



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

**FINAL FINDINGS AND DECISION BY THE DESIGN
COMMISSION RENDERED ON January 24, 2013**

CASE FILE NUMBER: LU 12-186554 DZM AD
PC # 12-139528 Grant Park Village

BUREAU OF DEVELOPMENT SERVICES STAFF: Chris Caruso 503-823-5747 /
Chris.Caruso@portlandoregon.gov

GENERAL INFORMATION

Applicant/Architect: Greg Mitchell/LRS Architects

720 NW Davis St. #300/Portland, OR 97209

Owner/Contact:

Lauren Golden-Jones/Capstone Partners LLC
1015 NW 11th Ave, Ste 243/Portland, OR 97209

Owners:

Jeff Sackett/Capstone Partners, LLC
1015 NW 11th Ave, Ste 243/Portland, OR 97209

KAL LLC

111 N Post, Ste 200/Spokane, WA 99201

Site Address:

3246 NE BROADWAY

Legal Description:

BLOCK 5 LOT 1&2 EXC N 10' TKN FOR E BRDWDY, BROADWAY ADD; BLOCK 5 LOT 3-5 EXC N 10' TKN FOR E BRDWDY, BROADWAY ADD; BLOCK 5 LOT 6 EXC N 10' TKN FOR E BRDWDY, BROADWAY ADD; BLOCK 5 LOT 7&8 EXC N 10' TKN FOR E BRDWDY W 48' OF LOT 9 EXC N 10' TKN FOR E BRDWDY, BROADWAY ADD; BLOCK 5 E 2' OF LOT 9 EXC N 10' TKN FOR BRDWDY LOT 10 EXC N 10' TKN FOR E BRDWDY, BROADWAY ADD; BLOCK 5 LOT 11&12 TL 11800 LAND & IMPS SEE R121899 (R105500591) FOR BILLBOARD, BROADWAY ADD; BLOCK 5 LOT 13&14, BROADWAY ADD; BLOCK 5 LOT 15, BROADWAY ADD; LOT 13&16 TL 11900 LAND & IMPS SEE R162223 (R276000701) FOR BILLBOARD & R162224 (R276000702) FOR BILLBOARD, FERNWOOD

Tax Account No.:

R105500480, R105500500, R105500530, R105500540, R105500570, R105500590, R105500610, R105500630, R276000700

State ID No.:

1N1E25CD 11300, 1N1E25CD 11400, 1N1E25CD 11500, 1N1E25CD 11600, 1N1E25CD 11700, 1N1E25CD 11800, 1N1E25CD 12000, 1N1E25CD 12100, 1N1E25CD 11900

Quarter Section:

2833

Neighborhood:

Sullivan's Gulch, contact Carol Gossett at 503-449-1253.

Business District:

Northeast Broadway BA, Murray Koodish at info@nebroadway.com

District Coalition:

Northeast Coalition of Neighborhoods, Shoshana Cohen at 503-388-5004

Zoning:

CS along Broadway; RXd for the remainder of the site

Case Type:

DZM AD, Design Reviw with Modifications and an Adjustment

Procedure:

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

Proposal:

The applicant seeks Design Review with Modifications and Adjustment Review approval for a 275,647 SF mixed-use residential and commercial project over two levels of structured parking in the Sullivan’s Gulch neighborhood. The proposal includes a large retail anchor tenant at NE 32nd and NE Broadway, 211 dwelling units in five, four- and five-story buildings plus a row of townhouses along the southern boundary. Main pedestrian entries to the residential areas are provided along NE Broadway, NE 32nd Avenue and at the end of NE Weidler Street. The parking is accessed from NE Broadway and NE Weidler and accommodates 270 spaces that are shared between retail and residential users. Retail loading for the anchor tenant is off of NE Weidler and two smaller loading spaces for residents are provided inside the parking area. The parking area is covered by landscaped roof terraces that partially screen views of vehicles from upper units. Exterior building materials include stucco plaster, cement board panels, exposed concrete, cement lap siding, metal and fabric canopies, other metal elements such as grilles, vents, and railings, and vinyl windows and rooftop equipment screens. Pedestrian walkways and a large landscaped outdoor area are provided at the building’s southern edge to connect public sidewalks from NE Weidler Street through the project area to the future Sullivan’s Gulch Trail and NE 33rd Avenue. This proposal is part of a planned multi-phase development but only this first phase is proposed at this time.

The proposal is also undergoing a Transportation Demand Management plan review LU 12-211489. This review is required by Condition of Approval C in LUR 00-00672 CP ZC prior to issuance of any building permits.

One Adjustment is requested to reduce the required minimum number of dwelling units on the three RXd-zoned parcels, part of this project area, from the 173 units required to 105 units. The remaining 106 of the total 211 proposed units are in the CS zone portion of the project area which has no minimum required number of dwelling units.

Modifications requested include:

1. 33.120.215.C.2, 33.130 Table 130-3 Building Height – To increase portions of the building height in the CS zone from 45 feet to as tall as 58’-5” above grade. To allow the stair tower facing NE 32nd Avenue to be within 15 feet of the roof edge that is parallel to the street lot line.
2. 33.266.310.F Loading – To allow trucks to enter the loading area off of NE Weidler with rearward rather than forward motion.
3. 33.120.232.B.2 & 33.130.230.B.2 Ground Floor Windows – To reduce the amount of ground floor windows to below the required standards for non-residential development walls in the RX zone that face public and private rights-of-way.
4. Title 32 Projecting Sign Size – To allow signs projecting into the right-of-way to be larger than 30 SF each. Two projecting signs at 98.78 SF each are proposed.

Approval Criteria:

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

- 33.825 Design Review
- 33.825.040 Modifications thru Design Review
- 33.805 Adjustments
- Community Design Guidelines

ANALYSIS

Site and Vicinity: The project area is roughly triangular in shape and is located at the southwest corner of the intersection of NE 33rd Avenue and NE Broadway. There is about 600 feet of street frontage along NE Broadway and 100 feet along NE 33rd. The northern 470 feet of the west project area boundary abuts NE 32nd Avenue, while 150 foot-long dead-end portions of NE Halsey and Weidler Streets extend east into the project area from NE 32nd Avenue. The

southeast boundary of the project area abuts the I-84 (Banfield) Freeway. The project area is on the north bank of Sullivan's Gulch, so it slopes downward about 20 feet in a southerly direction. There is a motor vehicle servicing business on the northwest corner of the project area that will be demolished as part of this development. Immediately north is a former gas station that is being redeveloped as a convenience store. The remainder of the site outside of the project area is vacant and will be developed at a later date.

The site is located between the Hollywood and Lloyd Center commercial centers on NE Broadway, a major east-west arterial street lined with a wide variety of commercial development on relatively small lots. Immediately west of the site, south of NE Weidler Street, is the Hollywood Fred Meyer shopping center which was recently expanded and remodeled. Along the north side of NE Weidler Street between NE 28th and 32nd Avenues are older residential homes on small lots. The Sullivan's Gulch neighborhood is to the west, the Grant Park Neighborhood is to the north, and the Hollywood Neighborhood is to the east. South of the site is Sullivan's Gulch and the Banfield Freeway and light rail line, with the NE Sandy Boulevard commercial area, Kerns and Laurelhurst Neighborhoods beyond.

The north project area boundary abuts NE Broadway, a designated Major City Traffic Street, Major City Transit Street, City Walkway, and Minor Truck Street with a frequent service bus line. Northeast 33rd Avenue, along the east project area boundary, is a designated Major City Traffic Street, Minor Transit Street (with no bus service south of NE Broadway), City Walkway, and Minor Truck Street. Northeast Weidler and Halsey Streets, and NE 32nd Avenue are Local Service Streets that abut the project area to the west. They connect to NE 28th Avenue, a Neighborhood Collector, City Bikeway, and City Walkway. South and southeast of the project area is the Banfield Freeway (I 84), a Regional Trafficway (entrance to and exit from the west only at NE 33rd Avenue), and the East Side Light Rail (nearest transit station about one-half mile east in the Hollywood District). About one-quarter mile south is NE Sandy Boulevard which is designated a Major City Traffic Street, Major Transit Street, City Bikeway, City Walkway, and Minor Truck Street.

Zoning: The Central Residential (RX) zone is a high-density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of housing development will be medium and high rise apartments and condominiums, often with allowed retail, institutional, or other service oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby. RX zones will usually be applied in combination with the Central City plan district.

The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominately built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

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.

Staff Note:

A zone change for this site approved by LUR 00-00672 CP ZC, as a condition of approval, required that "the maximum number of residential units on the site shall be equal to the minimum number required by the Zoning Code." Based on this condition, the applicant can propose no more than 319 residential units on the entire site. The proposed development is on a subset of the site and is called "project area" in this report.

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

- **VZ 070-63** – A 1963 review to permit more than one sign in an S Zone at 3204 NE Broadway.
- **VZ 377-65** – A 1965 review to permit more than one sign in an S Zone at 3204 NE Broadway.
- **LUR 95-00850 CS** – A 1995 review to approve construction of a convenience store in conjunction with a retail gas station.
- **LUR 00-00672 CP ZC** – Approval of a Comprehensive Plan Amendment from Industrial Sanctuary to Urban Commercial and Zone Change from IG1 General Industrial 1 to CS Storefront Commercial for lots abutting NE Broadway Street, and changing Industrial Sanctuary and General Commercial to Central Residential and Zone Change from IG1 General Industrial 1, IH Heavy Industrial, and RX Central Residential for the remainder of the site. Design Overlay Zone applied to the entire site.
- **LU 06-148501 DZM** – Approval with Modifications for a mixed-use, multi-dwelling development in two construction phases. This decision was never recorded and has now expired.

