



STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION

CASE FILE: LU 16-104926 DZM AD
PC # 14-247316 | EA # 14-247312 DAR
SW 12th Ave Apartments
REVIEW BY: Design Commission
WHEN: May 5, 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: Douglas H Stearns
30490 SW Buckhaven Rd
Hillsboro, OR 97123-8768

Nate Gundrum | Mortenson Development Inc
700 Meadow Lane North
Minneapolis, Mn 55422

Representative: Kurt Schultz | Sera Architects
338 NW 5th Avenue
Portland, OR 97209

Site Address: 1133 SW MARKET ST

Legal Description: BLOCK 266 LOT 5&6, PORTLAND
Tax Account No.: R667729620
State ID No.: 1S1E04AD 05200
Quarter Section: 3128

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 - West End
Zoning: RXd, Central Residential with a Design Overlay
Case Type: DZM AD, Design Review with Modifications and Adjustments
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 14-story residential building on a quarter block site in the West End sub area of the Central City plan district, Downtown sub district. The 150' tall building would provide 146 residential units, two of which would be ground level live-work. 21 parking spaces (18 mechanically stacked) would be provided in the ground level and accessed off of SW 12th via a single 18' wide garage door set back from the property line by 3'. One 9'x18' loading space is proposed on the ground floor and long-term parking for 219 bicycles are provided within the units. The underground transformer vault will be located within the SW 12th Ave ROW outside of the pedestrian through-zone. The only proposed outdoor area is on the rooftop amenity deck. The rooftop would include fitness and common rooms, two stair enclosures, an elevator overrun, a screen enclosure for the mechanical units and eco-roof. The predominant building material would be stucco in two colors (dark grey and beige) with metal panel accent and fiber-cement soffits (at garage only) on a cast-in-place concrete plinth. PTHP units are vented via louvers integrated within window systems (VPI Commercial Grade Vinyl – 3" recess between sash and finish wall) and fiberglass storefront system.

Three (3) Modifications are requested:

1. Modification #1 (33.266.130.F), Drive Aisle Width (20' required, 18' proposed) *Staff supports*;
2. Modification #2 (33.266.220.C3), Bike Parking Stall Width (24" required, 18" proposed). All long-term bike parking spaces are accommodated within residential units *Staff supports*; and,
3. Modification #3 (33.130.230), Ground Floor Windows on the SW 12th Ave elevation (50% of wall length required, 45.5% proposed) *Staff does not support*.

Two (2) Adjustments are requested:

1. Adjustment #1 (33.266.310), Loading Standards (one Std A or two Std B loading stalls required; one Std B proposed). *Staff does not support*; and,
2. Adjustment #2 (33.510.263.G.9), Ground level parking allowed in the West End Subarea (two spaces allowed, 21 proposed). *Staff supports*.

One (1) Design Exception (DE) is requested:

- Garage Door Setback (DE not yet submitted PBOT).

One (1) Special Circumstances (SC) is requested:

- For impervious courtyard surface (SC submitted, not yet approved by BES).

Floor Area Ratio Bonus Request:

MAX FAR Allowed (33.510.200.C2)	12:1	120,000 sf
FAR Earned		
▪ Base FAR (Map 510-2)	8:1	80,000 sf
▪ West End Development Bonus 33.510.210.C.14	1:1	10,000 sf
▪ % for Art (510.210.C.6) RACC – 21,000,000 x .1 = \$210,000	1:1	10,000 sf
▪ EcoRoof (510.210.C.10)	2:1	20,000 sf
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Total FAR Earned	12:1	120,000 sf
FAR Proposed	11.8:1	118,398 sf

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
- 33.825.040 Modifications
- 33.805.040 Adjustments

ANALYSIS

Site and Vicinity: The site is a 10,000 square foot parcel at the southeast corner of the intersection of SW 12th Avenue and Market Street. The site is developed with a two-story office building originally constructed in 1954. A small surface parking lot for approximately 11 vehicles is located behind the building on the east half of the site, with driveway access onto SW Market Street.

The surrounding area is primarily residential, but also includes significant commercial and residential uses. The remainder of the subject block includes two older apartment buildings to the east (Clay Apartments at 60', Tiffany Apartments at 45') and two new apartment buildings (Cameron at 85' and 11 Marche at 65', both also by SERA Architects). The entire block across SW 12th Avenue to the west consists of multi-story residential buildings. A half-block residential high-rise is located one block to the north across SW Clay Street, and provides senior housing. Several of the nearby buildings provide group living housing opportunities or housing for the formerly homeless, in addition to both affordable and market-rate apartments. The north edge of the Portland State University campus is south across SW Market Street, and there are several churches within a three-block radius, including two in the block immediately northwest of the site.

The surrounding streets are both improved with paved roadways, curbing, and paved public sidewalks. Southwest 12th Avenue has two lanes for northbound vehicle traffic, a dedicated bike lane on the west side of the street, and on-street parking on both sides of the street. Southwest Market Street has two lanes for east-bound vehicle traffic, and on-street parking on both sides of the street. In the City's adopted Transportation System Plan, SW 12th Avenue is both a City Walkway and City Bikeway, and the entire site is within the Downtown Pedestrian District, but neither adjacent street is a transit street.

Zoning: The Central Residential (RX) base zone is a highest density multi-dwelling zone in the city. Density is not regulated by the number of dwelling units, but rather by the maximum allowed floor-area per site, which in turn depends on the size of the site. The RX zone is primarily applied in the central city. The Central City plan district implements the Central City Plan and other plans applicable to the Central City 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 **April 13, 2016**. The following Bureaus have responded with no issue or concerns:

- **Water Bureau** (Exhibit E.1)
- **Fire Bureau** (Exhibit E.2)
- **Site Development Section of BDS** (Exhibit E.3)

The following Bureaus have responded with comments:

- The **Bureau of Environmental Services** responded with the following comment (Exhibit E.4): BES certification of the EcoRoof has been determined as detailed in the EcoRoof certification letter.

