



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION

CASE FILE: LU 14-153049 DZM AD
PC # 14-124397
Market Street Apartments
REVIEW BY: Design Commission
WHEN: August 14, 2014 at 1:30 PM
WHERE: 1900 SW Fourth Ave., Room 2500A
Portland, OR 97201

It is important to submit all evidence to the Design Commission. City Council will not accept additional evidence if there is an appeal of this proposal.

BUREAU OF DEVELOPMENT SERVICES STAFF: STACI MONROE / STACI.MONROE@PORTLANDOREGON.GOV

GENERAL INFORMATION

Applicant: Kurt Schultz, 503-445-7312 | Sera Design LLC | 338 NW 5th Avenue
Portland, OR 97209

Owner: Paul Rudinsky | Willamette Valley Company | 1075 Arrowsmith Street
Eugene, OR 97402

Site Address: Northwest corner of SW 11th Avenue & SW Market Street (R246653)

Legal Description: BLOCK 266 LOT 3&4, PORTLAND
Tax Account No.: R667729600
State ID No.: 1S1E04AD 05100
Quarter Section: 3128
Neighborhood: Portland Downtown, contact Jennifer Geske at 503-750-9843.
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - University District
Zoning: CXd - Central Commercial zone with a Design overlay
Case Type: DZM AD - Design Review with a Modification and Adjustments
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 residential building on a quarter block site in the West End sub area of the Central City plan district, Downtown sub district. The 65' tall building would provide 67 residential units, two of which would be live-work. Nineteen parking spaces would be provided in the ground level and accessed off of SW 11th, the majority of which would be mechanically stacked spaces. One 9'x18' loading space and parking for 124 bicycles would also be provided within the building. A curb extension is proposed along the SW 11th and Market frontages at the southeast corner, which is where the underground transformer vault will

be located. Outdoor areas are provided in individual balconies, a 2nd floor courtyard and on the rooftop amenity deck. The rooftop would include two stair enclosures, an elevator overrun and a screen enclosure for the mechanical units. Oriel windows would occur on the south and east elevations with an exception requested to the 12'-0" separation requirement (4'-0" proposed). The predominant building material would be brick in two colors, fiber cement panels on the courtyard and north end walls, fiberglass storefront system and vinyl windows.

The following Adjustments are requested:

1. To allow parking access off of SW 11th Avenue, a Parking Access Restricted Street (Section 33.510.563.G.6).
2. To allow more than 2 parking spaces within the ground level of the building (Section 33.510.263.G.9).

The following Modifications are requested:

1. To reduce the 20' required drive aisle width to 18' for the portion of the drive aisle behind the loading and ADA spaces (Section 33.266130.F.2)
2. To reduce the bicycle parking space width from the required 2 feet to 18 inches for all 124 of the proposed long-term bicycle parking spaces (Section 33.266.220.C)

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines
- Adjustment Approval Criteria – Section 33.805.040
- Modifications Approval Criteria– Section 33.825.040

ANALYSIS

Site and Vicinity: The 10,000 SF site is a quarter block lot bounded by SW 11th Avenue and SW market Street. The Portland Streetcar runs south on SW 11th Avenue, turning east onto SW market at the site's SE corner. One of the downtown exits from the I-405 Freeway is one block west, carrying traffic eastbound on SW Market Street. The site is currently developed with a surface parking lot and is within the Goose Hollow Pedestrian District. Surrounding development includes old and new apartment buildings to the north and west, office buildings to the east, and Portland State University facilities to the south. SW 11th is a Transit Access Street, a Traffic Access Street, a Central City Transit/Pedestrian Street, a Community main Street, and a Local Service Bikeway. SW Market is a Transit Access Street, a Traffic Access Street, a Community Corridor, a City Walkway, and a Local Service Bikeway.

Zoning: The Central Residential (RX) zone is a high-density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of housing development will be medium and high rise apartments and condominiums, often with allowed retail, institutional, or other service oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby. RX zones will usually be applied in combination with the Central City plan district.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts

and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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 West End, Downtown Sub-districts of this plan district

Land Use History: City records indicate the following prior land use reviews for this site:

- PC 5987 (LU 90-024234 PC) - An Ordinance granting a revocable permit to US National Bank of Oregon for a commercial parking area.
- LUR 96-00714 PR (LU 96-013601 PR) – Approved Central City Parking Review for an existing 44 space surface parking lot.
- LU 02-138090 PR – Approved Central City Parking Review for an existing 44 space surface parking lot.
- LU 12-215106 DZM AD – A 2012 Design Review for Market View Apartments that was withdrawn after the first Design Commission hearing.

