



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

FROM CONCEPT TO CONSTRUCTION

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**STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION**

CASE FILE: LU 13-123630 DZM AD  
PC # 12-148566  
REVIEW BY: Design Commission  
WHEN: May 16, 2013 at 1:30 PM  
WHERE: 1900 SW Fourth Ave., Room 2500A  
Portland, OR 97201

**BUREAU OF DEVELOPMENT SERVICES STAFF: STACI MONROE / [STACI.MONROE@PORTLANDOREGON.GOV](mailto:STACI.MONROE@PORTLANDOREGON.GOV)**

**GENERAL INFORMATION**

**Applicant:** Dustin White (503) 224-9656  
GBD Architects  
1120 NW Couch St, Suite 300  
Portland OR 97209

**Owners:** Kali Bader  
Rembold Companies  
1022 SW Salmon #450  
Portland, OR 97205

Barry Schlesinger  
Starterra LLC  
610 SW Alder St #1221  
Portland, OR 97205

Eric Jacobson  
Portland Development Commission  
222 NW 5<sup>th</sup> Avenue  
Portland, OR 97209

**Site Address:** **Portion of site bounded by NE Multnomah, NE MLK, NE Holladay and NE 2<sup>nd</sup>**

**Legal Description:** PARTITION PLAT 2013-8, LOT 1, PARTITION PLAT 2013-7, LOT 1, HOLLADAYS ADD, BLOCK 47, INC PT VAC ST LOT 8 EXC PT IN ST, HOLLADAYS ADD, BLOCK 47, LOT 7 EXC PT IN ST

**Tax Account No.:** R653115, R653114, R182149, R182148

**State ID No.:** 1N1E34AA 3001, 1N1E34AA 2402, 1N1E34AA 2600, 1N1E34AA 2700

**Quarter Section:** 2930

**Neighborhood:** Lloyd District Community, contact Michael Jones at 503-265-1568.

**Business District:** Lloyd District Community Association, Gary Warren at 503-234-8271.

**District Coalition:** None

**Plan District:** Central City - Lloyd District

**Zoning:** CXd – Central Commercial zone with a Design overlay  
**Case Type:** DZM AD – Design Review with modifications and Adjustment Review  
**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 approval for a new mixed use development, referred to as Block A Apartments, on a portion of the site bounded by NE MLK, NE Multnomah, NE 2<sup>nd</sup> and NE Holladay. The site recently went through a lot consolidation (12-136569 LC) and a Property Line Adjustment (12-143098 PR) that results in its current configuration. The building is proposed in the northeast portion of the site with a shared private driveway straddling the properties to the south and west. Nonconforming upgrades, which are triggered when the value of improvements exceed \$145,200, will apply to these adjacent properties since they are part of the site. Option 2, which allows the required improvements to be postponed for up to two years, will be requested at the time of building permit, since the remaining portion of the site is intended to be redeveloped in the near future.

The proposal includes a 6-story, mixed-use building with 186 residential units and 3,600 SF of retail on the ground level at the northwest and southeast corners of the site. Twelve of the residential units are walk-ups accessed directly from Multnomah and the private driveway to the south. The private driveway would provide access to 97 spaces within the parking garage and to 2 surface loading and 9 parallel parking spaces on both sides of the driveway. The private driveway would also provide a vehicular and pedestrian connection through the block from NE MLK to NE Multnomah. A total of 308 bike parking spaces are proposed (285 long-term and 14 short-term), mostly in the parking garage and some within grade of the sidewalk. A roof level courtyard on the 2<sup>nd</sup> level along the eastern portion of the development would provide an outdoor amenity to the residents.

The building is comprised of metal thin lap siding (22-gauge), fiber cement board (Hardie New Reveal panels) and vinyl (VPI) windows on the upper floors. The ground level consists of aluminum storefront system, metal panel, cast-in-place (CIP) concrete stem walls, raised planters, columns and cedar lap siding. A combination of ground-face CMU and Hardie panels are proposed on the east and north end walls. Accents include cedar tongue and groove for the canopy and balcony soffits, board formed concrete on the wall adjacent to the garage entrance and painted metal fins on the upper facades. The color palate consists of numerous shades of grey, natural brown of the wood siding and accent colors of orange, blue and green on the metal fins.

The following five Modifications are requested:

- *Required Building Line* (33.510.215.D) – This standard applies to the portion of the development along NE MLK and requires the building to extend to the street lot line along for at least 75% of its length or within 12’ of the street lot line with additional landscaping. The proposed building extends along 22% of the NE MLK street lot line.
- *Loading Space* (33.266.310) – Two loading spaces, 18’ long x 9’ wide x 10’ vertical clearance in size, are required. The two provided in the private driveway are only 8’ in width.
- *Superblock Regulations* (33.293.030) – This portion of the superblock site is required to provide its percentage of the overall site’s superblock plaza and walkway requirements. A reduction from 5,901 SF to 3,350 SF of plaza area and 14,910 SF to 8,076 SF of total walkways, landscaping and plaza area is requested. In addition, portions of the plaza exceed the maximum 3:1 length ratio.
- *Maximum Building Setback* (33.130.215.C) – The proposed building is required to be within 10’ of NE Holladay Street given its designation as a Regional Transitway and Major Transit Priority

Street. This standard would not be met by this proposal since two new buildings are anticipated between the proposed building and Holladay Street in the near future.

- *Tandem Parking (33.266.130.F.1.a)* - For parking areas where an attendant is not always present, each parking space must be accessible without having to move another vehicle. In the below-grade garage, there are 18 instances of a two-car deep or tandem parking layout, with these two-car spaces being leased to single units.
- *Ground Floor Windows (33.130.230)* – 50% of the length of non-residential ground floor at the northwest façade is required to be windows, but windows are provided for only 45% of the length.

The following Adjustment is requested:

- *Parking Access (33.510.264.F.6)* – New vehicle access to any parking area or structure is not allowed from MLK per Map 510-9. The private, shared driveway is proposed off of MLK and provides access to surface and structured loading and parking spaces.

A Type III Design Review is required because the proposed new development is in the Lloyd sub district of the Central City Plan District and exceeds the value of \$2,038,500.

**Relevant Approval Criteria:**

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

- |  |   |
|--|---|
| ▪ Central City Fundamental Design Guidelines | ▪ Adjustment Approval Criteria – Section 33.805.040   |
| ▪ Lloyd District Design Guidelines           | ▪ Modification Approval Criteria – Section 33.825.040 |

## ANALYSIS

**Site and Vicinity:** The site for the proposed Block A Apartments is located within the Central City Plan District, and the Lloyd sub district. The real project area is a 45,058 SF area located on the NE corner of the existing 145,382 SF superblock, which today consists of surface parking and a Starbucks and three-story office building that will be demolished as a part of this development. The property recently went through a lot consolidation (12-136569 LC) and a Property Line Adjustment (12-143098 PR) that results in its current configuration. The building is proposed in the northeast portion of the larger site with a shared private driveway straddling the properties to the south and west, which have been included in the project’s “site” area.

The master plan for the superblock extends and realigns NE Hassalo Street and NE 3rd Avenue, which reconnects NE Multnomah and NE MLK. The proposed and future private driveways will serve to subdivide the superblock into three parcels: Block A, Block B and Block C. Block A is the first parcel to be developed. The proposed private driveway, which will include walkways, loading and parking access will be built to the Lloyd District streetscape standards.

