

# City of Portland, Oregon

# **Bureau of Development Services**

Land Use Services

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FROM CONCEPT TO CONSTRUCTION

# FINAL FINDINGS AND DECISION BY THE DESIGN COMMISSION RENDERED ON March 7, 2013

# CASE FILE NUMBER: LU 12-192298 DZM AD PC # 11-199333 EA Jefferson Street Flats

**BUREAU OF DEVELOPMENT SERVICES STAFF**: Staci Monroe 503-823-0624 / staci.monroe@portlandoregon.gov

# **GENERAL INFORMATION**

Applicant:	Armin Quilici , 503-228-0311 / Vallaster & Corl Architects 711 SW Alder, Penthouse / Portland, OR 97205
Owner:	Sam Rodriguez / Mill Creek Residential 220 NW 2nd Avenue, Suite 500 / Portland, OR 97209
	Agni Group LLC 134 ½ E. Santa Fe Avenue / Santa Fe, NM 87505
	Tri-County Metropolitan Trans Dist / Attn: Kathryn Krygier 710 NE Holladay Street / Portland, OR 97232-2168
Site Address:	SW Jefferson Street and SW 21st Avenue
Legal Description:	SUB LOT 5 EXC PT IN ST-E 50' OF LOT 2 BLOCK D E 50' OF LOT 3 BLOCK D EXC PT IN ST-E 50' OF LOT 4 BLOCK D, CARTERS ADD TO P; SUB LOT 5 BLOCK D LOT 2-4 TL 6700, CARTERS ADD TO P; SUB LOT 5 BLOCK D LOT 5 EXC PT IN ST, CARTERS ADD TO P; SUB LOT 5 BLOCK D LOT 6&7 TL 5900, CARTERS ADD TO P; BLOCK D LOT 2&3 TL 6701, CARTERS ADD TO P
Tax Account No.: State ID No.:	R140407680, R140407690, R140407710, R140407720, R140407700 1S1E04BA 06800, 1S1E04BA 06700, 1S1E04BA 06000, 1S1E04BA 05900, 1S1E04BA 06701
Quarter Section: Neighborhood: Business District: District Coalition: Plan District: Zoning: Case Type: Procedure:	<ul> <li>3127</li> <li>Goose Hollow, contact Greg Wimmer at 503-459-4477.</li> <li>Goose Hollow BA, Angela Crawford at 503-223-6376.</li> <li>Neighbors West/Northwest, Mark Sieber at 503-823-4212.</li> <li>Central City - Goose Hollow</li> <li>CXds – Central Commercial zone with Design and Scenic</li> <li>Resources overlays</li> <li>DZM AD – Design Review with a Modification and an Adjustment</li> <li>Type III, with a public hearing before the Design Commission.</li> <li>The decision of the Design Commission can be appealed to City</li> <li>Council.</li> </ul>

#### **Proposal:**

The applicant seeks Design Review approval for a new residential development with 134

residential units in the Goose Hollow sub district of the Central City Plan District. The proposal includes demolishing the existing two-story building and surface parking lot (Trimet's public lot) and constructing the following:

- 75' tall residential building, varying 5-7 stories due to grade change.
- 123,820 SF of floor area (does not include 2 levels of below grade parking)
- 6.6:1 FAR obtained by utilizing the residential housing bonus of 33.510.210.C.1.a(1). (The base 4:1 FAR is allowed with a maximum bonus up to 3:1, for a total allowance of 7:1.)
- 2 levels of underground parking for 121 spaces (18 for the public's use on 1<sup>st</sup> level and 101 for residents), with a single access point off of Howard's Way.
- 7 short-term bike parking spaces near main entrance off of Jefferson and 20<sup>th</sup> and 150 long-term bike spaces within the garage with additional spaces within the individual units.
- Resident amenities including rooms for the community, exercise, dog washing, bike repair and storage, and a roof deck (750 SF).
- Main entrance at the NE corner on Jefferson.
- Landscape area with a water feature (~200 SF in size) adjacent to a Heritage Tree (Austrian Pine) in adjacent ROW to be protected. Other site landscaping proposed along the north, east and south edges of the building and site.
- Oriel window projection at the SE, NE and NW corners of the building.
- Exterior finishes include cast in place concrete, fiber cement panels, wood siding, aluminum storefront system and vinyl windows.

Modifications requested:

- The **minimum width for vehicle parking spaces** is 8.5'. The proposal does not provide 8.5'-wide parking spaces throughout the parking garage due to 9"-wide structural columns that reduce some spaces down to 7'-9" in width (Section 33.266.130.F.2); and
- The **ground floor window requirement** at the south elevation results in qualifying window features for 19.25 lineal feet and 50.5 SF. The proposal does not provide this amount of qualifying window features at the south elevation (Section 33.130.230).

Adjustment requested:

• The loading regulations require 2 on-site loading spaces that have a clearance of 10'. The proposal provides only one on-site loading space (instead of 2) and the proposed loading space has a clearance of only 8' (Section 33.266.310).

New development within the Central City Plan District requires Design Review per Section 33.420.041.A

# **Relevant Approval Criteria**:

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

- Goose Hollow Design Guidelines
- Central City Fundamental Design Guidelines
- Modifications Through Design Review Section 33.825.040
- Adjustment Section 33.805.040

# ANALYSIS

**Site and Vicinity:** The 18,755 SF site, which consists of five tax lots, is located on the south side of SW Jefferson Street and bound by SW 20<sup>th</sup> Avenue, Howards Way and SW 21<sup>st</sup> Avenue. The site is currently developed with a two-story commercial building on

the western portion and a surface parking lot (Trimet) on the east portion of the site. A 26' change in elevation occurs on the property between the highest point (southwest corner) and the lowest point (northeast corner). A locally designated Heritage Tree exists southeast of the property in the adjacent right-of-way at the intersection of SW 20<sup>th</sup> and Howard's Way. The Austrian Pine tree has a diameter of 39" and a drip line of 28'.

The property is located is the Goose Hollow sub district of the Central City Plan District. It resides just outside and southwest of the Goose Hollow Pedestrian District. The abutting Jefferson Street is one of two main boulevards that go through Goose Hollow and is a Major City Traffic and Traffic Access street with light rail. The area's main MAX-line stop is one block to the east on Jefferson Street and is the last stop within the Central City before it leaves for the surrounding western suburban neighborhoods. Jefferson Street is at the bottom of a small ravine (formerly Tanner Creek) that runs from the west hills to downtown and is spanned by the Vista Bridge to the west.

The Goose Hollow neighborhood contains a mix of residential and commercial uses. On the south side of the property is Arbor Vista Condominiums. To the west, there are four commercial office buildings and parking, and to the east is First United Methodist church and classrooms. Across Jefferson Street to the north are Rasmussen BMW and Willamette Dental.

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

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

The <u>Scenic Resource Zone</u> "s" overlay is intended to protect Portland's significant scenic resources as identified in the Scenic Resources Protection Plan; enhance the appearance of Portland to make it a better place to live and work; create attractive entrance ways to Portland and its districts; improve Portland's economic vitality by enhancing the City's attractiveness to its citizens and to visitors; and implement the scenic resource policies and objectives of Portland's Comprehensive Plan. The purposes of the Scenic Recourse zone are achieved by establishing height limits within view corridors to protect significant views and by establishing additional landscaping and screening standards to preserve and enhance identified scenic resources.

