



**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 16-228563 DZM  
PC # 16-137445  
SE 12<sup>th</sup> & Belmont  
**REVIEW BY:** Design Commission  
**WHEN:** November 17, 2016 @ 1:30pm  
**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.

***Please note this report does not recommend approval. Aspects of the proposal that do not meet the approval criteria are in underlined text, and a Summary of the Issues and Approval Criteria not met are in the "Conclusions" section on pages 13-14.***

**Bureau of Development Services Staff:** Hillary Adam 503-823-3581 /  
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### **GENERAL INFORMATION**

**Applicant:** Robert Leeb, Architect  
Leeb Architects  
308 SW First Ave #200  
Portland, OR 97204  
  
Sam Rodriguez, Developer  
Mill Creek Residential Trust LLC  
220 NW 2nd Ave  
Portland, OR 97209  
  
Samnick Holdings LLC, Owner  
PO Box 2507  
Wilsonville, OR 97070

**Site Address:** 909 SE 12TH AVE

**Legal Description:** S 60' OF N 260' OF E 100' OF BLOCK A, HAWTHORNE PK;  
BLOCK 246 LOT 3-6, HAWTHORNE PK

**Tax Account No.:** R366700010, R366702310, R366700010

**State ID No.:** 1S1E02BA 03900, 1S1E02BA 03800, 1S1E02BA 03900

**Quarter Section:** 3131

**Neighborhood:** Buckman, contact Zachary Brooks at 503-482-8252.

- Business District:** Central Eastside Industrial Council, contact Debbie Kitchin at ceic@ceic.cc.
- District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010.
- Plan District:** Central City - Central Eastside
- Zoning:** EXd – Central Employment with 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 applicant proposes a 7-story mixed-use apartment building in the Central Eastside SubDistrict with 189 residential units, 9,680sf of ground floor retail, and 88 parking spaces and loading spaces in a below-grade garage accessed from SE 12<sup>th</sup> Avenue. Exterior materials include terra cotta, 5 types of metal panel, concrete, CMU, aluminum storefront, vinyl windows, steel and aluminum railings, and steel canopies.

Modifications are requested to the following:

1. 33.266.130 - to reduce minimum parking space width from 8'-6" to 7'-10";
2. 33.266.220 - to reduce bicycle parking space width from 24" to 18";
3. 33.266.310 - to reduce loading space vertical clearance from 10'-0" to 9'-4".

**Relevant Approval Criteria:**

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

- *Central City Fundamental Design Guidelines*
- *Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan*
- *33.420 Design Overlay*
- *33.825 Design Review*
- *33.825.040.040 Modifications That Will Better Meet Design Review Requirements*

**ANALYSIS**

**Site and Vicinity:** The subject property is located at the southwest corner of the intersection of SE 12<sup>th</sup> Avenue and SE Belmont Street. It is 26,000 square feet, prior to dedication, with 260 feet of frontage on SE 12<sup>th</sup> and 100 feet of frontage on SE Belmont which slopes downward to the west. Currently the site is improved with an auto body shop and surface parking lot, constructed in 1957 with an addition in 1985. Both SE 12<sup>th</sup> and SE Belmont are classified as City Bikeways, City Walkways, and Emergency Response Streets. Additionally, SE 12<sup>th</sup> Avenue is classified as a Transit Access Street, Major City Traffic Street, and Major Truck Street while SE Belmont Street is classified as a Major Transit Priority Street and Traffic Access Street. The site lies at the eastern edge of the Central City Plan District.

Immediately to the south of the subject property is the Rachel Louise Hawthorne House, a 2½-story 1892 Queen Anne, individually listed in the National Register of Historic Places. To its south is a surface parking lot currently under construction, with a 2-story 1895 Queen Anne and 2-story 1925 apartment building further south, both of which are listed on the Historic Resource Inventory. Immediately west of the subject property is a 4-story mixed-use development which includes a couple smaller commercial structures all currently under construction, with a 1951 1-story warehouse at the

southwest corner completing the block. To the east across SE 12<sup>th</sup> Avenue, are a vacant parcel and 2-story 1909 apartment building, the continuation of SE Yamhill Street, and 2-story commercial and residential structures constructed between and 1892 and 1947. Across SE 12<sup>th</sup> avenue to the north is a surface parking lot and 1-story commercial structures built in 1906. To the northeast across both streets is a 5-story apartment building constructed in 2001.

The commercial and employment zones of this area of the Central Eastside have seen significant growth over the past few years, including the Goat Blocks one block to the west, 9<sup>th</sup> & Belmont Apartments two blocks to the west, Modera Belmont five blocks to the west, and the East 12 Lofts one block to the south.

**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 “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. 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.

The Central City Plan District implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation management Plan. The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area. The site is within the Central Eastside Subdistrict of this plan district.

**Land Use History:** City records indicate that prior land use reviews include:

- EA 16-137445 PC – Pre-Application Conference for the current proposal.

**Agency Review:** A “Notice of proposal in Your Neighborhood” was mailed **October 28, 2016**.

The **Bureau of Environmental Services** responded, noting that the stormwater management report indicates that infiltration can be accommodated onsite and therefore stormwater must be infiltrated on site. Because the current plan does not propose this, BES cannot support the proposal and has suggested that the design be revised to accommodate stormwater onsite or that an ecoroof be provided. Please see Exhibit E-1 for additional details.

The **Bureau of Transportation Engineering** responded, noting that they could not yet support the proposal as additional information is required to evaluate the proposal. Specifically, no information has been provided to assess the requested Modification to the clearance height of the loading spaces; PBOT indicated that a Loading Demand Analysis should be provided to support any justification for this Modification. In addition, the Public Works Permit 30% Concept Plan has not yet been approved, the Encroachment Permit for the below-grade parking garage projection into the right-of-way has not yet been granted, and the Design Exception for the proposed transformer

vault has not yet been submitted; each of these items must be provided and approved before PBOT can support the proposal. Please see Exhibit E-2 for additional details.

