



STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION - APPROVAL

CASE FILE: LU 18-211722 DZM AD
PC # 17-262623, DAR # 17-289126 DA
Fourth & Montgomery
REVIEW BY: Design Commission
WHEN: September 6, 2018, 1:30pm
WHERE: 1900 SW Fourth Ave., Room 2500B
Portland, OR 97201

Bureau of Development Services Staff: Grace Jeffreys 503-823-7840 /
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GENERAL INFORMATION

Applicant: Sam Stadler, SRG Partnership
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Representative: Jason Franklin, Portland State University
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Site Address: **401 SW HARRISON ST**

Legal Description: BLOCK 153 LOT 1 EXC PT IN ST LOT 2 N 35' OF LOT 3&6; LOT 7&8, PORTLAND; BLOCK 153 S 15' OF LOT 3 LOT 4, PORTLAND

Tax Account No.: R667715330, R667715390
State ID No.: 1S1E03CB 02600, 1S1E03CB 02800
Quarter Section: 3229
Neighborhood: Portland Downtown, contact Rani Boyle at 503-725-9979.
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - University District
Zoning: **CXd** - Central Commercial (CX) with Design (d) overlay
Case Type: **DZM, AD** - Design Review (DZ) with Modification (M) and Adjustment (AD) requests.

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

Proposal:

Applicant seeks **Design Review** approval for a new 7-story, 174,000 SF classroom/ lab/ office building, with ground floor lobbies, retail space, a dedicated bike room and service areas, located in the University District/South Downtown Subdistrict of the Central City Plan District. One (1) Type A loading space will be accessed off SW Harrison, and no other vehicle parking is proposed. Exterior materials include aluminum composite and ribbed metal panels, fiberglass windows, concrete columns and bases, and aluminum storefronts.

The following two (2) **Modification Reviews** are requested:

- Modification #1: Ground Floor Windows 33.510.220.B - to allow reduced ground floor glazing in two locations:
 - SW Harrison elevation facing sidewalk: from 40% to 18%;
 - West elevation facing courtyard: from 40% to 27%;
- Modification #2: Sign Size 32.32.020 - to allow an increase in the maximum allowed sign size from 100sf to 287sf for a sign on SW Harrison.

The following two (2) **Adjustment Reviews** are requested:

- Adjustment #1: Loading Access off a Major City Bikeway 33.510.263.B.2.a.(1) - to allow vehicle access off SW Harrison, a Major City Bikeway.
- Adjustment #2: Loading Space - Quantity 33.266.310.C.2 - to allow one Type A loading space rather than the two spaces required.

A previous Type III Design Review (LU 18-151941 DZM, AD) and its concurrent Type III Conditional Use Review to allow College Use in the RX zone (LU 18-151969 CU) were withdrawn, and, a new Design Review was resubmitted. A CU is no longer needed for the proposed uses because the base zone has since changed from RX to CX.

Because the proposal is for new construction in a design overlay zone, Design Review is required prior to the issuance of building permits.

Relevant Approval Criteria:

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

- 33.420, Design Overlay
- 33.825, Design Review
- Central City Fundamental Design Guidelines
- 33.825.040 Modifications that will better meet Design Review Requirements
- 33.805.040 Adjustment Review Approval Criteria
- Oregon Statewide Planning Goals

ANALYSIS

Site and Vicinity: The building will be constructed on a 33,215-square foot property owned by Portland State University (PSU), which occupies three-quarters of the block. The property is situated at the eastern edge of the PSU campus, in a transition zone between campus uses to the west and high-rise residential development to the east. It is currently used for surface parking and exterior storage. The property gradually slopes

down to the northeast, from a high point adjacent to the Harrison Court Apartments on the southwest corner of the block to a low point at the corner of SW 4th and SW Montgomery. The last building to occupy the property was the Jasmine Tree, a restaurant on the southeast corner of the block that was demolished in 2007.

The adjacent Harrison Court Apartments are a privately-owned, three-story, historic landmark structure that occupies the southwest corner of the same block. Directly north across SW Montgomery is a two-story hotel with a ground floor restaurant. To the east across SW 4th are two residential towers, the 16-story Cyan and the under-construction, 15-story, Collective. PSU buildings predominate west of the site, with the Urban Center Plaza, the Academic & Student and Recreation Center, and the University Center Building. A single-story U.S. Bank branch is across from the site to the south, and the PSU-owned Fourth Avenue Building is southeast of the property.

The subject property borders Portland Streetcar tracks on two sides, SW Montgomery and SW 4th. SW 5th is a Regional Transitway/Major Transit Priority Street, part of the downtown Transit Mall, and features a MAX line. Only the SW Harrison frontage of the block does not have rail tracks, though it does have frequent bus service.

SW Montgomery is identified in city planning documents as part of the SW Montgomery Green Street Plan (2009), a nine-block plan that incorporates a variety of sustainable stormwater management strategies and provides a pedestrian pathway connecting the West Hills and Park Blocks to the Willamette River.

The site is located within the Downtown Pedestrian District. The City's Transportation System Plan (TSP) classifies the abutting rights-of-way (ROWs) as follows:

- SW 4th Ave: Traffic Access, City Walkway.
- SW 5th Ave: Regional Transit-way/Major Transit Priority Street, Central City Transit-Pedestrian Street.
- SW Harrison: Traffic Access, City Bikeway, Central City Transit-Pedestrian Street.
- SW Montgomery: City Walkway.

Zoning: The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

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.

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 University District/South Downtown Subdistrict of the Central City Plan District.

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

- LU 18-151941 DZM, AD - Design Review for current scheme which was withdrawn and then resubmitted under the new zoning code.
- CU 18-151969 CU - Conditional Use Review for current scheme, which was withdrawn and then not needed under the new zoning code.
- EA 17-289126 DAR – Design Advice Request for current scheme.
- EA 17-136161 PC – Pre-Application Conference for current scheme.
- EA 10-201387 PC – Pre-Application Conference for a previous scheme, the Oregon Sustainability Center.
- EA 10-201392 DAR – Design Advice Request for the Oregon Sustainability Center.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **August 15, 2018**. The following Bureaus have responded with no issue or concerns:

- Bureau of Environmental Services (Exhibit E.1)
- Water Bureau (Exhibit E.3)
- Fire Bureau (Exhibit E.4)
- Site Development Section of BDS (Exhibit E.5)
- Life Safety Section of BDS (Exhibit E.6)
- Bureau of Parks-Forestry Division (Exhibit E.7)

The Bureau of Transportation Engineering responded with the following comments: (Please see Exhibit E-2 for additional details).

PBOT recommends approval of the subject Design Review request and associated Adjustment requests, subject to the following condition of approval:

- ***The applicant shall draft, sign, and record agreements (prior to the issue of a Building Permit for the proposed building) that loading activities supporting the proposed building at 401 SW Harrison may take place at on-site loading areas within the following nearby buildings:***
 - ***Academic & Recreation Student Center (ASRC), 1800 SW 6th Ave.***
 - ***Fourth Avenue Building (FAB), 1900 SW 4th Ave.***

In relation to this land use proposal, PBOT noted that the following items are also in process:

- 18-107850 TR: the applicant’s request to locate the associated utility transformer within the abutting right-of-way. This request has received conceptual approval from PBOT.
- 18-115118 WT/TB0070: the applicant’s PBOT-related Public Works Permit. This request has been conceptually reviewed but has not yet received approval from PBOT. This does not affect PBOT’s recommendation for the subject land use review.
- 18-117594 WE/EP431: the applicant’s BES-related Public Works Permit. This request has received Concept Approval.
- 18-144398 TR: the applicant’s Driveway Design Exception request for the proposed driveway associated with the on-site loading space. This request has been approved by PBOT.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **August 15, 2018**. No written response has 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)

33.825.010 Purpose

Design Review ensures:

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

33.825.055 Design Review Approval Criteria

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

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

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

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

Findings: The site is designated with design overlay zoning (d). Therefore, the proposal requires Design Review approval. Because the site is within the University District/South Downtown Subdistrict of the Central City Plan District, the applicable approval criteria are listed in the Central City Fundamental Design Guidelines.

Central City Fundamental Design Guidelines

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

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within 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. Additionally, findings have been organized under three tenets, "Context", "Public Realm", and "Quality and Permanence".

CONTEXT

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.

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

Findings for A1 and A2: These guidelines are met in the following ways:

- The Montgomery Green Street, which runs along the north frontage of the development, connects the development to the Willamette River, a key Portland feature. To activate Montgomery, the proposal places its main building entry plaza on the northwest corner in an east-west orientation opening towards Montgomery. Ground floor lobby and retail spaces and generous ground floor setbacks are located the length this frontage, intended to enliven and activate Montgomery and reinforce its prominence in the district.
- The building provides connections to open urban spaces, another key Portland theme. By using active ground floor uses and ground floor setbacks, the development creates relationships with the Urban Plaza to the west, the Business School Plaza to the west, and the Montgomery Green Street and the Halprin sequence via Pettygrove Park to the east.
- The proposed building includes a collaboration among multiple building owners, bringing together four Portland-based civic institutions in one location, PSU, Oregon Health Sciences University (OHSU), Portland Community College (PCC) and the City of Portland's Bureau of Planning and Sustainability (BPS).
- Finally, sustainability is also a Portland theme, and inherent to the structure and the site. The building has a mandate of achieving LEED Gold and an aspirational goal of LEED Platinum.

These guidelines are met.

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

Findings: This guideline is met in the following ways:

- The proposed building is located on a $\frac{3}{4}$ -block site and conforms to the 200 by 200-foot block pattern that is typical of the Central City. The proposed

building maintains this pattern, and further enhances it by providing a publicly accessible landscaped courtyard accessible from SW 5th.

This guideline is 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.

