However, as proposed, the project would not appropriately enhance the areas sense of place and identity.

Therefore, these guidelines are not met

E1: Pedestrian Networks. Create an efficient, pleasant, and safe network of sidewalks and paths for pedestrians that link destination points and nearby residential areas while visually and physically buffering pedestrians from vehicle areas.

E3: The Sidewalk Level of Buildings. Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small scale building design features, creating effective gathering places, and differentiating street level façades.

D4: Parking Areas and Garages. Integrate parking in a manner that is attractive and complementary to the site and its surroundings. Locate parking in a manner that minimizes negative impacts on the community and its pedestrians.

Findings for E1, E3 and D4: Continuous standard frontage improvements are proposed on both frontages – sidewalk (between 8'-16' wide), curb, street trees and gutter. The site is fully accessible with direct connections between entrances and adjacent sidewalks. The proposed circulation system will allow people to access the site from all frontages and safely approach all ground floor entries.

The at-grade parking is concealed within the building's interior and lined with active floor area fronting NE 20th Ave. On the NE Hoyt St elevation however, a significant amount of parking related floor abuts the sidewalk – garage door, loading stall and fenced egress stair. As such, this inactive floor area contributes to the need for a Modification to ground floor window standards. Drawings submitted by the Applicant indicate channel glass within the building wall as mitigation. However, the drawing set lacks details, specifications or illustrations in order to determine that such a treatment would sufficiently minimize negative impacts to the abutting public realm.

With additional measures – *reduced or eliminated parking frontage facing NE Hoyt St, deeper leasable retail space, more design detail related to channel glass treatment*

– these guidelines could be met. However, as proposed, the project would not result in a sufficiently humane public realm.

Therefore, these guidelines are not met.

E4: Corners that Build Active Intersections. Create intersections that are active, unified, and have a clear identity through careful scaling detail and location of buildings, outdoor areas and entrances.

Findings for E4: As a zero-lot-line project, the building's street edge orientation and formalized massing adequately convey a sense of urban enclosure. And, street level façade differentiation is achieved through planar shifts at entries, and storefront glazing. The projects only intersection is adequately activated through ground floor program (café use) and a sliding storefront glazing system.

Therefore, this guideline is met

E5: Light, Wind, and Rain. Enhance the comfort of pedestrians by locating and designing buildings and outdoor areas to control the adverse effects of sun, shadow, glare, reflection, wind, and rain.

Findings for E5: Pedestrian protection is provided by a continuous integrated canopy element for over two-thirds of the buildings frontage. Additional protection is provided via a recessed entry to the residential lobby and corner retail space.

Therefore, this guideline is met

D2: Main Entrances: Make the main entrances to houses and buildings prominent, interesting, pedestrian accessible, and transit-oriented.

Findings for D2: Main entrances to the main residential lobby and corner retail space are oriented to the sidewalk on NE 20th Ave. These entries are well marked with prominent building features, integrated canopy structures and large glazed windows that lend prominence and interest to these features. The entries will be fully accessible from adjacent pedestrian walkways connecting to bus lines that run along NE 20th Ave.

Therefore, this guideline is met.

D5: Crime Prevention. Use site and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground level uses, and outdoor areas.

Findings for D5: The locations of the main entries, the west-facing amenity deck, the south-facing level two tenant amenity area contribute to "eyes" on these circulation areas. Nighttime security is enhanced by street, building, interior parking structure, and site lighting will provide some passive and active surveillance opportunities. However, given the lack of active frontage for over one-half of the NE Hoyt St frontage, no such surveillance opportunity would exist for approximately 50' of the project's southern elevation.

Therefore, this guideline is not met

(2) MODIFICATION REQUESTS (33.825)**33.825.040 Modifications That Will Better Meet Design Review Requirements:**

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

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

The following modifications are requested:

1. **Modification of 33.266.220.C.3.b. Standards for all bicycle parking**

Purpose. The primary purpose of the standard is to *ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and damage.* The proposed bike rack system is engineered to stack bikes vertically to allow the handle bars to overlap. This allows the proposed racks, within an 18" space, to provide the same level of service that would be provided by a standard 24" on center spacing. The staggered clearance between adjacent bikes and allowance for sliding hangers ease the hanging and locking of a bike. A 5' minimum aisle is still provided behind each bicycle rack. The rack system will be located within a secure bike storage room within the parking garage. 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.

