



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION

CASE FILE: LU 16-170908 DZM
PC # 15-270567
205 NW 10th Ave | Modera Davis

REVIEW BY: Design Commission

WHEN: August 4, 2016, 1:30pm

WHERE: 1900 SW Fourth Ave., Room 2500A
Portland, OR 97201

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

Applicant: Samuel Rodriguez | Mill Creek Residential Trust, LLC
220 NW 2nd Ave, Ste 900
Portland, OR 97201

Representative: Kurt Schultz | Sera Design LLC
338 NW 5th Ave
Portland, OR 97209

Site Address: 205 NW 10TH AVE

Legal Description: BLOCK 70 LOT 1, COUCHS ADD; BLOCK 70 LOT 4, COUCHS ADD; BLOCK 70 LOT 5, COUCHS ADD; BLOCK 70 LOT 8, COUCHS ADD

Tax Account No.: R180206350, R180206370, R180206390, R180206410

State ID No.: 1N1E34CB 07400, 1N1E34CB 07300, 1N1E34CB 07000, 1N1E34CB 06900

Quarter Section: 3029

Neighborhood: Pearl District, contact Kate Washington at planning@pearldistrict.org.

Business District: Pearl District Business Association, contact Tracy Morgan at 503-227-8519.

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

Plan District: Central City - River District

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:

The proposed project is a ½ -block 12-story (concrete post tensioned construction) apartment building located in the River Sub-District of the Central City Plan Area bounded by NW 10th Ave, NW Everett St, and NW Davis St. Key components of the development program are (approximate quantities):

- 225,000 gross SF total (including basements);
- 180,000 SF of FAR above grade;
- 7,600 square feet of ground floor retail;
- 204 market rate apartments;
- 145 below-grade parking stalls in two basement levels;
- 308 long-term bike parking spaces (306 required) in two basement level rooms;
- 0 short-term spaces (11 required), code requirement met via paying into bike parking fund.

Design. The overarching design goal is to achieve a contemporary interpretation of the pre-war Art Deco and setback skyscraper as a half-block ‘edge’ tower expressed as follows:

- *Massing.* The massing is a single bar-tower oriented to the east side of the property towards NW 10th Ave leaving a 20’ setback to the west property line (level 2-12).
- *Podium.* A single-level podium (placed to all property lines) matching the height and scale of the abutting Deschutes Brewery building and the Bearing Company building on NW 11th Ave.
- *Amenity.* Common outdoor amenity space and private terraces on the one-story podium and level 12. The 12th floor is setback from the primary mass as a penthouse with building amenities and extensive outdoor spaces for the residents.
- *Entries.* The main building entry is located midblock on NW 10th Ave with extensive retail frontages on NW 10th and retail wrapping the corners at NW Davis and NW Everett.
- *Parking.* Parking access is from NW Davis, across from the National Guard Armory Annex building (the quietest street frontage).

Materials. Exterior materials are

- *Primary Cladding.* Brick masonry (pilasters 4”-5.5” proud of window frame/PTHP louvers);
- *Accent Cladding.* Metal panels (2”x2” box rib, 20-gauge, concealed fasteners, foam-backed) as the accent material at the penthouse and window spandrels (concealing PTHP vents);
- *Accent Trim.* Pre-cast concrete accents – retail storefront curb and level 2 cornice;
- *Windows.* VPI windows and aluminum storefront, colors to match metal panel;
- *Balconies.* Steel recessed balconies – total of 18/204 units (8% of total units).

Modifications. The following Modifications/Design Exceptions are requested:

1. **33.266.310.D. Loading Space Size** – Two Standard B stalls required/proposed. Standard B requirement: 18’Lx9’Wx10’H; Proposed: 18’x9’Wx8’-2”H. ***PBOT-required loading analysis not yet provided. Staff does not yet support.***
2. **33.266.130.F. Long-term Bike Parking** – Standard requirement: 24” space separation; Proposed: 18” vertical staggered rack separation. *Staff supports.*
3. **33.266.130.F. (Table 266-4) Parking Space Size** – Standard requirement: 8.5’Wx16’L with 20’ wide aisles; Proposed: 7’-10” width due to structural column encroachment into some stalls. *Staff supports.*
4. **Design Exception. 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 16 feet on the south and north elevations.

Standards. The following summarizes the proposed building’s features to the applicable plan district standards – 33.510 Central City Plan District:

- **Max FAR** – Allowable FAR is 6:1 as shown on zoning maps and the site is eligible to earn up to 3:1 FAR bonus, for a total of 9:1 FAR maximum allowed. (Map 510-2, 33.510.200.C) *Proposed FAR is 9:1 with residential bonus – (20,000 SF x 6) + (20,000 SF x 3) = 180,000 SF total FAR.*
- **Max Height** – Allowable height is 100’ with general and housing height bonuses available to 145’. (Map 510-3, 33.510.210.D.2.c.) *For achieving a bonus floor area ratio of 3:1, a height bonus of 45 is earned. Proposed Height: 134’ to top of mechanical screen.*
- **Required Building Lines** – This standard is required for NW 10th Avenue. Along this street frontage the building must extend to the street lot line along at least 75 percent of the lot-line, or the building must extend to within 12 feet of the street lot line for 75 percent of the lot-line. (Map 510-6, 33.510.215). *Proposed: complies.*
- **Parking Access Restricted Street** – This standard is required for NW 10th Avenue. Parking or loading access will not be approved except when granted under Adjustment procedures. *Proposed: complies.*
- **Ground Floor Windows** - This standard is required for all abutting streets. The windows must be at least 50 percent of the length and 25 percent of the ground level wall area. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade. (33.510.220, 33.140.230). *Proposed: complies.*
- **Rooftop mechanical equipment** - Screening is required for this location along the Portland Streetcar Alignment. It should be part of the overall building design. (Map 510-11, 33.510.224). *Proposed: complies.*
- **Ground Floor Active Uses** - Applies to NW 10th Avenue, NW Davis Street and NW Everett Street frontages. The ground floor height must be at least 12 feet clear, must be at least 25 feet deep measured from the street-facing façade, must meet the standards of the Accessibility Chapter of the State of Oregon Structural Specialty Code, and the street-facing facade must include windows and doors, or be structurally designed so doors and windows can be added when the space is converted to active building uses. (Map 510-7, 33.510.225). *Proposed: complies.*
- **Minimum Active Floor Area standards** - Applies to both NW 10th Avenue and NW Davis Street. At least 50 percent of floor area in each building must be in one or more of the active uses listed where allowed by the base zone. (Map 510-7, 33.510.226). *Proposed: complies.*

