



STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION

CASE FILE: LU 14-117884 DZM
PC # 14-115494
Block 37

REVIEW BY: Design Commission
WHEN: May 15, 2014 at 1:30 PM
WHERE: 1900 SW Fourth Ave., Room 2500A
Portland, OR 97201

Bureau of Development Services Staff: Staci Monroe 503-823-0624 /
staci.monroe@portlandoregon.gov

GENERAL INFORMATION

Applicant: Katherine Schultz & Russell Hale | GBD Architects | 1120 NW Couch Street, Suite 300 | Portland, OR 97209

Owner: MUI 37 Holdings LLC | 1411 4th Avenue, Suite 500 | Seattle, WA 98101

Developer: Dayna Dealy | Mack Urban Development | 1411 Fourth Ave Suite 500 | Seattle, WA 98101

Site Address: 3700 SW RIVER PARKWAY

Legal Description: LOT 12, WATERFRONT SOUTH NO 2; LOT 13, WATERFRONT SOUTH NO 2

Tax Account No.: R882450650, R882450700, R882450650, R882450650, R882450700

State ID No.: 1S1E10DB 00206, 1S1E10DB 00207, 1S1E10DB 00206, 1S1E10DB 00206, 1S1E10DB 00207

Quarter Section: 3430

Neighborhood: South Portland NA., contact Jim Gardner at 503-227-2096.

Business District: South Portland Business Association, contact Kevin Countryman at 503-750-2984.

District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

Plan District: Central City - South Waterfront

Zoning: CXd, g – Central Commercial zone with Design and Greenway overlays

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 6-story, mixed-use building on Block 37 in the South Waterfront Sub District of the Central City Plan District. The building would contain 278 residential units on the upper floors and in walk-up units on the north and south ground levels. Approximately 6,000 SF of retail is proposed along the ground level at the northwest corner with the potential of additional retail space at the northeast corner near the future greenway trail. Parking for 236 vehicles would be located in two levels, one underground, with access off of SW Gaines. Two loading spaces will be provided in the parking garage and in a bay on the south façade along SW Lane accessed from SW River Parkway. A total of 450 long-term bike parking spaces would be located within common rooms on each floor and some within the individual units. A total of 16 short-term spaces would be provided within the building’s ground level setback along SW Gaines and SW River Parkway. Outdoor amenity areas are proposed on the 2nd level in a central courtyard and in terraced decks along the building’s eastern edge. The project includes improvements to approximately half of SW Lane, which was designated as a greenway access connection that extend 30’ onto the southern portion of the property. Landscaping is also proposed in the greenway between the property and the western edge of the future greenway trail. Ground level building materials consist of aluminum storefronts, board form concrete, dark gray brick and metal panel. Upper levels are primarily white stucco-board, areas of dark gray brick, metal panels in three colors and black vinyl windows.

The following Modifications are requested:

1. To exceed the 50’ special height limit within 50’ of SW Gaines Avenue centerline with a 72’ tall buiding (PZC Section 33.510.252.A).
2. For the upper floors of the building to project 3’-10” into the required 30’ building setback from the centerline of Lane accessway (PZC Section 33.510.252.B).
3. Provide 26 tandem parking spaces without an attendant or having to move another vehicle (PZC Section 33.266.130.F.1).

New development in Design overlay zones are required to through Design Review per Portland Zoning Code Section 33.420.041.A.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines
- South Waterfront Design Guidelines
- South Waterfront Greenway Design Guidelines
- Modification Considered Through Design Review – Section 33.825.040

ANALYSIS

Site and Vicinity: Block 37 is located in the South Waterfront Sub District to Portland’s Central City. The site is situated at the edge of the Willamette River along the Willamette River Greenway. Bordering the site to the north is SW Gaines, a special Building Height Corridor, to the south is a “Green Street” along SW Lane alignment, and to the west is SW River Parkway, a parking access restricted. The improvements for the south side of SW Gaines, the east side of SW River Parkway and to the centerline of SW Lane are to be included within the scope of the project. Properties to the north and west are developed with towers atop podiums. The property to the south remain vacant.

South Waterfront is a neighborhood in transition. Historically, the location of industrial activities, the district was rezoned in 1990 to Central Commercial, to allow a greater variety in uses, including residential, commercial and institutional, and to take advantage of the area’s unique connection to the Willamette River. In the first decade of the century, several new developments were approved and constructed, establishing the area as a destination neighborhood. Many development opportunities still remain, and it is imagined that by 2020, South Waterfront will be a dense vibrant part of the city.

In 2010, a Design Review approved the South Waterfront Central District greenway improvements that stretches from SW Gibbs Street to SW Lane Street. The proposed improvements include: a trail system consisting of two paths, one for pedestrians and one for cyclists; a renaturalized and stabilized riverbank; pedestrian connections to the trail system at the end of neighborhood streets and accessways; overlooks at both the landward and riverward ends of these pedestrian connections; a system of vegetated swales providing stormwater conveyance and treatment; osprey nest locations; lighting; public art; and various seating options throughout. These improvements are currently under construction. The landscaping proposed along the greenway trail and Block 37 have been postponed due to the impending construction on this site. The applicant is working with Portland Parks & Recreation (PP&R) to revise the previously approved landscaping along its frontage in order to provide a design and plant material that is more seamless. PP&R and public comments on the proposed design are discussed in detail in the findings below in Section 1.

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

The “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.

The Greenway Overlay Zones, designated as “g”, “i”, “n”, “q” or “r” are intended to protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland's rivers; establish criteria, standards, and procedures for the development of land, change of uses, and the intensification of uses within the greenway; increase public access to and along the Willamette River for the purpose of increasing recreational opportunities, providing emergency vehicle access, assisting in flood protection and control, providing connections to other transportation systems, and helping to create a pleasant, aesthetically pleasing urban environment; implement the City's Willamette Greenway responsibilities as required by ORS 390.310 to 390.368; and implement the water quality performance standards of Metro’s Title 3.

