



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

**CASE FILE:** LU 13-233011 DZM  
The Overton Apartments  
(PC # 13-212985)

**REVIEW BY:** Design Commission

**WHEN:** April 17, 2014 at 1:30PM

**WHERE:** 1900 SW Fourth Ave., Room 2500A  
Portland, OR 97201

**Bureau of Development Services Staff:** Kara Fioravanti 503-823-5892 /  
Kara.Fioravanti@portlandoregon.gov

### **GENERAL INFORMATION**

**Applicant:** Julie Currier, Unico Properties  
1215 Fourth Avenue / Suite 600  
Seattle, WA 98161

**Representative:** Bertha Martinez, ZGF Architects  
925 Fouth Avenue / Suite 2400  
Seattle, WA 98104

Peter Van Der Meulen, ZGF Architects  
1223 SW Washington Street / Suite 200  
Portland, OR 97205

**Site Address:** 1301 NW 12<sup>TH</sup> AVENUE and 1333 NW 12<sup>TH</sup> AVENUE  
(entire block bound by SW Overton, Pettygrove, 12<sup>th</sup>, 13<sup>th</sup>)

**Legal Description:** BLOCK 227 LOT 1, COUCHS ADD; BLOCK 227 LOT 2-8,  
COUCHS ADD

**Tax Account No.:** R180220470, R180220490

**State ID No.:** 1N1E33AA 01600, 1N1E33AA 01500

**Quarter Section:** 2928

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

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

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

**Plan District:** Central City - River District - North Pearl

**Zoning:** EXd, Central Employment with design overlay

**Case Type:** DZM, Design Review with Modifications

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

**Proposal:**  
 The applicant seeks Design Review approval for a new full-block mixed-use development. The proposed development is for a 26-story building with 284 residential units. The ground level includes retail space and live-work units. The building is approximately 252’ tall and 308,071 square feet above grade.

The low podium is primarily brick with live-work units facing NW 13<sup>th</sup> and Pettygrove, and townhomes facing NW 12<sup>th</sup> and Pettygrove. Two retail spaces face NW Overton. The underground parking for 226 vehicles is accessed from NW 12<sup>th</sup>. The main through-lobby is accessed through a small courtyard space facing NW Pettygrove and another small courtyard space facing NW Overton. Loading is accessed at-grade off NW 13<sup>th</sup>, and the NW 13<sup>th</sup> live-work units are accessed via an elevated dock within the typical sidewalk zone of the right-of-way. The roof of the private podium is primarily eco-roof and outdoor gathering spaces (dog run, play area, terrace, water feature).

The tower is centrally located on the block and rotated off the urban grid. It is a concrete, glass and metal structure atop the podium.

**Modifications to Zoning Code Development Standards:**

The following two applicable development standards are not met in the proposal:

**33.266.220 C. Modification #1.** This standard requires bike rack parking spaces to be 2’ wide x 6’ long. The proposal reduces the dimensional standard for width by 6 inches so that 467 of the 473 long term bike parking spaces are accommodated by a wall-hung vertical rack system, which provides parking that is spaced 18” on center, with a 6” stagger. (The remaining 6 long term bike spaces will be in horizontal racks that meet the standard.)

**33.510.205 H.2. Modification #2.** The project seeks additional height above the maximum height limits shown on Map 510-3. The height limit indicated on Map 510-3 is 100’ and the proposed height is 252’. (The site is located within the height opportunity area shown on Map 510-16. The floor area above the maximum height limit of 100’ is proposed to be achieved through FAR bonus, the floors of the building above 100’ are less than 12,500 sf, and facade lengths above 100’ are less than 120’.)

**Approval Criteria:**

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

- Central City Fundamental Design Guidelines
- River District Design Guidelines
- 33.825.040 Modifications

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. This application was submitted on November 27, 2013 and determined to be complete on December 20, 2013.

**ANALYSIS**

**Site and Vicinity:** The subject property is a full-block site, located in the River District, bound by NW 12<sup>th</sup> and NW 13<sup>th</sup> Avenues and by NW Pettygrove and NW

Overton Streets. The larger vicinity was formerly owned by the Spokane, Portland and Seattle Railway Company and housed freight yards, a train shed and office. Over the past many years, the character of the neighborhood has significantly changed, providing opportunities for viable residential, commercial, and open space development.

Nearby 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 13<sup>th</sup> and 12<sup>th</sup> designated as Local Service Bikeways. NW Overton is designated a City Bikeway and a Traffic Access Street. NW Pettygrove is a designated Greenstreet from NW 11<sup>th</sup> to NW 15<sup>th</sup>.

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

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

**Land Use History:** City records indicate that prior early assistance for this site includes the Design Advice Request (DAR) for The Overton Apartments (13-212985) and the Pre-application conference (PC) for The Overton Apartments (13-212985). The DAR summary notes are included in Exhibit G.10. The PC summary notes are included in Exhibit G.3. There are no prior relevant land use reviews on this site.

