



**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 15-116838 DZM  
PC # 14-228796  
***Modera Belmont***  
REVIEW BY: Design Commission  
WHEN: May 7, 2015 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 503-823-0624 / [staci.monroe@portlandoregon.gov](mailto:staci.monroe@portlandoregon.gov)

### **GENERAL INFORMATION**

**Applicant:** Kurt Schultz | SERA Design | 338 NW 5th Avenue | Portland, Oregon 97209

**Developer:** Sam Rodriguez | Mill Creek Residential Trust | 200 NW 2nd Avenue, Suite 900 Portland, OR 97209

**Owner:** Oregon Ballet Theatre | 818 SE 6th Ave | Portland, OR 97214-2329

**Site Address:** 818 SE 6TH AVENUE

**Legal Description:** BLOCK 138 LOT 1&8 EXC PT IN ST LOT 2-7, EAST PORTLAND  
**Tax Account No.:** R226508590  
**State ID No.:** 1S1E02BB 06200  
**Quarter Section:** 3131  
**Neighborhood:** Buckman, contact Matthew Kirkpatrick at 503-236-6350.  
**Business District:** Central Eastside Industrial Council, contact Peter Fry at 503-274-2744.

**District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010.  
**Plan District:** Central City - Central Eastside  
**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 a Design Review approval for a new 6-story mixed use development with 202 dwelling units above ground floor commercial space and live-work units in the

Central Eastside sub district of the Central City plan district. The project includes a basement level garage for 105 parking spaces and two loading spaces, which is accessed of SE 6th Avenue. The u-shaped building provides for an at-grade courtyard with a western orientation as well as another amenity space on the rooftop at the east end. Bike parking is provided for visitors along the building frontage on private property with spaces for residents in common bike storage area within the basement and ground level. Exterior building finishes include brick, metal panel, aluminum storefront and vinyl windows.

The following Modifications are requested:

1. To reduce the minimum parking space width from 8'-6" to 7'-10" within the underground garage for some of the spaces (PZC Section 33.266.130.F, Table 266-4);
2. To reduce the bicycle parking space width from the required 2' to 18" inches for the proposed long-term bicycle parking spaces (PZC Section 33.266.220.C); and
3. To reduce the 10' vertical clearance to 9' for the two small loading spaces within the basement garage (PZC Section 33.266.310.D).

Because the proposal is for new development in the Central Eastside sub district of the Central City plan district, Design Review is required.

**Relevant Approval Criteria:**

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

- Central City Fundamental Design Guidelines
- Central Eastside Design Guidelines
- Section 33.825.040 - Modifications That Will Better Meet Design Review Requirements

## ANALYSIS

**Site and Vicinity:** The site is a full city block in Portland's Central Eastside. It is bounded by SE 6<sup>th</sup> and 7<sup>th</sup> Avenues and by SE Morrison and SE Belmont Streets. An existing building occupies the northwest corner of the block, with an "L"-shaped area along the south and east taken up by surface parking and queuing for the freestanding ATM. The existing ATM island is located in the northeastern corner of the site, with pedestrian access via SE 7<sup>th</sup> Avenue. SE Belmont and SE Morrison are both Major Transit Priority Streets and SE 7<sup>th</sup> Avenue is Transit Access Street. City Bikeways are designated on SE 7<sup>th</sup> and on SE Belmont and SE Morrison, however, immediately east of the site.

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

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

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 Central Eastside sub district of this plan district.

**Land Use History:** City records indicate the following prior land use reviews:

- LUR 97-00301: A 1997 Design Review approval to replace existing signs.
- LUR 99-00337: A 1999 Design Review approval for building and site alterations for a bank.
- LUR 00-00068: A 2000 Design Review approval for a drive-through ATM.
- LUR 00-00591: A 2000 Design Review approval for a new awning with signage.
- LU 04-025139 DZ: A 2004 Design Review approval for replacement freestanding ATM, a new freestanding 10'-0" high metal canopy above it, power box, bollards, and a 35.25 SF sign.

**Agency Review:** A "Notice of proposal in Your Neighborhood" was mailed April 16, 2015.

The following Bureau has responded and at this time is not supportive of the proposal due to unresolved issues related to the transformer vault, garage door location and the loading modification:

- Bureau of Transportation Engineering and Development Review (Exhibit E-2)

The following Bureaus have responded with no issue or concerns:

- Bureau of Environmental Services (see Exhibit E-1)
- Water Bureau (Exhibit E-3)
- Fire Bureau (Exhibit E-4)
- Site Development Section of BDS (Exhibit E-5)
- Plan Review section of BDS (Exhibit E-6)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on April 16, 2015. 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 – CHAPTER 33.825

#### Chapter 33.825 Design Review

##### Section 33.825.010 Purpose of Design Review

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

##### Section 33.825.055, Design Review Approval Criteria

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

**Findings:** The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because the site is located generally within the Central City Plan District, the applicable design guidelines are the Central City Plan

Fundamental Design Guidelines. As the site is also specifically located within the Design Zone of the Central Eastside District, the Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan also apply.

**Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan and Central City Fundamental Design Guidelines**

The Central Eastside is a unique neighborhood. The property and business owners are proud of the district's heritage and service to the community and region. Light industry, distribution/warehousing, and transportation are important components of the district's personality. To the general public, retail stores and commercial businesses provide the central focus within the district.

The underlying urban design objective for the Central Eastside is to capitalize on and emphasize its unique assets in a manner that is respectful, supportive, creative and compatible with each area as a whole. Part of the charm and character of the Central Eastside District, which should be celebrated, is its eclectic mixture of building types and uses. An additional strength, which should be built on, is the pattern of pedestrian friendly retail uses on Grand Avenue, East Burnside and Morrison Streets, as well as portions of 11<sup>th</sup> and 12<sup>th</sup> Avenues.

The Central City Fundamental 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 Eastside Design Goals**

The following goals and objectives define the urban design vision for new development and other improvements in the Central Eastside

- Encourage the special distinction and identity of the design review areas of the Central Eastside District.
- Provide continuity between the Central Eastside and the Lloyd District.
- Provide continuity between the Central Eastside and the river, downtown, and adjacent residential neighborhoods.
- Enhance the safety, convenience, pleasure, and comfort of pedestrians.

**Central City Plan Design Goals**

This set of goals are those developed to guide development throughout the Central City. They apply within all of the 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.

**A2-1. Recognize Transportation Modes, Produce, and Commerce as Primary Themes of East Portland.** Recognize and incorporate East Portland themes into a project design, when appropriate.

**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.

**A5-5. Incorporate Water Features.** Enhance the quality of public spaces by incorporating water features.

**Findings for A2, A2-1, A5 and A5-5:** The project includes several features that relate to Portland's built environment, climate and cultural themes. Some aspects of the project establishes unity with the surrounding Central Eastside warehouse and industrial district through the use of simple and solid massing that exhibits weight and mass with brick and steel and canopies at the street edge. The large depth of the canopies (8') are reminiscent of the deep canopies found on warehouse docks throughout the Central Eastside and more specifically on the historic Grand Central Market Building two block east of the site. The large bike storage areas and bike lounge visible from the street acknowledge the history of transportation modes in the immediate area, and the larger bike culture of Portland. The stormwater planters in the courtyard showcase the roof runoff through the use of scuppers and exposed splash blocks. *For these aspects of the proposal, these guidelines have 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 and A7:** The proposed full block development helps to visually establish the 200' block structure of the site. As currently developed, the property consists largely of surface parking that extends to the sidewalk on all four frontages and surrounds a 1-and 2-story. The new 6-story building is proposed to the edges of the right-of-way on all four sides, with the exception of the 42' wide courtyard along SE 6<sup>th</sup>, which maintains the sense of urban enclosure that exists in this dense portion of the inner east side. *These guidelines have been met.*

**A5-3. Plan for or Incorporate Underground Utility Service.** Plan for or Incorporate Underground Utility Service to development projects.

**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.

**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.

### **B3-1. Reduce width of Pedestrian Crossings**

- a. Where possible, extend sidewalk curbs at street intersections to narrow pedestrian crossings for a safer pedestrian environment.
- b. Maintain large service vehicle turning radii where necessary.

**Findings for A5-3, A8, B3 and B3-1:** The project will significantly improve the activity along the existing streetscape of this block, which is mostly surface parking at the time. An extensive amount of frontage (SE Morrison SE 7<sup>th</sup> and the southwest corner) will be occupied with active retail storefront, residential lobby and tenant amenity spaces including a bike lounge, bike parking and fitness area. Large amounts of glazing along the ground floor, numerous street-facing entries and canopies will together highlight these active spaces and allows visual and physical connections to and from the sidewalk.

Along SE Belmont and portions of SE 6<sup>th</sup> are live-work units and a residential unit at the ground floor. At the Design Advice Request on February 5, 2015, the Design Commission stated that commercial space in the ground floor is more vital and will provide a more active street edge than live work units. They also stated there is evidence and high demand for commercial space in the immediate area and should be the focus along Belmont and 7<sup>th</sup> in addition to Morrison. The Commission's direction specific to this site combined with the larger issue of dead space created by drawn blinds when residential uses occur at the ground level requires another pass at the design and/or uses at along Belmont and portions of SE 6<sup>th</sup>. Replacing the residential unit from the ground level with retail, increasing the floor-to-ceiling height of the live-work units to accommodate a loft for the residential component, and replacing the live-work with true retail are ways to ensure the active portion of space will occur at the street edge.