- The River General “g” allows for uses and development which are consistent with the base zoning, which allow for public use and enjoyment of the waterfront, and which enhance the river's natural and scenic qualities.

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 South Waterfront Sub District of this plan district.

The Design Overlay Zone [d] 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.

Land Use History: City records indicate that prior land use reviews include LU 10-204930 DZGW for the greenway improvements adjacent to this site.

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed **April 25, 2014**. The following Bureaus have responded with no issues, unless identified otherwise:

- *Bureau of Environmental Services* (Exhibit E-1) – concerns with potential drainage issues onto the greenway trail and stormwater treatment of the path that connects SW Lane to the greenway trail is required. See detailed discussion of these concerns in the findings below.
- *Water Bureau* (Exhibit E-2)
- *Fire Bureau* (Exhibit E-3)
- *Bureau of Transportation Engineering* (Exhibit E-4)
- *Portland Parks and Recreation* (Exhibit E-5) – concerns with stormwater runoff and landscape maintenance along the greenway trail, connection from SW Lane to the greenway trail and potential security issues. See detailed discussion of these concerns in the findings below.
- *Site Development Section of BDS* (Exhibit E-6) – Geotech Report is needed.
- *Plan Review Section of BDS* (Exhibit E-7)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 25, 2014**. A total of 11 written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Block 37 Design Review Group, April 18, 2014, stating concerns with building setback along SW Gaines, SW Lane and greenway trail setback and design, rooftop design, composition and material quality, garage access and parking (Exhibit F-1)
2. South Portland Neighborhood Association Land Use Committee, April 24, 2014, stating concerns with building setback along SW Gaines, SW Lane and greenway setback and design, design compatibility, material quality, rooftop design and parking (Exhibit F-2)
3. Carter Beyl, April 24, 2014, stating support for the project (Exhibit F-3)
4. Craig Mendenhall, April 24, 2014, stating support for the project (Exhibit F-4)
5. Paul Soper, April 29, 2014, stating support for the project (Exhibit F-5)
6. Robert and Kandis Nunn, April 30, 2014, stating the design guidelines should be applied vigorously for a high quality and compatible addition to the district (Exhibit F-6)

7. Anastasiya Porchuk, April 30, 2014, in support of the project (Exhibit F-7)
8. Marissa Davis, April 30, 2014, in support of the project (Exhibit F-8)
9. Ryan Cotton, May 2, 2014, in support of the project (Exhibit F-9)
10. Brian Kiolbasa, May 5, 2014, in support of the project (Exhibit F-10)
11. James H. Luke (chair of Nature & Greenspace Committee), May 5, 2014, concerns with building setback and design along the greenway and lack of active ground floor and enhancement of greenway.

Staff Response: The items of concern identified in these comments are discussed in detail in the findings below in Section 1 and 2, with the exception of the following:

- Parking – There is no minimum parking requirement for the project given the multiple modes of transit in the immediate area (streetcar, aerial tram, bus and soon-to-be light rail services). The project is providing 236 stalls, which is 0.84 spaces per unit. The final location of the garage entry and loading areas will determine the amount of on-street parking that can be accommodated on SW Gaines, the only frontage of the property with on-street parking.

ZONING CODE APPROVAL CRITERIA

(1) DESIGN REVIEW (33.825)

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

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

Section 33.825.055 Design Review Approval Criteria

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

Findings: The site is designated with a design (d) overlay zone, 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 the South Waterfront Design Guidelines, and the South Waterfront Greenway Design Guidelines for sites with a greenway [g] overlay zone.

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.

South Waterfront Design Goals

The South Waterfront Design Guidelines and the Greenway Design Guidelines for the South Waterfront supplement the Central City Fundamental Design Guidelines. These two sets of guidelines add layers of specificity to the fundamentals, addressing design issues unique to South Waterfront and its greenway.

The South Waterfront Design Guidelines apply to all development proposals in South Waterfront within the design overlay zone, identified on zoning maps with the lowercase letter “d”. These guidelines primarily focus on the design characteristics of buildings in the area, including those along Macadam Avenue, at the western edge, to those facing the greenway and river.

The Greenway Design Guidelines for the South Waterfront apply to development within the greenway overlay zone, identified on zoning maps with a lowercase “g”. These design guidelines focus on the area roughly between the facades of buildings facing the river and the water’s edge.

South Waterfront Design Guidelines and Central City Fundamental Design Guidelines

The Central City Fundamental Design and the South Waterfront Design Guidelines and the Greenway Design Guidelines for South Waterfront 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.

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. Develop River Edge Variety. Vary the footprint and façade plane of buildings that face the Willamette River to create a diversity of building forms and urban spaces adjacent to the greenway. Program uses on the ground level of buildings adjacent to the greenway and to accessways linking the greenway with the interior of the district that activate and expand the public realm. Design the lower stories of buildings within the greenway interface to include elements that activate uses and add variety and interest to the building facades.

A1-2. Incorporate Active Uses Along the River. Integrate active uses along the greenway to encourage continuous use and public “ownership” of the greenway. Program active uses to face and connect with the greenway, expand the public realm, and enhance the experience for greenway users. Develop active ground floor uses at the intersections of the greenway with accessways to the interior of the district to create stronger connections to and activity along the greenway.

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.

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.

D2. South Waterfront Area. Develop a pedestrian circulation system that includes good connections to adjacent parts of the city and facilitates movement within and through the area. Size and place development to create a diverse mixture of active areas. Graduate building heights from the western boundary down to the waterfront. Strengthen connections to North Macadam by utilizing a related system of right-of-way elements, materials, and patterns.