Agency Review: A “Request for Response” was mailed **June 6, 2014**. The following Bureaus have responded with no issues or concerns:

- Water Bureau (Exhibit E-1)
- Site Development Section of BDS (Exhibit E-2)
- Fire Bureau (Exhibit E-3)
- Bureau of Environmental Services (Exhibit E-4)
- Bureau of Transportation Engineering (Exhibit E-5)
- Life Safety Review Section of BDS (Exhibit E-6)
- Bureau of Parks-Forestry Division (no Exhibit)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 17, 2014. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

[1] DESIGN REVIEW

Section 33.825.010 Purpose of Design Review

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

Section 33.825.055 Design Review Approval Criteria

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

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site’s location, the applicable design guidelines are the *Central City Fundamental Design Guidelines*.

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City.

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland’s character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City’s districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City’s districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

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

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.

Findings for A2, A4 & A5: The project incorporates building elements and site design features associated with the Downtown portion of the Central City as well as with the region as a whole. This area of Downtown, called the West End is largely comprised of mid- and high-rise buildings that house ground level retail or residential lobby spaces, with offices, or residential units above. The building is designed to be a contemporary update of the classic and urbane streetcar apartment building prevalent during the early 20th century. It is a modern interpretation of this prototype with classic order and proportion, formality and urbanity, and timelessness. The building’s primary material of brick is widely used throughout the district in a variety of building styles. The proposal’s tripartite proportions, symmetrical facades, consistent, projecting vertical bay elements, generous canopies at building entries, chamfered corner entry and color palette are all features found on both new and old buildings within the district. All of the elements listed above help unify this project with the surrounding built environment, allowing the new building to blend into and enhance the existing urban fabric. *These guidelines are therefore 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 superblock 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.

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

Findings for A3 & A7: The project is a 100’ x 100’ quarter block development which maintains the traditional block pattern present throughout most of the Central City. The building abuts the property lines on the majority of the site, with the exception of the recessed entries and chamfered corner, helping to define the public rights-of-way and creating a sense of urban enclosure where currently none exists as the site is developed with a surface parking lot. The combination of articulated building walls, projecting bays, entry canopies, curb extension at the 11th & Market intersection, and new street trees successfully develops the two street-facing urban edges. *This guideline is therefore 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.

Findings for A8 & B4: Market Apartments is an ”L” shaped building that is designed to create human scaled street frontages and is oriented south to the park and east to the streetcar line. The main entry to the building is located centrally on SW Market Street facing south to the park and is punctuated by a generous glass canopy. The Market Street frontage also includes a social lounge adjacent to the lobby and a leasing office. Live work units are located on the corner and along 11th Avenue to help activate the sidewalk and have the potential to be converted to retail in the future. They are located at sidewalk level and include sidewalk entrances. The building corner at SW 11th and Market is chamfered to create an active corner and to enhance the pedestrian crossing at this revised intersection where the curb is to be extended. The additional sidewalk area that results from the curb extension could be used as seating opportunities if a retail tenant occupies one of the ground floor units. These elements, along with large glazed bays at the ground level will help engage the interior uses of the building with the surrounding neighborhood. *These guidelines are therefore met.*

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

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

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

Findings for B1, B3 & B7: The adjacent two sidewalks will be improved to meet the minimum City standards along the redeveloped site frontages and will be connected to existing crossings. The curb extension proposed at 11th and Market would provide a wider movement zone for pedestrians and also an area for outdoor seating for an adjacent retail

tenant. The garage entry along Market is setback approximately 6'-0", which provides an area where exiting vehicles and pedestrians can see one another before cars enter and cross the sidewalk. The building incorporates human scale design elements that reflect the surrounding pedestrian environment and encourage social interaction. All the building entries will be fully accessible per regulations. *These guidelines are therefore met.*

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

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 for B2 & B6: The proposed development incorporates several design measures that aid pedestrian safety. Vehicle access is limited to one curb cut into the garage area that will be clearly marked as an access point. The garage door is set within approximately 6' of the lot line so cars can adequately see pedestrians crossing the sidewalk when exiting the building. Roadway striping and signage on SW 11th Avenue is has been reviewed and accepted by the Bureau of Transportation to make sure vehicles entering and exiting the building are not in conflict with the Portland Streetcar which turns east at this location. SW 11th Avenue is a less trafficked street than SW Market so the decision to allow access to the garage from SW 11th Avenue alleviates potentially long wait times for residents to exit the garage if the driveway was on SW market Street.

