



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

FROM CONCEPT TO CONSTRUCTION

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FINAL FINDINGS AND DECISION BY THE DESIGN
COMMISSION RENDERED ON July 18, 2013

CASE FILE NUMBER: LU 13-139762 DZM AD
PC # 12-208906 Block 15

BUREAU OF DEVELOPMENT SERVICES STAFF: Hillary Adam 503-823-3581 /
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GENERAL INFORMATION

Applicant: John Meadows / Boora Architects Inc
720 SW Washington Suite 800 / Portland, OR 97205

Tiffany Sweitzer, Owner / Block 15 LLC
1022 NW Marshall St Suite 270 / Portland, OR 97209

Site Address: Lot bound by NW 10th and 11th Ave and by NW Northrup and Overton Streets

Legal Description: LOT 17, HOYT STREET YARDS NO 2; LOT 18, HOYT STREET YARDS NO 2; LOT 19, HOYT STREET YARDS NO 2; LOT 20, HOYT STREET YARDS NO 2

Tax Account No.: R405840900, R405840950, R405841000, R405841050
State ID No.: 1N1E34BB 02620, 1N1E34BB 02621, 1N1E34BB 02622, 1N1E34BB 02623

Quarter Section: 2929

Neighborhood: Pearl District, contact Patricia Gardner at 503-243-2628.

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

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

Plan District: Central City - River District

Zoning: EXd – Central Employment with Design overlay

Case Type: DZM AD – Design Review with Modification(s) and Adjustment request

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

Proposal:

The applicant proposes a new 28-story building with 362,739 gross square feet, including:

- 168 residential units; including 5 ground floor flexible (live/work) spaces along NW Overton Street;
- 6,866 square feet of ground floor retail space;
- 197 above-grade automobile parking spaces, contained within the building, as well as 254 long-term bicycle parking spaces and 11 short-term bicycle parking spaces.

The building consists of a 28-story residential point tower with a 4-story podium containing residential units and parking, with additional garden style residential units fronting the landscaped rooftop courtyard. Building materials will primarily be glass curtain wall with areas clad with glass fiber reinforced cement planks, and aluminum. Floor area, previously transferred within the site, is to be used to allow the additional 2,739 square feet of floor area over the maximum.

The following Modifications are requested:

- **Ground Floor Windows in the EX Zone (33.140.230)** – The proposal does not meet the standard with regard to length along NW 11th.
- **Transit Street Main Entrance (33.140.242)** – The SW retail space is proposed to face NW 11th rather than the transit street (NW Northrup), as is required.
- **Height (33.510.205 C)** – The Zoning Code allows the maximum building height for this site to be increased if the amount of shadow cast by the proposed building on the adjacent open space (Fields Park) will be less than or equal to the shadow that would result from a building constructed to the maximum height allowed. The shadow cast by the proposed 350'-tall building casts a shadow on Fields Park that is more than what would be cast by a tower that is 225'-tall, which is the maximum height allowed by the Zoning Code.

The following Adjustment is requested:

- **Number of Loading Spaces** – 33.266.310 requires one loading space meeting Standard A or two loading spaces meeting standard B. The applicant is proposing only one space meeting standard B, accessed from NW 11th.

Type III Design Review is required because the proposal is for a new construction project that meets the valuation threshold for a Type III design review in the Central City Plan District. A Modification review and an Adjustment review are also required because the proposal does not meet some of the standards outlined in the Portland Zoning Code for this zone district.

The Notice of Proposal identified a fourth modification to the Ground Floor Active Use standard. Since then it has been determined that the proposal meets this standard and a modification is not necessary.

Relevant Approval Criteria:

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

- 33.140, Employment Zones
- 33.420, Design Overlay Zone
- 33.510, Central City Plan District
- 33.825, Design Review
- 33.825.040, Modifications That Will Better Meet Design Review Requirements
- 33.805.040, Adjustment Approval Criteria
- Central City Fundamental Design Guidelines
- River District Design Guidelines

ANALYSIS

Site and Vicinity: The subject property is a paved asphalt surface parking lot, located in the River District, bound by NW 10th and NW 11th Avenues and by NW Northrup and NW Overton Streets. The property was formerly owned by the Spokane, Portland and Seattle Railway Company and housed freight yards, a train shed and office. Over the past several years, the character of the neighborhood has significantly changed, providing opportunities for viable residential, commercial, and open space development.

Starting at the north and rotating clockwise, immediately adjacent developments include the recently-opened Fields Park, the 16-story Encore, the 14-story Pinnacle, the 6-story Lexis on the Park, Tanner Springs Park, the 7-story Bridgeport, the 6-story Sitka building. All named buildings are mixed-use buildings with dwelling units over ground floor retail. The area is designated as the Northwest Triangle Pedestrian District in the Transportation System Plan with NW Northrup also designated a City Walkway, a Transit Access Street, and a Community Main Street. NW Overton is designated a City Bikeway and a Traffic Access Street.

The River District was established as an Urban Renewal Area in 1998, selected as such for its proximity to the core of downtown and to correct blighted conditions that had overtaken the area. It was envisioned that transit and open space improvements, as well as the introduction of dense housing and commercial opportunities would bring new life into this area while meeting the state land use planning goals. Since 2001, the River District, and in particular the Pearl District at the heart of the URA, has transformed significantly into one of Portland's densest and fastest-growing neighborhoods.

Zoning: The Central Employment (EX) zone allows mixed uses and is intended for areas in the center of the City that have predominantly industrial-type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

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 prior land use reviews include:

- ZC 7948 – Approval of a 1979 Zone Change & Master Plan with Conditions;
- DZ 91-89 – Approval of a 1989 Railroad Area Master Plan Review with Conditions;
- LUR 92-00798 MS, LA – Approval of a 1992 Master Plan Amendment and late Acceptance Review of ZC 7948 & DZ 91-89 with Conditions;
- LUR 93-00819 DZ – Approval with conditions of open space improvements within the vacated portion of NW Irving street between NW 10th and 11th Avenues;
- LUR 99-00542 SU, MS – Approval of a 1999 Subdivision Review to create 43 lots with new streets; Amendment to Glacier Park Company/Hoyt Street Yards Master Plan (approved 11/7/89)' Development Agreement between City of Portland & Hoyt Street Properties, LLC (approved 9/8/97 & 3/12/99). Approval with Conditions;
- LUR 99-00897 – Approval with conditions of a 5-story apartment building with ground floor retail and parking;
- LUR 99-00939 DZ – Approval with conditions of non-standard improvements in the right-of-way; boardwalk, straight-in parking, and art to cover three streetcar catenary poles;
- LUR 00-00021 DZM, MS – Approval with conditions of a full block mixed-use development at NW Lovejoy between NW 11th and 12th Avenues, and approval of modifications to size of loading space, parking aisle width, forward motion loading, and ground floor windows. In addition, the review included approval of the Central City Master Plan Amendment to change the planned 50' wide NW Marshall Street pedestrians tracts between NW 9th and 12th Avenues to a 60' wide public street.
- LUR 00-00217 DZ – Approval with conditions of alterations to the NW Marshall frontage façade of the Block 10 development and modification to ground floor windows;
- PC 02-150732 – Pre-Application Conference for a 15-story mixed-use development with 179 dwelling units, ground floor retail and underground parking;
- LU 03-100642 DZM – Approval with conditions of a 14-story mixed-use development (The Pinnacle) with 179 dwelling units and 7,000 square feet of retail space;
- PC 03-119843 – Pre-Application Conference for a 6- and 11-story two-building mixed-use development with 225 dwelling units, ground floor retail and underground parking;
- LU 03-158491 DZ – Approval of revisions to the previously approved 14-story development;