**Agency Review:** A "Request for Response" was mailed December 24, 2013. The following Bureaus have responded with no issue or concerns: Forestry, Fire Bureau (Exhibit E-5), Site Development Section of BDS, and Water Bureau (Exhibit E-4).

The Bureau of Development Services, Life Safety responded with the following comment, Exhibit E-1. Separate building permit and mechanical permits are required for this work; a preliminary Fire and Life Safety meeting is encouraged; landings on both sides of a doorway in compliance with Code are required; the exit discharge shall provide a direct and unobstructed access to a public way; and at least one accessible route shall be provided within the boundary of the site from public transportation stops, accessible parking spaces, passenger loading and drop off zones, and public streets or sidewalks to an accessible entry.

The Bureau of Environmental Services responded with the following comment, Exhibit E-2 and E-3. BES has no objection to the requested Design Review with modification. Note that the proposed development will be subject to BES standards and requirements (listed in E-2 and E-3) during the permit review process. The proposed eco-roof has achieved a 2:1 FAR bonus totaling 25,728 SF.

The Bureau of Transportation Engineering responded with the following comment, Exhibits E-6 and E-7. Portland Transportation has no objections to the proposed Design Review. Street standards that must be met at the time of permit were provided in the detailed response. The driveway location was revised during the Design Review and the current location was recommended for approval by PBOT with the following Conditions: 1-The parking garage/driveway entrance on NW 12<sup>th</sup> Avenue should be located a minimum of 50' north of the NW Overton Street ROW (or traditional face of building) to provide adequate vehicle storage; and 2- The selected garage door should open completely within ten seconds to ensure efficient operations and minimize pedestrian conflicts.

**Neighborhood Review:** A "Notice of Proposal in Your Neighborhood" was mailed on January 17, 2014. Three written responses were received during the hearing process.

1. Pearl District Neighborhood Association. A summary of neighborhood meeting held on 2-4-14. General support, with design issues yet to be resolved (NW 13<sup>th</sup> awning, NW 12<sup>th</sup> lack of entry, base design) and design issues worth supporting (tower design, inclusion of color, utilization of zoning bonus for affordably sized market rate 2 and 3 bedroom units).
2. Pearl District Neighborhood Association. A summary of neighborhood meeting held on 3-18-14. Support for the design improvements made to the base, request to revise the NW 13<sup>th</sup> awning design, request for color to extend further up the tower.
3. Scott Hookland LLP. A summary from the neighboring property owner's lawyer regarding the unsuccessful crane swing license negotiations. The neighboring property owners stated their willingness to allow the subject building's crane to swing over their property with the caveat that this building's construction would not use hard piling.

**Design Commission Hearing Overview:** A Design Advice Request was conducted for this building on 11-7-13 (summary Exhibit G.10). The first Design Review hearing was scheduled for 2-6-14, but was delayed 2 weeks due to weather. The original Staff Report did not recommend approval (Exhibit G.12). The Design Commission, at the first hearing on 2-20-14, listed several areas needing improvements (Exhibit G.15). A second hearing was held with the Design Commission on 3-20-14 where ideas were presented by the applicant. The Commission was in general support of many of the major moves to the building and listed remaining areas needing additional design attention (Exhibit G.19). The final drawing set prepared for the 4-17-14 hearing is Exhibit A.13. Staff prepared a memo summarizing general support for the project with a few remaining details to clarify and/or revise (Exhibit G.20).

## ZONING CODE APPROVAL CRITERIA

### (1) DESIGN REVIEW (33.825)

#### 33.825.010 Purpose

Design Review ensures:

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

#### 33.825.055 Design Review Approval Criteria

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

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

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

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

**Findings:** The site is designated with design overlay zoning (d). Therefore the proposal requires Design Review approval. Because the site is within the River Subdistrict of the Central City Plan District the applicable approval criteria are listed in the River District Design Guidelines and the Central City Fundamental Design Guidelines.

#### **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.*

**Findings A1, A1-1:** Conceptually, the tower orientation is the project's response to integrating the river. The rotated siting of the tower helps to visually define the River's linkage to the community by paralleling the river's edge, and by directing view corridors past the upper facades toward the river. The tower's NE face will be in alignment to the river's edge, and will maximize views from the units to the river. And, the tower's SE and NW tower faces step out of the way of other buildings' views, and could create view corridors toward the Willamette. Internally at the ground level, the two lobby courtyards facing north and south will be connected within the building to create flow toward the river for its residents. The slightly larger courtyard on Overton Street, which is a key

neighborhood pedestrian and bike link to the river, could provide some seating and respite. Landscaping along the east side of the podium, at 12th, will provide pedestrian seating in full view of the Fremont Bridge to the north.

These guidelines are met.