- The **Bureau of Transportation Engineering** responded with the following comment (Exhibit E.5): ***PBOT cannot support approval at this time. A loading demand study to reduce the amount of required loading spaces and a queuing analysis for a garage gate closer than 20-ft from the property line has not been submitted.***

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 13, 2016**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

Floor Area Bonus Requests: The following summarizes the code stipulations for each of the requested floor area bonus requests that require additional documentation post Land Use Review approval. If any changes to these FAR Bonus requests occur prior the issuance of any building permit, the stipulations of PZC Section 33.510.210 must be met.

Percent for Art (510.210.C.6). At the time of publication of this Staff Report, the proposal seeks to meet the requirements necessary to achieve an FAR bonus of 10,000 square feet. There are three options for gaining the F.A.R. bonus:

- Allocate and spend 75% of 1% of construction costs on a work(s) of art and contribute the remaining 25% directly to the Public Art Trust Fund. *This is RACC's and the Applicant's preferred option.*
- Contribute the full 1% of construction costs to the Public Art Trust Fund.
- Contribute an amount greater than 25% of 1% of construction costs to the Public Art Trust Fund, and dedicate the balance to on-site artworks.

On Wednesday, April 13, 2016 the Applicant presented ideas for incorporating public art into the project program to the RACC Public Art Selection Panel. According to Peggy Kendellen (Public Arts Manager), the selection panel was supportive of incorporating glass and/or mural artwork into the project though details regarding concepts and artist selection remain to be determined. In summary, assuming construction costs are \$21M, the project will have to provide at least a total of 1% of the costs (e.g., \$210,000, with 75% of it going to art - \$157,500; the remainder goes into our Public Art Trust Fund to be spent on projects in the Central City.) To qualify for this bonus, the public art must meet the following requirements.

- a) At least 25 percent of the project's public art funds must be placed in a Central City Public Art Trust fund, maintained by the Regional Arts and Culture Council. The developer may place all of the public art funds in the trust fund. The Central City Public Art Trust Fund is used to purchase and install public art only in the Central City plan district.
- b) The process and budget for selecting the artist and for selecting and installing the specific works of art to be included in the project must be approved by the Regional Arts and Culture Council. The Regional Arts and Culture Council maintains and publishes guidelines and procedures for review, selection, installation, and payment for works of art included in a project.
- c) Works of art must be approved by the Regional Arts and Culture Council.
- d) Works of art must be placed on the outside of the building or at a location clearly visible and freely accessible to the public from the sidewalk during daylight hours. The location of each work of art will be approved by the Regional Arts and Culture Council. The Design Commission will recommend appropriate locations prior to the Regional Arts and Culture Council approval.
- e) The public art may not also be used to satisfy other requirements of City, State, or Federal law.
- f) Prior to issuance of any building permit, the property owner must execute a covenant with the City ensuring installation, preservation, maintenance, and replacement if necessary of the public art. The covenant must comply with the requirements of 33.700.060.

- **EcoRoof** (510.210.C.10). At the time of publication of this Staff Report, the proposal seeks to meet the requirements necessary to achieve an FAR bonus of 20,000 square feet. BES certification of the EcoRoof cannot be determined until the following are submitted for review:
 - Calculations for the FAR bonus itself and the intended bonus request;
 - The plant list for the sedum mixes;
 - Because the proposed gravel area is very close to the 10% of the entire EcoRoof area please confirm whether the pavers are included in the pathway calculation; and,
 - Clarification as to whether the strips along the south and west edge will be able to meet the irrigation standards set forth in the O&M.
 Upon review of these additional pieces BES will be able to provide an addendum to the BES LUR response with an EcoRoof certification letter. To qualify for this bonus, the EcoRoof must meet the following requirements.
 - a) Before an application for a land use review will be approved, the applicant must submit a letter from BES certifying that BES approves the eco-roof. The letter must also specify the area of the eco-roof. Final plans and specifications must be submitted with building permit applications.
 - b) Prior to issuance of any building permit, the property owner must execute a covenant with the City ensuring installation, preservation, maintenance, and replacement, if necessary, of the eco-roof. The covenant must comply with the requirements of 33.700.060.West End Development Bonus

- **Small development site option** (33.510.210.C.14). In the West End subarea, developments on small development sites receive floor area bonuses. Sub-section (a) states that where the development site is larger than 5,000 square feet and up to 10,000 square feet, the FAR is increased by 1.0.

ZONING CODE APPROVAL CRITERIA

(1) DESIGN REVIEW (33.825)

33.825.010 Purpose

Design Review ensures:

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

33.825.055 Design Review Approval Criteria

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

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

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

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

Findings: The site is designated with design overlay zoning (d). Therefore the proposal requires Design Review approval. Because the site is within the Central City Plan District the applicable approval criteria 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 and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven 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.

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

Findings: The project is a full 12 blocks from the Willamette River, in addition to the 550-foot depth of Waterfront Park at the foot of SW Market Street. Nevertheless, the project includes a rooftop terrace amenity that could allow residents a view of the Willamette River. *To the extent that this guideline applies, the guideline is met.*

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

Findings: The quarter block building with a classically-inspired tripartite exterior design is a common theme from Portland's streetcar era (1890-1929). Stucco exterior materials,

repeated horizontal corncing, and separating the façade into a base, vertically shafted pilaster expression, and attic/cornice are typical Portland-related themes incorporated into the project. *Therefore, this guideline is met.*

A3. Respect the Portland Block Structures. Maintain and extend the traditional 200-foot block pattern to preserve the Central City's ratio of open space to built space. Where superblocks exist, locate public and/or private rights-of-way in a manner that reflects the 200-foot block pattern, and include landscaping and seating to enhance the pedestrian environment.