Agency Review: A "Notice of proposal in Your Neighborhood" was mailed November 15, 2012. The following Bureaus have responded with no issue or concerns:

- Life Safety Review Section of BDS (Exhibit E-1)
- Water Bureau (Exhibit E-2)
- Fire Bureau (Exhibit E-4)

The Site Development Section of BDS responded with the following comments: Please see Exhibit E-3 for additional details.

- The site is relatively flat, is not located in the Potential Landslide Hazard Area, and is not within the 100-year floodplain.
- An updated geotechnical engineering report that addresses current site conditions and the proposed development is required in order to evaluate whether the grading and foundation design of the proposed development complies with the Oregon Structural Specialty Code.
- Several permits were previously issued for grading of the site and demolition of existing structures. The permits have since expired. The permits will need to be reactivated or new permits obtained to legalize the work. Final inspection approval of the permits is required before permits for new development can be issued.
- Removal of any structure that exceeds 200 square feet in area requires a demolition permit.
- The Bureau of Environmental Services will review the project for conformance to the 2008 Stormwater Management Manual. Site Development has no concerns with the slope/building setbacks.
- Erosion prevention and sediment control requirements found in Title 10 apply to both site preparation work and development. Full compliance with the erosion control requirements of Title 10, as well as maintenance of the erosion control elements, such as

silt fences on private property, storm drain inlet protection and bio bags in the public right-of-way, is the responsibility of the property owner, the developer, and the builders. An erosion control plan must be submitted at the time of plan review. Please refer to the City of Portland Erosion and Sediment Control Manual for additional information regarding erosion and sediment control requirements.

- DEQ permit required: The applicant is advised that a 1200-C permit from the Oregon Department of Environmental Quality is required for construction activities including clearing, grading, excavation, and stockpiling that will disturb one or more acres and may discharge to surface waters or conveyance systems leading to surface waters of the state, in addition to City requirements.
- Please obtain final inspection on outstanding permits, provide an updated, stand-alone geotechnical engineering report with recommendations for design and construction of the planned project, provide an erosion and sediment control plan, and demolition permits for removing existing structures.

The Bureau of Environmental Services responded with the following comments: Please see Exhibit E-5 for additional details.

- BES has no objection to the requested design review but notes that there are two outstanding issues that could affect the design as proposed. It is unclear if the dedication east of Weidler is adequate for the public stormwater facility and it is unclear if the proposed foundation on the south side of the structure will adversely affect the 67-inch Sullivan Gulch sewer main. The proposed development will be subject to BES standards and requirements during the permit review process.
- At time of previous BES reviews, BES has required additional information in order to determine that none of the proposed improvements will impact the Sullivan Gulch sewer that runs adjacent to the southern property line.
 - BES has not been provided sufficient time for review since the report and plans were provided 1 and 2 days, respectively, prior to the day that comments are due. BES has not been able to review the requested information sufficiently to conclude that the location of the foundation on the south side of the structure will not affect the Sullivan Gulch sewer main. BES may require additional information at time of further review. The applicant should note that if BES is unable to allow the proposed foundation under the proposed alignment additional design review could be necessary.
- Private stormwater from the five building rooftops is proposed to be directed to vegetated pollution reduction facilities within the courtyards between the main buildings. The facilities were engineered to appropriate pollution reduction sizing through the Presumptive Approach Calculator. The sizing of the planters is shown on the provided utility plans (C100 and C200). The planner should note that the landscape plans (L210 and L310) were not consistent with previous calculations and were not resubmitted to BES; it's not clear if they are consistent with revised calculations. These vegetated facilities will discharge to the detention tanks on the south and southeast sides of the structure.
 - *The applicant should note that the eastern tanks should discharge to the proposed manhole (with backflow preventers) rather than the lower proposed connection point.*
- The applicant proposes to pipe stormwater across R162221 to the discharge point. This lot has the same ownership as the rest of the development but since the proposed structure does not continue onto this lot BES will require a covenant for a private stormwater easement across R162221 prior to BES building permit approval. Private utility easements must be no less than 10 feet wide. Please refer to the BDS [Private Sewer Easements Code Guide](#) for more information.

- Stormwater from the NE Halsey ROW is *proposed* to be discharged to a *public* facility south of the ROW and on private property. BES and PBOT have reviewed the proposal and concluded that the proposed improvements would be privately designed, constructed, and maintained (reference PW 12-185795). This pollution reduction and flow control facility that treats runoff from the Halsey right-of-way will need to be part of the *private development*.
- The impervious area calculations for the NE Weidler stormwater facility appears to be inaccurate. If the impervious area to be treated is greater than those used for the calculation, the facility and dedication along Weidler would need to be increased. It is unclear if additional dedication in Weidler would have direct affect on the proposed Design Review. The dedication will need to be determined through the Public Works process.
- BES has no recommended conditions of approval.

BES provided an Addendum to the above comments on December 3, 2012, copies of which were given to the Design Commission at the December 6, 2012 hearing. BES stated the following:

No additional information was provided to BES after November 20th but BES has been able to complete a review of the information submitted.

BES's November 26th land use response noted that we had not been able to review the requested information sufficiently to conclude that the location of the foundation on the south side of the structure will not affect the Sullivan Gulch sewer main.

The applicant provided two cross-sections of the proposed building and detention tank foundations relative to the sewer along the southern property line. The location of the sewer is based on a 1911 as-built. In the provided KPFFF Stormwater Report that was revised November 2012, the applicant notes that based on a 1:1 angle of influence, the footings will be deep enough and far enough away to keep the sewer out of the loading plane. The applicant has noted that the Sullivan Gulch sewer will be located at time of building permit and the foundation depth will be adjusted based on the physical location.

- 1. BES has no objection to the proposed location of the foundation as long as the sewer is located outside of the 1:1 loading plane from the footings with a sufficient safety factor.*
- 2. BES will require that the footings be located at least 2 feet deeper than the 1:1 plane to the base edge of the sewer unless physical location of the sewer, with sufficient documentation, is provided with the building permit submittal.*
- 3. BES Maintenance Engineering will review the depth of the foundation relative to the sewer at time of building permit. The applicant should consult with Steve Hawkins (503.823.7768) for further information.*

BES has no further objection to the location of the proposed foundation.

The Bureau of Transportation Engineering responded with the following comments: Please see Exhibit E-6 for additional details.

- No objection to approval.
- Note: The dedications and street improvements identified in this report shall be conditions of building permit approval.

The Bureau of Parks-Forestry Division responded with the following comments: Please see Exhibit E-7 for additional details.

- Any loss of trees on the row will need to be mitigated at the rate of \$300/ inch of diameter minus the same for the number of replacement inches. No trees on the private property that are over 12" dbh and are not on the nuisance plant list may be removed prior to

issuance of the building permit unless a permit is required from Urban Forestry, 503-823-4489.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 15, 2012. A total of two written response have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Carol Gosett, Sullivan’s Gulch Neighborhood Association – in support of the project design, minimum density adjustment request, and the modification requests for building height, ground floor windows, and loading maneuvering.
2. Jim Walker, November 26, 2012 – generally in support; would like a 50-year review of selected materials and long-term maintenance; would like more material variety and variation between different buildings; does not support the truck movement modification; supportive of the signal at NE 32nd with heavy emphasis on public safety at the intersection.

DEVELOPMENT STANDARDS

Staff Note: This site is zoned Residential High Density (RX) and Storefront Commercial (CS). Development proposed must meet applicable development standards in each zone unless a modification is requested through this Design Review. These modifications are part of design review and are not required to go through a separate 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 as part of design review. The applicant has requested several modifications and one adjustment as outlined below.

Title 33.120 Multi-Dwelling Zoning (RX)

33.120.100 Primary Uses. The proposed multi-dwelling development in this zone is an allowed primary use.

33.120.100 B.3c. Limited uses. Retail Sales And Service and Office uses in the RX zone.

Commercial uses in new multi-dwelling development. If all of the Retail Sales And Service or Office uses are on the ground floor, up to 40 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses; If any portion of the Retail Sales And Service or Office uses is not on the ground floor, up to 20 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses.

The residential dwelling units are allowed by right in this zone. The proposal includes 23,285 SF of Retail Sales And Service use in the RX portion of the project area. This represents 20% of the net RX building area of 115,885 SF. *These regulations are met.*

33.120.205 Density. A zone change for this site approved by LUR 00-00672 CP ZC, as a condition of approval, required that "the maximum number of residential units on the site shall be equal to the minimum number required by the Zoning Code." Based on this condition, the applicant can propose no more than 319 residential units on the site. The proposal for the project area is for 211 dwelling units.