The superblock is bounded by NE Multnomah Street to the North, which consists of four lanes of two way traffic and bike lanes in both directions; NE MLK Boulevard to the East, which consists of on street parking, and four lanes of one way traffic; NE Holladay Street to the South, which consists of deep sidewalks, MAX platform, and one way traffic heading East; and NE 2nd Avenue, which consists two lanes of two way traffic and street parking.

**Zoning:** The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect

Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

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

The “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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

- LUR 92-00867 VA approved, with 23 conditions and restrictions, a street vacation.
- LUR 93-00150 AD approved an adjustment to waive all of the parking area improvement requirements for paving, striping, and protective curbs around landscaping; all setbacks and perimeter landscaping to 0 feet; parking area layout regulations for access to parking spaces, parking space aisle dimensions and disabled parking; and all interior landscaping requirements. Two conditions of approval required the following: [1] the frontage along NW MLK shall be brought into conformance with the currently required perimeter setback and landscaping requirements for a parking area facing a street [33.266.130 E.] this includes a 5' landscaped setback to the L2 level [low screen] with at least 2 trees, living ground cover and protective curbs and irrigation system as per 33.248.020 B. and 33.248.040; and [2] the entrance on MLK shall be paved at least 5' into the site to keep all gravel off of the public sidewalk.
- LUR 96-00223 DZ approved a new 1,100 SF deli/market with walk-up and drive-thru service. This case approved a Modification to Required Building Lines in order to reduce the required percentage of street lot line occupied by building wall from 75% to approximately 71%. This case also approved a Modification to Stacking Land standards in order to reduce the minimum stacking lane length from 150' to 120'.
- LUR 03-111914 DZ approval for an exterior alteration to the existing building.

**Agency Review:** A “Request for Response” was mailed **March 29, 2013**. The following Bureaus have provided responses, none of which identify any major issues:

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

**Design Advice Request Summary:** The applicant sought preliminary feedback from the Design Commission at their meeting on September 20, 2012. The discussion was limited and focused on

the superblock plaza, as requested by the applicant. Comments received from the Commission include:

- Don't forget about the public streets with appropriate ground level treatment.
- Discussion about private vs. semi-private vs. public – are raised plazas for retail patrons public enough? The way in which these raised plazas engage, invite, open up to the public will be a point of consideration.
- A Modification to the plaza ratio standard is justified in this proposal. Providing this layout, which is much more integrated, than one that meets the letter of the law better meets the guidelines and intent.
- Be careful of the end wall.
- The primary building material proposed seems durable and looks good, research its make-up.
- Nice variety at the ground level.
- The radial at the center of the larger site is nice. It sets up the other phases with success.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on April 22, 2013. Two written response have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Doug Klotz, email dated May 5, 2013, concerns with the proposed private driveway, noting it should be a public street with roadway-level entrances similar to other public streets (Exhibit F-1).
- Gary Warren (Lloyd District Community Association), May 6, 2013, in support of the proposed development (Exhibit F-2).

*Staff Response:* Regarding the concern with the private driveway, Transportation has stated that in this particular land use case, connectivity is being provided by the owner meeting the requirements of the Superblock regulations found in Chapter 33.293. Per 33.293.030.B.3, the owner must record a public access easement that allows public access to the walkways. No new public streets are required. In addition, the current streets in this area conform to our metro adopted street spacing standard of public streets every 530 feet.

## ZONING CODE APPROVAL CRITERIA

### (1) Design Review - Chapter 33.825

#### Section 33.825.010 Purpose

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 Lloyd District Special Design Guidelines.

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

The Lloyd District is a unique, multi-dimensional neighborhood in the Central City, with special features and assets found nowhere else in Oregon.

With the recent completion of the Oregon Convention Center, the District now serves as the “front door for Oregon and our city.” The District as a whole is emerging as a special area in the state and the region, and the way it is developed will determine its comfort and continued use.

The purpose of design review is to carry out the urban design vision for the District by emphasizing unique district assets in a manner that is respectful, creative, supportive, and compatible with all its areas. Although the District is a complex urban environment, it can become a cohesive whole with the use of these design principles.

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.

### **Lloyd District Design Goals**

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

- Encourage the special distinction and identity of the Lloyd District;
- Integrate the sub-areas of the District for a visual and functional coherence of the whole; and
- Improve the safety, convenience, pleasure, and comfort of pedestrians.

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

This set of goals are those developed to guide development throughout the Central City. They apply within 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. Central City and Lloyd District Guidelines are addressed concurrently.*

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

**A1-1. Connect Public Facilities to the River.** Provide public access to, from, and along the river in a manner that connects major public use facilities in the District to the river which stimulate year-round enjoyment.

**A2. Emphasize Portland Themes.** When provided, integrate Portland-related themes with the

development's overall design concept.

**Findings for A1, A1-1 and A2:** The site is not directly adjacent to the Willamette River, which is several blocks to the west. NE Multnomah Street is a primary vehicle, pedestrian and bike connector to the Eastbank Esplanade and Steel Bridge. Retail at the corner of NE Multnomah and 3<sup>rd</sup> helps reinforce the corridor to the river. The massing of the building at 6 stories tall will not have significant visual impacts on the riverfront due to the freeway and other existing structures between the site and the river. Units and balconies facing west will have access to views towards the river.

The project celebrates several Portland-related themes including pedestrian focused streetscapes and emphasis on bicycle transportation. The orientation of the ground-level spaces activate the adjacent streets with retail, front stoops and landscaping and terraced seating areas that along the south façade and private drive that allow for resting and meeting opportunities. *These guidelines have been met.*

**A3-2. Make Superblock Plazas Inviting and Easily Accessible From Holladay Street.** Make superblock plazas and public spaces in superblocks fronting on Holladay Street inviting and easily accessible from Holladay Street. Public spaces should be visually connected to Holladay Street. Public/private spaces are also encouraged to be visually connected with adjacent public improvements.

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

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

**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.

**Findings for A3-2, C6, C9, B4 and B5:** The project proposes a sequence of public plazas, walkways and landscaping on the northern portion of the site to meet the superblock requirements. It also includes an estimated location of where the remainder of the public plaza and walkways could be provided on the undeveloped portion of their site, as required when multiple ownerships exist and are developed independent of one another. The proposal includes a modification to the superblock requirements since the site includes the properties to the south and west. Discussion of the modification and specific square footage provided can be found under Section 2 (Modifications) of this report.

The sequenced plazas are proposed off of the private driveway on the south side of the building and include the sidewalk and the areas leading up to the building. Raised planters, benches, and sloped concrete seating walls extend into the plaza area. The requirement for walkways and landscaping is met along the private driveway that extends through the site connecting NE MLK to NE Multnomah. Other outdoor areas include covered patios adjacent to both retail spaces and the residential stoops on NE Multnomah. These spaces provide areas where pedestrians or tenants can stop, rest and provide opportunities to socialize. The project also includes a private courtyard on the 2<sup>nd</sup> level that provides landscaping, seating and other amenities, such as fire pit, for the residents.