Findings: This guideline is met in the following ways:

- The project is in a nexus of public transportation. The Portland Streetcar and TriMet Light Rail flank the block on three sides, and buses flank all four. Additionally, SW Montgomery is designated a "Green Street" intending to make a larger connection through this area of downtown to the river. To acknowledge this, the building is designed to be approachable from multiple directions, with generous ground floor setbacks, active uses, and multiple recessed entries to activate the pedestrian areas, adding vitality and safety to the surrounding area.
- The ground floor setbacks, entry recesses and the new courtyard all create eddies of space that will enhance the urban street pattern. These areas create spaces for people to congregate in a variety of ways, helping the building engage the public and embrace the dynamic nature of this pedestrian oriented area.
- Sidewalk treatments on frontages include landscape plantings and street trees to create a buffer to the active sidewalk interface, while adding pedestrian scale.

This guideline is met.

A9. Strengthen Gateways. Develop and/or strengthen gateway locations.

Findings: This guideline is met in the following ways:

- PSU's University District Framework Plan shows this development site at the heart of a "City Gateway Center." The building reinforces the arrival gateway from I-405 into downtown along SW 4th Avenue by holding the block form and expressing its unique shape, marking the entry into this area of downtown as well as PSU. It also helps to fill in a void in the University District, transforming a surface parking lot into a new building, sized appropriately to the area.
- This location is also a transition zone, located between the edge of the PSU campus and a residential tower to the east. The design of this building is intended to contribute to this diverse downtown fabric by providing generous ground floor setbacks to increase the width of the sidewalks, expressing movement in the form of the dynamic treatment of the cladding, and by expressing the uniquely curved form of the block shape.
- The corner of SW 5th and Montgomery is a gateway to the PSU Urban Center Plaza and the rail connection that cuts through it. The proposed building strengthens this gateway by orienting its main entrance diagonally toward that plaza and providing a strong pedestrian orientation in that direction. This is intended to visually extend the plaza and the campus across the intersection and create a more defined edge for this gateway to the plaza.

- Likewise, SW Montgomery is a green street corridor as defined in the plan, and the site plan and building design reinforce and activate this edge and continue the gateway between the West Hills and the river.

This guideline is met.

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

Findings: This guideline is met in the following ways:

- The proposed building takes advantage of view opportunities by providing glazed and active ground floors and glazing above ground into office spaces. At seven stories, the upper floors of the building may have limited views eastward down Montgomery to Mt. Hood and the Willamette River.
- A large entry plaza on the building's northwest corner is oriented toward the adjacent PSU Urban Center Plaza, maximizing views toward that public space and encouraging pedestrian flow from one PSU building to another.
- The building's northeast corner wraps the curved block form, providing the opportunity for unique views from the upper floors.

This guideline is met.

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

Findings: This guideline is met in the following ways:

- The seven-story height of the building and the "L" shaped massing with a public courtyard are complementary to the existing landmark on the block, as well as other buildings in the area.
- The seven-story size and institutional use sits between two sub-areas, creating a transition between the edge of the PSU campus, which is largely comprised of mid-rise (five to seven stories) structures with college uses and the taller, residential towers to the east.
- With active ground floor uses and ground floor setbacks on the frontages, the new building will be approachable from multiple directions, adding vitality and safety to the surrounding area.
- The building design is intended to fit within a campus context, but to also complement the taller buildings across SW 4th Avenue and down to the river. While providing a transition between areas through its scale and form, the building design itself is also somewhat unique, adding to the diverse design vocabulary in the University District.

This guideline is met.

PUBLIC REALM

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

Findings: This guideline is met in the following ways:

- The proposed development will respect existing established downtown street language by using same or similar paving, street lighting and furnishings in

accordance with the City's ROW standards. There are some unique elements at this location—streetcar infrastructure, safety features and cable stanchions, and pedestrian crossings—that the building design must respond to, making building infrastructure compatible.

- The surrounding area is diverse but has common themes of ground floor uses and street activation, intentional open and covered public space, and a diversity of scale. The proposed building and site design connects to these design themes and adds to these conditions. The proposal provides ground floor active uses, adding activity and vibrancy to the area. The inset base on street frontages widens the pedestrian realm and provides safety and weather protection for pedestrians. Additional small “eddies” are created at entries and gathering zones to promote congregation and movement. And a new public courtyard to the south provides both a response to the adjacent landmark, and at the same time a welcome gathering spot for people to slow down and pause.
- Site forms and elements, including planters and low walls, are intended to continue the linear pattern of elements found just across SW 5th Avenue from the site at PSU's Urban Center to provide a cohesive design language along the Montgomery Street pedestrian corridor, which is a city-designated green street.

This guideline is met.

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

Findings: This guideline is met in the following ways:

- The building is in a dense urban area. Most of the surrounding blocks are built-up, or under construction. The proposed development site is currently vacant and used for surface parking and exterior storage. By constructing a new building that rises to seven stories on all four frontages, the proposed structure will reinforce a scale that already exists in the area while helping to fill in a void in the urban realm.
- The proposed building is constructed to the property line on all four streets, creating a sense of urban enclosure that is currently lacking. It will provide street definition, and, at the same time, the generous ground floor setbacks will provide a more welcoming public realm.

This guideline is met.

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

Findings: This guideline is met in the following ways:

- The ground floor contains a variety of active uses with glazed frontages which provide visual and physical connections into the interior spaces from adjacent sidewalks, reinforcing a vibrant and safe streetscape for the district.
- Generous ground floor setbacks, recessed building entries with active lobbies, and a publicly accessible courtyard will all provide increased space for pedestrian use.

- On SW Harrison, however, part of the street frontage is inhabited by service spaces. To add interest and activity here, a sign art piece is proposed. This piece will be composed of large perforated metal panels which uses words taken from the guiding principles of the project, arranged in a “word cloud” composition. The material, treatment and backlit lighting of this piece will tie it in with the custom perforated metal light fittings that march along each frontage. This piece also serves as mitigation for Ground Floor Window requirements not met. A Modification has been requested to this requirement. Additionally, because the piece contains words, it is defined as a sign under the current zoning code, and, a second Modification is required due to the size of the composition. See detailed findings for these under Modifications below. This sign art piece, by using words that refer to the mission statement for the building, provides an opportunity to express the values and aspirations of the activities that will go on inside the building. The visual and textural interest of this piece will provide an appealing amenity for pedestrians and users of the building, ensuring a vibrant streetscape is contributed to along all four street frontages.

This guideline is met.

B1. Reinforce and Enhance the Pedestrian System. Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

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.

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

Findings for B1, B4 and B6: These guidelines are met in the following ways:

- Active ground floor uses, setbacks, and defined entries set up zones in the sidewalk for active uses to spill out from interior spaces, for people to take refuge under the overhang of the building, for pedestrian through movement, and for a landscape buffer from the street.
- The building’s recessed base adds six to eight feet to the sidewalk on three of the four street frontages to create a wider, safer, weather-protected, and more inviting site circulation pattern. These provide covered areas for interaction and rest that do not impact the primary movement zone of the sidewalk. On SW Harrison, the setback is limited to two feet due to program restrictions and there are access restrictions above the below-grade vault within the adjacent ROW preventing the addition of awnings or canopies above the sidewalk. Therefore, less pedestrian protection is provided along this frontage. On balance, however, a generous amount of pedestrian protection is proposed around most of the building.
- The building has a series of further defined exterior spaces at main building entries and the south courtyard that will allow more areas for the public to stop and interact while not impacting pedestrian flow. These are all in areas that are set back from the property lines.
- Landscape walls with wood surfaces along the active west face and near the SW 5th street entrance provide opportunities for casual seating and gathering,

and the planters and site walls provide for grade transitions while creating pockets for pedestrians to linger.

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.

Findings: This guideline is met in the following ways:

- By providing a recessed base along most of the frontages with active uses, the proposal creates an inviting and safe site circulation pattern for pedestrians. A landscape buffer along the busiest transit edges will further reinforce a generous safe zone for movement. Lighting incorporated into the building exterior in the form of vertical fittings at each glazed opening and soffit lighting at entries creates a well-lit and safe area for pedestrians.
- In response to concerns about the need for further scale and richness for the pedestrian at the ground level, a vertical light fitting was added adjacent to each glazed opening along the street frontages. This fitting contains a light colored perforated metal surround screening an uplighter and a downlighter. The metal is solid near the fittings at the higher level, and the amount of perforation increases as it gets closer to the ground level providing a sense of lightness nearer the base. These fittings will add additional lighting and interest along the street frontages.
- To detract as little as possible from the street life of the area, most of the building systems and services are consolidated on the roof and to the side of the loading bay. However, some services are also located on the west half of the SW Harrison Street frontage. To not detract from the pedestrian environment, a large perforated metal art piece is proposed on SW Harrison, which will also screen the venting of the service spaces behind.
- Around the building base, perforated panels that match the box rib panels are proposed to screen retail venting (Exhibits C.13-22, material 10). The applicant has advised that these will not be used for grease exhaust, but for intake and relief air for the mechanical systems. However, there are concerns that these variously sized, shaped, and located perforated panels will be noticeable, the horizontal panel joints will be visible, and the venting behind the perforations will be visible to passing pedestrians. To ensure the ground floor retail vents are integrated into the architecture and will not detract from the pedestrian environment, a condition of approval has been added:
 - ***Proposed ground floor perforated panels shall span horizontally from glazing to glazing, span vertically down from the underside of the soffit, and shall all be the same height.***

The applicant has been advised to bring a mockup to the hearing that illustrates that the elements behind the perforated panels will not be visible for the Commission's approval.

With this condition of approval, this guideline is met.

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

Findings: This guideline is met in the following ways:

- The applicant advises that all crossings will be designed to code and will reinforce safety and legibility. Crossings at the northwest and southeast corner intersections will be fully signalized and protected.
- Ground floor setbacks and further recessed building and retail entries create a pedestrian zone with space for open sightlines along frontages. At the northeast corner of the new building near the difficult streetcar crossing, this helps maintain open sight lines and a comfortable pedestrian through-zone.

This guideline is met.