Approval Criteria. In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- River District Design Guidelines
- Modification Criteria (33.825.040)
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- Modification Guidelines
- Modification Criteria (33.825.040)

ANALYSIS

Situated in the heart of the Pearl District, the development site occupies the eastern half of the block bounded by the Portland Streetcar line on NW 10th Ave (north-bound, stop across street) and NW 11th Ave (south-bound, stop at 11th & Everett). This part of the Pearl District is transitional in context exemplified by contemporary infill (Brewery Blocks, 1 block south) and traditional fabric (NW 13th Ave Historic District, 1.5 blocks west). The site presently supports four brick buildings (two of which were recently removed from the Historic Resource Inventory (HRI) at the request of the property owner) to be demolished to make way for the proposed development. Abutting the site to the west is a national landmark building (constructed in 1919 and listed on the National Register of Historic Places) presently occupied by Deschutes Brewery.

Immediately to the south of the site is the historic landmark National Guard Armory Annex building. The balance of development context features significant historic fabric (both HRI and city/national landmarks).

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 that no prior land use reviews exist on the site. Relevant to this Land Use Review however is the Design Advice Request Hearing EA 16-105651 DA on April 7, 2016. Commissioners in attendance: David Wark, Tad Savinar, Don Vallaster, Julie Livingston, Jessica Molinar, Andrew Clarke. A Summary of those notes are as follows:

Summary of Commission Comments

1. Massing, Scale and Orientation

- a. The massing character relative to precedents not clear – Pearl District masonry, NW 13th Ave historic district (2 blocks west) should be better referenced in design.
- b. The overall character of the building seems aggressive – heavy façade elements are slamming to ground.
- c. The project conflicts with the intimate Davis St scale. Full-height pilasters appear heavy and slam down too much. Explore scaling them down some.
- d. There should be more erosion of rooftop mechanical enclosure – north and south ends of bar.

2. Ground Floor – Program and Entries

- a. Micro-retail space opportunity exists at SW corner adjacent to Deschutes Brewery.
- b. As proposed, the lobby does not have enough presence. Explore centering on NW 10th Ave or on NW Everett with greater façade expression.
- c. Explore programmatic fit for micro-retail in small spaces – less big nationals.
- d. The transformer/generator should be underground or away from skin. Explore moving generator room to the south.
- e. The parking entrance on NW Davis St is ok, but shouldn't be adjacent to residential lobby.
- f. The façade projections should be treated differently than rest of building.
- g. No display windows as mitigation for not meeting ground floor glazing requirements.

3. Upper Floors – Balconies and Amenity Space

- a. Organizational components of upper stories seem well resolved.
- b. Overall façade composition appears comprised of overly complicated parts – box rib conflicts with brick.
- c. Balconies should be added.
- d. Generally, explore more outdoor spaces such as balconies or amenity deck(s) integrated with vertical.
- e. The glazing quantity appears significant. Conduct energy calculations early to ensure that glazing is not reduced after Land Use Review.

4. Context – Pearl , NW 13th Ave, Deschutes Building Reference

- a. The ground level should better match/reference the height of the Deschutes building, both with datum reference and material detailing.
 - b. The precedents you have provided have high craft (not box rib) – better resolve the relationships between scale of two materials and better allow one (brick) to read as primary.
5. **Materials – Primary vs Secondary**
- a. Generally, the facades should be clad with more masonry and less metal. As proposed, the cladding does not seem compatible with the building’s form.
 - b. The box rib drags down the overall quality of the building.
6. **Details – PTHP Louvers**
- a. Concerned about how PTAC louvers integrated – simplify metal pattern and integrate louvers.
 - b. The gas meter should be located inboard, while the regulator and stand pipe can remain outside.
 - c. Details and mock-up for louvers must be provided.

Agency Review: A *Notice of proposal in Your Neighborhood* was mailed **July 13, 2016**. The following Bureaus have responded with no objection to LUR approval and no conditions of approval:

- **Site Development Section** of BDS (*Exhibit E.1*)
- **Bureau of Parks-Forestry Division** (*Exhibit E.2*)
- **Bureau of Environmental Services** (*Exhibit E.3*)
- **Bureau of Transportation Engineering** responded with the following comment:
 - **Garage Door Setback.** Design Exception approvals have been granted for garage door setback and a 7.5’ parking lane width on NW 10th Ave.
 - **Below-grade Encroachment.** The Applicant has yet to procure the required Encroachment Permit for the requested encroachment of below-grade parking within NW Davis Ave ROW. ***PBOT Staff do not yet support LUR approval.***
 - **PGE Vault.** The Applicant must complete the concept review phase (30%) of the Public Works Process prior to PBOT supporting request to place the PGE vault in the NW 10th Ave ROW. ***PBOT Staff do not yet support LUR approval.***

Please see *Exhibit E.4* for additional details.