The following Bureaus have responded with no issue or concerns:

- Life Safety Division of BDS
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **October 28, 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**

### **(1) DESIGN REVIEW (33.825)**

#### **Section 33.825.010 Purpose of Design Review**

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

#### **Section 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.

**Findings:** The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because the site is located generally within the Central City Plan District, the applicable design guidelines are the Central City Plan Fundamental Design Guidelines. As the site is also specifically located within the Design Zone of the Central Eastside District, the Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan also apply.

#### **Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan and Central City Fundamental Design Guidelines**

The Central Eastside is a unique neighborhood. The property and business owners are proud of the district’s heritage and service to the community and region. Light industry, distribution/warehousing, and transportation are important components of the district’s personality. To the general public, retail stores and commercial businesses provide the central focus within the district.

The underlying urban design objective for the Central Eastside is to capitalize on and emphasize its unique assets in a manner that is respectful, supportive, creative and compatible with each area as a whole. Part of the charm and character of the Central Eastside District, which should be celebrated, is its eclectic mixture of building types and uses. An additional strength, which should be built on, is the pattern of pedestrian

friendly retail uses on Grand Avenue, East Burnside and Morrison Streets, as well as portions of 11<sup>th</sup> and 12<sup>th</sup> Avenues.

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

#### **Central Eastside Design Goals**

The following goals and objectives define the urban design vision for new development and other improvements in the Central Eastside

- Encourage the special distinction and identity of the design review areas of the Central Eastside District.
- Provide continuity between the Central Eastside and the Lloyd District.
- Provide continuity between the Central Eastside and the river, downtown, and adjacent residential neighborhoods.
- Enhance the safety, convenience, pleasure, and comfort of pedestrians.

#### **Central City Plan Design Goals**

This set of goals are those developed to guide development throughout the Central City. They apply within all of the Central City policy areas. The nine goals for design review within the Central City are as follows:

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

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

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

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

**Findings:** The subject property is located 12 blocks east of the Willamette River. The building is proposed to be seven stories, and due to its higher elevation than other recent developments between this site and the river, will have relatively

decent views of the river and west hills from the upper floors. The Goat Blocks development one block to the west will block many of the views that would otherwise have been available from this building. Nonetheless, the proposed building is taking advantage of height and floor area bonuses to obtain better views. Balconies are located on each façade, providing outdoor views in each direction. Per the elevations, balconies are proposed at levels 4-7 on the west façade (though these are only show on the plans at levels 6-7), as well as patios at the 2<sup>nd</sup> level, and a small 7<sup>th</sup> floor patio at the southwest corner of the building. Balconies are also shown on levels 2-5 on the south, east, and north façades.

If balconies are proposed on the west façade at levels 3-7, as is shown on the elevations, then a total of 28 private balconies and terraces are provided for 179 total units. If balconies are not proposed at levels 3-4 on the west façade, then the total number of balconies decreases to 22 for 179 units. Therefore, at best only 15% of the 179 units have access to private outdoor space. While there is a terrace at the southwest corner of the 7<sup>th</sup> floor for communal use, this terrace is relatively small at approximately 700 square feet, affording 4.6 square feet of outdoor space for each of the remaining 151 units. Staff suggests that additional balconies should be introduced to allow more opportunities for enhanced outdoor views for the tenants of the building.

***This guideline is not yet met, however, with the clarification that balconies are proposed at levels 4-5 (as is shown on the elevations), and the introduction of additional balconies, this guideline could be met.***

**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.

**A5-3. Plan for or Incorporate Underground Utility Service.** Plan for or Incorporate Underground Utility Service to development projects.

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

**Findings for A5, A5-3, and B3:** The applicant proposes to the transformer vault below-grade within the right-of-way. The right-of-way will be designed to the right-of-way standards with regard to sidewalk improvements, paving patterns, curb cuts, and street trees, thereby continuing the established patterns in the neighborhood. *These guidelines are met.*

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

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

**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.

**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.

**C6. Develop Transitions between Buildings and Public Spaces.** Develop transitions between private development and public open space. Use site design features such as movement zones, landscape elements, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

**Findings for A7, A8, B1, B4, and C6:** The proposed building is designed to the street lot lines, with the exception of small recesses for entries and relief. In addition to these recesses in the building footprint, the proposed building also includes extensive canopies which will allow the opportunity for establishing comfortable stopping places along the building frontage via movable tables and chairs, if so desired. The building's ground floor features a significant amount of glazing to provide views between the interior and exterior which will help add to the sense of vibrancy along the sidewalk. *These guidelines are 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.

**B6-1. Provide Pedestrian Rain Protection.** Rain protection is encouraged at the ground level of all new and rehabilitated commercial buildings located adjacent to primary pedestrian routes. In required retail opportunity areas, rain protection is strongly recommended.

**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 for B2, B6, B6-1, and C12:** The proposed development will be a vast improvement over the current situation with regard to protecting pedestrians from vehicular movement, as the site is currently an auto shop and surface parking lot with extensive curb cuts. The proposed building has a single vehicular access point, which is strategically aligned with the SE Yamhill Street right-of-way to the east. The proposed vehicle entry is slightly set back from the street lot line and from the adjacent property line which allows space for a planter which can be seen over as vehicles exit the parking garage.

As is noted above, extensive weather protection is provided via multiple canopies projecting over the right-of-way. Pedestrian-oriented lighting is proposed via recessed down lights in the extensive canopies and at pedestrian entries. Mechanical louver vents are shown to be slightly recessed from or flush with the exterior walls; staff notes that PTAC systems located within (or below) the residential window systems, however, appear to be proud of the windows, located in line with the cladding systems. Mechanical equipment on the roof is shown to be minimal at this time. Louvers are proposed at some of the storefront transoms and appear to be in line with the windows below, however enlarged details were not provided. *This guideline is met.*

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

**Findings:** All entries to the building are shown to be barrier-free, therefore providing unimpeded access to all. In addition, each level of the building, including the 7<sup>th</sup> floor southwest terrace, is accessible via an elevator. Staff notes, however, that, many of the interior doors do not appear to meet Building Code requirements with regard to clearances at doors; this must be resolved at the time of Permit. *This guideline is met.*

**C1-1. Integrate Parking.**

- a. Integrate parking in a manner that is attractive and complementary to the site and its surroundings.
- b. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

**Findings for C1 -1:** The building proposes 87 below-grade parking spaces. A Modification is requested to reduce the required width of the parking spaces where the structural columns poke into the parking spaces. This is further discussed below, however staff notes that this slight reduction at limited points allows more spaces to be accommodated in the garage than would otherwise would be allowed, thus relieving pressure from on-street parking. The garage access is located in alignment with the SE Yamhill Street right-of-way in order to reduce potential traffic conflicts with vehicles coming from that direction.

