



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

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REVISED STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION

CASE FILE: LU 14-246259 DZM
PC # 14-184664
Couch 9
REVIEW BY: Design Commission
WHEN: April 16, 2015 @ 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 503-823-0624 /
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GENERAL INFORMATION

Applicant: Don Vallaster & Jeff Erwin | Vallaster Corl Architects | 711 SW Alder Street, Penthouse Suite | Portland, OR 97205

Owner: Timothy O'Brien, Urban Asset Advisors | Couch 9 LLC | 1211 NW Glisan St, Suite 204 | Portland, OR 97209

Site Address: 115 & 125 NW 9TH AVENUE

Legal Description: BLOCK 64 LOT 1, COUCHS ADD; BLOCK 64 LOT 4, COUCHS ADD; BLOCK 64 LOT 5, COUCHS ADD

Tax Account No.: R180205810, R180205830, R180205850

State ID No.: 1N1E34CB 07900, 1N1E34CB 08000, 1N1E34CB 08100

Quarter Section: 3029

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

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

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

Plan District: Central City - River District

Zoning: EXd – Central Employment zone with a Design overlay

Case Type: DZM – Design Review with Modifications

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

Proposal:

The applicant seeks Design Review approval for a mixed-use building at the northwest corner of NW 9th Avenue and Couch Street in the River sub district of the Central City

plan district. The 11-story building would contain commercial uses on the ground level (approximately 8,000 SF) with 137 residential units on the upper floors. Two underground levels of parking would be provided with 87 spaces accessed at the north end of the site off NW 9th. A loading bay is proposed adjacent to the garage entry to accommodate one of the two small loading spaces provided on site. Bike parking for the building’s occupants (242 total) would be provided throughout the building in common storage areas and within the individual units. Short-term bike parking for visitors will be placed in the sidewalk along the building’s frontage by paying into the PBOT bike fund. A roof garden at the second floor level will provide a storm water retention and filtration area. Amenities for the residents would be provided by individual balconies and on the north roof with an outdoor space for common use, clubroom and fitness area. The exterior finishes of the building would include cast-in-place (CIP) concrete, zinc and pre-finished metal panels in three types ranging from 18 to 19 gauge (unbacked) applied both vertically and horizontally (12’ wide flush, interlocking, and flatlock panels), perforated metal panels for balcony guardrails, metal wire mesh for rooftop screen walls, aluminum storefront and fiberglass windows.

The proposed 9:1 FAR and 126’-8” building height is achieved through residential floor area and height bonuses of Portland Zoning Code (PZC) Section 33.510.210.

The following Modifications are requested:

1. Reduce the required 8’-6” width of some of the parking spaces within the basement garage down to 8’-0” due to the location of structural columns (PZC Section 33.266.130.F)

Approval Criteria:

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

- Central City Fundamental Design Guidelines
- River District Design Guidelines
- Modifications Through Design Review – Section 33.825.040

ANALYSIS

Site and Vicinity: The site consists of 3 tax lots at the NW corner of the intersection of NW 9th and NW Couch. The grades rises approximately 4’ from the east edge on 9th to the west end of the site. The change grade from north to south is less than 1’. Two one-story garage buildings are situated on the north portion of the site with a surface parking area on the south half. This area of the Pearl District consists of primarily residential and commercial uses, with a wide variety of building scales. Both NW Couch and NW 9th are local service streets. The site is within the Northwest Triangle Pedestrian District.

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

The “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by

requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed February 26, 2015. The following Bureaus have responded with no issue or concerns (See Exhibits E-1 through E-6):

- Bureau of Environmental Services
- Bureau of Transportation Engineering and Development Review
- Water Bureau
- Plan Review Section of BDS
- Site Development Section of BDS
- Bureau of Parks, Forestry Division

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 26, 2105. Two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Patricia Riley, 3/10/15, stating concerns with metal panel siding.
2. Pearl District Neighborhood, 3/19/15, stating concerns with the proposed west elevation and a preference for the original design.

Response: At the hearing on 3/19/15, the Design Commission did not share the same concern with metal paneling and was supportive of the exterior finishes proposed. The Design Commission did have some concerns with the west elevation; however, it was not a preference for the original design. The applicant has revised the west elevation to address their concerns, which are discussed in detail in the findings below.

ZONING CODE APPROVAL CRITERIA

(1) DESIGN REVIEW – CHAPTER 33.825

Section 33.825.010 - Purpose of Design Review

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

Section 33.825.055 - Design Review Approval Criteria

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

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site’s location, the

applicable design guidelines are the Central City Fundamental Design Guidelines and River District Guidelines.

River District Design Guidelines and Central City Fundamental Design Guidelines

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

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

River District Design Goals

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

Central City Plan Design Goals

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

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

A1. Integrate the River. Orient architectural and landscape elements including, but not limited to lobbies, entries, balconies, terraces, and outdoor areas to the Willamette River and greenway. Develop access ways for pedestrians that provide connections to the Willamette River and Greenway.

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

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

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

Findings for A1, C1 & C1-1: The outdoor rooftop amenity space is situated on the eastern bar atop the 10th floor. Its orientation towards the river may afford some views of the Willamette from certain vantage points on the roof deck. Views of the river may also occur from within the units or from the balconies on the eastern façade. At the ground level, continuous large, glazed storefronts along the east and south facades provide visual connections to the surrounding pedestrian activities. *These guidelines have been met.*

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

Findings: The project includes a number of features that relate to Portland's identity. A large visible on-site stormwater facility atop the 2nd floor expresses the rainy climate of the Pacific Northwest. A large amount of bike parking for the residents supports the bike culture of the City. The outdoor roof deck with its eastern orientation will afford some views of the area's natural features including the Willamette River and Mt. hood. *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 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 site is a 100' x 150' development which is slightly larger than the traditional ¼ block pattern present throughout most of the Central City. The building extends close to the property lines on the majority of the site, the exception being the recessed entries and 4'-0" setback at the southeast 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 canopies, new street trees and ornamental street lights successfully develops the two street-facing urban edges. *These guidelines have been met.*

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

A5. Enhance, Embellish and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

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

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

- 1) Recognizing the urban warehouse character of the Pearl District when altering existing buildings and when designing new ones.
- 2) Recognizing the urban warehouse character of the Pearl District within the design of the site and open spaces.