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

ZONING CODE APPROVAL CRITERIA

Boxed text indicates Approval Criteria with which Staff has found the project as proposed to be inconsistent and therefore, not approvable.

(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 River District subdistrict of the Central City Plan District, the applicable approval criteria are listed in the River District Design Guidelines and the Central City Fundamental Design Guidelines.

River District Design Guidelines and Central City Fundamental Design Guidelines

The River District is a remarkable place within the region. The area is rich with special and diverse qualities that are characteristic of Portland. Further, the River District accommodates a significant portion of the region's population growth. This area emphasizes the joy of the river, connections to it, and creates a strong sense of community. The goals frame the urban design direction for Central City and River District development.

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

River District Design Goals

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

Central City Plan Design Goals

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development

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

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

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

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

- 1) Organizing land areas and groupings of buildings to visually define the river's linkage to the community.
- 2) Focusing and articulating roadways and pedestrian ways to emphasize the river.
- 3) Developing projects that celebrate the river and contribute to creating centers of interest and activity that focuses on the Willamette.
- 4) Connecting the internal areas of the District to the Willamette Greenway Trail.

Findings for A1 & A1-1: The proposed building is located several blocks from the Willamette River, and low rise buildings to the east allow only oblique views of the river from the upper floors of the building and the level 12 fitness room and amenity deck. The design of the building takes advantage of these views by providing floor to ceiling glazing and common area oriented toward the river. The level 12 units will be able to see the river from the north and east-facing decks as well.

At the ground level fronting NW 10th Ave, the building's main entry orients eastward toward the N. Park Blocks and the river beyond. While NW Davis St abuts the National Guard Armory Annex building featuring a water element acknowledging Tanner Creek as a tributary to the Willamette River. Retail entries with potential for sidewalk spill-out are situated along this frontage. All street faces of the building are designed with active uses that enhance the pedestrian experience and encourage pedestrians to walk in the neighborhood and help make a pleasant connection between the Pearl District, the River District, and the parks and river.

These guidelines are therefore met.

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

Findings: The proposed development integrates Portland and River District/Pearl District themes as follows:

- Reinforcing the urban fabric and pedestrian scale with active frontages;
- The tradition of activating the upper levels of buildings with outdoor amenity space;

- Upper-level outdoor amenity space with views of the River District, Pearl District and Willamette River;
- Use of brick and metal resolved as a contemporary interpretation of a pre-war Art Deco building (similar to the Bearing Service Company Building occupying the same block);
- Prominent architecture features at corners; and,
- Emphasizing Portland's pedestrian/bike culture through the provision of well-integrated long-term bike parking and sidewalk-activating retail.

This guideline is therefore 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 super blocks 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.

A3-1. Provide Convenient Pedestrian Linkages. Provide convenient linkages throughout the River District that facilitate movement for pedestrians to and from the river, and to and from adjacent neighborhoods. This guideline may be accomplished by:

- 1) Using visual and physical cues within the design of the building and building entries to express connections to the river and to adjacent neighborhoods.
- 2) Orienting integrated open spaces and trails that physically and visually link the river and/or surrounding neighborhoods.
- 3) Reusing or retaining cobblestone within the design of new development.
- 4) Encouraging flexibility and creativity along streets enhancing their historic or cultural role.
- 5) Creating visual and physical links across major corridors such as I-405, Burnside, and Front/Naito to strengthen connections to the river and other neighborhoods.

Findings for A3 & A3-1: The proposed ½-block development reinforces the traditional 200' block pattern predominant in the Central City. The bar-shaped building is built out to the property lines with minor erosions at retail entry points and residential lobby. The upper levels (2-12) are recessed from the west property line allowing for a level 2 amenity deck and private terraces, while the top floor pulls back featuring terraces and communal outdoor space. The building provides interesting pedestrian features and spill-out amenity at the corners and between them with loading docks, all of which help promote linkages within and beyond the River District.

These guidelines are therefore 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 & A5: The project incorporates building elements and site design features generally associated with the River District. This formerly industrial edge condition of the central city is largely comprised of brick, concrete and metal warehouse and manufacturing buildings that presently contain a diverse mixture of active uses including manufacturing, office, live/work, or small-sale retail. The proposed building materials of brick, metal and glass are widely used throughout the district in traditional and contemporary buildings alike. The ground level

active spaces on all frontages repeat another common development pattern in the area.

These guidelines are therefore met.

A5-1. Reinforce Special Areas. Enhance the qualities that make each area distinctive within the River District, using the following “Special Area Design Guidelines” (A5-1-1 – A5-1-5).

A5-1-1. Reinforce the Identity of the Pearl District Neighborhood. This guideline may be accomplished by:

- 1) Recognizing the urban warehouse character of the Pearl District when altering existing buildings and when designing new ones.
- 2) Recognizing the urban warehouse character of the Pearl District within the design of the site and open spaces.
- 3) Designing buildings which provide a unified, monolithic tripartite composition (base/middle/top), with distinct cornice lines to acknowledge the historic building fabric.
- 4) Adding buildings which diversify the architectural language and palette of materials.
- 5) Celebrating and encouraging the concentration of art and art galleries and studios with design features that contribute to the Pearl District’s “arts” ambiance. Consider features that provide connectivity and continuity such as awnings, street banners, special graphics, and streetscape color coordination, which link shops, galleries, entrances, display windows and buildings. Active ground level retail that opens onto and/or uses the sidewalk can contribute to the attraction of the “arts” concentration.