Minimum density required is 1 dwelling unit per 500 SF of project area in the RX zone or 129 units for this proposal. The current proposal provides 105 units in the RX portion of the project area and 106 units in the CS portion. *Maximum density is met and an Adjustment is being requested to reduce the minimum density provided in the RX portion of the project area.*

33.120.215 Height. The maximum height allowed in the RX zone is 100 feet. The proposal is under the maximum height. The stair tower facing NE 32nd Avenue is closer than 15 feet of the parapet. *A Modification to the stair tower standard is being requested at two locations.*

33.120.220 Setbacks. The required minimum building setbacks are 0 feet for building walls and 5 or 18 feet for garage entrances. The maximum building setback from a transit street (NE Broadway) is 10 feet. The proposed development meets the required setbacks. *This standard is met.*

33.120.225 Building Coverage Building coverage is 100% of site area. *This standard is met.*

33.120.232 Street-Facing Facades. At least 15% of the area of each facade that faces a street lot line must be windows or main entrance doors. RX zones. The portions of buildings in the RX zone that have nonresidential development are subject to the ground floor window requirements of the CX zone (33.130.230). For this proposal, this includes retail areas, parking garage areas, and any other nonresidential use areas along NE 32nd, NE 33rd, NE Weidler, Arntson Yard, and the Banfield Expressway.

33.130.230 Ground Floor Windows. All exterior walls (in the RX zone that are not residential units) on the ground level which face a street lot line, sidewalk, plaza or other public open space or right-of-way must provide 50% of the wall length and 25% of the wall area from grade to 9 feet above grade in clear glazing. *A Modification to allow reduced glazed areas and open framed areas for RX-zoned facades along NE Weidler, the Banfield Expressway, and NE 33rd Avenue is requested. Display cases are provided along NE 32nd Avenue that allows this façade to meet the standard.*

33.120.250 Screening. Garbage/recycling areas must be screened. Rooftop mechanical equipment within 50 feet of an R zone must be screened or set back. *These standards are met.*

33.120.255 Pedestrian Standards. An illuminated, on-site 5 foot wide interior pedestrian circulation system must be provided as well as direct paved connections to one main entrance per building on the project area. *This standard is met.*

33.266 Parking and Loading. Parking is not required as the project area is within 500 feet of a frequent service transit line on NE Broadway. There is also no maximum number of parking spaces for this zone. The proposal will provide 261 vehicle spaces in the parking garage. *This standard is met.*

33.120.315 Street Trees. Street trees are required for all developments by the City Forester. *Prior to permitting, the applicant must demonstrate compliance with required street tree planting as determined by the City Forester.*

Title 33.130 Commercial Storefront Zoning (CS)

33.130.100 Primary Uses. Mixed-Use development is an allowed use within the Storefront Commercial Zone. *This standard is met.*

33.130.205 Floor Area Ratio. In the CS zone, the maximum FAR for all nonresidential development is 3:1. The project area contains 53,460 SF of land within the CS zone. Retail area for this portion of the proposal is 34,075 SF which produces an FAR of 0.64:1. *This standard is met.*

33.120.210 Building Height. The maximum allowed height is 45'-0" in the CS zone. The building height along NE Broadway and NE 33rd Avenue varies from 44'-2" to 58'-5". *A Modification to this standard is requested.*

33.130.215 Setbacks. The minimum setback is 0'-0" at the street lot line and lots lines abutting other commercial zoned lots. The maximum setback is 10'-0" and at least 50 percent of the length of the ground level street-facing façade of buildings must be within 10 feet of the street lot line. *This standard is met.*

33.130.220 Building Coverage. The minimum building coverage limit for the base zone is 50%. *This standard is met.*

33.130.230 Ground Floor Windows. Street facing facades on the ground level that are 20 feet or closer to the street lot line must meet Ground Floor Windows standards. The windows must be at least 50% of the length and 25% of the ground level wall area along the highest transit classification street (NE Broadway). Walls facing other streets (NE 32nd & NE 33rd Avenues) must meet ½ of the standard or 25% of the wall length and 12.5% of the wall area. *This standard is met in the Commercially-zoned portions of the proposal.*

33.130.235 Screening. All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment. Mechanical equipment on roofs must be screened from the ground level of any abutting R zoned lands. *This standard is met.*

33.130.240 Pedestrian Standards. Sites with more than one street frontage. There must be a straight line connection between the main entrance of each building on the site and an adjacent street. The straight line connection may not be more than 20 feet longer or 120 percent of the straight line distance from the entrance to the closest sidewalk or improved right-of-way if there are not sidewalks. An additional connection is required between each of the remaining streets and a pedestrian entrance. The system must provide 6 foot wide internal connections to other areas of the site. The land between a building and a street lot line must be landscaped to at least the L1 level and/or hard surfaced for use by pedestrians. *This standard is met.*

33.130.242 Transit Street Main Entrance. For portions of a building within the maximum building setback, at least one main entrance for each tenant space must: 1. Be within 25 feet of the transit street; 2. Allow pedestrians to both enter and exit the building; and 3. Either: a. Face the transit street; or b. Be at an angle of up to 45 degrees from the transit street, measured from the street property line. *This standard is met along NE Broadway which is the transit street.*

33.130.250 General Requirements for Residential and Mixed-Use Developments. At least 15% of the area of each façade that faces a street lot line must be windows or main entrance doors. *This standard is met.*

Other Applicable Development Standards

33.266.130 Vehicle Parking Area Layouts.

Ninety-degree parking stalls have minimum dimensional standards of 8'-6" x 16' and 2-ways aisles have a minimum dimensional standard of 20'. *This standard is met.*

33.266.200 Bike Parking.

RX Short-Term Bicycle Parking	req'd = 5	provided = 17
RX Long-Term Bicycle Parking	req'd = 117	provided = 343
CS Short-Term Bicycle Parking	req'd = 5	provided = 5
CS Long-Term Bicycle Parking	req'd = 2	provided = 2

33.266.310 Loading Standards. Buildings where any of the floor area is in uses other than Household Living. One loading space is required for buildings with at least 20,000 SF and up to 50,000 SF of floor area in uses other than Household Living. The loading space must be 35

feet long, by 10 feet wide with a height clearance of at least 13 feet. Trucks must be able to enter and exit the site in a forward motion. The proposal is also providing two additional 18'L x 9' W x 10' H loading spaces within the parking garage for the residential use. *This standard is met for the number and size of the loading space and a Modification is requested to forward motion.*

Title 32 Signs.

Signs larger than 32 SF require design review approval. Projecting signs larger than 30 SF will require a modification through design review. Signs in the CS zone are restricted to 100 SF, except for signs within 100 feet of a freeway right-of-way which are allowed to be up to 200 SF in area. Signs in the RX zone are restricted to 50 SF each, except for signs within 100 feet of a freeway right-of-way which are allowed to be up to 200 SF in area. Signs carved or embossed into exterior building materials are not considered signs. *The proposal has two 98.78 SF projecting blade signs in the CS zone and is requesting a Modification to projecting sign area.*

APPROVAL CRITERIA

DESIGN REVIEW (33.825)

33.825.010 Purpose

Design Review ensures:

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

33.825.055 Design Review Approval Criteria

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

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

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

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

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

Community Design Guidelines

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

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

P3. Gateways. Develop or strengthen the transitional role of gateways identified in adopted community and neighborhood plans.

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

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

Findings for P3, D7 & D8: The Sullivan's Gulch Neighborhood Plan does not identify a formal gateway location. However, this site is at the intersection of multiple neighborhoods and is visible from several blocks away and from the sunken Banfield Expressway (I-84), making the site act as a natural gateway. The proposed design includes a major corner element at the intersection of NE Broadway and NE 33rd Avenue. This important corner features taller parapets and more vertical window alignments, distinct material treatment on both facades, and engraved letters spelling out the name of the project at the very top. All of these elements contribute to a distinct building feature that enables people to orient themselves in the neighborhood.

The proposal is located at a former industrial site along the I-84 freeway. The surrounding commercial development includes a mix of one to four-story commercial buildings and an adjacent "big box" retailer with a large surface parking lot. Nearby residential development includes single and multi-dwelling buildings in a range of styles. The proposed development, which references the concrete pilaster and lintel system of nearby industrial buildings along with the mass and ground floor treatment of streetcar-era storefront architecture, is consistent with similar development types found in the neighborhood. This allows the project to blend into the area.

The overall site layout and composition of development respects the character of the surrounding neighborhood by continuing the pedestrian-scaled storefront commercial spaces along NE Broadway and by keeping the scale down in order to reduce development impact on smaller vestiges of the Sullivan's Gulch neighborhood. Storefronts along NE Broadway are designed as discrete units with pilasters and a mix of canopy styles that reduce the overall mass by allowing the bays to reflect the general rhythm and proportions of existing neighborhood architecture along the commercial corridor. Architectural design is informed by nearby industrial buildings that are located along the edge of the freeway. Spatial and visual separations between buildings form a distinctive and varied pedestrian experience throughout the development. Building forms are modulated with pilasters, canopies, undulating parapets, and a distinctive northeast corner treatment. A simple, repeated palette of colors, textures, and patterns on all building facades creates a cohesive composition while still allowing each building to have its own look. Exterior materials proposed include stucco plaster, cement panels, cement lap siding, metal, concrete, and vinyl windows, all of which are quality, durable elements.

A “Grant Park Village” sign is proposed at the top of the southeastern parapet of Building 4, facing the freeway. The sign code allows for signs in all zones up to 200 SF in area if they are within 100 feet of a freeway right-of-way. In this case, the I-84 freeway access ramp from NE 33rd Avenue is within 100 feet of this part of the building. The proposed “Grant Park Village” parapet sign is 125.5 SF in area and is integrated into the building design by being framed within a taller wall element that frames this end of the building as a significant architectural feature. The sign will be constructed out of individual, internally-illuminated channel letters that fit into the proposed neo-industrial aesthetic. And, with Condition of Approval B requiring raceways and conduit to be hidden from view, this parapet sign will be a visually interesting accent element that will also serve as a visual indicator of the connection between the Sullivan’s Gulch and Grant Park neighborhoods. *These guidelines are therefore met.*

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

E2: Stopping Places. New large scale projects should provide comfortable places along pedestrian circulation routes where people may stop, visit, meet, and rest.

