

EXHIBIT A

**CITY ENGINEER'S REPORT TO CITY COUNCIL
FOR ABOVE-GRADE BUILDING PROJECTIONS
ON THE PARKER APARTMENTS**

Applicant Info: Phil Chubb, 503.327.0370
FFA Architecture & Interiors, Inc.
520 SW Yamhill Suite 900
Portland, OR 97204.

Owners: Evergreen Galway LLC
1399 Franklin Blvd, 3rd Floor
Eugene, OR 97403

Astor Pacific LLC
1500 NW 18th Avenue
Portland, OR 97209

Site Address: 1415 NW 12th Avenue, Portland, OR, 97209

Legal Description: LOT 1-8 Block 240, COUCHS ADD, PORTLAND

Tax Account No.: R180221780

State ID No.: 1N1E33AA 00100

Quarter Section: 2928

Neighborhood: Pearl District, contact Patricia Gardner at 503-228-3273

Business District: Pearl District Business Association, contact Adele Nofield at 503-223-0070

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

DEFINITION OF ENCHROACHMENT

All privately owned and maintained above-grade, at-grade and below-grade encroachments in the public right-of-way are subject to Encroachment Review based on the City Policy ENCROACHMENTS IN THE PUBLIC RIGHT-OF-WAY (adopted 1982).

REQUEST

Approval is requested of City Council for an Encroachment in the Public Right-of-Way for building projections along the east and west elevations of the new "Parker Apartments" that will extend over the NW 12th Ave and NW 13th Ave right-of-ways, respectively.

SITE

The project site's current address is 1415 NW 12th Avenue, Portland, OR 97209. It is bounded by NW Pettygrove St., NW Quimby St., NW 12th Ave., and NW 13th Ave.

ENCROACHMENT REQUEST

The Parker Apartments building (LU 12-112033 DZM) includes what the project architect refers to as re-conceptualized oriel windows that will slightly project over the public right-of-way along the site's NW 12th Avenue and NW 13th Avenue frontages. This design was unanimously approved August 2, 2012 by the Design Commission.

The City of Portland Code Guide for Window Projections into the Public Right-of-Way (IBC/32/#1) established standards for windows which are allowed to project into the public right-of-way including a schedule of all significant characteristics that must be present for a building projection to be considered a window. *If the proposed building projection does not comply with the set of requirements in the referenced Code Guide, then review of the building projection falls under the City's Encroachment Policy, administered by the Portland Bureau of Transportation.*

The following are the standards for windows allowed to project into the public right-of-way:

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

B. Clearance. Clearance above grade as defined in Chapter 32, Section 3202.3.2 of the current Oregon Structural Specialty Code. (The 2004 edition of the Oregon Structural Specialty Code states that no projection is allowed for clearances less than 8 feet above grade. For clearances above grade greater than 8 feet, 1 inch of projection is allowed for each additional inch of clearance, provided that no such projection shall exceed a distance of 4 feet.)

C. Area. Maximum wall area of all windows which project into public right-of-way on a wall is 40% of the wall's area.

D. Wall Length. Maximum width of any single window which projects into public right-of-way is 50% of its building wall length.

E. Window Area. Minimum of 30% window area at the face of the projecting window element. Projections greater than 2 feet 6 inches must have windows at all sides. Required side windows must be a minimum of 10% of side walls.

F. Width. Maximum width of 12 feet for each projecting window element. When approved through design review, the width may vary provided the area of all windows on a wall which project into public right of way does not exceed 40% of the wall's area and the width of any single projecting window element does not exceed 50% of its building wall's length.

G. Separation. Minimum separation of 12 feet measured from other projecting window elements on the same elevation or plane of wall. When approved through Design Review, required separation may vary provided the area of all projecting window elements on a wall does not exceed 40% of the wall's area and the width of any single projecting window element over the right-of-way does not exceed 50% of its building wall's length.

The proposed projections along the Parker Apartments' western and eastern façades do not satisfy Criteria E (Window Area) and Criteria F (Width) and therefore do not meet the definition of an oriel window. Design Review approved an exception to increase the oriel window's width from 12'-0" to 15'-8" and 22'-8" on NW 12th Avenue and from 12'-0 to 24'-8" on NW 13th Avenue. Accordingly, the windows must be reviewed as building projections through the City's Encroachment Policy.

ENCROACHMENT REVIEW PROCESS

The City Engineer manages Encroachment Reviews. Notification for the Review was sent to utility providers on November 1, 2012. The City Engineer considered all comments received in preparing this report and recommendation to City Council.