The following Staff concerns remain with regard to the meaningful nature and quality of the

proposed superblock plazas:

- At the DAR the Commission did support a modification to the 3:1 plaza ratio since the sequenced plazas were more integrated than a proposal that simply met the letter of the law. However, a significant portion of what is indicated as required “plaza” area includes sidewalks and stormwater planters, both of which would have to be provided regardless of the Superblock regulations. As a result, Staff questions the meaningful quality of the defined plaza.
- At the time of the DAR, the retail space at the northwest corner extended to the residential lobby. Under this scenario, Commission questioned if the raised plazas adjacent to these retail spaces were public enough or were they really private outdoor seating areas for the retail patrons. With this area now proposed as stoops for the residential walk-up units, there is a greater concern that these spaces beyond the sidewalk will be even more private.
- It is appreciated this proposal contemplates the next phase of development and a realistic location for the required plaza area. The applicant is not required to do so as part of this review. However, Section 33.293.060, does state, “required walkways, landscaped areas, and plazas for each ownership must be integrated into the previously required walkways, landscaped areas, and plazas of the other ownerships in the superblock”. While this review will not set in stone where the future plazas on the remainder of the superblock go, a plaza location at the southeastern end of the block is not well integrated with the proposed plaza location. This unavoidable dilemma raises a question about sequencing and coordination – should the entire plaza requirement be postponed to the next phase of development on the site to achieve a more meaningful and integrated solution, or should this review dictate more specifically where the next phase of development should focus its public plaza area in relation to what gets approved in this design review?

*These guidelines are not yet met, based on the unresolved issues related to the superblock plaza.*

**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.

**A5-1. Develop Identifying Features.** Encourage the inclusion of features in the design of projects that give projects identity and a sense of place or significance within the District.

**A5-2. Accommodate or Incorporate Underground Utility Service.** Accommodate or incorporate underground utility service to development projects.

**A5-3. Incorporate Works of Art.** Incorporate works of art into development projects.

**A5-4. Incorporate Water Features.** Enhance the quality of major public spaces by incorporating water features.

**A5-5. Use Public Right-of-Way Design Criteria Established for the Lloyd District.** Use the public right-of-way design criteria as established and administered by the City Engineer especially for the Lloyd District from the adopted Lloyd District Transportation Capital Improvements – District-Wide Design Criteria.

**A5-6. Incorporate Landscaping as an Integral Element of Design.** Incorporate landscaping as an integral element of design which is supportive of both the built and natural environment.

**A5-7. Integrate the Civic Campus into the Lloyd District.**



- Integrate the Civic Campus into the Lloyd District in a manner that provides a cohesive link westerly to the river and easterly to the core of the Lloyd District.
- Extend the Holladay Street pedestrian project to an active terminus overlooking the Willamette River.
- Link river overlooks, open spaces and trails into a unified system to and along the riverfront wherever possible; create clear pedestrian connections to the riverfront; and encourage and enhance visual and physical corridors to river viewpoints and amenities.
- Provide safe and attractive vehicular/pedestrian access through the area that connects with development patterns in surrounding sub-districts.
- Integrate bridge and freeway access ramps into the arterial streets circulation pattern.

**Findings for A4, A5 & A5-1 through A5-7:** The project is designed to relate to development in the Lloyd District in a number of ways including simple yet strong building forms, coloration (light colors) and materials (metal) as well as landscape treatments at the building perimeter along the sidewalk. No formal art is proposed, however, the design of the building with the “fish scale” metal lap siding, large projecting volume at the northwest corner and the playful colored metal fins add to the artistic qualities of the building. Other elements of the subdistrict such as underground utility services have also been incorporated. The transformer vault is placed underground within the north side of the sidewalk along the private driveway near the garage entry. The gas meters are located in a closet and not visible to pedestrians.

The abutting rights-of-way along NE Multnomah and NE MLK and the new private driveway will be built to meet the Lloyd District Street Standards, including the distinctive gridded sidewalk scoring patterns, new street trees with metal decorative grates and 1'-0" wide curbing. The private driveway will also incorporate stormwater planters with landscaping abutting the sidewalk with additional raised planters at the backside of the sidewalk in the plaza area. These planters celebrate rainwater while providing stormwater treatment. Together the sidewalk trees, stormwaters planters and raised landscape planters adjacent to the residential stoops, some of which incorporate benches, are well integrated into the project, support the built environment in terms of function and use and enhance the building's perimeter.

Block A is not directly adjacent to Holladay Street, but is a part of the superblock adjacent to the Convention Center. The superblock is being divided into three blocks by the addition of a new private driveway that aligns with NE 3<sup>rd</sup> and NE Hassalo. The driveway provides vehicular and pedestrian access through the superblock (from NE MLK to NE Multnomah) and pedestrian access to NE Holladay and connecting to the civic campus immediately south of the site.

*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.

**A8-1. Incorporate Active Ground-Level Uses in Parking Structures.** Incorporate active ground-level uses in parking structures.

**C1-1. Integrate Parking.**

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

**Findings for A-7, A8 & A8-1 and C1-1:** The project has a strong pedestrian orientation and provides continuous facades along its abutting streets and along the private driveway. The building setbacks along NE Multnomah and NE MLK are minimal and allow for recessed entries and residential stoops. Along the private driveway the building setback is a bit more from the sidewalk to provide a public plaza, residential stoops and outdoor areas for the retail spaces. The two story parking garage is concealed within the building with only a gated opening visible along the south façade facing the private driveway. An attractive metal screened gate will help to conceal the vehicle activity inside. The apartment lobby, retail and first floor residential units wrap the ground level parking along all facades. This results in active ground levels uses along all frontages that include considerable glazing, a lobby entry, residential stoops and raised planters with benches. These elements contribute to the vibrancy of the 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.** Design and develop gateways into and within the Lloyd District that are appropriate and relate to the District's and sub-District's emerging characteristics.

**Findings for A9 & A9-1:** The proposed Block A Apartments is not located on a site that has been identified as a gateway or that contains a major intersection. *These guidelines are therefore not applicable.*

**B1-1. Protect Pedestrian Areas from Mechanical Exhaust.** Incorporate mechanical exhausting systems in a manner that does not detract from the quality of the pedestrian environment.

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

**Findings for B1-1 & B2:** The ventilation for the garage is provided above the garage entrance behind the garage gate and on the northwest façade in a louver above the ground level. The locations are above the pedestrian environment and screened by louvers and behind the decorative metal garage gate. A generator in the ground level on the northwest façade results in 3 doors that are fully louvered in order to ventilate the unit. The applicant has provided information on these systems that demonstrate they will not be on at all times and thus not have an impact on the pedestrian environment.

*Staff does have concerns regarding the design of the northwest wall in terms of coherency and quality of materials. Based on the concerns identified in Guidelines C2, C4, C10-1, C10-2, C10-3 and C5 and Section 2, #6, these guidelines have not yet been met.*

**B1-2. Incorporate Additional Lighting.** Incorporate project lighting in a manner that reinforces the pedestrian environment and which provides design continuity to an area by enhancing the drama and presence of architectural features.