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

- 92-00512 DZ Design Review approval in 1992 for the Westside light rail line segments.
- 92-00089 AD Adjustment approval in 1992 for an uncovered deck to extend into the rear yard setback.

- 93-00665 CU Conditional Use approval in 1993 for three surface parking lots to replace on-street parking displaced by Westside light rail improvements. This approval included the following Condition of Approval:
  - A. Lots will be operated in accord with the final parking management plan (Ex. G-18), which shows how the lots will be managed to assure that prohibited parkers are kept from these lots. This final plan has been reviewed and found acceptable by the City Parking Manager.

Transportation has imposed a Condition of Approval that requires the applicant to demonstrate compliance with the above condition as well as other adopted documents related to the management of the 18 public parking spaces required on the site. (see Condition of Approval D in the Conclusions Section of this report).

**Agency Review:** A "Notice of proposal in Your Neighborhood" was mailed November 30, 2012. The following Bureaus have responded with no issue or concerns:

- Plan Review Section of BDS (Exhibit E-1)
- Water Bureau (Exhibit E-2)
- Site Development Section of BDS (Exhibit E-3)
- Fire Bureau (Exhibit E-4)
- Bureau of Environmental Services (Exhibit E-5)
- Bureau of Transportation Engineering (Exhibit E-6)
- Bureau of Parks-Forestry Division (Exhibit E-7)

**Neighborhood Review:** A Notice of Proposal in your Neighborhood was mailed on November 30, 2012. Fourteen (14) written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- 1. Melinda Samis, November 26, 2012, concerns regarding the building scale, neighborhood compatibility and parking impacts.
- 2. Jane Glazier, November 25, 2012, concerns regarding the building size and loss of trees.
- 3. Rachel Clark, December 1, 2012, concerns regarding the building mass, quality and quantity of green space, entry facing Jefferson, maintenance of the stair on 20<sup>th,</sup> and project name.
- 4. Carol Turtle, post-marked November 23, 2012, concerns with building scale, neighborhood character compatibility, size and quality of pocket park, and traffic.
- 5. Heather Norvelle, November 29, 2012, concerns with traffic, congestion, parking and building scale.
- 6. Greg Plummer, concerns with building scale and neighborhood character compatibility,
- 7. Arbor Vista Homeowners Association, concerns with neighborhood character compatibility, building mass, gateway elements, impacts on pedestrian environment, preservation of trees and plantings on site, quantity of green space, traffic and parking impacts as they related to Trimet's public spaces, availability and loss of on-street parking, and loading zones.
- 8. Linda Witt, November 29, 2012, concerns with the loss of public parking currently on the site for the students of the Alliance Francaise of Portland language school.
- 9. Ashley Moore, November 30, 2012, concerns with traffic congestion, loss of scenic views, loss of parking and construction noise.
- 10. Sherman Bucher, December 7, 2012, concerns with size of pocket park, lack of green space and building scale.
- 11. Robert Cowan, December 7, 2012, concerns with building height and scale.
- 12. Craig Rickert, December 17, 2012, concerns with neighborhood character compatibility.

- 13. Lynn Connor, December 1, 2012, concerns with building design and impact on neighborhood.
- 14. Kathryn Krygier (Trimet), January 9, 2013, in support of the project.

*Staff's Response:* Responses to the concerns are summarized below:

- <u>Neighborhood Scale and Character</u> A large majority of the responses included concerns with the height, number of stories and compatibility with the surrounding development. A Design Advice Request (DAR) was held on October 4, 2012. The DAR is a voluntary hearing with the Design Commission for the project to receive initial design feedback. Since the DAR, the design of the building has been revised to include smaller scale elements and provide more features that better respond to the surrounding area. The building is proposed to fit within the Zoning Code height and FAR allowances. See the finding below for responses to the applicable approval criteria.
- <u>Parking</u> There is no minimum parking required for this site given its close proximity to frequent public transit in the downtown area, particularly light rail which abuts the property on Jefferson Street. The project proposes a total of 121 parking spaces in an underground garage within 2 levels. Most of the spaces (108) will be for the residents of the 134 unit building, while 18 of the spaces will be for the general public relocated from the surface parking lot that currently exists on the site. These public spaces will reside on the first level of the parking garage. Several agreements and documents exist that regulate how these spaces are to be managed and accessed. Transportation has imposed a Condition of Approval that requires the applicant to demonstrate compliance with these existing agreements prior to building permit issuance. There are no applicable approval criteria for parking spaces, only criteria related to the design of parking areas and garages. Refer to findings below for discussion of the garage design.
- <u>Traffic</u> Numerous responses were received regarding concerns with traffic and congestion in the immediate area. Impacts to traffic were assessed when the zoning of the site and surrounding area was changed. The impacts were based on the density and development potential allowed in the CX zone. There are no applicable approval criteria for traffic impacts.
- <u>Loading</u> A couple of comments were received regarding loading issues in the area. See the findings under the Adjustment responses (Section 3) to the applicable criteria.
- <u>Green Space and Trees</u> Several responses included concerns with retaining the trees on site, providing more green space, larger pocket park and more open space amenities. The trees that exist *on* the property are not designated as heritage trees and there no development standards that require them to be preserved. The designated heritage tree (Austrian Black Pine) within the right-of-way just southeast of the site is required to be preserved. An arborist report, dated November 7, 2012, has been provided that concludes the setback of the building and proposed improvements within the pocket park will not adversely impact the health or vitality of the heritage tree. Staff has identified the pocket park as a design issue to be further discussed by the Commission. Refer to the discussion in the findings below.

As a point of information, several of the comments referred to the green space and tree preservation required on the development immediately south of the project site, called Arbor Vista. Concerns regarding similar requirements for the subject development were stated. It should be noted that the property to the south (Arbor Vista) has two designated heritage trees *on* the site and the northeast corner was identified as a pocket park in the Goose Hollow Station Community Urban Design

Plan. These two elements specific to the Arbor Vista site contributed to the overall design of the site and building.

- <u>Pedestrian Friendly</u> A couple of comments were received regarding the pedestrian friendliness of the design. Since the initial DAR, the ground floor has been significantly redesigned to incorporate more active areas along the sidewalk. See the findings below for details.
- <u>Distinct Entry and Exit</u> A couple of comments were received regarding the design lacking a distinct entry and exit. Staff has identified this as a design issue to be further discussed by the Commission. Refer to the discussion in the findings below.
- <u>Loss of Scenic Views</u> One comment was received regarding the loss of scenic views from adjacent site. The proposed development is built to the height limitation of 75' established by the CX base zone. The property does not reside in the portion of the view corridor that limits height to 35', which is located north and west of the site. The height limitations of the view corridor are to ensure the views to and from the designated viewpoint (Vista Bridge) within the identified corridor (Jefferson Street) are maintained. There are no applicable approval criteria for the loss of views from adjacent properties.
- <u>Miscellaneous</u> A couple of comments were received regarding the name of the project, construction noise and maintaining the stairway on 20<sup>th</sup>. The stairway is not located on the property and, therefore, is not subject to this review. There are no applicable approval criteria that address the name of the project or construction noise. Title 18 (Noise Control) would be regulate noise during construction and would be handled through the Code Compliance Section of BDS.