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

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

Findings for A4, A5, A5-1, A5-1-1 and C4: A consistent streetscape through the use of established street elements will be employed. These elements include wider sidewalks, street trees, and historic lighting. Programmatic elements enliven the sidewalk: destination street level retail, a high proportion of street level transparency, and a cantilevered low profile overhead wood canopy, enhance the street level experience. Elements of the building, such as materials (i.e. metal panel and glass), balconies and canopies continue a pattern established by similar mixed-use projects. These buildings elements along with the massing, scale, color are also complimentary to the more modern buildings nearby, which continues to enhance the architectural language and palette of materials evident in the Pearl District. *These guidelines have been met.*

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

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

Findings: Stormwater planters atop the 2nd level will treat water from the upper roofs. At times of high water volume due to rain the retention of water will be visible and will be a focal point from the balconies above. *This guideline has been met.*

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

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

Findings: No formal art piece is proposed as the building extends close to the property lines for the majority of its frontage. However, the building itself is rather dynamic with the use of zinc metal panels in different orientations and some with a vertical stagger, the vibrancy of the orange color employed at all of the balconies and the variation in balcony types (recessed, projecting and open-air stacked). *This guideline has 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

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.

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

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

Findings for A7, A8, B1 & B1-1: The ground floor is located within a 1'-6" of the property line along the majority of its street frontages on NW Couch and NW 9th, with the exception of recessed entries and the southeast building corner which steps back 4'-0". The upper 10 floors are built to the property line. This provides a consistent building edge along the right-of-way with buildings in the immediate area. The recessed entrances allow for more generous access areas and the ground floor setbacks provide extensions to the sidewalk for public gathering or outdoor seating in a manner that will not disrupt the pedestrian through-zone in the sidewalk.

At the DAR, the Design Commission noted more human-scaled elements were needed along the ground level. In response, canopies with wood soffits and signage were added to all of entries and along the storefront at the southeast corner where the building is setback 4'-0". This jog at the southeast corner also provides a break in the ground level providing some articulation. In addition, the stemwalls were lowered below the storefronts increasing the glazing along the sidewalk. Together the canopies, future signage, glazing, variation in the ground level, outdoor seating and gathering spaces ensure a vibrant streetscape with finer-scaled elements for the pedestrian. *These guidelines have been met.*

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

Findings for B2 and B3: As noted in the findings below, sidewalk-oriented downlights have been provided in the canopies and soffits of the ground floor and signage is not part of the review. Louvers have been appropriately located in the upper portion of the ground floor away from the pedestrian environment. The louvers are well integrated in the storefront system, occur above the canopy and are setback from the 2nd floor above. An exhaust lantern in the stormwater facility atop the 2nd floor will mechanically ventilate the garage with no impact on the street façade or pedestrian environment. The passive system exchanges air in the garage and the applicant has confirmed this operation will not create any odors or noise for the residents.

The garage door is proposed to align with the face of the building. Transportation has reviewed a queuing analysis for this location to ensure the cars waiting to enter the site are not blocking the sidewalk or stacking in the travel lane on NW

9th. Transportation has accepted the study and garage door location with the following Conditions of Approval to ensure the safety of pedestrians and reduce the traffic impacts on NW 9th:

- The garage security gate must be timed to fully open or close within 15 seconds or less.
- The parking garage shall be limited to residential parking only.
- The garage opening must be a minimum of 20-ft wide clear of any obstructions.
- The door shall be activated by drivers using a remote control.

As conditioned by Transportation, 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.

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 B6 and C10: Upper floor balconies and street level canopies project beyond the property line and into the public-right-of-way. These projections have are designed with a low profile, and some transparency (perforated metal guardrails), in order to reduce their visual impact while still adding detail and interest to the streetscape. The recessed entries and portions of the ground floor combined with the 4'-0" depth of the canopies above the sidewalks with provide ample weather protection for those accessing the building and along the sidewalk. *These guidelines have been met.*

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

Findings: The building and its entrances have been designed for full access for people of all abilities. Specifically, at the southwest corner where the sidewalk level and finished grade of the interior space is different, an interior ramp has been provided within the tenant space for full access. *This guideline has been met.*

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

Findings: A variety of high quality materials, including metal panels, glass, concrete, steel, aluminum and fiberglass are combined to provide a rich architectural expression. Details are carefully designed to give the building a sense of quality. Regarding the metal panels, three types are proposed (12' wide flush, interlocking, and flatlock tile) that range from 18- to 19-gauge (unbacked) applied both vertically and horizontally. The Design Commission has set the bar recently for metal panels to be no less than 18-gauge if unbacked to ensure the panels do not 'oil can' or buckle over time. The 'oil can' effect is the result of metal gauge and panel type and can also be attributed to installation methods and buildings aging or settling. The 19-gauge unbacked metal proposed is a wall tile system, similar to the tiles at the Arthouse and Block A Apartments projects (latter is currently under construction). As a wall tile system, the rectangular tile has 5 points of attachment along its 4'-0" length (see spec sheet in exhibits). This allows for a tighter application to the wall surface with fewer opportunities for the tile to bend. Staff feels that although the gauge of the flatlock panel is lower, the

type of panel (tile) and mounting details will ensure a high quality finish and not 'oil can' over time.