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

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 for A5-1, A5-1-1, C4 & C8: The proposed building, which is within 1.5 blocks of the 13th Ave Historic District, is generally consistent with a majority of the Pearl District’s design vocabulary especially at its south and eastern edges as the district transitions to a less historic context. The brick, metal, glass, and concrete materials correspond with material palettes of both older and newer developments in this subarea as well as within the larger Pearl District. The building’s bar-shaped form, active ground floor and masonry cladding match that of apartment buildings recently constructed on the surrounding blocks. The height and scale proposed are supported in this area of the Pearl District which reflects a 12-14 story volume typical of the NW 10th Ave and NW 11th Ave corridor.

The building’s mass is resolved as a single north-south oriented bar with minor form distinction expressed as an interlocking set of columnar forms of differing material – alternating glass/metal window framing and brick bays/pilasters. In addition to material changes, these columnar forms are further distinguished by planar shifts and balcony recesses (5’ deep x 6’ wide). Clad in an accent material (Morin gray metal panel) the purpose of the metal spandrel between windows is to conceal horizontal venting for PTHP units. As independent expressions, these façade treatments – uniform massing, subtle form shifts and alternating material palette (brick/metal/glass) – are all historically germane to the urban warehouse character of the district. However, due to the compositional complexity of the façade treatments the building lacks clarity as a warehouse expression reinforced by a clearly defined base/middle/top tripartite design as encouraged by these guidelines. In addition, the stout full-height pilasters contacting the ground

without a strong intersecting horizontal datum weakens the integrity of a well-established base.

At the DAR, the Design Commission commented that the single-level volume of the south elevation abutting Deschutes Brewery should better match/reference the height of the Deschutes building, both with datum reference and material detailing. The design response, limited to the addition of active floor area (micro retail) and additional brick detailing which is supportive, is nonetheless insufficient to adequately reference this abutting historic structure.

The complementary nature of the building has improved since the April 2016 DAR, particularly the re-orientation of the ground floor program and additional brick detailing. However, Staff advises the following additional design refinement in order to meet these guidelines: (1) **form** – simpler more uniform treatment columnar blocks forming the facades; (2) **materials** – more brick and less metal panel, especially at spandrels and base; (3) **base** – substantial horizontal datum (cornice or brick spandrel) separating base from middle; and, (4) **Deschutes Brewery building reference** – better resolve this single-level volume as derivative of the Deschutes building character (side-car, jewel, etc.)

Without additional refinements as noted above, these guidelines are not yet met.

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

A8. Contribute to the Cityscape, Stage and the Action. 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.

A8-1. Design Fences, Walls and Gateways to be Seen Over. Design fences, walls and gateways located between a building and the sidewalk to be seen over to allow for social interaction. This guideline may be accomplished by:

- 1) Elevating building entries higher than the public sidewalk or path.
- 2) Creating a low fence or wall to visually separate but not hide semi-private spaces.
- 3) Using a low or stepped-down planting area or terraces to separate private development from a public sidewalk.

Findings for A7, A8 & A8-1: The building abuts the property lines on all three public rights-of-way abutting the site which will serve to define a sense of urban enclosure with a combination of offset building walls, frequent building entries with canopies, and new street trees. The orientation of active ground floor program (retail) captures the two primary corners reinforcing visual and physical connectivity between the public and private realm. The SW corner is proposed to be a small retail space with storefront glazing adjacent to the abutting landmark building occupied by Deschutes Brewery. The walls of the retail space are recessed from the property line, creating covered exterior space for public use. Centralized on NW 10th Ave is the main apartment entrance including a lobby lounge, meeting spaces and mailroom. The lobby is designed as an amenity space programmed for seating and gathering at all hours of the day and night.

These guidelines are therefore 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.

B1-1. Provide Human Scale to Buildings along Walkways. Provide human scale and interest to buildings along sidewalks and walkways. This guideline may be accomplished by:

- 1) Providing street furniture outside of ground floor retail, such as tables and chairs, signage and lighting, as well as large windows and balconies to encourage social interaction.
- 2) Providing stoops, windows, and balconies within the ground floors of residential buildings.

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 for B1, B1-1 & B4: The surrounding sidewalks will be improved to City standards with the redevelopment of the block. Secondary residential entries are provided on NW Davis St and NW Everett St, allowing residents to move through the building between active ground floor area and abutting sidewalks. This is an architectural pattern that can be found in many older multifamily buildings in the River District and improves the pedestrian experience at the street by providing accessibility for residents and guests from block face to block face.

The building incorporates human scale design elements that provide visual interest to the surrounding pedestrian environment and encourage social interaction. These design features include brick veneer pilasters and first floor cornice, generous fully glazed lobby, and retail entrances with canopy above allowing views into these active areas. In addition, a well-lit exterior environment will encourage social interaction at the sidewalk.

Several elements have been incorporated into the ground level façade that create locations for visitors and residents to stop and experience the area without impeding sidewalk traffic. These include eroded entries at the project's two primary corners, protected by canopies with opportunities for spill-out.

These guidelines are therefore 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.

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.