Subsequent Comments: Several additional responses were received after the hearing on January 10, 2013 (see exhibits H-4 through H-6). The comments received mirrored those in the initial responses indicated above and during the public testimony at the hearing on January 10<sup>th</sup>. Transportation has provided a written response to address the more recent comments regarding the traffic analysis, parking and loading (see Exhibit H-13).

At the second hearing on February 7, 2013, the record was requested to be held open for 7 days from a member of the public. During this extension, staff received a letter from the Arbor Vista Condominium Homeowners Association restating their concerns with the mass and scale of the building, impacts on traffic and parking and the street level façade of the building. During the 7 days that followed, staff did not receive a response from the applicant. The applicant also elected to not respond with a final argument during the final 7 days.

# **ZONING CODE APPROVAL CRITERIA**

# (1) DESIGN REVIEW (33.825)

# Chapter 33.825 Design Review

## Section 33.825.010 Purpose of Design Review

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

#### Section 33.825.055 Design Review Approval Criteria

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

**Findings:** The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Central City Fundamental and Goose Hollow Special Design Guidelines.

#### <u>Goose Hollow District Design Guidelines and Central City Fundamental Design</u> <u>Guidelines</u>

The Goose Hollow District is envisioned to be a predominantly urban residential, transit-oriented community located on the western edge of the Central City between Washington Park and Downtown Portland. When riding light rail through the West Hills tunnel to the Central City, it is the first neighborhood experienced before entering downtown Portland. The Urban Design Vision celebrates the sense of arrival from the west at Jefferson Street Station and Collins Circle, and from the north at the Civic Stadium Station and Fire Fighter's Park. This is done by integrating the history of the community with its special natural and formal (man-made) characteristics.

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

#### **Goose Hollow District Design Goals**

The Goose Hollow District Design Goals are specific to the Goose Hollow District. These urban design goals and objectives are to:

- Enhance mixed-use, transit-oriented development around the light rail stations to make it a pedestrian-friendly station community.
- Provide open spaces to accommodate active public life.
- Strengthen connections to adjacent neighborhoods through light rail, bike and pedestrian access and assure a safe and pleasant bike/pedestrian environment.
- Preserve and enhance the community's history and architectural character.

# Central City Plan Design Goals

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

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

**9.** Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

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

**A2-1. Recognize the Historic Tanner Creek Theme.** Recognize the course of the historic Tanner Creek and emphasize the District's connection with the Creek on site developments of 20,000 square feet or more, including and immediately adjacent to the historic course of the Creek. This guideline may be accomplished by any or all of the following:

- a. Exposing the Creek using water features and fountains; or
- b. Incorporating interpretive trails, artwork, murals or sculptures that describe and symbolize the relation between the district and the history of Tanner Creek.

**A5-5.** Incorporate Water Features. Incorporate water features or water design themes that enhance the quality, character, and image of the Goose Hollow District. **A5-6.** Incorporate Works of Art. Incorporate works of art or other special design features that increase the public enjoyment of the District.

**Findings for A2, A2-1, A5-5 and A5-6:** Water, trees and greenery are consistent Portland themes, which have been integrated into the design. The heritage tree (Austrian Pine) just southeast of the site will be preserved and protected by setting back the building approximately 12' and 14' from 20<sup>th</sup> Avenue and Howard's Way, respectively. At the base of the tree is a landscape area and water feature. Landscaping is also provided within the building setbacks along Jefferson, SW 21<sup>st</sup> and SW 20<sup>th</sup> with larger planters along Howard's Way.

Although not required given the size of the site (18,755 SF), the project includes several water features and design elements that gesture to the historic aboveground course of Tanner Creek that once traversed the property from east to west. A steel artistic sculpture mounted to the concrete wall and garage vent in the southeast landscape area is a water-carrying device that transports water from the downspouts to the stormwater planter below. Along Jefferson Street near the benches at the west end, exposed downspouts from the roof empty into a planter with a stained concrete splash bock that provides a visual amenity along the pedestrian environment and further highlights the flow of water across the site. Lastly, benches along Jefferson in front of these planters will be imprinted in bronze with graphics and text referencing the creek.

#### These guidelines have been met.

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

**A5.** Enhance, Embellish, and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

**A5-2. Strengthen the Identity of the Jefferson Street Station Area.** This guideline may be accomplished by any or all of the following:

**a.** Integrating Lincoln High School and the First United Methodist Church into the Jefferson Street Station area by providing pedestrian-friendly treatment along the surrounding streets. Streets lacking the pedestrian-friendly treatment of the light

rail alignment can use elements such as street trees, landscaping, street furniture, art work, awnings, seating, special lighting and textured paving to improve the pedestrian environment;

- **b.** Recognizing the historic "Goose" theme and incorporating it in projects within the station area, where appropriate, in the form of art work, symbols or other design features;
- **c.** Strengthening the neighborhood focal point located in the station area. Arcades, awnings and/or balconies can provide pedestrian scale along all developments facing the Circle and can enhance pedestrian access to the Circle. To emphasize the Circle's importance as a focal point adjacent development can orient their entrances and ground level windows towards the Circle and garage entries can be avoided on the streets fronting it where feasible;
- **d.** Orienting buildings around the public plaza to create an enclosed public place and providing seating and other amenities to ensure safety and convenient pedestrian access; or
- e. Using architectural vocabulary and materials that maintain continuity with existing developments and add to the character of the station area.

**A5-4.** Enhance SW Jefferson Street. Enhance SW Jefferson Street as a boulevard connecting Washington Park on the west to the Park Blocks in downtown. This guideline may be accomplished by any or all of the following:

- **a.** Enhancing the pedestrian environment using street furniture, art work and other amenities to make it a pleasant walkway;
- **b.** Orienting buildings to have the front entrances facing the street, and punctuating the ground floors with stopping places and display windows;
- **c.** Locating driveways and garage entrances on side streets where feasible, rather than across the sidewalks along SW Jefferson Street; or
- d. Buffering the pedestrian from the traffic on the street by separating the sidewalk from the street, using street trees, plantings or street furniture.

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

**Findings for A4, A-5, A5-2, A5-4 and C4:** Jefferson Street itself is a mostly commercial street, especially west of Collins Circle. The neighboring commercial buildings to the west and across the street (BMW), contain similar modern design vocabulary as the proposed development. Metal, concrete, and considerable glazing are materials that respond to these non-residential structures. The lower scale of these commercial buildings is in response to the 30 to 45' height limitation established by the view corridor from the Vista Bridge. The proposal responds to these smaller masses with a series of 4-story bays that read as separate volumes on the north façade due to the projection and material change.