At this hearing, the Commission also encouraged the fitness and bike storage areas along SE 7<sup>th</sup> to be shifted to the quieter frontage along SE 6<sup>th</sup>, however both remain in the same location. Another option to increase the active ground floor along 7<sup>th</sup> could include shifting the fitness room to the end of the courtyard and extending the retail storefront or live-work units in its place.

The utility transformer is currently proposed within a vault in a new curb extension at the northwest corner of the site at SE Morrison and SE 6<sup>th</sup>. Such location (i.e. not in the building) is preferred by the Design Commission and has been accepted by Transportation in recent past projects. However, in order for Transportation to consider the curb extension location a Design Exception (a PBOT process) must be approved, which the applicant has not yet initiated. The applicant has explored putting the utility in a vault in the courtyard, however, because of the high ground water in the area, has expressed this as very costly in order to handle the associated water issues.

Given the concern related to active ground floors and the unresolved location of the utility transformer, these guidelines are not 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.

**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 B1 and B2:** Per Transportation, the site will be subject to frontage improvements, which after a 3'-6" dedication of the property along SE Belmont, will provide 12' wide sidewalks along all four streets. The 3' to 5' setbacks that occur at the building entries and some of retail will accommodate bike parking and free up some of the sidewalk space for pedestrians and other uses. The sidewalks will be adequately illuminated for safety with the numerous recessed lights around the building. The garage and generator in the basement will be ventilated through two horizontal louvers on the west façade near the garage entry. Both louvers have been located up off the sidewalk level so as not to detract or adversely impact the pedestrian environment and have been integrated well within the garage opening and panelized wall system.

Transportation is still working with the applicant to resolve potential queuing issues associated with locating the garage door at the face of the building rather than set back down in the garage (see Exhibit E-2). The objective is to keep vehicles that need to access the garage from stacking in the street and, more importantly, on the sidewalk.

Given the applicant and Transportation are still working on this issue, these guidelines have not 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.

**B6-1. Provide Pedestrian Rain Protection.** Rain protection is encouraged at the ground level of all new and rehabilitated commercial buildings located adjacent to primary pedestrian routes. In required retail opportunity areas, rain protection is strongly recommended.

**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 B6-1:** At the four building corners, and above an entry along SE 7<sup>th</sup>, 8' deep steel canopies with metal roof decking would provide cover for those along the sidewalk or accessing the building. The majority of the other entry points without canopies are setback 3' to 5' affording some shelter to pedestrians.

Given the 8' depth of the canopies, Staff feels the design and materials could be lighter, such as glass, to allow more light into the spaces below and better highlight the building corners. In addition, five ground floor residential units with their only entry off the courtyard could use a small, canopy above the door for some protection.

With the need for more transparency in the design and additional canopies, the guidelines have not been met.

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

**Findings:** Access to the building and the exterior amenity spaces have been designed for full access for people of all abilities. *This guideline has been met.*

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

**Findings:** The building includes exterior materials that have demonstrated durability and high-quality finishes. The primary finishes are brick and metal panel. The inherent long-lasting quality of brick masonry is understood. The proposed metal panel is 22-gauge backed with an aluminum honey comb stiffening core. Backed metal panels of this gauge have shown to retain their rigidity and not "oil-can". The fiberglass storefront and VPI vinyl window have similarly demonstrated to be durable and quality finishes.

Staff does have concern with the white metal panel extending down to the ground level and surrounding the garage entry. Vehicle and service areas encounter more "wear and tear" given the associated activities and a more durable material is recommended. Also, the Design Commission has voice concerns with weathering steel within the touch zone, therefore Staff is highlighting the contained planters in the courtyard as an issue as well. The appropriateness of the metal panel is discussed below in C4.

Given the durability concerns with the metal panel at the garage entry and the weathering steel in the courtyard, these guidelines have not been met.

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

**C1-2. Integrate Signs.**

- a. Retain and restore existing signage which reinforces the history and themes of the district, and permit new signage which reinforces the history and themes of the East Portland Grand Avenue historic district.
- b. Carefully place signs, sign supports, and sign structures to integrate with the scale, color and articulation of the building design, while honoring the dimensional provisions of the sign chapter of the zoning code.
- c. Demonstrate how signage is one of the design elements of a new or rehabilitation project and has been coordinated by the project designer/ architect. Submit a Master Signage Program as a part of the project's application for a design review.