Findings for A1, A1-1, A1-2 and D2: Block 37 is directly adjacent to the Willamette Greenway along its eastern boundary. The river is integrated into the project through the architecture and site development and infrastructure. The building stair-steps back from the greenway trail in an eroding edge with terraces and landscape planters that soften the built form as it extends towards the greenway and while providing a visual extension of the greenway into the edge of the building. An approximately 8' level change between the greenway and the private patios is achieved with gradual terraces. A second level common living room provides residents the opportunity to relax along the river's edge while creating activity and providing "eyes on the park". Additionally, residents will have opportunities to enjoy the river from the many balconies, and with enhanced connections to the greenway with the residential stoops along SW Gaines and SW Lane.

As a part of the project, the Greenway Access Connection along SW Lane will be improved and complete the bike and pedestrian connection to the greenway. A large south-facing courtyard is accessed off of SW Lane with a generous stair that connects to the Green Street bringing greater pedestrian activation to the base of the building and the accessway.

The building's stormwater management system implements on-site filtration while celebrating water. A waterfall funnels the building's stormwater from the second level terrace down to bio-swale filtration ponds on SW Lane that is linked to the river.

Retail at the corner of SW Gaines and SW River Parkway serves to strengthen and build upon the pedestrian connection to the greenway along SW Gaines. Walk-up units with stoops along SW Gaines and SW Lane contribute to the expansion of the public realm by creating outdoor rooms where residents can sit and people-watch. Along SW Lane, a gear room is provided for residents to store and rent paddle boards and kayaks along with a dog and bike repair station. Biking is encouraged with over 400 bike parking spaces being provided.

Staff has identified the following items for further consideration by the Commission:

- Lane Access Connection– The connection of SW Lane to the future Greenway trail is proposed at 6' wide, which was determined by aligning with the edge of the Greenway trail turnaround. Portland Parks & recreation (PP&R) has stated this width is too narrow to facilitate maintenance or emergency access to or from the trail. PP&R suggests a wider connection, the design of which

has not yet been determined. The applicant is actively working with PP&R to provide an acceptable hardscape connection from SW Lane to the Greenway trail and an update will be provided at the hearing. Additionally, the Bureau of Environmental Services (BES) has stated stormwater runoff for this connection will need to be addressed.

- *Erosion of the Building* – At the DA, the majority of the Commission expressed support for an urban edge at the ground level of the northeast corner, yet they desired more erosion of the building and a softening of the waterfront edge at the ground and upper levels to better respond to the transition from the built to the natural environment. In response, the applicant has revised the design to stair-step the building back along the east façade, down to one and two stories at the middle and south ends. Outdoor patios have been provided along the ground floor units and a large outdoor terrace on the 2nd level has been added.

Staff received public comments that stated concern with the setback of the building along the Greenway stating that the 8' proposed is much closer to the trail than the developments to the north, which are noted as being 21' to 26' deep. The condition of the Greenway trail at the northeast corner of Block 37 is unique in that it curves inward towards the site creating a much narrower gap between the trail and property line, unlike the conditions to the north (see Exhibit G-7). This inland curvature of the trail at this location results from the large bioswale that exists between the trail and the river frontage adjacent to the subject site.

Staff is questioning whether further erosion of the building is needed along the river frontage, and perhaps more setback, especially at the northeast corner where the greenway trail is closest to the property.

- *Transition to the Greenway* – In addition to how the building's mass responds to the Greenway, the ground floor conditions and the transitions to the greenway are of concern. The applicant has proposed private patios along with a landscape design and palette that is intended to appear as a seamless transition from the private property to the public trail. PP&R has reviewed this proposal and has stated the current design presents significant challenges to management and maintenance. Specifically:
 - *Stormwater* - In the event of heavy rains, stormwater from the site would be directed to the bike path causing potential safety and maintenance issues. The greenway also has status as DEQ Remedial Cap and any stormwater from another site draining onto the greenway would require DEQ approval. Therefore, PP&R prefers the property manages its own stormwater, which would require changes to the current design. The Bureau of Environmental Services (BES) has indicated that a trench constructed at the toe of the slope to capture the stormwater before it hits the bike path as a potential option.
 - *Maintenance* – PP&R would prefer separation between the private property and public trail to be clearly and functionally delineated so the maintenance and management of each can occur independently.
 - *Security* - The patios of the ground floor units along the east property line would be very close to the Greenway path and PP&R is concerned the condition might create unanticipated interactions with passersby, especially when the patios are unoccupied. PP&R recommends a CPTED

(Crime Prevention Through Environmental Design) review and that the design be adjusted to address any concerns that arise from such review. This review would include Portland Police, PP&R ranger Staff ONI and PP&R Operations Staff.

The conditions of the properties to north include deeper, terraced planters between the private balconies and the greenway trail providing greater separation. However, they also include gated access that provides direct connection to the greenway trail. Staff recommends that any design changes to address the safety and stormwater concerns of PP&R ensure that a strong connection to the greenway is maintained as promoted by the guidelines.

- *Retail Opportunities* – At the DA, the Commission stated that the Greenway side needed to have more vitality and activity. Building in flexibility now for the ground floor units to convert easily to commercial, ideally retail, was discussed. In response, the applicant has identified the ground level unit at the northeast corner as one that could be converted to a 1,400 SF retail space in the future. Staff is wondering if the Commission would desire this space as a retail space now to ensure a more active use will occur or allow the flexibility to convert it? Additionally, Staff suggests the applicant provide more details about how the retail use would be expressed on the exterior, such as canopies, signage and connection to the Greenway trail.

Given that these issues remain unresolved and require further discussion, these guidelines have not been met.