Agency Review: A "Notice of an Encroachment Review Request" was mailed November 1, 2012. No concerns were expressed by those notified.

Utility Review: A "Notice of an Encroachment Review Request" was sent to potentially impacted utilities. No concerns were expressed by those notified.

ENCROACHMENT REVIEW APPROVAL CRITERIA

The structure is an above-grade encroachment located in a portion of the City covered by City-Wide District Policies (Section VII. A [General Policies] and B [Above-Grade Encroachment Policies]) and is not considered to be a skystructure of any sort. Pursuant to "Encroachments in the Public Right-of-Way" (1982), such encroachments may be permitted if the Applicant demonstrates to the City's satisfaction that the encroachment meets the policies of Chapter One, Sections III and V of the Encroachments Policy.

Section III, GENERAL POLICIES

- A.** *The public right-of-way is an important resource and the utility of the right-of-way shall not be impaired. The City shall discourage private ownership or use in the public right-of-way.*

1. *The public right-of-way provides for the movement of pedestrians and vehicles, for open space, landscaping, light, air, and vistas. As an important public resource, the public right-of-way should not be easily given up for private ownership or use.*
2. *The street-level sidewalks are the primary pedestrian circulation system and encroachments should not be permitted which adversely affect this system.*

Findings: The proposed Parker Apartments does not encroach into the public right-of-way at the street level. Five separate bays project out over the sidewalk without the use of any columns. Four projections begin at floor two and one projection begins at floor three. All projections extend to the top of the building, floor six. The largest of the three is centered over the main building entry, is approximately 23 feet wide and begins approximately 25 feet above the sidewalk. The other two eastern bays are approximately 16 feet wide and begin at 16 feet above the sidewalk. The western bays are on each of the building wings, framing the exterior courtyard. They are approximately 25 feet wide and project over the right of way at approximately 15 feet and 18 feet above the street paving.

Furthermore, the Parker's projections do not detract from pedestrian circulation or movement. The largest of the projections, at the main building's entryway, projects 3'-4" into the right-of-way. The other four projections, two on the eastern elevation and two on the western elevation, project 2'-8" into the right-of-way. The total area of all five bays is 1,440.96 square feet. The total area of all five bays beyond the 2'-6" standard is 206.02 square feet. The overhangs will provide a fully open clearance that allows for light, air and vistas to be maintained at the street level. Additionally, all corners meet the City's standards for adequate pedestrian area and corner radii. Therefore, the proposed encroachments do not compromise or alter the street level sidewalks, which remain as the primary pedestrian circulation system. These policies are met.

- B. *As a public resource, encroachments shall only be permitted as a part of the project fulfilling a significant public goal of the comprehensive plan, the downtown plan, or other adopted plans or policies. Encroachments must be in conformance with the City objectives for promoting the "Portland Character" as defined by the rivers, parks, vistas, buildings of architectural significance, and other important visual images, as defined by the Comprehensive Plan, development regulations, and design guidelines, or their neighborhood or area plans or guidelines.*

Findings: The Central City Plan includes the following design goals:

- Encourage urban design excellence in the Central City;

- Enhance the character of the Central City's districts;
- Promote the development of diversity and areas of special character within the Central City; and
- Provide for a pleasant, rich and diverse pedestrian experience for pedestrians.

The Parker's proposed contextual and historically-based design is intended to enhance the existing character of the Pearl District in general, and utilizes building form and proportion drawn from an industrial and art deco stylistic design tradition to achieve this. In support of this design goal, projecting bays serve as building massing accents at key locations on the facades. The size, or width of the bays are scaled in relation to relatively large building facades, and the proportions, window areas, and materials of the bays selected to emphasize a slender verticality consistent with the architectural style.

The projecting bays as proposed intentionally include less window area than solid wall to emphasize the material surfaces, texture, and massing of the bay form as an accent to the overall building façade. In addition to the windows that are included, decorative glass tile spandrels between the windows provide visual interest. Further, the brick wall surfaces, wall plane breaks, and vertical linework are purposefully kept uninterrupted by additional window area. Regarding the exclusion of side windows in the bays projecting 2'-8" and 3'-4", such windows would be only 12 inches and 18 inches wide respectively, making for an awkward window proportion within the overall design.