- LU 05-181234 DZM AD – Design Review and Modification Approval for a 16-story mixed-use development (The Encore) with 177 dwelling units, 10,945 square feet of retail and 3 levels of parking;
- LU 06-103275 DA – Design Advice Request for the site area’s Master Plan;
- EA 12-208906 PC – Pre-Application Conference for the current proposal, featuring a different design;
- EA 13-106266 DAR –Design Advice Request for the current proposal;

Agency Review: A “Request for Response” was mailed **May 28, 2013**. The following Bureaus have responded with no issues or concerns:

- **Fire Bureau**

The **Bureau of Transportation Engineering** responded, noting that all frontages must be constructed to current River District standards and that the curb along NW 10th is to be moved outbound and on-street parking may be removed at this location. Transportation had no objections to the requested modifications or to the requested adjustment to only provide one loading space. Please see Exhibit E-1 for additional details.

The **Bureau of Environmental Services** responded, noting that the stormwater management facility is adequately designed in accordance with the Stormwater Management Manual. Additional comments that do not affect this land use application were provided and have been forwarded to the applicant. Please see Exhibit E-2 for additional details.

The **Water Bureau** responded, noting that there is currently no water service to this site and noting the location of the nearest service. Please see Exhibit E-3 for additional details.

The **Site Development Section of BDS** responded, noting that the site is relatively flat, is not located in the Potential Landslide Hazard Area and is not within the Flood Hazard Area. Site Development also noted that additional geotechnical information may be required as a result of the building permit review. Please see Exhibit E-4 for additional details.

The **Life Safety Division of BDS** responded, noting that the applicant has contacted the project Process Manager and a Preliminary Fire and Life Safety Meeting has occurred, at which time, several building code appeal items were identified. The applicant has been informed on how to obtain information on the Administrative Building Code Appeal process. Additional code requirements were also noted including accessible parking requirements and requirements related to awnings projecting into the right-of-way. Please see Exhibit E-5 for additional details.

The **Bureau of Parks-Forestry Division** responded, noting that street trees will be required on all street frontages.

Staff response: Street trees are shown on all street frontages, as seen on sheet C.61.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 21, 2013. Two written responses were received from either the Neighborhood Association or notified property owners in response to the proposal.

- Patricia Gardner, Planning Chair of the Pearl District Neighborhood Association, wrote on July 11, 2013, in support of the design, noting that the height and shape of the building reflects the design goals of the neighborhood’s zoning. See Exhibit F-1 for additional details.
- Patricia Tarzian, neighbor, wrote on July 10, 2013, with concerns regarding the height and breadth of the proposed building, stating that the design is not appropriate for the neighborhood, and is more appropriate in a downtown setting. See Exhibit F-2 for additional details.

Staff response: These comments are broadly addressed in the Findings below.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

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

Section 33.825.055 Design Review Approval Criteria

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

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 Design Guidelines and River District Guidelines.

River District Design Guidelines and Central City Fundamental Design Guidelines

The River District is a remarkable place within the region. The area is rich with special and diverse qualities that are characteristic of Portland. Further, the River District accommodates a significant portion of the region's population growth. This area emphasizes the joy of the river, connections to it, and creates a strong sense of community. The goals frame the urban design direction for Central City and River District development.

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.

River District Design Goals

1. Extend the river into the community to develop a functional and symbolic relationship with the Willamette River.
2. Create a community of distinct neighborhoods that accommodates a significant part of the region's residential growth.
3. Enhance the District's character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.
4. Strengthen connections within River District, and to adjacent areas.

Central City Plan Design Goals

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.

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. Link the River to the Community. Link the Willamette River to the community reinforcing the river's significance. This guideline may be accomplished by:

- 1) Organizing land areas and groupings of buildings to visually define the river's linkage to the community.
- 2) Focusing and articulating roadways and pedestrianways to emphasize the river.
- 3) Developing projects that celebrate the river and contribute to creating centers of interest and activity that focuses on the Willamette.
- 4) Connecting the internal areas of the District to the Willamette Greenway Trail.

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.

C1-1. Increase River View Opportunities. Increase river view opportunities to emphasize the River District ambiance. This guideline may be accomplished by:

- 1) Designing and locating development projects to visually link their views to the river.
- 2) Providing public stopping and viewing places which take advantage of views of River District activities and features.
- 3) Designing and orienting open space and landscape areas to emphasize views of the river.

Findings for A1, A1-1, C1, & C1-1: Though the proposed building is located a few blocks away from the river, visual connections to the Willamette will be made both at the ground level and at the upper levels of the building. The upper levels of the building will provide ample views of the Portland area landscape, including recessed balconies at every unit in the tower. On the podium building, breaks are provided on the north and east ends of the residential units that wrap the rooftop courtyard, providing views toward the river from the courtyard. The breaks in the podium at the north, as well as at the south, also provide views to the adjacent public spaces, Fields Park and Tanner Springs Park. Seating is also provided at these locations for extended periods of viewing. Also, due to the relatively narrow profile of the tower, many views of the river from nearby buildings will be preserved in a way that they would not be with a standard 9:1 building. As such, this building is sized and placed to protect existing views.

In addition, the continuation of the boardwalk along the eastern frontage along NW 10th Avenue ensures this linear connection between the green spaces of Jamison Park, Tanner Springs Park, and Fields Park. Though the boardwalk currently does not physically connect to the river, a future boardwalk connection to the river greenway is anticipated over the existing railroad tracks to the east. A secondary lobby is proposed at the northeast corner of the building where, within sight, there is an at-grade railroad crossing along NW 9th, which leads to the Willamette River Greenway trail two blocks away. *These guidelines are met.*

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

Findings: The Central City Fundamental Design Guidelines were written in 2001 and

updated in 2003 and identify incorporating specific symbols of Portland’s identity and natural environment, such as the great blue heron, the rose, bridges, etc., to meet this guideline. Staff contends that contemporary approaches to meet this guideline can be much more subtle than the incorporation of symbols. As such, rather than incorporating symbols of the natural landscape and Portland’s identity, the proposed building instead provides extensive views to the surrounding landscape, thereby providing inspiration in the actual built and natural environment rather than in symbols of this environment. The proposal does this through the use of a glass wall curtain system and access to the outdoors at every habitable level. While the views are extensive, they are not entirely unobstructed, as the applicant has indicated that portions of the exterior glazed wall are backed by an interior wall to provide a location for electrical wiring and to meet energy codes. *This guideline is 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. Provide Convenient Pedestrian Linkages. Provide convenient linkages throughout the River District that facilitate movement for pedestrians to and from the river, and to and from adjacent neighborhoods. This guideline may be accomplished by:

- 1) Using visual and physical cues within the design of the building and building entries to express connections to the river and to adjacent neighborhoods.
- 2) Orienting integrated open spaces and trails that physically and visually link the river and/or surrounding neighborhoods.
- 3) Reusing or retaining cobblestone within the design of new development.
- 4) Encouraging flexibility and creativity along streets enhancing their historic or cultural role.
- 5) Creating visual and physical links across major corridors such as I-405, Burnside, and Front/Naito to strengthen connections to the river and other neighborhoods.