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

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 element, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

Findings for B5 and C6: These guidelines are met in the following ways:

- A key element of the building design is the courtyard on the SW 5th side of the building, with a smaller mass to reflect the proportions of the neighboring Harrison Court Apartments. Green roofs at Level 4 and the Roof Level overlook the courtyard space and create a layering of landscape elements that cascade up the building. The building design also provides open spaces at main building entries and the south courtyard that will allow pedestrians places to stop, interact and rest while not impacting public flow. Set back from the property line, these spaces create transition zones between the building and the public.
- Main building elements directly abut these outdoor building elements, such as entry lobbies and retail spaces. Likewise, the northwest corner of the building is clearly oriented toward the PSU Urban Center Plaza, to extend and take advantage of an already-established and successful urban plaza.
- The landscape design uses a variety of elements to create transitions. Ramps and stairs create vertical transitions between spaces while benches help to define boundaries between the development and the public movement zones.
- In response to concerns about the lack of ground floor windows at the east end of the courtyard, windows and glazed doors were added into the bike room and the stairwell. However, the West elevation of the courtyard still did not meet the Ground Floor Window requirements, so a Modification has been requested. See detailed findings for this under Modifications below. In these locations, large landscape planters sit between the building façade and the courtyard open areas, which will provide transitional areas between the courtyard and the west façade of the building.

These guidelines are met.

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

Findings: This guideline is met in the following ways:

- The site and building provide a barrier-free design for the public. Although it has complex grading challenges, the site does not slope or step at any of the main building entries, allowing safe and equitable access to the building from all sides.
- Multiple entries into the site from the public right of way, particularly along SW 5th Avenue, will also help to provide universal access to outdoor spaces.
- The applicant advises that access within the building has also been a priority, and the building has been designed with safe and accessible vertical and horizontal movement from main building lobbies and adjacent areas.

This guideline is 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: This guideline is met in the following ways:

- The building uses a variety of devices to highlight building corners. Main building entries are located on two prominent corners of the building while active ground floor spaces are located at the others. This results in street-level activation at building corners.
- The northeast corner of the site at SW 4th and Montgomery is curved, and the building is curved to reflect the path of the streetcar tracks at this location. This creates added visual interest and a unique ground floor pedestrian space. Above the ground floor, windows and façade articulation wrap this curve to reinforce the corner and indicate activity there.
- Service components such as stairs and elevators are primarily located in the center of the building to keep the active program at the floor plate edge.

This guideline is met.

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

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

Findings for C8 and C9: These guidelines are met in the following ways:

- The building's recessed base adds width to the sidewalk to create a visual differentiation from the rest of the building. The base of the building also uses more glass and a box rib metal panel to contribute to an active street scape and to create texture and differentiation from the design above.
- Most of the spaces on the ground floor are active-use lobby and retail spaces. The retail spaces vary in size, and the applicant advises that some could be consolidated to create larger active-use areas. These are intentionally designed as flexible spaces, to suit a variety of future tenants. Separate entry doors are provided into these spaces along SW 5th, SW Montgomery, SW 4th, and the courtyard.
- As noted above, building services have been consolidated along SW Harrison, and a perforated metal sign art piece is proposed to ensure this frontage is

appealing and interesting. See findings under Modifications, below, for further details. The perforated metal composition will also tie in with the perforated metal light fittings along the rest of the building base.

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 stormwater management tools.

Findings: This guideline is met in the following ways:

- The main roof sits atop the "L" shape of the building, and a smaller roof at Level 4 sits atop the lower building form that faces the courtyard.
- Rooftop mechanical is located on the main roof level and has been set back from the building edge and is screened to minimize views from the ground. The remainder of this roof area will consist mostly of ecoroof and photo-voltaic panels. Care has been taken to integrate ecoroof and solar together in the design, ensuring new standards for ecoroof coverage can be met alongside the applicant's solar requirements.
- The fourth-floor terrace is currently proposed to be a planted ecoroof, creating a green terrace facing the courtyard. Facing south and overlooking the courtyard below, this roof could also offer an ideal location for an occupiable roof terrace amenity space for occupants of the building. Adding active use to this location would strengthen and enhance views of the courtyard and could also be supportable if proposed.

This guideline is met.

C12. Integrate Exterior Lighting. Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.

Findings: This guideline is met in the following ways:

- The exterior lighting proposal includes several integrated lighting strategies (Exhibits C.45 and C.46):
- Downlighters (E2) are proposed above building entries and the courtyard covered area and will be recessed into the soffits above. Landscape lighting is proposed in the form of in-ground fittings (E4) adjacent to the main entry on SW 5th and Montgomery, and architectural posts (E3) located at landscape planters.
- Custom vertical light fixtures are proposed adjacent to each ground floor glazed opening (Exhibits C.50 and C.51, E1). These consist of a light colored perforated metal surround screening an uplighter/downlighter fixture. The metal surround is solid near the fittings at high level, and the amount of perforation increases as it gets closer to the ground level. These fittings were created to add scale to the ground floor. In addition to adding lighting, these fittings provide another level of detail and interest to the ground floor level, enhancing the pedestrian experience. These perforated metal fittings will also tie into the sign art piece proposed on SW Harrison.

- Some light fittings, however, are not yet integrated into the design. Along the inner part of the courtyard, exterior fittings (E1.1) appear utilitarian and do not appear to align with the building design. In addition, the fitting above the stair and bike room doors is shown as a recessed linear fitting (E2), however, there is no soffit indicated above in which to recess the light. For these light fixtures to be well integrated into the architecture, a condition of approval has been added that:
 - ***The applicant shall revise the design for light fixture E1.1 and for the light fixture over the bike and stair doors at the courtyard, so that they are more integrated with the building and sit design.***

With this condition of approval, this guideline is met.

C13. Integrate Signs. Integrate signs and their associated structural components with the building's overall design concept. Size, place, design, and light signs to not dominate the skyline. Signs should have only a minimal presence in the Portland skyline.

Findings: This guideline is met in the following ways:

- A building-wide signage plan has been provided (Exhibit C.48). Main building signs are indicated at the two main building entries; however, the details have not yet been provided. If these proposed signs are over 32sf, a future review will be needed.
- Details have been provided for the proposed signage at the entry portals (Exhibit C.30). These small blade signs are integrated into the portal frames which surround the entries and help define entry into the ground floor flex spaces.
- On SW Harrison a sign art piece is proposed (Exhibit C.49). As noted above, it will be composed of large perforated metal panels which uses words taken from the guiding principles of the project arranged in a "word cloud" composition. Because this piece contains words, it must be reviewed as a sign, and a Modification has been requested due to the size of the composition. See detailed findings below for these Modifications. This sign art piece, by using words of the mission statements of the future tenants, provides an opportunity to express the values and aspirations of the activities that will go on inside the building. The size, location, materials and details of this sign have been integrated into the building's design concept, and it will provide visual and textural interest for pedestrians and users of the building. Since it will be fixed to the base of the building, it will have no presence on the city's skyline.

This guideline is met.

QUALITY AND PERMANENCE

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

Findings: This guideline is met in the following ways:

- The material palette includes the following (Exhibits C13-C.24 and C.26):
 - Street facing cladding at Levels 2 – 7: two types of aluminum composite panel systems (Materials 1 and 2);
 - Courtyard cladding at Levels 2 – 7: Aluminum composite panels and 24-gauge aluminum box-rib panels;

- Penthouse cladding: 24-gauge, perforated, aluminum box-rib panels with 2” ribs;
 - Ground Level cladding: 18-gauge, aluminum box-rib panels with 2” ribs, both solid and perforated;
 - All Levels: Fiberglass windows;
 - Ground Level entries: aluminum curtain wall with ¼” aluminum plate surrounds;
 - Ground Level generally: stucco soffits, cast-in-place concrete columns and stem walls, and two types of metal louvers.
- These cladding materials are high-quality, and the applicant has confirmed all fixings will be concealed. However, it is important to note that this site will have a high-level of pedestrian traffic, since it is highly served by public transit, very centrally located and adjacent to the PSU campus. Because of this, the treatment of the ground level is particularly important. The cladding materials here should be highly durable and detailed to maintain quality over the long term. Because of this, there are concerns about the use of fiberglass windows. To ensure the windows at the ground floor are highly durable and will maintain quality over the long term, a condition of approval has been added that:
 - **All Ground Level windows and doors shall be aluminum storefront (Exhibit C.26, Material 9).**

With this condition of approval, this guideline is met.

C5. Design for Coherency. Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

Findings: This guideline is met in the following ways:

- The building has a clear diagram—a simple, well glazed and active base recessed from the building mass above, and a regimented and crafted form that is intended to be unified in its expression but also dynamic and approachable.
- The multiple facades of the building offer a consistent palette of materials and similar expressions, making the structure identifiable as a single, coherent structure.

This guideline is met.

(2) MODIFICATION REQUESTS (33.825)

33.825.040 Modifications That Will Better Meet Design Review Requirements:

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

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

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

The following two (2) **Modification Reviews** are requested:

Modification #1: Ground Floor Windows (33.510.220.B) - to allow reduced glazing in two locations:

- SW Harrison elevation facing sidewalk: from 40% to 18%; and,
- West elevation facing courtyard: from 40% to 27%.

Purpose Statement: In the Central City plan district, blank walls on the ground level of buildings are limited in order to:

- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
- Encourage continuity of retail and service uses;
- Encourage surveillance opportunities by restricting fortress-like facades at street level;
- Avoid a monotonous pedestrian environment; and
- The plan district modifications to the base zone standards for ground floor windows are intended to promote ground floor windows in a larger number of situations than in the base zones and to provide additional flexibility in meeting the standard.