The Parker's building design and encroachments are site specific responses that tie into to its North Pearl District location and that will not result in conflicts with the primary pedestrian circulation system. Pedestrian experience and pedestrian circulation are further preserved through its use of herringbone brick patterns, brick rustication, lower first floor windows, landscaping and grilled metalwork on all street frontages. These features accentuate movement along the right of way for pedestrians and also de-emphasize the building's mass at its base, as setbacks are not permitted by zoning codes. With the projections, the Parker has multiple points of interest that facilitate activity at its base, softening the Parker's strong physical presence for the pedestrian.

The specific Central City Design Guidelines, such as A7 - Establish and Maintain a Sense of Urban Enclosure, A9 - Strengthen Gateways, B6 - Develop Weather Protection, and C7 - Design Corners that Build Active Intersections, incorporate the design goals of the Central City, directing architects and developers to integrate these urban design ideas into their projects. As can be found in the findings for these specific guidelines in Section 2 above, the Parker's bay projections strengthen the sense of urban enclosure at the main entrance on NW 12th Avenue, and at each respective corner. The unique and innovative design establishes a landmark quality structure appropriate to the Pearl District's industrial heritage. The overhanging upper

floor levels offer additional weather protection for pedestrians and create a dynamic experience at the building corner, helping to activate the area. *This policy is met.*

- C. *In order to receive City approval for encroachments, an applicant must demonstrate a public benefit which cannot be achieved without the encroachment.*

Findings: Meeting notes from the July 12, 2012 Design Review Hearing of the Parker Apartments and distributed by city staff summarized Commissioners' responses to the proposed project. Among the general comments it was noted that "the building will be a restrained, polite, beautiful addition to the area." Additionally, the design was described as "very strong and convincing" and that it would be "a building of great strength." Moreover, the Design Commission specifically viewed the Parker Apartments as "setting the bar" for the design quality of future development and redevelopment in this upcoming area of Portland. The Design Commission approved the Parker Apartments as designed with the encroachment to help achieve that high standard.

The project as proposed is a carefully proportioned composition of harmonizing elements, designed to create an appropriate balance of cohesion, variety, and hierarchy. The encroachments as designed will better serve to strengthen these qualities, while meeting Central City Plan goals encouraging design excellence and enhanced character. *This policy is met.*

- D. *Final approval of encroachments in the public right-of-way rests with the City Council. The management of encroachments is currently assigned to and should remain with the City Engineer.*

Findings: The applicant has worked with the City Engineer to meet all of the applicable City codes and requirements for the proposed building projections into the right-of-way. This policy is met.

Section V, RIVER DISTRICT POLICIES

A. General Policies

1. *In Downtown, the sidewalks shall retain their role as the primary pedestrian system.*
2. *The intent of any permitted encroachment shall be to enhance Downtown's role as the leading center for retail goods and consumer services. Improvements that are not substantially consistent with these goals shall be accommodated outside the public right-of-way so as to not adversely impact the sidewalk's role as the primary pedestrian system.*

Findings: The proposed project does not encroach into the public right-of-way at the street level. At the ground floor level, the building wall does not hold any pilasters or columns. The pedestrian corridor is 12' wide, to meet River District standards, with additional sidewalk width provided on Pettygrove in support of the Green Street initiative. Therefore, the proposed encroachments do not compromise or alter the street level sidewalks, which remain as the primary pedestrian circulation system. *These policies are met.*

3. *To protect the sidewalk as the primary pedestrian system, skystructures and underground walkways shall not be built in lieu of at-grade improvements. Improvements to the immediate street level pedestrian environment and circulation system shall be made prior to, or in conjunction with the above-grade or below-grade improvements.*
 - a. *To enhance the sidewalk pedestrian environment, the following options should be explored:*
 - 1) *Rain protection over sidewalks, e.g. covered walkways, awnings and arcades;*
 - 2) *Street furniture, signing, lighting, tree planting, public art, and other amenities to enhance the pedestrian environment; and*
 - 3) *Sidewalk widening, and/or street closures to minimize pedestrian- traffic conflicts and increase pedestrian space.*

Findings: The proposed encroachments into the public right-of-way are defined as building projections. No skystructures or underground walkways are proposed. Rain protection will be provided by canopies at the main building entrance and by the projecting window bays that overhang the public sidewalk.

The building proposal includes exterior lighting emphasizing the projections. Wall sconces occur at the main building entry. Discrete sign lights at the top of each projection will highlight precast medallions. The proposed exterior lighting will also highlight the building's street level and the main bay at night, creating a visually interesting and dynamic pedestrian experience in the evenings. Additionally, stormwater planters at the NW Pettygrove and NW Quimby sidewalk levels will express Portland's commitment to integrating stormwater management into the built environment, providing visually stimulating features adjacent to the public right-of-way that offer an educational opportunities. Signage will also be integrated into the building entrances.