The garage access is also shifted approximately 11 feet north of the south property line. This allows space for a stormwater planter between the garage wall and the adjacent property which is home to a Landmark Queen Anne Rachel Louise Hawthorne House, constructed in 1892. Staff notes that the property to the south of the Hawthorne House is currently being developed as a surface parking lot, meaning this Landmark will be situated between a surface parking lot and a parking garage entrance with a 7-story building above. As this is the safest location for the garage entrance, the design of the garage entrance must be sensitive to the adjacent Landmark. Staff believes that by shifting the mass of the building 101 feet to the north and setting the entrance back 5 feet, as well as introducing a planter and cladding this ground-level Landmark-facing wall with stucco is a relatively sensitive approach as no setback is required at this location. Approximately 60 feet back, the ground level of the building shifts to within 2 feet of the property line and features a terrace at the 2<sup>nd</sup> floor; however, the upper levels of the building remain at 10 feet to the north. *This guideline is met.*

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

**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.

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

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



**C3-1. Design to Enhance Existing Themes in the District.** Look to buildings from throughout the district for contextual precedent. Innovation and creativity are encouraged in design proposals, which enhance overall district character.

**C3-2. Respect Adjacent Residential Neighborhoods.** Respect the architectural character and development patterns of adjacent residential neighborhoods.

**Findings for A4, C4, C3-1, and C3-2:** As is noted above, the subject property is located at the eastern edge of the Central City Plan District with the industrial and commercial properties, as well as recent mixed-use development located toward the west and an established residential neighborhood to the east. The proposed building is 7 stories and is much larger than properties to the east, but not entirely out-of-scale with properties to the west. As such, with regard to integrating the building into the neighborhood, it is practical to look to similarly sized buildings, with sensitive consideration of the adjacent residential neighborhood. Also noted above, is the property located immediately to the south is a Landmark 1892 Queen Anne with two other historic properties to its south.

Similarly sized buildings in the area approved through design review are clad with brick or flat panel metal, including the Goat Blocks, Modera Belmont, and 9<sup>th</sup> & Belmont Apartments. The exterior materials proposed for this building include: terra cotta, horizontal ribbed metal panel, three kinds of metal panel, as well as metal panel mullions between windows, board-formed and smooth concrete, stucco, charcoal-colored aluminum storefront, white vinyl windows, steel canopies, perforated metal balconies and railings and aluminum railings with glass panels. Terra cotta is not a common material in this neighborhood. While it is a quality material and the color responds to the 5-story apartment building on the opposite corner of the intersection, the increased size of the module adds to the overwhelming feel of the mass of the building. Staff also notes that the introduction of horizontal ribbed metal seems incongruent with the terra cotta and creates a relatively cold aspect to this residential building just outside the residential neighborhood. Ribbed metal panel is also not a common material in the district despite its industrial nature as most of the buildings nearby, with the exception of one Quonset hut, are of masonry construction. The distribution of terra cotta and metal is conveniently shown on page C33, which shows that the majority of the building is proposed to be clad in horizontal ribbed metal. Staff also notes that the two materials – terra cotta and ribbed metal panel – are not integrated in a coherent manner. It is also not clear, why the terra cotta stops at the 5<sup>th</sup> floor rather than extending all the way to the top of the building, as is traditional with masonry products, or why it starts and stops at points along the façade.

Staff also has concerns with the large angled frame elements that transition from cornice down to the canopy level. This is further discussed below; however, staff notes that the angles are not characteristic of the neighborhood and are a disservice to the building which could be much more elegant and coherent with their removal. The angles as well as the red portals combine to create an incoherent grouping of façades that do not relate to the interior program. For instance, the red portal on SE Belmont wraps around the eastern retail doors as well as an egress corridor to its west, while a second set of retail doors to the west are not framed by the portal and appear to not have any special way of marking this entrance as not canopy is proposed at this entrance either. The western side of the red portal marks the starting point of the large frame elements that extends up the wall east around the corner and back down the wall to the north point of the large red portal on SE 12<sup>th</sup>; thus, while the portal is enveloped by the frame on Belmont, it is excluded from the frame on 12<sup>th</sup>. In addition, the large red portal on

SE 12<sup>th</sup> features the doors to the residential lobby as well as doors to an adjacent retail space in relatively close proximity, with storefronts for both of these spaces extending beyond the limits of the portal. Also on SE 12<sup>th</sup> are two other retail entries – one with a portal and one without a portal – as well as a fitness room shown to have access from the street, not framed by a portal. In general, there does not seem to be consistency or coherency with regard to where the portals are located or why the frame terminates where it is proposed to terminate.

Additionally, staff notes that the window patterns seem overly and unnecessarily complex in that wide metal-clad mullions are introduced in areas where they do not seem necessary and vary in location from the window above or below. Staff also noted above that the PTAC systems appear to be protrude from the window system and are shown to be flush with the exterior cladding despite being set within the overall window opening. In addition, staff notes that the windows in the terra cotta system are framed with a 2½” folded metal frame while the windows in the metal clad portions of the building are essentially flush with the exterior wall, both of these conditions exaggerate the protruding PTAC systems. In addition, staff is not supportive of flush windows within a metal clad wall, particularly as this is the condition across the majority of the west façade. Staff believes that the windows should have a more pronounced recess in the wall in order to better complement the adjacent residential neighborhood and to break up the scale of this 7-story building.