Findings. A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components. The project proposes the bikes racks be stacked and staggered at 18" on center. The project includes 82 total long term bicycle parking spaces, which is 15 more than the amount required by code (necessary to offset 3 required auto parking stalls.) Accommodating these bicycle parking spaces in a horizontal rack would consume considerable floor area. The proposed functional and space efficient system better meets design guidelines (E1 Pedestrian Networks and E3 Sidewalk Level of Buildings) because it eases floor plan demands and results in additional opportunities for active uses at the street, such as office lobby space and retail tenant spaces. The proposed functional and space efficient system better meets the design guidelines because it eases floor plan demands and results in additional opportunities for active uses at the street, such as office lobby space and retail tenant spaces. *Therefore, this modification merits approval.*

2. **Modification of 33.266.130 F 2, Parking Space Dimension. For some parking spaces narrowed by building columns.**

Purpose: The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones. Together with the transit street building setback standards in the base zone chapters, the vehicle area restrictions for sites on transit streets and in Pedestrian Districts:

- Provide a pedestrian access that is protected from auto traffic; and
- Create an environment that is inviting to pedestrians and transit users.
- The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles.

The purpose of the standard is described as ensuring pedestrian safety. Very similar conditions in comparable buildings exist in Portland and are handled without issue by attentive building management through careful loading scheduling. The parking layout and interior loading stall are accessed via the same high-quality, fast acting overhead garage door (Design Exception for 10 second door operation) required by PBOT to ensure safe operation within the abutting right-of-way. The overall solution is consistent with the purpose of the parking development and loading standards.

Findings: The modification to reduce the width of 6 of the 18 garage parking spaces from 8'-6" to 7'-9" due to required structural column layout is in keeping with other parking garages of this type. The remaining parking spaces will be a minimum of 8'-6" wide. The drive aisles and other maneuvering spaces as well as bike parking, stairways, ADA parking spaces, and pedestrian walkways will comply with code requirements so that vehicles can enter and exit as well as pass each other within the parking garage in a safe manner. The narrower spaces can accommodate regular sized cars while larger vehicles may have to drive a bit farther looking for a wider space. This selection of parking space sizes is a common feature of parking garages around the city and allows for more spaces to be provided within this development. This in turn relieves some of the parking burden that would have to be accommodated by on-street parking which can in-turn help satisfy the parking demand for area visitors and other short-term parkers. Therefore the at-grade garage and its parking space totals and layout help the project better meet guideline D4 Parking Areas and Garages. *Therefore, this modification merits approval.*

3. Modification of 33.140.230, for less than standard ground floor windows on the NE Hoyt St façade.

Purpose: *In the EX zone, blank walls on the ground level of buildings are limited in order to:*

- *Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;*
- *Encourage continuity of retail and service uses;*
- *Encourage surveillance opportunities by restricting fortress-like facades at street level; and*
- *Avoid a monotonous pedestrian environment.*

The purpose of the standard is described as ensuring a healthy pedestrian realm. The standard also describes the need to ensure a diversity of experiences at the ground level of buildings. While drawings submitted by the Applicant indicate design treatments intended to meet this purpose statement, insufficient detail has been provided to fully assess that the overall solution is consistent with the purpose of the ground floor window standard.

Findings: As evidenced in the findings for guidelines D4 (Parking Areas and Garages) and D8 (Interest, Quality and Composition) above, the proposed treatment of the NE Hoyt St elevation at the ground floor parking garage wall is not well enough detailed nor illustrated to determine that the proposed design treatment would sufficiently minimize negative impacts to the abutting public realm.

Therefore, this modification does not merit approval.

(3) EXCEPTION TO WINDOW PROJECTIONS INTO THE PUBLIC RIGHT-OF-WAY (IBC 32/#1)

Windows that project into the public right-of-way have a maximum width of 12'. When approved through design review, the width may vary. The proposal includes a 27' wide window projecting into the NE 20th Ave public right-of-way at the east elevation near the middle of the building.

A. Projection. Maximum projection of 4 feet into the right-of-way including trim, eaves and ornament.

Findings: The maximum projection is 4'-0". *This Criterion is met.*

B. Clearance. Clearance above grade as defined in Chapter 32, Section 3202.3.2 of the current Oregon Structural Specialty Code. (The 2004 edition of the Oregon Structural Specialty Code states that no projection is allowed for clearances less than 8 feet above grade. For clearances above grade greater than 8 feet, 1 inch of projection is allowed for each additional inch of clearance, provided that no such projection shall exceed a distance of 4 feet.)