Findings for A3 & A3-1: The proposal will be constructed on a standard city block with pedestrian connections on all four sides, including the extension of the boardwalk on the east frontage along NW 10th Avenue, which will complete the final boardwalk segment, providing an uninterrupted unified connection to Fields Park along this route. *These guidelines are met.*

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

Findings: As discussed above, the completion of the boardwalk along NW 10th Avenue will unify the proposal with the neighborhood, and particularly the blocks north and south which include Fields Park and Tanner Springs Park. In addition, this building will further connect these two green spaces through the breaks on the north and south façades of the podium which will expose the landscaped rooftop courtyard above. Though it will be four stories above the sidewalk, trees and other plants near the courtyard edge will be able to be viewed from the ground and the connection will be even more clearly viewed from upper levels of nearby buildings. *This guideline is met.*

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. Reinforce Special Areas. Enhance the qualities that make each area distinctive within the River District, using the following “Special Area Design Guidelines” (A5-1-1 – A5-1-5).

A5-1-1. Reinforce the Identity of the Pearl District Neighborhood. This guideline may be

accomplished by:

- 1) Recognizing the urban warehouse character of the Pearl District when altering existing buildings and when designing new ones.
- 2) Recognizing the urban warehouse character of the Pearl District within the design of the site and open spaces.
- 3) Designing buildings which provide a unified, monolithic tripartite composition (base/middle/top), with distinct cornice lines to acknowledge the historic building fabric.
- 4) Adding buildings which diversify the architectural language and palette of materials.
- 5) Celebrating and encouraging the concentration of art and art galleries and studios with design features that contribute to the Pearl District’s “arts” ambiance. Consider features that provide connectivity and continuity such as awnings, street banners, special graphics, and streetscape color coordination, which link shops, galleries, entrances, display windows and buildings. Active ground level retail that opens onto and/or uses the sidewalk can contribute to the attraction of the “arts” concentration.

Findings for A5, A5-1 and A5-1-1: Again, through the continuation of the boardwalk along NW 10th Avenue, the proposal enhances the local area by integrating this unique characteristic of the neighborhood. The building is a clear break from the warehouse aesthetic that characterized the area prior to its redevelopment as a dense residential neighborhood; however the proposal certainly does provide a unified monolithic composition. The tripartite aspect of the design is obvious at the base with a full-block podium, with the cornice more subtle, distinguished from the middle by its recessed and illuminated mechanical penthouse. The proposed building incorporates aspects of neighborhood architecture, such as substantial amounts of glazing, quality secondary materials, a diversity of uses and treatments at the ground level including live-work spaces, stoops, and retail with integrated overhangs. It also proposes to distinguish itself by being twice as tall as nearby buildings, narrow in profile, and nearly completely wrapped in a glass curtain wall system. The proposed design will certainly enhance, embellish and identify the area, as seen from a distance, serving as a landmark by which one can orient oneself. The building is relatively unique in its design and will serve to add to the arts ambiance of the Pearl. *These guidelines are met.*

A5-3. Incorporate Water Features. Incorporate water features or water design themes that enhance the quality, character, and image of the River District. This guideline may be accomplished by:

- 1) Using water features as a focal point for integrated open spaces.
- 2) Taking cues from the river, bridges, and historic industrial character in the design of structures and/or open space.
- 3) Integrating stormwater management into the development.

Findings: Stormwater management is incorporated through the proposed eco-roofs at the residential units at the top of the podium, as seen on sheet C.70. The eco-roofs will collect and filter stormwater, reducing the amount of stormwater runoff and providing an additional greenscape atop the podium building. *This guideline is met.*

A5-4. Integrate Works of Art. Integrate works of art or other special design features that increase the public enjoyment of the District. This guideline may be accomplished by:

- 1) Integrating art into open spaces or along pathways.
- 2) Incorporating art within the structure of the building.
- 3) Using “found objects” that are remnants from the area’s history.

Findings: Staff contends that the proposed building attempts to meet this guideline, as suggested under #2, “incorporating art within the structure of the building.” While this building serves several functions, it also has sculptural qualities unseen in most other buildings in town and will, indeed, serve to meet the intent of the guideline, which is to

“increase public enjoyment of the District.” *This guideline is met.*

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

Findings: The proposed building extends to the property line, or within 5 feet of the property line, on all sides. Once constructed, it will serve as a backdrop to two of the city’s newest public parks, thereby creating a sense of urban enclosure. *This guideline is met.*

A8. Contribute to the Cityscape, Stage and the Action. 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. Design Fences, Walls and Gateways to be Seen Over. Design fences, walls and gateways located between a building and the sidewalk to be seen over to allow for social interaction. This guideline may be accomplished by:

- 1) Elevating building entries higher than the public sidewalk or path.
- 2) Creating a low fence or wall to visually separate but not hide semi-private spaces.
- 3) Using a low or stepped-down planting area or terraces to separate private development from a public sidewalk.

B1-1. Provide Human Scale to Buildings along Walkways. Provide human scale and interest to buildings along sidewalks and walkways. This guideline may be accomplished by:

- 1) Providing street furniture outside of ground floor retail, such as tables and chairs, signage and lighting, as well as large windows and balconies to encourage social interaction.
- 2) Providing stoops, windows, and balconies within the ground floors of residential buildings.

Findings for A-8, A8-1 & B1-1: The proposal features a significant amount of glazing on all façades, particularly along the ground floor of the south façade on NW Northrup Street. The glazing provides view into the ground floor retail spaces as well as the main residential lobby, where the glazing and interior space extends an additional floor to highlight the main entrance.

Despite the fact that the most striking element of the proposal is a 330-foot tower, the proposal makes significant strides toward providing human scale to the project. For instance, the majority of the ground level is recessed 5 feet beneath the upper floors with a clearance of approximately 14 feet. On the majority of the block, the upper floors amount to only 2-3 additional floors above the ground level. The recessed areas along NW Northrup and NW 10th Avenue provide space for the retail areas to spill onto the sidewalk as well as short-term bicycle parking. The recessed area along NW Overton provides landscaped planters and raised stoops to further define the public/private realm of these flex spaces, essentially creating porches that look over Fields Park. Along NW 11th, the retail entrance at the southwest corner provides an intimate entrance not present at the other retail spaces while the services areas are softened by the introduction of landscape planters at the locations of otherwise blank walls.

Along the NW 11th façade, human scale is provided with landscaped planters and views into a bicycle storage room. The applicant agreed to continue to work with staff to provide additional mitigation along this façade.

In addition, the upper level of the 4-story podium structure features breaks in the façade on the north, east, and south, to allow views from the 4th floor rooftop courtyard to the street below. These breaks in the fourth floor façade will also provide limited views of the courtyard area from the street and open spaces below. Recessed balconies and Juliet

balconies created by operable casement windows are also proposed on each level of the podium to provide the potential for additional interaction with the street, particularly on the north and south façades.

The Commission also found that the proposed bike storage room along NW 10th Avenue added to the activation of this façade, though encouraged development of additional artwork along both NW 11th and NW 10th to replace the bike graphic. These guidelines are met.

