



CITY OF PORTLAND

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NOTICE OF FINAL DECISION

TO: All Interested Persons
DATE: July 11, 2013
RE: LU 12-212602 DZM GW AD

Appeal of Northwest District Association against the Design Commission's decision to conditionally approve the application for the Riverscape Apartments, a four building complex to be located on the eastside of NW Front Avenue between NW 16th and 18th Avenues (Hearing; LU 12-212602 DZM GW AD)

Enclosed is a copy of the Order of Council on LU 12-212602 DZM GW AD denying the appeal of the Northwest District Association and upholding the Design Commission's decision to approve the application of Robert Leeb, Leeb Architects LLC to conditionally approve a new four-building apartment project at lots 9 - 12 of Rivernorth/Riverscape. If you wish to obtain a copy of the City Council's findings and decision, please contact Karla Moore-Love, Council Clerk at (503) 823-4086 or by email at: Karla.Moore-Love@portlandoregon.gov

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with the Board within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have appeared orally or in writing during the City's proceedings on this land review. The Board's address is: Public Utility Commission Building, 550 Capitol Street NE, Suite 235, Salem, OR 97310-2552. You may call the Land Use Board of Appeals at 1-503-373-1265 for further information on filing an appeal.

Encl.

**ORDER OF COUNCIL ON APPEAL OF
NORTHWEST DISTRICT ASSOCIATION AGAINST THE DESIGN COMMISSION'S DECISION
TO CONDITIONALLY APPROVE THE APPLICATION FOR THE RIVERSCAPE
APARTMENTS, A FOUR BUILDING COMPLEX TO BE LOCATED ON THE EASTSIDE OF NW
FRONT AVENUE BETWEEN NW 16TH AND 18TH AVENUES (HEARING; LU 12-212602 DZM GW
AD)**

Appellant: The Northwest District Association (NWDA)
Attn.: John Bradley, Chair, NWDA Planning Committee
2257 NW Raleigh Street
Portland, OR 97210

Applicants: Robert Leeb
Leeb Architects LLC
71 SW Oak St., Suite 200
Portland, OR 97204

Developer: Lee Novak
Fore Property Company
1741 Village Center Circle
Las Vegas, NV 89134

Property Owners: Holt Distressed Property
P.O. Box 87970
Vancouver, WA 98687

Holt Distressed Property
2601 NE 163rd Ct.
Vancouver, WA 98684

Site Address: Four lots between NW Front Avenue and NW Riverscape Street between NW
16th and 18th Avenues

Legal Description: LOT 9, RIVERNORTH; LOT 10, RIVERNORTH; LOT 11, RIVERNORTH; LOT 12,
RIVERNORTH

Zoning: **RX**dg (Central Residential base zone with Design and River General
Greenway overlay zones), **Central City plan district/River District
subdistrict**

Procedure: **Type III**, with a public hearing before the Design Commission.

REVISED Proposal: Following the feedback received from Design Commission and neighbors during the March 21st, 2013 hearing, the applicant has made significant revisions to the project. These changes include the following:

- The two buildings flanking NW 17th Avenue (lots 10 & 11) have been completely re-designed. The buildings are simpler in form with a different window rhythm and different materials versus the buildings on lots 9 & 12. Primary building materials are now a warm grey brick and a wood-colored shingle plank siding from Nichiha. Arched window openings at the ground floor and a central barrel-vaulted rooftop element distinguish these two buildings;

- Ground floor commercial space has been lowered at lots 10 & 11 flanking NW 17th Avenue to create more direct pedestrian access from NW Front and taller interior ceilings, with scored concrete walkways and fewer steps to the adjacent sidewalk;
- Both buildings have been provided with raised 'loading docks' along NW Front Avenue, with metal and steel cable railings along the edge of the dock, bike parking, and embedded planters at the streetside edge of the dock for lots 9 & 12;
- The underground garages have been slightly reconfigured, projecting partly under the new raised docks, and some metal ventilation louvers for the garage are integrated into the dock structure along NW Front;
- The materials on the buildings at lots 9 & 12 have been refined and simplified. There are now three materials, with more brick and only one color of the fiber cement panel (Ceraclad);
- All the buildings have been moved closer to the cross streets. The building on lot 9 moved towards NW 18th Avenue, buildings on lots 10 & 11 moved towards 17th, and the building on lot 12 moved towards 16th. This has created a more urban edge along the project perimeter, and two larger pocket parks between the new buildings; and
- The two interior public open spaces at the pedestrian easements have been re-designed to occupy a larger space, each increasing in width from 46'-0" to 100'-0".

The applicant has proposed the construction of a four-building apartment complex with 243 dwelling units, commercial space, a leasing office, resident amenity spaces, and below-grade structured parking for 236 cars. The site consists of four vacant lots on two elongated rectangular blocks on the river side of NW Front Avenue between NW 16th and 18th Avenues. Each lot would be developed with a single five-story building atop a podium of structured parking, with individual buildings containing between 59 and 63 units.