As stated previously, each corner of the building is designed to allow for a minimum continuous 12-ft pedestrian corridor. These areas of sidewalk create

a generous pedestrian realm, and thus minimize potential conflicts between pedestrians and vehicles. *These policies are met.*

B. Policies for Above-Grade Encroachments

1. Building projections are discouraged and can only be permitted if the following conditions are met:
 - a. The applicant must demonstrate to the City's satisfaction that the building projection is needed for the economic feasibility or function of the project, and that other alternatives were explored and could not meet the project's needs.

Findings: Fitting the projections to city code injures the project's economic feasibility. 'Bumping' in the bays to conform to city standard causes conflict between the building's structure and HVAC systems, Units with the bays will be forced to have a separate, auxiliary HVAC system aside from the other building's units. Separate VTAK cooling and air systems will be required. Wall assemblies at these VTAK's louvers will have to be amended to fit their unusual designs. The overall cost to bump the bays in will be over \$20,000.

The units in the bays will receive the highest rents due to their views of the river, Portland skyline and the surrounding streets. Units with bay windows are also have high demand among tenants. Though only 206.02 rentable square feet would be lost conforming to city standards, the general appeal of the individual units and attractiveness of the building on a whole will lower due to the Parker have a stunted, incomplete appearance. The Parker's design theme will be diminished and the handsomeness of the building will be reduced. *These policies are met.*

- b. The building projection's clearance over the public right-of-way shall be 17'-6". A higher clearance can be required by the City, depending on the width and length of the project in order to accommodate the following sidewalk uses:
 - 1) Clearance for street trees,
 - 2) Clearance for maintenance equipment to repair utilities located under the sidewalk.

Findings: The building projections' clearance over the public right-of-way varies from approximately 15 to 25 feet.

Because the building projections only overhang a portion of the public sidewalk, Through Pedestrian Zones of 12 feet will remain open to the sky along all frontages with the bays. As stated previously, corner radii and unobstructed areas are preserved and meet City of Portland standards. The clearances of the projections along with the right-of-way areas fully open to the sky will allow clearance for maintenance equipment, as well as space for street trees. *These policies are met.*

- c. The projection shall avoid excessive blockage of natural sunlight for pedestrians on the sidewalks and avoid dark, tunnel-like appearance.

Findings:

The building overhang sits 25' above the sidewalk grade, providing a generous, fully open clearance that allows for light and air to be maintained. The bays only project at maximum 3'8" into the right-of-way and begin starting at the 2nd floor. Natural and exterior lighting will not be impeded by the bay projections. Also, due to the fact that only 206.02 total square feet extend into the right-of-way, pedestrians will not feel any 'tunneling' sensation. *This policy is met.*

- d. Columns in the public right-of-way to support the building projection shall be discouraged.

Findings: This proposed structure uses cantilevered concrete slabs to project spaces out above the public right-of-way. No columns are located outside of the building. *This policy is met.*

CONCLUSION

The Parker Apartments has been reviewed and approved by the City's Design Commission, including the Modification and Adjustment requests. In association with their review and approval, the Design Commission also forwarded to the City Council a recommendation to approve the requested Encroachment Review for the proposed building projections. As demonstrated throughout this report, the applicant has established that all of the applicable encroachment policies have been met.

For all of these reasons, the proposed building projections are generally consistent with and will meet the approval criteria and policies as outlined in the City's "Encroachments in the Public Right-of-Way" based on the following conditions:

1. The Parker Apartments shall be constructed in substantial compliance with preliminary plans that have been submitted by the applicant and reviewed by the City and its Design Review Commission.

Parker Apartments
PBOT Encroachment Application

2. This encroachment approval is specific to the adjacent land use and is voided if the adjacent approved developments are not constructed. This encroachment approval will expire five years from the date of the approval ordinance if the Parker Apartments has not been constructed.

The City Engineer finds that the proposed building projections associated with the Parker Apartments meet the applicable approval criteria, and therefore recommends approval of said building projections.



Steve Townsen, P.E.
City Engineer



Date

Kurt Krueger, P.E.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

A. Maps

1. Vicinity map (attached)
2. Encroachment area (attached)

B. Drawings

- 1 Site Plan (attached)
- 2 Building Elevations (attached)