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

Findings: The proposal includes an extensive lighting program that provides a variety of lighting fixtures and effects, based on location and use. The ground floor lighting includes both security lighting, as well as architectural lighting. Mechanical systems are located at upper levels away from pedestrians. Two areas for mechanical louver vents are located at the ground level and are clad with the same glass fiber reinforced cement planks that serves as the secondary material on the building. *This guideline is met.*

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

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.

Findings for B1 & B3: Sidewalks are proposed to meet city standards on all frontages. Frontage zones on NW Overton, are shown to be planted with a low evergreen hedge to soften the ground level on this façade and to create an additional buffer to this semi-private realm. The applicant proposes to extend the boardwalk along NW 10th Avenue, per the River District standards along this right-of-way, which will provide a consistent paving material between Jamison Square and Fields Park. *These guidelines are met.*

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

Findings: The five-foot recessed areas along NW Northrup, NW 10th, and portions of NW 11th provide areas where people can stop and rest. Though these areas do not provide integrated seating for extended periods of resting, they do allow the opportunity for respite from negative weather conditions. As noted, these areas are recessed and contained within the boundaries of the property and will not conflict with other sidewalk uses. *This guideline is met.*

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

B5-1. Recognize the Roles of the Tanner Creek Parks. Strengthen and enhance the Tanner Creek Parks as both a neighborhood park system and an extension of the North Park Blocks.

1) Providing an “eyes on the street” approach with active ground floors where private

development faces public open space.

- 2) Creating a semi-private transition zone where private development directly abuts public open spaces. Seating areas, landscaping, artwork, or movement areas can be sited within the transition zone to create a physical and visual separation between public and private spaces.
- 3) Repeating or referring to design elements in the North Park Blocks.
- 4) Fostering an identity along the edges of the Tanner Creek Parks that celebrates the distinct character of the River District.

Findings for B5 & B5-1: The proposed building features two residential lobby entrances. The main lobby entrance is on the south façade facing Tanner Springs Park and the secondary entrance is located at the northeast corner with a fully-glazed view to Fields Park. The south façade features an extensively-glazed recessed ground floor which provides the opportunity for future seating to further activate this façade and offers views onto Tanner Springs Park. Ideally, the introduction of tenant-associated tables and chairs at this frontage will reinforce the relaxed character of Tanner Springs Park. On the north façade, raised stoops and landscape planters are provided to differentiate the semi-private character of the flex spaces from the more public façades on the south and east and to buffer this transition between the private and public realm of Fields Park, while also providing the opportunity for interaction between these realms. *These guidelines are 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.

Findings: On both the east and south façade, the ground level of the building is recessed beneath the 2nd floor, providing fully integrated weather protection along the majority of each of these façades. A significant portion of the ground floor of the west façade is also recessed beneath the 2nd floor, with areas available for pedestrian refuge. *This guideline is met.*

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

Findings: Access for all is integrated into the building's design with ground-level exterior connections on three of four façades. Equitable access to the flex spaces along the north façade is relegated to an interior hallway; however, these spaces are intended for a potentially less-public use than the retail proposed on the other façades. *This guideline is met.*

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

Findings: Quality and permanence is represented in the proposal's design principles in that it presents a dynamic, yet simple design. The two primary materials proposed are glass and öko skin glass fiber reinforced cement panels which features integrated color technology providing for variations from board to board, creating a rich texture that will engage pedestrians. Once built, the proposed building will promote quality and permanence in development by serving as a highly-visible beacon and an example of the kind of architecture this city is capable of and deserves. *This guideline is met.*

C3-1. Integrate Parking. Design parking garage exteriors to visually integrate with their surroundings. This guideline may be accomplished by:

- 1) Designing street facing parking garages to not express the sloping floors of the interior parking.

- 2) Designing the sidewalk level of parking structures to accommodate active uses, display windows, public art or other features which enhance the structure's relationship to pedestrians.

Findings for C3-1: The proposed building's automobile parking is completely contained within the building between levels 1 and 3. At the April 4th DAR, screening of automobile headlights was a topic of discussion, with the majority Commission noting the importance of obscuring the headlights to minimize the negative effects of hotspots, while embracing the headlights was also considered. The applicant proposes that the parking levels are to be clad with the same glass curtain wall system as the majority of the building, with the lights obscured by the introduction of 36-inch high spandrel walls at the ends of the parking stalls. In addition, the applicant proposes surface mounted lights on the spandrels that will be motion-activated and aimed toward the garage interior. In this scenario, the garage lighting would be dimmed when not in use, but would then become illuminated when cars or people entered the space. In this sense, the exterior façade of the garage would be activated by this play of light. *This guideline is met.*

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

Findings: Several of the taller buildings in the immediate vicinity utilize extensive amounts of glazing, just as the proposed building aims to do. Secondary materials in neighborhood are also typically of exceptional quality. Other characteristics of the neighborhood include buildings of varying height, including taller towers complemented by lower pavilion or podium buildings. The proposed building introduces two new elements into the local building fabric: a high quality glass fiber reinforced cement plank siding, as well as a distinct skinny tower. The proposed GFRC planks constitute a high quality secondary material which provides warmth through the color variations which are integral to the material. Also, the skinny tower meets the purpose of the North Pearl height opportunity area, as described under 33.510.205.H, including:

- *Create a skyline and urban form that is visually permeable by providing visual access to locations within and beyond the subarea;*
- *Encourage the development of taller buildings that may accommodate a range and diversity of land uses;*
- *Result in a dynamic and varied skyline and urban form that contributes to the health, vibrancy, and livability of urban living; and*
- *Shape building massings that allow light and air to penetrate to the street level, enhance pedestrian scale, and create a pleasant, versatile, and active public realm.*

Staff concludes that the proposed building not only complements the local design vocabulary, but also expands on this vocabulary through its sculptural qualities and high quality materials. *This guideline is met.*

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: Overall, the building presents a coherent composition, a sleek dynamic design with one primary material, the glass curtain wall, a secondary material, logically arranged to accent and humanize the otherwise monolithic gesture of the glass tower, as well as a limited third material being aluminum used at doors, balconies, and podium level mechanical screens. Fully-integrated planters as well as the rooftop courtyard which extends to the edges of the podium also provide human scale and warmth to the proposal. Operable windows are seamlessly integrated into the exterior fabric of the building with doors and louver vents also integrated into the modular, though not excruciatingly regular, order of the exterior glass curtain wall. The overall composition is

one that is monolithic but that provides relief through ordered, though not mundane, breaks which serve as the recessed balconies. The building strikes a delicate balance of being simple, as well as dynamic.

Staff notes that the Design Commission responded favorably to the proposed öko skin GFRC planks, but expressed concerns about exposed fasteners, particularly at the lower levels. At the April 4th DAR it was suggested that the applicant find a comparable material that does not require exposed fasteners, as well as suggested that exposed fasteners may be approvable at the upper levels with no fasteners at the lower levels. In order to maintain consistency in the quality and appearance of the material, the applicant has investigated a method to conceal the fasteners by routing out the backside of the proposed öko skin planks and proposes to use the concealed fastener planks at the ground level only. Staff notes that there are two locations where the öko skin is proposed at upper levels of the podium, including at the center of the south façade and at the 2nd, 3rd, and 4th floors of the west façade, which are directly connected to the öko skin at ground level. Staff recognizes the Commission's concerns with exposed fasteners, but suggests that having two different methods of attachment within such close proximity, such as would occur with the current proposal, presents a less coherent composition than would allowing exposed fasteners at all levels and incurs additional cost for a relatively insignificant return, particularly if the concealed fastener is only proposed at the ground level. Staff defers to the Commission on this matter but suggests that this particular material, even with exposed stainless steel or color-matched fasteners could be preferable to a lesser material with concealed fasteners. If exposed fasteners are deemed acceptable, on July 11th, the Commission could approve the project with specificity about the fasteners, their method of attachment, and location of specific attachment methods.