Each of the four lots is approximately 230'-0" long by 86'-0" wide. The north two lots (9 and 10) and the south two lots (11 and 12) are bisected by a 46'-0"-wide pedestrian easement, in alignment with pedestrian easements across NW Riverscape Street to the east. The north easement between lots 9 and 10 is designed as an open landscaped plaza with seating areas, a linear walkway with stairs, and a ramped, curving walkway. The south easement between lots 11 and 12 is designed as a rectangular plaza with central planting beds, bench seating, and an indirect path through the space. The applicant is seeking a 1:1 Floor-Area bonus by providing public art at the site, which may be placed in these two easement areas. The public art itself, if approved through a pending process with the Regional Arts & Culture Council (RACC), is not subject to design review.

The main building entrances are double-sided at the mid-point of each building, with lobby access to both NW Front Avenue and NW Riverscape Street. Each ground floor unit also has a separate entrance with steps leading to a patio and front door, and paved walkways and stairs to the adjacent sidewalk. Commercial uses are still provided adjacent to the Front Avenue entry at lot 9, but the leasing office and fitness space with related rooftop viewing deck has moved to lot 10. Lot 11 has a single potential commercial space abutting the NW Front & 17th corner. Docks are provided along the entirety of the NW Front Avenue side, and the original concept with stairs, semi-private patios with low wood fencing, and raised landscape beds is retained along NW Riverscape Street.

Garage access is located at the north and south ends of the buildings off of NW 18th, NW 17th and NW 16th Avenues. The south two buildings on lots 11 and 12 are above an interconnected below-grade garage with driveway access from NW 16th Avenue. Each of the four buildings is approximately 172'-0" long by 70'-0" wide, and is divided into two wings separated by an indentation at the lobby entry.

Given the project valuation and location in a design zone of the central city, the project requires a Type III Design Review. The site is also in the River General Greenway overlay zone, where new development requires a Type II Greenway Review. Concurrent with these requests, the applicant has requested the following additional reviews:

1. For parking areas where an attendant is not always present, each parking space must be accessible without having to move another vehicle (33.266.130.F.1.a). In the below-grade garage, there are 15 instances of a two-car deep or tandem parking layout, with these two-car spaces being leased to single units. The applicant has requested a Modification through Design Review to allow 15 tandem parking spaces of two cars each;
2. The 'B' loading spaces required for the project are required to be 18'-0" long, 9'-0" wide, and have a clearance of 10'-0" (33.266.310.D.b). The loading spaces in the below-grade garage will only have 8'-4" of vertical clearance. The applicant has requested a Modification through Design Review to reduce the vertical clearance for all loading spaces from 10'-0' to 8'-4";
3. Individual parking spaces in the garage are required to be 8'-6" wide by 16'-0" deep (33.266.130.F.2/Table 266-4). Structural columns in the basement may encroach by up to 8 inches into 174 of the 236 parking spaces. The applicant has requested a Modification through Design Review to reduce the width of portions of 104 of the parking spaces from 8'-6" to 7'-10"; and
4. Four 'B' loading spaces are required (33.266.310.C), but only three are proposed. The applicant has requested an Adjustment to reduce the required 'B' loading spaces from four to three.

At the initial hearing on March 7th, Design Commission and neighborhood residents raised several concerns about the proposal, and the applicant agreed to return with revisions to the project to a second hearing on March 21, 2013. A revised plan set with several minor changes was submitted to staff on March 13, 2013, and a memo was prepared by staff and sent to Design Commission on March 18, 2013. The March 18, 2013 memo raised several concerns regarding approvability, and did not recommend approval.

At the continued hearing on March 21, 2013, Design Commission and neighborhood residents continued to have concerns about approvability, and the applicant agreed to make further design changes to the project and return for a third hearing on April 18, 2013. On April 8, 2013 the applicant submitted their final revised drawing set with significant changes to the proposal, and staff prepared a revised staff report recommending conditional approval on April 9, 2013.

At the final hearing on April 18, 2013, Design Commission heard final comments from neighborhood residents and deliberated on the revised proposal. After discussion and development of eight new specific design-related conditions of approval, a motion was made and seconded to approve the project with eight additional design-related conditions of approval. This motion passed with 4 Commissioners in support and two opposed, thereby approving the proposal with eight new conditions. The decision was mailed on May 3, 2013, triggering the 14-day appeal period to end on May 17, 2013.

On May 17, 2013 an appeal of Design Commission's conditional approval was filed by the Northwest District Association. An appeal hearing date was set for June 12, 2013 and the public notice of appeal hearing was mailed on May 22, 2013.