Standard: In the CX zone, ground floor windows must be windows that allow views into work areas or lobbies or be windows in pedestrian entrances. Windows into storage areas, vehicle parking areas, garbage and recycling areas, mechanical and utility areas and display cases attached to outside walls do not qualify. Windows into bicycle parking areas are allowed to qualify for up to 25 percent of the ground floor windows coverage requirement:

1. Ground level facades that face a street or open area shown on Map 510-8 must have windows that cover at least 60 percent of the ground level wall area. For the purposes of this standard, ground level wall area includes all exterior wall area from 2 feet to 10 feet above the finished grade. **This applies to SW 5th.**
2. All other ground level facades that face a street lot line, sidewalk, plaza, or other publicly accessible open area or right-of-way must have windows that cover at least 40 percent of the ground level wall area. For the purposes of this standard, ground level wall area includes all exterior wall area from 2 feet to 10 feet above the finished grade. **This applies to SW 4th, SW Harrison, SW Montgomery, and the courtyards.**

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

Findings: Building services have been consolidated to the SW Harrison frontage and the West courtyard frontage facing the loading bay. The other three street frontages as well as the most accessible parts of the courtyard frontages contains active, transparent ground floor uses. The applicant felt that these two areas, adjacent to the loading bay, would be the least obtrusive and have the smallest impact on the pedestrian environment. As a result, while the ground floor window standard is exceeded on other facades, these locations fall below the window standard.

On the SW Harrison façade facing the street, the first three windows from the corner provide views into an active flex-space. The next three windows, while they continue the window pattern, open into service areas. The remaining part of the elevation is made up of solid wall. Along this solid expanse, a sign art piece is proposed to provide visual interest to pedestrians and serve as mitigation for

the lesser amount of glazing on this frontage. This sign art piece is composed of perforated metal panels segmented into five sections which will total 287 square feet in size. Built into the metal panels is a “word cloud” that includes key words that are part of the mission statement of the building, expressing the values and aspirations of the activities that will go on inside. The words of the mission statement (examples: “Community” “Unity” “Health” “Education” “Equality”) are important elements at the heart of the building activities and the basis behind the construction of the new structure. The perforations on the panels get smaller as the panels get closer to the ground, giving the impression of greater solidity toward the base of the building.

The sign art piece will be lit from behind in the same manner as the light fixtures around the building. The lighting element as well as the pattern of perforations emulates the custom light fixtures at the base of the building on the other street facades, tying it to the rest of the building and enlivening this area of SW Harrison, especially at night.

With these art panels, the proposed building will contribute to a vibrant streetscape on all its frontages, including SW Harrison. They will also provide a unifying element and sense of coherency by bringing together the design of the building along all street frontages.

The west façade of the courtyard is adjacent to stormwater planters, which define paths to the bike room and loading areas. Windows and glazed doors are proposed into the bike room and the stairwell, but these do not provide enough glazing to meet the requirement, as there is a large landscape planter adjacent to the building wall. Although this frontage “faces” the courtyard, it more directly faces landscape planters and ramped access paths, rather than the active areas of the courtyard. The landscape planters will provide definition, enclosure and interest at the edge of the active areas of the courtyard, rather than the wall beyond.

As described above, the following guidelines will be better met with this proposal:

- *A8. Contribute to a Vibrant Streetscape*
- *B5. Make Plazas, Parks and Open Space Successful.*
- *C5. Design for Coherency*

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

Findings: The proposed building is consistent with purpose of the standard because the ground level of the building, including the SW Harrison frontage and the West facade facing the courtyard, provides a rich pedestrian environment that includes building overhangs, landscape planters, clear entrances and connections in and out of the building, street furniture, and a visually and architecturally interesting structure.

On the west-facing courtyard wall that requires a Modification, glazing is provided, but it faces into the bike storage room. However, a large landscape planter between the façade and the courtyard area provides an edge to the active space. Likewise, on SW Harrison, the combination of streetscape improvements, windows at the corner, and a sign art piece at the west end to mitigate for the area of blank wall, will provide a pleasant pedestrian experience. Windows as proposed provide surveillance opportunities onto the sidewalk and activate the pedestrian environment.

At both these locations, the pedestrian experience is enlivened by the totality of design treatments, not merely the percentage of ground floor windows. This includes the building (high quality materials, recessed base, plaza, street furnishings, art), landscape treatment, and sidewalk improvements. All these factors together contribute to a highly pleasant, rich, and diverse pedestrian experience, more so than the simple application of the standard. *On balance, the proposal is consistent with the purpose of the ground floor window standard.*

This Modification merits approval.

Modification #2: Sign Size (32.32.020) - to allow an increase in the maximum allowed sign size from 100sf to 287sf for a sign on SW Harrison.

Purpose Statement: These regulations balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication and advertising. The regulations for signs and awnings have the following specific objectives:

- A. To ensure that signs and awnings are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare;
- B. To allow and promote positive conditions for sign communication while at the same time avoiding nuisances to nearby properties;
- C. To reflect and support the desired character and development patterns of the various zones, overlay zones, and plan districts and promote an attractive environment;
- D. To allow for adequate and effective signs in commercial and industrial zones while preventing signs from dominating the appearance of the area; and
- E. To ensure that the constitutionally guaranteed right of free speech is protected.

The regulations allow for a variety of sign types and sizes for a site. The provisions do not ensure or provide for every property or business owner's desired level of visibility for the signs. The sign standards are intended to allow signs to have adequate visibility from streets and rights-of-way that abut a site, but not necessarily to streets and rights-of-way farther away.

Standard: Per Table 2, the Maximum Area Per Sign in CX zone is 100sf.

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

Findings: This Modification request, to exceed the maximum sign size allowed from 100 square feet to 287 square feet, is the result of an unusual cascade of circumstances with the design of building and the SW Harrison façade.

To compensate and mitigate for the windowless section of frontage on SW Harrison, a substantial sign art piece is proposed that is 287 square feet in size. As described in Modification #1 above, this will be composed of back-lit perforated metal panels segmented into five sections, with a "word cloud" that includes key words that are part of the mission statement of the building. This piece will provide visual interest to pedestrians and serve as mitigation for the lesser amount of glazing on this frontage.

The proposed art piece that is being used for mitigation for ground floor window requirements unfortunately triggers another Modification request because it meets the city code definition of a "sign," as it conveys a message and is used to attract the attention of the public.

The main reason for exceeding the size limitation is that the art piece is sized to be appropriate to the background on which it is located, and that wall is substantially larger than the 100 square feet. If the art piece were sized to comply with sign code limitations regardless of the proportions of this wall, it could only be approximately 35 percent of the proposed size, making it awkwardly small against its backdrop. Furthermore, a smaller art piece would expose a significantly larger portion of the blank wall it is meant to obscure. This is against the purpose of mitigating for the Modification to the ground floor window standard.

The proposal, as designed with the larger sign, given the context of the location and the layout of the art piece, better meets the following applicable design guidelines:

A8 - Contribute to a Vibrant Streetscape

The sign is at a size that is appropriate for its location and compensates for the lesser degree of transparency on this frontage. The visual and textural interest of a unique sign art piece will provide an amenity for pedestrians and users of the building while the streetscape benefits of this art piece against its backdrop could justify allowing it to exceed the 100 square foot limit, because one piece is considered a “sign” and not “art” the graphics could easily be changed to other content/ advertising without review. Therefore, the applicant has volunteered a condition of approval:

- ***The sign art piece shall include no message content other than the ‘word cloud’ that refers to the mission statement for the building, developed by the institutional tenants. The sign shall not identify other uses. The sign shall be site and use-specific.***

Staff also notes that a sign limited to 100sf would be awkwardly small and allowing it to be at the proposed size better meets the design guideline than strict application of the standard. Alternatively, if the word cloud was created by the perforations and the panel was fully integrated into the building, this modification would be unnecessary as the sign would be exempt under 32.12.020.C.

B4 – Provide Stopping and Viewing Places

The sign proposed on the SW Harrison frontage is an art piece that will provide an additional element of visual and textural interest to pedestrians who walk by this location, creating a place with something interesting to stop and view. The language in the background of the design guideline specifically mentions art as something that will “enhance stopping and viewing places and add texture to the pedestrian environment.” Regarding the larger size, the sign art piece is appropriate because it exists in the context of a windowless wall for which it serves as mitigation. The size of that wall necessitates a bold statement and a large piece that attracts interest and is balanced against the size of its backdrop. At 287 square feet, this sign with the condition of approval noted satisfies the aesthetic objectives to read as an interesting and integral part of the building and not an awkwardly small afterthought, which would be the case at the 100 square foot limitation.

C5 - Design for Coherency

The proposed sign has been designed to emulate the pattern of perforated metal on the light fixtures that repeat around the ground floor façade all around the building. This creates a sense of coherency of design that allows the art piece to be tied in to the overall design of the building and draw together multiple

facades. As such, the sign will read as an integral element of the building design. The larger size that is being requested allows for a more appropriate mitigation for the ground floor window requirement modification, and a suitable setting for the wall backdrop where it is located.

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

Findings: The proposed sign size is consistent with purpose of the standard because the sign art piece will contribute to a well-maintained and attractive community. The metal panels as proposed will have no nuisance impacts on nearby properties and will provide an item of visual interest for passing pedestrians. The sign art piece is mitigation for a section of sidewalk-facing wall that has no ground floor windows, and it is a viable and attractive substitute where the building does not have them. The size of the sign art piece exceeds the maximum allowed for signs attached to buildings, but it was carefully sized to complement the section of wall where it located. A smaller sign in this location would look undersized and out of place in the context of its backdrop, section of wall between driveway and the nearest window on that façade.

By providing a sign art piece that express visual interest to a section of the wall that would otherwise be blank, this sign reflects and supports the design character and development pattern of the area. A sign of this size, with the condition of approval noted, supports a pedestrian-oriented streetscape in this location.

The project as shown is consistent with the sign code purpose. Even at a larger size, the sign art piece creates a welcoming pedestrian environment while avoiding nuisances and supporting the desired character of the area. *On balance, the proposal is consistent with the purpose of the ground floor window standard.*

To ensure this sign art piece serves its intended function, the applicant has offered the following condition of approval:

- ***The sign art piece shall include no message content other than the ‘word cloud’ that refers to the mission statement for the building, developed by the institutional tenants, as described in the narrative. The sign shall not identify other uses. The sign shall be site and use-specific.***

This Modification merits approval.