**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 B1-2 & C12:** Exterior lighting consists of recessed cans and step lights and pole-mounted fixtures. Recessed down-lights are proposed in the soffits and canopies that wash the ground levels and illuminate the building's access points. Entry steps and concrete planters along the private driveway and residential stoops on NE Multnomah will contain step lights set within concrete that focus the illumination towards the walkways. Within the sidewalk along the private driveway are 20' tall luminaires that light the pedestrian walkway and plaza areas. Decorative lighting will be installed within the deeply recessed entry porch at the residential lobby. *These guidelines have been met.*

**A3. Respect the Portland Block Structures.** Maintain and extend the traditional 200-foot block pattern to preserve the Central City's ratio of open space to built space. Where 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.

**A3-1. Support a Convenient Pedestrian Linkage Through the Superblocks Between the Convention Center and Lloyd Center.** Provide and support a convenient pedestrian linkage through the superblocks between the Oregon Convention Center at NE Martin Luther King Blvd. and NE Oregon to the Lloyd Center at NE Multnomah and 9<sup>th</sup>.

**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.

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

**B3-1. Provide Pedestrian Crossings Spaced at Traditional One-Block Intervals.** Provide and design for pedestrian crossings spaced at traditional one-block intervals where deemed safe and appropriate by the City Engineer.

**Findings for A-3, A3-1, B1, B3 & B3-1:** The addition of the private driveway through the center of the site is roughly aligned with the original NE Hassalo and NE 3<sup>rd</sup> roadways that were vacated. The driveway divides this larger superblock to be more in scale with the typical 200' block structure. Pedestrian movement is provided through this superblock via the 12'-0" sidewalks along the new private driveway that connects to the existing circulation NE MLK and NE Multnomah. These new sidewalks are scored to match the Lloyd District standards and include benches and raised planters for seating in the adjacent plaza areas. The existing pedestrian crossings that occur at NE Multnomah and NE 3<sup>rd</sup> provide direct access to the project, while the crossings at the other two intersections on NE MLK (Multnomah and Holladay) provide further circulation to the site. The private driveway also includes a pedestrian crossing at the elbow near the center of the site that is distinguished by permeable concrete pavers. The crossing will meet up with two existing walkways on the south side that connect to the sidewalk on NE Holladay. This will provide a convenient pedestrian linkage through the site to the Convention Center immediately south of NE Holladay. *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.

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

**Findings for B6 & B6-1:** Metal canopies with wood soffits are proposed along both retail spaces at the northwest and southeast corners of the building. These 4'-0" deep canopies

span both retail storefronts on Multnomah and Holladay and wrap around to the driveway. At the residential lobby along the south side of the building projects a metal canopy that extends over the entry steps. The other access points to the building, the residential walk-up units along NE Multnomah and the private driveway, are setback from the upper floors creating a covered area along their frontages. The depth and location of the proposed canopies and covered areas will provide weather protection to pedestrians along the public sidewalk as well as those accessing the building and site. *These guidelines have been met.*

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

**Findings:** All spaces in the building have been designed for barrier-free access and include accessible routes to each apartment and the retail spaces. These accessibility elements, such as the ramp behind the seat/steps to the residential lobby from the sidewalk on the private driveway, are well integrated and do not detract from the building or site's overall design. *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.

**C2-1. Maximize View Opportunities.**

**Findings for C1 & C2-1:** The primary view opportunities of the project are to the west with secondary east views of the Lloyd District from the upper floors. In anticipation of the development of the site directly to the west, balconies have been provided near the outer edges of the south facade to maximize the view opportunities from these units toward the Steel Bridge and downtown beyond. An exterior corridor on the north wall facing Burgerville and an exterior courtyard at the 2<sup>nd</sup> level will allow eastern views to the district. *These guidelines have been met.*

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

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

**C10-1. Use Masonry Materials.** Except for window glazing, use masonry types of materials as the predominant exterior material for building walls. Use modular stone or masonry materials on the building base or first floor of buildings whenever possible.

**C10-2. Design Exterior Building Walls that are Transparent in Glazed areas and Sculptural in Surface.** Design exterior building walls that are transparent or translucent in the glazed areas and which are textural, sculptural and articulated in surface character.

**C10-3. Use Light Colors.** The use of light color values is preferred for the predominant exterior building materials. Darker value materials should be used to accent or articulate the design.

**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, C4, C10-1, C10-2, C10-3 and C5:** The base of the building is expressed with retail areas with considerable storefront glazing and canopies with walk-up dwelling units that front stoop transitions. The upper floors are clad in multi-toned Hardie panels contrasted against textural metal "fish scale" panels creating a sculptural and articulated surface that breaks down the scale of the long facades. The multi-toned panels and other building materials are all shades of gray with accent colors limited to the metal fins on the upper facade and wood siding along the ground level residential walls. Articulation of the

facade is also provided by the metal window surrounds that create more depth in the punched openings, upper balconies on the south elevation and the large projecting bay at the upper northwest corner. The PTAC unit and wall vents have been integrated with the window modules for a coherent treatment of these necessary elements.

The following Staff concerns remain with regard to the quality and coherency of the materials proposed:

- Several portions of the building, particularly the northwest, and all facades of the southeast wing, contain large fields of fiber-cement board. The Hardie New Reveal system proposed provides a cleaner installation than other Hardie systems with lower profile reglets. However, using fiber-cement board as one of the primary exterior finishes has been expressed by the Commission as a quality concern.
- Two type of metal panels are proposed (thin lap and sheet panel). both of which are 22-gauge and unbacked. Metal panels with rigid backing at this gauge or a lower gauge (18) without backing to resist flexing (oil-canning) have been supported by the Commission.
- The north and east end walls include several materials (CMU, Hardi-panel and metal thin-lap) that establish a pattern to break down the mass of these large blank facades. Although better than other end walls, should more be done given the end walls of this building will be highly visible from NE MLK (1-way street going south) and for a long time due to the adjacent building (a drive-thru Burgerville) being a successful business in the Lloyd District?
- To increase coherency, Staff recommends two edits to the building – 1) because the building form and materials are already complex, a single fin color (instead of a different fin color at each façade) may be more appropriate, and 2) proposing cast-in-place (CIP) concrete at the eastern edge of the NE Multnomah ground level (where a ground floor window Modification is required) is a less finished approach than proposing board-formed concrete at this expanse of street level blank wall (board-formed concrete is used at the other large expanse of blank wall facing the private drive near the vehicle entry)

*These guidelines are not yet met, based on the unresolved issues related to the material quality and coherency of the design.*

**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.

**C6-1. Step Back Upper Building Floors along Holladay Street.** Along Holladay Street from 1<sup>st</sup> to 13<sup>th</sup> Avenues, locate building bases along the build-to lines while setting upper floors of tall buildings back from the street.

**Findings for C8 & C6-1:** The building is setback more than 175' from NE Holladay (see modification to maximum building setback in Section 2 below). The subsequent development phases of the superblock, known as Blocks B and C, will be subject to Guideline C6-1 at time of design review.

As for the proposed building, the ground level is distinguished from the upper levels through the use of extensive glazing and canopies at both retail spaces, residential stoops at the base of the walk-up units on NE Multnomah and the private driveway, and through the use of materials. The ground level is comprised of an aluminum storefront system, CIP concrete, board formed concrete, and cedar lap siding along the residential facades and soffits. A

strong horizontal fascia with a plaster finish along the upper portion of the 1<sup>st</sup> floor provides further distinction from the upper level façade. *These guidelines have been met.*

**C11. Integrate Roofs and Use Rooftops.** Integrate roof function, shape, surface materials, and colors with the building’s overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City’s skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective storm water management tools.