Findings: Minimum clearance above grade is 22' and the maximum projection is 4'-0". *This Criterion is met.*

C. Area. Maximum wall area of all windows which project into public right-of-way on a wall is 40% of the wall's area.

Findings: Projecting wall area is well 18.5% on NE 20th Ave. *This Criterion is met.*

D. Wall Length. Maximum width of any single window which projects into public right-of-way is 50% of its building wall length.

Findings: Projecting wall length is 26% on NE 20th Ave. *This Criterion is met.*

E. Window Area. Minimum of 30% window area at the face of the projecting window element. Projections greater than 2 feet 6 inches must have windows at all sides. Required side windows must be a minimum of 10% of side walls.

Findings: Front-facing window area of the projecting bay window is 37%. All sides of the projection are glazed well over 10%. *This Criterion is met.*

F. Width. Maximum width of 12 feet for each projecting window element. When approved through Design Review, the width may vary provided the area of all windows on a wall which project into public right of way does not exceed 40% of the wall's area and the width of any single projecting window element does not exceed 50% of its building wall's length.

<p>Findings: The proposed projection is approximately 27' wide. This Criterion is not met but is approvable with (1) compliance with standards C and D, and (2) a</p>

favorable recommendation through Design Review. Standards C and D are met. With regard to Design Review consideration as described above, the Oriel expression lacks contextual relevance and contributes to the design's non-compliance with approval criteria – P1 Plan Area Character, D7 Blending into the Neighborhood, D8 Interest, Quality and Composition. ***This Criterion is not met.***

Therefore, Staff does not recommend approval of this requested exception.

G. Separation. Minimum separation of 12 feet measured from other projecting window elements on the same elevation or plane of wall. When approved through Design Review, required separation may vary provided the area of all projecting window elements on a wall does not exceed 40% of the wall's area and the width of any single projecting window element over the right-of-way does not exceed 50% of its building wall's length.

Findings: There are no other projections on the NE 20th Ave elevation. *This criterion does not apply.*

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The inner SE Sandy Blvd neighborhood has seen little development pressure for many years. The additional density provided by this project will meet many state- and city-wide livability goals for increased density and transit-oriented development. However, contextual responses related to massing, materials and sidewalk activation are critical to the full and complete realization of genuinely humane neighborhood. As such, staff desires to ensure a context-sensitive development so that the neighborhood can view this soon-to-be burgeoning corridor with a sense of pride and welcoming.

Staff finds that the following guidelines are not yet met:

- P1 Plan Area Character
- D7 Blending into the Neighborhood
- D4 Parking Areas and Garages
- D8 Interest, Quality and Composition
- E1 Pedestrian Networks
- E3 The Sidewalk Level of Buildings
- D5 Crime Prevention

Specifically, non-compliance with these guidelines is related to the following issues:

1. Excessive use of fiber-cement and metal panel cladding;
2. Lack of a fully resolved contextual response to massing and materiality;
3. Lack of coherency in overall expression;
4. Lack of mitigation for reduced ground floor glazing abutting NE Hoyt St;
5. Lack of balconies; and,
6. Lack of sufficient design detail related to garage door and channel glass parking deck wall fronting NE Hoyt St.

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal does not meet all of the applicable design guidelines, therefore approval is not warranted.

TENTATIVE STAFF RECOMMENDATION

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

Staff recommends **denial** of a new 6-story building (65' high) with ground level retail (750 SF) and 59 over-story apartments.

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Procedural Information. The application for this land use review was submitted on November 19, 2015, and was determined to be complete on January 19, 2016.

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 November 19, 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 A.2. Therefore, the 120 days will expire on **November 19, 2016**.

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 review body, all evidence will be considered by the City Council.