(3) ADJUSTMENT REQUESTS (33.805)

33.805.010 Purpose

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.040 Approval Criteria

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

The following two (2) **Adjustment Reviews** are requested:

Adjustment #1: Parking and loading access standards, 33.510.263.B.2.a.(1) - to allow vehicle access off SW Harrison, a Major City Bikeway.

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

Findings: The purpose of the regulation is listed in 33.510.263.A.

Purpose: The purpose of the parking and loading access regulations is to ensure the safety of pedestrians, bicyclists, and motorists, to avoid significant adverse impact on transit operations, and to ensure that the transportation system functions efficiently. The regulations require that the access to parking and loading areas be designed so that motor vehicles can enter and exit the parking facility without being required to cross the tracks of a light rail or streetcar alignment. Parking access shall be designed to avoid adverse impacts on operation and safety of pedestrian, bicycle, or motor vehicle circulation, and shall not preclude the future construction of facilities such as protected bikeways. A driveway is not automatically considered such an impact. On blocks where transit stations are located, the pedestrian environment on both sides of the streets will be considered and protected.

The proposed Adjustment to the location of the loading area will improve mobility, support development, and enhance urban form by being the “least-worst” location for satisfying a regulatory requirement to have loading on the site. As the only frontage that does not have light rail or streetcar tracks, SW Harrison is the only available location for access to the loading area without these conflicts. In addition, because the Harrison Court Apartments also has its loading area on Harrison Street, the proposed building design effectively consolidates the location of loading, both in a mid-block location, thereby reducing street impacts. Allowing the loading area to be on the Harrison frontage better meets the purpose— specifically regarding mobility and urban form— than any other alternative.

As noted under PBOT’s response dated August 22, 2018: Access along SW Harrison will enable the utilization of the proposed on-site loading space, which is the only practical street for such function since the site’s other three frontages are along rail alignments. The impacts of providing this access point will result in the loss of one on-street, metered parking space. The trade-offs of safety for loading activities and minimizing impacts to the SW Harrison right-of-way (including, as related to Tri-Met operations along this street) outweighs the benefits of one metered parking space. Because this site is restricted on three sides by rail lines, the only available option for access to the site is via SW Harrison. Given the need for on-site loading and the absence of rail infrastructure along the site’s SW Harrison frontage, the Adjustment to allow access on SW Harrison is supported by PBOT. *This approval criterion is met.*

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in a C, E, or I zone, the proposal will be consistent with the desired character of the area; and

Findings: The site and proposed loading area are in a CX zone. as noted under 33.130.030, Characteristics of the Zones:

“The Central Commercial (CX) zone is intended to provide for commercial and mixed-use development within Portland’s most urban and intense areas, specifically the Central City and the Gateway Regional Center. A broad range of uses are allowed to reflect Portland’s role as a commercial, cultural, residential, and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian oriented with a strong emphasis on a safe and attractive streetscape”.

The proposal to place the loading area on the site off the SW Harrison frontage is consistent with the desired character of commercial zones because it has been designed to reduce the overall amount of vehicle-oriented space on the site. In addition, the “residential area” that could be most potentially impacted by the existence of a loading area on this frontage would be the residential property next door, the Harrison Apartments. To reduce the impact to the Harrison Apartments, landscape planters are proposed, mitigating the impact to the livability or appearance of the most directly affected property, and the wider area. *This approval criterion is met.*

- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Two Adjustments are being requested: to the quantity of loading spaces on the site, and to the location of the loading area on the site. These come from different sections of the code, the Parking and Loading chapter and the Central City Plan District chapter. The cumulative effect of these Adjustments still results in a high-quality project that is consistent with the purpose of the CX zone, which is to *“be pedestrian oriented with a strong emphasis on a safe and attractive streetscape”*. *This approval criterion is met.*

- D.** City-designated scenic resources and historic resources are preserved; and

Findings: There are no city-designated scenic or historic resources on this site. *This criterion does not apply.*

- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: No impacts identified in the findings. *This criterion does not apply.*

- F.** If in an environmental zone, the proposal has a few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: This site is not within an environmental zone. *This criterion does not apply.*

This adjustment merits approval.

Adjustment #2: Loading Space Quantity 33.266.310 - to allow one Type A loading space rather than the two required spaces.

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

Findings: The purpose of the loading regulation is listed in 33.266.310.A.

Purpose. 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.

The proposed reduction of the number of loading spaces from two to one still provides “adequate” area for loading at this building, per the purpose statement, based on the findings of the loading demand study performed by Lancaster Engineering. Because Portland State owns many other buildings within a small radius of this one, there are numerous areas where loading could occur in the unlikely event that two trucks need to unload simultaneously. Because of the multiple facilities that exist in the area and their ability to absorb excess demand for loading, reducing the quantity at this site maintains adequate loading area and prevents negative effects on traffic safety or other functions. The reduction in loading spaces results in a reduction in inactive service lanes along streets, less potential for conflict as vehicles back over the sidewalk and facilitates a better pedestrian realm with more active building frontages.

A Loading Demand Study dated May 24, 2018, was submitted by Lancaster Engineering. This analysis is approved by PBOT Traffic Engineering. The analysis that was prepared included documentation to support the Adjustment for the reduction of the number of required on-site loading spaces from two standard A loading spaces to one.

One Standard A space is proposed to be constructed on-site, with access, as noted above, via SW Harrison. Should additional and simultaneous loading activity occur, there are nearby loading spaces managed by PSU between one block and 3.5 blocks from the site (within PSU’s general campus area). Based upon the data provided in the study, the existing seven nearby PSU loading areas have sufficient vacancy throughout a typical weekday to accommodate any additional loading activity that might be triggered in relation to the expected uses in the proposed building. The closest loading areas to the subject site contain two on-site Standard A spaces and are a reasonably close distance away to be utilized.

PBOT staff has also reviewed data of previous Loading Demand Studies for developments of similar size and use and has found that one Standard A space can accommodate the loading demands expected from the uses in the proposed building. The new loading demands associated with the proposed building will be complemented by the coordination with adjacent loading facilities. Presently, there is no available space for on-street loading of a Standard A vehicle along any of the site’s frontages. PBOT is supportive of reducing the number of required on-site loading spaces from two Standard A spaces to one Standard A space.

To ensure the availability/use of the additional nearby loading facilities that are operated by PSU, PBOT recommends the following condition of approval:

- ***The applicant shall draft, sign, and record agreements that loading activities (supporting the proposed building at 401 SW Harrison) may take place at on-site loading areas within the following nearby buildings:***
 - ***Academic & Recreation Student Center (ASRC), 1800 SW 6th Ave.***

• **Fourth Avenue Building (FAB), 1900 SW 4th Ave.**

With this condition of approval, this approval criterion is met.

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in a C, E, or I zone, the proposal will be consistent with the desired character of the area; and

Findings: The proposed loading area is not located in a residential zone, but in a commercial zone, CX. The proposal to reduce the number of loading spaces is consistent with the desired character of the area, and the visual and operational impacts of a truck loading space on the site are reduced. Both factors will improve the appearance of the area. *This approval criterion is met.*

- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Two Adjustments are being requested, to the quantity of loading spaces on the site, and to the location of the loading area on the site. These come from different sections of the code, the Parking and Loading chapter and the Central City Plan District chapter. The cumulative effect of these adjustments still results in a high-quality project that is consistent with the purpose of the CX zone, which is to *“be pedestrian oriented with a strong emphasis on a safe and attractive streetscape”*. *This approval criterion is met.*

- D.** City-designated scenic resources and historic resources are preserved; and

Findings: There are no city-designated scenic or historic resources on this site. *This criterion does not apply.*

- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and,

Findings: No impacts identified in the findings. *This criterion does not apply.*

- F.** If in an environmental zone, the proposal has a few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: This site is not within an environmental zone. *This criterion does not apply.*

This adjustment merits approval.

(4) OREGON STATEWIDE PLANNING GOALS

Oregon Statewide Planning Goals findings for site in the Central City plan district

Goal 1: Citizen Involvement

Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.” It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

Findings: The City of Portland maintains an extensive citizen involvement program which complies with all relevant aspects of Goal 1, including specific requirements in Zoning Code Chapter 33.730 for public notice of land use review applications that

seek public comment on proposals. There are opportunities for the public to testify at a local hearing on land use proposals for Type III land use review applications, and for Type II and Type IIX land use decisions if appealed. For this application, a written notice seeking comments on the proposal and notifying of the public hearing was mailed to property-owners and tenants within 400 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 1,000 of the site. Additionally, the site was posted with a notice describing the proposal and announcing the public hearing.

The public notice requirements for this application have been and will continue to be met, and nothing about this proposal affects the City's ongoing compliance with Goal 1. Therefore, the proposal is consistent with this goal.

Goal 2: Land Use Planning

Goal 2 outlines the basic procedures of Oregon's statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

Findings: Compliance with Goal 2 is achieved, in part, through the City's comprehensive planning process and land use regulations. For quasi-judicial proposals, Goal 2 requires that the decision be supported by an adequate factual base, which means it must be supported by substantial evidence in the record. As discussed earlier in the findings that respond to the relevant approval criteria contained in the Portland Zoning Code, the proposal complies with the applicable regulations, as supported by substantial evidence in the record. *As a result, the proposal meets Goal 2.*

Goal 3: Agricultural Lands

Goal 3 defines "agricultural lands," and requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

Goal 4: Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

Findings for Goals 3 and 4: In 1991, as part of Ordinance No. 164517, the City of Portland took an exception to the agriculture and forestry goals in the manner authorized by state law and Goal 2. *Since this review does not change any of the facts or analyses upon which the exception was based, the exception is still valid and Goals 3 and 4 do not apply.*

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 relates to the protection of natural and cultural resources. It establishes a process for inventorying the quality, quantity, and location of 12 categories of natural resources. Additionally, Goal 5 encourages but does not require local governments to maintain inventories of historic resources, open spaces, and scenic views and sites.