**A2. Emphasize Portland Themes.**

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

**Findings A2:** The project develops a contemporary architecture that relates to the emerging North Pearl area through its rich contextual materiality, and its strong sense of anchor provided by a lively ground level. At the street scale, the project clads the retail height podium with a richly hued and substantial brick façade, grounding the base to fit within the context of 12th and 13th at a scale that relates to pedestrians. It also extends and continues the theme along NW 13th of raised loading docks. At the city scale, the tower is rotated and closely aligned with the river's edge to acknowledge and reflect, both figuratively and literally, the presence and importance of the river. The project provides extensive views to the surrounding landscape by the use of a glass window wall system in the tower while still protecting the view corridors of other buildings, and it provides access to the outdoors through plazas and landscaped areas at ground and podium levels, to allow enjoyment of the natural environment. Ample bike parking and extensive inclusion of eco-roofs and stormwater planters support the sustainable goals the City has for all development.

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.*

**Findings A3, A3-1:** The proposal will be constructed on a typical city block with a pedestrian-supportive streetscape on all four sides. On the west side, along NW 13th, a raised loading dock will be established to serve live/work units, thus extending and honoring a structure found on many of the historic buildings further south of this site on NW 13th. Loading facilities are also included at NW 13th, which is consistent with loading locations of other buildings facing this unique street. On the north side, at Pettygrove, a lobby plaza will provide seating and lingering space for residents and pedestrians alike. Pettygrove will be built to the new Pettygrove Greenstreet standards to provide continuity along the street's frontages between Fields Park and 15th. There is an expectation that Pettygrove will be well-traveled by pedestrians due to Greenstreet improvements and direct access to the park; and, as such, an active ground level at this frontage is fitting. On the east façade, at NW 12th, individual residential unit stoops and landscaping provide a lively streetscape and an adequate public-private transition from the street to the units. Along Overton Street, a main link to the river from the North Pearl, the project now includes retail and a generous south-facing semi-private courtyard to welcome residents and passers-by alike to sit and rest.

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.*

**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.*

**A5-1-1. Reinforce the Identity of the Pearl District Neighborhood.****A5-3 Incorporate Water Features.****A5-4 Integrate Works of Art.****A7. Establish and Maintain a Sense of Urban Enclosure.**

*Define public rights-of-way by creating and maintaining a sense of urban enclosure.*

**Findings A5, A5-1-1, A4, A5-3, A5-4, A7:** Sidewalk design and pattern will all be per the River District right-of-way Standards; Portland's Twin Ornamental lights will be used; and the project will incorporate loading dock walkways on 13th Avenue. To add warmth and texture to the 13th pedestrian environment, the proposed dock will utilize heavy timber as the surface. In addition, the podium façade will be rich-hued brick, in keeping with original industrial buildings that are still abundant several blocks south of this site. All these features will help tie the project into the larger neighborhood context. Use of dark, clinker-style brick and use of simple architectural forms for the podium façade are in keeping with the former urban warehouse character of the Pearl District. Regularized glazed openings punctuating the brick façade are also similar to the older warehouse buildings. This brick base will be in stark contrast to the lighter materials approved for some recent buildings, thus continuing the tradition of variety and contrast in the District.

Through the North Pearl planning process height was encouraged for new development as long as certain criteria were met (see Height Modification below). As a point tower, the building represents a contemporary interpretation of a tripartite composition, with the strong, sturdy podium base of brick balanced by a slender tower component of glass window-wall design. The tower's top steps back in a subtle series of moves, and is designed as an extension of the two proud tower corner elements for coherency and consistency with the tower. Additional verticality is achieved in the articulation and vertical material/color differentiation on two of the four corners. A rotated tower above its podium will add variety to North Pearl's emerging skyline. The hope is that it will add a new array of views and light effects as it catches and reflects sunlight at different times of day and in a different manner than its neighbors. In addition, with its dark brick base it will be in counterpoint to a number of newer, nearby buildings that are light in color or very glassy. The building also incorporates aspects of neighborhood architecture in its inclusion of ground-floor retail, live-work spaces served by a raised loading dock, and townhomes. A water feature is included in the upper roof deck area for residents, and stormwater facilities are provided alongside public sidewalks.

These guidelines are 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.*

**Findings A8, A8-1:** The project has two lobby entry courtyards. Both are connected to the street and extend the sidewalk edge, softened with a variety of plantings and quality materials with fine-scaled details. They provide a visual connection through the building's lobby. The 13th Avenue dock could allow for commercial uses to spill out into the public realm. And, similarly, the retail storefront is pulled back from the property line for those uses to also spill out and activate the streetscape. The inclusion of stoops at the 12th Avenue townhomes provides activity at the street, but also adequate separation between public use and private residential use; the space in between is designed to allow for a lively streetscape with planter walls at seat height, landscaping, and steps.