***These guidelines are not yet met; however, with additional consideration of the proposed materials and arrangement of building elements, these guidelines could be 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 is essentially 7-stories across the footprint with changes in façade plane, and canopies extending across the whole building. One of these canopies (on the street-facing façade) is integrated with an angled frame element that extends up the building, also at an angle, continuing along the cornice, also at an angle, extending to an exaggerated point at the corner of the building. A similar frame element is located at the interior southwest corner. As staff has noted above, the proposal to create large angled frame elements around portions of the building do not have a contextual reference in the neighborhood and staff believes they emphasize the mass of the building, resulting in a relatively inelegant presence on the street. With regard to this guideline, however, staff notes that while the large frame element may be attempting to highlight the corner of the building and break up the mass of this 260’ long façade, it has the opposite effect in that it appears to be located at arbitrary locations and lends to the building feel more massive than it would with a simplified cornice and canopies, without attached vertical elements; or with a more logical and simplified way of breaking up the mass of the building. In this sense, the northeast corner at the intersection of the two streets is not necessarily highlighted in a discernible way, thus the corner is simultaneously over- and underemphasized.

However, the large contiguous storefront windows highlight the corner at the ground level, providing relatively unobstructed views between the interior and

exterior. Above this corner, additional sidelights are proposed adjacent to the typical residential window pattern highlighting the corner with this additional glazing; however, staff noted concerns above with how these windows and others are detailed. Commercial space is proposed at the corner with doors located near the corner on the Belmont side. The commercial spaces are designed to be dividable with multiple entry points proposed. Access points to other parts of the building, including to the upper levels, are located closer to the center of the building façades.

***Because the proposed means by which the proposal attempts to highlight the corner are overwhelming to the overall design of the building, this guideline is not yet met; however, with significant simplification of the cornice and cornice design, this guideline could be met.***

**C8. Differentiate the Sidewalk-Level of Buildings.** Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.

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

**Findings:** The sidewalk level of the building is differentiated from the rest of the building primarily through program and materials. The ground floor features commercial space and accessory residential uses such as a fitness room and lobby. The commercial spaces are designed with multiple entry points and the flexibility to be divided into more spaces than is currently shown. The ground level is primarily clad with storefront glazing and metal panel. In addition, the ground level features red portals at some of the entries which help differentiate the ground floor from the upper floors. Staff notes that these red portals are not located at each entry; this potentially allows flexibility with regard to the location of entries over time, though as staff has noted above the overall coherency of the ground floor is compromised by this proposal. *These guidelines are 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 storm water management tools.

**Findings:** While the proposed rooftop mechanical equipment is relatively minimal, the majority of the roof, with the exception of the southwest corner, is designed to serve only one function – shelter. The guideline suggests that additional functions should be integrated with the roof design in order to help manage other building systems and amenities. The BES comments state that infiltration must be incorporated into the proposal and that an eco-roof is one way that water can be treated onsite. Staff supports BES's suggestion for infiltration at the roof.

***This guideline is not yet met, however, with additional consideration of the rooftop as a stormwater management tool, this guideline could be 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. 33.266.130 - to reduce minimum parking space width from 8'-6" to 7'-10";

*Purpose Statement:* The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Provide flexibility to reduce the visual impacts of small residential parking lots;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

*Standard:* 33.266.130.F.2 - As listed in Table 266-4, parking spaces at a 90° angle to a 20' wide 2-way drive aisle must be 8'-6" wide x 16'-0" deep.

**Findings:** The proposed reduction of the parking stall width to 7'-10" is limited to where structural columns intersect with the parking stall stripe at the entry point of the stall and affects 56 stalls out of 87 total. Users of these stalls will be residents of the building with an assigned stall; therefore those who park in the reduced width stalls will be accustomed to safely parking in a narrower space. Again, by slightly reducing the width of some of the stalls, more parking can be provided, thus relieving pressure on on-street parking, thereby better meeting guideline C1-1 *Integrate Parking*.

*The purpose of the standard is met and guideline C1-1 is better met; therefore, this Modification merits approval.*

2. 33.266.220 – to reduce bicycle parking space width from 24" to 18";

*Purpose Statement:* These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

*Standard:* 33.266.220.C – Required bicycle parking spaces must be 2'-0" x 6'-0" and must have an adjacent 5'-0" maneuverability area.

**Findings:** The drawings indicate that 106 bicycle parking spaces will be located within a ground floor bike room and the narrative suggests that the remainder of the required bike parking spaces will be located within the residential units; however these are not shown on the plans. The building has 179 residential units and therefore requires 269 long-term spaces for the residential uses. Two additional spaces are required for the retail uses for a total of 271 required long-term spaces. While the requested Modification is typically supported as it frees up square footage intended for bicycle storage for other uses that cumulatively result in more livable spaces, staff cannot confirm that all required spaces are provided and therefore cannot recommend approval of this Modification as the cumulative effect of the Modification is not yet understood.

**Therefore, staff does not yet recommend approval.**

3. 33.266.310 – to reduce loading space vertical clearance from 10'-0" to 9'-4".

*Purpose Statement:* A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.

*Standard:* 33.266.310.C and .D – When there are more than 100 dwelling units in a building, one Standard A loading space or two Standard B loading spaces are required. Standard B spaces are required to be 18'-0" (l) x 9'-0" (w) x 10'0" (h).

**Findings:** Per PBOT's recommendation, discussed above, this Modification is not yet approvable. In addition, no justification was provided as to how this Modification would better meet the Design Guidelines or meet the purpose of the standard.

**Therefore, staff does not yet recommend approval.**

## **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**

While the proposed development will better utilize the site and improve the level of activity at this location, the current proposal does not yet meet the approval criteria. In

addition to outstanding issues with regard to PBOT and BES concerns, BDS staff also has significant concerns, including:

- Overall coherency of the proposal;
- Numerous exterior materials are not arranged in a coherent manner;
- Building elements, such as canopies, cornices, entry portals, and massing volumes are not articulated in a coherent manner nor do they relate to the neighborhood context;
- Relative lack of outdoor space for tenants;
- Demonstration that all bicycle parking spaces are provided.