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

Findings for B2 and C9: Several features and revisions to the building lend themselves to pedestrian safety. First and foremost, the establishment of a furnishing/landscape zone within the sidewalk will provide a missing element separating pedestrians from the vehicles parking along SW 10th Avenue. The project includes the elimination of an existing curb cut/vehicular access along SW 10th Avenue, minimizing pedestrian-vehicular conflict by vehicles exiting the

existing parking lot. The garbage room and parking entrance have been located as far west as possible and below-grade entered from SW Davis Street. And, as previously mentioned, canopies have been provided to offer shelter to pedestrians along the building facades.

The proposed development incorporates several design measures that ensure pedestrian safety. Vehicle access for cars and loading is at a single consolidated location – NW Davis St. This location was supported by the Design Commission at the Design Advice Request (April 7, 2016) for the proposed development. The garage entry features an anodized perforated metal garage door, adjacent glazing and access into active floor area. This allows for a sufficient level of activity on the project's two secondary frontages (NW fronting NW Davis St and NW Everett St) while minimizing potential pedestrian-vehicle conflicts on the project's three primary frontages (NW 10th Ave and NW Davis St and NW Everett St.) The perforated garage door allows light transmission enhancing safety with sidewalk illumination.

Illumination of the sidewalks will also be provided by a combination of streetlights, interior illumination of the retail spaces on the first floor and building lighting. The latter features wall-mounted lights at the pilasters flanking the retail entries. The mechanical equipment is vented vertically well above the sidewalk level.

The recessed entry with glass canopy at the residential lobby and the canopy over the retail spaces provide shelter from the weather for residents, guests, and passersby accessing or utilizing the site. Also at the retail entries, the projecting building mass will provide additional weather protection as well as shading. Street trees will be added to the NW 10th Ave and NW Everett St frontages, providing shading as well. Mechanical equipment venting is routed vertically to the roof away from outdoor spaces and the transformer is located subterranean within NW Davis St ROW.

These guidelines are therefore 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.

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

Findings for B3 & B7: All sidewalks will be improved to current city standards and the site will be fully connected to the pedestrian system reinforcing linkages throughout neighborhood. The sidewalks are on-grade with the retail and main lobby entries, providing a seamless transition between the public and private pedestrian system.

These guidelines are therefore met.

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

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

create visual connections to adjacent public spaces.

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

- 1) Designing and locating development projects to visually link their views to the river.
- 2) Providing public stopping and viewing places which take advantage of views of River District activities and features.
- 3) Designing and orienting open space and landscape areas to emphasize views of the river.

Findings for B5, C1 & C1-1: Though designed to the property lines and not featuring ground floor plaza space, the building features 16 balconies (8% of total units), upper-level amenity decks and active frontage zones are oriented to the public right of way offering the prospect that these spaces will be enhanced by the tenants in a richly expressive manner. In addition, plantings will be included within the building frontage zone providing a separation between the pedestrian way and the docks.

Residential units on all floors are provided with floor to ceiling glazing for views toward the river, the central Pearl and the nearby park block system. Because adjacent development to the west (Deschutes Brewery Bld) is a landmark and will remain so in the long-term, the west elevation is ideal for inclusion of balconies (as well as the east-facing façade on NW 10th Ave), though none are proposed.

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 limited balconies generally (8% of total units) and no balconies on the west elevation offering views toward the West Hills and the NW 13th Ave Historic District. As such, the proposal falls short of providing a full complement of building elements taking advantage the opportunity to provided visual connections for residents.

Staff advises the following additional design refinement in order to meet these guidelines: (1) **additional balconies** on all elevations of the building.

Without additional refinements as noted above, these guidelines are not yet met.

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

Findings: The material palate is generally considered to be of durability and permanence including the following (colors to match where appropriate):

- Brick masonry (copper colored cladding the pilasters 4"-5.5" proud of window frame/PTHP louvers);
- Metal panels (2"x2" box rib, 20-gauge, concealed fasteners, foam-backed) as the accent material at the penthouse and window spandrels (concealing PTHP vents);
- VPI windows with a punched recess of between 4"-6";

- Aluminum storefront;
- Pre-cast concrete accents; and,
- Steel balconies.

This guideline is therefore 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 building is not sufficiently responsive to Design Commission comments from the Design Advice Request. Following, is a summary of the key components of the building contributing to a lack of coherency:

- *Materials Conflict.* The cladding still does not appear compatible with the building’s form. The equity in primary and accent materials (brick and metal) results in a lack of material primacy which disrupts the overall harmony and coherency of the building as a whole. Generally, the box rib disrupts the coherency of the building.
- *North/South Elevations.* The north and south elevations are composed of a series of interlocking columnar forms of differing size, program and material (glass/metal/brick) lacking a compelling sense of unity. These columnar forms are distinguished by programmatically derived planar shifts and height off-sets. The resultant visual effect is a collection of adjoined towers lacking any shared volumetric, material or color point of reference.
- *East/West Elevations.* The east and west elevations are interspersed with full-height brick pilasters and horizontal metal spandrel panels (concealing PTHP units at levels 2-12. The north and south ends of the rooftop could erode more. Though reduced in height by a few feet, the mechanical screening appears top-heavy as an excessively extruded penthouse roof.
- *Ribbed Brick Detail.* A ribbed brick detail has been added to the capital of each of the pilasters in an attempt to better reference historical precedent. This addition appears conjectural as it is not germane to immediate context. It also visually conflicts with the patterning of the box-rib metal.
- *Lobby Entrance.* Though the lobby entrance was moved to mid-block on NW 10th Ave, the expression of entry in façade treatment is lacking.

Staff advises the following additional design refinement in order to meet these guidelines: (1) addition of more brick, especially in a horizontal application; (2) greater geometric continuity in the pilaster dimension and greater material/color tie-in with adjacent building components; (3) more erosion on the north and south ends of the penthouse/mechanical screening; (4) greater resolution of the lobby main entrance in building form, material, color, etc.