At the hearing on March 19th, the Design Commission shared Staff's concern with the durability of the metal panel exterior around the garage and loading area. In response, the applicant has replaced the metal panel with 1/4" steel plate painted dark gray, which will be more resistant to the vehicle and loading activities that will occur along this portion of the ground level. *As revised, this guideline has been met.*

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

- 1) Designing street facing parking garages to not express the sloping floors of the interior parking.
- 2) Designing the sidewalk level of parking structures to accommodate active uses, display windows, public art or other features which enhance the structure's relationship to pedestrians.

Findings for C3-1: The parking is provided in two levels fully below-grade, with only the garage entry expressed at the north end of the 9th Avenue façade. The garage entry and the loading bay have been ganged at the north end to preserve the southeast corner and larger portions of ground level for active commercial and lobby spaces. As ganged, the two vehicle entries reside within the concrete ribbon along the building's base, slightly setback and use similar finishes and colors that read as a composed element. *This guideline has been met.*

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

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 for C4 and C11: Separating the building design into two distinct volumes reduces the building's scale. Each one has its own unique expression and compliments the other – one is linear (on 9th Avenue) with horizontal window patterns and punched openings, while the other is vertical, expressed by its narrower and taller form and tight building skin. They are attached with a concrete ribbon with a glass volume that contains the commercial spaces, entries and garage/loading bay. Both volumes use common details and materials to make the building a unified whole.

At the DAR, the Design Commission stated the western façade should more compelling and consistent with the composition of the south and east facades. At the hearing on March 19th, the applicant presented changes that eliminated the vertical sliding shade screens and incorporated colored horizontal guardrails, which is more consistent with the balcony expression on the rest of the facades. However, the Design Commission stated the composition was too complicated and more coherency was needed, particularly with the railings. These concerns with the west elevation were addressed as follows:

- False vertical columns were removed.

- Offsets of balconies were increased by 1' to provide more depth to the overall façade.
- Color of the concrete frame was rendered more accurately (darker gray) to quiet the frame element and better complement the color palette of the building.
- As suggested for a single railing language, the applicant explored all perforated railings in lieu of the cable rail, however, it was not preferred by the applicant as it appeared too monotonous and solid. Therefore, the alternating perforated railings and cable rails have been maintained for openness and contrast across the façade.

At the 3/19 hearing, several other items were discussed and have been addressed as follows:

- The windows on the west end wall are more organized and now stacked with darker metal panels between the floor levels. This strengthens the vertical on this flush end wall creating more interest and articulation and better complements the end wall treatment on the north elevation.
- The windows on the west façade of the 11th floor clubroom have been modified and enlarged to better complement the proportions and styles of the windows on the other facades, as well as add functionality.
- As requested, a colored sample of the perforated metal railing will be provided at the hearing on April 16th.
- The Commission encouraged the applicant to explore a material more refined than concrete for the (ribbon) base. The applicant prefers the CIP concrete and has provided a spec for architectural CIP concrete that includes smooth formliners, admixtures (plasticizers and air entrainment), vibration and non-staining formliner oils to ensure a smooth, polished finish.
- Some concerns (minority) were expressed regarding the location and size of the mechanical units on the lower northern roof. The applicant has consulted with their mechanical contractor and has decided to retain the original units and locations.

As revised, the overall composition of the building has improved and 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.

Findings: The building is oriented to the intersection at 9th Avenue and NW Couch Street. It presents a long transparent corner retail space and entry at the street-level. Above, the recessed balconies break down the mass of the building by eroding the corner, which adds visual interest to the intersection. A recessed storefront and entry at the corner creates a larger effective sidewalk area for public gathering. Ground floor retail will have an entrance, sign and marquee accentuating the corner. This guideline has been met. *This guideline has been met.*

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

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

Findings for C8 and C9: Building elements at the ground level such as canopies, large windows, lighting and future signage help create a human scale for pedestrians along the sidewalk. Uses within the commercial spaces could easily spill out into the building frontage zone, especially at the southeast corner where the ground floor steps back 4'-0", for outdoor seating or display of goods. Building elevations show a distinct difference in façade design between the first floor, which is mostly glass, and the upper floors, which is a wall with windows. *These guidelines have been met.*

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

Findings: The project will incorporate historic twin ornamental street lighting along its frontage. Building lighting will consist of recessed can lights in soffits, linear LED lights under the canopies, and step lights on balconies and rooftop deck. All of these lights are integrated in their concealed nature and focus the illumination downward so as not to impact the skyline at night. *This guideline has 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.

Findings: The sign atop the canopy at the main lobby entry and individual tenant signs mounted below the canopies are less than 32 SF in size and therefore not subject to review. However, the sign is appropriately scaled and located, and highlights the building entrances. *This guideline is not applicable.*

(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 Modification is requested:

- To reduce the minimum parking space width from 8'-6" to 8'-0" (PZC Section

33.266.130.F, Table 266-4).

Findings: The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. Structural concrete columns would be located between some parking stalls that would protrude 6” into the 8’-6” clear width of the stall on each side. The columns are located near the front end of the space so as not conflict with car door operations. This reduced width will accommodate a regular sized vehicle, however, may require addition maneuvering. Building management could also limit these spaces to compact vehicles, if desired.

The modification better meets design guideline C1-1 (Integrate Parking) in that it allows more parking to be integrated in the development underground while allowing the ground level active uses along NW Couch and NW 9th that enhances the relationship with pedestrians. *This criterion has been met.*

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 proposal is responsive to the major items identified by the Design Commission in the prior Design Advice and from the hearing on March 19th. With the recent changes Staff feels the Couch 9 project will be a significant contribution to the skyline, diverse architecture and active pedestrian environment that characterizes the River sub district. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

TENTATIVE STAFF RECOMMENDATION

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

Staff recommends Design Review approval for an 11-story building (Couch 9) at the northwest corner of NW 9th Avenue and Couch Street in the River sub district of the Central City plan district with the following components: 137 residential units, approximately 8,000 SF of commercial space, 87 below-grade parking spaces, 2 on-site loading spaces and 242 long-term bike spaces.