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

Findings: The project celebrates several Portland-related themes including a vital pedestrian focused streetscape and an emphasis on bicycle transportation. The orientation of the ground-level spaces activate all adjacent streets with retail, front stoops and landscaping along with a pedestrian terrace on the greenway. An active stormwater filtration system expresses the movement of water towards the river through the waterfall from the second level courtyard that connects to bio-swale filtration ponds along SW Lane and the river. The boardwalks over the filtration ponds at SW Lane harken back to the notion of wood dock structures of the district's maritime past that served to provide connection from the water to land. *This guideline has been met.*

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

Findings: Block 37 aligns with the established grid structure of the South Waterfront neighborhood. The urban building edges along SW Gaines, SW River Parkway and SW Lane come to the lot line in a variety of forms with walk-up front entries to individual apartments and glass expanses of retail storefronts. Each of these expressions provides a strong edge and respects the urban character of the neighborhood while creating opportunities for active pedestrian environments. *This guideline has been met.*

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features

that help unify and connect individual buildings and different areas.

A4-1 Integrate Ecological Concepts in Site And Development Design. Incorporate ecological concepts as integral components of urban site and development designs.

A4-2 Integrate Stormwater Management Systems in Development. Integrate innovative stormwater management systems with the overall site and development designs.

Findings for A4, A4-1 & A4-2: The unique district lighting, street furniture and materials will be used to unify the project and the entire district. The streetcar, aerial tram and greenway trails all serve to connect the district with not only the central downtown district, but now also the eastside Central City as well with the new light rail bridge. Block 37 will further unify the district by completing the urban fabric with a podium that meets the lot line, maintains the cohesive pedestrian scale established by the surrounding tower podiums and by using unifying materials already found in the district – brick, stucco, and metal panel. as well as landscape treatments at the building perimeter along the sidewalk.

The “green” pedestrian accessway, SW Lane Street, is designed to accommodate a bio-swale as well as a pedestrian link to the greenway trail and the river. All site storm water eventually works its way to this natural treatment element before continuing to the river. A waterfall along the stairs that connect the south courtyard to this green street celebrates rain while carrying storm water to the bio-swales. Non-occupied roof surfaces incorporate artistically assembled filtration rock providing function and visual interest. Plantings along the greenway follow Portland Parks and Recreations’ greenway planting palette to seamlessly blur the line between private and public property while enhancing indigenous habitat. The project is targeting LEED Silver certification. Energy efficiency, a high performance envelope, environmentally sound material selection, native plantings and resource conservation are all integrated into the design.

Further discussion of the stucco material, rock rooftop, and building and landscape transition along the greenway is requested in the findings above and below. These guidelines have therefore not been 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. Consider South Waterfront’s History and Special Qualities. Consider emphasizing and integrating aspects of South Waterfront’s diverse history in new development proposals. When included in the development proposal, integrate works of art and/or water features with site and development designs.

Findings for A5 & A5-1: An active stormwater filtration system expresses the movement of water towards the river through the waterfall from the second level courtyard that connects to the bio-swales along SW Lane, which eventually serve to help replenish the river. The boardwalks over the bioswales harken back to the notion of wood dock structure that serve to provide connection from the water to land and thus incorporate the maritime/nautical thematic elements into the urban landscape while providing a consistent and unifying element with the boardwalks along the Ardea development to the west along SW Lane.

The unique district lighting, street furniture and public way materials will be used to unify the project and the entire district. Street trees, stormwater treatment and

landscaping are coordinated with the district standards. *These guidelines have been met.*

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

Findings: Block 37 responds to and reinforces its place within both the existing and the developing urban context of the South Waterfront District. These responses can be seen in a number of gestures. The ground floor extends to the lot lines and creates a strong urban edge. The retail spaces are held back to allow doors to be opened without protruding into the pedestrian way and provides more area for the retail to spill out into the sidewalk. The corners at SW Gaines and SW Lane are reinforced with retail and strong massing form that accentuates the building's corners. The walk-ups along SW Gaines and SW Lane provide a comfortable street edge leading to the greenway. In addition, balconies, canopies, lighting and a strong differentiated base serve to articulate the urban edge. *This guideline has been met.*

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

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.

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.

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.

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

Findings for A8, B4, C7, C8, C9 and C10: The design includes numerous elements that activate the intersections and streetscape in a manner that differentiates the ground level of the building. The dark brick base of the building is the obvious distinction of the ground level in addition to a cantilevered upper floor along most of the facades. Retail space will occupy the SW River Parkway frontage and wrap the northwest and southwest corners along SW Gaines and SW Lane. There will be retail entrances at both the southwest and northwest corners of the block accentuated by the tall first floor of the building. The retail base has large amounts of vision glass to connect and energize the street and metal canopies along the storefronts that project out over the sidewalk at the northwest corner. The retailers will have the opportunity to utilize the building zone of the sidewalk and provide sidewalk seating. The second contributing factor is the ground level residential interaction with the street. Ground level units have direct

interaction with the street via entrance stoops along both SW Gaines and SW Lane. The building's main entry lobby mid-block on SW River Parkway has visual connection to the streetcar stop on SW Bond through the Ardea's pedestrian way. All of these elements will add to the activity of the street and the creation of a place in which to live, work, shop and play. *These guidelines have been met.*

A9. Strengthen Gateways. Develop and/or strengthen gateway locations.

Findings: Block 37 is not located at a designated city gateway. However, the location of the site within the South Waterfront district sets the areas as a major landmark and gateway as one enters Portland on 1-5. On a smaller scale, the accentuated northwest retail corner entrance will serve as a gateway to the greenway while strengthening the intersection as a retail node. *This guideline has been met.*

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

B1-1. Facilitate Transit Connections. Orient the main entrances of buildings at streets served by public transit to conveniently and directly connect pedestrians with transit services.

B1-2. Enhance Accessway Transitions. Program uses along accessways and at the intersections of accessways and public streets linking the greenway with the interior of the district that activate and expand the public realm. Incorporate private building elements, such as entries, patios, balconies, and stoops, along accessways to expand the public realm from building face to building face. Integrate landscape elements within accessway setback areas with accessway transportation components to enhance transitions from South Waterfront's interior to the greenway.

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.