The proposed development also responds to the lower scale residential buildings in the area and immediately south (Arbor Vista) by breaking down the south façade with bays and balconies to add a residential scale to this side. The balconies are mostly grouped towards the center of the proposed building to avoid conflicts with the Arbor Vista balconies at the outer corners and take advantage of the courtyard across the street. The project include cedar siding exterior on the large bay at the northeast corner, on the smaller bays along the south façade and at several of the balcony insets. This warmer material complements traditional residential exteriors found in the residential neighborhoods farther north and south of the site and the dense landscaping and heritage trees in the surrounding area. In response to concerns voiced by the neighbors and the Commission at the hearing on January 10<sup>th</sup>, the exterior façade has been revised, as follows, to incorporate finer scale elements and more compatible materials:

- A corner window bay was added on the Howard's Way elevation near the SE corner clad with cedar paneling. The added bay provides additional articulation and more residential scale.
- The tower element on the SW corner has been narrowed on the Howard's Way side, resulting in a more slender proportion. This allowed the adjacent balconies to be widened providing a larger recess and residential amenity.
- A series of stormwater planters have been improved along the sidewalk that step down and follow the contour of the grade. Together they add a finer scale along the base of the building and sidewalk and more greenery.
- The amount of fiber cement board has been reduced and wood siding has been added at the large bay that wraps that northwest corner of the building and on the additional projecting bay added to the southwest façade.

The proposal enhances Jefferson Street with pedestrian-scaled features such as benches along the sidewalk, significant storefront along the ground level and balconies at the upper level to maximize viewing opportunities, a main entry oriented towards the street and a single vehicle access point located off a side street (Howard's Way). Although the site does not front or face the neighborhood focal point (Collins Circle), it strengthens the Station Area by orienting its main entrance at the northeast corner towards the light rail station and circle. The entry is further emphasized with a large canopy and sign that both wrap this corner. The design incorporates elements displayed on surrounding mid and high-rise residential developments in the station area including a strong cornice line (deep projecting eave at northeast and northwest corners), a distinct base (concrete), and balconies.

These guidelines have been met.

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

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

**Findings for A7 and A8:** The building is nearly built to all the abutting property lines providing a strong built edge in this urban environment. The exceptions occur at the southeast corner, along Howard's Way given the slight curve in the property line, and along the ground level along Jefferson and SW 20<sup>th</sup> where the setback ranges from about 2 to 4 feet. With varying setbacks along the sidewalk level to provide variety and articulation along the pedestrian environment, and upper floors that extend to the property line or beyond, the project reinforces the urban frame. Benches along the west end of the north façade help to integrate the setback with the sidewalk by providing a seating area for public use.

Relocating the active uses in the ground level along Jefferson, rather than parking as previously proposed, results in more windows and views into interior spaces and activities providing a more dynamic and vibrant streetscape.

These guidelines have been met.

**A9.** Strengthen Gateways. Develop and/or strengthen gateway locations. **A9-1 Provide a Distinct Sense of Entry and Exit.** When developing at gateway locations, provide a distinct sense of entry and exit that relates to the special qualities of an area.

**C7. Design Corners that Build Active Intersections.** Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.

**Findings for A9, A9-1 and C7:** The site is located approximately 600' east of the Vista Bridge, which is an identified gateway and a symbolic entrance into the Goose Hollow District and the Central City. The bridge is also designated as a major viewpoint that delineates the scenic corridor along Jefferson Street. From atop the Vista Bridge or by approaching the Bridge on Canyon Road, the proposed building will have a strong presence on Jefferson Street as the first high density residential building along this regional transit corridor. The northeast and northwest corners are articulated with glazing, pronounced upper eaves and include an entry at the east end and balconies at the west end. The main entry at the northeast corner is highlighted with continuous storefront, a large canopy that wraps the corner, signage and a ground floor recessed 2'-6". Providing a high-density building at this location is appropriate given the light rail station just east of the site.

In response to the Commission's concerns voiced at the DAR regarding the gateway qualities of the project, the active floor area in the ground level was shifted from the southeast end to the northwest portion of the ground floor. This change results in more storefront and active uses along Jefferson and better conceals and internalizes the parking.

At the subsequent hearing on January 10th, 2013 the Commission still had concerns with the building not engaging the sidewalk properly. The Commission also concluded that this was not a gateway building, but rather a building that reinforces the urban edge along Jefferson. While not considered a gateway, this corner is still highly visible and the Commission felt there was too much cement panel visible at this corner. The following changes to the design at the NW corner have been made to address these concerns:

- The fiber-cement panel at the large building bay on NW corner was replaced with cedar paneling.
- A strong horizontal element at pedestrian level was removed as this was accentuating a separation of the building from the sidewalk.
- Balconies were added to units just above sidewalk to activate the sidewalk and provide an amenity for the units.
- To further improve the pedestrian experience and provide a buffer between residential units and the sidewalk, concrete planters are added to the base of the building and extend around corner and step up 21st to follow the grade.
- Since the residential unit is close to the sidewalk at the NW corner, the low windows to the dog wash room below are removed.

These guidelines have been met.

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

**Finding for A3:** In this southwest portion of Central City the traditional 200'x200' block structure is not consistent given the slope and land contours at the base of the west hills. The site is 200' x 90', which is similar to a half block. The development will occupy the entire site providing a continuous 200' long building edge along this major corridor (Jefferson Street), which is consistent with building forms of a traditional block.

This guideline has been met.

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

**B1-2.** Orient Building Entries to Facilitate Transit Connections. Orient primary building entries at pedestrian circulation points which conveniently and effectively connect pedestrians with transit services.

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

**Finding for B1, B1-2 and B7**: The primary building entrance is located at the northeast corner on Jefferson Street. This entrance is designed to be accessible for all people and is appropriately oriented towards the Jefferson Street Transit Station and cross walk located on the east side of 20<sup>th</sup> Avenue.

The existing frontages will all be improved and widened in some locations. The widest sidewalk will be along Jefferson with a 12' pedestrian corridor. The other three frontages will contain 4' deep planters and 6' wide sidewalks and an additional 0'-6" behind the sidewalk. These right-of-way improvements will ensure convenient access for pedestrian travel around the site and to adjoining properties and transit.

These guidelines have been met.

**B1-1.** Provide Human Scale to Buildings along Walkways. Provide human scale and interest to buildings along sidewalks and walkways.

**C10. Integrate Encroachments.** Size and place encroachments in the public right-ofway to visually and physically enhance the pedestrian environment. Locate permitted skybridges toward the middle of the block, and where they will be physically unobtrusive. Design skybridges to be visually level and transparent.

**Findings for B1-1and B1-2:** The pedestrian environment along Jefferson and 20<sup>th</sup> is enhanced by providing smaller scale elements and interesting features. These include balconies at some of the 2<sup>nd</sup> floor residential units, benches with decorative bronze inlay, stormwater planters that collect roof run-off, decorative steel grates, landscape lighting, storefronts, and an entry canopy with an

appropriately sized sign. Along Howard's Way, the wall is articulated with a series of bays and balcony niches to reduce the scale and a canopy that marks the secondary entry to the building. The landscape area at the southeast corner contains benches and water wall feature that provides additional interest along the sidewalk.

Encroachments into the right-of-way include stacked residential balconies in four locations, and the building wall in three locations (at the northeast, southeast and northwest corners of the building). The balconies project 1' to 2' over the property line. Open work railing provides transparency and results in a lighter element. They add interest and visual depth to the building without overwhelming the pedestrian environment. The building wall projections beyond the property line vary from 9" to 18". They only occur for 9" to 12" of the wall length along each façade. They have considerable glazing and comply with the oriel windows standards established by The Bureau of Transportation (PBOT). Given the small amount of wall area that projects into the right-of-way and the generous amount windows within the projections, the encroachments will be imperceptible from the pedestrian level or elsewhere.

These guidelines have been met.