At the July 11th hearing, the Commission determined that exposed fasteners at all locations of the öko skin was acceptable. This guideline is met.

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.

Findings: The proposed building presents an urban relationship with the public right-of-way. At the public façades, the wall plane meets the ground plane cleanly. At areas where the ground floor wall plane is set back beneath the upper floors, such as at the lobby and retail areas on NW Northrup and NW 10th, the building appears more accessible and inviting to all by providing shelter within this recessed area. These areas also provide the opportunity to create transitional areas through the use of movable furniture associated with the ground floor retail spaces. This will be particularly successful along NW Northrup where the building faces Tanner Springs Park.

Along NW Overton which overlooks Fields Park, the flex spaces feature raised stoops with landscape planters within the recessed area to soften this edge and provide a level of privacy not proposed along the more public frontages. Staff also notes the presence of landscape planters along NW 11th, which are proposed to mitigate the effects of locating all of the building's services on this façade. *This guideline is met.*

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

Findings: The proposed building features floor-to-ceiling vision glazing at all four corners at the ground level, as well as recessing the southeast corner to provide flexible sidewalk space at this retail location. The primary residential entry is shifted slightly east of the southeast corner in order to provide retail at this location, while a secondary residential entry is located at the northeast corner of the building. Residential stair towers are located away from the building corners so that these areas remain active. *This guideline is met.*

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

Findings: The sidewalk level of the proposed building is differentiated primarily by recessing significant portions of the ground level façade so that the second floor serves as an extended awning and provides a clear line between the ground level and upper levels for the majority of the building wall length. In addition, the ground level also features more of the öko skin GFRC planks as cladding and less spandrel glass to allow more views into the interior along the more public façades, NW Northrup and NW 10th. *This guideline is met.*

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

C9-1. Reduce the Impact of Residential Unit Garages on Pedestrians. Reduce the impact on pedestrians from cars entering and exiting residential unit garages by locating garage access on alleys, and active spaces on ground floors that abut streets. This guideline may be accomplished by:

- 1) Locating residential unit garage access on alleys.
- 2) Locating garage access on less trafficked streets.

Findings for C9 & C9-1: Automobile access to the garage and the loading space are proposed on NW 11th Avenue, which is the most logical location for this access as it has the lowest traffic classification and does not front on other amenities such as the boardwalk or a public open space. As noted above, significant portions of the building frontage are recessed allowing for flexible use of the sidewalk in front of the proposed retail spaces and bicycle storage room. *These guidelines are 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 stormwater management tools.

Findings: The rooftop of the podium structure is landscaped with a fully designed courtyard for passive recreation for residents of the building. The shape of the courtyard plays off of the angles present in the tower building and extends to the edge of the podium to provide views to local landmarks and the skyline. Stormwater management is also provided on the roofs of the pavilion buildings on the 4th floor. *This guideline is met.*

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: The applicant has provided an extensive lighting program that proposes both security lighting as well as architectural lighting to highlight architectural features such

as wall sections featuring the öko skin planks at the ground level and the penthouse mechanical screen. In addition, a significant amount of lighting is proposed at the rooftop courtyard which will add a sense of warmth and highlight the courtyard's architectural qualities. *This guideline is met.*

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

Findings: The applicant has indicated that all signage would be pursued separately, most likely within the 32-saure foot exemption for design review. However, the drawing set indicates that building signage would be a simple sans serif font mounted to the glass fiber reinforced cement boards and blade signage at the retail spaces suspended from the floor above. No details were provided beyond these gestures, nor are they required if less than 32 square feet. Staff concludes that the applicant's intent is to fully integrate future signage with the building's concept. *This guideline is met.*

33.825.040 Modifications That Will Better Meet Design Review Requirements:

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

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

Modification #1: Ground Floor Windows in the EX Zone (33.140.230) – The proposal does not meet the standard with regard to length along NW 11th.

Purpose Statement: In the EX zone, blank walls on the ground level of buildings are limited in order to:

- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
- Encourage continuity of retail and service uses;
- Encourage surveillance opportunities by restricting fortress-like facades at street level; and
- Avoid a monotonous pedestrian environment.

Standard: 33.140.230.B. Required amounts of window area. In the EX zone, all exterior walls on the ground level which are 20 feet or closer to a street lot line, sidewalk, plaza, or other public open space or right-of-way must have windows. The windows must be at least 50 percent of the length and 25 percent of the ground level wall area. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade. The requirement does not apply to the walls of residential units, and does not apply to the walls of parking structures when set back at least 5 feet and landscaped to at least the L2 standard.

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines; and*

Findings: *As noted above under guidelines A8, and B1-1, the applicant has agreed to continue to work with staff to provide additional mitigation along NW 11th Avenue.*

B. Purpose of the standard. *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings: The applicant has indicated that 66'-2" of the total wall length along NW 11th Avenue meets the ground floor windows requirement. This is equal to 33% of the 200'-0" wall length and 33% of the wall area. As such, the proposal meets the standard for wall area, but not wall length. To mitigate for this deficiency, the applicant proposes the introduction of planters with climbing vines as well as the fritted glass bike graphic previously discussed along this façade. Staff notes that an additional 33'-10" of linear glazing would eliminate the need for this modification, but this is not feasible due to the concentration of services on this façade. Relocation of these services is also not feasible and concentrating them along this frontage allows the other three façades to exceed the ground floor windows standard. Indeed, each of the ground level façades are different in their nature and execution to provide a diverse pedestrian experience.

The purpose of the design standard is to avoid fortress-like conditions at the ground level and to provide a pleasant and rich pedestrian experience.

The applicant has agreed to continue to work with staff throughout the development process to ensure that additional mitigation is provided at the ground level façade along NW 11th. Therefore this Modification merits approval.

Modification #2: Transit Street Main Entrance (33.140.242) – The SW retail space is proposed to face NW 11th rather than the transit street (NW Northrup), as is required.

Purpose Statement: Locating the main entrance to a use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.

Standard: 33.140.242.C Location. For the portion of buildings that conform to the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor must meet the standards of this section. The ground floor is the lowest floor of the building that is within four feet of the adjacent transit street grade. The main entrance must:

1. Be within 25 feet of the transit street;
2. Allow pedestrians to both enter and exit the building; and
3. Either:
 - a. Face the transit street; or
 - b. Be at an angle of up to 45 degrees from the transit street, measured from the street property line, as shown in Figure 140-6.

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines; and*

Findings: As noted above under guideline B1-1, the location of the southwest retail entrance on NW 11th, helps to provide human scale and activity to this otherwise inactive façade, and creates an entrance that is unique from the other retail entrances proposed for this building.