Findings: The proposed building is located on a typical 200-foot square downtown block. The building extends to the lot line on both streets for the majority of the façade, pulling back slightly at the corner entry, but embracing the corner with a projecting entry canopy. *Therefore, this guideline is met.*

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

A5. Enhance, Embellish, and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

Findings for A4 and A5: The proposal uses elements from several nearby buildings, and incorporates architectural themes common to other prominent structures downtown. Stucco is a common material found on the numerous streetcar-era apartment buildings found within the West End sub area. The tripartite exterior design, based in classical western architecture, is also utilized on streetcar era apartment buildings and commercial structures nearby and further afield in the central city. The use of ground floor canopies and a prominent glass entry canopy is also typical of grand commercial and apartment buildings in the central city.

The applicant will be required to reconstruct the adjacent public sidewalks to current standards, including accessible corner ramps, street trees, and scoring patterns. *Therefore, these guidelines are met.*

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

Findings: The proposal includes primary vertical walls at each of the two street frontages that extend to the street lot line for the full building height, increasing the sense of urbanity and enclosure at this intersection. *Therefore, this guideline is met.*

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

Findings: The building has been designed with an L-shaped plan that places the building along the adjacent public streets, with an interior courtyard at the interior of the site. The main entry to the building is at the exterior corner, and is clearly identifiable by the full-height windows and projecting glass entry canopy. Ground floor live-work units along both streets also include generous glazing, providing for views into and out of the building. The entire pedestrian frontage is provided with stucco and punched openings

and recessed storefront between pilasters.

The proposal includes two ground floor units (approximately 800 square feet total) oriented to SW Market St providing separate exterior doors and covered entry vestibules providing a transitional semi-private zone abutting the sidewalk. Called out as “live-work”, these single-level (non-mezzanine) units are configured more like studio apartments – kitchens and open floor area glazed at-grade with a 3’ recess from the back of sidewalk. With the relatively shallow set back and given lack of a true mezzanine configuration, these units would likely fall short of true “live-work” functionality and be used in a purely residential capacity (with drawn blinds at sidewalk level.) As proposed, the functionality of this floor area is compromised – providing neither adequate buffer for residential, the mezzanine space for live-work, nor sidewalk-oriented glazing of commercial.

Therefore, this guideline is not yet 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: Both adjacent public sidewalks will remain and be reconstructed to current city standards with scoring patterns defining the building frontage zone, street furniture zone, movement zone, and the curb. No additional pedestrian connections or historic connections are involved in the proposal. *Therefore, this guideline is 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: The reconstructed sidewalks, curbing, on-street parking and street trees will provide some measure of protection for pedestrians from passing vehicles. The exterior night lighting techniques include sconce lights near the main entries, and recessed downlights in the canopies. Mechanical venting for the generator room is located in the pedestrian zone, but is incorporated into the same window opening patterns found elsewhere and are above the canopy. Individual units have exterior PTHP louvers that are well-integrated into the recessed (approximately 2.5”) louvers between the window openings. Unlike a ventilation system for a restaurant or more intense commercial use, these PTHP louvers and the two areas of mechanical louvers should not significantly impact the pedestrian environment. *Therefore, this guideline is met.*

B3. Bridge Pedestrian Obstacles. Bridge across barriers and obstacles to pedestrian movement by connecting the pedestrian system with innovative, well-marked crossings and consistent sidewalk designs.

Findings: There are no significant barriers or obstacles to pedestrian movement on the site. Both adjacent sidewalks will be reconstructed to current city standards with scoring lines to define the furnishing zone, movement zone, and building frontage zone (at the corner). *Therefore, this guideline is met.*

B4. Provide Stopping and Viewing Places. Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

Findings: The inset entry doors at the corner provide a logical and convenient place for pedestrians to stop, view the surroundings, socialize and rest, outside of the main pedestrian movement zone on the abutting streets. Two of the units at ground level along SW Market St provide covered ‘porch’ areas that provide a semi-private zone for visitors and guests of residents in those apartments. *Therefore, this guideline is met.*

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

Findings: A large glass canopy is provided at the main corner building entry, and projecting canopies and recessed entries are provided at the live-work entries as well. Although not continuous, the entire corner is well-covered while still allowing light into the space, and the secondary awnings away from the corner provide some relief from weather-related impacts to the pedestrian environment. *Therefore, this guideline is met.*

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

Findings: All access to the building and the exterior courtyard amenity space, as well as all the internal amenity spaces, are accessible to potential future residents with disabilities, their guests and families. *Therefore, this guideline is met.*

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.

Findings: The primary adjacent points of interest and activity are the nearby sidewalks and streets themselves. The building includes significant ground floor windows offering views from the lobby entry and individual units to the adjacent streetscape. At the main corner building entry, the building is pulled back from the street to create a gracious entry and pedestrian refuge, and large full-height windows are located to signify the public entry point and increase visual connections between inside and out.

However, the proposal includes no balconies within an area rich with view opportunities and older buildings with amply balconies. As such, the proposal falls short of providing a full complement of building elements taking advantage the opportunity to provided visual connections for residents.

Therefore, this guideline is not yet met.

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

Findings: The proposal uses building materials and design principles that establish a contextual relationship with nearby structures and well-loved streetcar era buildings throughout downtown. Grey/cream stucco cladding is common on both new and older apartment buildings in the West End subarea. The tripartite, classically-inspired building design draws inspiration from streetcar era buildings in the Central City. Other building materials uses on the project include metal panel, which if applied in a durable

way can stand the test of time. Metal panel as accent materials and trim are used sparingly on the façade, within the punched openings above and below the vertically-aligned banks of windows. Definitive vertical pilasters and concrete/metal clad cornices are of durability and permanence, as well as the glass materials used on the entry canopy.

As detailed and specified in the Land Use Review Drawing Set, cladding materials are:

Window Recess. As proposed, the windows are recessed by 3 inches (face of sash to finish wall) which is shallow compared with the 4"-8" recess characteristic of traditional punched window buildings in the vicinity.

Stucco. Traditional 3-coat traditional stucco (similar to that successfully used at The Cordelia in NW Portland by SERA Architects) will be applied over a cement backer board. However, the drawing set lacks details related to expansion joints and flashing.