Due to the issues noted above, and the following approval criteria not being met, staff cannot yet support the proposal:

- PBOT requirements
- BES requirements
- A1 – Integrate the River
- C1 – Enhance View Opportunities
- C2 – Promote Quality and Permanence in Development
- C5 – Design for Coherency
- A4 – Use Unifying Elements
- C4 – Complement the Context of Existing Buildings
- C3-1 – Design to Enhance Existing Themes in the District
- C3-2 – Respect Adjacent Residential Neighborhoods
- C7 – Design Corners that Build Active Intersections
- C11 – Integrate Roofs and Use Rooftops
- Modification #2 – Reduction of bicycle parking width
- Modification #3 – Reduction of loading space clearance

Additional consideration and information is needed before staff can be able to recommend approval.

**TENTATIVE STAFF RECOMMENDATION**

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

**Denial.**

=====

**Procedural Information.** The application for this land use review was submitted on August 22, 2016, and was determined to be complete on September 28, 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 August 22, 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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: January 26, 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 (one-half of the application fee for this case).**

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).**

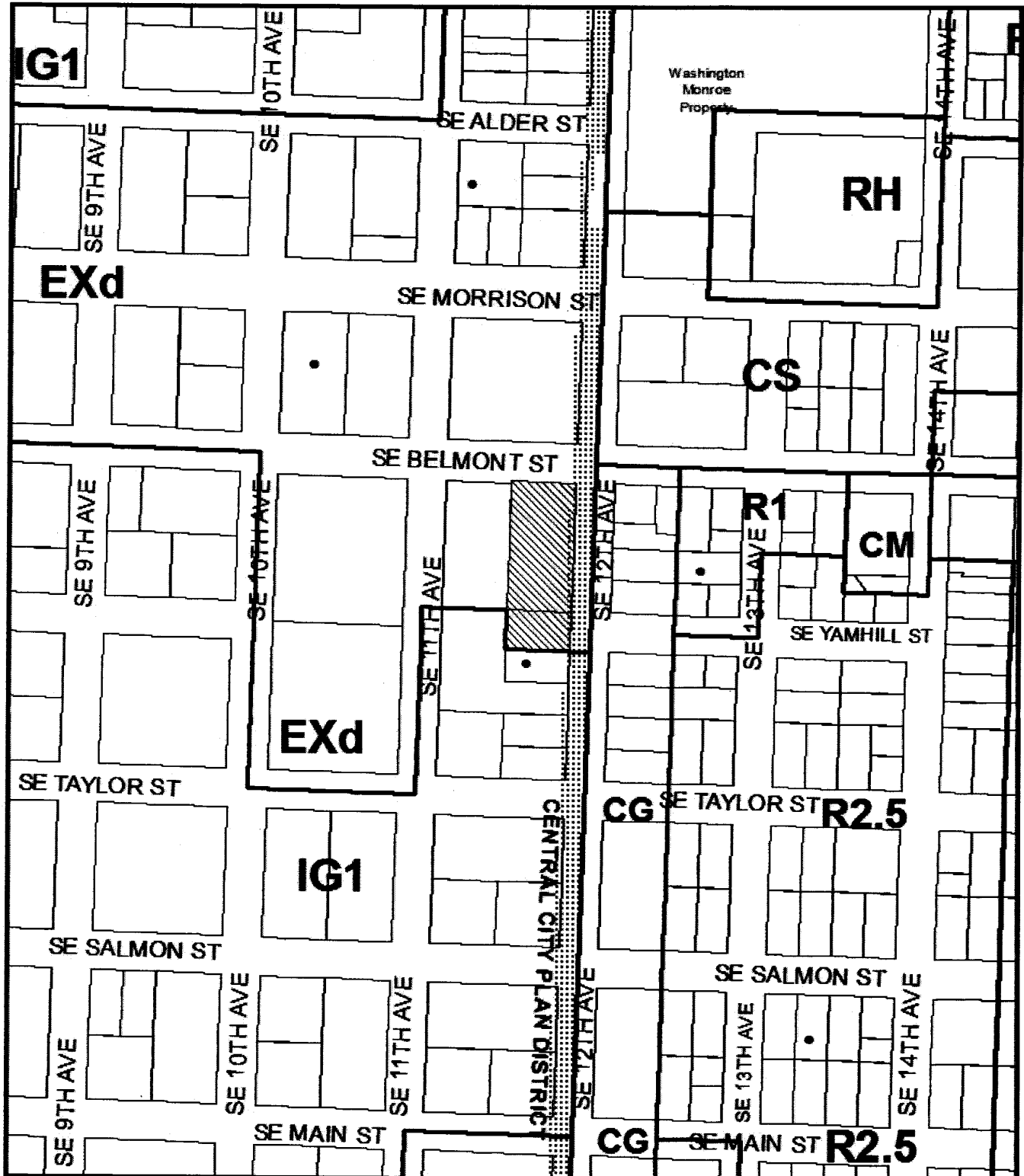
Hillary Adam  
November 7, 2016

**EXHIBITS – NOT ATTACHED UNLESS INDICATED**

- A. Applicant’s Statement
  1. Original Drawing Set
  2. Response to Approval Criteria
  3. Pre-Application Conference Summary



4. Driveway Design Exception Request
  5. Letter, dated September 9, 2016
  6. Revised Drawing Set, received September 9, 2016
  7. Revised Narrative, received September 9, 2016
  8. Stormwater Report, received September 9, 2016
  9. Completeness Response Letter, received September 28, 2016
  10. Letter Requesting Determination of Completeness, received September 28, 2016
  11. Revised Narrative, received September 28, 2016
  12. Revised Drawing Set, received September 28, 2016
  13. Interim Revised Drawings, received October 20, 2016
  14. Supplemental Memorandum, received October 27, 2016
  15. Revised Stormwater Report, received October 27, 2016
- B. Zoning Map (attached)
- C. Plan & Drawings
1. Drawing Set for November 17, 2016 hearing (C21, C30, C31, and C32 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. Life Safety Division
  4. Fire Bureau
  5. Site Development Review Section of BDS
  6. Bureau of Parks, Forestry Division
- F. Letters: none
- G. Other
1. Original LUR Application
  2. Incomplete Letter, dated September 20, 2016