B. Purpose of the standard. *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings: The proposed retail entrance for the retail space at the southwest corner is within 25 feet of the transit street NW Northrup, however, it faces north and is accessed from NW 11th. The applicant has elected to locate this retail space's entrance along NW 11th to avoid confusion with the residential lobby entrance as well as to activate the NW 11th frontage. While the entrance may be slightly less convenient to access the transit line, it is nevertheless afforded an unobstructed view from with the retail space provided by a fully-glazed storefront.

The purpose of the design standard is to locate entrances close to transit service to promote walking and use of transit. Staff considers the purpose of the standard to be met and the guidelines B1-1, to provide human scale, to be better met by the proposal.
Therefore this Modification merits approval.

Modification #3: Height (33.510.205.C) – The Zoning Code allows the maximum building height for this site to be increased if the amount of shadow cast by the proposed building on the adjacent open space (Fields Park) will be less than or equal to the shadow that would result from a building constructed to the maximum height allowed. The shadow cast by the proposed 350'-tall building casts a shadow on Fields Park that is 470 square feet more than what would be cast by a tower that is 225'-tall, which is the maximum height allowed by the Zoning Code.

Purpose Statement: The maximum building heights are intended to accomplish several purposes of the Central City Plan. These include protecting views, creating a stepdown of building heights to the Willamette River, limiting shadows on public open spaces, ensuring building height compatibility and step downs to historical districts, and limiting shadows from new development on residential neighborhoods in and at the edges of the Central City.

Standard: 33.510.205.C.2. Performance standard for sites adjacent to designated open spaces. The performance standard. Building heights may be increased if the amount of shadow cast by the proposed building on the adjacent open space will be less than or equal to the shadow that would result from an allowed building constructed to the maximum height shown on Map 510-3. The shadow from an allowed building is based on the shadow that would be cast by a structure covering the entire site at the height limit of Map 510-3. Shadows must be analyzed for noon and 3:00 p.m. on April 21 to determine compliance with this provision.

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines; and*

Findings: By modifying the performance height standard for the proposed building, the applicant is able to design a dynamic building that will become a unique landmark at this important location in the Pearl District. As such modification of this standard better meets design guidelines A1, A2, A5, A5-1, A5-1-1, A5-4, C1, C1-1, C2, and C4. The proposed design will help increase river views for the residents of this building as well as its neighbor, it will serve as a work of art and reinforce the identity of the Pearl District and promote quality and permanence in design.

B. Purpose of the standard. *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings: The applicant is requesting a modification to the limits of the performance standard for heights of buildings adjacent to open spaces. In order to create a tall skinny tower that will protect the views of its neighbors and limit shadow on the neighborhood, the applicant has reduced the footprint of the tower. The relative narrowness of the tower provides greater opportunity for views around the tower and, as seen in C.21 and C.22, the resultant shadow at noon and 3pm on April 21st is less than it would be for a tower built to the standard height

limit. While this results in a 470 square foot shadow on Fields Park at noon, staff considers this amount to be negligible as it is equal to less than 0.5% percent.

The purpose of the design standard is to protect views and limit shadows on the neighborhood. The purpose of the standard is met as the shadows resulting from the proposed building are less than they would be from a building built to the height standard and several guidelines are better met by the proposal. While the building will create a small shadow on Fields Park at certain points in the day and year, the resultant development will add a dynamic layer to the city skyline and promote excellence in design.

Therefore this Modification merits approval.

Chapter 33.805 Adjustments

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. They also 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. Adjustments to the ground floor window requirements of this Title must also meet the additional requirements stated in the ground floor window sections in the base zones.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and
- 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
- D.** City-designated scenic resources and historic resources are preserved; and
- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and
- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; or
- G.** Application of the regulation in question would preclude all reasonable economic use of the site; and
- H.** Granting the adjustment is the minimum necessary to allow the use of the site; and
- I.** Any impacts resulting from the adjustment are mitigated to the extent practical.

Adjustment #1 (33.266.310) – The applicant is proposing only one space meeting standard B, accessed from NW 11th.

Purpose Statement: A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.

Standard: 33.266.310.C.1.c. Number of loading spaces. For buildings with any amount of floor area in Household Living and with less than 20,000 square feet of floor area in uses other than household Living, one loading space meeting standard A or two loading spaces meeting Standard B are required when there are more than 100 dwelling units in the building.

Findings: The provision of one, rather than two loading spaces, meets the purpose of the standard in that it reduces the potential for conflicts between loading vehicles, other vehicular traffic, and pedestrians. In addition, the reduction in the number of required loading spaces reduces the negative effects of an additional curbcut and blank wall surfaces and frees up the square footage to provide areas for more active leasable uses such as retail. Staff notes that the building is proposed to be condominiums, which will result in less loading/unloading activities than an apartment building of similar size. The proposed adjustment will not have any effect on environmental, scenic or historic resources and the Portland Bureau of Transportation had no objection to the requested adjustment. *Approval criteria A-F are met; therefore, approval is warranted.*

CONCLUSIONS

The proposed development is located at a significant site within the Pearl District, situated between two City Parks and on a streetcar line. This special location requires a special building and the applicant is proposing such a building.

The Design Commission expressed gratitude and excitement to the design and development team for proposing the building and offered encouragement through the remainder of the development process. The Design Commission also requested the applicant continue to work with staff through the development process to explore the addition of art along the NW 10th and NW 11th Avenue façades in place of the bike graphic.

DESIGN COMMISSION DECISION

Approval of a new 28-story building with 362,739 gross square feet, including:

- 168 residential units; including 5 ground floor flexible (live/work) spaces along NW Overton Street;
- 6,866 square feet of ground floor retail space;
- 197 above-grade automobile parking spaces, contained within the building, as well as 254 long-term bicycle parking spaces and 11 short-term bicycle parking spaces.

The building consists of a 28-story point tower with a 4-story podium containing residential units and parking, with additional garden style residential units fronting the landscaped rooftop courtyard. Building materials will primarily be glass curtain wall with areas clad with glass fiber reinforced cement planks, and aluminum. Floor area, previously transferred within the site, is to be used to allow the additional 2,739 square feet of floor area over the maximum.

Approval for the following Modification requests:

- 1. Ground Floor Windows in the EX Zone (33.140.230)** – The proposal does not meet the standard with regard to length along NW 11th;
- 2. Transit Street Main Entrance (33.140.242)** – The SW retail space is proposed to face NW 11th rather than the transit street (NW Northrup), as is required;
- 3. Height (33.510.205 C)** – The Zoning Code allows the maximum building height for this site to be increased if the amount of shadow cast by the proposed building on the adjacent open space (Fields Park) will be less than or equal to the shadow that would result from a building constructed to the maximum height allowed. The shadow cast by the proposed 350'-tall building casts a shadow on Fields Park that is more than what would be cast by a tower that is 225'-tall, which is the maximum height allowed by the Zoning Code.

Approval of the Adjustment request to reduce the number of required loading stalls from 2 Standard B stalls to 1 Standard B stall (PZC 33.266.310.C.1.c).

Approvals per Exhibits C-1 through C-105, signed, stamped, and dated July 18, 2013, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled “ZONING COMPLIANCE PAGE- Case File LU 13-139762 DZM AD. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled “REQUIRED.”
- B. No field changes allowed.