Metal panels. The Applicant has indicated in narrative that all visible metal panels on the primary corner and upper-level cornices (metal panel type 1 in the LUR Drawing Set) are honeycomb backed (Skyline skycore series.) Additionally, the narrative indicated that metal panels on the top penthouse (metal panel type 2 in the LUR Drawing Set) are a 12' wide flush interlock panel AEP span prestige series, 20 gauge. However, no section details or specifications are provided to sufficiently describe key components of the facades – the corner element and the metal wall panels below the roof cornice and the penthouse wall system.

Although the building design is pleasingly classical in concept, and the materials appear to be of generally a high quality, additional material samples and detail drawings are necessary – penthouse metal wall section details and stucco flashing and expansion joints – to show how the proposal meets this guideline.

Therefore, this guideline is not yet met.

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

Findings: The proposal successfully complements the context of existing buildings on the block and in the vicinity through the use of grey and cream stucco as exterior siding with minimal metal accents at upper levels, and by the classical arrangement of the building into a base, shaft and capital. Projecting street-level awnings, a large glass entry canopy, and street-level windows along both street facades further help the project integrate with the design of adjacent structures. *Therefore, this guideline is met.*

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: Generally, the proposal achieves coherency in design, through the use of quality exterior materials, generous windows, and the classically-inspired tripartite approach to design of the primary facades. The use of the large glass entry canopy at the corner, and the additional street-level live-work canopies are also a successful method of clearly defining the ground floor and entry points to the building. Window patterns and proportions are applied in a consistent and harmonized fashion, reminiscent of Chicago-style punched windows (although the punch could be deeper – see findings for C.2 Promote Quality and Permanence.) Lighting is modest and simple on the building

exterior, with simple pilaster-mounted sconce lights straddling recesses along both SW 12th Ave and Market St. No signage has been proposed with this application.

Though the building appears responsive to Design Commission comments from the Design Advice Request, the material/color palette of the corner element disrupts the harmony and coherency of the building as a whole. The full-height dark metal corner serves to visually cleave the building into two disintegrated façades rather than unifying the two elevations through material and/or color commonality. The dark corner recess creates a color and material void which leaves the building appearing to be composed of two independent façade planes lacking a corner. With a more integrated corner element (material, color, cornice line and/or balcony expression) the facades could be visually united and the building would better read as a unified whole.

Therefore, this guideline is not yet met.

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: The building corner is clearly identified through the use of a distinct corner entry door, projecting glass canopy, and full-height windows. As a fully residential structure, there are few other opportunities for pedestrian access, although two individual unit entries to the live-work units along SW Market St are located mid-façade. The egress emergency stairs and service doors are located on the interior edges of the façade, as far as possible from the corner. *Therefore, this guideline is 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 sidewalk level of the building is differentiated through the use of a prominent entry corner, large projecting entry canopy, and additional canopies located over the live-work entries. Exterior sconce lighting straddles the main entry doors, and occurs only at the ground floor on the street facades. Full-height windows are used at the corner entry to distinguish this important access point to the building at sidewalk level, distinct from the residential window openings which are of a different scale. Additionally, the first two floors are coherently differentiated by a lighter colored stucco than the darker body of the building. *Therefore, this guideline is 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: Encroachments into the public right-of-way include the entry and continuous live-work canopies. These features will visually and physically enhance the pedestrian environment by providing weather protection, a feeling of street enclosure and urbanity, and pedestrian scale for the 14-story building mass. *Therefore, this guideline is met.*

C11. Integrate Roofs and Use Rooftops. Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop

rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

Findings: Though the roof is complex – EcoRoof (2 levels) amenity deck and mechanical units, it is relatively well composed. The mechanical units are located within a screened enclosure just west of the main elevator overrun in the center of the roof. All rooftop structures are clad in a common metal panel (Type 1 in Drawing Set – 20 gauge backed) material used on the walls of the penthouse and the corner window wall from sidewalk to penthouse parapet.

Because the project is seeking 20,000 square feet of FAR bonus through the Ecoroof bonus (510.210.C.10), an Ecoroof plan has been submitted by the Applicant and is being reviewed by BES for compliance with the City’s Ecoroof Operations and Maintenance Manual. At the time of publication of this Staff Report, the Applicant had submitted all of the required information and BES had determined that proposal meets all criteria necessary to receive the requested FAR bonus.

Therefore, this guideline is 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: Exterior lighting is extremely limited for this project. Four pairs of sconce lights are located on the piers at two storefront locations on both frontages. Soffited downlights are placed directly over to the main entry doors and integrated within the storefront canopies.

Ceiling-mounted downlights are provided within the drive aisle of the parking garage. Being all at the ground level, exterior lighting should have no impact on the night skyline. *Therefore, this guideline is 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 signs are part of this review. The applicant will be allowed to place individual signs up to 32 square feet on the exterior without design review approval, provided all regulations of the sign code are met. *Therefore, this guideline is not applicable.*

(2) MODIFICATION REQUESTS (33.825)

The following modifications are requested:

1. **Modification of 33.266.130 F.1.a, Parking Area Layouts.** Reduce the 20’ required drive aisle width to 18’ for the portion of the drive aisle to accommodate loading adjacent to the ADA spaces. *Staff supports.*
2. **Modification of 33.266.220.C.3.b. Standards for all bicycle parking.** A space 2 feet by 6 feet must be provided for each required bicycle parking space and a 5’ circulation aisle must be provided behind each space. The project proposes some bikes racks staggered at 18” on center within units. *Staff supports.*
3. **Modification of 33.130.230, for less than standard ground floor windows on the SW 12th Ave facade.** The west elevation along SW 12th Ave does not meet the required amount of window length (45.5%) and meets the requirement for amount of window area

(40%). The compromise in ground floor transparency on SW 12th Ave is incremental at only 4.5% (or approximately 4.5 linear feet). *Staff does not support.*

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.
1. **Modification of 33.266.130 F.1.a, Parking Area Layouts.** Reduce the 20' required drive aisle width to 18' for the portion of the drive aisle to accommodate loading adjacent to the ADA spaces.