**Findings:** A private elevated courtyard is proposed atop the first level at the northeast end of the building, which contains large landscape planters that create “rooms” for the different users of courtyard and treats the stormwater for this surface. The concrete stormwater planters are a similar concept and design as those on the ground level adjacent to the residential stoops and walkways for an integrated design element.

The upper level roof is designed as a flat roof concealed behind a perimeter parapet that is constructed of the same siding used on the corresponding wall below. Similarly, the mechanical enclosure and stair penthouse are up against the roof edge in both locations appearing as an extension of the exterior façade from several directions. The other rooftop structure, elevator penthouse, is centrally located and setback from the roof edges with a metal screen enclosure. The setback and finish, painted to match the gray tone palate, will reduce its visibility. This approach to the building’s top results is more integrated and at 6 stories in height, will have limited impacts on the skyline and from surrounding viewpoints. *This guideline has been met.*

## **(2) Modification Requests – Chapter 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 six Modifications are requested:

1. *Required Building Line* (33.510.215.D) – This standard applies to the portion of the development along NE MLK and requires the building to extend to the street lot line along for at least 75% of its length or within 12’ of the street lot line with additional landscaping. The proposed building extends along 22% of the NE MLK street lot line.

**Findings:** The lack of building frontage along NE MLK (55’-1” proposed) is directly related to the location of private driveway along the south side of the building that straddles the adjacent properties. This condition increases the “site” to include the entirety of the

abutting lots to the south and west, which results in frontage along NE MLK of 250' in length. The location of the proposed private driveway closely aligns with the original street grid of NE Holladay on the superblock site and will serve as access to the future developments on the abutting lots known as Blocks B and C. This single shared, central driveway will eliminate the need for separate, individual driveways to these future development allowing the buildings to extend along the entire length of their respective street frontage, better meeting Design Guideline A7 (Establish and Maintain a Sense of Urban Enclosure). In addition, the private driveway includes a 12' wide sidewalk on each side providing access through the site and from NE MLK to NE Multnomah where NE Holladay once occurred on the site, better meeting Design Guidelines 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).

The purpose of the regulation is to enhance the urban quality of the Central City Plan District by locating building up against the public and pedestrian environment, Again, consolidating and centralizing the access to the future development on this large superblock site allows for more of the site to be dedicated to buildings up along the sidewalk. *This criterion has been met.*

2. *Superblock Regulations (33.293.030)* – This portion of the superblock site is required to provide its percentage of the overall site's superblock plaza and walkway requirements. A reduction from 5,901 SF to 3,350 SF of plaza area and 14,910 SF to 8,076 SF of total walkways, landscaping and plaza area is requested. In addition, portions of the plaza exceed the maximum 3:1 length ratio.

**Findings:** The Superblock requirements are based on the site's percentage of the overall superblock area. As previously discussed, the larger "site" that results from the driveway straddling the properties to the south and west triggers larger plaza and walkway requirements. Based on the "site", the project requires 5,901 SF of Plaza and 14,910 SF of walk. The project proposes 3,350 SF of plaza area, portions of which exceed the 3:1 length ratio, and 8,076 SF of walkways and landscaping, hence the modification.

*As discussed above, guidelines A3-2, C6, C9, B4 and B5 have not been met, as there are concerns with the public-quality of the space and its potential lack of integration with the future plaza that would be required on next development phases of this superblock (Block B and C). Therefore, this criterion is not yet met.*

3. *Maximum Building Setback (33.130.215.C)* – The proposed building is required to be within 10' of NE Holladay Street. The proposed building is setback 175' from NE Holladay.

**Findings:** The lack of building frontage along NE Holladay is directly related to the location of private driveway along the south side of the building that straddles the adjacent properties. This condition increases the "site" to include the entirety of the abutting lots to the south and west, which both have frontage on NE Holladay, a designated Regional Transitway and Major Transit Priority Street. This designation requires new buildings to be located within 10' of the abutting property line.

As previously mentioned, the proposed Block A Apartments is part of an anticipated phased development on this superblock and the future buildings, known as Block B and C, are expected to front NE Holladay and meet this standard in the near future. Therefore, Blocks B and C, once constructed, will meet the intent of the standard in the CX zone, which is to have buildings close to the sidewalk to reinforce a pedestrian orientation and

built-up streetscapes and to create environments that are inviting to pedestrians in the Lloyd Pedestrian District and to transit users of the Max line on Holladay.

The proposal condition with the central driveway eliminates the need for separate, individual driveways to the future Block B and C developments allowing these buildings to extend along the entire length of their respective street frontage, better meeting Design Guideline A7 (Establish and Maintain a Sense of Urban Enclosure). *This criterion has been met.*

4. *Tandem Parking (33.266.130.F.1.a)* - For parking areas where an attendant is not always present, each parking space must be accessible without having to move another vehicle. In the below-grade garage, there are 18 instances of a two-car deep or tandem parking layout, with these two-car spaces being leased to single units.
5. *Loading Space (33.266.310)* – Two loading spaces, 18’ long x 9’ wide x 10’ vertical clearance in size, are required. The two provided in the private driveway are only 8’ in width.

**Findings:** Both of these Modifications come from the Parking and Loading Chapter (33.266), share a similar purpose. The parking space access and dimensional requirements are intended to promote safe circulation in parking areas, and to allow for convenient entry and exit of vehicles from a garage or parking area. The loading stall dimensional standards are intended to ensure that access to and from loading facilities will not have a negative effect on either the traffic safety or transportation functions of the abutting right-of-way.

Portland Transportation has no concerns relative to the narrower loading space width proposed by the applicant because the two loading spaces are located along the private driveway being created to serve the development. The two spaces are oriented and located so as to prevent any loading activities from adversely impacting the adjoining public rights-of-ways. It is highly likely as well, that the minimal dimensional exception being sought by the applicant will not effect the operation of the private driveway. Regarding the tandem spaces, these will be rented to a single unit and will therefore be able to coordinate the moving of vehicles to access both parking spaces. *The relevant approval criteria are met.*

6. *Ground Floor Windows (33.130.230)* – 50% of the length of non-residential ground floor at the northwest façade is required to be windows, but windows are provided for only 45% of the length.

**Findings:** The glazing proposed along the 235’ long northwest façade exceeds the amount required at 59%. However, the majority of this façade is dedicated to residential walk-up units, which do not count towards the window requirement per Section 33.130.230. While these residential windows do not count, they do contribute significantly to the vibrancy and articulation of this prominent street elevation meeting the intent of the ground floor window standard. They provide visual connections from within the units to the sidewalk. And, along with the sliding wood screen and front stoops, the residential window areas provide a varied and interesting facade for the pedestrian environment.

The eastern 43’ of this façade contains no glazing due to the proposed utilities (generator and garage intake air) and stair locations within the ground floor. This elevation is comprised of CIP concrete with a solid exit door and metal louver above and 3 adjacent louvered doors. The louvered doors are sized according to the ventilation needs of the generator as is the upper louver for the garage intake air. While these louvers provide some relief and differentiation on this wall, the remaining solid wall area could be treated with a more finished exterior as the other large blank wall facing the private street near the garage entrance, which uses board-formed concrete. Incorporating board-formed concrete on this prominent elevation would better meet guidelines C10-2 (Design Exterior Building



Walls that are Transparent in Glazed areas and Sculptural in Surface) and C5 (Design for Coherency).