Staff recommends approval of the following Modification:

1. Reduce the required 8’-6” width of some of the parking spaces within the basement garage down to 8’-0” due to the location of structural columns (PZC Section 33.266.130.F)

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 14-246259 DZM ". All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Prior to building permit issuance, Transportation will require the following details to be demonstrated on the plans:
 - The garage security gate must be timed to fully open or close within 15 seconds or less.
 - The parking garage shall be limited to residential parking only.
 - The garage opening must be a minimum of 20-ft wide clear of any obstructions.
 - The door shall be activated by drivers using a remote control.

=====

Procedural Information. The application for this land use review was submitted on December 5, 2014, and was determined to be complete on January 27, 2015.

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 December 5, 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. Unless extended by the applicant, **the 120 days will expire on May 24, 2015:**

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 review body, only evidence previously presented to the review body 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. An appeal fee of \$5,000.00 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
April 9, 2015

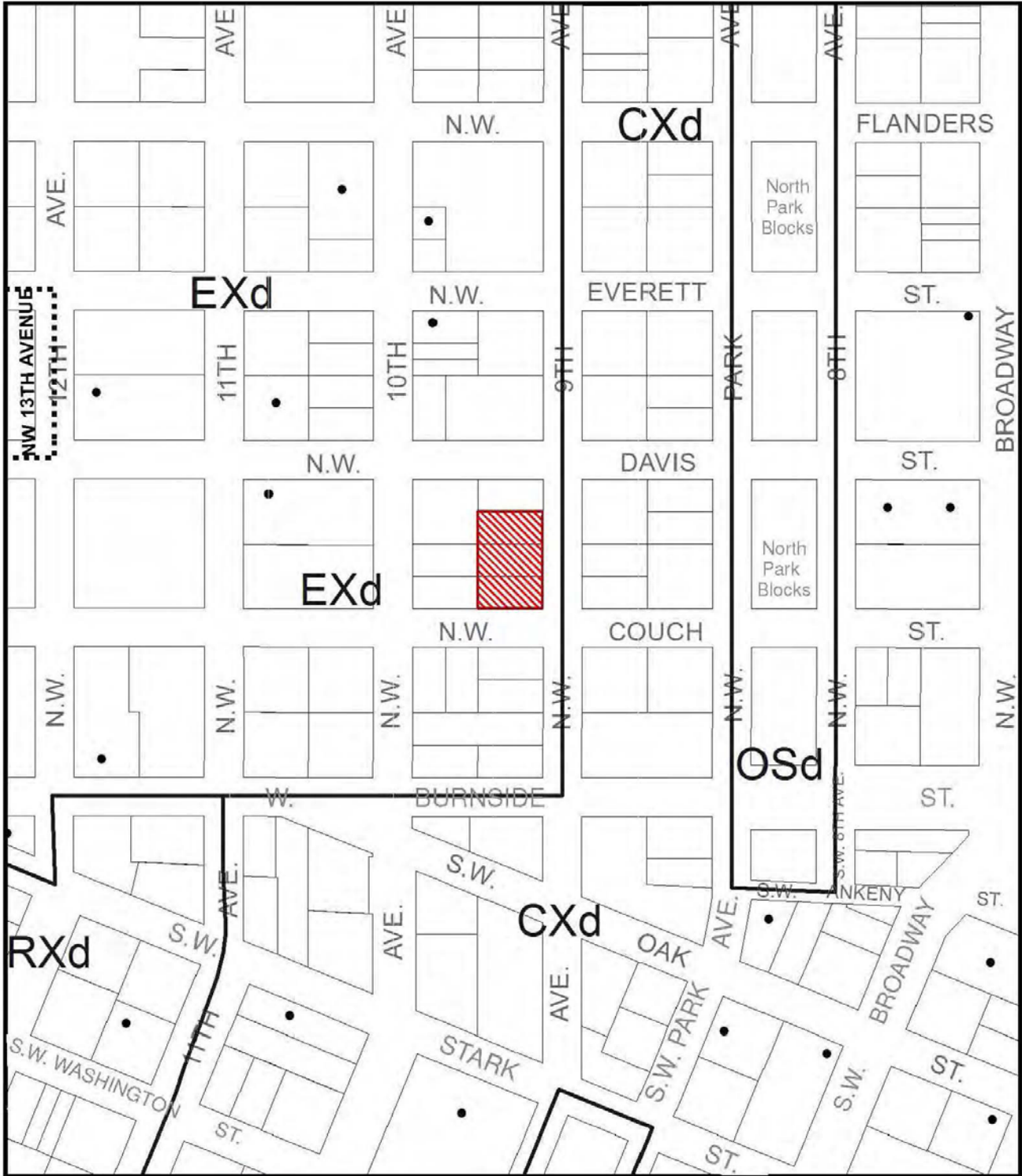
EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement
 - 1. Project & Zoning Summary and Responses to Approval Criteria
 - 2. Stormwater Management Plan dated 1/20/15
 - 3. Vehicle Queuing Analysis for Garage Entry dated 1/26/15
- B. Zoning Map (attached)
- C. Plan & Drawings
 - 1. Through 52 (C20, C28, C.30-C33 attached)
 - 53. Manufacturer Cutsheets
 - 54. Architectural Concrete, Forming and Accessories Specs
- 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. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Plan Review Section of BDS
 - 5. Site Development Section of BDS
 - 6. Bureau of Parks, Forestry Division
- F. Letters
 - 3. Patricia Riley, 3/10/15, stating concerns with metal panel siding.

4. Pearl District Neighborhood, 3/19/15, stating concerns with the proposed west elevation and a preference for the original design.