These guidelines are 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. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.*

**B1-1. Provide Human Scale to Buildings along Walkways.**

*Provide human scale and interest to buildings along sidewalks and walkways.*

**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.*

**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.*

**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 B1, B1-1, B2, B3, C12:** On the full perimeter of the block, the podium is a consistent height at a human-scale. The podium roof areas provide active spaces for the residents and green roofs. The proposal features adequate glazing at ground level, now at all four street frontages. Street furniture in the form of integrated seating is provided along 12th as part of the planter walls and also integrated into the landscape walls at the Pettygrove and Overton courtyards.

The ground floor townhouses along the 12th Street frontage were revised during this review and now present stoops and individual entries at the street in order to meet these important pedestrian-focused guidelines.

Retail awnings and a setback from the property line at the retail tenants will allow outdoor seating under the weather protection of the awning. Live/work units facing 13th will open onto a raised heavy timber loading dock structure. An elevated dock creates a path along 13th where sidewalks are found at typical streets; consistent with the character of the Pearl District, the dock protects the pedestrian from automobile traffic and creates a visual elevation inviting pedestrians to explore.

Street frontage design is per the River District right-of-way Standards including lighting, paving patterns, tree plantings and bioswales in the furnishing zone, and on-



street parking, all providing a clearly defined, protected and pleasant environment on three sides. The fourth side, 13th Avenue, includes a loading dock height pedestrian access, completely separating pedestrian activities from vehicles in the street below.

The location of the single loading access door is 13th, which is a typical location for loading at other projects. Mechanical exhaust is screened and located away from pedestrians. Other back-of-house service areas were consolidated, regularized and minimized at street-facing walls to improve the pedestrian level of the podium.

Finally, lighting will enhance the architecture and provide pedestrian safety and wayfinding. Street lighting characteristic of the District will be used at all four sides to provide a layered, modest lighting system. The plazas will be lit with accent lighting that is both integrated and subtle for a comfortable experience at night. And finally, consistent, integrated lighting is provided at all entries.

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.*

**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.*

**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 B4, B5, B5-1, C6:** At the retail tenant spaces, the building is setback from the property line to encourage outdoor bistro-style seating. Landscape planters facing Pettygrove, Overton and 12th will include seating opportunities for the enjoyment of the public.

Although this property is not directly on any of the Tanner Creek parks, the project recognizes and strives to strengthen the strong connections provided by this string of parks in the following ways:

- An intimate lobby entry courtyard with landscaping and seating is oriented toward Overton, which is a key bicycle, pedestrian and auto connector to the river.
- Pettygrove will meet the Pettygrove Greenstreet standards for a cohesive link between 15th and 11th ending at Fields Park, and the frontage also includes a small, intimate landscaped entry court.
- Green roof elements at the podium roof serving the amenity spaces provide greenery and a visual connection to the parks from above.
- The treatment of stormwater also reminds the pedestrian of the importance and presence of ground water in this urban environment.

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 B6:** Continuous integrated weather protection is provided along all entries at the podium. At the retail tenant spaces, the canopies will allow pedestrian protection as well as protection for outdoor seating. At the live-work units along 13th, weather protection is within each bay providing architectural definition to the building design. The townhomes at NW 12th provide an inviting recess with cover above at the entries. Residents entering the building at the north and south courtyards will be invited in by large integrated overhangs that create seamless indoor-outdoor entry to the lobby.

This guideline is met.

***B7. Integrate Barrier-Free Design.***

*Integrate access systems for all people with the building's overall design concept.*

**Findings B7:** Access for all is integrated into the building's design with ground-level exterior connections at main entry points, including ramps at both ends of the dock.

This guideline is met.

***C1. Enhance View Opportunities.***

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

***C1-1. Increase River View Opportunities.***

*Increase river view opportunities to emphasize the River District ambiance.*

**Findings C1, C1-1:** Placement of the point tower on this block carefully protects view corridors for other buildings, and by rotating the tower at an angle to the street grid, those view corridors are expanded and aligned to the river. Windows for the residents are now directed toward the river shoreline on the NE side, maximizing that experience for those occupants. Residents of the other three sides will have great river and city views as well. The Fremont Bridge and river will be viewed from the NW facade of the tower. The SW and the SE sides will have views of the Pearl District and the Central Business District and beyond to the south waterfront. By rotating the tower, windows in the tower do not directly align with windows of any other building, so privacy is preserved within the tower and at adjacent properties. Their views are directed elsewhere rather than into another person's home.

This building is several blocks from the river itself and one block from the new Fields Park. It is located between a green street, Pettygrove Street, and a key bicycle, pedestrian and auto connector to the river, Overton Street. The north and south entry courtyards are oriented to these key east-west district connectors and provide open space relief and respite, including integrated seating, for pedestrians and bicyclists on those routes. For the residents, the podium-roof amenities will have close views of the river from a variety of both active and passive spaces. The potential for spillover of the commercial uses at the NW 13th dock will offer views up the Avenue to the Fremont Bridge and, by extension, the river.

These guidelines are met.