Findings: The City complies with Goal 5 by identifying and protecting natural, scenic, and historic resources in the City's Zoning Map and Zoning Code.

The only Goal 5 natural resources in the Central City plan district are located near the Willamette River. Therefore, natural resource protection in the Central City is carried out by the River overlay zones discussed below in the findings for Statewide Planning Goal 15. Per OAR 660-023-0240(2), Goal 15 supersedes Goal 5 for natural resources that are also subject to Goal 15.

Protection of scenic resources is implemented through the Scenic (“s”) overlay zone on the Zoning Map or by establishing building height limits within view corridors as shown on Map 510-3 and 510-4.

Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts.

The Zoning Code imposes special restrictions on development activities within the River overlay zones, the Scenic overlay zone, view corridors, and designated historic resources.

This site is not within any River overlay zone, Scenic overlay zone, or designated view corridor, and is not part of any designated historic resource. *Therefore, Goal 5 is not applicable.*

Goal 6: Air, Water and Land Resources Quality

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

Findings: Compliance with Goal 6 is achieved through the implementation of development regulations such as the City’s Stormwater Management Manual at the time of building permit review, and through the City’s continued compliance with Oregon Department of Environmental Quality (DEQ) requirements for cities.

The Bureau of Environmental Services reviewed the proposal for conformance with sanitary sewer and stormwater management requirements and expressed no objections to approval of the application, as mentioned earlier in this report.

Staff finds the proposal is consistent with Goal 6.

Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 7 requires that jurisdictions adopt development restrictions or safeguards to protect people and property from natural hazards. Under Goal 7, natural hazards include floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires. Goal 7 requires that local governments adopt inventories, policies, and implementing measures to reduce risks from natural hazards to people and property.

Findings: The City complies with Goal 7 by mapping natural hazard areas such as floodplains and potential landslide areas, which can be found in the City’s MapWorks geographic information system. The City imposes additional requirements for development in those areas through a variety of regulations in the Zoning Code, such as through special plan districts or land division regulations. *The subject site is not within any mapped floodplain or landslide hazard area, so Goal 7 does not apply.*

Goal 8: Recreation Needs

Goal 8 calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expediting siting of destination resorts.

Findings: The City maintains compliance with Goal 8 through its comprehensive planning process, which includes long-range planning for parks and recreational facilities. Staff finds the current proposal will not affect existing or proposed parks

or recreation facilities in any way that is not anticipated by the zoning for the site, or by the parks and recreation system development charges that are assessed at time of building permit. Furthermore, nothing about the proposal will undermine planning for future facilities. *Therefore, the proposal is consistent with Goal 8.*

Goal 9: Economy of the State

Goal 9 calls for diversification and improvement of the economy. Goal 9 requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

Findings: Land needs for a variety of industrial and commercial uses are identified in the adopted and acknowledged Economic Opportunity Analysis (EOA) (Ordinance 187831). The EOA analyzed adequate growth capacity for a diverse range of employment uses by distinguishing several geographies and conducting a buildable land inventory and capacity analysis in each. In response to the EOA, the City adopted policies and regulations to ensure an adequate supply of sites of suitable size, type, location and service levels in compliance with Goal 9. The City must consider the EOA and Buildable Lands Inventory when updating the City's Zoning Map and Zoning Code. *Because this proposal does not change the supply of industrial or commercial land in the City, the proposal is consistent with Goal 9.*

Goal 10: Housing

Goal 10 requires local governments to plan for and accommodate needed housing types. The Goal also requires cities to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Findings: The City complies with Goal 10 through its adopted and acknowledged inventory of buildable residential land (Ordinance 187831), which demonstrates that the City has zoned and designated an adequate supply of housing. For needed housing, the Zoning Code includes clear and objective standards. Since this proposal is not related to housing or to land zoned for residential use, Goal 10 is not applicable.

Goal 11: Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

Findings: The City of Portland maintains an adopted and acknowledged public facilities plan to comply with Goal 11. See Citywide Systems Plan adopted by Ordinance 187831. The public facilities plan is implemented by the City's public services bureaus, and these bureaus review development applications for adequacy of public services. Where existing public services are not adequate for a proposed development, the applicant is required to extend public services at their own expense in a way that conforms to the public facilities plan. In this case, the City's public services bureaus found that existing public services are adequate to serve the proposal, as discussed earlier in this report. *Since the City will require the proposal to conform to the City's public facilities plan, the proposal is consistent with Goal 11.*

Goal 12: Transportation

Goal 12 seeks to provide and encourage "safe, convenient and economic transportation system." Among other things, Goal 12 requires that transportation plans consider all modes of transportation and be based on an inventory of transportation needs.

Findings: The City of Portland maintains a Transportation System Plan (TSP) to comply with Goal 12, adopted by Ordinances 187832, 188177 and 188957. The City’s TSP aims to “make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs.”

Under the Oregon Transportation Planning Rule (TPR), which helps to implement Goal 12, the Central City is designated as a Multi-Modal Mixed-Use Area (MMA). The MMA designation is intended to foster a mixed-use, pedestrian-friendly center that allows a high intensity of uses. Development proposals are evaluated for their anticipated impacts to the safety of the transportation system.

There are no transportation-specific approval criteria associated with the proposed Design Review request. However, as noted previously in this response, an Adjustment request is necessary because the access to the proposed on-site loading space will be along SW Harrison, a Major City Bikeway classified street wherein access to loading is not allowed. Because this is the only site frontage that does not include a rail alignment, it is the only practical location for the required on-site loading space. The lack of a rail alignment along SW Harrison eliminates the potential conflict with the Tri-Met light rail lines and Portland Streetcar lines that otherwise utilize the other three site frontages. Accordingly, safety in relation to the required loading/unloading activities are minimized to the extent possible.

Therefore, the proposal is consistent with Goal 12.

Goal 13: Energy

Goal 13 seeks to conserve energy and declares that “land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.”

Findings: With respect to energy use from transportation, as identified above in response to Goal 12, the City maintains a TSP that aims to “make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs.” This is intended to promote energy conservation related to transportation. Additionally, at the time of building permit review and inspection, the City will also implement energy efficiency requirements for the building itself, as required by the current building code. *For these reasons, the proposal is consistent with Goal 13.*

Goal 14: Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an “urban growth boundary” (UGB) to “identify and separate urbanizable land from rural land.” It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

Findings: In the Portland region, most of the functions required by Goal 14 are administered by the Metro regional government rather than by individual cities. The desired development pattern for the region is articulated in Metro’s Regional 2040 Growth Concept, which emphasizes denser development in designated centers and corridors. The Regional 2040 Growth Concept is carried out by Metro’s Urban Growth Management Functional Plan, and the City of Portland is required to conform its zoning regulations to this functional plan. This land use review proposal does not change the UGB surrounding the Portland region and does not affect the Portland Zoning Code’s compliance with Metro’s Urban Growth Management Functional Plan. *Therefore, Goal 14 is not applicable.*

Goal 15: Willamette Greenway

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

Findings: The City of Portland complies with Goal 15 in the Central City by applying River overlay zones to areas near the Willamette River. These overlay zones impose special requirements on development activities. *The subject site for this review is not within a River overlay zone near the Willamette River, so Goal 15 does not apply.*

Goal 16: Estuarine Resources

This goal requires local governments to classify Oregon's 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units."

Goal 17: Coastal Shorelands

This goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water-related" uses.

Goal 18: Beaches and Dunes

Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

Goal 19: Ocean Resources

Goal 19 aims "to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf." It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19's main requirements are for state agencies rather than cities and counties.

Findings for Goals 16, 17, 18 and 19: *Since Portland is not within Oregon's coastal zone, Goals 16-19 do 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 requirements of Title 11 can be met, and that all development standards of Title 33 can be met or have received an Adjustment or Modification via a land use review, prior to the approval of a building or zoning permit.

CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal enhances pedestrian connections through a recessed base, expressed entries and active uses. It creates a sense of enclosure by holding the street edges above the ground level and respects the adjacent Landmark structure by stepping back and down and creating a new, adjacent public landscaped courtyard. The unusual exterior skin treatment creates an impression of movement, appropriate for a site surrounded on all 4 sides by public transit, including the Streetcar and Max. With

conditions of approval, the proposal meets the applicable design guidelines and Modification and Adjustment criteria and therefore 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 **Design Review** for a new 7-story, 174,000 SF classroom/ lab/ office building, with approximately 10,000 SF of ground floor flex space, a dedicated bike room and services on the ground level. One (1) Type A loading space will be accessed off SW Harrison, and no other vehicle parking is proposed.

Staff recommends approval of the following two (2) **Modification Reviews**:

- Modification #1: Ground Floor Windows 33.510.220.B - to allow reduced ground floor glazing in two locations:
 - SW Harrison elevation facing sidewalk: from 40% to 18%;
 - West elevation facing courtyard: from 40% to 27%;
- Modification #2: Sign Size 32.32.020 - to allow an increase in the maximum allowed sign size from 100sf to 287sf for a sign on SW Harrison.

Staff recommends approval of the following two (2) **Adjustment Reviews**:

- Adjustment #1: Loading Access off a Major City bikeway 33.510.263.B.2.a.(1) - to allow vehicle access off SW Harrison, a Major City Bikeway.
- Adjustment #2: Loading Space - Quantity 33.266.310.C.2 - to allow one Type A loading space rather than the two spaces required.

Staff recommends approval with the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through H) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 18-211722 DZM AD". All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.
- D. The applicant shall draft, sign, and record agreements (prior to the issue of a Building Permit for the proposed building) that loading activities supporting the proposed building at 401 SW Harrison may take place at on-site loading areas within the following nearby buildings:
 - Academic & Recreation Student Center (ASRC), 1800 SW 6th Ave.
 - Fourth Avenue Building (FAB), 1900 SW 4th Ave.
- E. Proposed ground floor perforated panels shall span horizontally from glazing to glazing, span vertically down from the underside of the soffit, and shall all be the same height.