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 for Modification 1: The applicant proposes one on-site loading space within the at-grade parking garage intended to serve truck loading demands associated with apartment move-in/outs. The entrance to the parking garage will be provided via an 18-foot wide driveway accessed from SW 12th Ave, approximately 70 feet south of the extended curb line on SW Market St. The entrance will include a high-speed (100"/second) spiral gate located 3 feet from the finished curb line.

- A. *The resulting development will better meet the applicable design guidelines.*** The more compact parking area allows for more area devoted to active uses and facades with more pedestrian scaled features such as glazing, light fixtures and storefront details that better meets the following design guidelines: *A5. Enhance, Embellish, and Identify Areas, A8. Contribute to a Vibrant Streetscape, B2. Protect the Pedestrian, and C5. Design for Coherency.*

A forward motion solution would displace a significant amount of program contributing to pedestrian convenience and safety (long-term bike parking, lobby access, mechanical parking, etc.) The location of the loading facility within the internal drive aisle should relieve congestion off-site within the public ROW. Similar loading situations occur in comparable buildings in the City and are handled with attentive building management. *Therefore this criterion is met.*

B. **On Balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.** The drive aisle dimensions are intended to promote safe circulation within the parking area. The 18'-0" aisle width reduction only occurs where the loading and handicap spaces are proposed at the western end of the garage. The 20'-0" wide maneuvering area is met in the remainder of the garage. 18'-0" is sufficient for two vehicles to pass for access to the spaces beyond. The additional 2'-0" required by the Zoning Code provides additional move for the turning radius of cars to pull in and out. A tighter turn, or 3 point turn, may be necessary for larger vehicles maneuvering in and out of the four affected spaces. Given that this is a private parking area for the tenants contained within the site, the tenants will be familiar with this condition and be able to anticipate the additional maneuvering that may be required. PBOT has stated no concerns with the reduction and does not anticipate any adverse impacts on the pedestrian or street system. The modification is therefore consistent with the purpose. *Therefore this criterion is met.*

The overall solution is consistent with the purpose of the parking development and loading standards. *This Modification therefore merits approval.*

2. **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. A 5' circulation aisle must be provided behind each space.

Findings: The project proposes 219 long-term bicycle parking spaces (219 spaces required) within the residential units. A total of 22 bike parking spaces are proposed per floor – 10 units will have a double wall-rack system, 2 units will have a single wall-rack system. The unit plans indicate a wall-rack system with spacing varying between 18"-24" on center. Additionally, some units propose circulation space that is not consistent with the standard of 5' of circulation space behind each space per 33.266.220.C.4.a.

- A. **The resulting development will better meet the applicable design guidelines.** Accommodating long-term bicycle parking spaces in a centralized facility at 24" on center within the floor plate of a ¼-block (10,000 SF) would consume considerable floor area. Relying upon a vertical bike rack at 18" on center within units is a more efficient use of space, and is identical to the parking system recently approved in numerous Design Reviews 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 A8 Contribute to a Vibrant Streetscape and B1 Reinforce and Enhance the Pedestrian System*. *Therefore this criterion is met.*
- B. **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 in-unit 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. Though not located directly *behind* each space, a 5' minimum aisle is provided near each bicycle rack allowing access to the rack system within each unit. Given that the spaces are within units and therefore accessible only to the bicycle owner, the likelihood

of damage is reduced. For these reasons, the bicycle parking system is safe and secure, located within each unit with fully functional access and designed to avoid any intentional or accidental damage to either the bicycles or the units; 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.

3. **Modification of 33.130.230, for less than standard ground floor windows on the SW 12th Ave facade.**

Standard

B. Required amounts of window area. In the RX zone, all exterior walls on the ground level which are 20 feet or closer to a street lot line, sidewalk, plaza or other public open space or right-of-way must meet the Ground Floor Window standards of Section 33.130.230.B2. The standards require that street-facing windows must be at least 50% of the length and 25% of the ground level wall area. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade.

C. Qualifying window features: Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than 4 feet above the adjacent grade.

Purpose. In the CX 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.

Proposal: The west elevation along SW 12th Ave does not meet the required amount of window length (45.5% instead of 50%).

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

Findings. The Applicant has yet to propose any mitigation for the lack of ground floor transparency. Treatments that could contribute to the project better meeting include Guidelines A2 Emphasize Portland Themes, A8 Contribute to a Vibrant Streetscape and B4 Provide Stopping and Viewing Spaces would meet this criterion. ***Therefore this criterion is not met.***

B. ***On Balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*** **Findings.** Among the purposes of the required ground floor window standard are to provide a diverse pedestrian experience, encourage surveillance opportunities by restricting fortress-like facades at street level, and to avoid a monotonous pedestrian environment.

If the proposal were to provide an additional 4.5' of glazed frontage (above the 4' sill height requirement), visual access from the building's interior to the streetscape is would be maintained pursuant to standards. Because the ground floor "live-work" units are configured more like studio apartments (kitchens and open floor area glazed at-grade with a 3' recess from the back of sidewalk), the lack of transparency through drawn blinds is likely. If additional measures consistent with the purpose statement such as enhancing ground level activity, artwork imbedded within ground floor

cladding, many of the stated purposes are accomplished. If such measures were proposed, and taking into account the provision of on-site, well-integrated parking and loading, the proposal could be consistent with the overall intent of the ground floor window standard. **However, because the Applicant has yet to propose any such mitigation, this criterion is not yet met.**

This Modification therefore does not merit approval.