Illumination of the sidewalks will be provided by a combination of streetlights, interior illumination of the residential spaces on the first floor and exterior building lighting. The latter includes wall sconces and recessed can light fixtures located at building entries, exits and garage access. As discussed in detail in the findings below (C11), the mechanical equipment originally proposed on the street facades for the individual residential units has been relocated to the rooftop. The only remaining mechanical expressed on the street-facing facade is for the generator and garage ventilation both near the garage access. A black metal louver to match the storefront system will sit within the entire opening of bay south of the garage for an integrated design. The louver for the garage will be located up in the soffit of the recessed garage entry with very limited visibility. Operation of both vents will be limited to when the generator is needed for backup power or for passive ventilation of the garage and therefore, blowing air onto pedestrians will be a rare occurrence. Again, as discussed in detail below, the rooftop equipment is far up and setback from the pedestrian environment below. Given the integrated designs and limited operation, the impacts on the pedestrian environment should be minimal.

Steel and glass canopies are provided at all three entrances, with the largest (over 8' deep) at the main lobby entry facing SW 11th. These canopies will provide shelter from the weather for residents, guests, and passersby accessing or utilizing the site. *These guidelines are therefore 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 rooftop amenity terrace, large windows on all the residential units on all floors, and the balconies provide views opportunities toward the Portland State University campus to the south, downtown Portland, the river, and mountains to the north and east,

and west. Market Street Apartments also provides stopping and viewing places at the main corner of the building. The corner is cut back at the ground floor to provide a stopping place, and a canopy protects the pedestrian as well at this location. The building's height is modest, in keeping with older residential buildings in the area, and does not negatively impact any designated or significant views. *These guidelines are therefore met.*

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

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

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

Findings for C2, C4 & C5: The proposed building is consistent with the design vocabulary of the West End of the Downtown portion of the Central City. Design characteristics of the area, including massing, scale, material and proportions have been incorporated into this project. The building's materials, brick, fiberglass storefront and steel balconies are known for their durability and quality appearance and are common materials found throughout the city, especially on older buildings, and provide a sense of permanence. The VPI windows on the upper floors have been incorporated into more recent projects and have shown to be comparable to other residential window materials since they can be recessed within the wall, (not flush mounted) and have shown to be more durable than previous vinyl window products. The north end wall and courtyard facing walls are clad in fiber cement panel. The limited use and location of the panels is appropriate on these facades that will have limited visibility given the abutting conditions of the existing and recently approved buildings. The brick will be continued along the west end wall, which is highly visible from the public right-of-way as vehicles and pedestrian move eastward on Market. The brick exterior on this façade was expressed as a preference by the Commission in the Design Advice hearing. To ensure this high-quality brick end wall remains in the project as it continues through its design and permitting phases, a condition of approval is recommended to retain the proposed design.

The 5 over 1 construction with interior parking is a typical apartment building typology found throughout the city. The tripartite division with vertical projecting bays, brick base, strong cornice lines, and a rhythmic facade of punched window openings are design elements that correspond with the massing and scale of the architectural elements on existing buildings in the area. The details of these elements, such as the recession of the windows, brick sills, trim detail on the bay facades and soffits, large steel and glass canopies result in a building that is visually engaging. These elements along with the building materials, color palette and massing result in a coherent building composition on all sides, including the courtyard-facing and end walls. *As conditioned, for the west end wall to remain brick, these guidelines have been met.*

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

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 for C7, C8 & C9: The building has been designed to be entirely residential or allow two live-work or full retail spaces at the ground level. Regardless of the use though, specific design moves help emphasize the base and building corner. The building is chamfered at the southeast corner and accentuated with a covered entry that is fully glazed. The chamfer extends up through the building and is highlighted on the upper floors with steel balconies. Windows are located along each street-facing facade to allow views into active areas, providing visual connections to the sidewalks. A large canopy at the main entry on 11th and smaller canopies on the corner and eastern facade further distinguish this sidewalk zone from the upper portions of the building. Building entrances are located in the middle of the facades and at the corner while the elevators, trash and generator are internal to the building and do not interrupt the exterior design.