***C2. Promote Quality and Permanence in Development.***

*Use design principles and building materials that promote quality and permanence.*

**Findings C2:** The project will be an exciting addition to the district. It adds to the significant amount of development around the River District's newest park, which will contribute to the instant success the park has already achieved. The proposed ground level will support the anticipated high volume of pedestrian traffic in the North Pearl. And, the tower will add more excitement to North Pearl's skyline. In addition, the project brings new ideas, such as a subtlety of color and intimate entry courtyards at the ground level. Proposed materials and ample detailing are included in the submitted sheets, and real material samples have been studied at the hearings to ensure quality and permanence.

This guideline is met.

**C3-1. Integrate Parking.**

*Design parking garage exteriors to visually integrate with their surroundings.*

**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.*

**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 C3-1, C9-1, C7:** The parking has been greatly diminished at the ground level during this review. The parking impact at the ground level is now a typical condition - an overhead door within the podium wall.

Similarly, the other corners of the project have been greatly improved during the course of review. All are now active and the redesign has minimized the amount of blank walls. The proposed ground level uses, which include canopies and doors, are appropriate at all corners.

These guidelines are met.

**C4. Complement the Context of Existing Buildings.**

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

**Findings C4:** The North Pearl Height Opportunity Area describes several goals for tower-style design. By angling the tower on the podium, the tower creates new views past and beyond the tower to various parts of the City. This same tower creates a singular and dynamic new form to the skyline, complementing and contrasting with other window wall towers. The hope is that the angle causes the skin to catch and bounce city lights and sunlight differently than its neighbors. Other elements that complement the district, but add a distinction include: the inclusion of subtle color at the tower and intimate courtyards at the ground level.

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 C5:** The coherency between the base and tower was strengthened when the podium became a base upon which the tower is placed. Before, when the rotated tower touched the ground in a large plaza, the relationship and spaces were awkward and unresolved. The main podium material is dark, rich brick to establish the pedestrian experience, and the tower above is mostly a window wall system with stainless steel shingles at the two proud corners. The podium was greatly regularized and made coherent during this review; the design now establishes a consistent bay design instituted at all four frontages, allowing for subtle changes based on the adjacent interior uses. Careful articulation of the body and top, including simplifying the two shingled corners, results in a clarity and coherency of expression in the tower. The articulation of shingles at two corners adds verticality to the tower and delineates programmatic elements.

Other smaller elements at the ground level around the building are coherent in material, color, and/or proportions, such as doors, canopies, steel channels, integrated planters, lighting, railings, landscaping, window systems, louvers, etc.

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.*

**C9. Develop Flexible Sidewalk-Level Spaces.**

*Develop flexible spaces at the sidewalk-level of buildings to accommodate a variety of active uses.*

**Findings C8, C9:** The scale and proportion of the brick base relate to the surrounding urban streetscape and the traditional brick warehouse style. Retail and residential facades of the building at sidewalk level are punctuated by a regular bay system. Much of the ground level is occupied by flexible commercial space: live-work units and 2 retail tenant spaces. The SW corner, at 13th and Overton, is defined by the raised heavy timber loading dock walkway serving live/work spaces. This arrangement is congruent with the docks found in the historic district further south, and extends the vernacular northward. Both lobby entries are generally centered on the block and include landscaping that softens and defines the semi-public courtyard spaces.

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 active stormwater management tools.*

**Findings C11:** The podium roof is certainly a great amenity for the residents of this project, given the amount of active areas and green roofs. It could be an amenity to the larger public in two ways: for those looking down the on the podium - the variety and design will be interesting and pleasant to view, and for those on the sidewalk - the activity on the rooftop could be heard and seen. Extensive eco-roofs integrated in the

podium roof provide panoramas of the district, and become sustainable features to manage stormwater. The extensive use of green roofs and paving elements will also improve the view of the podium rooftop from other buildings. Uses are both active and passive, with indoor amenity spaces opening to gardens, paths, grilling stations with tables and chairs, children's play areas and more. These outdoor amenity spaces extend to the parapet at some locations, providing views over the close-in streetscape and further to the river and District views. Some landscaping will be visible from the street, providing warmth and connection to the street.

The top of the tower steps back in a subtle series of moves, and is designed as an extension of the tower corner elements for coherency and consistency with the tower. The tower achieves additional verticality through articulation and vertical color differentiation on two of the four corners. A rotated tower above its podium will add variety to North Pearl's emerging skyline. Mechanical is integrated into the tower top and enclosed to improve views from various spots around the City.

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 C13:** Signage will be pursued separately, most likely within the 32-square foot exemption for design review, or through the design review process for larger signage. At the 3-20-14 hearing, the applicant agreed it is not their intent to consider a sign at the top of the tower. The design team's written intent in this application "is to integrate signage with the building's architectural language".

This guideline does not apply at this time.