G. Other

1. Original LUR Application
2. Incomplete Letter dated 12/22/14
3. Staff Report & Recommendation to the Design Commission dated 2/26/15
4. Copy of Staff's Presentation from 3/19/15 hearing



ZONING



Site



Historic Landmark



NORTH

This site lies within the:
CENTRAL CITY PLAN DISTRICT

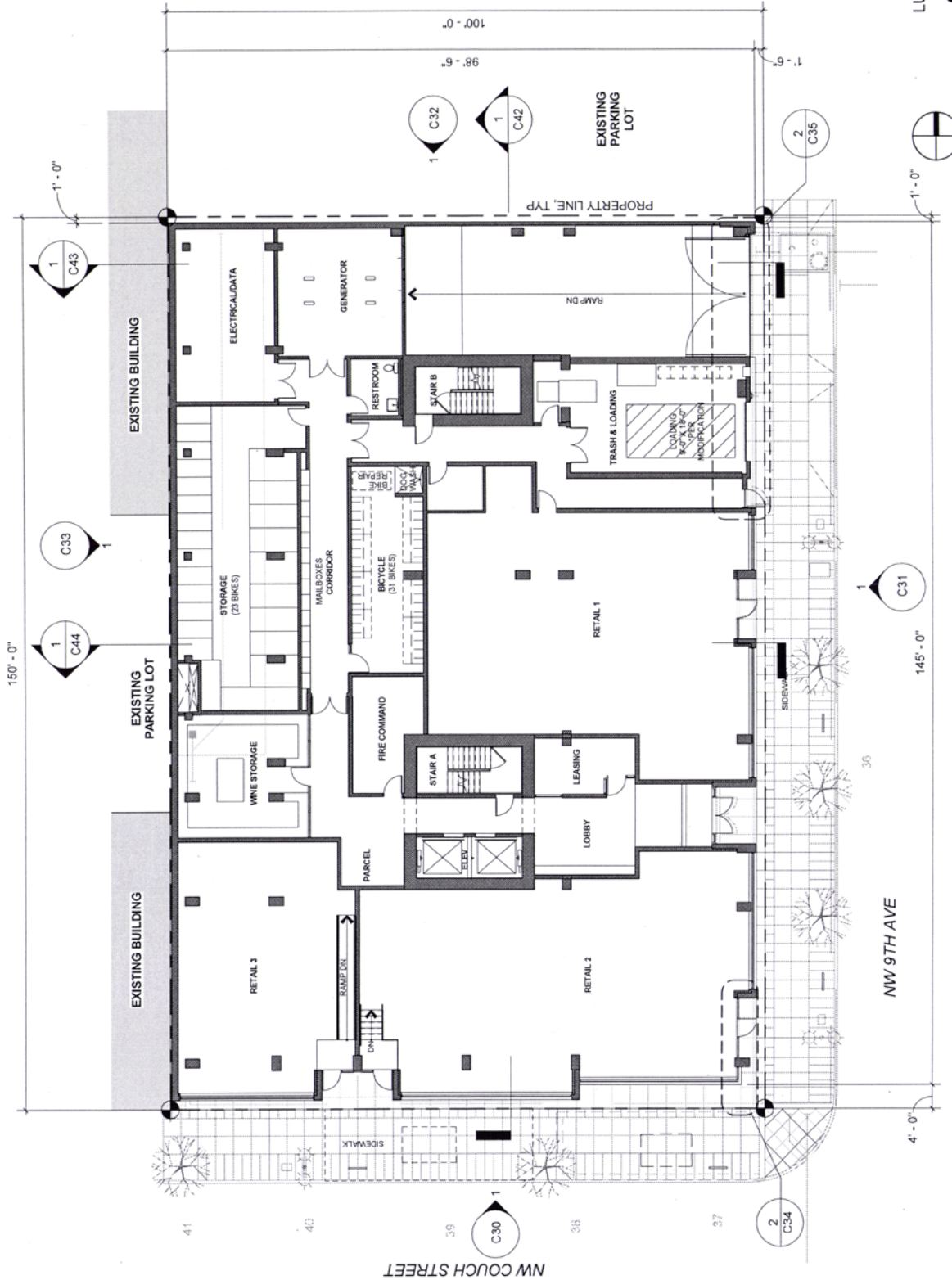
File No. LU 14- 246259 DZM

1/4 Section 3029

Scale 1 inch = 200 feet

State Id 1N1E34CB 7900

Exhibit B (Jan 27, 2015)



