



**Revised STAFF REPORT AND RECOMMENDATION  
TO THE DESIGN COMMISSION – APPROVAL WITH  
CONDITIONS**

CASE FILE: LU 15-267105 DZM  
PC # 15-243722  
Hoyt 20 Apartments  
REVIEW BY: Design Commission  
WHEN: April 21, 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

**NOTE:** Updated/changed text is boxed.

**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 Anne Dufay 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 20<sup>th</sup> 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 20<sup>th</sup> 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. Cladding materials are proposed to be dark brick veneer (primary), white composite metal (accent), VPI commercial grade windows, aluminum storefront and perforated sectional garage door.

**Three (3) Modifications and two (2) Design Exceptions** 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.*

**Design Exception #1 – Staff Supports**

**OSCC 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 20<sup>th</sup> 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 20<sup>th</sup> 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 20<sup>th</sup> and NE 28<sup>th</sup> Avenue. Noteworthy context across NE 20<sup>th</sup> 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 issues or concerns and supportive of design review approval:

- **Portland Water Bureau** (Exhibit E.1)
- **Portland Fire Bureau** (Exhibit E.2)
- **Site Development Section of BDS** (Exhibit E.3)
- **Portland Bureau of Transportation** (Exhibit E.4)
- **Life Safety Section of BDS** (Exhibit E.5)

The following Bureau responded with comments:

- **Bureau of Environmental Services** (Exhibit E.6). The Applicant has applied for and been granted a Plumbing Code Appeal for infiltration via an on-site drywell under the building.

**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.

**Overview of March 3, 2016 Hearing.** Staff's summary of Design Commission key issues considered essential to the approvability of the project as then proposed.

- **Building Style, Massing and Orientation.** Though generally supportive, Commission consensus was that the big moves (massing shifts) were getting lost with too many small moves (skin pattern) and that the project needed to read as a simple cube with a single "push/pull" (façade recess facing NE Hoyt / Oriel facing NE 20<sup>th</sup>). *Applicant Response: simplified skin patterning allows project to read as simple cube.*

- **Materials.** Consensus opinion that panelized skin material lacked quality/permanence and created patterning that conflicted with cubist parti. *Applicant Response: cementitious panel replaced with dark brick. White composite metal panel remains as cladding on recess and Oriel.*
- **Ground Floor.** Consensus opinion that retail facing NE Hoyt St should be deeper and storefront glazing should frame garage door. *Applicant Response: retail bay depth increased by relocating restroom (4' corridor to 12') and storefront glazing added to east side of garage door (display window).*

## ZONING CODE APPROVAL CRITERIA

This section of the Staff Report contains the following:

- (1) Design Review** – Community Design Guidelines
- (2) Modifications** (2) – 33.266.220.C.3.b. Standards For All Bicycle Parking and 33.266.130 F 2. Parking Space Dimension.
- (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.*

**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, scale 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. In response to Design Commission comments at the March 3, 2016 hearing, the Applicant has developed a well-resolved design concept – from design parti to massing and materiality – that is simply resolved and responsive to context.

Given that the project is seeking a FAR transfer, massing has been 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. Responsively, the building's simple cubic mass is punctuated with a single primary push/pull – 4-floor volume pushed in on the NW Hoyt elevation and pulled out on the NW 20<sup>th</sup> Ave elevation. These primary moves are reinforced through simple material shifts – brick body as primary and composite metal panel as accent – responsive to context (simple, graceful structures of singular materiality – pre-cast concrete, brick, tile, cement plaster, stone and wood.) Therefore, as proposed, the design sufficiently draws on the areas desired characteristics and adequately incorporates elements of nearby quality buildings (simple articulated massing and masonry cladding).

As a contemporary expression, the building reads as a uniformly massed five-over-one, bipartite composition – a predominate masonry mass atop a recessed fully glazed storefront base. As stated above, the project's simple organizing idea – a 5-level recess on the NE Hoyt St elevation offset by a 4-level Oriel projection on the NE 20<sup>th</sup> Ave elevation – is well resolved and coherently clad with two materials. The

proposed cladding materials – brick veneer, Alpollic metal composite, board-form concrete, cmu masonry, VPI vinyl windows and aluminum storefront – are considered to be quality materials of permanence.

With the following changes made in response to Design Commission comments at the March 3, 2016 hearing, – *more active uses included in the ground floor program fronting NE Hoyt St, more masonry cladding (replacing metal panel and fiber-cement), simpler, and more coherent material patterning* – the project sufficiently references the area’s desired characteristics and traditions.