**B2.** Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

**B6-1. Provide Outdoor Lighting at Human Scale.** Provide outdoor lighting at a human scale to encourage evening pedestrian activity.

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

**Findings for B2, B6-1 and C12:** Vehicle access to the site has been limited to a single curb on Howard's Way and is the only interruption of the sidewalk along the entire property. The garage entry is clearly delineated by a gate that will operate when vehicles access the site or street. This gate will reduce the speeds of cars and be a clear indicator to pedestrians of approaching vehicles.

The sign atop the canopy at the northeast corner will clearly identify the building entrance. The landscape lighting and recessed lights in the soffits of the 2<sup>nd</sup> floor and canopy will focus light on the sidewalk without over-illuminating the building, and provide interest and diversity along the pedestrian environment.

The loading space has been combined with the garage entry on Howard's Way in an effort to consolidate the building's vehicular service elements. Mechanical venting for the garage is setback 10' from the sidewalk along 20<sup>th</sup> and is a vertical shaft comprised of metal louvers painted to match the metal elements elsewhere on the building.

At the hearing on January 10<sup>th</sup>, The Commission had concerns with the impacts of the vent on the pedestrian environment in terms of appearance and operation. The metal water feature in the adjacent landscape area has been extended to wrap around the louvered exhaust to provide better screening. A stormwater planter the depth of this setback will also help provide a buffer from the shaft. The applicant has also provided details from a mechanical engineer on the operation of the exhaust to demonstrate the impact on sidewalk users will be negligible (see Exhibit A-9). In summary, the exhaust fan will only operate when a carbon monoxide sensor is triggered and would be off 99% of the time. When operating the air from the vent moves at 500 cfm at the face of the louver, which is comparable to a light breeze. At 10' away along the sidewalk the air flow will barely be perceptible.

Exhaust louvers along the ground floor are limited to the upper portion of a storefront bay along the Jefferson façade; the louvers are set within the upper mullion for an integrated appearance. Decorative steel grates and landscaping screen the views into the parking area that occur along portions of the north façade ground level. Louvers needed for heat/cooling/exhaust for the individual units are all located on upper floors away from the pedestrian level and are integrated into the configuration of the upper windows and panel system. Lastly, the only two rooftop units are setback significantly from all roof edges, fully screened to match the building and will have no presence along the sidewalk.

These guidelines have been met.

**B4. Provide Stopping and Viewing Places.** Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

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

**B5-1.** Enhance the Design of Pocket Parks. Design pocket parks in residential areas with a variety of experiences that encourage their use all year round. This guideline may be accomplished by any or all of the following:

- **a.** Providing some shaded places protected from the wind and rain as well as generous sunny areas that will allow its use during different times of the day and year;
- **b.** Providing seating, trees, grass, flowering plants, paved or textured areas and/or water features; or
- **c.** Providing for children's play equipment with protected soft surfaces, seating and water fountains.

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

**Findings for B4, B5, B5-1, and C-9:** The building is built nearly to the property lines: it has a varying setback along Jefferson and 20<sup>th</sup> (between 2'-4'), a setback along the south side due to slight curve in the property line, and a setback at the southeast corner because of the Heritage Tree. Two pre-case concrete benches with bronze inlay are proposed in the setback along Jefferson providing spaces for the public to stop, rest or take in the views of the Vista Bridge. Bike parking for visitors is proposed in the setback adjacent to the entry at the northeast corner. Given the slope of the southern portion of the site, the setback along Howard's way is comprised of a series of stormwater planters and a landing/stair access down into the lower floor.

This site is not designated for a pocket park, as indicated on the Urban Design Plan Map of the Goose Hollow Station Community Plan. However, the project does provide a sizable landscape area at the southeast corner of the site where the building is setback up to 17'-0" from both the east and south property lines. This setback corresponds with the drip line of the Austrian Pine heritage tree in the adjacent sidewalk. An arborist report has been provided that concludes the building setbacks and improvements proposed within the drip line of the adjacent heritage tree will not adversely impact the health of the tree. The setback area includes a variety of in-ground landscaping, concrete stormwater planters, benches and a water feature along the west wall that wraps around the garage ventilation shaft. Combined with the adjacent heritage tree, landscape planters in the sidewalk and the landscaping and heritage trees on the opposing property to the south, this landscape area and its features provides a diverse and interesting pedestrian experience.

These guidelines have been met.

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

**C1-2.** Integrate Signs and Awnings. Integrate signs and awnings to be complementary and respectful of a building's architecture. This guideline may be accomplished by any or all of the following:

- **a.** Placing signs and awnings to fit with and respect a building's architecture.
- **b.** Avoiding large, excessively illuminated or freestanding signs that contribute to visual clutter; or
- **c.** Integrating with a building's design an exterior sign program/system for flexible sidewalk level space that accommodates changing tenants.

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

**Findings for B6, C1-2 and C13:** Building signage is limited to the main entrance canopy that wraps the façade along the northeast corner. The sign wraps the canopy so that it visible from the east and north. The 24" tall steel letters are individually attached to the canopy frame by a support plate. The letters are externally illuminated with lights set within the canopy frame in front of the letters, casting a shadow on the wall behind. This design is appropriately scaled for the pedestrian environment, well integrated in the canopy and results in an element that is interesting to view along this pedestrian and transit corridor. Given the location on a ground level canopy, the signs will have no impact on the Portland skyline.

The 4'-0" deep steel canopy combined with the 2'-6" deep recessed lower floor provides sufficient weather protection for those accessing the building and along the pedestrian environment. The steel canopy design compliments the materials and modern aesthetic of the building.

These guidelines have been met.

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

**C11.** Integrate Roofs and Use Rooftops. Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical

equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

**Findings for C-1 and C-11:** The scenic resource overlay zone occurs on the northern portion of the site with the purpose of preserving the view corridor, which runs eastward on Jefferson from the designated viewpoint of the Vista Bridge. The reduced height restrictions within the view corridor apply to development and properties north and west of the subject site on Jefferson. The building is therefore subject to the 75' height limit of the CX – Central Commercial zone; the building height proposed is 75' at its tallest point.

Given the vantage points surrounding the building, the mechanical elements have been minimized and staff has worked with applicant to improve the screening and integration of the rooftop features. The stairs and elevator tower at the east end are combined in a single structure that rises from the roof as a simple, clean form. A 750 SF roof deck is east of the tower and is comprised of a pedestal paver system, open work canopy, low planter walls and tempered glass railings. Two mechanical enclosures are centrally located on the rooftop with low profiles, projecting 4'-6" above the roof surface. The mechanical screens and the stairs and elevator tower incorporate the fiber cement board from the building. The minimal number, central location and simple, complementary design of the rooftop elements will result in a clean rooftop that does not adversely affect the views from the Vista Bridge, or vantage points or on the Portland Skyline.

These guidelines have been met.

**C1-1. Integrate Parking.** Design surface parking and parking garage exteriors to visually integrate with their surroundings. This guideline may be accomplished by any or all of the following:

- a. Designing street facing parking garages to not express the sloping floors of the interior parking;
- b. Designing the sidewalk level of parking structures to accommodate active uses, display windows, public art or other features which enhance the structure's relationship to pedestrians; or
- c. Accommodating vending booths along sidewalks adjacent to parking facilities when active ground level uses are not possible.