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

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:

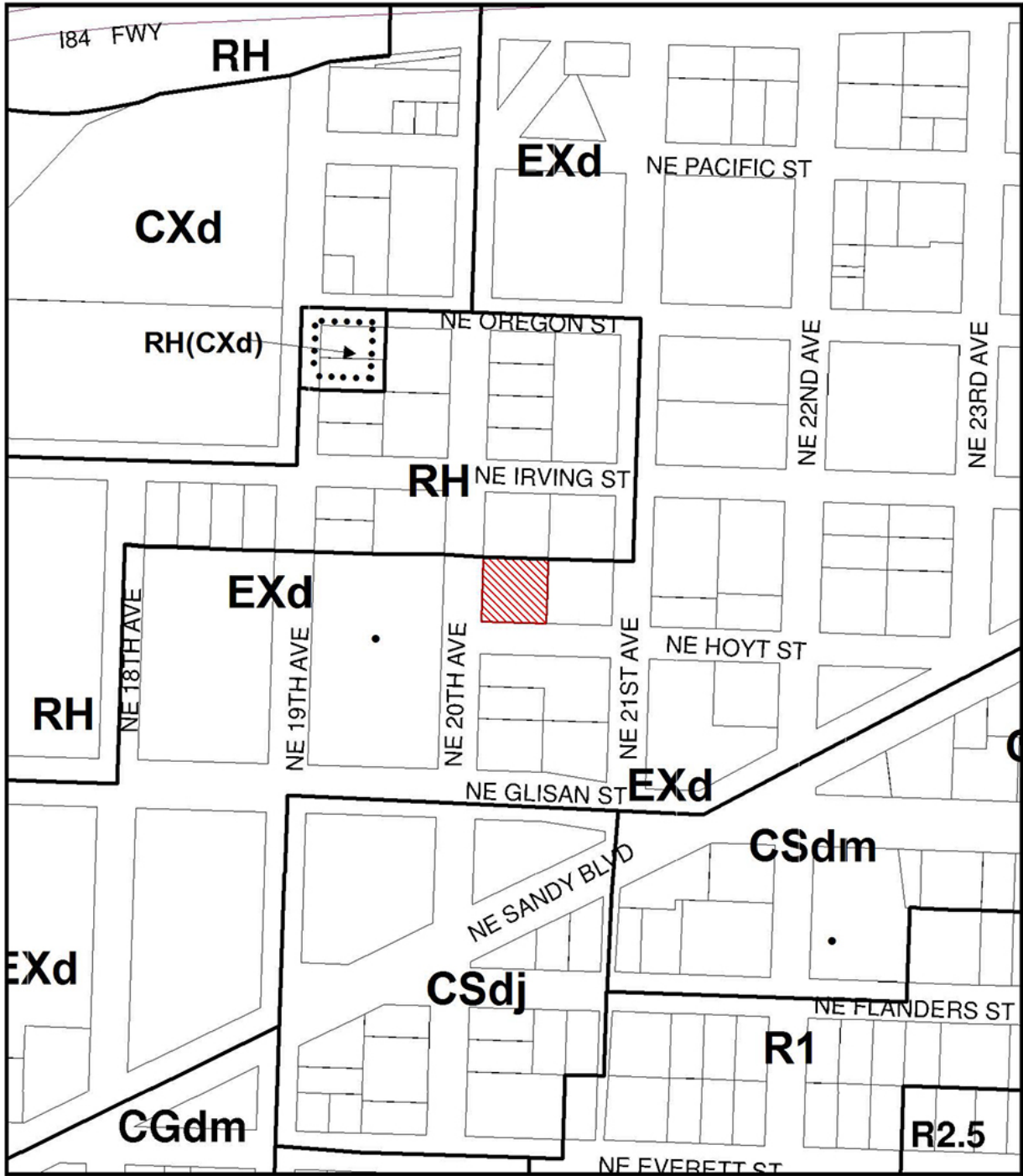
- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

Jeff Mitchem
February 22, 2016

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. 120-day Waiver
 - 3. FAR Transfer Letter of Intent
- B. Zoning Map (attached)
- C. Plan & Drawings
 - 1. Design Review Drawing Set (Sheet C.1-C.43)
 - Sheet C.18, Ground Floor Plan (attached)
 - Sheet C.24, South Elevation (attached)
 - Sheet C.25, West Elevation (attached)
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailed notice
 - 6. Mailing list
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Bureau of Parks, Forestry Division
- F. Letters: None
- G. Other
 - 1. Original LUR Application
- H. Post First Hearing