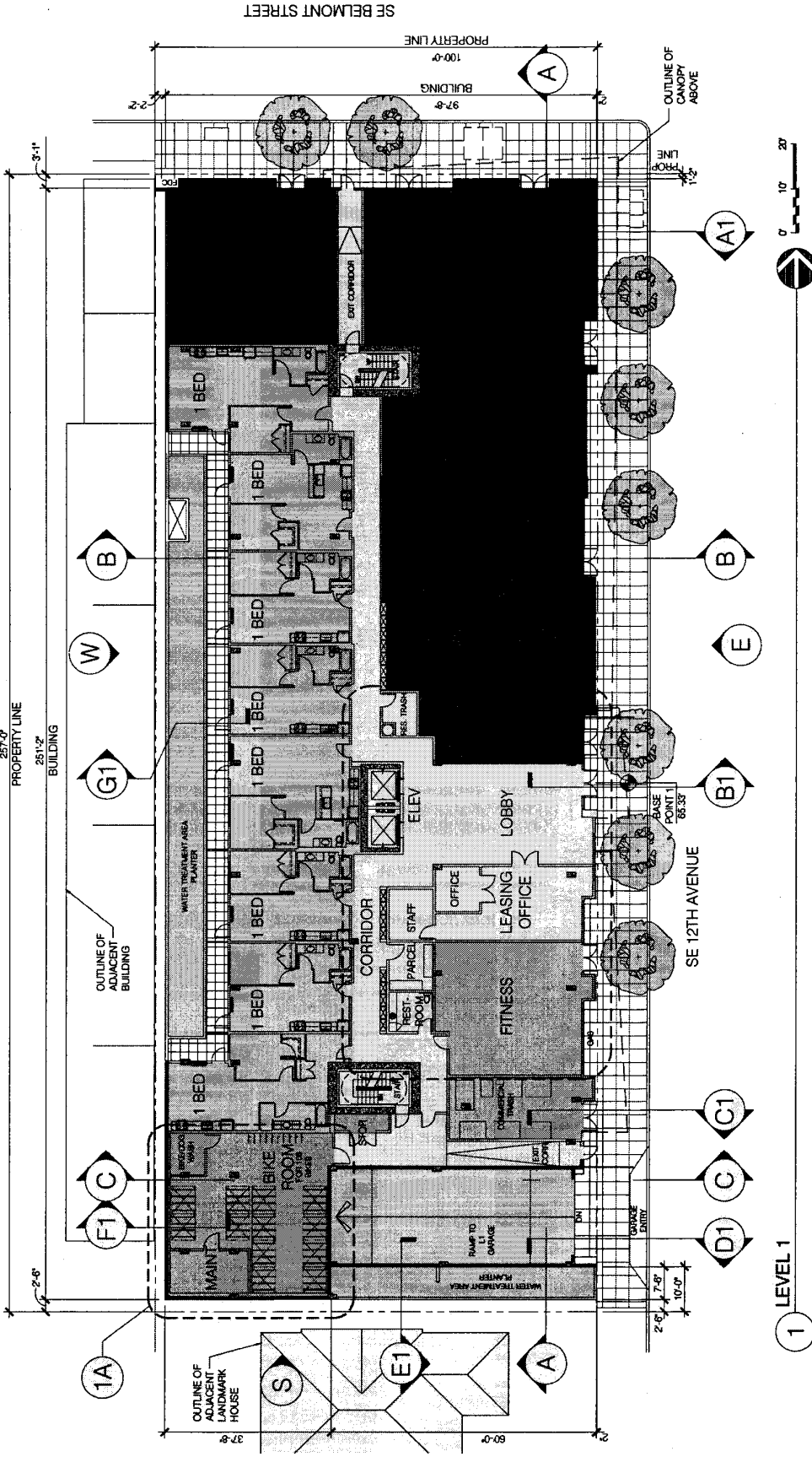
# ZONING

-  Site
-  Historic Landmark

This site lies within the:  
**CENTRAL CITY PLAN DISTRICT**  
**CENTRAL EASTSIDE SUBDISTRICT**



File No. LU 16-228563 DZM  
 1/4 Section 3131  
 Scale 1 inch = 200 feet  
 State Id 1S1E02BA 3800  
 Exhibit B (Aug 23, 2016)