The appeal hearing before the City Council was opened in the Council Chambers, 1221 SW 4th Avenue on June 12, 2013 at approximately 3:00 p.m. After hearing public testimony, Council voted 5-0 to tentatively deny the Northwest District Association appeal, uphold the Design Commission's decision and ordered revised findings be prepared for July 3, 2013 at 9:30 a.m. On July 3, 2013 at 9:30 a.m. Council voted 5-0 to deny the appeal, uphold Design Commission's decision and adopt findings and a final decision.

DECISION

Based on evidence in the record and adoption of the Council's Findings and Decision in **Case File LU 12-212602 DZM GW AD** and by this reference made a part of this Order, **it is the decision of Council** to deny the appeal by Northwest District Association and uphold the Design Commission's Decision to **approve Design Review** for the Riverscape Apartments project on lots 9-12 of the Riverscape Subdivision, in the River District Subdistrict of the Central City plan district, including the following specific elements:

- Four five-story buildings with exterior materials including brick, metal panel, Ceraclad panel, Nichiha lap siding, perforated metal panel railings, slatted wood fencing and garage doors, steel-reinforced painted vinyl windows on the upper floors, and aluminum storefront window systems on portions of the ground floor;
- Raised docks, retaining walls, stairs, paved walkways, landscape planting materials and exterior lighting; and
- Below-grade parking garages with loading spaces, a rooftop deck on the lot 11 building, and two landscaped public courtyards in and adjacent to the 46'-0"-wide public easements running through the center of each block.

The above Design Review approval is granted based on the submitted plans and drawings, Exhibits C.1 through C.66, each exhibit being signed and dated April 18, 2013, and subject to conditions A and B, and D through K, below.

Approval of a Greenway Review for the Riverscape Apartments, including four buildings with 243 dwelling units, below-grade parking and loading, and site work and landscape amenities as shown on Exhibits C.1 through C.66, and with the optional recommendations in condition C, below.

Approval of a Modification through Design Review to allow 15 tandem parking spaces with two cars each, where access to the inside space may sometimes require movement of another vehicle (33.266.130.F.1.a).

Approval of a Modification through Design Review to reduce the vertical clearance for each of the three loading bays from 10'-0" to 8'-4" (33.266.310.D.b).

Approval of a Modification through Design Review to reduce the width of a portion of 174 of the 236 parking spaces from 8'-6" to 7'-10" to accommodate structural columns in the garage (33.266.130.F.2/Table 266-4).

Approval of an Adjustment to reduce the number of 'B' loading spaces required on the site from 4 to 3 spaces (33.266.310.C).

Conditions of Approval:

- A. As part of the building permit application submittal, all drawings must reflect the design, materials, and other elements as indicated on the approved exhibits C.1 through C.66. Each relevant sheet in the permit set must show the design as approved in this application except

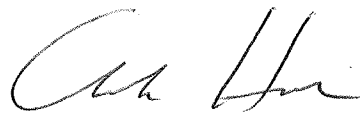
as modified to meet conditions B through K, below. All sheets showing compliance with this decision shall be labeled Proposal and design as approved in Case File # LU 12-212602 DZM GW AD. No field changes allowed.”

- B. To accommodate slight changes that may be negotiated between the public art team at RACC and the applicant, minor changes may be made to the site and landscape plan without further review provided there is no more than a 10% change in the number of trees, shrubs, groundcover plantings, number and type of seating opportunities with benches or sittable ledges, and size and dimension of pedestrian walkways. Other changes beyond a 10% change in these elements will require a follow-up Type II Design Review.
- C. The applicant is encouraged, but not required, to switch out non-native plants with native species that appear in the Portland Plant List in the landscape at the site, provided the approximate size and type of individual plant remains.
- D. The loading dock must allow continuous pedestrian circulation along the entire length, with stairs or ramps at each end, and no dead-end conditions.
- E. The barrel vault feature shall be removed from the lot 11 building.
- F. The horizontal belly band feature between the third and fourth floors of the lot 10 and lot 11 buildings shall be removed (wood trim piece, brick rowlock to remain).
- G. The louvered grills for garage ventilation must be removed from the loading docks.
- H. The mansard roof elements shall be removed from the lot 9 and lot 12 buildings.
- I. The finished floor level and dock level at the primary first levels of each building shall be lowered from 36'-0" to 35'-6".
- J. A gathering space shall be created to complement the intimate sitting areas in the lot 11/lot 12 plaza, including removal of one of the two central landscape planters.
- K. In place of the Nichiha shingle siding, the buildings on lots 10 and 11 shall use the terra cotta-colored Ceraclad material with horizontal relief as presented in the original drawing package on file.

IT IS SO ORDERED:

JUL 11 2013

Date



Mayor Charlie Hales
Presiding Officer at Hearing of
July 3, 2013
9:30 a.m. Session