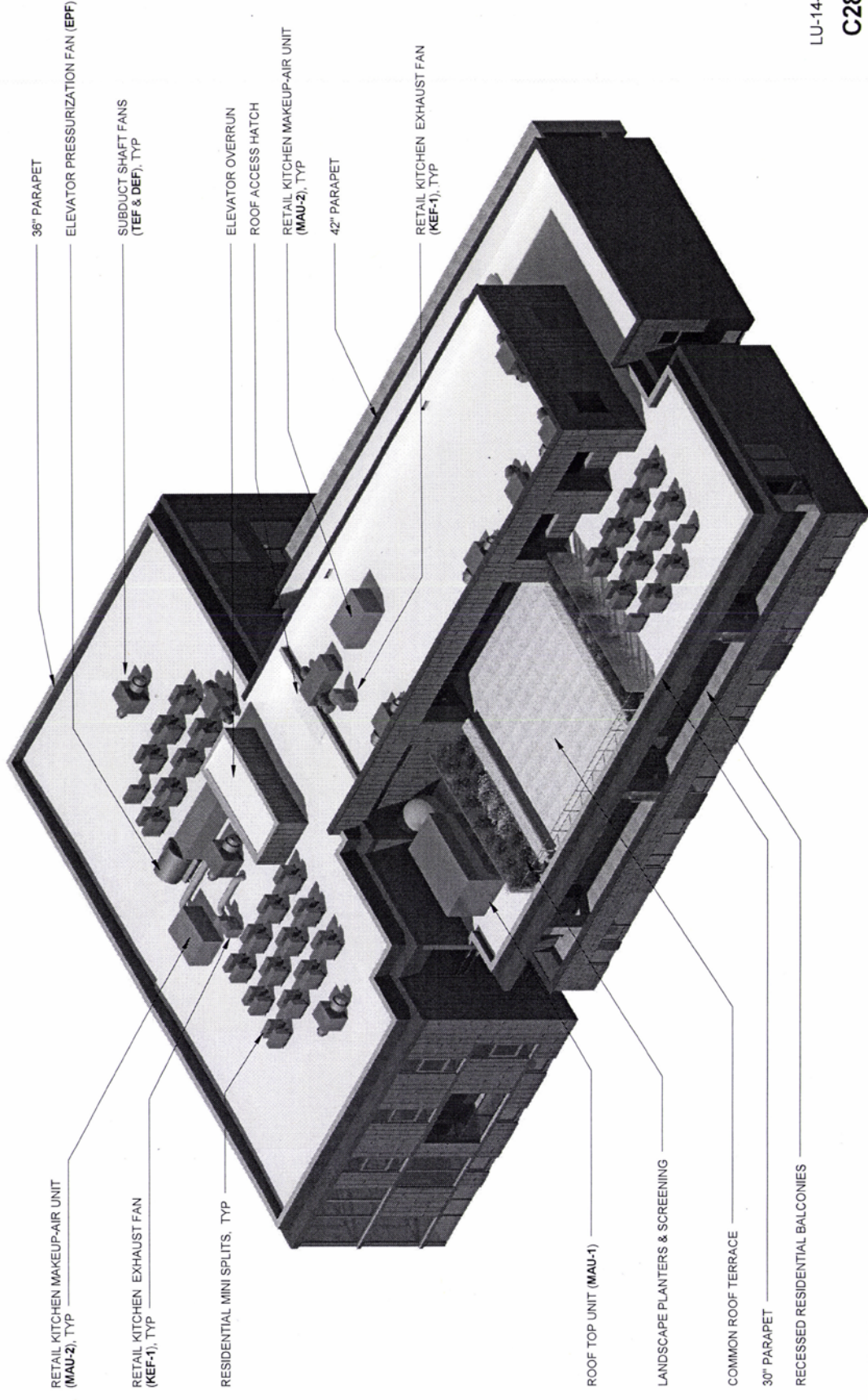
LU-14-246259 DZM
C20
 LEVEL 1



Scale: 1/16" = 1'-0"

TYPE III DESIGN REVIEW 03.19.15

COUCH 9
 COUCH 9 LLC



36" PARAPET
 ELEVATOR PRESSURIZATION FAN (EPF)
 SUBDUCT SHAFT FANS (TEF & DEF), TYP
 ELEVATOR OVERRUN ROOF ACCESS HATCH
 RETAIL KITCHEN MAKEUP-AIR UNIT (MAU-2), TYP
 42" PARAPET
 RETAIL KITCHEN EXHAUST FAN (KEF-1), TYP

RETAIL KITCHEN MAKEUP-AIR UNIT (MAU-2), TYP
 RETAIL KITCHEN EXHAUST FAN (KEF-1), TYP
 RESIDENTIAL MINI SPLITS, TYP
 ROOF TOP UNIT (MAU-1)
 LANDSCAPE PLANTERS & SCREENING
 COMMON ROOF TERRACE
 30" PARAPET
 RECESSED RESIDENTIAL BALCONIES

COUCH 9
 COUCH 9 LLC

TYPE III DESIGN REVIEW 03.19.15

Scale:

LU-14-246259 DZM





COUCH 9
COUCH 9 LLC

TYPE III DESIGN REVIEW 03.19.15

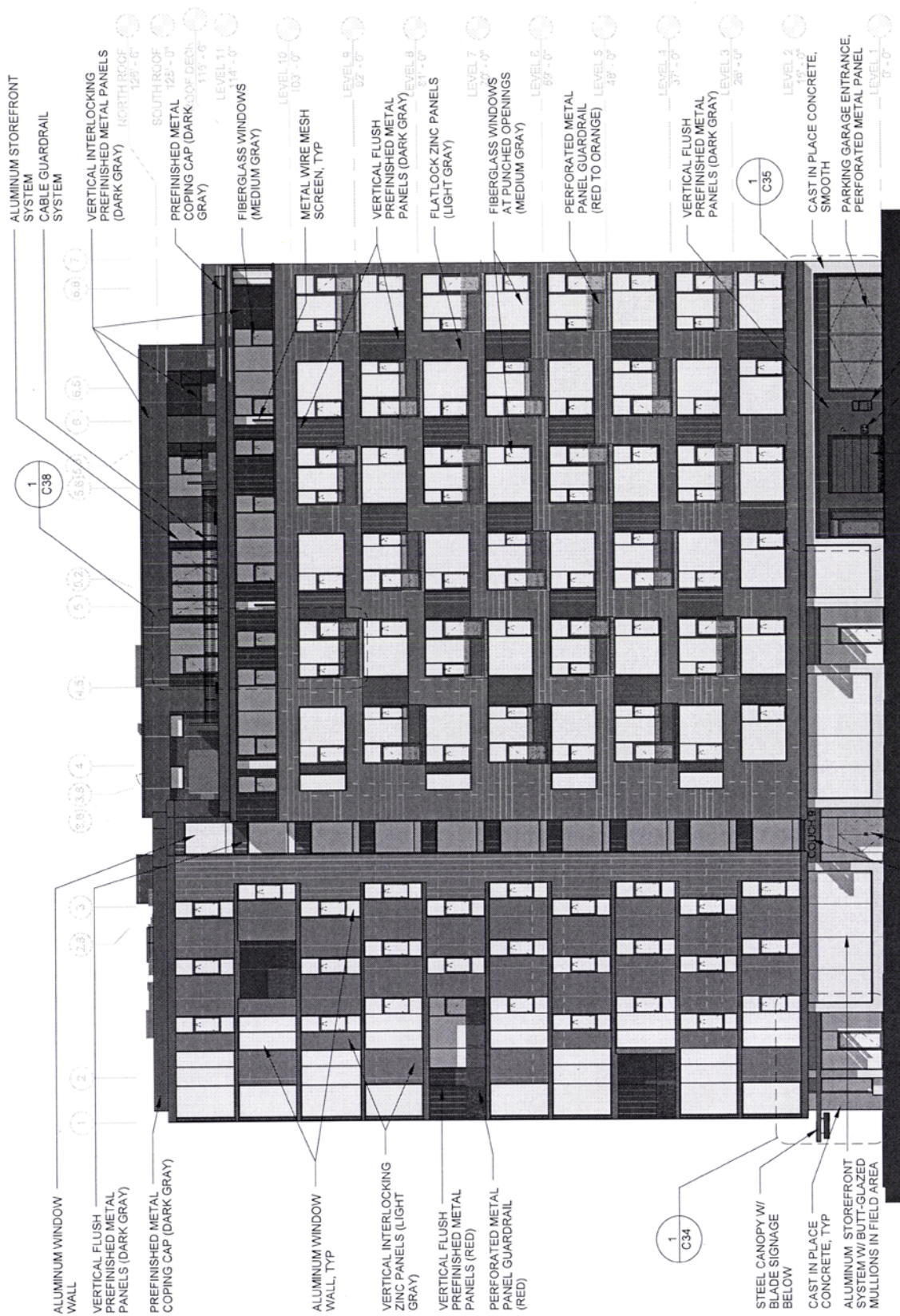
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ELEVATION SOUTH