1 LEVEL 1

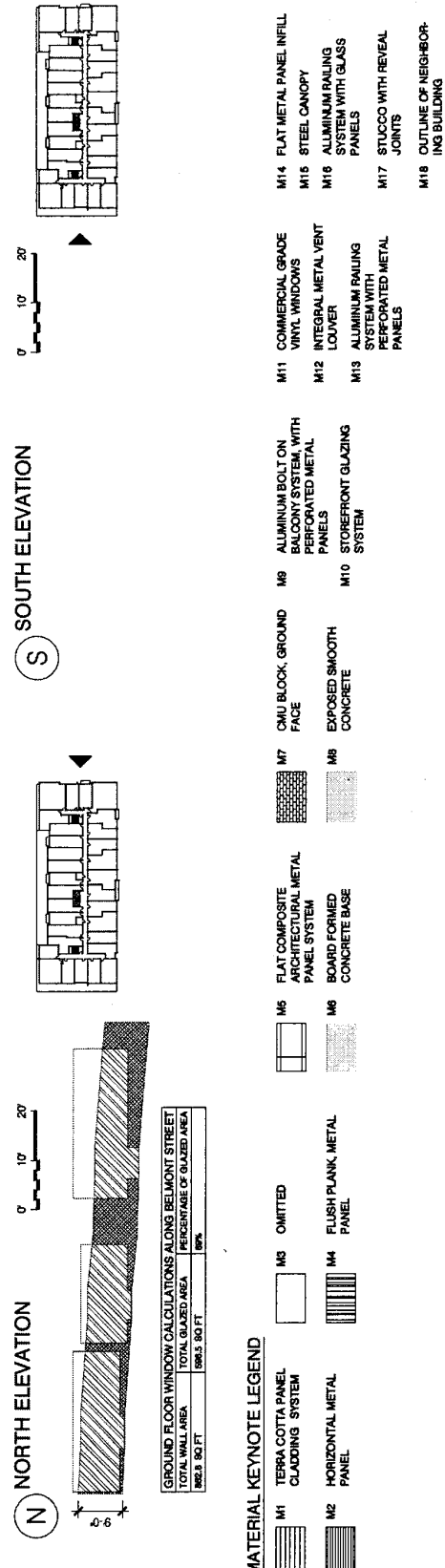
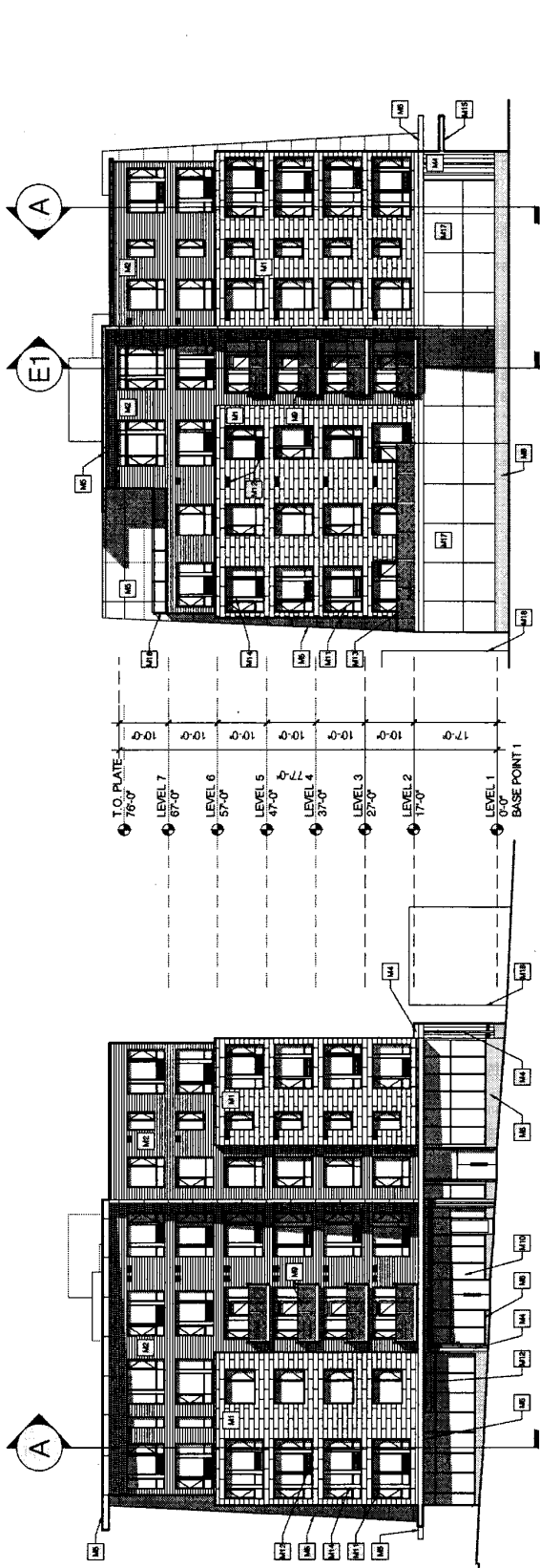
Exhibit  
**C21**

Mill Creek Residential  
Type III Design Review  
27 October 2016  
LU16-228563

MODERA BUCKMAN

Scale 1/8" = 1'-0"  
Date 10/27/16  
Project 16-228563  
Sheet 01 of 01





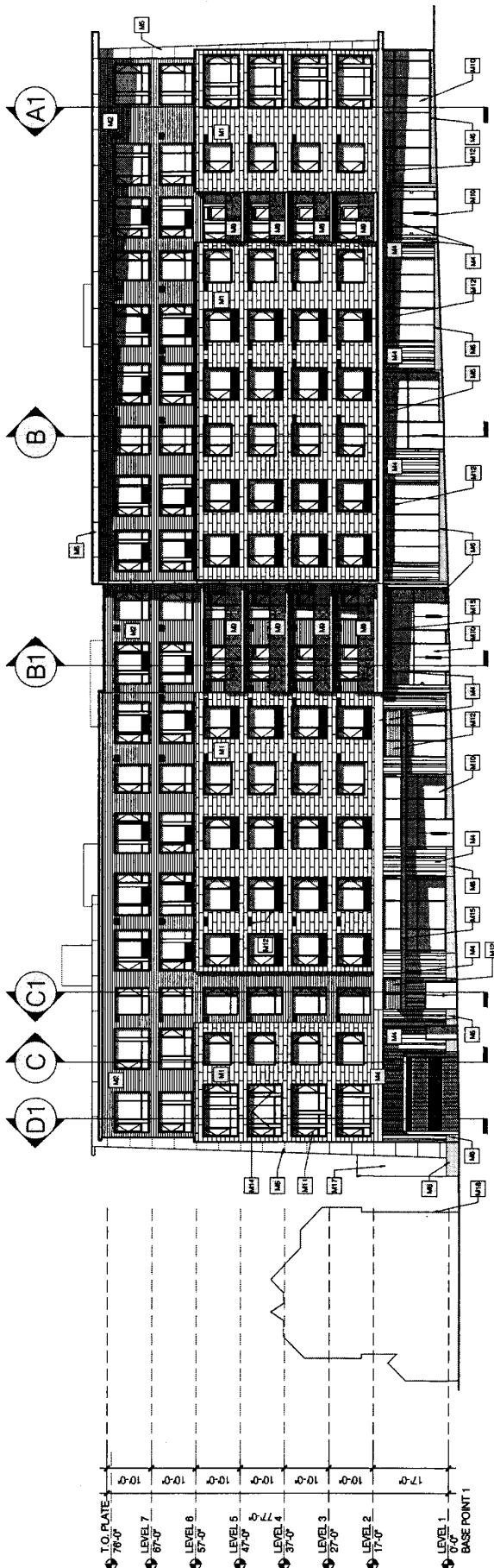
MILL CREEK RESIDENTIAL  
 TYPE III DESIGN REVIEW  
 27 OCTOBER 2016  
 LU16-228663

