



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

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REVISED STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION - APPROVAL

CASE FILE: LU 15-178260 DZM
PC # 14-154281
Jantzen Apartments
REVIEW BY: Design Commission
WHEN: October 6, 2016, 1:30 pm
WHERE: 1900 SW Fourth Ave., Room 2500A
Portland, OR 97201

It is important to submit all evidence to the Design Commission. City Council will not accept additional evidence if there is an appeal of this proposal.

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

Applicant: P7 Jantzen LLC
810 NW Marshall St #300 | Portland, OR 97209-3359
Adam Nathansom | Mapleton Waterloo, LLC
9952 Santa Monica Blvd | Beverly Hills CA 90212

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

Site Address: 518 NE 20TH AVE

Legal Description: BLOCK 8 LOT 1&7&8, SULLIVANS ADD; BLOCK 8 LOT 2, SULLIVANS ADD; BLOCK 8 LOT 3 LOT 4 EXC PT IN ST, SULLIVANS ADD; BLOCK 8 LOT 5 EXC PT IN ST LOT 6, SULLIVANS ADD

Tax Account No.: R806100590, R806100600, R806100620, R806100640

State ID No.: 1N1E35AD 08800, 1N1E35AD 08900, 1N1E35AD 09000, 1N1E35AD 08700

Quarter Section: 2932

Neighborhood: Kerns, contact Steve Russell at 503-784-8785.

Business District: None

District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.

Plan District: None

Zoning: EXd, Central Employment with a Design Overlay

Case Type: DZM, Design Review with Modifications

Procedure: Type III, with a public hearing before the Design Commission.
The decision of the Design Commission can be appealed to City Council.

Proposal:

The proposed project is a full-block, 6-story market rate apartment building (Jantzen Apartments) bounded by NE Glisan St, NE 20th Ave, NE Hoyt St and NE 21st Ave. Key components of the development program are (approximate quantities):

- 212 units
- 4 live-work units oriented to the corner of NE 21st Ave and NE Hoyt St
- 5 ground-level apartments oriented to the courtyard;
- 92 below-grade parking stalls;
- 10,000 SF (approximate) of ground floor retail;
- 235 long-term bike parking spaces (2 rooms – 1 below-grade and 1 at-grade);
- 15 short-term bike parking spaces in courtyard (13 required).

Design. The overarching design goal is to achieve a contemporary interpretation of the pre-war Art Deco mid-rise expressed as follows:

- *Massing.* The massing is a U-shaped configuration oriented southward towards NE Glisan St with an at-grade courtyard accessing the residential lobby and ground-level units.
- *Amenity.* Common outdoor amenity space and private terraces at-grade in entry plaza. 2 “Club Rooms” located on level-six at north end of U with south-facing outdoor space.
- *Entries.* The main building entry is located midblock on NE 20th Ave with retail frontages on NE 20th wrapping corner to NE Glisan St and at SE corner on NE Glisan.
- *Parking.* Parking access is from NE 21st Ave.

Materials. Exterior materials are

- *Primary Cladding.* True, three-coat stucco (2 colors – white and dark gray);
- *Mechanical.* As no unit air-conditioning is proposed, no skin-penetrating venting and/or louvers are included in the design. All unit and ground-level venting is proposed to be routed vertically. Small roof-top vents (subduct fans) are proposed at parapet height (approximately 2’ above roof grade.)
- *Windows.* VPI commercial grade vinyl windows and aluminum storefront, colors to match accent stucco color (dark gray);
- *Balconies.* Terraces (6) and Juliettes (56) totaling 62 of 212 units (30% of total units).

Modifications/Design Exceptions. The following are requested:

1. **Modification to 33.266.130.F. Long-term Bike Parking** – Standard requirement: 24” space separation; Proposed: 18” vertical staggered rack separation.
2. **Modification to 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.
3. **Modification to 33.140.210, Table 140-3 – Maximum height in EX:** 65’; Proposed: 8’ increase to accommodate oriel parapets at 68’ and KATU microwave relay antennas (2) at 73’.
4. **Exception to OSCC 3202.3.2. / IBC/32#1. Window Projections into a Right-of-Way.** Width of projections is limited to 12 feet. The project proposes 16’ wide projections of 3’-6” into the abutting ROW of NE Glisan St, NE Hoyt St and NE 20th Ave.