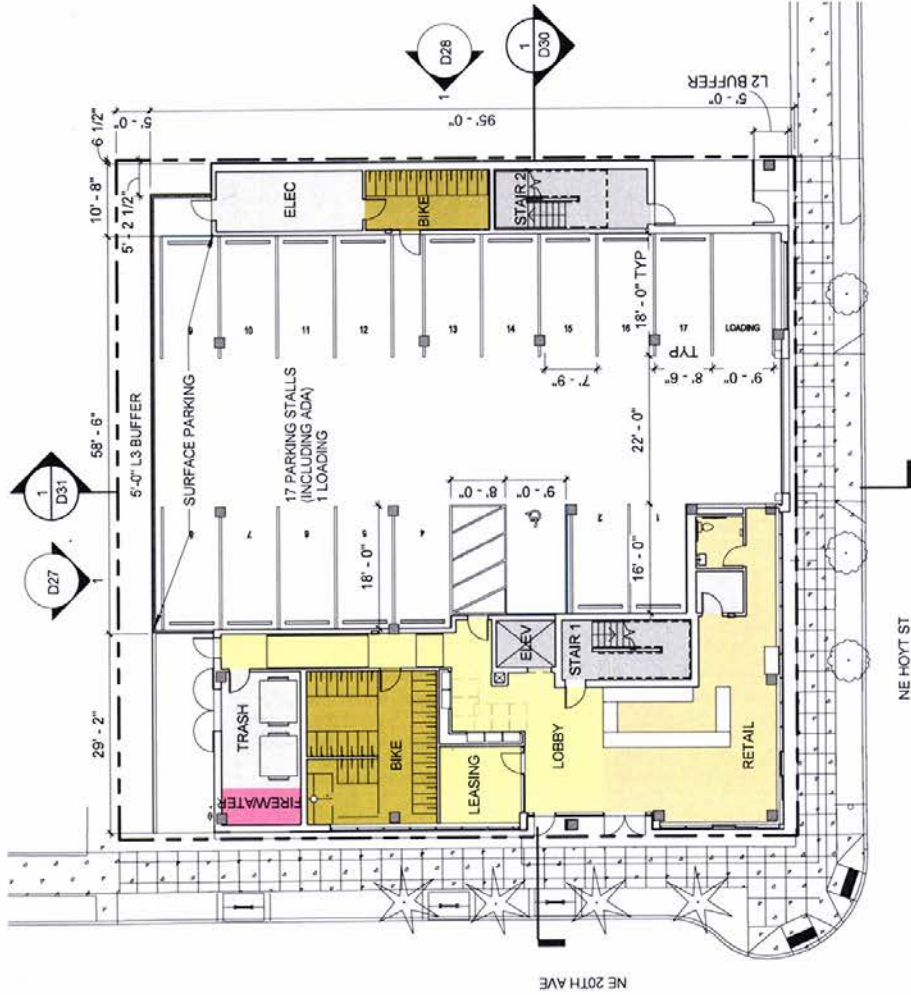


ZONING

-  Site
-  Historic Landmark



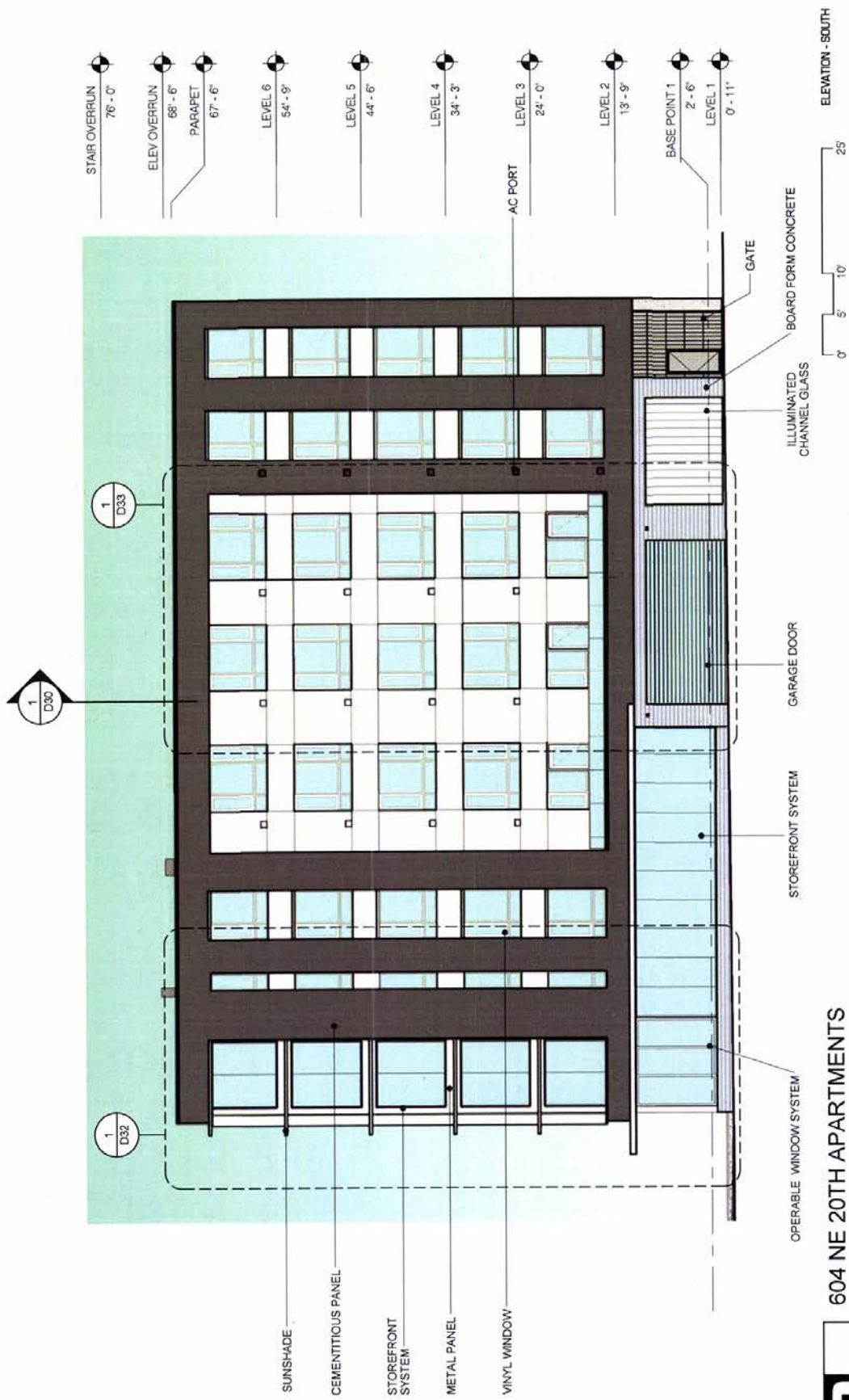
File No. LU 15-267105 DZM
 1/4 Section 2932
 Scale 1 inch = 200 feet
 State_Id 1N1E35AD 5400
 Exhibit B (Nov 23, 2015)