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By: 

 Guenever Millius, Design Commission Chair

Application Filed: April 16, 2013
Decision Filed: July 19, 2013

Decision Rendered: July 18, 2013
Decision Mailed: July 23, 2013

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

Procedural Information. The application for this land use review was submitted on April 16, 2013, and was determined to be complete on May 7, 2013.

With five of seven commissioners present, the Design Commission unanimously approved the proposal on July 11, 2013, but reopened the record on July 18, 2013, after a piece of public testimony was discovered that had not been considered. Four of the previous five commissioners were present on July 18, 2013. The newly discovered piece of public testimony (Exhibit F-2) was added to the record and considered and the Commission held a new vote, where they again unanimously approved the proposal without conditions.

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 April 16, 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 did not waive or extend the 120-day review period.

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

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. This report is the final decision of the Design Commission with input from other City and public agencies.

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

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

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. **Appeals must be filed by 4:30 pm on August 6, 2013** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor in the Development Services Center until 3 p.m. After 3 p.m. and on Monday, appeals must be submitted to the receptionist at the front desk on the fifth floor. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case by appointment at, 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201.

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

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

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

Neighborhood associations may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

Recording the final decision.

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

- *Unless appealed,* The final decision may be recorded on or after **August 7, 2013.**
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

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

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

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

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

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

Hillary Adam
Date prepared July 19, 2013

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 - 1. Zoning and Design Guidelines Summary Draft, dated May 13, 2013
 - 2. Original Drawing Set, sheets 1-33, dated April 16, 2013
 - 2. Request for hearing after 51 days
 - 3. FAR Transfer Covenant
 - 4. Zoning and Design Guidelines Summary, dated June 21, 2013
- B. Zoning Map (attached)
- C. Plans & Drawings:
 - 1. Cover Sheet (attached)
 - 2. Index
 - 3. Project Information
 - 4. Program Summary
 - 5. Program Schedule
 - 6. Site Context
 - 7. Hoyt Master Plan Rendering- 2006
 - 8. Existing Context Plan
 - 9. Planning and Zoning

10. Key Blocks
11. Proposed Context
12. The Site
13. Site Diagrams
14. Site Diagrams
15. Site Plan
16. Site Plan – Towers
17. Site Plan – Tower Views
18. Site Plan – Mid-Rise Fabric
19. Site Plan – Retail
20. Site Plan – Service Entrance
21. Solar Study Diagrams
22. Solar Study Diagrams
23. Building Plans
24. Building Plans – Basement and Ground Floor Plan (attached)
25. Building Plans – Mezzanine and Level 02 Plan
26. Building Plans – Level 03 Plan and Level 04 Plan
27. Building Plans – Level 5 and Typical Lower Tower (Levels 5-13)
28. Building Plans – Typ. Upper Tower (14-25) and Typ. Penthouse Plan (26-27)
29. Building Plans – Level 28 and Mechanical Floor Plan
30. Building Plans – Roof Plan
31. Building Sections
32. NS Section East
33. NW Section West
34. EW Section South
35. EW Section North
36. Building Elevations
37. South Elevation
38. East Elevation
39. North Elevation
40. West Elevation
41. Street Level Study
42. Enlarged Street Level Drawings – South and East Elevations
43. Enlarged Street Level Drawings – North and West Elevations
44. Enlarged Street Level Drawings – NW Northrup
45. Enlarged Street Level Drawings – NW Northrup
46. Enlarged Street Level Drawings – NW 10th
47. Enlarged Street Level Drawings – NW Overton
48. Enlarged Street Level Drawings – NW 11th
49. Enlarged Street Level Drawings – NW 11th
50. Terrace Elevations
51. Terrace Elevations
52. Building Materials
53. Exterior Materials
54. Exterior Glass
55. Signage
56. South Elevation
57. Landscape
58. Landscape
59. Precedent Imagery
60. Precedent Imagery
61. Level 03-04 Landscape Plan
62. Level 04 Axonometric
63. Level 04 Fireplace Vignette
64. Level 04 Section: Gridline 9

65. Level 03-04 Section: Gridline H2
66. Composite Planting Schedule
67. Level 03-04 Planting Plan
68. Level 03-04 Plant Palette
69. Level 04 Plant Palette
70. Level 05 Landscape Plan
71. Level 05 Plant Palette
72. Level 01 Landscape Plan
73. Level 01 North Elevation
74. Level 01 North Section
75. Level 01 West Elevation
76. Level 01 West Section
77. Level 01 Planting Plan – NW Overton and NW Northrup
78. Level 01 Planting Plan – NW 10th and NW 11th
79. Lighting
80. Ground Floor Lighting Plan
81. Terrace Lighting Plan
82. Terrace Lighting Plan
83. Terrace Lighting Plan
84. Terrace Lighting Diagram
85. Roof Plan Lighting Plan
86. Skyline Night View
87. Details
88. Typical Wall Sections
89. Typical Wall Sections
90. Typical Wall Sections
91. Typical Wall Sections
92. Curtain Wall Details
93. Curtain Wall Details
94. Wall Details
95. Adjustments/Modifications
96. Loading Standards
97. Height Standard
98. Ground Floor Active Use
99. Renderings
100. Perspective from NW 11th and Marshall
101. Perspective from Fields Park
102. Perspective from corner of 10th and Northrup
103. Perspective of Terrace
104. Unit Perspective
105. Skyline Perspective
- 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, short version
 6. Mailing list, long version
 7. Mailed notice, short version
 8. Mailed notice, long version
- E. Agency Responses:
 1. Bureau of Transportation Engineering and Development Review
 2. Bureau of Environmental Services
 3. Water Bureau
 4. Site Development Review Section of Bureau of Development Services