**(2) MODIFICATION REQUESTS (33.825)**

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

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

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

The following two modifications are requested:

**33.266.220 C. Modification #1.** This standard requires bike rack parking spaces to be 2' wide x 6' long. The proposal reduces the dimensional standard for width by 6 inches so that 467 of the 473 long term bike parking spaces are accommodated by a wall-hung vertical rack system, which provides parking that is spaced 18" on center, with a 6"

stagger. (The remaining 6 long term bike spaces will be in horizontal racks that meet the standard.)

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

**Findings:** The project includes 473 total long term bicycle parking spaces (residential and retail), which are comprised of the required 430 long term spaces plus an additional 43 spaces (10%) required to achieve the locker room FAR bonus bringing the total long term space requirement to 473. Accommodating 473 bicycle parking spaces in a horizontal rack would consume considerable floor area (5,676 sf + maneuvering area). Relying upon a vertical/wall hanging bike rack is a more efficient use of space (1,760 sf), and is identical to the parking system recently approved in the Pearl Block 17 project (LU 13-178392). The proposed functional and space efficient system better meets the design guidelines because it eases floor plan demands and results in active uses at the street, such as commercial use, lobbies and residential units. This criterion is met.

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

The purpose of the bike parking standards is: *(italicized)*  
“These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.”

**Findings:** The proposed DERO Bike Rack system is engineered to stagger bikes vertically to allow the handle bars to overlap. This allows the racks to provide the same level of service that would be provided by a standard 24” on center spacing within an 18” space. The staggered clearance between adjacent bikes and allowance for sliding hangers ease the hanging and locking of a bike. Additionally the loops, to which the bikes are hung, project out of the wall 27” to further ease hanging and locking bikes. A 5’ minimum aisle is still provided behind each bicycle rack. The rack system will be located within a secure bike storage enclosure within the parking garage. The bicycle parking system is safe and secure, located in a convenient area, and is designed to avoid initial or accidental damage to bicycles, so the proposal is consistent with the purpose statement of the bicycle parking standards. This criterion is met.

**33.510.205 H.2. Modification #2.** The project seeks additional height above the maximum height limits shown on Map 510-3. The height limit indicated on Map 510-3 is 100’ and the proposed height is 250’. (The site is located within the height opportunity area shown on Map 510-16. The floor area above the maximum height limit of 100’ is proposed to be achieved through FAR bonus, the floors of the building above 100’ are less than 12,500 sf, and facade lengths above 100’ are less than 120’.)

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

**Findings:** The North Pearl Subarea includes a Height Opportunity Area to support the goals of the North Pearl Plan. By limiting the floorplate to just over 100’ x 100’ (up to 120’ x 120’ is allowed), this project better meets Guidelines C1 and C1-1. In better meeting Guideline C11, which encourages an enhanced skyline, the tower is dynamic in form and material. In response to direction from the Commission at the DAR to work on the top, extending the differentiated material at the SE and NW corners improved the volumetric form of the proud corners.

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

The purposes of the North Pearl Subarea height opportunity area are: *(italicized)*

- *Promote the use of development bonus and transfer provisions to create and support a range of community amenities to serve the diversity of residents and employees of the Central City;*

**Findings:** The additional height is proposed to be achieved through a variety of FAR bonus options. Selected FAR bonus options include; Residential Housing, Efficient Family Units (2 bedroom and 3 bedroom units), Bike Locker Room, and Eco-roof. These bonus paths will increase both community diversity and amenities in the neighborhood.

- *Create a skyline and urban form that is visually permeable by providing visual access to locations within and beyond the subarea;*

**Findings:** Placement of the point tower on this block carefully protects some view corridors for other buildings, and by rotating the tower at an angle to the street grid, some view corridors are aligned to the river. The Zoning Code standards target the façade lengths of towers to be less than 120'. The proposed façade lengths are 103' and 105', adding to the visual permeability.

- *Encouraging the development of taller buildings that may accommodate a range and diversity of land uses;*
- *Provide flexibility to allow a range of uses and building types to be developed in a manner that fulfills the design objectives of this purpose statement.*

**Findings:** The building's primary use is residential, and does include a variety of unit types. The building also includes significant amenities for the residents, pleasant open spaces at the ground level that are semi-public, and some retail and live/work at the ground level. With an increased number of neighborhood residents comes an increased demand for a variety of supporting amenities that this project provides, and also spurs other development to provide. And, finally, this project certainly responds to the significant public investment in this area of the Central City, public investments the residents of this building will utilize.

- *Result in a dynamic and varied skyline and urban form that contributes to the health, vibrancy, and livability of urban living;*

**Findings:** The 250' tall residential point tower is centrally placed on the site to extend the view zone between the building and its neighbors. The tower's alignment is rotated on the urban grid and optimized to further increase views and daylight opportunities for residents. This alignment is parallels the Willamette's edge. This rotated plan will increase residents' privacy and minimize direct viewing into neighboring tower's residential spaces. Light and airy, the tower rises above the podium to brighten the skyline with window wall and painted metal panel facades. The podium is firmly grounded to maintain the urban grid.