Standards. The following summarizes the proposed building’s features to key development standards:

- **Max FAR (33.140.205)** – The base zone allows FAR is 3:1. Transfer of FAR from a landmark within two miles of the subject site no greater than 3:1 is allowed. The 36,500 SF site allows 109,500 total floor area. Proposed FAR is 4.64:1, 169,500 SF

total FAR. An FAR transfer from the Jantzen Knitting Mills Co Building of 60,000 is transferred (refer to Exhibit A.3 for the draft FAR Transfer Covenant.)

- **Max Height (33.140.210)** – Base zone allowable height is 65'. Proposed Height: 73'. Modification of 8' to base height is requested. Refer to Section II Modifications herein.
- **Ground Floor Windows (33.140.230)** – 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 and sill heights no greater than 4' above the finished grade. Proposed: complies.
- **Parking and Loading (33.266)** – Minimum required parking (site well-served by transit): .33 spaces per unit x 212 units = 70 spaces. Proposed parking: 90 residential, 30 office stalls. Required loading: 2 Standard B (18'L x 9'W x 10'H) spaces. Proposed: 2 Standard B spaces.

Design Review is required because the proposal is for new construction in a Design Overlay Zone.

Relevant Approval Criteria:

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

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

ANALYSIS

Site and Vicinity: The quarter-block site is bounded by NE 20th Ave to the west, NE 21st to the east, NE Hoyt St to the north and NE Glisan to the south. Two single-family dwellings currently occupy the site which will be demolished for the proposed project. The subject site lies between two neighbor commercial nodes along Sandy, at NE 20th and NE 28th Avenue. Noteworthy context across NE 20th Ave is the Jantzen Knitting Mills Company Building, a National Register Landmark, constructed in three phases between 1929 and 1946. The reinforced concrete building was designed by Richard Sundeleaf, in the Art Deco style. Remaining context is primarily auto-oriented clad in masonry, concrete and stucco. Good transit service serves the residential neighborhood to the south. NE Sandy Boulevard is designated a Regional Main Street, a Major City Traffic Street, a Major Transit Priority Street, a City Walkway, and a City Bikeway.

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

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

Land Use History: City records indicate that no prior land use reviews exist on the site.

Procedural History. Relevant to this Land Use Review, a Design Advice Request Hearing (EA 14-172555 DA) was held on July 24, 2014 and Land Use Review Hearing #1 was held on September 8, 2016. Design Commission direction provided to the Applicant at LUR Hearing #1:

Issue #1: Building Form, Details, Context

Commission direction:

- *more stucco design detail – pilaster and parapet;*
- *subtle referencing of traditional stucco context – rather than direct incorporation;*
- *more differentiation in detail – vertical and horizontal plane shift;*
- *more stucco cladding (replacing metal panel);*
- *more glazing on upper-level corner and oriel elements;*
- *more eroded upper floor – top floor should read as a penthouse;*
- *Balconies – real balconies on Hoyt, Juliettes elsewhere;*
- *Hoyt St “back yard” to plaza “front yard”.*

Issue #2: Ground-Floor Residential

Commission direction:

- *increase commercial floor area on all project frontages;*
- *or, if residential, deeper ground-level stoops. Combination of both commercial and residential is OK.*

Issue #3: Ground-Level Canopies

Commission direction:

- *additional protection via building recesses and/or continuous canopies along all project frontages.*

Issue #4: Main Residential Entry

Commission direction:

- *residential lobby oriented to NE Hoyt St on-center with the courtyard with pass-through connecting Hoyt St and Glisan St through courtyard.*

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

- Portland Water Bureau (Exhibit E.1)
- Urban Forestry (Exhibit E.2)
- Site Development Section of BDS (Exhibit E.3)
- Life Safety Section of BDS (Exhibit E.4)
- Bureau of Environmental Services (Exhibit E.5)
- Bureau of Transportation Engineering (Exhibit E.6)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **February 12, 2016**. The following written response was received from notified property owners in response to the proposal.

- Tonkin Torp LLC, David Petersen. Comments related to the height of the building potentially interfering with microwave relay between KATU Channel 6 (across NE 21st from the project site) and the Skline transmitter. (Exhibit F.1). *Staff Note: The Applicant has entered into negotiations with Sinclair Television of Portland LLC regarding the re-location of the satellite dish to the subject site.*

ZONING CODE APPROVAL CRITERIA

This section of the Staff Report contains the following:

- I. **Design Review**
- II. **Modifications** (3)
- III. **Design Exceptions**

I. DESIGN REVIEW (33.825)

33.825.010 Purpose

Design Review ensures:

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

33.825.055 Design Review Approval Criteria

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

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

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

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

Community Design Guidelines

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

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

NOTE: Findings for Approval Criteria ***changed from last staff report*** are boxed.