5. Life Safety Division of BDS

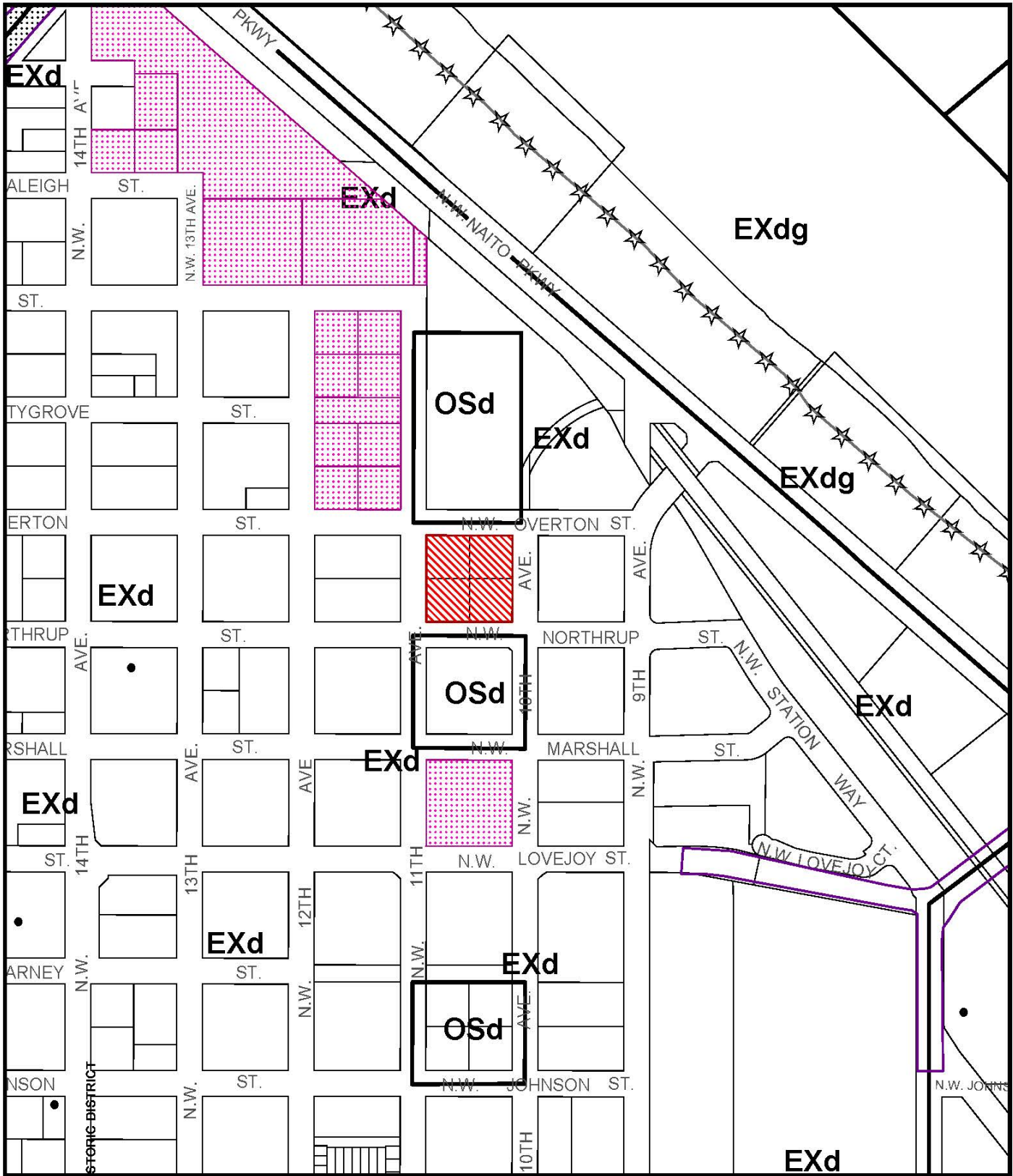
F. Letters:

1. Patricia Gardner, Planning Chair of the Pearl District Neighborhood Association, wrote on July 11, 2013, in support of the design, noting that the height and shape of the building reflects the design goals of the neighborhood's zoning.
2. Patricia Tarzian, neighbor, wrote on July 10, 2013, with concerns regarding the height and breadth of the proposed building, stating that the design is not appropriate for the neighborhood, and is more appropriate in a downtown setting.

G. Other:

1. Original LUR Application
2. RFR drawing set, received May 13, 2013
3. Staff Report, dated July 1, 2013

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



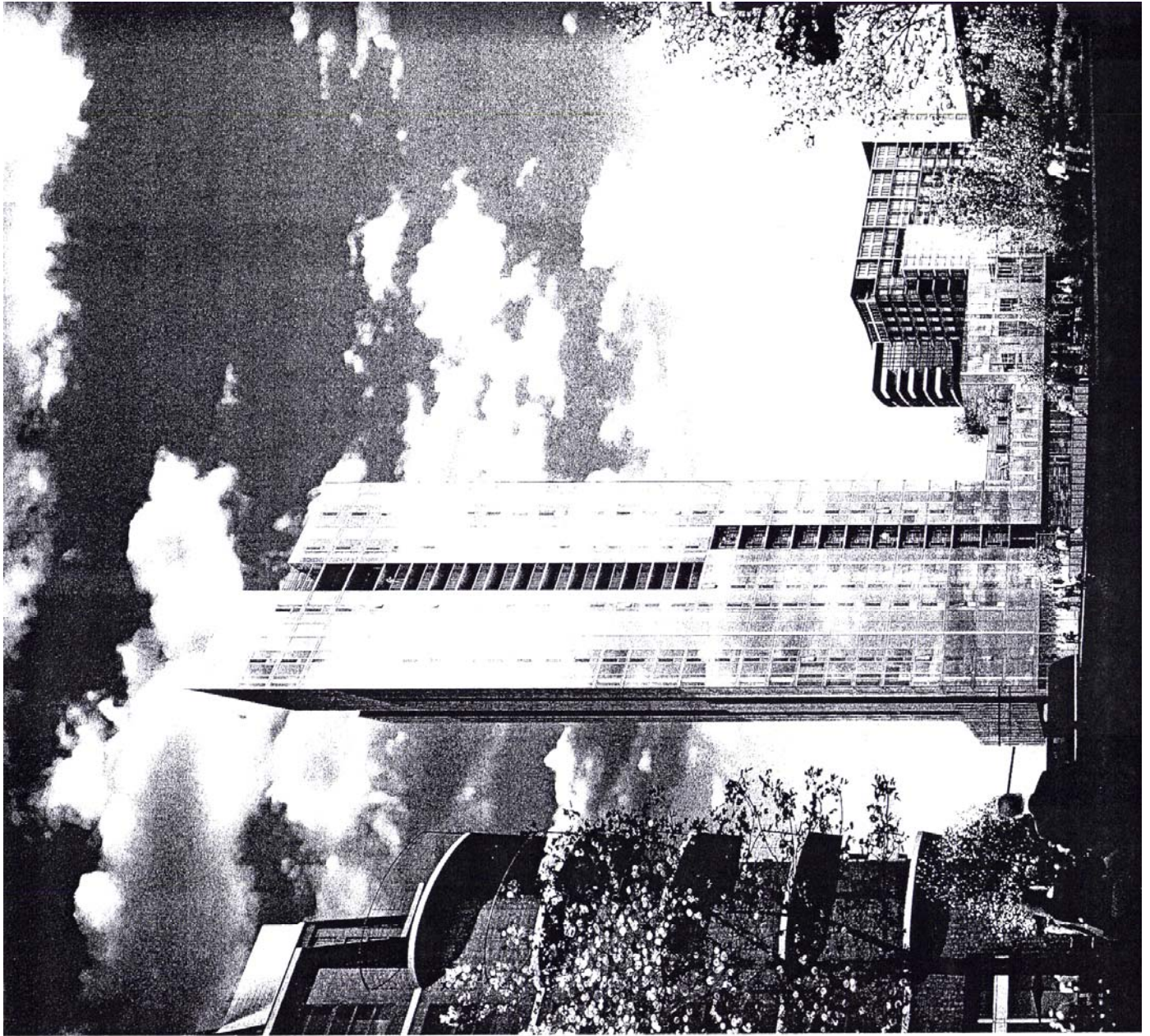
ZONING

-  Site
-  Also Owned
-  Historic Landmark

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



File No. LU 13-139762 DZM,AD
 1/4 Section 2928,2929
 Scale 1 inch = 300 feet
 State_Id NONE
 Exhibit B (Apr 22,2013)



Approved
City of Portland
Bureau of Development Services
Planner *[Signature]*
Date 7/19/13
* This approval applies only to the reviews requested and is subject to all conditions of approval.
Additional zoning requirements may apply

HOYT. BLOCK 15
boora

RECEIVED

JUN 17 2013