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

**Findings for C1-1 and C8:** A major concern expressed by the Design Commission during the DAR was the presence of a parking garage, rather than active spaces, along Jefferson Street and Howard's Way. The project was revised to relocate the common areas (media and bar room, library, mailboxes and dog wash room) along the majority of Jefferson Street and portions of 21<sup>st</sup> Avenue. There is a small portion of the ground level along Jefferson that contains parking at the northwest corner. Due to the slope, the garage wall extends approximately 4' to 6' above the sidewalk at this location. Along this north wall, stormwater planters, that include climbing hydrangeas and grasses provide additional buffer between the sidewalk and the garage space. Several benches added to the top of the stormwater planter provide areas for stopping along the sidewalk. The garage and loading entry on Howard's Way, as mentioned above, includes decorative metal gates and the small adjacent garage wall is softened with landscape

#### planters.

At the hearing on January 10<sup>th</sup>, the Commission still expressed concern about the ground level including improving the building's relationship to the pedestrian realm at the NW corner and on Howard's Way and better responding to the slope of the site. The following changes to the design at the ground level have been made to address these concerns:

- To further screen that portion of parking garage that is directly on Jefferson, the wire mesh screen is replaced with translucent glazing. The intent is for some light to come through but for the parking garage and cars to be entirely concealed. Also, the sill of the glazed opening is 4'-6" minimum above the floor of the garage, so headlights do not shine against these glazing panels.
- The strong horizontal element at the pedestrian level was removed as this was accentuating a separation of the building from the sidewalk.
- Balconies were added to units just above sidewalk to activate the sidewalk and provide an amenity for the units.
- Concrete planters are added to the base of the building and extend around corner and step up 21st to follow the grade.
- Concrete stem-walls at the lobby storefront step to follow sidewalk grade as it wraps around lobby.
- Storm water planters on Howard's Way are stepped to match the grade.
- On south half of 21st, cladding and windows step to follow grade of sidewalk around corner.

The sidewalk level of the building is further differentiated from upper levels through the following ways: storefront glazing on the ground floor along Jefferson, 20<sup>th</sup> and 21<sup>st</sup>, a steel canopy with signage above the main building entry, rounded concrete columns and recessed 2<sup>nd</sup> floor residential level with small balconies.

These guidelines have been met.

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

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

**Findings for C2 and C5:** The building is organized horizontally with a base, middle, and top. The base is comprised mostly of concrete and glass with aluminum sheet metal infill panels as part of the storefront glazing system. The middle section is clad with three different colored fiber-cement panels and horizontal wood paneling to articulate different volumes and wall planes. Wood paneling is also featured as an accent material on residential bays along Howard's Way. The top level is setback to diminish the building's apparent height on this sloped site. Furthermore, a deep roof overhang/fascia gives the building a top and a more residential appearance.

The building is also organized vertically into several distinct volumes, with each volume clad in a different material or color, to help scale the building down and give it more residential character. Secondary elements include bays and recessed balcony niches, which help to further break down the scale. The

vertical composition of window patterns, stair tower and balcony niches provide a more slender appearance, especially along the Jefferson façade.

White finished Commercial-grade vinyl window are grouped together into compositional elements through the use of white spandrel panels and trim that match the window color. Horizontal louvers (required for PTAC units) are integrated into the window pattern and painted to match the window frame. The window and louvers are designed to appear as one integrated component.

The base, columns and balconies are comprised of precast concrete, which is sturdy material as is the steel used for the balcony railing, garage screens and gate. The vinyl windows will be a commercial grade type, which is a more durable product with a higher quality details and finishes. The aluminum storefront is a standard, reliable system as well. The primary exterior finishes consist of fiber cement board and wood (cedar) siding. At the hearing on January 10th, the commission expressed concern regarding the use of fibercement panels, in terms of material quality and compatibility with the established Goose Hollow neighborhood. There was also some concern expressed regarding the number of colors and some desire to "quiet" the building down. The following changes have been made to the design to address these concerns:

- The fiber-cement panel at the large building bay on the NW corner was replaced with cedar paneling. This addresses the largest uninterrupted field of fiber-cement panel.
- A corner window bay was added near the SE corner and is clad with cedar paneling. This reduces the field of fiber-cement panel on the south side.
- The number of different panel colors was reduced from 3 to 2. The light yellow-green was removed, and 2 colors remain, plus wood and white windows.
- The stair tower design has been significantly revised and simplified. This helps clarify the main organizing principle conveyed by the three separate facades.
- All concrete planters and stem-walls will be details per "Architectural Concrete" standards, with chamfers at corners, panel seams aligned and form ties carefully laid out in a grid.
- The fiber-cement panel system will use a reveal system at the joints and corners that is "low profile". All fasteners will be concealed.

These guidelines have been met.

### (2) MODIFICATION REQUESTS (33.825)

#### 33.825.040 Modifications That Will Better Meet Design Review Requirements:

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

modifications if it finds that the applicant has shown that the following approval criteria are met:

- **A.** Better meets design guidelines. The resulting development will better meet the applicable design guidelines; and
- **B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

The following two <u>Modifications</u> are requested:

1. The minimum width for vehicle parking spaces is 8.5'. The proposal does not provide 8.5'-wide parking spaces throughout the parking garage due to 9"-wide structural columns that reduce some spaces down to 7'-9" in width (Section 33.266.130.F.2).

**Findings**: The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The 18" wide x 20" long structural support columns throughout the garage floors would project 9" into some of the spaces reducing a portion of the spaces down to 7'-9". Since the overall width of the individual spaces will be 8'-6" in width, convenient entry and exit of the spaces will be maintained meeting the purpose of the standard. The columns are generally located near the back end of the space so as not conflict with car door operations. Building management could also limit these spaces to compact vehicles, if desired.

The modification better meets design guideline C1-1 (Integrate Parking) in that it allows more parking to be integrated in the development while allowing more of the ground level garage to accommodate active uses along Jefferson Street that enhances the relationship with pedestrians. *This criterion is met.* 

2. The ground floor window requirement at the south elevation results in qualifying window features for 19.25 lineal feet and 50.5 SF. The proposal does not provide this amount of qualifying window features at the south elevation (Section 33.130.230).

**Findings:** The purpose of the ground floor window standard in the CX zone is 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. This ground floor window standard, which requires 50% of the length and 25% of the street-facing wall area to contain glazing into active areas or display cases, when applied to the south elevation is required to only be met at the garage wall facing Howard's Way (not the residential wall area). The garage wall area on this south elevation equates to 202 SF, which results in the requirement of qualifying ground floor window features for 19.25 lineal feet and 50.5 SF.

The triangular-shaped garage wall on this south elevation results from the slope of the site. This portion of the garage would not be ideal for active use areas given the slope of the interior floor, grade change and adjacency to the garage entry. Furthermore, the active use areas on this level are more appropriately located in the northern and eastern portion of this floor along Jefferson where the pedestrian features are emphasized given the higher street classification and light rail transit stop. The southern garage wall could accommodate a display case to meet the standard; however, its purpose and design would appear odd at this garage entry location. The raised landscape planters proposed instead, will reduce the amount of bare wall and will provide visual interest, better meeting design guideline B1-1 (Provide human scale and interest to buildings along sidewalks and walkways).