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

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

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

Findings for P1, D7 and D8: Because the project will be a unique and pioneering contribution to the neighborhood with regard to massing, scale and orientation, it will, in large measure, establish context for future projects of comparable scope and scale. While such a circumstance might encourage new and/or divergent design solutions, these guidelines encourage direct design reference to, and incorporation of, contextual characteristics. In response, the design of the proposed building is fundamentally expressed as a contemporary interpretation of local relevant traditional context. The resultant building – a modern interpretation of traditional pre-war art deco (per the Jantzen Knitting Mills Co building) – is well resolved as traditionally inspired.

The building reads as a uniformly massed five-over-one, tripartite composition – a predominate stucco mass capped with an eroded upper level atop a recessed storefront base. The massing is expressed as a “U”-shaped form with erosions at the top level that serve to sufficiently mitigate the full-block mass within much lower context. Reference to traditional art-deco context is adequately conveyed with subtle details such as decorative window and floor transitions, ground level reveals, horizontal banding, etc.

Given that the project is proposing a FAR transfer, massing is a critical contextual concern – the building must strike a harmonious balance between innovation and tradition. Contextual responses related to massing and materials are critical to the full and complete realization of a genuinely humane neighborhood. The Applicant has responded to this directive with a simple materials palate – predominantly stucco with well glazed corner accents. The upper floor is stepped back on all elevations and features additional terraces. Therefore, as proposed, the design sufficiently draws on the areas desired characteristics and adequately incorporates elements of nearby quality buildings.

The proposed cladding materials – stucco, VPI commercial-grade vinyl windows and aluminum storefront – are generally considered to meet guidelines for quality and permanence. The Applicant has responded to Commission concerns at the first LUR hearing regarding overall building composition and coherency as follows:

- Materials and detailing – metal panel has been removed from the materials palette in place of stucco and all unit ventilation will be routed vertically to exit via roof top units;
- Stucco details – subtle detailing is featured (as noted earlier), expansion joints are aligned with floor levels and window joints;
- Balconies – ample balconies (juliette's and corner terraces) on upper-level units;
- Upper-level massing – level 6 has been uniformly eroded at all corners (featuring terraces) and at mid-block on all elevations; and,

- Venting and Louvers – as no air conditioning is proposed and fixture venting is to be routed vertically, no horizontal unit venting is required – *the building skin will not be penetrated with louvers and no retail venting is proposed at the ground-level.*
- Ground level – commercial use predominates ground level frontages with the exception of the quietest NE corner of the site.

Therefore, these guidelines are met.

D1. Outdoor Areas. When sites are not fully built on, place buildings to create sizable, usable outdoor areas. Design these areas to be accessible, pleasant, and safe. Connect outdoor areas to the circulation system used by pedestrians;

D3. Landscape Features. Enhance site and building design through appropriate placement, scale, and variety of landscape features.

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

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

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

Findings for D1, D3, D4, E1 and E3: The “U”-shaped building features a south-facing courtyard (approximately 5,400 SF) with approximately 70’ of frontage on NE Glisan St. The courtyard is flanked by ground-level studio apartment patios and anchored at the north by the residential lobby with pass-through access to NE Hoyt St. The south ends of the “U” feature retail uses with spill-out space oriented to the courtyard. Combined, these features will ensure that the courtyard is well-activated and safe throughout the day and evening. The well-landscaped courtyard and spill-out areas will enhance the pedestrian environment with amenities such as pavers, wood decking, bench seating, stormwater planers, bbq station, short-term bike parking, etc.

Continuous standard frontage improvements are proposed on all project frontages – sidewalk (between 12’-20’ wide), curb, street trees and gutter. The site is fully accessible with direct connections between entrances and adjacent sidewalks. The proposed circulation system will allow people to access the site from all frontages and pass through the building thereby connecting NE Glisan St and NE Hoyt St public rights-of-way. On-site parking and loading are well concealed below-grade accessed via NE 21st Ave.