Findings for B1, B1-1, B1-2, B2 and B3: Block 37 provides extensions of the planned streets and pedestrian system as well as a strong pedestrian orientation to all adjacent streets. SW River Parkway has been designated a retail spine that will reinforce the north-south pedestrian system through the district. The building corners at SW Gaines and SW Lane are reinforced with retail and strong massing form that accentuates the building's corners and strengthens the retail node at the intersection of SW Gaines and SW River Parkway encouraging pedestrian movement to the greenway. The walk-ups along both SW Gaines and SW Lane provide transition from the urban network to the greenway. Sidewalk materials, components and street trees conform to the South Waterfront District Street Plan criteria and standards. Scoring patterns in the paving and thoughtful placement of benches all add to the pedestrian friendly environment as do canopies and well-lit sidewalks.

Along River Parkway curb extensions increase the width of the sidewalk and make for safer pedestrian crossings. Street trees and street furniture placed

within the street furniture zone, between the movement zone of the sidewalk and the curb will help create a physical barrier between pedestrians and vehicles.

Staff has identified the following as items of concern:

- Loading on SW Lane – One of the two required loading spaces is proposed off of SW Lane on the south façade of the building. The loading is located on the west portion of the building to limit the area on SW Lane that loading vehicles can access. The space allows a truck to pull all the way into the building and exit the site onto SW River in a forward motion. Staff is concerned with potential conflicts with the use of SW Lane for vehicles given that it is intended as a pedestrian and bicycle connection to the Greenway trail as a part of the South Waterfront District. In response, the applicant has stated that as the building leases up, loading will be heavily used for apartment move-ins, but after lease-up, the need for move-in loading would be expected to taper off to once a week. Retailers will be encouraged to use second required loading space inside the garage. Additionally, the applicant has consulted with Transportation to consider removable bollards located within SW Lane accessway to restrict vehicle access.

Within the district, the use and design of the accessways vary. Some are not restricted and allow loading and vehicle access including time-limited parking, while other have removable bollard in different locations to restrict any vehicle access. Given these varying conditions, Staff is seeking input from the Commission on the loading space in the accessway.

- Vaults in SW Lane – Three vaults with associated vents are proposed within SW Lane at the west end. Transportation and BDS Staff are supportive of the locations, however, only if the lid covers will match the materials of the unique paver treatment identified for the accessways in the South Waterfront District street standards. If not, Transportation requests the placement of the vaults be located in a manner that preserves a 6' wide pedestrian through zone. BDS Staff recommend that the Commission review new locations in order to evaluate any impacts on the paving treatment. In addition, both Transportation and BDS Staff still need to details of the in-ground vents associated with the vaults to ensure they are appropriate and safe walking surfaces.
- Lane Accessway Connection - As mentioned in the findings above, the applicant is working with PP&R to provide a pedestrian connection to the greenway walking and biking trails from SW Lane.

Given that these issues remain unresolved and require further discussion, these guidelines have not been met.

B2-1. Incorporate Outdoor Lighting That Responds to Different Uses. Place and direct exterior lighting to ensure that the ground level of the building and associated outdoor spaces are well lit at night. Integrate exterior lighting so that it does not detract from the uses of adjacent areas. When appropriate, integrate specialty lighting within activity nodes at interfaces of accessways and the greenway.

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

Findings for B2 & C12: The frontages of the project require lighting to accommodate several diverse uses. Lighting for individual residential walk-up entrances along with the building lobby entrance will provide both security and architectural enhancement through downlights integrated into canopies and building overhangs. The retail frontages rely on general street lighting, lighting from the display windows and down lighting in the canopies. General pedestrian lighting along the frontages will be in accordance with South Waterfront streetscape standards. In addition, discrete landscape lighting is proposed for the terraces along the greenway to enhance evening connection to the trails. Fire-pits on the second floor common living area will provide both warmth and mood lighting. Finally, step lighting will be incorporated into the stairs that connect the south courtyard to SW Lane. All outdoor lighting will be carefully planned to comply with LEED night sky criteria. *These guidelines have been met.*

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

Findings: The main lobby and retail entrances are protected from the weather with canopies that will mitigate the effects of rain wind, glare, reflection and sunlight on the pedestrian environment. The residential entrances along Gaines and Lane have stoops where the building face is setback and provides protection from the elements. *This guideline has been met.*

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

Findings: All exterior and interior spaces in the building have been designed for barrier-free access and accessible routes to each apartment and the retail spaces. Six fully accessible units are sprinkled throughout the building in a variety of unit types providing various living options for those who require accessible units. All accessibility elements are well integrated and do not detract from the building's overall design. *This guideline has been met.*

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

Findings: The massing of the building was designed to maximize both views to the river and sunlight. Terraces and private stoops are provided along the greenway to take advantage of views and provide eyes on the park. The common living room on the second level faces the greenway and provides outdoor space for all residents to enjoy the park view.

SW Gaines is a Special building Height corridor that aligns and ends in a Minor Viewpoint. Portions of buildings over fifty feet are required to setback fifty feet of the centerline of SW Gaines. The project is requesting a modification to this standard. See the discussion of this item in Section 2 of this report under Modification #1.

Given the unresolved issue related to the SW Gaines building height identified in Section 2, Modification #1 of this report, this guideline has not yet been met.

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

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

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

C4-1. Develop Complementary Structured Parking. Develop, orient and screen structured parking to complement adjacent buildings, reduce automobile/pedestrian conflicts and support the pedestrian environment.

Findings for C2, C5, C4 and C4-1: The base of the building consists of a cast-in-place structural frame clad in aluminum storefront windows in charcoal, dark gray brick, metal canopies and board formed concrete stoops and planters. The floors above integrate black VPI commercial vinyl windows, white stucco-flex panels, metal panels in 3 colors and 2 types (louvered panels and 6” horizontal panels) and glass railings. A sample of the metal provided is a high gauge panel that is rigid and should hold its form over time.