C30

LU-14-246259 DZM





LU-14-246259 DZM

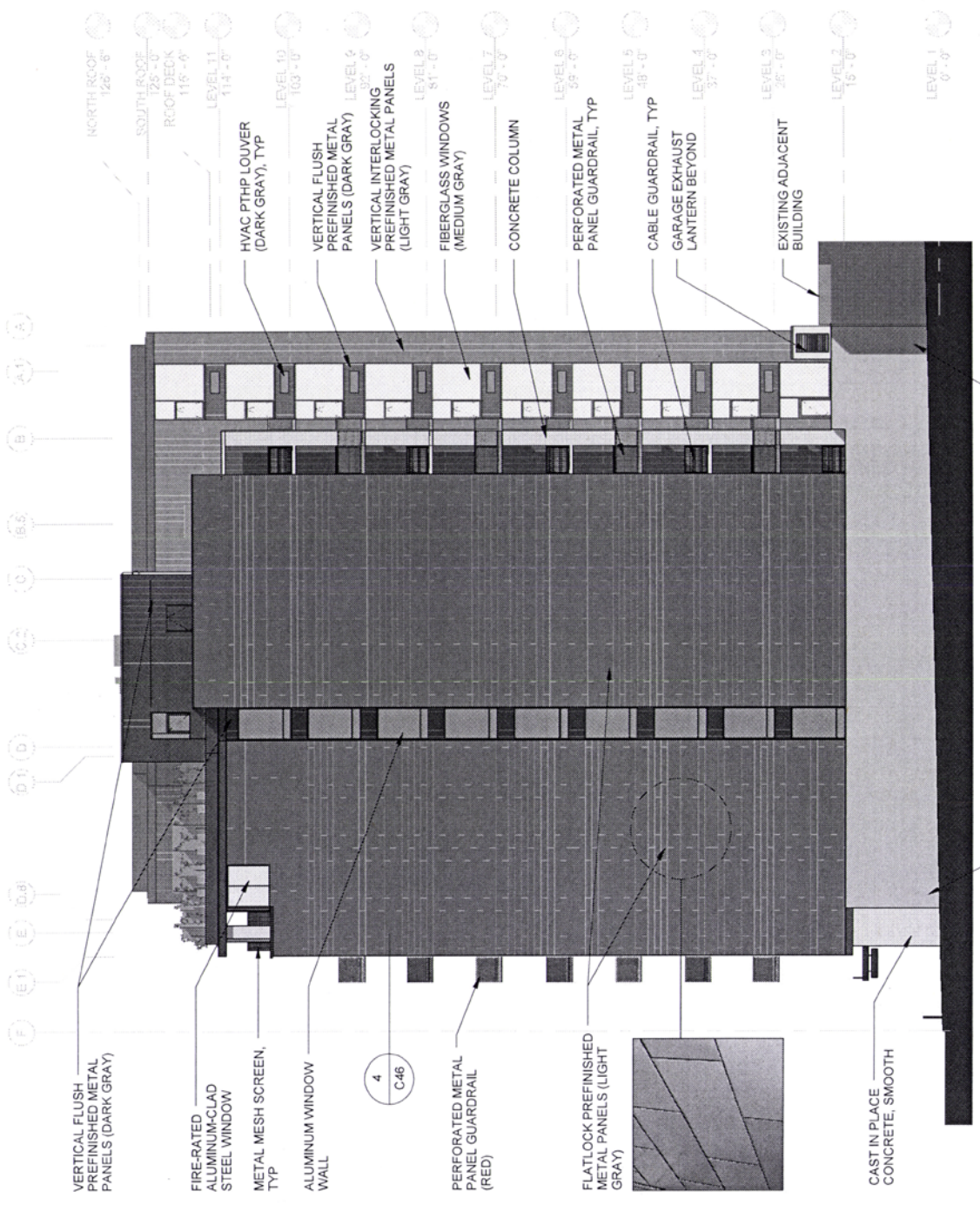


C31
ELEVATION EAST

Scale: 1/16" = 1'-0"