604 NE 20TH APARTMENTS
 LU 15-267105 D2M
 17 FEBRUARY 2016



PLAN - LEVEL 1
D18

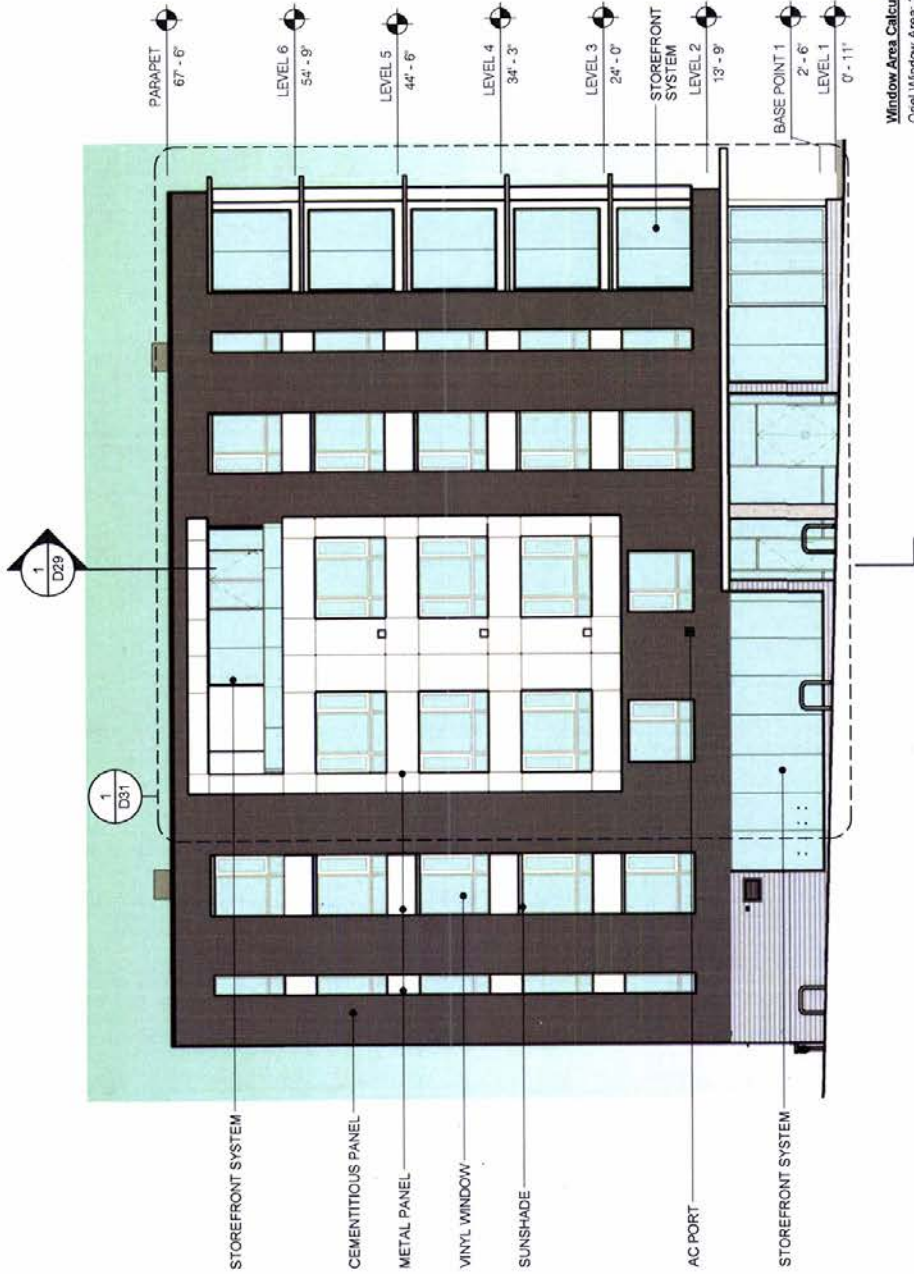
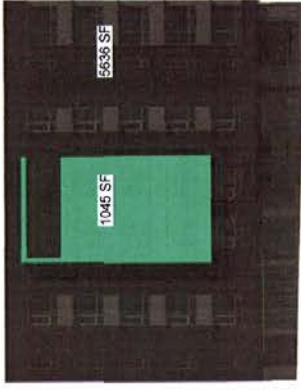


604 NE 20TH APARTMENTS
 LU 15-267105 D2M
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D24

Oriel Window Percentage and Code Section



CODE: OSSCI32#1

- B. Clearance. Clearance above grade as defined in Chapter 32, Section 3202.3.2 of the current Oregon Structural Specialty Code. (The 2015 edition of the Oregon Structural Specialty Code states that projections are allowed for clearances on 8 feet, 1 foot of projection is allowed for each additional foot of clearance, provided that no such projection shall exceed a distance of 4 feet.)
- C. Area. Maximum wall area of all windows which project into public right-of-way on a wall is 40% of the wall's area.
- D. Wall Length. Maximum width of any single window which projects into public right-of-way is 50% of its building wall length.
- E. Window Area. Minimum of 30% window area at the face of the projecting window element. Projections greater than 2 feet 6 inches must have windows at all sides, and required side windows must be a minimum of 10% of side walls. When approved through design review, the window requirement for side walls may vary. Side windows must meet the requirements of Table 705.8 of the current Oregon Structural Specialty Code, maximum area of exterior wall openings based on fire separation distance and degree of opening protection. The separation distance is measured from the continuation of the property line. No openings will be allowed within 3 feet of the property line continuation.
- F. Width. Maximum width of 12 feet for each projecting window element. When approved through design review, the width may vary provided the area of all windows on a wall which project into public right of way does not exceed 40% of the wall's area and the width of any single projecting window element does not exceed 50% of its building wall's length.

Window Area Calculation
 Oriel Window Area: 396 SF
 Oriel Facade Area: 1045 SF
 Calculation: 396 SF / 1045 SF= 37% (Min 30%)

Area Calculation
 West Facade Area: 5636 SF
 Oriel Facade Area: 1045 SF
 Calculation: 1045 SF / 5636 SF= 18.5% (Max 40%)



ELEVATION - WEST

604 NE 20TH APARTMENTS

LU 15-267105 DZM
 17 FEBRUARY 2016



D25