Findings for E1 & E2: Pedestrian circulation is provided around the entire site, is fully accessible and connects directly to adjacent public sidewalks as well as to interior yards and pathways. The circulation allows people to enter the site from the upper NE Broadway frontage, the sloping side frontages, as well as the lower level areas along the southern edge of the development. The internal pedestrian network provides an interesting and accessible means of traveling to and through the entire project. A walkway is also provided from north to south, and is protected from vehicles as it traverses the parking structure, allowing customers and residents to enter the site mid-block. Condition of Approval C requires a 6 foot clear path between the south access stair and the new curved roadway so that all persons have clear access without having to go out into the road.

Stormwater treatment planters, bollards, tactile warning strips, and adequate sidewalk widths along the NE Weidler drive aisle also help buffer pedestrians from truck and vehicle traffic. The vehicular entry points from NE Weidler minimize the potential for vehicle-pedestrian conflict by centralizing vehicular movement to a clearly designed location on the site. Pedestrian routes throughout the development utilize changes in paving materials in order to differentiate walkways from vehicular accessways.

The individual buildings are pulled back from the street lot lines at a number of places to create generously-sized sidewalk extensions where people can socialize. Commercial storefronts support the pedestrian network by encouraging interaction between public and private space while providing views into active use areas. Interior roof gardens further support the pedestrian network for residents and guests by providing open spaces for social exchange. A large landscaped yard area south of the buildings provides another space for rest and gathering. *These guidelines are therefore met.*

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

E4: Corners that Build Active Intersections. Create intersections that are active, unified, and have a clear identity through careful scaling detail and location of buildings, outdoor areas and entrances.

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

wind, and rain.

Findings for E3, E4 & E5: The siting of the buildings close to all the street lot lines create a sense of urban enclosure with ground floor walls and main entrances clearly identified through changes in material and wall plane relationships. The proposal, while considered one building due to the structured parking, is visually divided into five separate “buildings” that break down the overall mass of the development. The ground level is distinct from the upper floors along the north, east and western facades by the use of storefront glazing, metal and fabric canopies for the retail spaces, and individual rows of windows with infill panels on the upper stories. Portions of the five towers are pulled back from the street to create effective gathering places for pedestrians, residents, and customers. Small-scale design features along sidewalk and pedestrian areas include the plaster pilasters, retail canopies above the sidewalks, display cases on NE 32nd Avenue, wall scones, and the storefront division into upper and lower window areas. All of these elements break down the overall building scale at the pedestrian level.

Building corners around the entire development are formally defined and expressively detailed through changes in material, height, and form, allowing each of the five “buildings” on the site to be seen as an individual structure. Outdoor areas are created along NE Broadway for seating and gathering, both at the corners as well as at the main split entry and water feature. Upper level roof gardens are provided for residents and their guests and a large landscaped yard area is located south of the townhouses. The proposal provides weather protection for pedestrians at building entrances and over pedestrian paths with a series of metal canopies. Street trees are being provided per Portland City standards. Internal pathways utilize an abundance of trees and landscaping.

The two projecting “New Seasons” signs complement the architecture by being appropriately-sized objects placed within the larger frame created by the canopies and the siding materials that delineate each floor. The overall impact of two projecting signs on the building, the neighborhood, and the nighttime skyline is minimal due to the location of the signs below the top story. Condition of Approval B requires that all the mounting brackets, conduit, and raceways be hidden from view, allowing the “New Seasons” signs to be clean vertical elements that fit into the building composition. The sign’s lighting, its multiple pieces, and its articulation reinforce the commercial characteristics of this section of the Sullivan’s Gulch neighborhood. *These guidelines are therefore met*

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

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

Finding for D1 & D3: The development provides several sizeable outdoor areas that are all connected to interior and surrounding circulation systems. Two large upper level roof gardens connect residents of separate buildings while also covering portions of the parking structure. These roof gardens contain wide walkways, landscaping, expressive means of stormwater management, and gathering places. Stoops and landscaped planters are provided for each of the townhouses on the south side of the site which in turn open out onto a large landscaped yard that serves as the terminus for NE Weidler as well as an east-west connection between NE 32nd and NE 33rd Avenues. Additional outdoor areas are provided along NE Broadway by pulling portions of the buildings back from the street lot lines. These are paved as extensions of the sidewalks. This variety of outdoor areas enhances the site and the development. *These guidelines are therefore met.*

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

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

Findings for D2 & D5: Main entrances to both retail and residential spaces are provided along all of the major building frontages. The major tenant entries are prominent building features highlighted by canopies and large glazed windows that make them visually distinct and interesting building elements. Retail entries are further expressed by pulling the building wall back to create larger open gathering spaces at these locations. Every entry will be fully accessible from adjacent pedestrian walkways and will connect to bus lines that run along NE Broadway and NE 33rd Avenue. Condition of Approval C requires a 6 foot clear path between the south access stair and the new curved roadway so that all persons have clear access without having to go out into the road. Short-term bicycle parking is provided at locations along the four major building frontages. The locations of the main entries, the south-facing townhouses, the rooftop gardens, the south yard, and the tenant amenity areas along the southeast frontage assures that there can be "eyes" on all circulation areas. Nighttime security is enhanced by street, building, interior parking structure, and site lighting. *These guidelines are therefore met.*

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

Findings: Retail spaces, lobby entries, a water feature, tenant amenity spaces, service spaces, and townhouses effectively screen a majority of the structured parking area from the surrounding streets, freeway ramp, and internal yards. The southwest lower level provides the only vehicular access to the garage off of NE Weidler which will not continue as a public street through the site. This minimizes negative impacts on the community and pedestrians by locating the parking and loading driveways in low traffic areas. The parking and loading entries, parking ramp areas, and upper parking level include glazed overhead doors, glazed storefront windows, metal louvers, solid walls, and sections of green wall trellising that are all well integrated into the project design. These treatments minimize views of parked vehicles from all areas of the site while creating an interesting pattern of materials and shapes. Water cisterns along the southeast end of the building, facing the freeway ramp, further visually mitigates the end walls of the parking structure. *This guideline is therefore met.*

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.

1. **33.120.215.C.2, 33.130.210 & Table 130-3 Building Height.** To increase portions of the building's height in the CS zone from 45 feet to as tall as 58'-5" above grade along NE Broadway and to allow the stair tower between Buildings 1 & 2 and on Building 4 to be within 15 feet of the street-facing parapets in the RX zone. Building 3 will be 46'-2" tall along NE Broadway and Building 5 will be 58'-5" tall at its highest point.

Purpose of the standard: The height limits are intended to control the overall scale of buildings. The height limits in the CS zone allow for a greater building height at a scale that generally reflects Portland's commercial areas. Light, air, and the potential for privacy are intended to be preserved in adjacent residential zones. The roof access setback from the parapet edges in and near residential zones is intended to promote reasonable building scale between residences, promote options for privacy on neighboring properties, and to reflect the general building scale of multi-dwelling structures.

Findings: The proposed heights in excess of the height limit are located along the northern portion of the site zoned Storefront Commercial (CS) and adjacent to NE Broadway, a major commercial thoroughfare in this neighborhood. The additional height of the proposal at this portion of the site will have no impact on light, air, or the privacy of the Central Residential (RX) zone which is opposite, but at a distance from the northern quadrant of the site. Therefore, the proposal on balance meets the intent of the CS zone height limit standard.

The two stair towers at the outer edges of three of the buildings are all well below the maximum allowed height in the RX zone of 100 feet. The site is removed from all adjacent residences by streets and other rights-of-way which allows for privacy to be maintained. The additional wall mass along these two parapets is also within the expected height of development in RX zones which is an area where the highest buildings and densities are expected to occur. Therefore, the proposal on balance meets the intent of the RX zone height limit standard.

The requested height and stair tower wall location modification will result in a design which better meets Community Design Guidelines P1 Plan Area Character, P3 Gateways, and D8 Interest, Quality and Composition. The overall scale of the entire proposal is significantly reduced from the available building envelope that would be allowed by right per the base zone standards for floor area and building coverage if the RX portion were fully built out. The multi-tower on top of a parking podium development oriented around a variety of open space areas reduces the overall mass of the proposal. The proposed variety of building heights creates additional visual interest to a proposal by allowing distinctive elements to project above the body of each building. The proposed additional height, while modest will help mark geographic transition to the Sullivan's Gulch Neighborhood. The stair tower walls within 15 feet of outer parapets creates areas of visual distinction along the RX portion of the development and also helps to establish clear and organized areas for mechanical equipment screening. This in turn allows for a cohesive overall design.

The criteria are met and this modification request is therefore approvable.

2. **33.266.310.F Loading.** To allow trucks to enter the loading area off of NE Weidler with rearward rather than forward.

Purpose of the standard: 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.