The sidewalk level of all frontages is differentiated with active floor area – retail space occupies the entire NE 20th Ave and NE Glisan St frontages; retail and live-work units are oriented to NE 21st Ave; and, the residential lobby and live-work units are oriented to NE Hoyt St. These uses will ensure that the vast majority of abutting sidewalks are well activated, while street level façade differentiation is achieved through recessed entries, storefront glazing and ample retail spill-out oriented to the central plaza.

Therefore, these guidelines are met.

E4: Corners that Build Active Intersections. Create intersections that are active,

unified, and have a clear identity through careful scaling detail and location of buildings, outdoor areas and entrances.

Findings for E4: As a zero-lot-line project, the building's street edge orientation and formalized massing adequately convey a sense of urban enclosure. All of the project's four corners are adequately activated through active ground-floor program – retail oriented to three corners (NW, SE and SW) and live-work oriented to the remaining NE corner. All corners feature at-grade entries and or glazing and are well marked by over-story architectural reference including vertical plane recesses, upper-level massing projections and additional glazing.

Therefore, this guideline is met

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

Findings for E5: The pedestrian realm is well-protected by building recesses with integrated canopies at the primary lobby entry (oriented to NE Hoyt St) the secondary lobby entry (oriented to NE 20th Ave) and continuous canopies over the retail entrances oriented NE Glisan St and NE 21st Ave. Additional canopy protection is provided for a significant portion of the live-work frontage on NE Hoyt St.

Therefore, this guideline is met.

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

Findings for D2: Entrances to the retail spaces are primarily oriented to the sidewalk fronting NE Glisan St. Additional entrances to these retail spaces are provided fronting both NE 20th Ave and 21st Ave approximately 14' north of the Glisan St corners. The two Glisan St entries are well marked with prominent building features (overhead Oriels), integrated canopy structures and large glazed windows that lend prominence and interest to these features. The entries will be fully accessible from adjacent pedestrian walkways connecting to bus lines that run along NE 20th Ave.

Two residential lobby entrances are provided – the main lobby entry oriented toward NE Hoyt St (with pass-through access to the internal courtyard) and the secondary entry oriented to NE 20th Ave with internal access to the main lobby. Such a pass-through condition will enhance on-site pedestrian connectivity between the public and private realms, and the prominence of the main lobby is reinforced by being located on-axis with the entry to the central courtyard.

Therefore, this guideline is met.

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

Findings for D5: The locations of the main entries, ground-level active use and four south-facing corner balconies contribute to "eyes" on these circulation areas.

Nighttime security is enhanced by street, building, interior parking structure, and site lighting that will provide some passive and active surveillance opportunities.

Therefore, this guideline is met

II. 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. **33.266.130.F. Long-term Bike Parking** – Standard requirement: 24" space separation; Proposed: 18" vertical staggered rack separation.
 2. **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.
 3. **Modification to 33.140.210, Table 140-3 – Maximum height in EX:** 65'; Proposed: 3' additional feet in height to 68' at oriel parapet height.
 4. **Exception to 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 16' wide projections of 3'-6" into the abutting ROW of NE Glisan St, NE Hoyt St and NE 20th Ave.
1. **Modification of 33.266.220.C.3.b. Standards for all bicycle parking, Purpose.** 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 234 long-term bicycle parking spaces (234 spaces required) within two bike rooms (levels 1 and 2). Plans indicate a horizontal stacked rack system with spacing varying between 18"-24" on center. Additionally, 15 accessible bike spaces are provided.

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 limited confines of the U-shaped building footprint would consume considerable floor area. Relying upon a staggered bike rack at 18" on center within locked rooms is a more efficient use of space, and is identical to the parking system conventionally approved through Design Reviews. 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 the following Guidelines:

E1 The Pedestrian Network. The efficiently laid out long-term bike parking within the below-grade parking level and on the ground-level reduce the amount of inactive floor area that would otherwise supplant ground-floor active uses.