- *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;*

**Findings:** The floorplates of the tower are less than 12,500 sf and the tower footprint is pulled in towards the center of the block to allow space, light, and air to circulate around the building and permeate the lower levels. The north and south entry plazas

provide an opening at street level that further draws air and light into the building core. The podium anchors the building to the neighborhood. It is grounded with richly hued masonry walls punctuated by glazed and unglazed openings.

**DEVELOPMENT STANDARDS**

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

**CONCLUSIONS**

As mentioned in the findings above, the project will be an exciting addition to the district. It adds to the significant amount of development around the River District's newest park, which will contribute to the instant success the park has already achieved. The proposed ground level will support the anticipated high volume of pedestrian traffic in the North Pearl. And, the tower will add more excitement to North Pearl's skyline. In addition, the project brings new ideas, such as subtle color and intimate courtyard spaces at the ground level. The design team was very collaborative in finding responsive and creative solutions during both the Design Advice Request and Design Review processes to successfully address all stated concerns. The ground level was improved in many ways - greatly minimizing parking, finding coherency around the entire base, increasing activity at the facades and entries, diminishing and integrating service and louver areas, fine-tuning the special courtyard areas, providing well-detailed design and high-quality materials, studying the dock to provide both ADA access and adequate outdoor space, designing integrated entries and entry canopies at all spaces, etc. The tower's coherency and integrated top were a large part of the design team's focus in order to provide a fitting addition to North Pearl's skyline.

As proposed, the project meets all Design Guidelines.

**TENTATIVE STAFF RECOMMENDATION**

Staff recommends approval.

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**Procedural Information.** The application for this land use review was submitted on November 27, 2013, and was determined to be complete on **December 20, 2013**.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on November 27, 2013.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period, as stated with Exhibit G.2.



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

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

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

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. You may review the file on this case by appointment at our office at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201. Please call the file review line at 503-823-7617 to schedule an appointment.

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

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

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

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

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will

mail instructions to the applicant for recording the documents associated with their final land use decision.