However, Staff observes that numerous (approximately 45) rooftop units related to unit conditioning are ganged between the roof hatch and the elevator overrun. These units compete with the otherwise relatively composed roof-top detracting from the project’s overall coherency.

***Therefore, with the Condition of Approval that the roof-top mechanical units be screened within a 4’ tall black metal lowered enclosure. these guidelines are 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 well concealed within the building’s interior and lined with active floor area fronting both the NE 20<sup>th</sup> Ave and NE Hoyt St elevations. A common storefront system frames the garage door – active floor area to the west and a display window/egress door to the east. With the addition of the display window, a previous Modification request is no longer required.

With the following changes made in response to Design Commission comments at the March 3, 2016 hearing – *addition of a display window lining the parking frontage facing NE Hoyt St, deeper leasable retail space, addition of a common storefront system facing NE Hoyt St* – the project thoughtfully buffers pedestrians from vehicle areas.

*Therefore, these guidelines are 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. With the increased retail bay depth (from a 4' corridor to 12') fronting NE Hoyt St, the project's 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 20<sup>th</sup> Ave. These entries are well marked with prominent building features (Oriel projection over residential lobby), 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 20<sup>th</sup> 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 (recessed within continuous canopy) will provide some passive and active surveillance opportunities. Additionally, in response to Design Commission comments at the March 3, 2016 hearing, the expanded depth of the retail bay fronting the NE Hoyt St frontage (from a 4' corridor to 12') will provide more active floor area and passive surveillance opportunities toward the eastern half of the ground floor.

*Therefore, this guideline is 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**

**Standards.** 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 vertically stacked and staggered at 18" on center.

**Findings:** The project includes 92 total long-term bicycle parking spaces within the ground level parking garage.

- A. **Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines.* Accommodating these bicycle parking spaces in a horizontal rack would consume considerable floor area. Relying upon a vertical/stacked bike rack is a more efficient use of space, and is a commonly approved parking system throughout the Central City. The proposed functional and space efficient system eases floor plan demands and results in additional opportunities for active uses at the street, such as lobby space and retail tenant spaces which contributes to the project better meeting Guidelines E1 Pedestrian Networks and E3 The Sidewalk Level of Buildings. *Therefore this criterion is met.*
- B. **Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.* 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. The overall solution is consistent with the purpose of the bicycle parking standard. *Therefore this criterion is met.*

*This Modification therefore 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.

**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.

A. **Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines.* The proposed range of parking space sizes is an increasingly common feature of parking garages around the city and allows for more spaces to be provided within the development. This in turn incrementally relieves parking burden that would have to be accommodated by on-street parking which can in-turn meet project parking demand below-grade and not within the public ROW. In addition, because all spaces will be assigned, larger vehicles will be assigned larger spaces to fit safely in the garage. Therefore, this modification better meets design guidelines: D4 Parking Areas and Garages in that it provides well-integrated in the development while allowing more of the ground level active uses along both the NE 20<sup>th</sup> Ave and Hoyt St frontages that enhance the relationship with pedestrians. *Therefore this criterion is met.*

B. **Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.* The parking area layout standards are intended to promote safe circulation within the parking area and provide for convenient entry and exit of vehicles. Structural concrete columns that are 16" wide x 24" long would be located between some parking stalls that would protrude up to approximately 9" into the 8'-6" clear width of the stall on each side. The columns are generally located near the back end or front end of the space so as not conflict with car door operations. This reduced width will accommodate a regular sized vehicle, however, may require additional maneuvering. Building management could also limit these spaces to compact vehicles, if desired. *Therefore this criterion is met.*

*Therefore this Modification merits 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 20<sup>th</sup> 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 20<sup>th</sup> 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 20<sup>th</sup> 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.

**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 favorable recommendation through Design Review. Standards C and D are met.

With regard to Design Review consideration as described above, the Oriel expression works well with the project's overall simplified cube expression, and, as such, reads as contextually relevant contributing to the design's compliance with approval criteria – P1 Plan Area Character, D7 Blending into the Neighborhood, D8 Interest, Quality and Composition. *This Criterion is met.*

*Therefore, Staff recommends 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 20<sup>th</sup> 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 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 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. The project's contextual responses – elemental massing, simple materials and sidewalk activation are critical to the full and complete realization of genuinely humane neighborhood and will ensure a context-sensitive development that will be a welcome addition to the neighborhood.