The massing of the building reinforces the podium heights of the surrounding towers and steps back from the greenway providing landscape planting opportunities, balconies and terraces. The walk-up units along both SW Gaines and SW Lane create transitions between the public sidewalk and residences while providing opportunities for residents to landscape, relax and view those passing by similar to many of the surrounding buildings.

The two-story structured parking garage is well-integrated into the design of the building. The apartment lobby, retail and ground floor residential units wrap the ground level parking along all streets with the second story fully below grade. Entry to the parking garage is along SW Gaines since SW River Parkway is a parking access restricted street and SW Lane is a Green Street.

Staff has identified the following unresolved issues and items of concern:

- Material – The primary material of the upper floors is a stucco board on a rainscreen. Some details of the joints and corners have been provided in the plans. In response to Staff’s initial concern regarding the quality of a panelized system, the applicant highlighted similar systems installed on projects in northwest, including the Benevento at 23rd & Raleigh. To ensure this type of panelized system will provide a high-quality exterior finish that is long-lasting, images of the system installed at other locations and additional details about the joints should be provided for consideration by the Commission.

Staff received several public comments noting the stucco material and white color is not appropriate or representative of the district. Maintenance concerns were also cited as the light color would get dirty. There is some precedent in the district for stucco, however. The Commission recently approved a real stucco exterior finish on Block 43 west of the subject site. Additionally, a couple of other lower scale buildings have stucco finishes, although, their panelized systems have not performed well. Light exterior colors have also been used in the district.

- Composition and Coherency – The design has been revised to address some of the comments received at the DA regarding the number and type of materials,

massing shifts, and the proportions of the parapet and 2nd floor. Staff has identified additional changes that could further simplify and strengthen the façade for the Commission to consider, including:

- A more coherent use of brick and colored metal accent panel.
 - Façade appears somewhat flat and more graphic than architectural – a consist use of the “weaving” accent panel and an enlarged wall section would help.
 - Eliminate the thick horizontal banding that alternates on the upper floors for a more consistent window opening and to increase the amount of natural light into the unit.
 - Better understanding of the pattern established by the architectural louvers and the horizontal metal panels beneath each window.
- Garage Entry Location on SW Gaines – For the DA, the garage entry was shown further west on SW Gaines closer to the retail space. The Commission stated support for the parking access on SW Gaines, but questioned if there was a better location along Gaines given the cluster of service area so close to the retail at the northwest corner. In response, the garage entry was relocated further east, which separates the service and garage entry areas. Since this change, Staff and the applicant have received several public comments that desire the original location of the garage that better aligns with the garage entry of the Atwater across the street. The applicant has stated they are amenable to this change. If the garage entry moves, Transportation would need to be consulted to ensure the garage entry closely aligns with the opposing garage entry of the Atwater to avoid potential traffic conflicts. Further input from the Commission is requested on the garage entry location.

Given that these issues remain unresolved and require further discussion, these guidelines have not been met.

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

Findings: Block 37 has two elevated courtyards on the second level (the roof of the garage). Both combine hardscape and landscape materials. Large landscape planters act as dividers between the public and private areas of the courtyard while also treating all of the storm-water for the project. As the building’s mass steps back from the greenway, the adjacent roofs are utilized as terraces. The upper level roof is designed as a flat roof concealed behind a perimeter parapet. There is limited mechanical equipment on the roof, but what is there has been consolidated into one area and screened to match the color (gray) and type (6” horizontal) metal accent panel on the building’s facade. At six stories, the rooftop design has limited skyline impacts.

The roof design incorporates rocks in a colored pattern that reflects the east-west building forms and the north-south flow of the river. This roof design was discussed at the DA, where the Commission expressed concern with the rock concept. The applicant has provided additional information that supports the design and maintenance of the rock garden on the Applicant’s Exhibit L-5, which includes:

- The roof will be inspected quarterly as part of the overall roof maintenance plan.
- It is very unlikely that rocks will be displaced due to their weight, however rocks will be either replaced or moved into their original location if needed.
- We expect very little weed growth due to no organics on the roof terrace. If weeds are present, they will be removed on a quarterly basis.
- Any visible debris that accumulates on the roof will be removed.

Public comments received express concern with the rock roof concept given the visibility of the low roof, and the desire for an eco-roof, which is consistent with the rooftop designs in the district and more complementary to the river.

Additional consideration of this item is necessary given the Commission's prior concerns. This guideline has therefore not been 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.

C13-1. Coordinate District Signs. Consider the development of a master sign program that integrates the sign system with the development's overall design.

Findings for C13 & C13-1: No specific signage designs are proposed with this application. Potential retail signage and associated accent lighting has been anticipated for integration with the canopies. A building signage program will be developed and well integrated to compliment the architectural integrity of the building while also providing information and way finding. *These guideline are not applicable at this time.*

South Waterfront Greenway Design Guidelines

1. Develop a Cohesive Greenway Trail System. Ensure that pedestrian and bicycle connections to the greenway trail from the adjacent accessways or urban spaces are safe, convenient and direct. Align the trail to take advantage of the site's opportunities to enhance the diversity of the trail experiences. Create a continuous greenway trail system with consistency in design elements that celebrate the area's history and character. Develop clear and simple signage for shared use, basic rules, wayfinding, and interpretive signage displays.

2. Access Greenway Edges. Address the edges of the greenway where it interfaces with streets and accessways, public open spaces, and bridge structures using the following Greenway Edge Guidelines (2-1 – 2-3).

2-1. Address Streets and Accessways. Provide clear connections to the greenway from streets and accessways.

2-2. Address Adjacent Open Space. Ensure continuity of design and movement between the greenway and adjacent open space.

2-3. Address Bridges. Design the greenway to address the visual and physical presence of the bridges.