Without additional refinements as noted above, 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’s two corners are well activated and architecturally

celebrated with recessed building planes, columnar form components, ground floor retail spaces and a continuous canopy that wraps each corner. And, the main entrance to the lobby is located toward the middle of the block.

This guideline is therefore 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: Projecting 3’ into the NW Davis St and NW Everett St ROW, the 16’ wide projecting building masses of levels 2-12 serve to visually mark the secondary residential entry points. The oriel window complies with applicable standards (City of Portland, PDOT, and the IBC) with the exception of width (limited to 12’) which is modifiable (see Section 2 below) and serves to anchor the north and south ends of the building with a significant vertical feature expressing ‘building entry.’

This guideline is therefore met.

C11. Integrate Roofs and Use Rooftops. Integrate roof function, shape, surface materials, and colors with the building’s overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City’s skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

Findings: The penthouse program is configured to capitalize on rooftop access, amenity and views. Substantial amenity space is provided at this level featuring fitness room, dining/conference space, club room, dog lounge, four large residential units and landscape terraces including stormwater planters.

However, with regard to mechanical screening the Design Commission comments at the DAR sought greater rooftop erosion. Though reduced in height by a few feet, the mechanical screening still appears top-heavy as an excessively extruded penthouse roof.

Staff advises the following additional design refinement in order to meet these guidelines: (1) more erosion on the north and south ends of the penthouse/mechanical screening.

Without additional refinements as noted above, this guideline is not yet 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: Illumination of the development consists of a series of light up- and down-cast wall mounted fixtures flanking all ground floor pilasters, as well as

recessed soffit lighting with canopies over the retail entrances. Canopy-mounted or decorative lighting of architectural features is not a part of this proposal so the building will not have an adverse impact on the nighttime skyline. Roof deck lighting consists of down-cast fixtures.

This guideline is therefore 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 #1: Loading Standards (33.266.310.D)** – reduce the size of two required Standard B loading spaces from 18’L x 9’W x 10’H to **18’L x 9’W x 8’-2”H**. *Standard:* Buildings where any of the floor area is in uses other than Household Living must meet the standards of this Paragraph. Two Standard B loading spaces are required for buildings with less than 20,000 square feet of floor area and over 100 dwelling units; and 33.266.310.D. Size of loading spaces. Required loading spaces must be at least 18 feet long, 9 feet wide, and have a clearance of 10 feet.

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

Findings: If demonstrated by a loading demand analysis, the modification to reduce the size of one of the two required loading spaces from 18’L x 9’W x 10’H to 18’L x 9’W x 8’-2”H could better meet the following Central City Fundamental Design Guidelines: *A7 Establish and Maintain a Sense of Urban Enclosure, A8 Contribute to a Vibrant Streetscape, and B1 Reinforce and Enhance the Pedestrian System* by creating a comfortable urban living environment for residents while respecting and enhancing the surrounding neighborhood through a mix of uses and active sidewalks.

In order to support this Modification request, the loading analysis must demonstrate that loading demand for tenants related to the move-in and move-out activities can be met with a clearance height of 8’-2”. The proposed on-site loading areas will supply two spaces for small delivery vans and smaller moving trucks that are expected to serve the building tenants. It is expected that the retail spaces will have minimal loading needs that can be met by the existing

curb-side space on NW 10th Ave. *Because the Applicant has not submitted a Loading Analysis, this criterion is not met.*

- B. Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings: The stated purpose of this standard is as follows:

- *To ensure adequate areas for loading for larger uses and developments.*
- *To ensure that the appearance of loading areas will be consistent with that of parking areas.*
- *To promote safe circulation.*

The Office of Transportation requires that a loading analysis be submitted by the Applicant's demonstrating that the existing transportation system will safely support the proposed project in addition to existing uses in the area. On balance, the proposal must be consistent with the purpose of the standard for which a modification is requested. The applicant is proposing a loading area that is smaller than what is required by Code (8'-2" H, instead of 10' H) and has yet to demonstrate via loading demand analysis that minimal impacts of smaller loading vehicles support the idea that the resulting development will not interfere with circulation around the site. *Because the Applicant has not submitted a Loading Analysis, this criterion is not met.*

The Applicant has yet to demonstrate that this Modification meets the approval criteria and therefore does not yet merit approval.

2. **Modification of 33.266.220.C.3.b. Standards for all bicycle parking, Standard.** A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components. The project proposes the bikes racks be stacked and staggered at 18" on center.

Findings: The project includes 306 total wall rack long term bicycle parking spaces within the below-grade parking garage.

- A. 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 identical to the parking system recently approved in numerous Design Reviews throughout 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 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.

3. 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'-10" 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 city 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: C1-1 (Integrate Parking) in that it provides well-integrated in the development while allowing more of the ground level active uses along SE 10th Ave 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 8" 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.

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 16' wide window projecting into the NW Everett St and NW Davis St public rights-of-way at the north and south ends 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 3'-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 19' and the maximum projection is 3'-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 under 40% on NW Everett St and NW Davis St. *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 well under 50% on NW Everett St and NW Davis St. *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: The projections are 3' and the front-facing window area of the projecting bay window is well over 30%. 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 16’ 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, the building is stronger and more compelling with the proposed bay window as follows:

- proportionally appropriate to anchor the north and south ends of the building and
- containing primary living/dining area which will provide eyes on the street below.