The building is designed to follow the tripartite architectural divisions of base, middle and top as is expressed in many Portland apartment buildings. The building incorporates brick in the base with two colors, the lighter accent material occurring below the sill in the bays. Within each bay, the lighter colored brick is setback 4" and the storefront system another 4" for a total 8" recession. This approach provides articulation and finer scaled detail that will be experienced along the entire pedestrian level of the building. Staff struggled with the appropriate design solution for the building's base given the 9' grade change on the site and the effect on the east facade with its high sill levels and large wall plane. Rather than stepping the facade, which are sometimes challenging when trying to maintain interior floor levels for accessibility, exterior solutions like a concrete foundation wall and soldier course detailing were explored. After rendering a few examples, Staff and the applicant agreed that neither of these approaches, as rendered, were complementary to the building's design and were not resolved at the corner or on the south elevation. The articulation of the bays with the two brick colors along with the pre-cast concrete cornice work together to sufficiently define the building's base while providing finer-scaled pedestrian elements. The projecting vertical bays of windows that extend up to the top floor further distinguish the upper levels from the ground floor. *These guidelines are therefore 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: A 35' x 35' courtyard atop the second floor roof provides stormwater treatment for the project as well as usable outdoor space for the tenant spaces that front onto it. The courtyard will also provide pleasant views from the surrounding buildings on the block.

The upper roof includes an outdoor amenity deck, which is accompanied by three structures to house the required exiting for Life Safety. The two stairs and one elevator overrun are dispersed on the roof to align with the interior corridors below. In an attempt to unify these rooftop elements the applicant has clad the exiting structures with fiber cement panels to match the material on the north wall and cream color of the lighter brick. Metal trim caps and a steel canopy on the central elevator add some detail to these visible rooftop elements. Rooftop equipment and a screen enclosure are also proposed, which were a recent addition to the project. While the applicant and Staff agree that a central rooftop location was preferred over the original proposal for PTAC unit and louvers on the street-facing bays, we struggled with the best way to incorporate this rather large element onto an already busy roof. As depicted in the Applicant's Exhibit A.4, several layouts were proposed in an attempt to limit the footprint and views while integrating with the exiting structures. Ultimately, the current design was preferred as it was held back from both street facades, as well as the very visible view from the west as one exits the 405 freeway on Market. The applicant was able to squeeze the footprint down by providing adequate ventilation via the perforated metal screen

material. At 5'-6" tall and setback over 36' from the street facades, the screen and equipment will have limited visibility. The screen succeeds in unifying the individual mechanical equipment and complements the perforated coiling garage door.

Overall, the organized appearance, design and placements of these elements presents visual coherency to the rooftop and, as such, does not negatively affect the Central City skyline or adjacent vantage points. *This guideline is therefore met.*

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

Findings: Illumination of the development consists of wall sconces flanking the three entries plus recessed can lights in the soffits of the garage and exit alcoves and in the main entry canopy on 11th. The lighting fits into the overall building aesthetic by being small in scale and simple in design so they are not visually obtrusive. They also will have no impact on the nighttime skyline as the lighting is directed at the ground level. *This guideline is therefore 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: No signage for the building is proposed at this time. *This guideline is therefore not applicable..*

[2] ADJUSTMENTS

33.805.010 Purpose

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue providing certainty and rapid processing for land use applications.

33.805.040 Approval Criteria

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

The following Adjustments are requested:

Adjustment #1 - To allow parking access off of SW 11th Avenue, a Parking Access Restricted Street (Section 33.510.563.G.6).

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The purpose of the standard is to implement the Central City Transportation Management Plan by managing the supply of off-street parking to improve mobility,

promote the use of alternative modes, support existing and new economic development, maintain air quality, and enhance the urban form of the Central City.