In response to Design Commission comments at the March 3, 2016 hearing, the Applicant made several changes:

1. Replaced fiber-cement cladding with brick veneer;
2. Simplified the relationship between massing and materiality;
3. Refined the overall coherency in expressing a simple cube on a glass base;
4. Expanded the depth of retail and ground floor glazing abutting NE Hoyt St;
5. Added common storefront system cladding the parking deck wall at the east end of the NE Hoyt St frontage.

Therefore, as described the findings above, the proposal meets all of the applicable design guidelines and approval is warranted.

## TENTATIVE STAFF RECOMMENDATION

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

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

And, approval of Modifications and Design Exception:

**Modification #1. 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. 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.*

**Design Exception. OSCC 3202.3.2. / IBC/32#1. Window Projections into a Right-of-Way.** Width of projections is limited to 12 feet. The project proposes a width of projection of approximately 27 feet on the west elevation facing NE 20<sup>th</sup> Ave.

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.48. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-267105 DZM. No field changes allowed."
- B. The roof-top mechanical units shall be screened within a 4' tall black metal louvered enclosure.

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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:

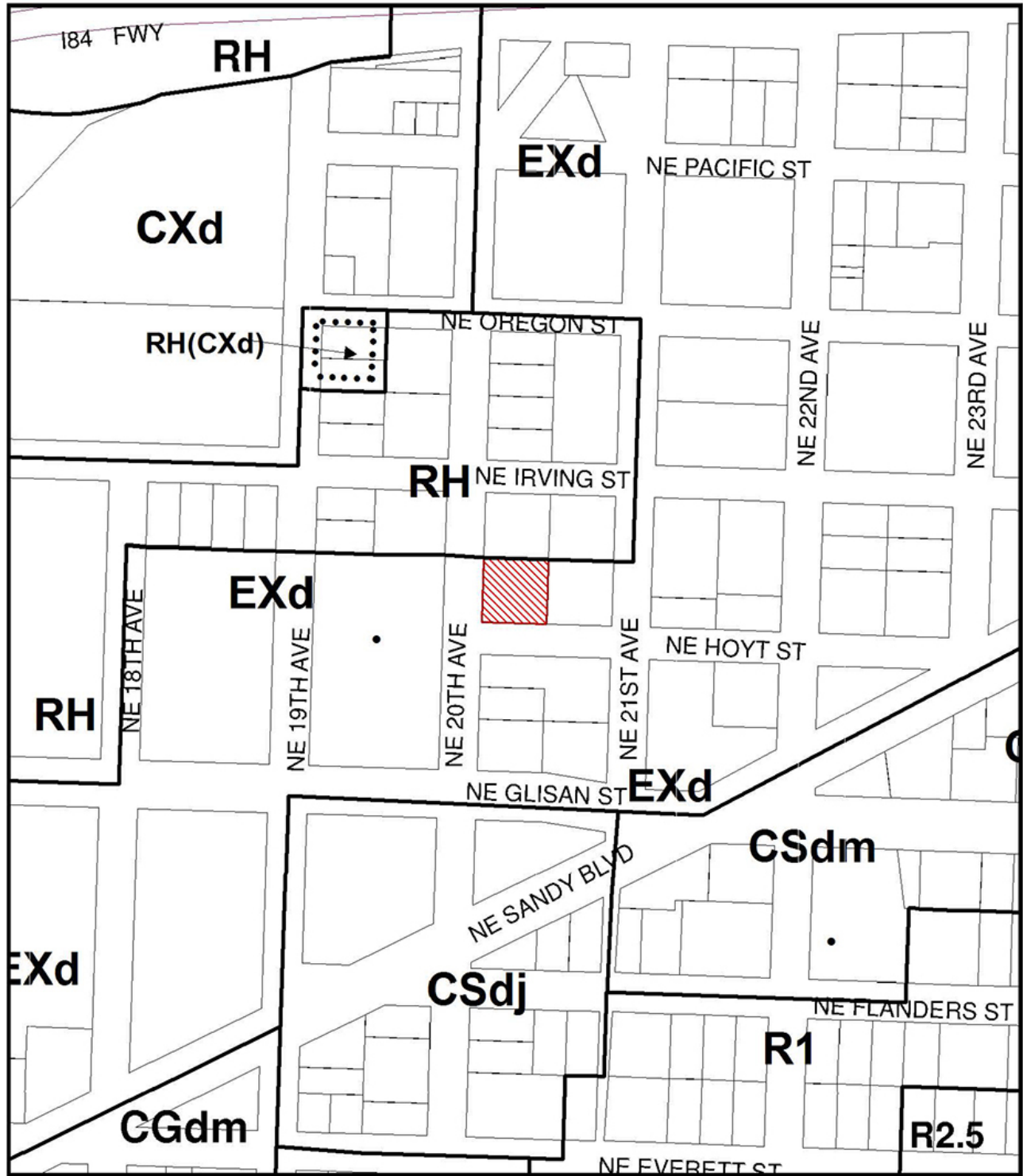
- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations 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  
April 15, 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.48)
    - Sheet C.15, Ground Floor Plan (attached)
    - Sheet C.21, South Elevation (attached)
    - Sheet C.22, 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. Water Bureau
  - 2. Fire Bureau
  - 3. Site Development Section of BDS
  - 4. Bureau of Transportation Engineering and Development Review
  - 5. Bureau of Environmental Services
- F. Letters: None
- G. Other
  - 1. Original LUR Application
- H. Post First Hearing
  - 1. Staff Report, Land Use Review Hearing, March 3, 2016
  - 2. Staff Presentation, Land Use Review Hearing, March 3, 2016
  - 3. Staff Memo, Land Use Review Hearing, March 3, 2016