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 NW Everett St and NW Davis St elevations. *This criterion does not apply.*

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. While there are many aspects of the proposal that meet the Design Guidelines and the Zoning Code standards, staff has identified four primary areas of concern where approval criteria are not yet met.

Issue #1: Building Form, Base, Context

Design Guidelines not met:

- A5-1. Reinforce Special Areas.
- A5-1-1. Reinforce the Identity of the Pearl District Neighborhood.
- C4. Complement the Context of Existing Buildings.
- C8. Differentiate the Sidewalk-Level of Buildings.

Issue #2: Balconies

Design Guidelines not met:

- B5. Make Plazas, Parks and Open Space Successful.
- C1. Enhance View Opportunities.
- C1-1. Increase River View Opportunities.

Issue #3: Materials, Pilasters, Lobby Entrances Expression

Design Guidelines not met:

- C5. Design for Coherency.

Issue #4: Mechanical Screening Erosion

Design Guidelines not met:

- C11. Integrate Roofs and Use Rooftops.

Issue #5: PBOT Requirements

Staff Resolution

With additional design development and changes to the proposal, Staff could recommend approval. However, at this time, Staff recommends denial.

TENTATIVE STAFF RECOMMENDATION

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

Staff is *recommending denial* of the *Design Review* and *Modifications* at this time based on the unresolved items and necessary revisions and details stated in the conclusion section above.

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Procedural Information. The application for this land use review was submitted on May 11, 2016, and was determined to be complete on June 7, 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 May 11, 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 #G.2. Unless further extended by the applicant, **the 120 days will expire on June 7, 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).

Jeffrey Mitchem
July 25, 2016

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement
 - 1. Narrative
- B. Zoning Map (attached)
- C. Plan & Drawings
 - 1. Site Plan (Sheet C.1-C.48)
 - Sheet C.13 Site Plan (attached)
 - Sheet C.32 South Elevation (attached)
 - Sheet C.33 East Elevation (attached)
 - Sheet C.34 North Elevation (attached)
 - Sheet C.35 West Elevation (attached)
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant’s statement certifying posting
 - 5. Mailed notice
 - 6. Mailing list
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Bureau of Parks, Forestry Division
 - 4. Site Development Review Section of BDS
- F. Letters: none
- G. Other
 - 1. Original LUR Application
 - 2. 120-day Waiver and Request for Evidentiary Hearing
 - 3. April 7, 2016 DAR Commission Memo
 - 4. April 7, 2016 DAR Drawing Set
 - 5. April 7, 2016 DAR Summary Notes
- H. Post First Hearing