For the reasons stated above and as indicated in the findings for C2, C4, C10-1, C10-2, C10-3 and C5 this criterion is not yet met.

### **(3) Adjustment Request – Chapter 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 Adjustment is requested:

1. *Parking Access* (33.510.264.F.6) – New vehicle access to any parking area or structure is not allowed from MLK per Map 510-9. The private, shared driveway is proposed off of MLK and provides access to surface and structured loading and parking spaces.
- 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 parking (and access) standards in the Central City Plan District is found in Code Section 33.510.261 and is stated as follows:

“The parking and access regulations implement the Central City Transportation Management Plan by managing the supply of off-street parking to improve mobility, promote the use of alternative modes, support existing and new economic development, maintain air quality, and enhance the urban form of the Central City.”

The proposed development will incorporate an existing retail use that currently operates as a “stand-alone” store with access from/onto NE MLK. This retail use is currently accessed via a wide curb cut/two-lane “right-in-only” driveway that abuts an exiting driveway from the nearby retail restaurant use to the north. A separate exiting “right-out-only” driveway allows vehicles to leave the current use that will be incorporated into the proposed driveway. With the consolidation of this use into the proposed project, the two existing curb cuts/driveways will be closed, thereby improving mobility, the pedestrian environment and operations along NE MLK. The new driveway shown on the submitted plans will be further from the existing retail restaurant north of the site along NE MLK, which will improve the current conditions wherein conflicts between vehicles entering/exiting the two current abutting restaurants will be eliminated. It is Transportation’s determination that, as compared with the existing multiple driveways along this segment of NE MLK, traffic flow and access will be greatly improved by the

proposed development. Transportation is therefore supportive of this Adjustment requests and no mitigation is required. *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:** There are no scenic or historic resources identified on this site. *This criterion does not apply.*

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

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

## 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

This program and proposal will be a great addition to the western edge of the Lloyd District, adding activity and pedestrian scale to important streets and hopefully jump-starting complete development of a key block immediately north of the Convention Center. Approval can be recommended with resolution of the following design issues:

- *Superblock Plaza* – There are concerns regarding the meaningful nature and quality of the proposed plaza spaces (Guidelines A3-2, C6, C9, B4 and B5 and Modification #2).
- *Material quality and design coherency* – There are concerns regarding the use of fiber-cement board as a primary finish, the rigidity of the metal panels, the materials and design of the very prominent end walls, and CIP concrete along the large expanse of blank wall on NE Multnomah ground level (Guidelines C2, C4, C10-1, C10-2, C10-3 and C5 and Modification #6)

## TENTATIVE STAFF RECOMMENDATION

*Staff does not yet recommend Design Review approval.*

*Staff does not yet recommend approval of the Modifications to Superblock Regulations (33.293.030) or Ground Floor Windows (33.130.230)*

*Staff does recommend approval of the following Modifications and Adjustment:*

- *Required Building Line (33.510.215.D)*
- *Loading Space (33.266.310)*
- *Maximum Building Setback (33.130.215.C)*
- *Tandem Parking (33.266.130.F.1.a)*
- *Parking Access (33.510.264.F.6)*

**Additional Note:** If the project is approved, the following conditions of approval are recommended:

1. Prior to building permit issuance, a cross-access easement for the private driveway must be provided and recorded on all three properties.
2. Prior to building permit issuance, an application for Nonconforming Upgrades Option 2 must be submitted and a Covenant must be signed and recorded to postpone the required nonconforming upgrades to the site for up to 2 years.

**Procedural Information.** The application for this land use review was submitted on March 6, 2013, and was determined to be complete on Mar 27, 2013.

*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 March 6, 2013.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period, as stated with Exhibit A-6.

**Some of the information contained in this report was provided by the applicant.**

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

**Conditions of Approval.** If approved, this project 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.

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

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at [www.portlandonline.com](http://www.portlandonline.com). On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

**Appeal of the decision:** The decision of the Design Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Design Commission, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

**Who can appeal:** You may appeal the decision only if you write a letter which is received before the close of the record on hearing or if you testify 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 (one-half of the BDS application fee, up to a maximum of \$5,000.00).**

**Appeal Fee Waivers:** Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

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

#### **Recording the final decision.**

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

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

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

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.

- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

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

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

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

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

Planner's Name: Staci Monroe

Date: May 6, 2013

#### **EXHIBITS**

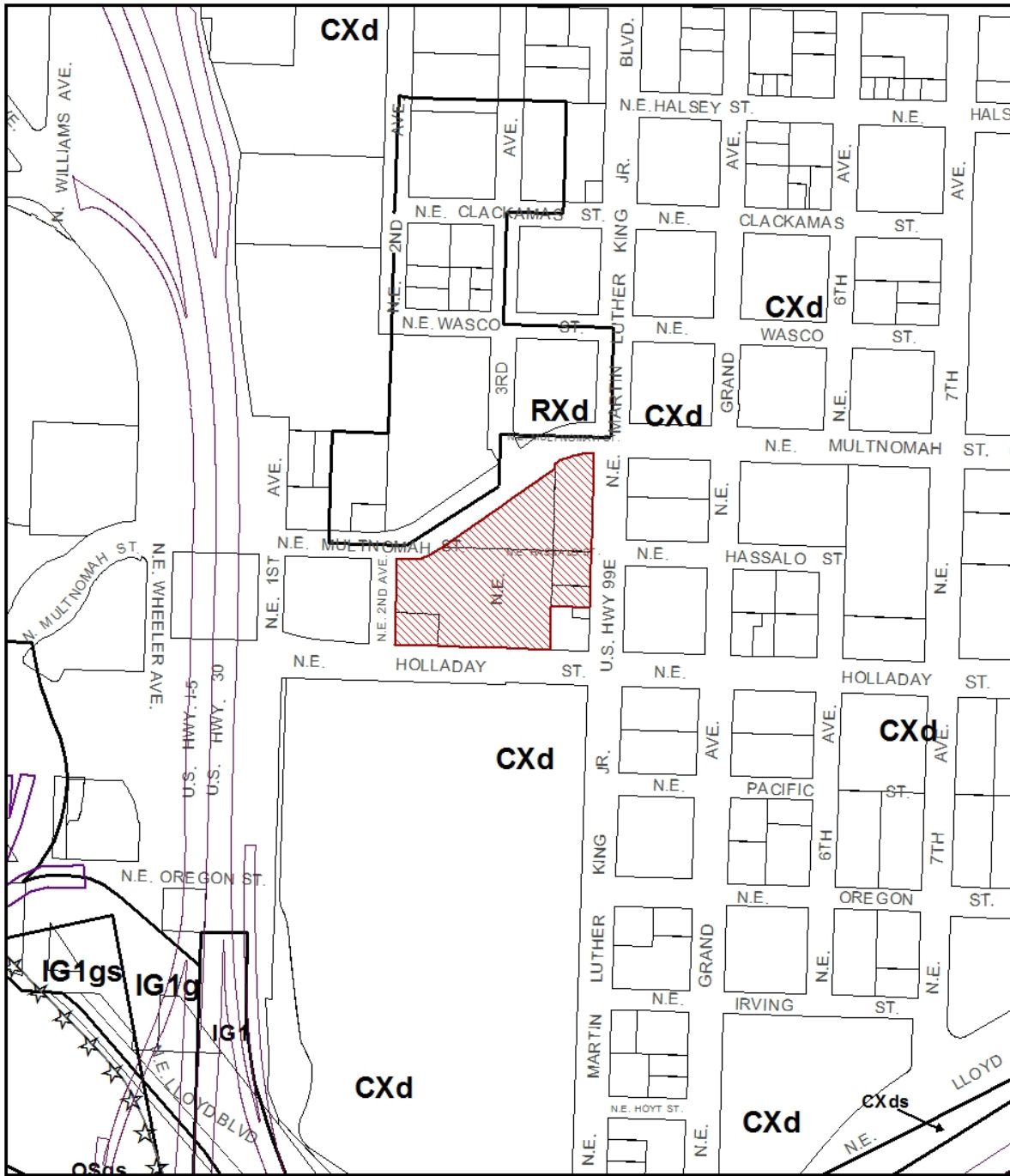
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
  1. Written Narrative & Responses to Approval Criteria
  2. Stormwater Management Report dated March 22, 2013
  3. Geotech Report dated September 6, 2012
  4. Geotech Addendum – Infiltration Rates dated April 1, 2013
  5. Frontage Improvements Narrative Memo dated March 21, 2013
  6. 120-day Waiver (signed)
  7. Context Photos
  8. Revised Stormwater Management Report dated April 15, 2013
  9. Temporary Stormwater Management Option Memo dated April 25, 2013
  10. Temporary Stormwater Management Plan
- B. Zoning Map (attached):
  1. Existing Zoning