3. Incorporate a Diverse Set of Gathering Places. Accommodate a range of special activities oriented toward the Willamette River that offer large and small gatherings, play, watercraft launches, and unique viewpoints as extensions of the greenway trail. Design gathering places to respond to the character of the specific reach's historical context, urban setting, and particular habitat improvements.

Findings for 1, 2, 2-1, 2-2, 2-3 and 3: The greenway trail along the site's frontage, and extending north to SW Gibbs, was approved in 2010 and is currently under construction. Once complete it will consist of two paths, one for

pedestrians and one for cyclists; a renaturalized and stabilized riverbank; pedestrian connections to the trail system at the end of neighborhood streets and accessways; overlooks at both the landward and riverward ends of these pedestrian connections; a system of vegetated swales providing stormwater conveyance and treatment; osprey nest locations; lighting; public art; and various seating options throughout.

Block 37's terraces, walk-up stoops, balconies, southern courtyard and common outdoor living room all provide a diverse set of both large and small spaces for gathering and play as well as to enjoy the views and activities along the river. The walk-up stoops serve to extend the greenway west while providing residential viewing terraces back to the east. The common living room along the greenway provides and overlook to the river and serves a gathering space for residents while provide visual interest and variety to those moving along the greenway trail.

Given the concerns with the transition to the greenway and the Lane access connection discussed in detail in the findings above, these guidelines have not yet been met.

4. Integrate Materials, Structures, and Art. Integrate high quality, contemporary, visible, and easy-to-maintain structures and materials which respond to context and need. Maintain consistency in structures and allow transition in paving materials where new greenway development abuts existing greenway. Ensure that the greenway trail, its access connections, and the accessways are well lit at night to create a dense of activity and security. Place and shield lighting fixtures so that they do not detract from adjacent use areas. Integrate art within the greenway through evocative forms and materials, including “found objects”.

Findings: Sidewalk materials, components and street trees conform to the South Waterfront District Street Plan criteria and standards. Scoring patterns in the paving and thoughtful placement of benches all add to the pedestrian friendly environment.

The boardwalks over the bioswales along SW Lane harken back to the notion of wood dock structures that serve to provide connection from the water to land and thus incorporate the maritime/nautical thematic elements into the urban landscape while providing a consistent and unifying element with the boardwalks along the Ardea's frontage.

General pedestrian lighting along the frontages will be in accordance with South Waterfront streetscape standards. In addition, discrete landscape lighting is proposed for the terraces along the greenway to enhance evening connection to the trails. Fire-pits on the second floor common living area will provide both warmth and mood lighting. Finally, step lighting will be incorporated into the stairs that connect the south courtyard to SW Lane. All outdoor lighting will be carefully planned to comply with LEED night sky criteria. *This guideline has been met.*

5. Enhance the Riverbank. Utilize riverbank stabilization strategies that enhance the river and riverbank ecosystems. Where appropriate, integrate public access to the water that is safe and supportive of adjacent riverbank areas.

6. Design Diverse Plant Communities. Select appropriate species of native plants based on the soil, light, moisture conditions, context and adjacent uses of the site. Create and enhance habitat through renaturalization, encouraging a structurally diverse and ecologically valuable greenway.

Findings for 5 and 6: The Willamette Greenway Park sits between Block 37 and the riverbank. As a part of the development two rows of stone columns will be placed between the building and the property line to provide both bank and soil liquefaction stabilization. Native landscape plantings will be used throughout the development site. The bio-swales along SW Lane enhance habitat and celebrate the natural environment. Plantings along the greenway will match the planting palette of the Willamette Greenway park. The Bureau of Environmental Services owns and controls the bio-swale between the greenway and the river in front of the property and discourages connection to the river at this location. That being said, greenway access is provided at Gaines that connects to the trails and to river access further north. *These guidelines have been met.*

(2) MODIFICATION REQUESTS (33.825)

33.825.040 Modifications That Will Better Meet Design Review Requirements:

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

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

The following modifications are requested:

1. To exceed the 50' special height limit within 50' of SW Gaines Avenue centerline with a 72' tall building (PZC Section 33.510.252.A).

Findings: SW Gaines is designated as a special building height corridor and as such, limits the height of buildings to 50' within 50' of the street centerline. The proposal is for a 72' tall building with a varying setback along SW Gaines from approximately 6'-0' to 9'-0" to the north property line, with the majority of the upper level facade setback 6'.

At the DA, the Commission stated the modification could be approvable if could be demonstrated that the shadow impact on SW Gaines would be no more than a project that conforms to the zoning envelope that the standard prescribes. The applicant has provided a solar study (Exhibit B-42) that shows a smaller shadow for the proposed building during the worst conditions (winter solstice). The shadow during the summer solstice is shown as having slightly less shadow as a code prescribed tower. An alternate shadow study was provided in a public response (see Exhibit F-1) that appears to demonstrate a greater shadow impact with the proposed Block 37. The applicant has responded stating the alternate solar analysis prepared by the neighborhood "does not accurately reflect the sun's changing angles throughout the day and year".

In addition to solar access, the purpose of the special setback is to provide visual access to the Greenway to the east and the Tualatin Hills to the west. The applicant's response states the 6' setback of the building from the north lot line increases the visual access for pedestrians in both the east and west direction. Views from the hills to the west are less impeded with a 6 story building as they would with a tower. The applicant has also indicated they will provide a view analysis at the hearing to further demonstrate their conclusions.

Given that additional analysis will be provided at the hearing and further discussion is needed, these guidelines have not been met.

2. For the upper floors of the building to project 3'-10" into the required 30' building setback from the centerline of Lane accessway (PZC Section 33.510.252.B).

Findings: If the accessway is 60' wide or less, buildings must be setback at least 30 feet from the centerline of the accessway. This setback has been met at the ground level, however, the upper levels project 3'-10" into the SW Lane accessway. At the DA, the Commission expressed support for a similar projection at the upper level since the design was consistent with the purpose of the setback, which is to provide physical access and connections to the Greenway trail that are safe and convenient. Staff received several comments from the public stating concerns with creating a tunnel effect and setting precedent for future projects.