The Applicant's proposal meets the purpose of the Transportation Management Plan in several key areas. First, the proposed loading area and parking configuration provides a single point of entry and exit to ensure that any local vehicle traffic flows smoothly in and around the project site. Second, the site is easily accessible by alternative modes of transportation including walking, biking, and public transit which is present on two sides of the site. Third, the development proposal limits the portion of the building's east façade that must be designated for vehicle access and maximizes the amount of floor area devoted to residential and pedestrian activities. Lastly, the loading area parking associated with the project will be contained in the garage, which removes loading from the street to positively influence the urban form of the Central City. *This criterion is therefore met.*

B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in a C, E, or I zone, the proposal will be consistent with the desired character of the area; and

Findings: The site is located in Portland's highest density residential zone, RX. By limiting the loading area parking entry/exit to a single access point off of SW 11th Avenue, the remainder of the two street-facing building façades will be able to maintain a pedestrian friendly environment through the use of various design elements including ground level windows, entry canopies, street trees and night lighting. These design elements will further enhance the livability of the West End area. Additionally, the single point of entry and exit to the on-site loading area located inside the parking garage removes any site area devoted to vehicles. This leaves the sidewalks free for pedestrians. *This criterion is therefore met.*

C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: See the findings in the second Adjustment below.

D. City-designated scenic resources and historic resources are preserved; and

Findings: There are no city-designated scenic or historic resources on this site. *This criterion does not apply.*

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: As indicated above, the amount of traffic entering the site will be minimal due to the small number of available parking spaces in the garage and the intermittent demand for loading and unloading activities on any given day. With low traffic volume projected, and the restriping and signage proposed along the west travel lane alerting vehicles to the streetcar's turning area, allowing access to the parking garage from SW 11th Avenue should not have any negative impacts on the local street network or Portland Streetcar operations. *This criterion is therefore met.*

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

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

Adjustment #2 - To allow more than 2 parking spaces within the ground level of the building (Section 33.510.263.G.9).

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The regulation limits parking in the ground level of buildings in the West End to one space per 5,000 SF of site, so long the spaces are fully screened from the adjacent street or setback 20' from all property lines. Given the 10,000 SF size of the subject property only 2 spaces are allowed, however, the project proposes a total of 19 parking and 1 loading space in the ground level of the building. The majority of the parking spaces will be stacked mechanical parking for 14 vehicles.

The purpose of the standard is to implement the Central City Transportation Management Plan by managing the supply of off-street parking to improve mobility, promote the use of alternative modes, support existing and new economic development, maintain air quality, and enhance the urban form of the Central City. The proposal meets the purpose of the Transportation Management Plan in several ways. The West End boundary is from Market to Burnside and 9th to the 405 freeway. This subarea of Downtown is characterized by the streetcar line that runs north and south on 10th and 11th and with typically smaller lots of quarter block or less. Given these conditions, the intent of the regulation to limit parking is likely to prevent parking from dominating the ground floor of buildings and adversely impacting the pedestrian level in this transit-oriented area. The project has successfully contained and limited the parking by using a stacked mechanical system. This allows more spaces devoted to off-street parking and loading while allowing most of the ground floor to be devoted to active uses that engage the pedestrian environment. The portion of the garage exposed on the exterior façade is 24' long and thoughtfully designed with brick and a perforated coil garage door to obscure the vehicle area within. The parking ratio of 1 space per 4 units and the additional bike parking provided (more than 1/3 of the required long term spaces) will still encourage the use of alternative modes of transportation. Overall, the compact parking area the design of the street facades positively influence the urban form of the Central City. *This criterion is therefore met.*

B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in a C, E, or I zone, the proposal will be consistent with the desired character of the area; and

Findings: The site is located in Portland's highest density residential zone, RX. The portion of the garage expressed on the exterior is limited to the 24' wide garage door along 11th, which contains a perforated coiling door to obscure the interior vehicles activities. The remaining, and majority, of the ground floor is dedicated to active uses and designed with pedestrian-scaled details like canopies, extensive glazing, light fixtures and brick details. Limiting the visibility of the parking and imploring such design elements will further enhance the livability of the West End area. *This criterion is therefore met.*

C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: The two adjustments, to allow parking off of SW 11th and for parking within the ground floor, work together to concentrate and limit parking on the site to a single access point designed to limit the impacts of off-street parking on the ground level of the building. As such, there is no cumulative adverse effect with the adjustment requests. *This criterion does not apply.*

D. City-designated scenic resources and historic resources are preserved; and

Findings: There are no city-designated scenic or historic resources on this site. *This criterion does not apply.*

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: As mentioned in the findings above, the vehicle activities will be screened by a perforated coiling garage door and majority of the ground level façade designed for active uses. *This criterion has been met.*

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

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

[3] MODIFICATIONS

33.825.040 Modifications That Will Better Meet Design Review Requirements:

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

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

Modification #1 - Reduce the 20' required drive aisle width to 18' for the portion of the drive aisle behind the loading and ADA spaces (Section 33.266130.F.2)