This criterion is met.

#### (3) ADJUSTMENT REQUESTS (33.805)

#### 33.805.010 Purpose

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

#### 33.805.040 Approval Criteria

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

The following one <u>Adjustment</u> is requested: The loading regulations require 2 on-site loading spaces that have a clearance of 10'. The proposal provides only one on-site loading space (instead of 2) and the proposed loading space has a clearance of only 8' (Section 33.266.310).

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

**Findings:** The purpose of the loading standards is found in Code Section 33.266.310.A and is stated as follows: "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 the 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". This purpose statement will be addressed below.

The applicant has proposed only one substandard on-site loading space after considerable engineering and architectural efforts to accommodate a standard space within the parking garage of the proposed building. Given the constraints acknowledged by City staff, small site, topography, height limit, MAX light-rail alignment, heritage tree, and the need to accommodate 18 public parking spaces on the site, and recognizing the smaller units that will largely make-up the building's tenant spaces, PBOT supports the proposal for only one on-site space. Although the space will not be able to accommodate larger sized moving vehicles, it will provide opportunities for some utilitarian trucks/vans.

Further, PBOT has considered numerous options for on-street loading zones around the subject site, and, with the support of the City's Parking Control Manager, has agreed that a limited use loading zone along the SW Howards Way frontage of the site will allow for more conventional and larger moving vehicles, if necessary. A specified curb length along the SW Howards Way frontage will be identified for limited time loading/unloading activities; beyond the restricted time frame for loading/unloading activities, the zone will revert to on-street parking for the public. The zone will not be exclusive to tenants of the proposed building thereby providing other nearby residents opportunities to also utilize the space.

To compensate for the part-time loss of on-street parking, the applicant will be creating another loading/unloading and general on-street public parking area along the site's SW 20th Ave frontage. A cut-out area of approximately 23-ft in length will be removed from the sidewalk corridor along SW 20th Ave. The space will be utilized for deliveries/pick-up by Fed-Ex/UPS and the like, for the general vicinity, and will be limited in timeframe for said use. Otherwise, the space opens up for on-street parking for the public. Because the resulting sidewalk corridor width would no longer satisfy City standards, the applicant will need to seek approval of a Public Works Appeal for the modified sidewalk corridor. Said Public Works Appeal can be processed concurrent with the expected Building Permit for the new building.

It is not expected that creating a loading zone along the site's SW Howards Way frontage will result in a negative effect on traffic safety or other transportation functions of the right-of-way. The applicant prepared a voluntary and limited scope traffic analysis based on direction from the City's Design Commission at the prior DAR. The results of the report, prepared by a professional traffic consultant, indicate that based on the analysis and field observations, the intersection of SW Jefferson/SW 20th Ave currently operates under capacity during both the morning and afternoon peak hours and that queue storage provided, is sufficient to accommodate existing demand.

PBOT imposes the following conditions of approval to further ensure the new loading/unloading space along SW 20th will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way:

- The applicant must submit and receive approval of a Public Works Appeal for the alternative right-of-way improvements along the site's SW 20th Ave frontage.
- The applicant must seek appropriate signage for the loading zones along the site's SW Howards Way and SW 20th Ave frontages. The signs must be installed prior to Certificate of Occupancy. The applicant should contact the City's Parking Control Section Manager Ramon Corona to address this requirement.

With these conditions of approval, PBOT is supportive of the applicant's Adjustment request. These approval criteria are 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 located in the CXd (Central Commercial zone). *This criterion does not apply.* 

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 requested. This criterion does not apply.

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

**Findings:** The northern portion of the property falls within the scenic resource overlay. The proposed Adjustment for one loading space rather than two, will have no impact on the view corridor down Jefferson Street from the Vista Bridge. The loading space provided is within the building and the additional loading space on the street along Howard's Way, which is not within the scenic overlay zone, will not be visible from the scenic corridor. *This criterion is 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 revisions address the major concerns expressed by the Design Commission at the hearing on January 10<sup>th</sup> and result in a building that better responds to the surrounding development, site slope and pedestrian environment. The proposal meets the applicable design guidelines and Modification and Adjustment criteria and therefore warrants approval.

# **DESIGN COMMISSION DECISION**

It is the decision of the Design Commission to approve a Design Review for a new residential development with 134 residential units and 121 parking spaces in the Goose Hollow sub district of the Central City Plan District.

It is the further decision of the Design Commission to approve the following Modifications and Adjustment:

Modifications:

- Reduce the minimum 8.5' width required for vehicle parking spaces to 7'-9" in numerous locations due to location of structural columns in the basement levels (Section 33.266.130.F.2); and
- To not provide the 19.25 lineal feet and 50.5 SF of ground floor windows required along the south elevation (Section 33.130.230).

Adjustment:

• To reduce the loading space requirements for two on-site spaces with a clearance of 10' to one on-site loading space with a vertical clearance of 8' (Section 33.266.310).

Approvals per Exhibits C.1-C-47, signed, stamped, and dated March 11, 2013, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (A F) 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 12-192298 DZM AD. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- **B.** No field changes allowed.
- **C.** The applicant must submit and receive approval of a Public Works Appeal for the alternative right-of-way improvements along the site's SW 20th Ave frontage.
- **D.** The applicant must seek appropriate signage for the loading zones along the site's SW Howards Way and SW 20th Ave frontages. The signs must be installed prior to Certificate of Occupancy. The applicant should contact the City's Parking Control Section Manager Ramon Corona to address this requirement. Mr. Corona can be reached at (503) 823-5226.
- **E.** The applicant must submit and receive approval of an Encroachment Permit for the below grade encroachments currently shown on the submitted plans (parking stalls and mechanical rooms). Said encroachments must be designed to be severable.
- **F.** Prior to building permit issuance, the applicant shall provide a narrative demonstrating compliance with all of the following adopted documents related to the 18 public parking spaces within the garage:
  - 1. Intergovenmental Agreement (IGA) established through City Council Ordinance #168038 between the City and Trimet (Exhibit H-8).
  - 2. Condition A of City Council's land use decision upholding and modifying the Hearing's Officer's approval of LUR 93-00665 CU DZ AD, which requires the replacement parking to be operated in accordance with the final Parking Management Plan (PMP) approved by the City Parking Manager (Exhibit H-9).
  - 3. City Council Ordinance #168039 that authorized agreements for long-term reserve parking and special community event parking as part of the Westside Light Rail Replacement Parking Program (Exhibit H-10).
  - 4. Memorandum of Understanding between the city of Portland and Trimet dated August 23, 2003 (Exhibit H-11).

Bv:

Guenevere Millius, Design Commission Chair

Application Filed: October 9, 2012 Decision Filed: March 11, 2013 Decision Rendered: March 7, 2013 Decision Mailed: March 14, 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 October 9, 2012, and was determined to be complete on **October 30, 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 October 9, 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 waived the 120-day review period, as stated with Exhibit G-5.

**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 on March 28, 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 decision is not appealed, it will be final on **March 29, 2013.** It cannot be recorded before that date, but it must be recorded by the Multnomah County Recorder before the approved use is permitted, any building or zoning permits are issued.

- 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 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.

**Expiration of this approval.** This decision expires 3 years from the date it is rendered unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.