- F. The applicant shall revise the design for light fixture E1.1 and for the light fixture over the bike and stair doors at the courtyard, so that they are more integrated with the building and sit design.
- G. All Ground Level windows and doors shall be aluminum storefront (Exhibit C.26, Material 9).
- H. The sign art piece shall include no message content other than the ‘word cloud’ that refers to the mission statement for the building, developed by the institutional tenants. The sign shall not identify other uses. The sign shall be site and use-specific.

=====

Procedural Information. The application for this land use review was submitted on **July 31, 2018** and was determined to be complete on **July 31, 2018**.

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 July 31, 2018.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period, as stated with Exhibit A.3. Unless further extended by the applicant, **the 120 days will expire on: July 31, 2019.**

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

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

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

Appeal of the decision. The decision of the Design Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Design Commission, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the

applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

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

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

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

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded **the day after the date of approval** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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.

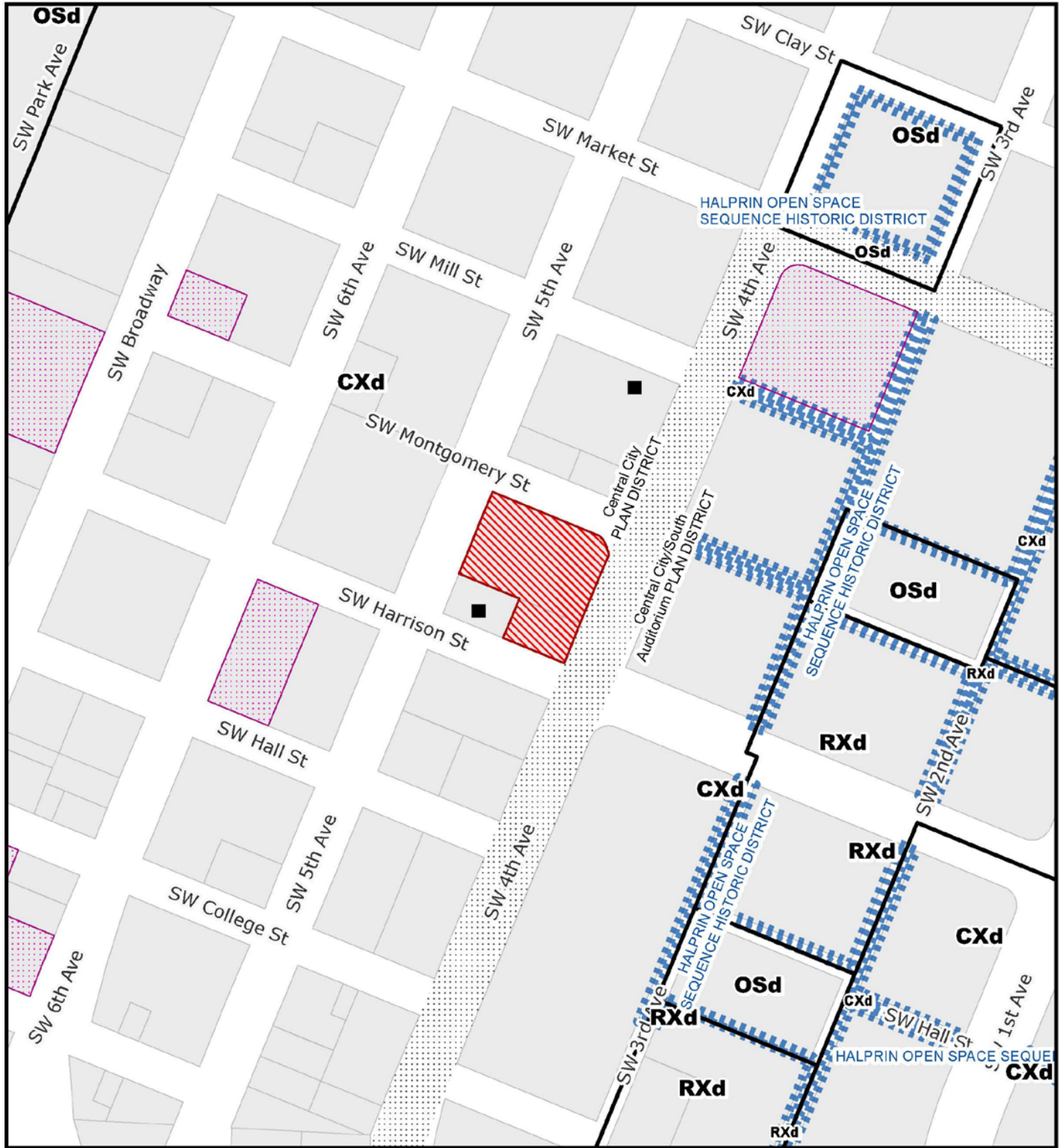
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

Grace Jeffreys
August 30, 2018

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Original submitted narrative, 7/31/18
 2. Drawings, 7/31/18
 3. Request for an Evidentiary Hearing and Waiver of Right to a Decision within 120 Days, 8/3/18
 4. Zoning diagrams – bird safe, active use, ecoroof, GFW, 8/17/18
 5. Revised “C” set in response to staff email, 8/20/18
 6. Metal panel cutsheets, 8/22/18
 7. Lighting Cutsheets, 8/22/18
 8. Revised glazing calculations, 8/23/18
 9. Ground Floor Window Modification request, 8/23/18
 10. Sign Size Modification request, 8/23/18
 11. Stormwater report, cover only, 8/23/18
 12. Email chain response to staff concerns, 8/23/18
 13. Applicant Condition of Approval for sign, 8/29/18
- B. Zoning Map (attached)
- C. Plan & Drawings
 1. Cover
 2. Not used
 3. Contents
 4. Site Plan (attached)
 5. Plan – Level 1
 6. Plan – Level 2
 7. Plan – Level 3
 8. Plan – Level 4
 9. Plan – Level 5
 10. Plan – Level 6
 11. Plan – Level 6
 12. Plan – Roof
 13. West Elevation – Tone
 14. West Elevation – B/W (attached)
 15. North Elevation – Tone
 16. North Elevation – B/W (attached)
 17. East Elevation – Tone
 18. East Elevation – B/W (attached)
 19. South Elevation – Tone
 20. South Elevation – B/W (attached)
 21. South Courtyard Elevation – Tone
 22. South Courtyard Elevation – B/W
 23. West Courtyard Elevation – Tone
 24. West Courtyard Elevation – B/W
 25. E/W Building Section

26. Material references
27. Details
28. Details
29. Details – Main Entries
30. Details – Retail Entries
31. Details – Retail Entries
32. Details – Courtyard
33. Not used
34. Landscape - Site Materials
35. Landscape – Elevations
36. Landscape - Sections
37. Landscape – Roof plans
38. Landscape – Tree removal and Protection Plan
39. Landscape – Site, Coverage
40. Landscape – Site, Grading
41. Landscape – Planting Plan
42. Landscape – Planting Schedule
43. Landscape – Planting Materials
44. Landscape – Planting Precedent
45. Landscape – Planting Schedule
46. Lighting Plan
47. Lighting Fixtures
48. Not used
49. Harrison Street Modification
50. Custom Light Fixture Renderings
51. Custom Light Fixture Details
52. Civil Plan
53. Service Entry Ramp Details
54. Bicycle Room Details
- 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. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of BDS
 6. Life Safety Review Section of BDS
 7. Bureau of Parks, Forestry Division
- F. Letters – none received
- G. Other
 1. Original LUR Application
 2. Pre-Application Conference Summary Memo, 5/8/17
 3. Design Advice Request Summary Memos, 4/13/18
- H. Not used



ZONING



Site



Also Owned Parcels



Historic Landmark

THIS SITE LIES WITHIN THE:
CENTRAL CITY PLAN DISTRICT
UNIVERSITY DISTRICT/SOUTH DOWNTOWN SUBDISTRICT

File No.	LU 18-211722 DZM AD
1/4 Section	3229
Scale	1 inch = 200 feet
State ID	1S1E03CB 2800
Exhibit	B Jul 31, 2018