Findings: The drive aisle dimensions are intended to promote safe circulation within the parking area. The 18'-0" aisle width reduction only occurs where the loading and handicap spaces are proposed at the eastern end of the garage. The 20'-0" wide maneuvering area is met in the remainder of the garage. 18'-0" is sufficient for two vehicles to pass for access to the spaces beyond. The additional 2'-0" required by the Zoning Code provides additional move for the turning radius of cars to pull in and out. A tighter turn, or 3 point turn, may be necessary for larger vehicles maneuvering in and out of the four affected spaces. Given that this is a private parking area for the tenants contained within the site, the tenants will be familiar with this condition and be able to anticipate the additional maneuvering that may be required. Transportation has stated no concerns with the reduction and does not anticipate any adverse impacts on the pedestrian or street system. The modification is therefore consistent with the purpose.

The more compact parking area allows for more area devoted to active uses and facades with more pedestrian scaled features such as extensive glazing, light fixtures and brick details that better meets the following design guidelines: A5. Enhance, Embellish, and Identify Areas, A8. Contribute to a Vibrant Streetscape, B2. Protect the Pedestrian, and C5. Design for Coherency.

Modification #2 – To reduce the bicycle parking space width from the required 2 feet to 18 inches for all 124 of the proposed long-term bicycle parking spaces (Section 33.266.220.C, Standards for all bicycle parking).

Findings: The project includes 124 total long term bicycle parking spaces, which is based on proposed residential and live-work uses, but actually is 11 spaces more than the minimum required by Code. Accommodating 124 bicycle parking spaces in a horizontal rack would consume considerable floor area. Relying upon a vertical/wall hanging bike rack is a more efficient use of space, and is identical to the parking system recently approved in the several projects including Pearl Block 17 project (LU 13-178392), Overton Apartments project (LU 13-233011) and Pearl West (LU 14-137564). The proposed functional and space efficient system better meets the design guidelines because it eases floor plan demands and results in additional opportunities for active uses at the street, such as office lobby space and retail tenant spaces.

The proposed bike rack system is engineered to stagger bikes vertically to allow the handle bars to overlap. This allows the proposed racks, within an 18” space, to provide the same level of service that would be provided by a standard 24” on center spacing. 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. For these reasons, the bicycle parking system is safe and secure, located in a convenient area, and designed to avoid any intentional or accidental damage to bicycles; as such, the proposal is consistent with the purpose statement of the bicycle parking standards. Additionally, the project proposes more bike parking than the minimum required by Code. *The modification warrants approval.*

[4] Exception Requests

Exception for Window Projection into Public Right-of-Way IBC/32/#1 - Standards for windows allowed to project into public right-of-way: To reduce the separation of the oriel windows on the south and east elevations from the 12’-0” requirement to the 4’-0” proposed.

A. Projection. Maximum projection of 4 feet into the right-of-way including trim, eaves and ornament.

Findings: The maximum projection is 2’-10”. *This Criterion is met.*

B. Clearance. Clearance above grade as defined in Chapter 32, Section 3202.3.2 of the current Oregon Structural Specialty Code. (The 2004 edition of the Oregon Structural Specialty Code states that no projection is allowed for clearances less than 8 feet above grade. For clearances above grade greater than 8 feet, 1 inch of projection is allowed for each additional inch of clearance, provided that no such projection shall exceed a distance of 4 feet.)

Findings: Minimum clearance above grade is 20’-10” and the maximum projection is 2’-10”. *This Criterion is met.*

C. Area. Maximum wall area of all windows which project into public right-of-way on a wall is 40% of the wall’s area.

Findings: Projecting wall area is 26% on SW Market Street and 25% on SW 11th Avenue. *This Criterion is met.*

D. Wall Length. Maximum width of any single window which projects into public right-of-way is 50% of its building wall length.

Findings: The largest maximum window width is 11% on both facades. *This Criterion is met.*

E. Window Area. Minimum of 30% window area at the face of the projecting window element. Projections greater than 2 feet 6 inches must have windows at all sides. Required side windows must be a minimum of 10% of side walls.