The intent of the setback is also to contribute to the stormwater management of the district. The project celebrates the treatment of stormwater along SW Lane with a stormwater waterfall that carries stormwater from the second level courtyard to the bio-swales in the accessway. The bio-swales use natural plantings to treat water as it makes its way to the river. Boardwalks cross the bio-swales to provide connection back to the stoops along SW Lane. These treatments all work together to provide transition from the natural environment to the built urban form.

This guideline has not yet been met, as the Commission needs to review the proposed design.

3. Provide 26 tandem parking spaces without an attendant or having to move another vehicle (PZC Section 33.266.130.F.1).

Findings: There are numerous parking bays designed as tandem stalls, in that the front stall does not have access to the drive aisle without moving the vehicle behind it adjacent to the aisle. The tandem stalls are only intended and practical to be leased as a pair to the same unit tenants. Thus, the access and function of the tandem stalls will be handled by the tenants and building management meeting the purpose of the standard to provide convenient exist and entry for vehicles. The tandem stall design supports the applicable guidelines in that they allow for greater vehicle density to be parked in smaller amount of developed footprint while also relieving pressure from surface/street, or above grade structured parking that might otherwise be necessary. *The modification warrants approval.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review

process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The proposed design did take into account some of the strong guiding principles offered at the Design Advice Request (Exhibit G.6). However, as discussed in the findings above, some of the design issues mentioned by the Commission remain and additional concerns exist. Resolution of the identified items is critical to meeting a number of the Central City Fundamental Design Guidelines, South Waterfront Design Guidelines and the South Waterfront Greenway Design Guidelines. The outstanding issues are related to:

- Relationship to the Greenway
- Materials, Composition and Coherency
- Loading and Vehicle Access
- Pedestrian Systems
- Rooftop Design
- Building Height & Setback

TENTATIVE STAFF RECOMMENDATION

At this time, the following Design Guidelines are not yet met:

- A1 Integrate the River
- A1-1 Develop River Edge Variety
- A2-1 Incorporate Active Uses Along the River
- B1 Reinforce & Enhance the Pedestrian System
- B1-2 Enhance Accessway Transitions
- B2 Protect the Pedestrian
- C1 Enhance View Opportunities
- C2 Promote quality & Permanence in Development
- C4 Complement the Context of Existing Buildings
- C4-1 Develop Complementary Structured Parking
- C5 Design for Coherency
- C6 Develop Transitions between Buildings and Public Spaces
- C11 Integrate Roofs & Use Rooftops
- D2 South Waterfront Ares
- 2-1 Address Streets & Accessways

Areas of concern remaining include:

1. Erosion of Building
2. Transition to the Greenway
3. Retail Opportunities
4. Loading on SW Lane
5. Vaults in SW Lane
6. Material, Composition and Coherency
7. Garage Entry Location
8. Rooftop Design
9. Modification to Height Along SW Gains
10. Modification to Setback Along SW Lane
11. Lane Access Connection

Should design approval issues be resolved prior to the hearing, staff could recommend approval. Should design issues not be resolved and the applicant not

request to address design concerns through a continuation of the hearing, staff would recommend denial of the proposed design.

Approval is recommended for the following Modification:

1. Provide 26 tandem parking spaces without an attendant or having to move another vehicle (PZC Section 33.266.130.F.1).

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Procedural Information. The application for this land use review was submitted on February 18, 2014, and was determined to be complete on March 28, 2014.

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 February 18, 2014.

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 (Exhibit G-3).

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 \$.00 will be charged (one-half of the application fee for this case).**

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.

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

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).

Staci Monroe
May 5, 2014

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Applicant's Narrative, Responses to Approval Criteria & Stormwater Report dated April 29, 2014
 2. Applicant's Memo dated March 25, 2014
 3. Applicant's Memo dated April 25, 2014
- B. Zoning Map (attached)
- C. Plan & Drawings
 1. Applicant's Exhibits dated April 30, 2014
- 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
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Water Bureau
 3. Fire Bureau
 4. Bureau of Transportation Engineering
 5. Portland Parks and Recreation
 6. Site Development Section of BDS
 7. Plan Review Section of BDS
- F. Letters
 1. Block 37 Design Review Group, April 18, 2014, stating concerns with building setback along SW Gaines, SW Lane and greenway trail, rooftop design, composition and material quality, garage access and parking.
 2. South Portland Neighborhood Association Land Use Committee, April 24, 2014, stating concerns with building setback along SW Gaines, SW Lane and greenway, design compatibility, material quality, rooftop design and parking.
 3. Carter Beyl, April 24, 2014, stating support for the project.

4. Craig Mendenhall, April 24, 2014, stating support for the project.
5. Paul Soper, April 29, 2014, stating support for the project.
6. Robert and Kandis Nunn, April 30, 2014, stating the design guidelines should be applied vigorously for a high quality and compatible addition to the district.
7. Anastasiya Porchuk, April 30, 2014, in support of the project.
8. Marissa Davis, April 30, 2014, in support of the project.
9. Ryan Cotton, May 2, 2014, in support of the project.
10. Brian Kiolbasa, May 5, 2014, in support of the project (Exhibit F-10)
11. James H. Luke (chair of Nature & Greenspace Committee), May 5, 2014, concerns with building setback and design along the greenway and lack of active ground floor and enhancement of greenway.

G. Other

1. Original LUR Application
2. Incomplete Letter dated March 11, 2014
3. 120-Day Extension Form
4. Memo to Applicant dated March 20, 2014
5. Memo to Applicant dated April 24, 2014
6. DAR Summary dated August 8, 2013
7. Approved Site Plan for Greenway Trail (case file 10-204930)