ZONING



NORTH

Site

Historic Landmark

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

File No. LU 16-170908 DZM

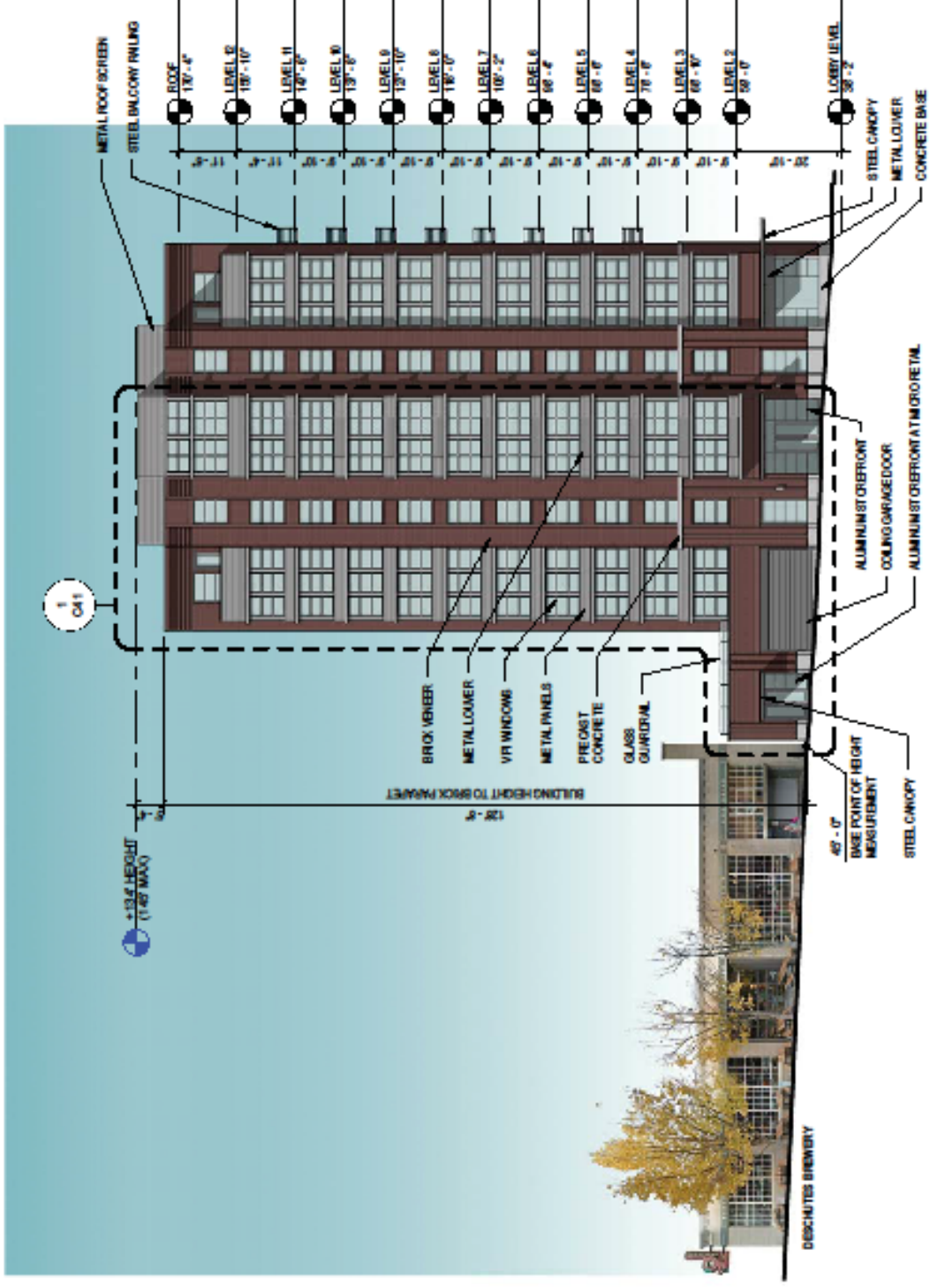
1/4 Section 3029

Scale 1 inch = 200 feet

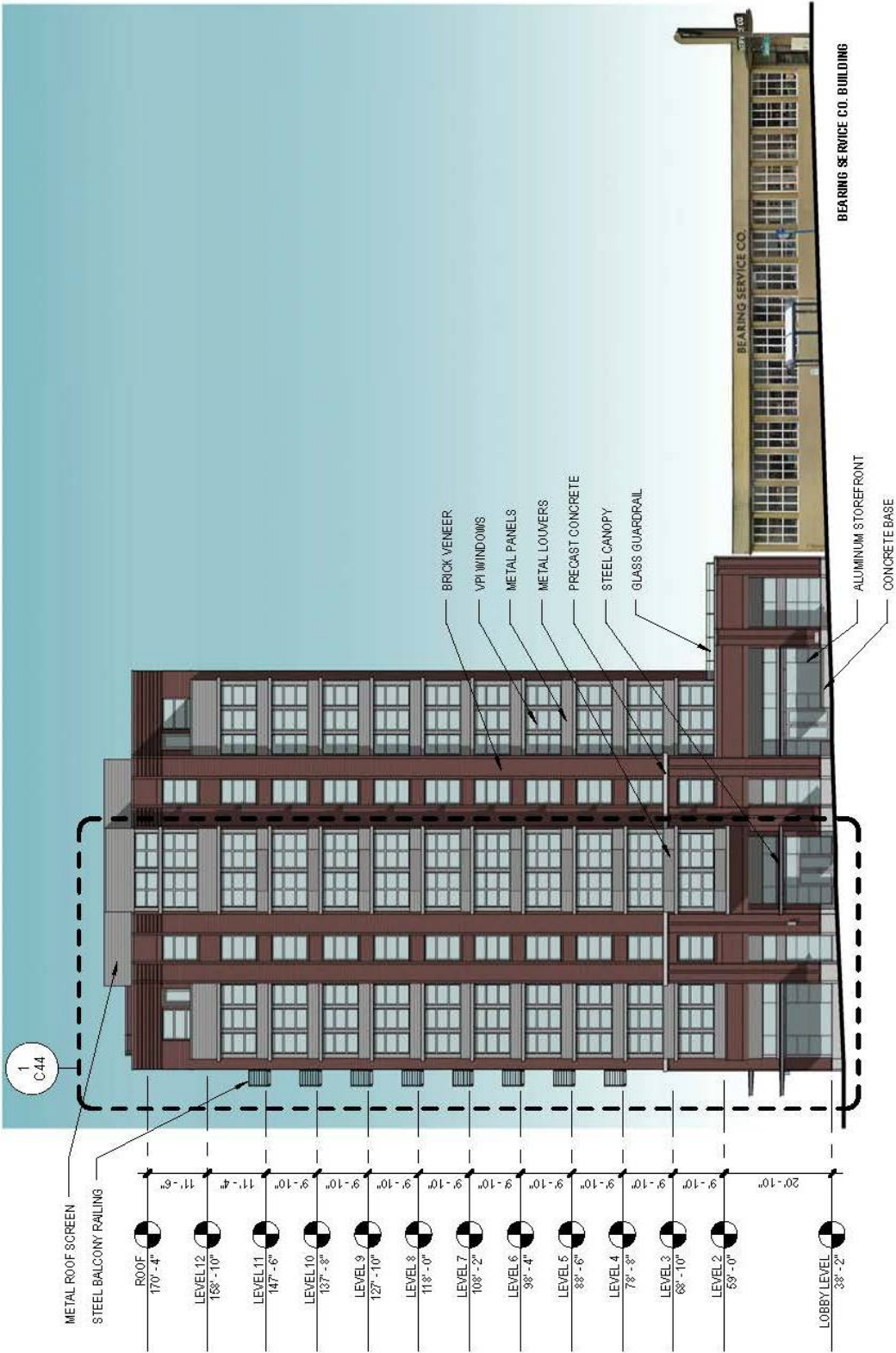
State_Id 1N1E34CB 7400

Exhibit B (May 11, 2016)











- ROOF 170'-4"
- LEVEL 12 168'-10"
- LEVEL 11 147'-6"
- LEVEL 10 137'-8"
- LEVEL 9 127'-10"
- LEVEL 8 118'-0"
- LEVEL 7 108'-2"
- LEVEL 6 98'-4"
- LEVEL 5 88'-6"
- LEVEL 4 78'-8"
- LEVEL 3 68'-10"
- LEVEL 2 59'-0"
- PLAN - RETAIL 44'-6"

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WEST ELEVATION CS5