Findings: Front-facing window area of the projecting elements is 59% and the side walls are 58% glazed. *This criterion is met.*

F. Width. Maximum width of 12 feet for each projecting window element. When approved through Design Review, the width may vary provided the area of all windows on a wall which project into public right of way does not exceed 40% of the wall's area and the width of any single projecting window element does not exceed 50% of its building wall's length.

Findings: Proposed projections are 10'-0" wide on both facades. *This criterion is met.*

G. Separation. Minimum separation of 12 feet measured from other projecting window elements on the same elevation or plane of wall. When approved through Design Review, required separation may vary provided the area of all projecting window elements on a wall does not exceed 40% of the wall's area and the width of any single projecting window element over the right-of-way does not exceed 50% of its building wall's length.

Findings: The projecting bays on each facade are grouped into two sets. Within each set the separation between the bays is only 4'-0". As mentioned above in Standards C and D, the bays on the south façade constitute 26% of the wall area with 25% on the east façade and individually, the bays are only 11% of the wall length on both street facades. The proportions and placement of the projecting bays add variety to the east and south building facades, and help unify the overall symmetrical design. These types of bays are seen on numerous older apartment buildings in the city, allowing this building blend into the urban fabric. The bottom of each bay is quite high above the sidewalks so they will not feel heavy or encroach into the pedestrian realm and create opportunities for additional decorative detailing. *This criterion is not met for the width of the four projecting bays but is approvable through Design Review.*

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 design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposed building is consistent with the design vocabulary of the West End by incorporating characteristics of the area, including massing, scale, material, proportions and design details that enhance this active pedestrian environment. The Modifications and Adjustment allow for some off-street parking to be providing in manner that does not adversely impact the pedestrian experience or

sacrifice the ground floor quality of the building. The proposal meets the applicable design guidelines, Adjustment, Modification and design exception criteria and therefore warrants approval.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time prior to the Design Commission decision)

Approval of a 6-story building (Market Street Apartments) with 67 residential units (2 live-work) and 19 parking spaces on a quarter block site in the West End sub area of the Central City plan district, Downtown sub district, subject to the conditions below:

Approval of the following Adjustments:

1. To allow parking access off of SW 11th Avenue, a Parking Access Restricted Street (Section 33.510.563.G.6).
2. To allow more than 2 parking spaces within the ground level of the building (Section 33.510.263.G.9).

Approval of the following Modification:

1. Reduce the 20' required drive aisle width to 18' for the portion of the drive aisle behind the loading and ADA spaces (Section 33.266.130.F.2)
2. To reduce the bicycle parking space width from the required 2 feet to 18 inches for all 124 of the proposed long-term bicycle parking spaces (Section 33.266.220.C, *Standards for all bicycle parking*).

If approved, staff recommends the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 14-153049 DZM AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The west end wall must remain brick with the details indicated on Exhibit C.19.

Procedural Information. The application for this land use review was submitted on May 6, 2014, and was determined to be complete on **Jun 4, 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 May 6, 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 did not waive or extend the 120-day review period.

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

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information

satisfactorily demonstrates compliance with the applicable approval criteria. This report is the recommendation of the Bureau of Development Services with input from other City and public agencies.

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

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

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

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

Appeal of the decision. The decision of the Design Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Design Commission, only evidence previously presented to the Design Commission will be considered by the City Council.

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. **Appeals must be filed within 14 days of the decision. An appeal fee of \$5,000.00 will be charged (one-half of the BDS application fee, up to a maximum of \$5,000).**

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

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

Recording the final decision.