Findings: Parking and loading will be inside the two level parking structure that serves as the base of the development. Access to the loading area and parking structure will be from NE Weidler Street which will dead-end into a curving access-restricted drive aisle on private property. Only vehicles wishing to use facilities on site will be using this portion of Weidler. There will be no thru-site traffic or available connections to other areas of the neighborhood. A wide entry apron will be provided from Weidler to the loading area and both trucks and cars will be able to easily navigate into and out of the parking structure. These low-profile conditions make the immediate area amenable to trucks entering the loading area in a backward motion. The Portland Bureau of Transportation has also reviewed this modification request and has no objection to it.

The conditions of NE Weidler enable it to meet the purpose of the standard through the use of a scored concrete pattern, bollards, and tactile warning strips that clearly mark this portion of the street as something different. Stormwater planters will be provided along the edges of this right-of-way, softening its appearance and leading the eye toward the open yard at the eastern end of the site. The proposed project meets the applicable design guidelines, specifically Guidelines D4 Parking Areas and Garages, E1 Pedestrian Networks, and D3 Landscape Features by utilizing a visually distinct pattern of roadway materials and by providing complete pedestrian walkways along both sides of NE Weidler that are also buffered from vehicular movement by street trees and stormwater planters.

The criteria are met and this modification request is therefore approvable.

3. **33.120.232.B.2 & 33.130.230.B.2 Ground Floor Windows.** To reduce the amount of ground floor windows to below the required standards for non-residential development walls in the RX zone that face public and private rights-of-way. The south elevation along NE Weidler and the Arntson Yard is required to have 153.5 linear feet and 691 SF of clear glazed window area or person door area. It is proposed to have 46 linear feet and 465 SF of window/person door area. The southeast elevation facing the Banfield Expressway ramp is required to have 68 linear feet and 309 SF of clear glazed window or person door area. It is proposed to have 23.3 linear feet and 156 SF of window/person door area. The NE 33rd Avenue elevation is required to have 4.5 linear feet and 11 SF of clear glazed window or person door area. It is proposed to have 0 linear feet and 0 SF of clear glazed window/person door area.

Purpose of the RX standard: These standards: Together with the main entrance and garage standards, ensure that there is a visual connection between the living area of the residence and the street; Enhance public safety by allowing people to survey their neighborhood from inside their residences; and Provide a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

Purpose of the CX standard: In the C zones, 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; and avoid a monotonous pedestrian environment.

Findings: The standard calls for 50% of the ground-level wall length of all non-residential walls in the RX zoned portions of the project area to be clear glazing that offers views into active areas. The development meets this standard on all elevations except for a portion of NE 33rd Avenue, the parking garage walls on the south elevation, and the angled wall facing the freeway ramp. Spandrel glass is provided along a portion of NE 33rd Avenue, small areas of active uses do face the freeway ramp and these have glazed doors that provide views into these areas. Several display cases are shown along

NE 32nd Avenue as a window substitution that is allowed by the code standards. Large areas of glazed storefront in front of the parking ramps as well as a glazed overhead door are provided along the Weidler frontage. The proposal has made every effort to reduce the amount of non-active space facing public rights-of-way while also activating the ground level along private rights-of-way and does fulfill the ground floor window requirements in the commercially zoned portions of NE Broadway, NE 33rd Avenue and NE 32nd Avenue.

The ground-level glazing and green screens that are provided along the southern, southeastern, and eastern sides of the project in the RX zoned areas will enrich the pedestrian experience along these project area boundaries by providing views into active spaces that are located along the outer edge of the parking structure, particularly along the walkway the follows the freeway ramp. The parking garage glazed doors also provide surveillance opportunities for those outside. All the building facades are interesting to view with their variety of window and door openings, and display cases. These elements add diversity to both the public and private pedestrian environment around the site. The proposal is consistent with the purpose of the standard and meets the applicable design guidelines, specifically Guidelines E3 Sidewalk Level of Buildings, D4 Parking Areas and Garages, D5 Crime Prevention, and D8 Interest, Quality and Composition.

The criteria are met and this modification request is therefore approvable.

- 4. Title 32 Projecting Sign Size.** To allow signs projecting into the right-of-way to be larger than 30 SF each. Two projecting signs at 98.78 SF each are proposed.

Purpose of the standard: 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 resulting development will better meet the applicable design guidelines; and

Findings: Allowing the two projecting signs to exceed the 30 sq. ft. limit within the right-of-way allows the signs to integrate with the building and further complement the architecture by placing appropriately-sized objects within the larger frame created by the building corners. At a smaller scale, these features would not seem genuine. Additionally, the overall impact of the signs on the building is minimal due to the building's size and the location of the sign above the canopies. The sign's lighting, multiple pieces, and articulation reinforce the desired characteristics of this commercial section of NE Broadway. Condition of Approval B requires that all mounting plates, raceways, and conduit not be visible on exterior walls, allowing the signs to remain cleanly designed and not overwhelm the building's architecture. While the signs are each 98.78 sq. ft. in area, the overall impact is less due to the scale of the wall surface it is being placed on and their thin, vertical orientation, and meets the applicable design guidelines, specifically Guidelines P1 Plan Area Character, E3 Sidewalk Level of Buildings and D8 Interest, Quality and Composition.

The criteria are met and this modification request is therefore approvable.

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 providing certainty and rapid processing for land use applications.

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 adjustment is requested:

1. 33.120.205.C Minimum Density. To provide 105 dwelling units in the RX portion of the project area, a reduction of 14 units from the 129 units required by the standard. An additional 106 dwelling units will be provided in the CS zone which has no required minimum dwelling unit density. The entire site has a maximum cap of 319 dwelling units allowed as a Condition of Approval from zone change case LUR 00-00672 CP ZC. The proposal for this project area of a total of 211 dwelling units will be below the maximum number allowed on the site.

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 so that housing can match the availability of public services and the availability of commercial areas. The proposal adds to the existing commercial development along NE Broadway, helping to vitalize this portion of the neighborhood. Dwelling units will be spread out between the two zones on the site but the total number of units will exceed the RX requirements. Frequent transit and adequate roadways are available for the housing being proposed with this development. *This criterion is therefore 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 is partially located in the RX Central Residential, high density multi-dwelling zone and will not detract from residential areas as this type of high-density development is in keeping with this zone. Dwelling units in the CS zone are designed to fit within the overall scale and character of the area which contains a number of multi-story commercial and mixed-use buildings. *This criterion is therefore 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: Only one adjustment is being requested. *This criterion does not apply.*

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: Concurrent zone change amendment LU 12-189581 to install a traffic signal allowing left turns from NE Broadway onto NE 32nd Avenue is being reviewed at this time so traffic impacts will be mitigated. No other impacts result from the development since the total number of dwelling units proposed for both zones are not more than what would be allowed in the RX zone alone. *This criterion is therefore met.*

- 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.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposed development is a significant contribution to the urban development of the Sullivan's Gulch Neighborhood in NE Portland, and meets a majority of the Community Design Guidelines. The development skillfully integrates buildings with the site and with this more commercial portion of the neighborhood, while also enhancing and expanding the existing pedestrian network. The requested modifications improve the design by better meeting design guidelines and also meeting the purpose of the code standards. The requested adjustment is mitigated by the addition of 106 dwelling units on the contiguous CS portion of the project area. The proposal meets the applicable design guidelines and modification and adjustment criteria and, with Conditions of Approval B and C, warrants approval.

DESIGN COMMISSION DECISION

It is the decision of the Design Commission to approve Design Review for a new mixed-use residential and commercial project over two levels of structured parking in the Sullivan's Gulch neighborhood. The proposal includes a large retail anchor tenant at NE 32nd and NE Broadway, 211 dwelling units in five, four- and five-story buildings plus a row of townhouses along the southern boundary; main pedestrian entries to the residential areas along NE Broadway, NE 32nd Avenue and at the end of NE Weidler Street; parking access for 270 spaces from NE Broadway and NE Weidler; retail loading for the anchor tenant off of NE Weidler and two smaller loading spaces for residents provided inside the parking area which is covered by landscaped roof terraces that partially screen views of vehicles from upper units; exterior building materials include stucco plaster, cement board panels, cement lap siding, exposed concrete, metal and fabric canopies, other metal elements such as grilles, vents, and railings, vinyl windows, and rooftop equipment screens; pedestrian walkways and a large landscaped outdoor area at the building's southern edge that connects public sidewalks from NE Weidler Street through the project area to the future Sullivan's Gulch Trail and NE 33rd Avenue.

Approval of the following Modification requests:

1. 33.120.215.B.C.2, 33.130 Table 130-3 Building Height – To increase portions of the building height in the CS zone from 45 feet to as tall as 58'-5" above grade in the CS zone and to

- allow the stair tower wall between Buildings 1 & 2 and Building 4 to be within 15 feet of the street-facing parapets in the RX zone.
- 2. 33.266.310.F Loading – To allow trucks to enter the loading area off of NE Weidler with rearward rather than forward motion.
- 3. 33.120.232.B.2 & 33.130.230.B.2 Ground Floor Windows – To reduce the amount of ground floor windows to below the required standards for non-residential development walls in the RX zone that face public and private rights-of-way.
- 4. Title 32 Projecting Sign Size – To allow two 98.78 SF each internally illuminated projecting signs in the right-of-way along NE Broadway and the corner of Broadway and NE 32nd Avenue.

Approval of the following Adjustment request:

- 1. 33.120. Minimum Density - To provide 105 dwelling units in the RX portion of the project area, a reduction of 14 units from the 129 units required by the standard, with an additional 106 dwelling units provided in the CS zone.