2. Proposed Zoning
- C. Plans & Drawings:
  1. Cover Page
  2. Vicinity Plan
  3. Perspective View Looking Northwest
  4. Perspective View Looking Northeast
  5. Southeast Perspective View at NE MLK
  6. Site Plan (attached)
  7. Superblock & Site Areas Diagram Plan
  8. Superblock Plaza, Walkways & Landscaping Plan
  9. Site Landscaping
  10. Bike Parking Site Plan & Counts Summary
  11. Parking Plan
  12. Ground Floor Plan
  13. Second Floor Plan
  14. Landscape Plan
  15. Roof Plan
  16. Ground Floor Reflected Ceiling & Canopy Plan
  17. South and Southwest Elevations (attached)
  18. Northwest and East Elevations (attached)
  19. Courtyard Elevations
  20. Enlarged Elevations of Residential Walls
  21. Enlarged Elevations of Entrances
  22. Enlarge Elevations of Mechanical Screening at Roof
  23. Ground Floor Window Calculations
  24. Façade Material Area Diagrams
  25. Building Sections
  26. Wall Sections
  27. Canopy Details
  28. Exterior Details
  29. Exterior Details
  30. Exterior Louver Details
  31. Long-Term Bike Racks (2 types)
  32. Short Term Bike Rack
  33. Paver Details for Driveway and Parking Area
  34. Prefabricated Rooftop Mechanical Enclosure
  35. Garage Door Detail
  36. Building & Site Light Fixture Detail
  37. Wood Screen Detail
  38. Metal Panel and Thinlap Examples
  39. HardiPanel Details
  40. Vinyl Window Information
  41. Site Furnishing Details
  42. Private Driveway Section
- 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. Mailing list
  6. Mailed notice
- E. Agency Responses:
  1. Site Development Review Section of BDS
  2. Plan Review Section of BDS

3. Water Bureau
  4. Fire Bureau
  5. Bureau of Environmental Services
  6. Bureau of Transportation Engineering and Development Review
- F. Letters:
1. Doug Klotz, email dated May 5, 2013, concerns with the proposed private driveway, noting it should be a public street with roadway-level entrances similar to other public streets.
  2. Gary Warren (Lloyd District Community Association), May 6, 2013, in support of the proposed development.
- G. Other:
1. Original LUR Application
  2. Incomplete Letter dated March 26, 2013
  3. Staff Memo to Applicant dated April 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).**