E3 The Sidewalk Level of Buildings. Because the bike parking is efficiently configured, the outward pressure of ground-level program is incrementally reduced freeing up space for effective exterior gathering places (entry courtyard.) *Therefore, this criterion is met.*

On Balance, the proposal will be consistent with the purpose of the standard for which a modification is requested. The primary purpose of the standard is to ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and damage. The proposed bike rack system is engineered to stack bikes vertically to allow the handle bars to overlap. This allows the proposed racks, within an 18" space, to provide the same level of service that would be provided by a standard 24" on center spacing. The staggered clearance between adjacent bikes and allowance for sliding hangers ease the hanging and locking of a bike. A 5' minimum aisle is still provided behind each bicycle rack. The rack system will be located within a secure bike storage room within the parking garage. For these reasons, the bicycle parking system is safe and secure, located in a convenient area, and designed to avoid any intentional or accidental damage to bicycles; as such, the proposal is consistent with the purpose statement of the bicycle parking standards. The overall solution is consistent with the purpose of the bicycle parking standard. *Therefore this criterion is met.*

This Modification therefore merits approval.

2. **Modification of 33.266.130 F 2, Parking Space Dimension. For some parking spaces narrowed by building columns. Purpose:** The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones. Together with the transit street building setback standards in the base zone chapters, the vehicle area restrictions for sites on transit streets and in Pedestrian Districts:

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

Findings: The modification to reduce the width some of the 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 feature of parking garages around the city and allows for more spaces to be provided within the development. This, in turn, incrementally relieves parking burden that would have to be accommodated by on-street

parking which can in-turn meet project parking demand below-grade and not within the public ROW. In addition, because all spaces will be assigned, larger vehicles will be assigned larger spaces to fit safely in the garage. Therefore, this modification better meets design guidelines:

D4 Parking Areas and Garages in that it provides well-integrated parking in the development while allowing more of the ground level active uses along abutting frontages that enhance the relationship with pedestrians. *Therefore this criterion is met.*

- B. Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.* The parking area layout standards are intended to promote safe circulation within the parking area and provide for convenient entry and exit of vehicles. Structural concrete columns that are 16" wide x 24" long would be located between some parking stalls that would protrude up to approximately 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.

3. Modification to 33.140.210, Table 140-3 – Maximum height in EX: Purpose:

The height standards work with the FAR, building setback, and building coverage standards to control the overall bulk and intensity of an area. The EX zone height limit reflects its use in intense urban areas and the range of uses that are allowed.

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

Findings. The height limit in EX is 65'. In the EX zone, increased height may be requested as a modification through Design Review. The proposal requests 3' additional feet in height to 68' at oriel parapet height.

The following proposed rooftop structures allowed to exceed the height limit are:

- elevator overrun (16' above height limit);
- two stairwell enclosures (10' above height limit).

The following proposed rooftop structures not allowed to exceed the height limit are:

- Oriel window projections at 3' over 65' limit;
- Satellite dishes (2) at 6' and 8' over 65' limit.

Oriels. The proposed oriels are oriented over major building entries and to anchor the south-facing ends of the "U". The additional 3' of height allows these important building features to be more visually prominent.

Satellite Dishes. The satellite dishes are being relocated from roof of the single-story KATU Channel 2 facility across NE 21st Ave to the east of the project site. Currently, these two dishes are clearly visible from vicinity sidewalks. The relocated dishes will be mounted to adjacent other proposed roof-top units on the subject building six stories above the abutting sidewalks. Therefore, the proposed relocation of the dishes in the manner proposed will be cohesively composed and result in a visually improved public realm.

As designed, these additional features over the height limit will contribute to the project better meeting the following Guidelines:

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

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

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

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. Height standards work with the FAR, building setback, and building coverage standards to control the overall **bulk** and **intensity** of an area. The EX zone height limit reflects its use in intense urban areas and the range of uses that are allowed. The other zones do not have height limits because tall buildings in these areas have traditionally not been a problem.

Findings. The purpose statement indicates that height limits in the EX zone are primarily intended to control a building's *bulk* and *intensity*.

Building **bulk** refers to the mass, scale or magnitude of the structure. The additional height requested will allow for a 3' height increase at the oriel parapets which will not noticeably increase the building's bulk, but will instead incrementally enhance the prominence of the oriel parapets as viewed from surrounding vantage points. The additional 8' of height requested for the microwave relay antennas will allow for the relocation of the antennas to a less visible disposition on the subject building than their present location on the roof of the KATU building across NE 21st Ave. Co-located at center roof toward the north end of the building, the antennas will not be visible from abutting rights-of-way and the addition of these units to the roof will not add to the building's perceived bulk.