TYPE III DESIGN REVIEW 03.19.15

COUCH 9
COUCH 9 LLC



VERTICAL FLUSH
PREFINISHED METAL
PANELS (DARK GRAY)

FIRE-RATED
ALUMINUM-CLAD
STEEL WINDOW

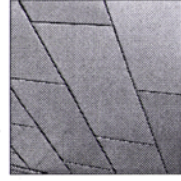
METAL MESH SCREEN,
TYP

ALUMINUM WINDOW
WALL

4
C46

PERFORATED METAL
PANEL GUARDRAIL
(RED)

FLATLOCK PREFINISHED
METAL PANELS (LIGHT
GRAY)



CAST IN PLACE
CONCRETE, SMOOTH

CMU W/ SMOOTH CEMENTITIOUS
FINISH (LIGHT GRAY)

NORTH ROOF
126'-8"

SOUTH ROOF
126'-0"

ROOF DECK
115'-0"

LEVEL 11
114'-0"

LEVEL 10
103'-0"

LEVEL 9
92'-0"

LEVEL 8
81'-0"

LEVEL 7
70'-0"

LEVEL 6
59'-0"

LEVEL 5
48'-0"

LEVEL 4
37'-0"

LEVEL 3
26'-0"

LEVEL 2
15'-0"

LEVEL 1
0'-0"

HVAC PTHP LOUVER
(DARK GRAY), TYP

VERTICAL FLUSH
PREFINISHED METAL
PANELS (DARK GRAY)

VERTICAL INTERLOCKING
PREFINISHED METAL PANELS
(LIGHT GRAY)

FIBERGLASS WINDOWS
(MEDIUM GRAY)

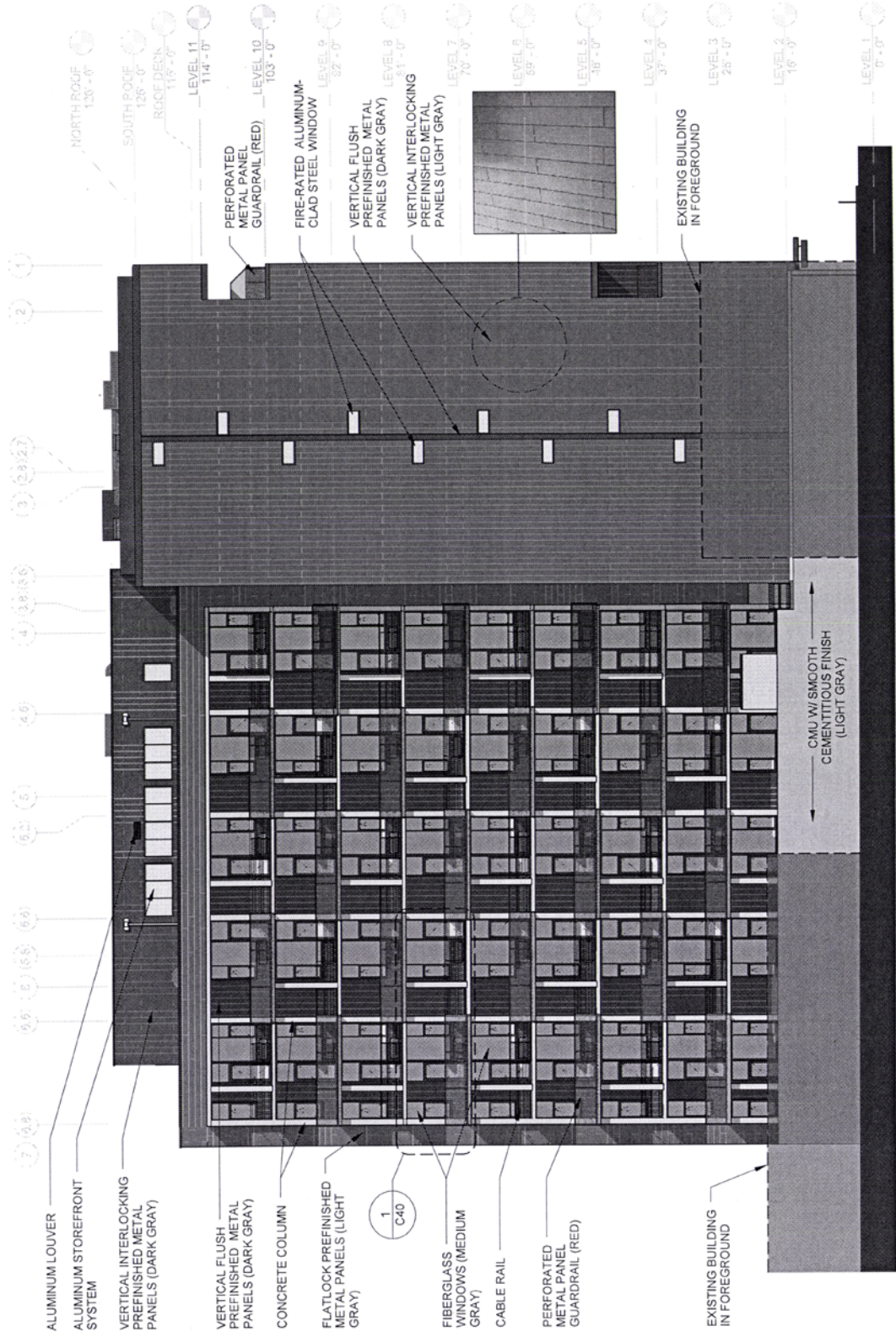
CONCRETE COLUMN

PERFORATED METAL
PANEL GUARDRAIL, TYP

CABLE GUARDRAIL, TYP

GARAGE EXHAUST
LANTERN BEYOND

EXISTING ADJACENT
BUILDING



COUCH 9
COUCH 9 LLC

TYPE III DESIGN REVIEW 03.19.15

Scale: 1/16" = 1'-0"

ELEVATION WEST



LU-14-246259 DZM