Approvals per Exhibits C.1-C.6, C.8-C.10, C.14-C.15, C.22-C.27, C.52, C.64, C.66-C.77 and H.10-H.61, signed, stamped, and dated January 24, 2013, subject to the following conditions:

- A.** As part of the building permit application submittal, the following development-related conditions (A – D) 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 12-186554 DZM AD. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled “REQUIRED.”
- B.** All raceways, conduit, and mounting plates for building signs will located so they are not visible on building exteriors
- C.** Provide a 6’-0” clear space from the base of the leasing office access stair to the face of curb at the curved roadway.
- D.** No field changes allowed.

By:  _____
 Guenevere Millius, Design Commission Chair

Application Filed: September 25, 2012
Decision Filed: January 25, 2013

Decision Rendered: January 24, 2013
Decision Mailed: January 31, 2013

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on September 25, 2012, and was determined to be complete on **October 25, 2012.**

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 September 25, 2012.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

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. This report is the final decision of the Design Commission with input from other City and public agencies.

Conditions of Approval. This approval may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. **Appeals must be filed by 4:30 pm, February 14, 2013** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor in the Development Services Center until 3 p.m. After 3 p.m. and on Monday, appeals must be submitted to the receptionist at the front desk on the fifth floor. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case by appointment at, 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201.

If this decision is appealed, a hearing will be scheduled and you will be notified of the date and time of the hearing. The decision of City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to City Council on that issue. Also, if you do not raise an issue with enough specificity to give City Council an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

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

Neighborhood associations may qualify for a waiver of the appeal fee. 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. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

Recording the final decision.

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

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

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

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

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

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

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

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.

Chris Caruso
January 25, 2013

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).

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Information
 1. Cover, Project Team, Neighborhood Contact Info, TriMet Schedules
 2. Narrative
 3. Land Use Review Check
 4. Adjustment Request to Minimum Number of Required Units
 5. Geotechnical Report
 6. Stormwater Report

7. October 25, 2012 Memo
8. November 19, 2012 Memo
9. Site Images
10. A100 Vicinity Plan
11. Public Works Appeal Approval
- B. Zoning Map (attached)
- C. Plan & Drawings
 1. Site Plan
 2. Truck Turning Diagram
 3. S101 Survey
 4. S102 Survey
 5. C100 Site, Stormwater Management, and Utility Plan
 6. SL101 Site Lighting Arntson Yard
 7. L001 Site Overall
 8. L010 Arntson Yard
 9. L020 West Terrace
 10. L030 East Terrace
 11. L110 Landscape Site Plan
 12. L130 Site Level 0 Planting Plan
 13. L131 Level 1 Planting Plan
 14. L132 Ground Level Plant Legend & Planting Details
 15. L150 Ground Level Site Details
 16. L210 West Terrace Landscape Site Plan
 17. L230 West Terrace Planting Plan
 18. L310 East Terrace Landscape Site Plan
 19. L330 East Terrace Planting Plan
 20. L331 East Terrace Plant Legend Planting Details
 21. L340 East Terrace Sections & Details
 22. A200D Floor Plan Diagrams
 23. A201D Floor Plan Diagrams
 24. A202D Floor Plan Diagrams
 25. A200 Lower Level Floor Plan
 26. A201 Level 1 Floor Plan
 27. A202 Level 2 Floor Plan
 28. A250 Window & Door Details
 29. A251 Storefront Details
 30. A301 Roof Plan
 31. A307 Canopy Plans and Details
 32. A400 Exterior Overall Elevation Perspectives
 33. DR401 Exterior Elevations
 34. DR402 Exterior Elevations
 35. DR403 Exterior Elevations
 36. DR404 Exterior Elevations
 37. A405 Exterior Elevations Enlarged
 38. DR405 Exterior Elevations Enlarged
 39. A450 Exterior Details
 40. A500 Building Sections
 41. A510 Wall Sections
 42. A511 Wall Sections
 43. A601 Renderings
 44. A602 Rendering
 45. A603 Rendering
 46. A604 Rendering
 47. A605 Rendering
 48. A606 Rendering

49. A607 Rendering
 50. A608 Perspective Elevation
 51. A609 Renderings
 52. Nighttime Rendering
 53. Signs North Elevations Building 1
 54. D/F Projecting Sign Display
 55. S/F Under Canopy Display
 56. Exterior SB Canopy Display Option 2
 57. Under Canopy Displays
 58. West Elevation Building 2
 59. South Elevation Building 2
 60. South Elevation Building 2
 61. South Elevation Building 4 Partial
 62. Exterior Night Views
 63. Master Sign Site Plan
 64. PTHP Section
 65. NOT USED
 66. Hardie Reveal Panel Information
 67. VPI Quality Windows Information
 68. Mikron Supercoat Information
 69. Greenscreen Trellis System Information
 70. Hansen Railing Information
 71. Ruskin Louver Information
 72. Kawneer Frame Information
 73. Water Veil Images
 74. Overhead Glazed garage Door Image
 75. Water Storage Tank Elevation and Plan
 76. Light Fixture Information
 77. Site Furnishings Information
- 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. Life Safety Review Section of BDS
 2. Water Bureau
 3. Site Development Review Section of BDS
 4. Fire Bureau
 5. Bureau of Environmental Services
 6. Bureau of Transportation Engineering and Development Review
 7. Bureau of Parks-Forestry Division
- F. Letters
1. Sullivan's Gulch Neighborhood Association, November 6, 2012 – in support.
 2. Jim Walker, November 26, 2012 – in general support with some concerns.
- G. Other
1. Original LUR Application
 2. Request For Completeness Review
 3. Pre-Application Conference Summary Memo
 4. Incomplete Letter
 5. Site Development Request For Completeness Response
 6. Bureau of Environmental Services Completeness Review Response
 7. Portland Transportation Development Review Land Use Completeness Review

8. DAR Summary Notes July 16, 2012
9. DAR Summary Notes August 22, 2012

H. Other

[Received at December 6, 2012 Hearing]

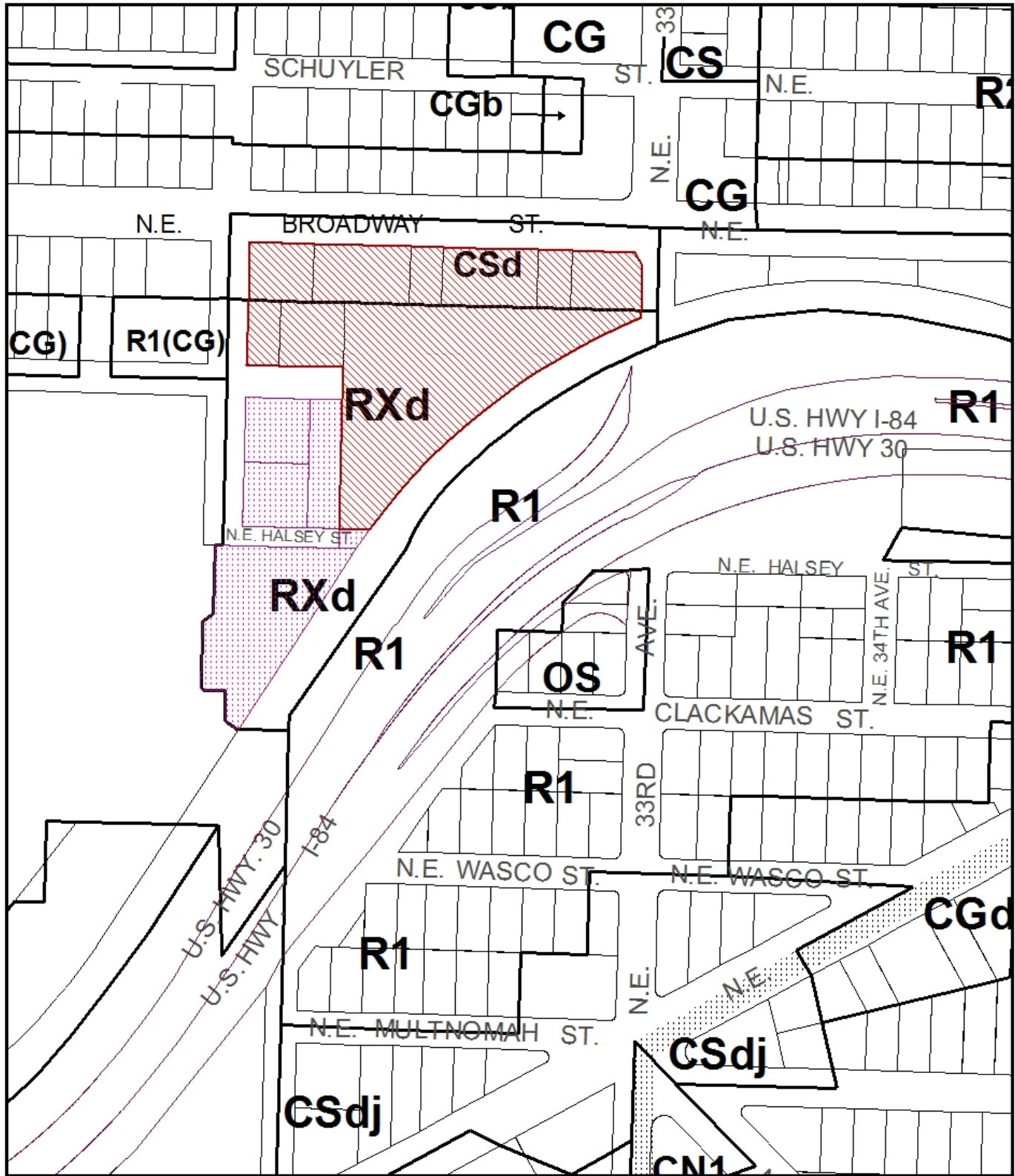
1. Staff Memo
2. Staff PowerPoint
3. Bureau of Environmental Services Addendum to Nov 26th Land Use Response