Building **intensity** generally refers to the concentration of gross building area and related human activity within a unit of land area. Because the additional height will not result in additional occupiable floor-area (allowances are limited to parapet detail and additional rooftop units), human activity above the abutting public realm will not be increased. As such, the request will not result in additional noise, light, glare, etc. typically associated with intensity of use.

Therefore, this criterion is met.

Therefore, this Modification merits approval.

4. **Exception to 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 16' wide projections of 3'-6" into the abutting ROW of NE Glisan St, NE Hoyt St and NE 20th Ave.

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 NE Glisan St, NE 20th Ave and NE Hoyt St public rights-of-way at the south, west and north ends of the building respectively.

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

Findings: The maximum projection is 3'-6". *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'-6". *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 the three frontages. *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 the three frontages. *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 projections are approximately 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 south ends of the U-shaped building;
- increase the prominence of the primary residential lobby entry anchoring the north end of the courtyard;
- increase the prominence of the secondary residential lobby entry on the west; and,
- containing well-glazed primary living/dining floor 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 three elevations. *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. As the Applicant has sufficiently responded to Design Commission comments, the proposal now meets the Design Guidelines and the Zoning Code standards, and the project warrants approval.

TENTATIVE STAFF RECOMMENDATION

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

Staff recommends **approval** of a full-block 6-story market rate apartment building (Jantzen Apartments) bounded by NE Glisan St, NE 20th Ave, NE Hoyt St and NE 21st Ave and the following Modifications (3) and Design Exception (1):

1. **Modification to 33.266.130.F. Long-term Bike Parking** – Standard requirement: 24" space separation; Proposed: 18" vertical staggered rack separation.
2. **Modification to 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.
3. **Modification to 33.140.210, Table 140-3 – Maximum height in EX:** 65'; Proposed: 8' increase to accommodate oriel parapets at 68' and KATU microwave relay antennas (2) at 73'.
4. **Exception to OSCC 3202.3.2. / IBC/32#1. Window Projections into a Right-of-Way.** Width of projections is limited to 12 feet. The project proposes 16' wide projections of 3'-6" into the abutting ROW of NE Glisan St, NE Hoyt St and NE 20th Ave.

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Procedural Information. The application for this land use review was submitted on June 1, 2015, and was determined to be complete on July 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 June 1, 2015.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended by 245 days (Exhibit A.2). Unless further extended by the applicant, **the 120 days will expire on November 25, 2016.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the recommendation of the Bureau of Development Services with input from other City and public agencies.

This report is not a decision. The review body for this proposal is the Design Commission who will make the decision on this case. This report is a recommendation to the Design Commission by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Design Commission will make a decision about this proposal at the hearing or will grant a continuance. Your comments to the Design Commission can be mailed, c/o the Design Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201 or faxed to 503-823-5630.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. You may review the file on this case by appointment at our office at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201. Please call the file review line at 503-823-7617 to schedule an appointment.

Appeal of the decision. The decision of the Design Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the review body, only evidence previously presented to the review body will be considered by the City Council.

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

Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034. For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

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

Jeffrey Mitchem
September 30, 2016


EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. 120-day Extension
 - 3. Draft FAR Transfer Covenant
- B. Zoning Map (attached)
- C. Plan & Drawings
 - 1. Design Review Drawing Set (Sheet C.1-C.38)
 - Sheet C.14 Level 1 Plan (attached)
 - Sheet C.21 West Elevation (attached)
 - Sheet C.22 North Elevation (attached)
 - Sheet C.23 South Elevation (attached)
 - Sheet C.24 East 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. Portland Water Bureau
 - 2. Urban Forestry
 - 3. Site Development Section of BDS
 - 4. Life Safety Section of BDS
 - 5. Bureau of Environmental Services
 - 6. Bureau of Transportation Engineering
- F. Letters:
 - 1. Tonkin Torp LLC, David Petersen.
- G. Other
 - 1. Original LUR Application
- H. Post First Hearing
 - 1. Staff Report, Land Use Review Hearing, September 8, 2016
 - 2. Staff Presentation, Land Use Review Hearing, September 8, 2016
 - 3. Staff Memo, Land Use Review Hearing, September 8, 2016



ZONING

 Site

 Historic Landmark



File No.	<u>LU 15-178260 DZM</u>
1/4 Section	<u>2932</u>
Scale	<u>1 inch = 200 feet</u>
State Id	<u>1N1E35AD 9000</u>
Exhibit	<u>B</u> (June 4, 2015)