(3) ADJUSTMENT REQUESTS (33.805)

The following Adjustments are requested:

1. **Adjustment #1 (33.266.310.C.), Quantity of Loading Spaces.** Two on-site loading spaces meeting Standard B are required for the project. The project proposes one Std B loading space on site – adjacent to the drive aisle opposite the at-grade mechanical parking. *Staff does not support.*
2. **Adjustment #2 (33.510.263.G.9), Ground level parking allowed in the West End Subarea.** Two spaces are allowed, 21 are proposed. *Staff supports.*

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

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

- A. *Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and*
- B. *If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and*
- C. *If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and*
- D. *City-designated scenic resources and historic resources are preserved; and*
- E. *Any impacts resulting from the adjustment are mitigated to the extent practical; and*
- F. *If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; or*

Adjustment #1 (33.266.310.C.), Quantity of Loading Spaces. Two on-site loading spaces meeting Standard B are required for the project. The project proposes one Standard B loading space on site – adjacent to the drive aisle opposite the at-grade mechanical parking.

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

Purpose Statement: *A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The*

regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.

Findings: The Applicant has yet to submit a Loading and Queuing Analysis as required by PBOT to demonstrate that the proposed loading configuration will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way. **Therefore, this criterion has not 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: The site is located in Portland's highest density residential zone, RX. The portion of the garage expressed on the exterior is limited to the 18' wide garage door along 12th Ave which contains a perforated coiling door to obscure the interior vehicles activities. The remaining, and majority, of the ground floor contains pedestrian-scaled details like canopies, extensive glazing, light fixtures and materials detailing. Limiting the visibility of the parking and imploring such design elements will further enhance the livability of the West End area. *This criterion is therefore 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 two adjustments, to limit on-site loading and allow additional parking off of SW 12th within the ground floor, work together to concentrate and limit parking on the site to a single access point designed to limit the impacts of off-street parking on the ground level of the building. As such, there is no cumulative adverse effect with the adjustment requests. *This criterion does not apply.*

- 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: As mentioned in the findings above, the vehicle activities will be screened by a perforated coiling garage door. In addition, the reduction in the number of required loading spaces reduces the negative effects of an additional curbcut and blank wall surfaces and frees up the square footage to provide areas for more active leasable uses such as retail. **The Applicant has yet to submit a Loading and Queuing Analysis as required by Portland Bureau of Transportation demonstrating the impacts to traffic operations are mitigated to the extent practical. Therefore, this criterion has not been met.**

- 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.*

Approval criteria A and E are not yet met; therefore, approval of this Adjustment is not warranted.

Adjustment #2 (33.510.263.G.9), Ground level parking allowed in the West End Subarea.

Two spaces are allowed, 21 are proposed.

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

Findings: The regulation limits parking in the ground level of buildings in the West End to one space per 5,000 SF of site, so long the spaces are fully screened from the adjacent street or setback 20' from all property lines. Given the 10,000 SF size of the

subject property only 2 spaces are allowed, however, the project proposes a total of 21 parking and 1 loading space in the ground level of the building. The majority of the parking spaces will be stacked mechanical parking for 18 vehicles.

The purpose of the standard 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. The proposal meets the purpose of the Transportation Management Plan in several ways. The West End boundary is from Market to Burnside and 9th to the 405 freeway. This subarea of Downtown is characterized by the streetcar line that runs north and south on 10th and 11th and with typically smaller lots of quarter block or less. Given these conditions, the intent of the regulation to limit parking is to prevent parking from dominating the ground floor of buildings and adversely impacting the pedestrian level in this transit-oriented area. The project has successfully contained and limited the parking by using a stacked mechanical system. This allows more spaces devoted to off-street parking and loading while allowing approximately half of the ground floor to be devoted to active uses that engage the pedestrian environment. The portion of the garage exposed on the exterior façade is limited to the 18' perforated coil garage door to obscure the vehicle area within. The parking ratio of 1 space per 7 units and the provision of long-term bike parking within units will still encourage the use of alternative modes of transportation. Overall, the compact parking area the design of the street facades positively influence the urban form of the Central City. *This criterion is therefore 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 Portland's highest density residential zone, RX. The portion of the garage expressed on the exterior is limited to the 18' wide garage door along 12th Ave which contains a perforated coiling door to obscure the interior vehicles activities. The remaining, and majority, of the ground floor is designed with pedestrian-scaled details like canopies, extensive glazing, light fixtures and material detailing. Limiting the visibility of the parking and exploring such design elements will further enhance the livability of the West End area. *This criterion is therefore 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 two adjustments, to limit on-site loading and allow additional parking off of SW 12th within the ground floor, work together to concentrate and limit parking on the site to a single access point designed to limit the impacts of off-street parking on the ground level of the building. As such, there is no cumulative adverse effect with the adjustment requests. *This criterion does not apply.*

- 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: As mentioned in the findings above, the vehicle activities will be screened by a perforated coiling garage door and majority of the ground level façade designed for active uses. *This criterion has been met.*

- 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.*

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural or cultural value. The applicant has proposed the construction of a 14-story apartment building on a quarter-block site downtown, on the south portion of the 'West End', near Portland State University. The design of the building continues a contextually derived departure from the modernist approach being taken with most infill apartments in Portland, and looks back to the classically-inspired design of Portland's streetcar era buildings.

While the design concept and materials being proposed are generally successful, there are a few areas that merit further discussion, and additional details are required. With resolution of these minor outstanding issues before Design Commission, the proposal can resolve outstanding concerns vis-à-vis the relevant design guidelines and be approved.