# ZONING

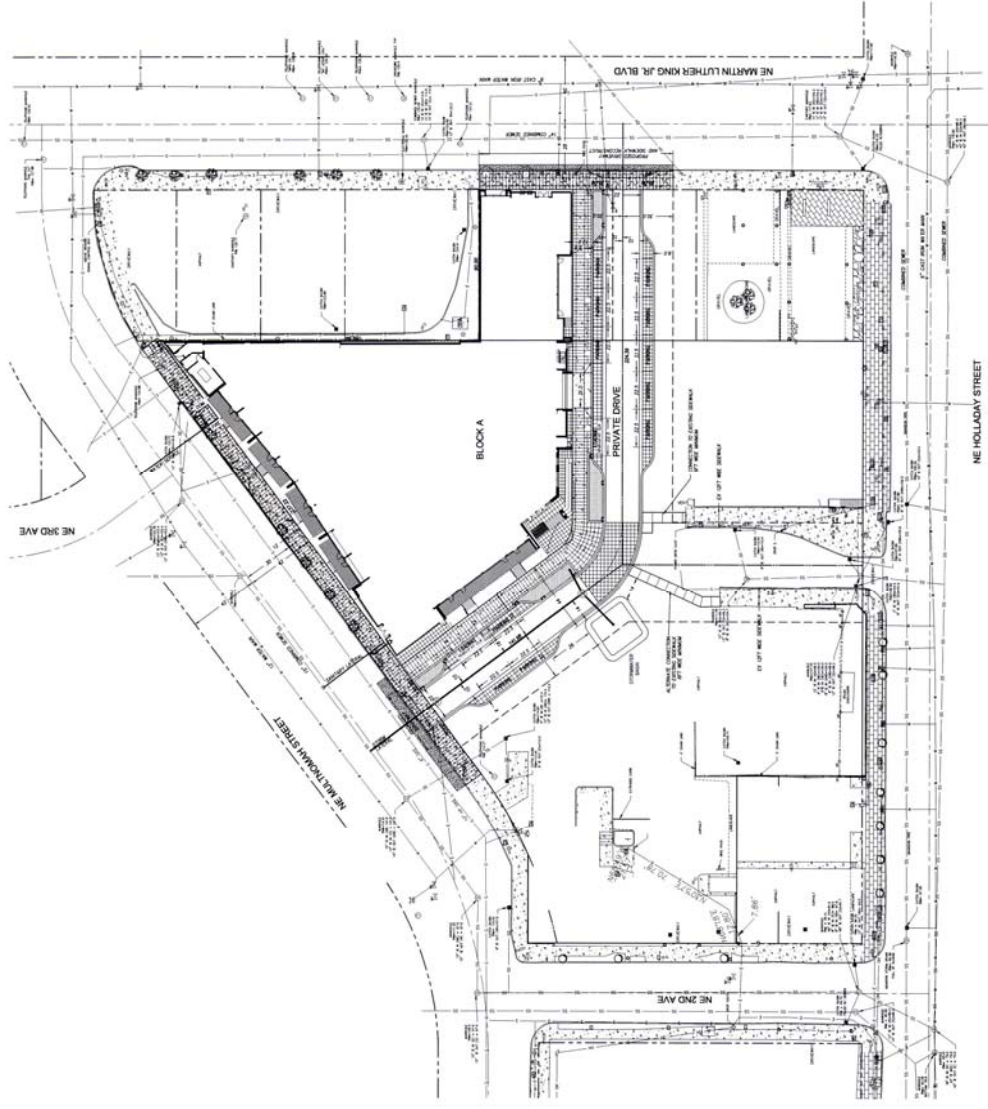
 Site



This site lies within the:  
CENTRAL CITY PLAN DISTRICT  
LLOYD DISTRICT

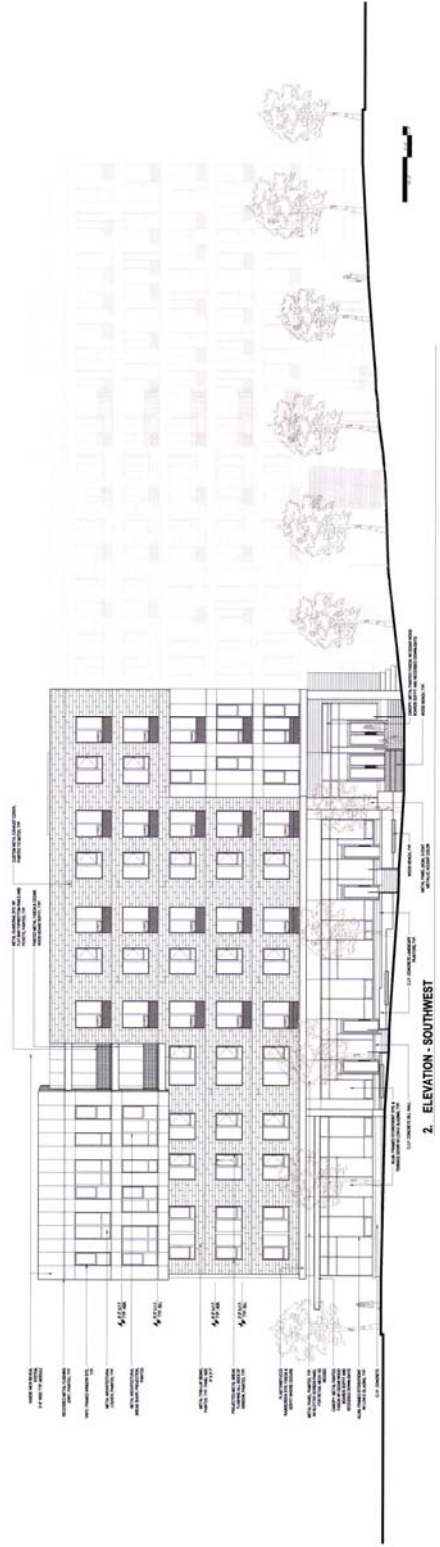
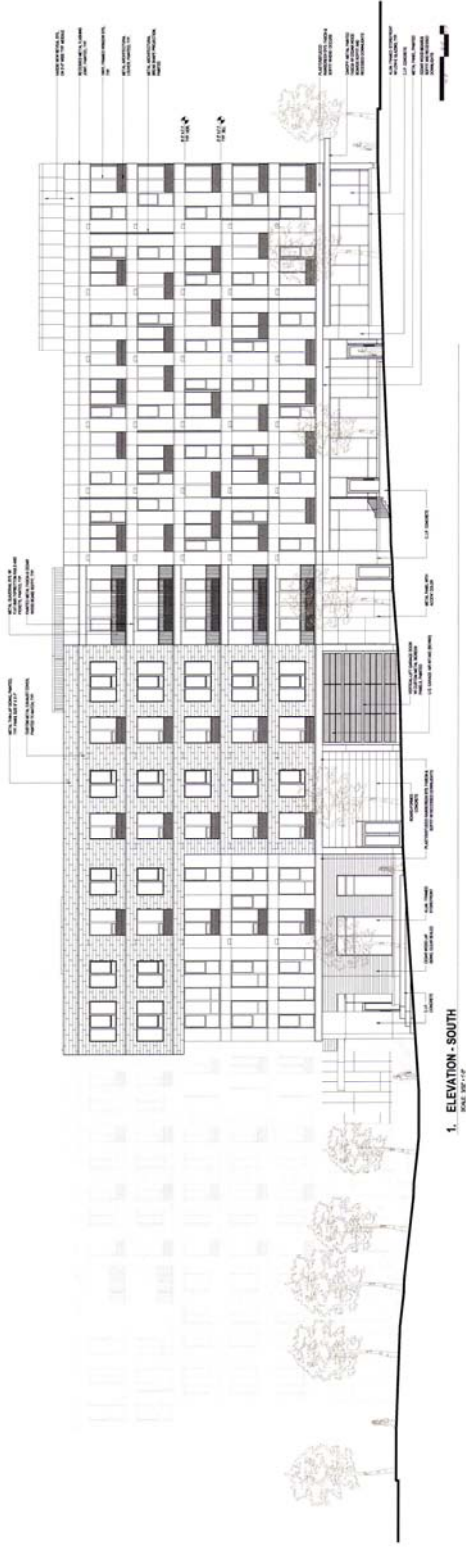
File No. LU 13-123630 DZM  
 1/4 Section 2930  
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 State\_Id 1N1E34AA 3001  
 Exhibit B (Mar 08,2013)





# SITE PLAN

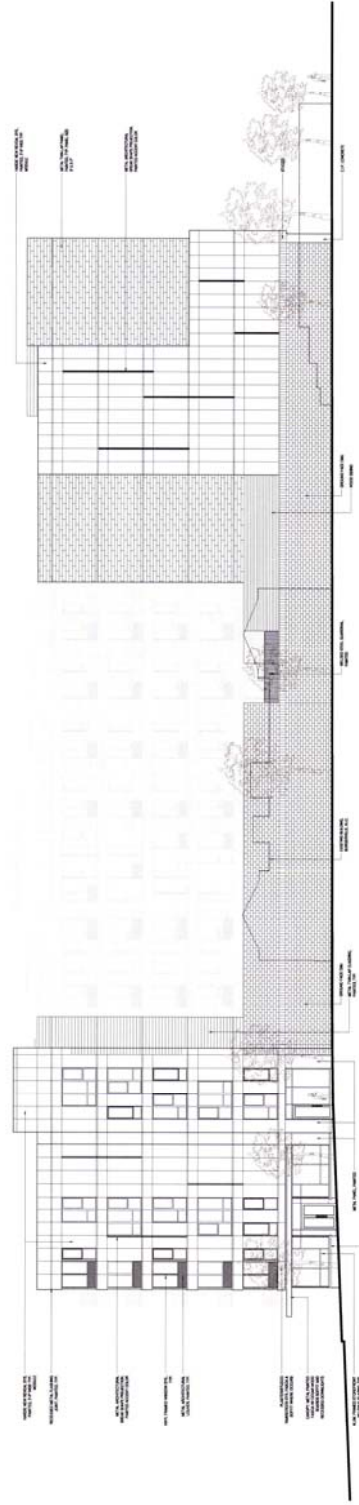
LU 13-123630 DZM AD EXHIBIT C-6



# ELEVATIONS - SOUTH AND SOUTHWEST



1. ELEVATION - NORTHWEST



2. ELEVATION - EAST

# ELEVATIONS - NORTHWEST AND EAST