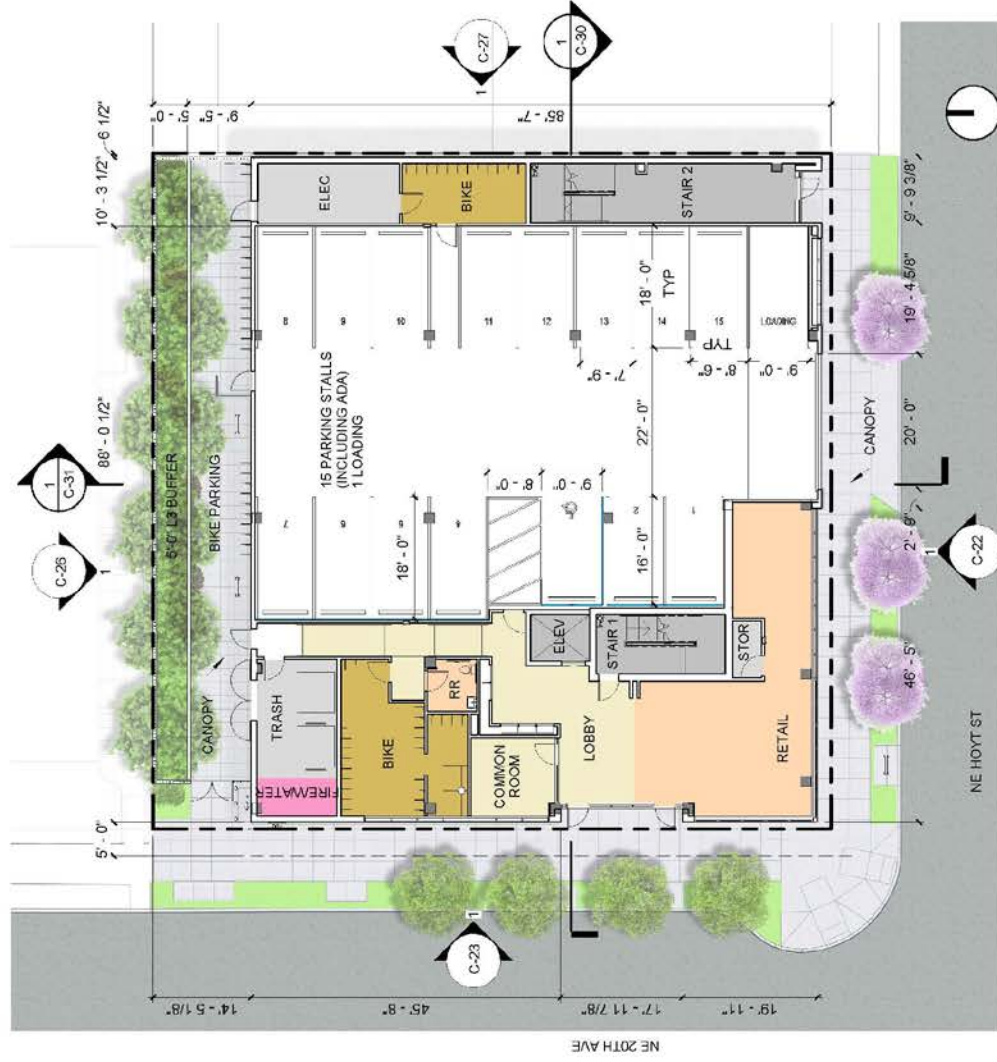


# ZONING

-  Site
-  Historic Landmark



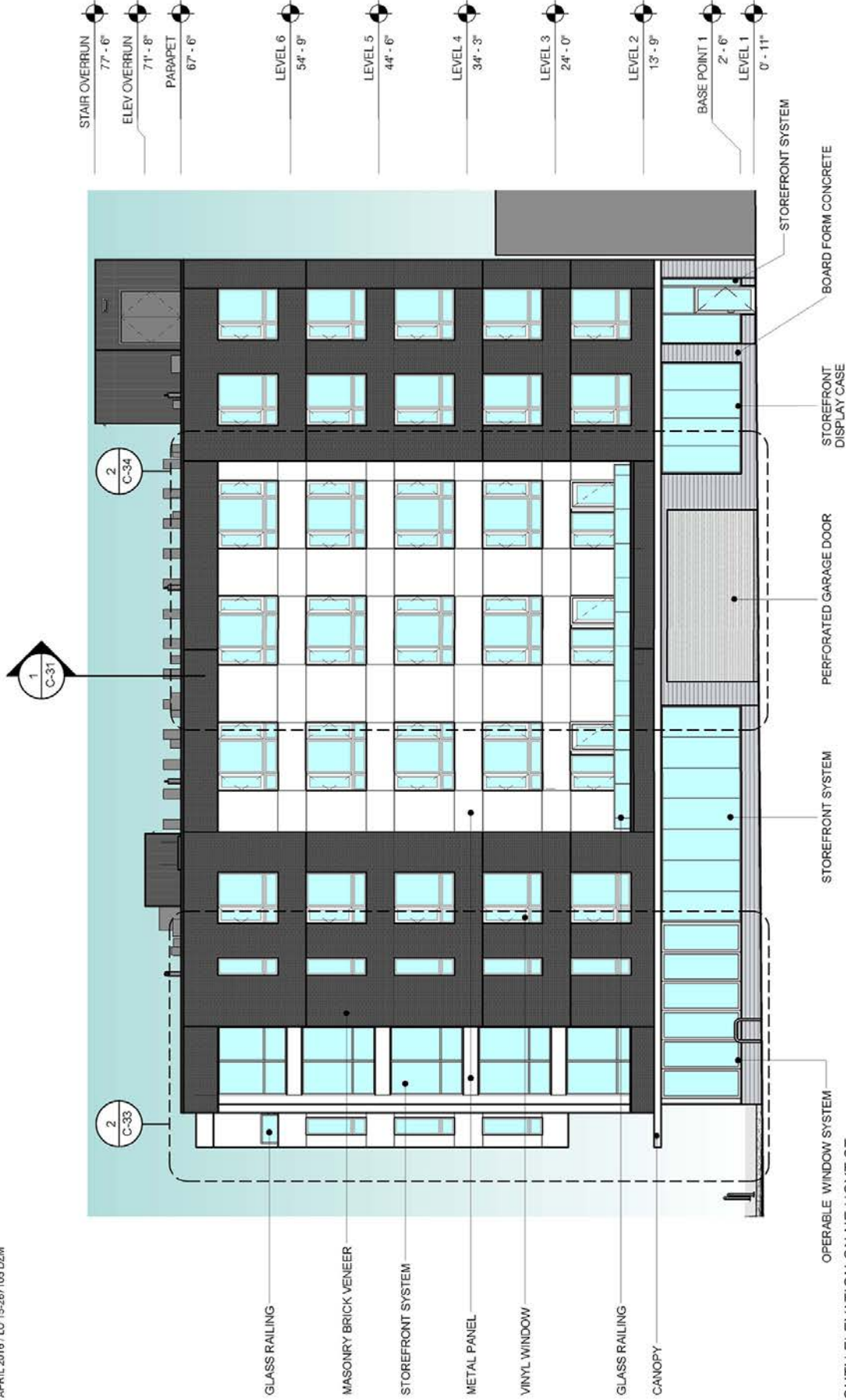
File No. LU 15-267105 DZM  
 1/4 Section 2932  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E35AD 5400  
 Exhibit B (Nov 23, 2015)