SITE PLAN



WEST ELEVATION - SW 5TH AVENUE



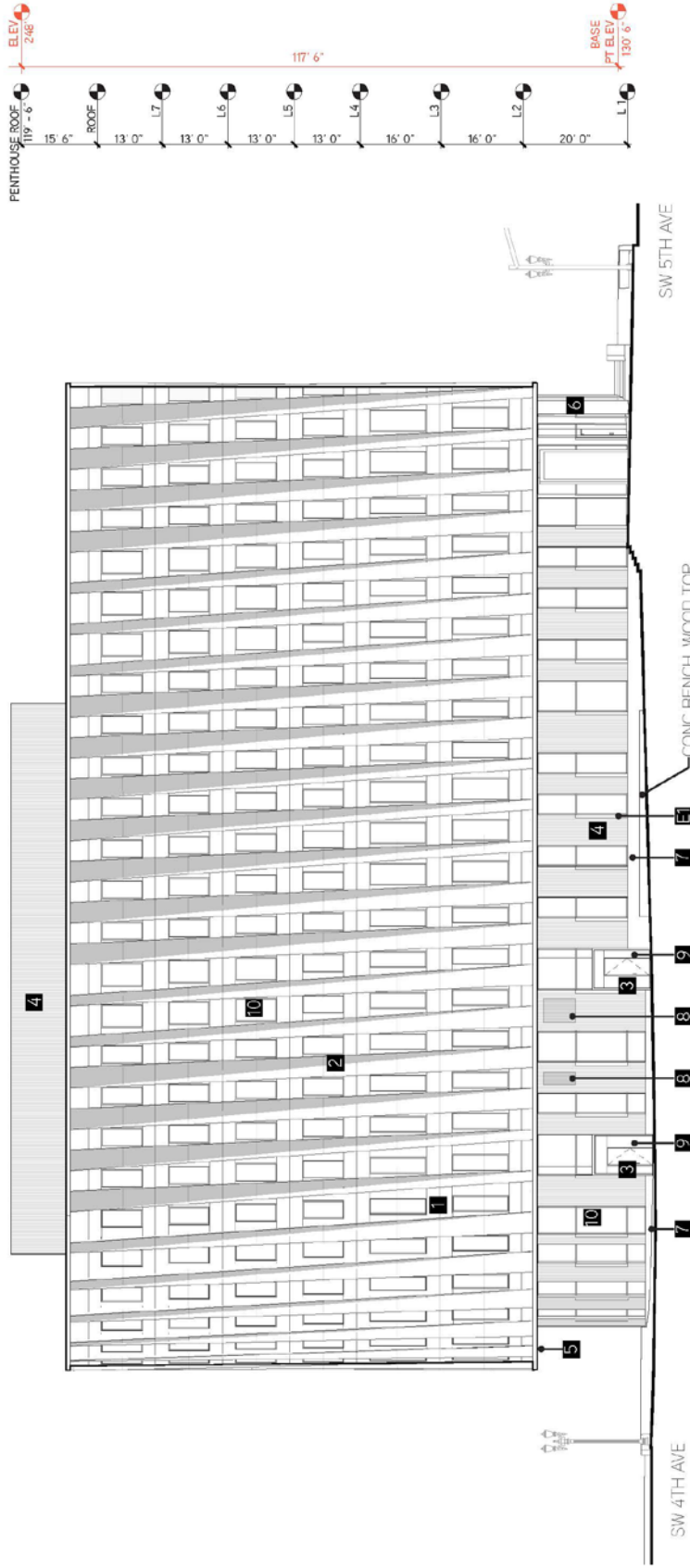
1 - BUILDING ELEVATION
 *SEE C:14 FOR DETAIL REFERENCES

MATERIAL KEY | FOR INFORMATION SEE C.26

- 1** ALUMINUM COMPOSITE METAL PANEL [MP-1A], PT-1
- 2** ALUMINUM COMPOSITE METAL PANEL [MP-1B], PT-2
- 3** ALUMINUM METAL PANEL [MP-3], PT-2
- 4** BOX RIB MTL PANEL [MP-2], PT-1
- 5** STUCCO SOFFIT
- 6** CONCRETE COLUMN [CONC]
- 7** CONCRETE WALL, PT-1 [CONC-2]
- 8** PERFORATED BOX RIB MTL PANEL [MP-2 PERF]
- 9** CURTAIN WALL [CW-1]
- 10** FIBERGLASS WINDOW [GL-1]
- 11** THIN LINE LOUVER [LV-1]
- E1** EXTERIOR LIGHTING FIXTURE, PERF. METAL WRAP
- E2** EXTERIOR LIGHTING FIXTURE, DOWNLIGHT



NORTH ELEVATION - SW MONTGOMERY STREET



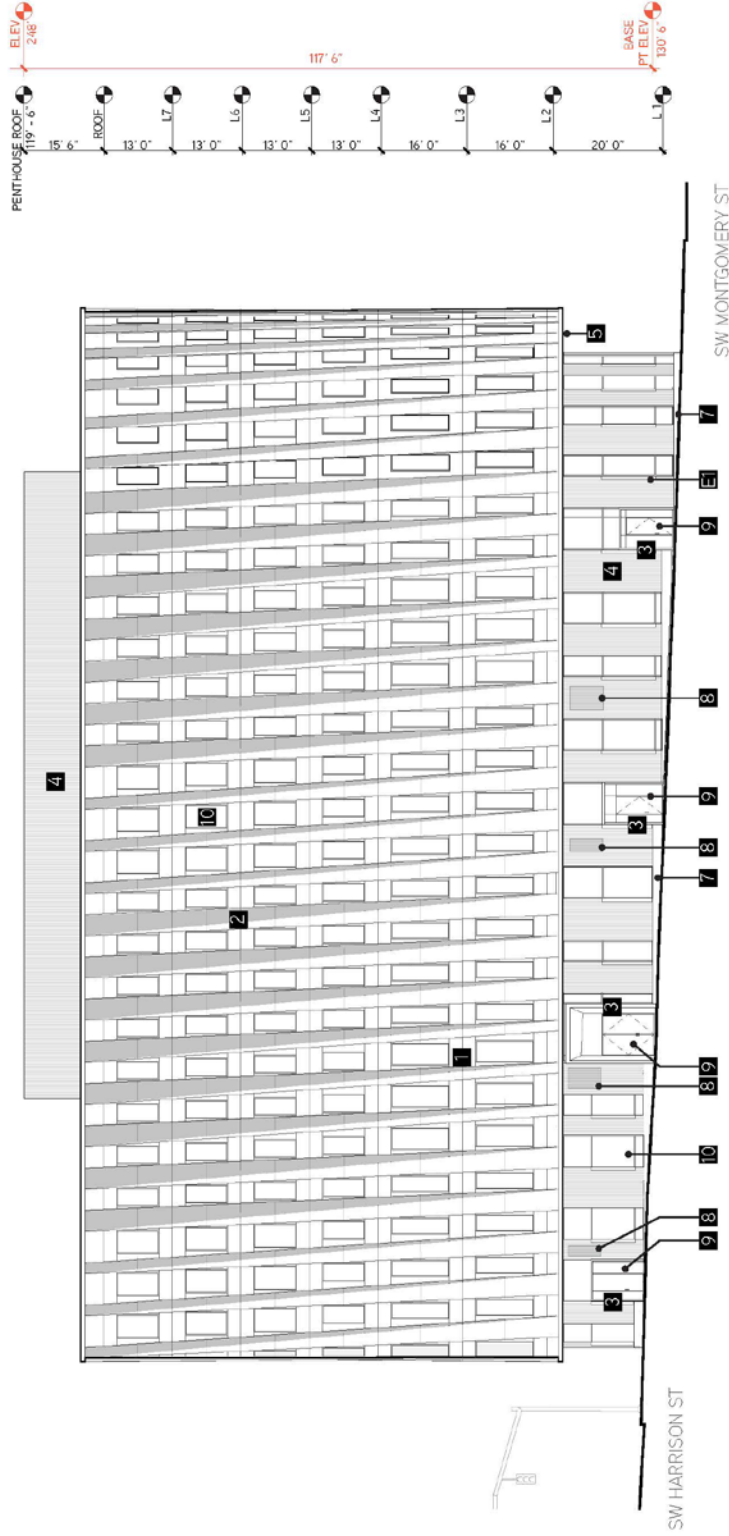
1 - BUILDING ELEVATION

*SEE C:14 FOR DETAIL REFERENCES

MATERIAL KEY | FOR INFORMATION SEE C:26

- 1** ALUMINUM COMPOSITE METAL PANEL [MP-1A], PT-1
- 2** ALUMINUM COMPOSITE METAL PANEL [MP-1B], PT-2
- 3** ALUMINUM METAL PANEL [MP-3], PT-2
- 4** BOX RIB MTL PANEL [MP-2], PT-1
- 5** STUCCO SOFFIT
- 6** CONCRETE COLUMN [CONC]
- 7** CONCRETE WALL, PT-1 [CONC-2]
- 8** PERFORATED BOX RIB MTL PANEL [MP-2 PERF]
- 9** CURTAIN WALL [CW-1]
- 10** FIBERGLASS WINDOW [GL-1]
- 11** THIN LINE LOUVER [LV-1]
- E1** EXTERIOR LIGHTING FIXTURE, PERF. METAL WRAP
- E2** EXTERIOR LIGHTING FIXTURE, DOWNLIGHT

EAST ELEVATION - SW 4TH AVENUE



1 - BUILDING ELEVATION

*SEE C.14 FOR DETAIL REFERENCES

MATERIAL KEY | FOR INFORMATION SEE C.26

- 1 ALUMINUM COMPOSITE METAL PANEL (MP-1A), PT-1
- 2 ALUMINUM COMPOSITE METAL PANEL (MP-1B), PT-2
- 3 ALUMINUM METAL PANEL (MP-3), PT-2
- 4 BOX RIB MTL PANEL (MP-2), PT-1
- 5 STUCCO SOFFIT
- 6 CONCRETE COLUMN (CONC)
- 7 CONCRETE WALL, PT-1 (CONC-2)
- 8 PERFORATED BOX RIB MTL PANEL (MP-2 PERF)
- 9 CURTAIN WALL (CW-1)
- 10 FIBERGLASS WINDOW (GL-1)
- 11 THIN LINE LOUVER (LV-1)
- 12 EXTERIOR LIGHTING FIXTURE, PERF. METAL WRAP
- 13 EXTERIOR LIGHTING FIXTURE, DOWNLIGHT

BUILDING ELEVATIONS B/W

FMB | LUR | AUGUST 23, 2018 | LU 18-211722 DZM AD | Exhibit C.18

SOUTH ELEVATION - SW HARRISON STREET



1 - BUILDING ELEVATION
 *SEE C:14 FOR DETAIL REFERENCES

MATERIAL KEY | FOR INFORMATION SEE C.26

- 1 ALUMINIUM COMPOSITE METAL PANEL [MP-1A], PT-1
- 2 ALUMINIUM COMPOSITE METAL PANEL [MP-1B], PT-2
- 3 ALUMINIUM METAL PANEL [MP-3], PT-2
- 4 BOX RIB MTL. PANEL [MP-2], PT-1
- 5 STUCCO SOFFIT
- 6 CONCRETE COLUMN [CONC]
- 7 CONCRETE WALL, PT-1 [CONC-2]
- 8 PERFORATED BOX RIB MTL. PANEL [MP-2 PERF]
- 9 CURTAIN WALL [CW-1]
- 10 FIBERGLASS WINDOW [GL-1]
- 11 THIN LINE LOUVER [LV-1]
- E1 EXTERIOR LIGHTING FIXTURE, PERF. METAL WRAP
- E1.1 EXTERIOR LIGHTING FIXTURE, DOWNLIGHT