[Received after the December 6, 2012 Hearing]

4. Staff memo, January 14, 2013
5. Summary Notes, December 10, 2012
6. Revised Staff Report, January 14, 2013
7. Sullivan's Gulch memo, January 14, 2013
8. Applicant memo & Table of Contents, January 7 & 14, 2013
9. Site Plan
10. A101 Site Plans (attached)
11. L001 Overall Site Plan
12. L020 West Terrace
13. L110 Landscape Site Plan
14. L130 Site Level 0 Planting Plan
15. L131 Level 1 Planting Plan
16. L140 Ground Level Site Details
17. L210 West Terrace Landscape Site Plan
18. L230 West Terrace Planting Plan
19. L240 West Terrace Sections & Details
20. L310 East Terrace Landscape Site Plan
21. L330 East Terrace Planting Plan
22. L331 East Terrace Plant Legend Planting Details
23. L340 East Terrace Sections & Details
24. L341 East Terrace Sections & Details
25. DR200 Lower Level Floor Plan (attached)
26. DR201 Level 1 Floor Plan (attached)
27. DR202 Level 2 Floor Plan (attached)
28. A250 Window & Door Details
29. A251 Storefront Details
30. A301 Roof Plan
31. A307 Canopy Plans and Details
32. DR400 Exterior Overall Elevation Perspectives (attached)
33. DR401 Exterior Elevations
34. DR402 Exterior Elevations
35. DR403 Exterior Elevations
36. DR404 Exterior Elevations
37. DR405 Exterior Elevations Enlarged
38. DR406 Exterior Elevations Enlarged
39. DR407 Courtyard Elevations
40. DR408 Courtyard Elevations
41. A450 Exterior Details
42. A451 Exterior Details
43. A500 Building Sections
44. A510 Wall Sections
45. A511 Wall Sections
46. A601 Renderings
47. A602 Rendering
48. A603 Rendering
49. A604 Rendering
50. A605 Rendering

51. A606 Rendering
52. A607 Rendering
53. A608 Perspective Elevation
54. A609 Renderings
55. NOT USED
56. Signs North Elevations Building 1
57. D/F Projecting Sign Display
58. Materials Sheet
59. Greenscreen Trellis System Information
60. Signs (5 sheets)
61. A202X Level 2 Floor Plan Siding Legend

cc: Applicants and Representatives
Neighborhood Associations
Those who testified, orally or in writing



ZONING

- Site
- Also Owned



File No.	<u>LU 12-186554 DZM</u>
1/4 Section	<u>2833,2933</u>
Scale	<u>1 inch = 300 feet</u>
State_Id	<u>1N1E25CD 11900</u>
Exhibit	<u>B (Sep 27,2012)</u>

GENERAL NOTES

- SEE ALL FLOOR PLAN SHEETS FOR GENERAL INFORMATION.
- SEE ALL FLOOR PLAN SHEETS FOR GENERAL INFORMATION.
- SEE ALL SHEETS FOR CODE COMPLIANCE INFORMATION.

LEGEND

MEAN WALL THICKNESS AND DISTANCE ON G.M.A.
STRUCTURAL FOR BEARING WALL LOCATIONS

LRS
ARCHITECTS
720
Portland, OR 97208 www.lrsarch.com

THE COMPANY AND ITS ASSOCIATES
CONSULTANTS

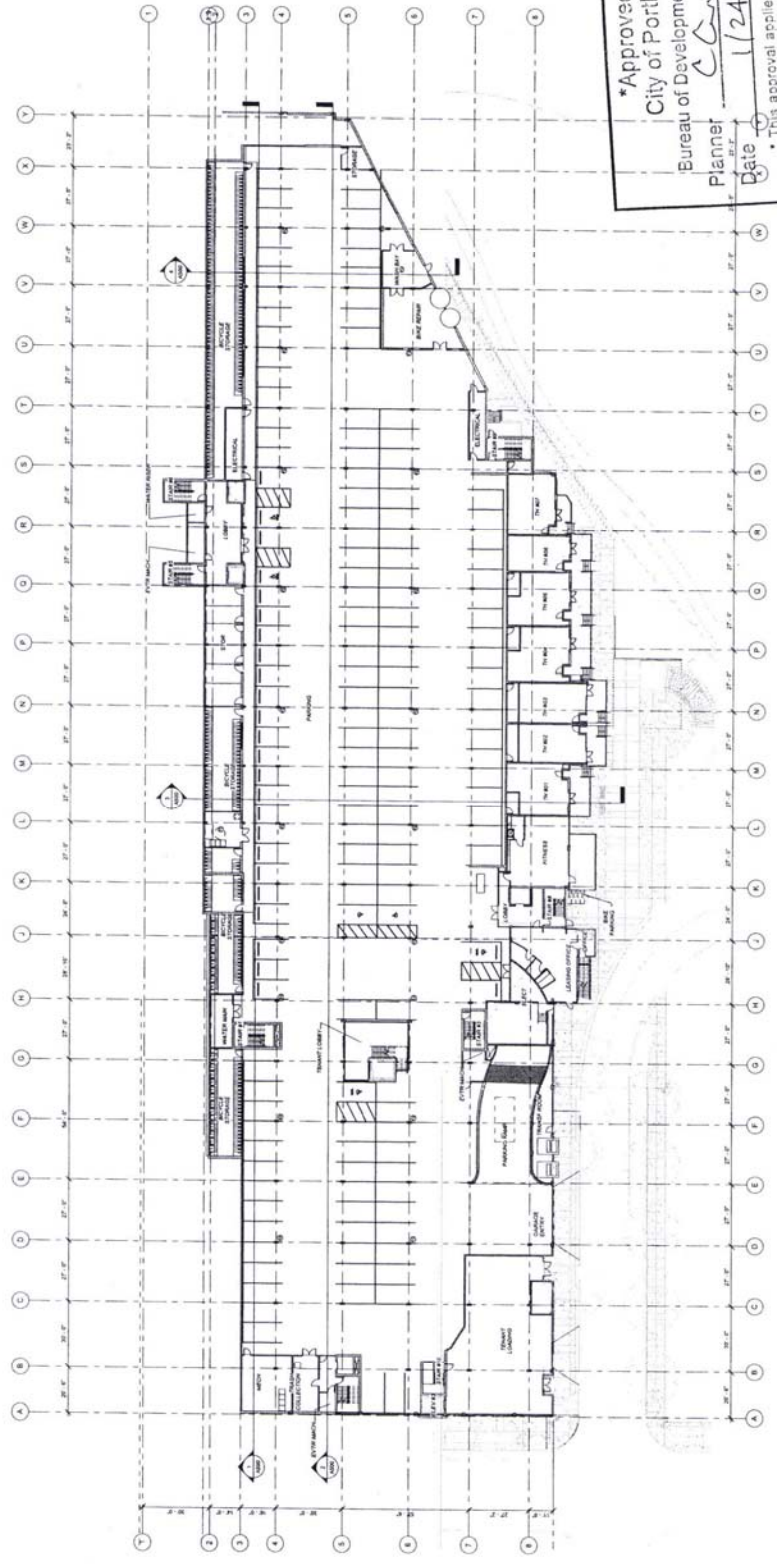
R

RUNBERG
ARCHITECTURE
GROUP

PROJECT NUMBER: 17114

GRANT PARK
VILLAGE
NE 33RD &
BROADWAY
PORTLAND, OR

SHEET TITLE:
**LOWER LEVEL
FLOOR PLAN**



Approved
City of Portland
Bureau of Development Services
Planner _____
Date 1/24/13