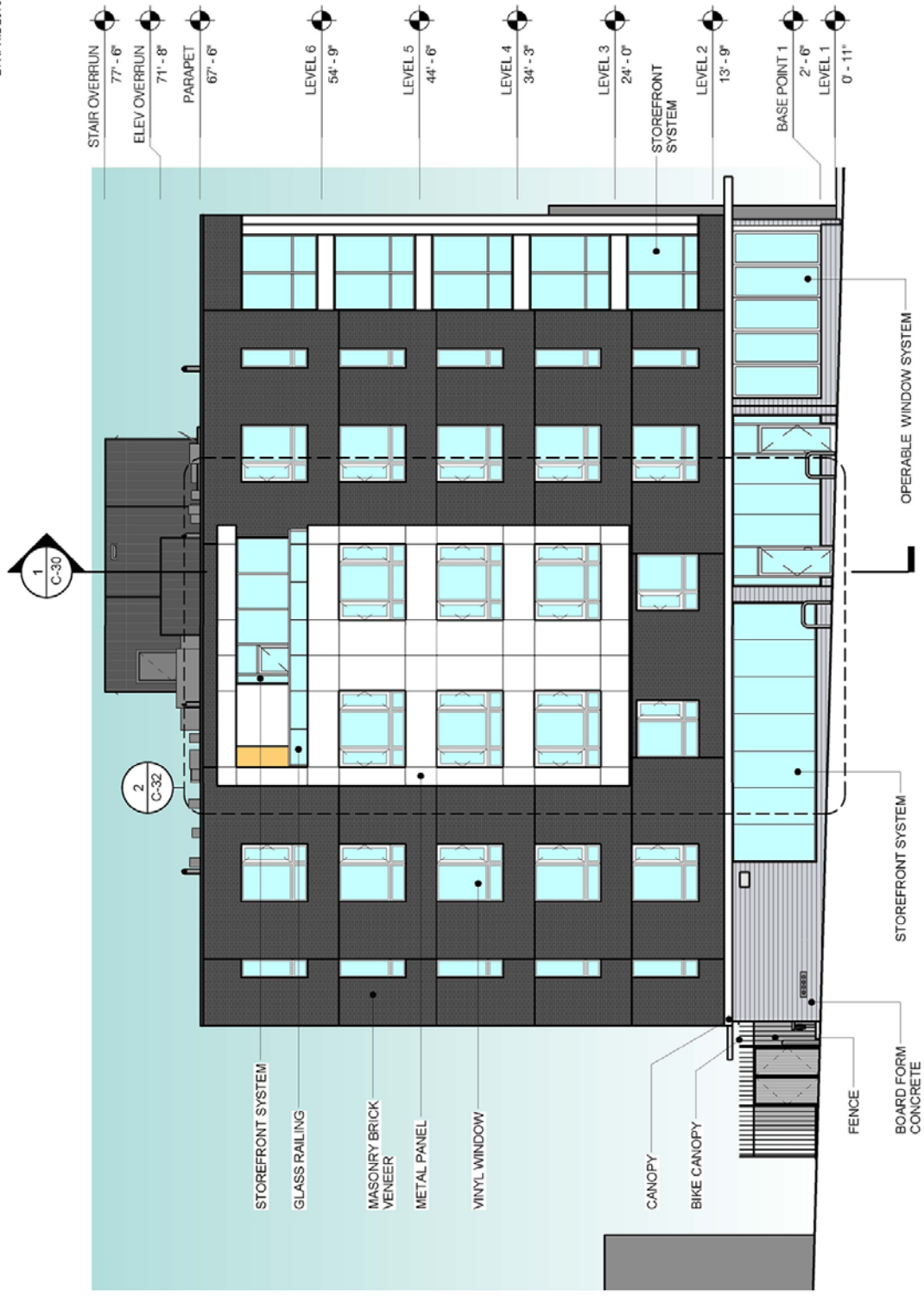
HOYT20 APARTMENTS

21 APRIL 2016 / LU 15-267105 DZM



SOUTH ELEVATION ON NE HOYT ST  
EXHIBIT C-22

HOYT20 APARTMENTS  
21 APRIL 2016 / LU 15-267105 DZM



WEST ELEVATION ON NE 20TH AVE  
EXHIBIT C-23