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

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

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

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

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

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

**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.

**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).**

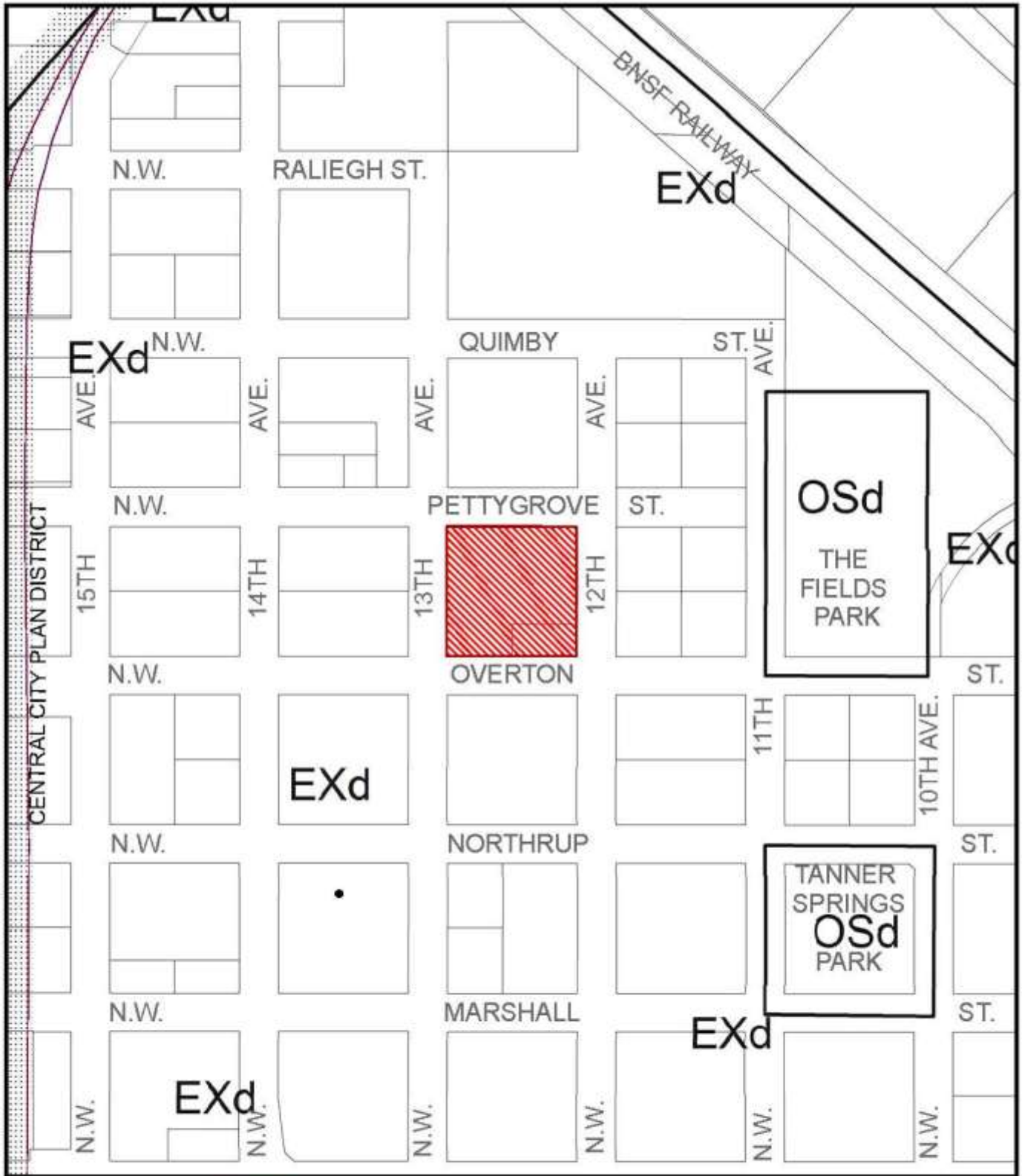
Kara Fioravanti  
April 14, 2014

**EXHIBITS – NOT ATTACHED UNLESS INDICATED**

- A. Applicant's Submittals
1. Initial drawings, 11-26-13
  2. Initial narrative, 11-26-13
  3. Initial eco-roof submittal, 11-26-13
  4. Initial Stormwater Management Report, 11-20-13

5. Incomplete letter response, 12-20-13
6. Draft narrative, 1-13-14
7. Draft drawings, 1-13-14
8. Responses from applicant, 1-20-14
9. Revised narrative, 1-20-14
10. Revised drawings, 1-20-14
11. Draft “check-in” presentation, 3-5-14
12. Revised drawings presented at the 3-20-14 hearing
13. Drawing set to be reviewed at 4-17-14 hearing
- B. Zoning Map (attached)
- C. Plan & Drawings reviewed for this Staff Recommendation (see A.13 drawings) – site plan and rendering attached
- D. Notification information:
  1. Request for response
  2. Posting letter sent to applicant
  3. Notice to be posted
  4. Applicant’s statement certifying posting
  5. Mailed notice
  6. Mailing list
  7. Revised posting notice (2-20-14 hearing) because of rescheduled hearing date due to inclement weather
  8. Revised posting notice (3-20-14 hearing) because of applicant’s request to continue hearing
- E. Agency Responses:
  1. Bureau of Development Services, Life Safety
  2. Bureau of Environmental Services
  3. Bureau of Environmental Services, Eco-roof certification
  4. Water Bureau
  5. Fire Bureau
  6. Bureau of Transportation Engineering & Development Review, 1-30-14
  7. Bureau of Transportation Engineering & Development Review, addendum 2-20-14
- F. Letters
  1. Pearl District Neighborhood Association, presented on 2-20-14
  2. Pearl District Neighborhood Association, presented on 3-20-14
  3. Douglas Hookland, 4-7-14
- G. Other
  1. Original LUR Application
  2. 120-day waiver to establish a denovo appeal hearing
  3. Pre-application conference summary memo 13-195667
  4. Incomplete application letter, 12-18-13
  5. Incomplete letter response from applicant, 12-20-13
  6. Meeting #2 notes and minutes, 12-6-13 and 1-8-14
  7. Draft submittal transmittal, 12-13-14
  8. Staff response to draft, 12-16-14
  9. Final submittal transmittal, 12-20-14
  10. Summary memo from DAR, 12-19-13
  11. Memo to Commission, 1-29-14
  12. First Staff Report and Recommendation to the Design Commission, dated 1-31-14
  13. Staff Presentation for 2-20-14 hearing
  14. Staff notes from 2-20-14 hearing
  15. Staff email, 2-27-14
  16. Applicant transmittal, 3-11-14
  17. Staff memo to Commission, 3-12-14

18. Staff notes from 3-20-14 hearing
  19. Staff email, 3-20-14
  20. Staff memo to Commission, 4-9-14
- H. *Not used*



# ZONING



Site



Historic Landmark



NORTH

This site lies within the:  
**CENTRAL CITY PLAN DISTRICT**  
**RIVER DISTRICT**  
**NORTH PEARL SUB AREA**

File No. LU 13-233011 DZM  
 1/4 Section 2928  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E33AA 1500  
 Exhibit B (Dec 03, 2013)



LEGEND

- PROPERTY LINE
- HOUSING UNITS
- RETAIL
- MAIL / LEASING
- SERVICE
- CIRCULATION
- AMENITY
- GREEN SPACE

NW 12TH AVENUE

NW PETTYGROVE ST.

NW OVERTON ST.

LEVEL 01

NW 13TH AVENUE