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

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

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

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

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

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

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

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

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

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

Planner's Name: Staci Monroe

Date: August 8, 2014

EXHIBITS

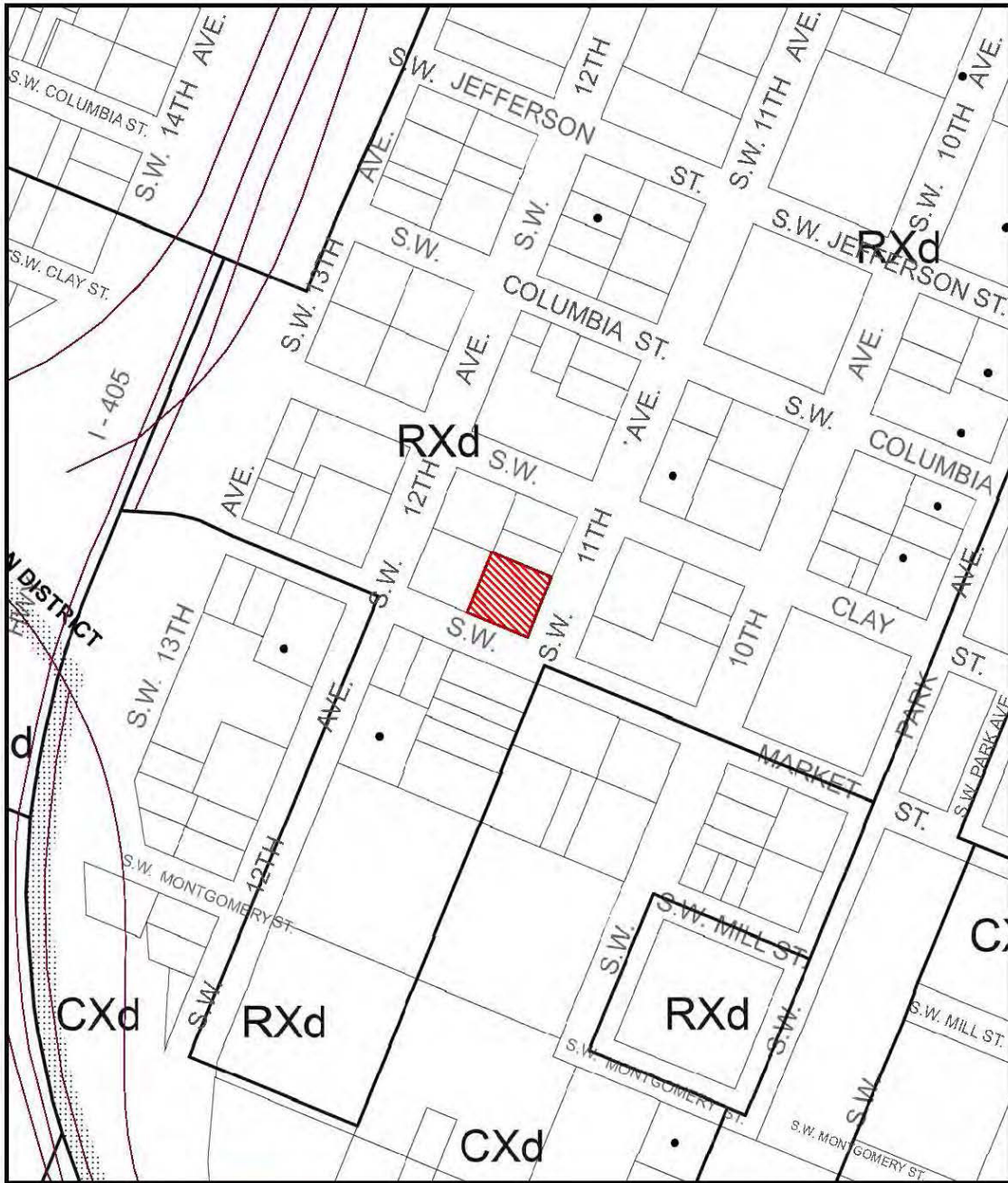
NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement:

1. Applicant's Narrative & Response to Approval Criteria
2. Stormwater Report dated 4/29/14
3. Pre-Application Summary Memo dated 4/24/14

- 4. Rooftop Mechanical Screen Study (3 pages)
- 5. Geotech Report dated April 9, 2014
- B. Zoning Map (attached)
- C. Plans & Drawings:
 - 1. through C.31
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailing list
 - 6. Mailed notice
- E. Agency Responses:
 - 1. Water Bureau (Exhibit E-1)
 - 2. Site Development Section of BDS (Exhibit E-2)
 - 3. Fire Bureau (Exhibit E-3)
 - 4. Bureau of Environmental Services (Exhibit E-4)
 - 5. Bureau of Transportation Engineering (Exhibit E-5)
 - 6. Life Safety Review Section of BDS (Exhibit E-6)
- F. Letters: none
- G. Other:
 - 1. Original LUR Application
 - 2. Incomplete Letter dated 5/22/14
- H.

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



ZONING

-  Site
-  Historic Landmark

 NORTH

This site lies within the:
**CENTRAL CITY PLAN DISTRICT
DOWNTOWN - WEST END**

File No. LU 14-153049 DZM AD
1/4 Section 3128
Scale 1 inch = 200 feet
State_Id 1S1E04AD 5100
(May 7, 2014)