Exterior Elevations  
 North/South

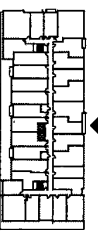
Exhibit  
**C30**

MODERA BUCKMAN  
 1000 Park Avenue  
 Suite 100  
 Princeton, NJ 08540  
 Tel: 609.783.2200  
 Fax: 609.783.2201

JCE ARCHITECTS  
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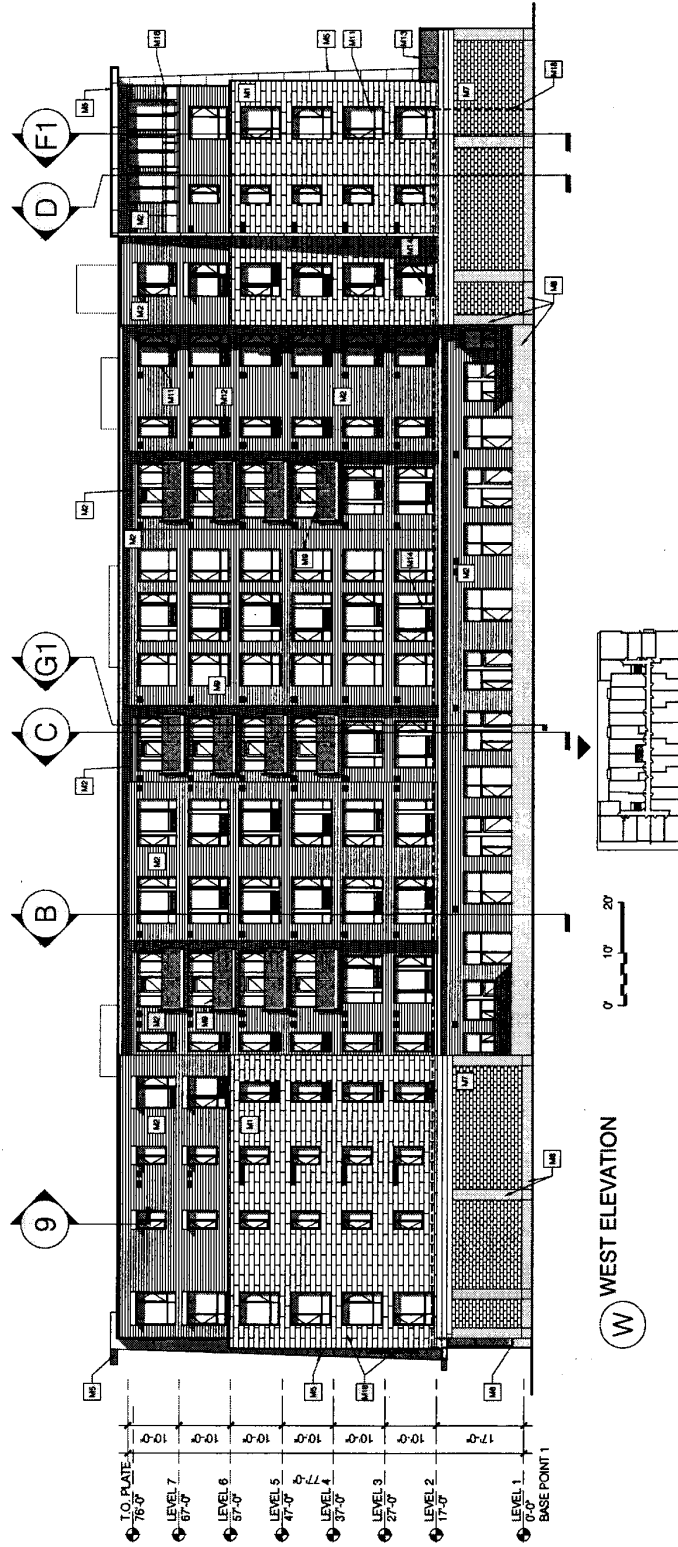
EAST ELEVATION



GROUND FLOOR WINDOW CALCULATIONS ALONG SE 12TH AVENUE		
TOTAL WALL AREA	TOTAL GLAZED AREA	PERCENTAGE OF GLAZED AREA
2,284.8 SQ FT	1,338.50 SQ FT	58%

MATERIAL KEYNOTE LEGEND

- M1 TERRA COTTA PANEL CLADDING SYSTEM
- M2 HORIZONTAL METAL PANEL
- M3 OMITTED
- M4 FLUSH PLANK METAL PANEL
- M5 FLAT COMPOSITE ARCHITECTURAL METAL PANEL SYSTEM
- M6 BOARD FORMED CONCRETE BASE
- M7 CHU BLOCK, GROUND FACE
- M8 EXPOSED SMOOTH CONCRETE
- M9 ALUMINUM BOLT ON BALCONY SYSTEM, WITH PERFORATED METAL PANELS
- M10 STOREFRONT GLAZING SYSTEM
- M11 COMMERCIAL GRADE VINYL WINDOWS
- M12 INTEGRAL METAL VENT LOUVER
- M13 ALUMINUM RAILING SYSTEM WITH PERFORATED METAL PANELS
- M14 FLAT METAL PANEL INFILL
- M15 STEEL CANOPY
- M16 ALUMINUM RAILING SYSTEM WITH GLASS PANELS
- M17 STUCCO WITH REVEAL JOINTS
- M18 OUTLINE OF NEIGHBORING BUILDING



- MATERIAL KEYNOTE LEGEND**
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MILL CREEK RESIDENTIAL  
 Type III DESIGN REVIEW  
 27 OCTOBER 2016  
 LU16-228563

MODERA BUCKMAN

300 West Park Avenue  
 Suite 200  
 Portland, OR 97201  
 Phone: 503.255.2200  
 Fax: 503.255.2201



Exterior Elevation  
 West

Exhibit  
**C32**