Areas of concern remaining include the following:

1. Material samples outstanding (metal panel, stucco detailing). *Guideline not yet met: C2 Promote Quality and Permanence in Development;*
2. Lack of balconies within an area appropriate for inclusion of some degree of balcony expression. *Guideline not yet met: C1 Enhance View Opportunities.*
3. Ground level residential "live-work" unit layout *Guideline not yet met: A8 Contribute to a Vibrant Streetscape;*
4. Ecoroof FAR Bonus Support from BES *Guideline not yet met: C11 Integrate Roofs and Use Rooftops;*
5. Ground floor window mitigation for SW 12th Ave frontage *Guidelines not yet met A2 Emphasize Portland Themes, A8 Contribute to a Vibrant Streetscape and B4 Provide Stopping and Viewing Spaces;* and,
6. Loading and Queuing Analysis support from PBOT *Adjustment # 1 not supported by Staff.*

TENTATIVE STAFF RECOMMENDATION

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

While a majority of the approval criteria are met for the proposal, at this time the following design guidelines are not yet fully met and the project does not yet warrant approval:

- A8 Contribute to a Vibrant Streetscape**
- C1 Enhance View Opportunities**
- C2 Promote Quality and Permanence in Development**
- C5 Design for Coherency**
- C11 Integrate Roofs and Use Rooftops**

In addition, the following Modifications/Adjustments do not warrant approval:

Modification #3 (33.130.230), for less than standard ground floor windows on the SW 12th Ave facade. The west elevation along SW 12th Ave does not meet the required amount of window length (45.5% instead of 50% length required). *Guidelines not better met: A2 Emphasize Portland Themes, A8 Contribute to a Vibrant Streetscape and B4 Provide Stopping and Viewing Spaces;*

Adjustment #1 (33.266.310.C.), Quantity of Loading Spaces. Two on-site loading spaces meeting Standard B are required for the project. The project proposes one Std B loading space on site – adjacent to the drive aisle opposite the at-grade mechanical parking. *Loading/Queuing Analysis not yet submitted by Applicant.*

The following Modifications/Adjustments warrant approval:

Modification#1 of 33.266.130 F.1.a, Parking Area Layouts. Reduce the 20’ required drive aisle width to 18’ for the portion of the drive aisle to accommodate loading adjacent to the ADA spaces.

Modification #2 of 33.266.220.C.3.b. Standards for all bicycle parking. A total of 22 bike parking spaces are proposed per floor – 10 units will have a double wall-rack system, 2 units will have a single wall-rack system. The unit plans indicate a wall-rack system with spacing varying between 18”-24” on center.

Adjustment #2 (33.510.263.G.9), Ground level parking allowed in the West End Subarea. Two spaces are allowed, 21 are proposed.

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Procedural Information. The application for this land use review was submitted on January 13, 2016, and was determined to be complete on March 9, 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 January 13, 2016.

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 A.2) unless further extended by the applicant; **the 120 days will expire on January 13, 2017.**

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.**

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.

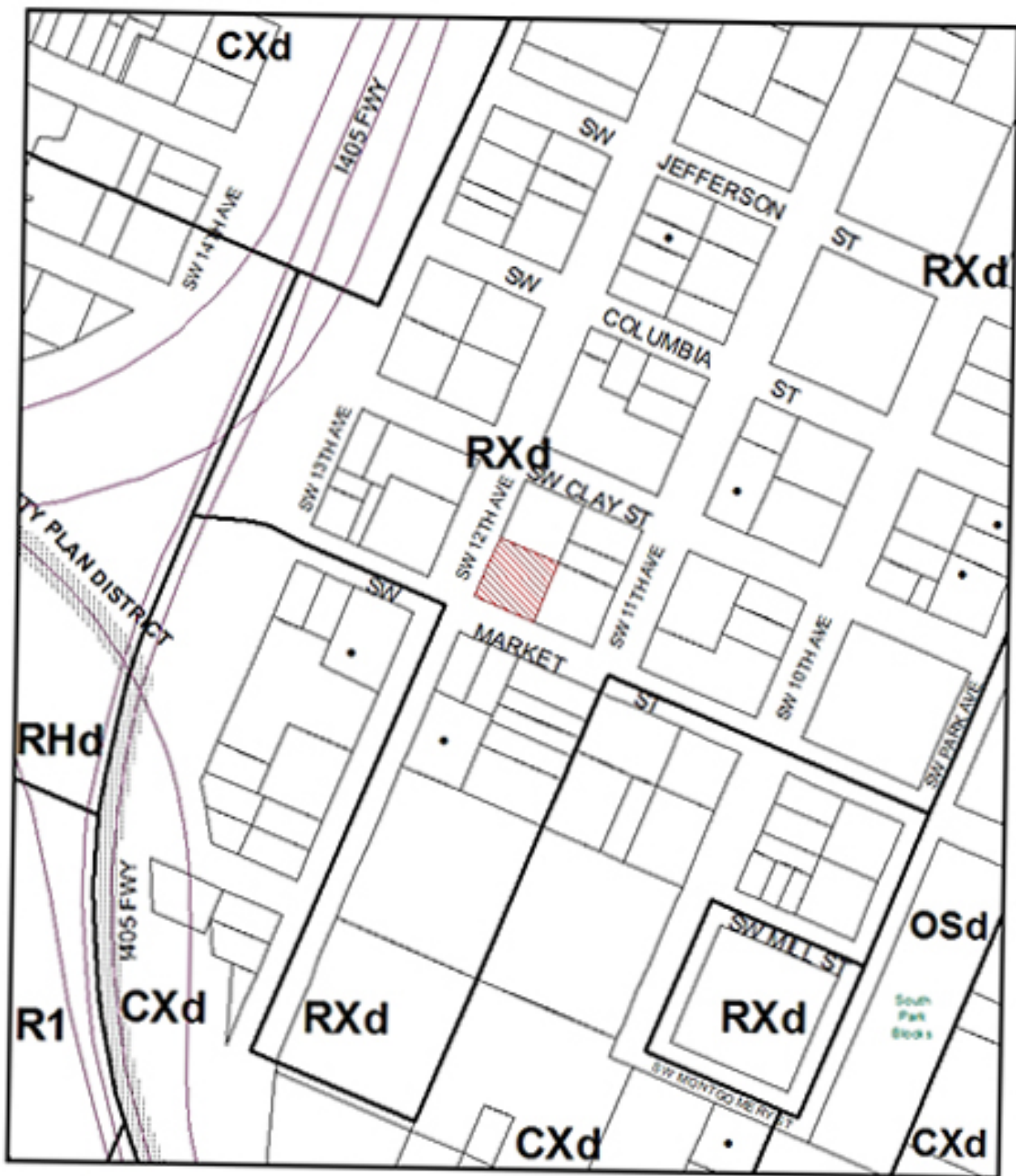
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