**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.

Staci Monroe March 11, 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 INICATED

- A. Applicant's Statement
  - 1. Project Summary & Responses to Approval Criteria
  - 2. Preliminary Stormwater Report
  - 3. Geotechnical Report
  - 4. Traffic/Queuing Assessment Memorandum
  - 5. Tree Protection Letter for Heritage Tree
  - 6. Geotechnical Memorandum dated November 26, 2012
  - 7. Arborist Letter dated November 26, 2012
  - 8. Applicant memo dated January 22, 2013 summarizing revisions
  - 9. Applicant email dated January 24, 2013 regarding garage ventilation air impacts
- B. Zoning Map (attached)
- C. Plan & Drawings
  - 1. Site Plan (attached)
  - 2. Topographic Survey
  - 3. Preliminary Utility Plan
  - 4. Floor Plan Diagrams/FAR
  - 5. Elevation Wall Areas Ground Floor Windows & Oriel Window Calculations
  - 6. Landscape Plan (attached)
  - 7. SW Corner Landscape Perspective
  - 8. Basement 3
  - 9. Basement 2
  - 10. Basement 1
  - 11. Level 1
  - 12. Level 2
  - 13. Typical Residential Plan
  - 14. Level 6
  - 15. Roof Plan (attached)
  - 16. North Elevation (attached)
  - 17. East Elevation (attached)
  - 18. South Elevation (attached)
  - 19. West Elevation (attached)
  - 20. N S Building Sections
  - 21. E W Building Sections
  - 22. E W Building Sections
  - 23. Walls Sections
  - 24. Walls Sections
  - 25. Walls Sections
  - 26. Enlarged Elevations & Sections
  - 27. Enlarged Elevations & Sections
  - 28. Enlarged Elevations & Sections
  - 29. Reflected Ceiling Plans

- 30. Material Details
- 31. Pedestrian Level Details
- 32. Entrance Canopy Details
- 33. Windows and Vents Details
- 34. Roof Details
- 35. Vents & Roof Details
- 36. Vehicle Gates & Screens Details
- 37. Customer Screen Details
- 38. View of NE Corner of Building
- 39. View of NW Corner of Building
- 40. View of SE Corner of Building
- 41. View of South Side of Building
- 42. View of SW Corner of Building
- 43. Rendered Detail View
- 44. Night Rendering
- 45. Shadow Study
- 46. View of Roof
- 47. Material Detail
- 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
  - 7. 2<sup>nd</sup> posting letter sent to applicant
  - 8. 2<sup>nd</sup> notice to be posted
  - 9. 2<sup>nd</sup> applicant's statement certifying posting
  - 10. 2<sup>nd</sup> mailed notice
  - 11. 2<sup>nd</sup> mailing list
- E. Agency Responses:
  - 1. Plan 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
  - 8. Bureau of Environmental Services Addendum dated December 19, 2012
- F. Letters
  - 1. Melinda Samis, November 26, 2012, concerns regarding the building scale, neighborhood compatibility and parking impacts.
  - 2. Jane Glazier, November 25, 2012, concerns regarding the building size and loss of trees.
  - 3. Rachel Clark, December 1, 2012, concerns regarding the building mass, quality and quantity of green space, entry facing Jefferson, maintenance of the stair on 20<sup>th,</sup> and project name.
  - 4. Carol Turtle, post-marked November 23, 2012, concerns with building scale, neighborhood character compatibility, size and quality of pocket park, and traffic.
  - 5. Heather Norvelle, November 29, 2012, concerns with traffic, congestion, parking and building scale.
  - 6. Greg Plummer, concerns with building scale and neighborhood character compatibility,

- 7. Arbor Vista Homeowners Association, concerns with neighborhood character compatibility, building mass, gateway elements, impacts on pedestrian environment, preservation of trees and plantings on site, quantity of green space, traffic and parking impacts as they related to Trimet's public spaces, availability and loss of on-street parking, and loading zones.
- 8. Linda Witt, November 29, 2012, concerns with the loss of public parking currently on the site for the students of the Alliance Francaise of Portland language school.
- 9. Ashley Moore, November 30, 2012, concerns with traffic congestion, loss of scenic views, loss of parking and construction noise.
- 10. Sherman Bucher, December 7, 2012, concerns with size of pocket park, lack of green space and building scale.
- 11. Robert Cowan, December 7, 2012, concerns with building height and scale.
- 12. Craig Rickert, December 17, 2012, concerns with neighborhood character compatibility.
- 13. Lynn Connor, December 1, 2012, concerns with building design and impact on neighborhood
- 14. Kathryn Krygier (Trimet), January 9, 2013, in support of the project.

### G. Other

- 1. Original LUR Application
- 2. Pre-Application Conference Summary Memo
- 3. Design Advice Request Summary Memo
- 4. Incomplete Letter with Agency comments attached
- 5. 120-Day Waiver
- 6. Memo to the Design Commission dated December 28, 2012
- H. Hearing and Post-Hearing Exhibits
  - 1. Public testimony from Carol Turtle read into the record at January 10, 2013 hearing.
  - 2. Public testimony from Alliance Francaise de Portland read into the record at January 10, 2013 hearing.
  - 3. Public testimony from Mary di Orio read into the record at January 10, 2013 hearing.
  - 4. Comments from Jerry M. Powell, January 27, 2013, concerns with access to the public parking spaces within the building, amount of general on-street public parking, scale and bulk of the building, and its unremarkable design.
  - 5. Comments from Goose Hollow Neighborhood Coalition, January 28, 2013, concerns with project's Traffic Study.
  - 6. Comments from Goose Hollow Neighborhood Coalition, January 28, 2013, concerns that numerous design guidelines have not been met, scale and mass of the building, management and access to public parking and loading spaces, and traffic.
  - 7. Pre-Application Conference 11-199333 EA Summary Memo Addendum dated February 16, 2012 relating to the 18 public parking spaces on the site.
  - 8. City Council Ordinance #168038 establishing the Intergovenmental Agreement (IGA) between the City and Trimet.
  - 9. City Council's land use decision upholding and modifying the Hearing's Officer's approval of LUR 93-00665 CU DZ AD, which includes Condition A to require the replacement parking to be operated in accordance with the final Parking Management Plan (PMP) approved by the City Parking Manager.
  - 10. City Council Ordinance #168039 that authorized agreements for long-term reserve parking and special community event parking as part of the Westside Light Rail Replacement Parking Program.
  - 11. Memorandum of Understanding between the City of Portland and Trimet dated August 23, 2003.
  - 12. Staff's PowerPoint Presentation for the January 10, 2013 hearing.

- 13. Transportation Memo addressing the traffic analysis, parking and loading.
- 14. Letter form Arbor Vista Condominium Homeowners Association, dated February 14, 2013 restating their concerns with mass and scale, impacts on traffic and parking and the street level façade of the building.
- 15. Memo to the Design Commission dated January 30, 2013
- 16. Public testimony from Christine Peterson read into the record at February 7, 2013 hearing.
- 17. Public testimony from Lynn Connor into the record at February 7, 2013 hearing.
- 18. Public testimony from Helen Gundlach read into the record at February 7, 2013 hearing.
- 19. Memo to the Design Commission dated February 22, 2013
- cc: Applicants and Representatives Neighborhood Associations Those who testified, orally or in writing City Auditor's Office