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

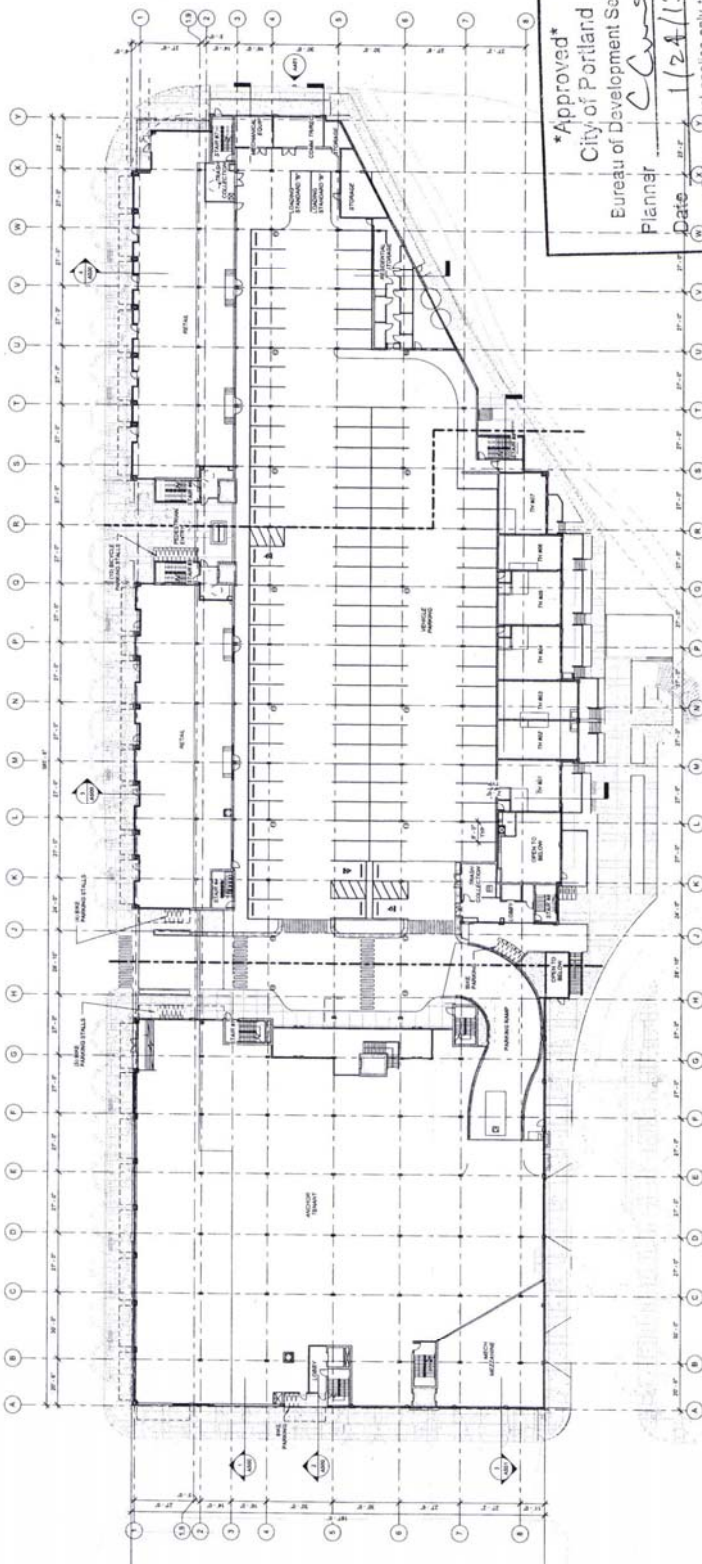


1. LOWER LEVEL FLOOR PLAN
SCALE: 1/4"=1'-0"

EXH. H-25

SHEET **DR200**

W. 12-166554 D2M AD

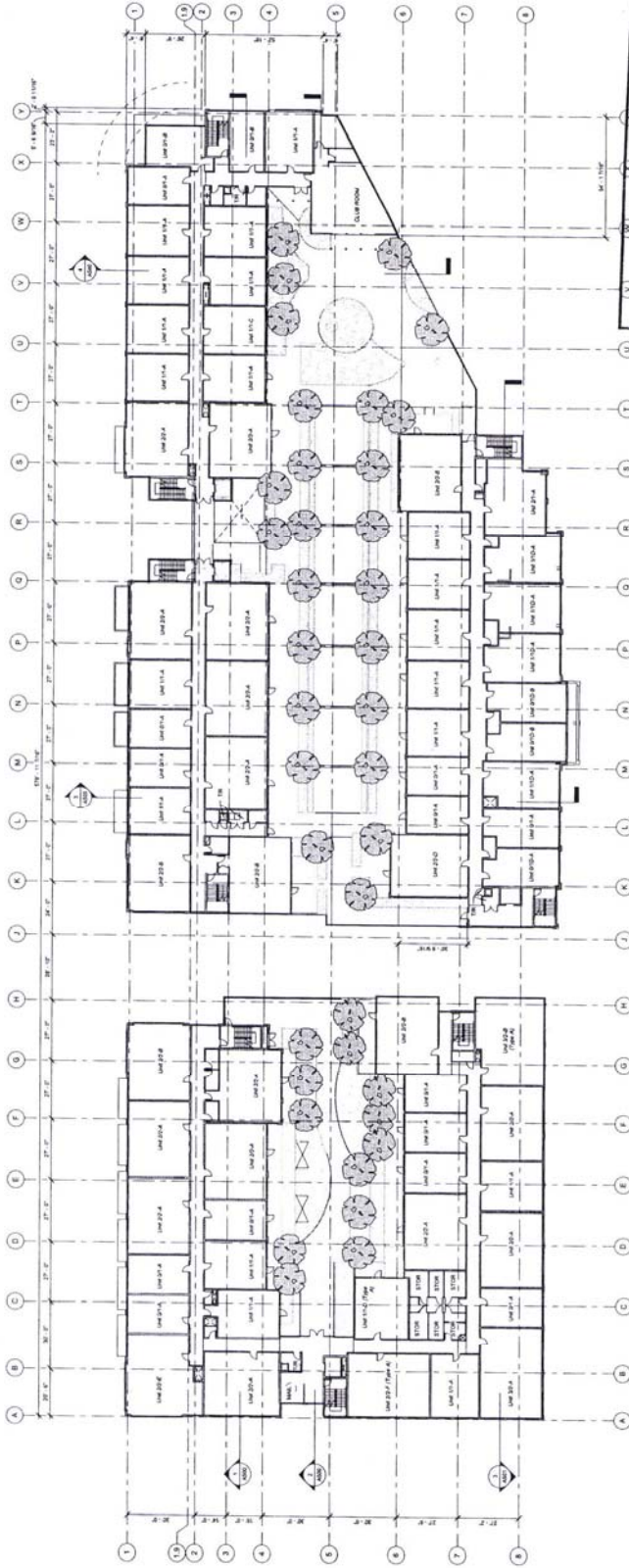


Approved
 City of Portland Services
 Bureau of Development Services
 Planner *CWS*
 Date *1/24/13*
 * This approval applies only to the specific revisions requested and is subject to all conditions of approval.
 Additional zoning requirements may apply.

EXH. 20
 SHEET **DR201**
 CU 12-186554 DZM AD



1. LEVEL 1 OVERALL
 SCALE: 1/8" = 1'-0"



Approved
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 1/24/13

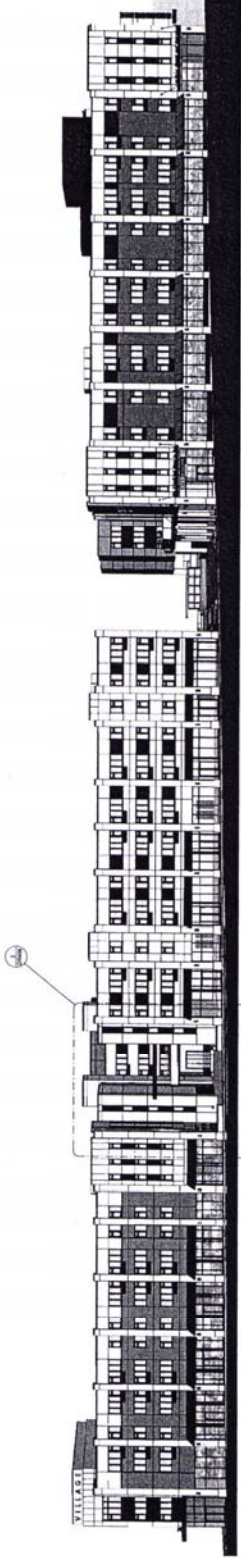
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



1. TYPICAL HOUSING FLOOR - LEVEL 2 SHOWN
 SCALE: 1/4" = 1'-0"

EXH. H-27
DR202

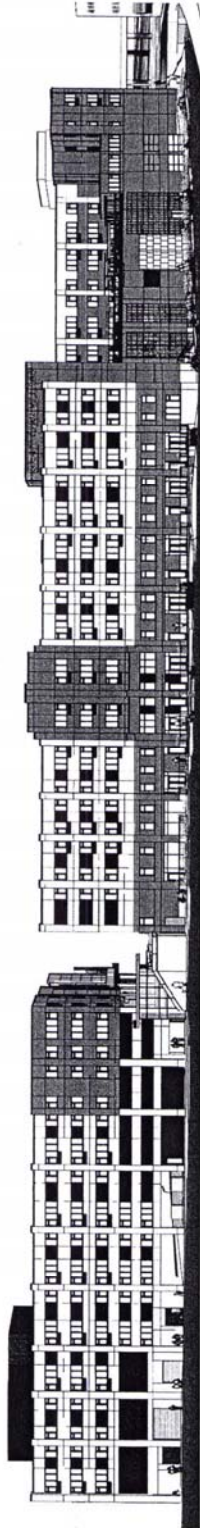
CU 12-106554 D20M AD



OVERALL NORTH ELEVATION PERSPECTIVE

PROJECT NUMBER:
GRANT PARK VILLAGE
 NE 33RD & BROADWAY
 PORTLAND, OR

ARCHITECT:
R
 RUNBERG ARCHITECTURE GROUP



OVERALL SOUTH ELEVATION PERSPECTIVE

SHEET TITLE:
EXTERIOR OVERALL ELEVATION PERSPECTIVES

* Approved*
 City of Portland
 Bureau of Development Services
 Planner: C. C. S.
 Date: 1/24/13
 * This approval applies only to the review requested and is subject to all conditions of approval. Additional zoning requirements may apply.

DATE PLOTTED:
 1/24/2013

EXH H-32
 DR400
 WU 12-186557 D 2M AD