Jeff Mitchem
April 25, 2016

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. 120-Day Request for an Evidentiary Hearing and Waiver of Right to a Decision within 120 Days
- B. Zoning Map (attached)
- C. Plan & Drawings
 - 1. Site Plan (attached)
 - 2. Land Use Review Drawing Set (Sheet C.1-C.41)
 - Sheet C.11, Level 1 Floor Plan (attached)
 - Sheet C.24, South Elevation (attached)
 - Sheet C.25, West Elevation (attached)
 - 3. Manufactures Cutsheets
- 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 Review Section of BDS


- 4. Bureau of Environmental Services
- 5. Bureau of Transportation Engineering and Development Review
- F. Letters: none
- G. Other
 - 1. Original LUR Application
- H. Post First Hearing




ZONING

This site lies within the:
 CENTRAL CITY PLAN DISTRICT
 DOWNTOWN SUBDISTRICT
 WEST END SUBAREA



 Site

 Historic Landmark

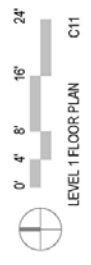
File No. LU 16-104926 DZM AD

1/4 Section 3128

Scale 1 inch = 200 feet

State_Id 1S1E04AD 5200

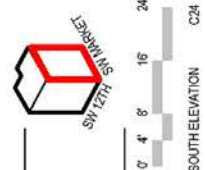
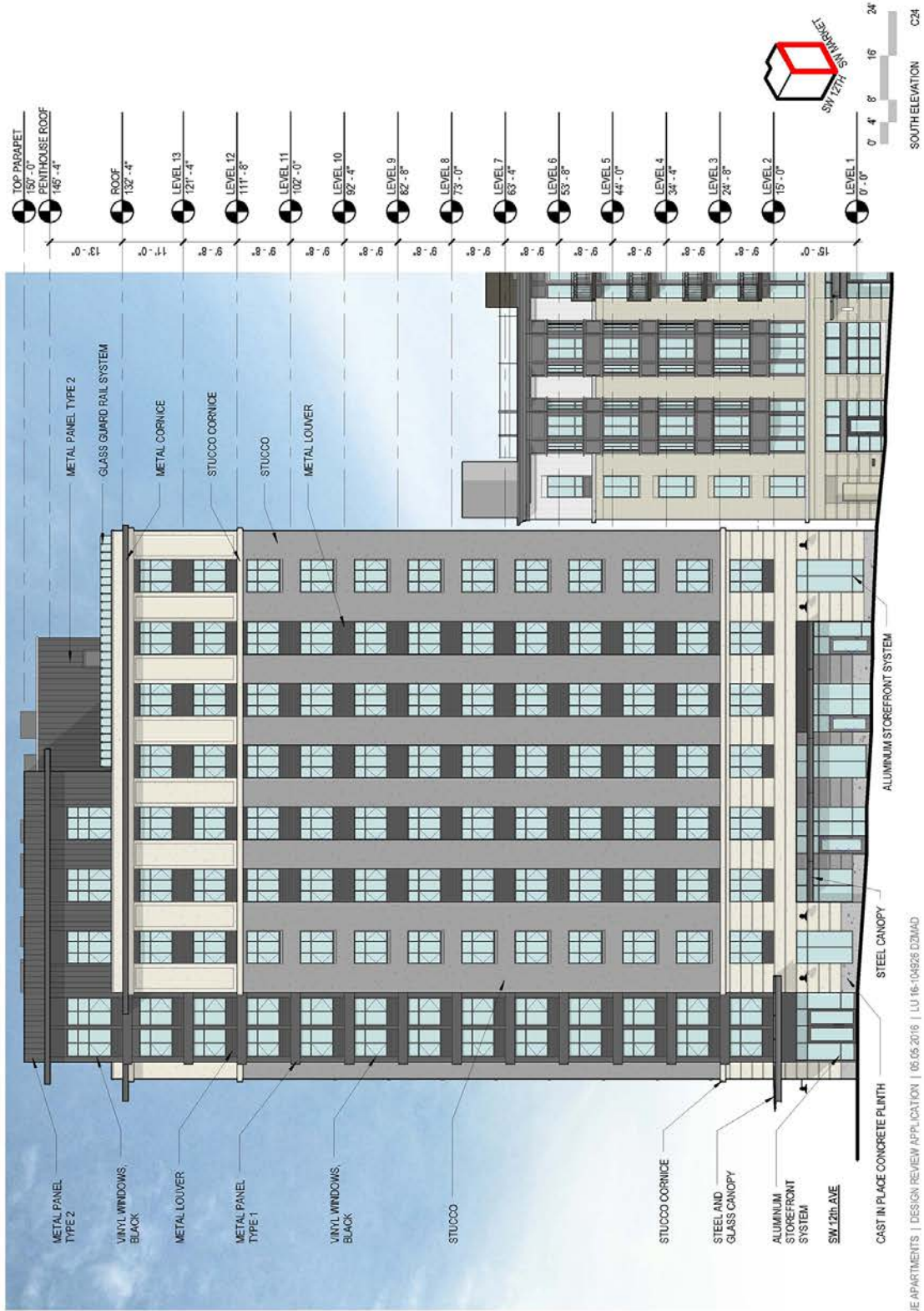
Exhibit B (Jan 14, 2016)



LEVEL 1 FLOOR PLAN C11

SW 12TH AVENUE APARTMENTS | DESIGN REVIEW APPLICATION | 05.05.2016 | LU 16-104925-02/MAD





SW 12TH AVENUE APARTMENTS | DESIGN REVIEW APPLICATION | 06.05.2016 | LU 16-104926 DDMAD