**Findings for C13 and C1-2:** Signage for the development is not proposed at this time. If larger than 32 SF in size a Design Review will ensure the appropriate scale, location and signage type will adorn the building. The canopies proposed would provide a suitable structure for future blade signs below or individual letters on top. *These guidelines are not applicable at this time.*

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

**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.

**C3-1. Design to Enhance Existing Themes in the District.** Look to buildings from throughout the district for contextual precedent. Innovation and creativity are encouraged in design proposals, which enhance overall district character.

**C1-1. Integrate Parking.**

- a. Integrate parking in a manner that is attractive and complementary to the site and its surroundings.
- b. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

**Findings for A4, C4, C5, C3-1 and C1-1:** At the Design Advice Request on February 5, 2015, the Commission stated concerns with the design and were unanimous in a desire for a more clear, unified and organized concept and expressed support for an entirely brick building. The design has changed significantly and, in general, the changes better complement the existing warehouse and buildings in the area with the use of brick and steel that exhibit weight and mass and regularized openings throughout the façade (5' wide), which vary in terms of the portions of glazing and metal within each. The result is a more contemporary design that enhances the creative character of the district.

However, Staff feels that more attention is needed in the areas highlighted below to better complement the context of the buildings in the immediately surrounding area where a dense concentration of early 20<sup>th</sup> century warehouse and residential, mixed-use buildings exist.

- Carved out masses:
  - Placement does not appear logical.
  - Shifting recesses are not characteristic of the simple industrial warehouse and mixed-use early 20<sup>th</sup> century patterns.
  - Could be generously more regularized expression on the street front elevations where the 'break' could reflect 1/4 or 1/8 block development patterns of adjacent buildings.
  - Brick should wrap the return for a more weighted, and less applied, feel.
  - Depth of the recesses should be significant (at least 2' to 3').
- White, flat metal panel is not characteristic of exterior finishes in the area. Stucco is a more typical secondary finish, or even wood. If metal panel as an accent material (not in large fields as proposed) it should include a profile that provides more texture or corrugation. Also, a less stark color would be more appropriate for the accent material for this grittier area, as well as for the storefront system and windows.
- Window recesses should be a minimum of 7" to reflect heavy masonry construction and window reveals of buildings in the area.
- Base along the four frontages is too varied and needs to be more unified. More commercial storefront patterning throughout the live-work would help.

- Courtyard elevations are somewhat monotonous and the scale of the facades should be broken down for this more intimate space. Ideas to explore include wrapping the courtyard entry with more brick, grouping the windows for larger openings, and extending the storefront from the street elevations.
- Adjacency of the garage to the courtyard is unfortunate and further impacts the quality of the already tight space. Since limited vehicle access to the site, the design of the garage wall, door and adjacent south wall facing the courtyard (with large louvers) should be improved. Alternatively, a larger move would be to re-orient the courtyard to face south.
- Façade treatments that respond to the different elevations should be considered, such as shading devices along the south and/or west facades.
- Addition of balconies would provide opportunities to engage the upper floors with very active streets below. Inset balconies a minimum of 5' in depth could be part of the carved out massing logic.
- Louvers and vents for all the mechanical systems: need to be better integrated into the window openings and façade; blower/dryer vents need to be shown, detailed and, in general, integrated into the façade; and potential future louvers for commercial spaces should be considered under the current proposal to understand how they can be integrated.

*Given these outstanding concerns related to the composition, compatibility and materials, these guidelines have not been met.*

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

**C6. Develop Transitions between Buildings and Public Spaces.** Develop transitions between private development and public open space. Use site design features such as movement zones, landscape elements, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

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

**Findings for B4, C6 and C9:** Setbacks along the building frontages that range from 3' to 5' occur at building entries and commercial spaces and will allow for the interior uses to spill out in sidewalk (retail display, seating, dining, etc) without impacting pedestrian movement. The canopies at the building corners and entries also provide protected space as pedestrian transition from the sidewalk to the building. The courtyard provides a 40' deep public space off of SE 6<sup>th</sup> that transitions to a private outdoor area. The western, public portion includes benches, landscape planters and wood decking where people along the sidewalk can stop, rest or visit.

At the Design Advice Request, the Commission stated the quality of the courtyard space was compromised for the stormwater facility and little usable space remained for the residents. The size of the stormwater facility remains the same if not a somewhat larger in the current proposal. The design team has layered the planters to create some texture and configured them in a manner that creates rooms within the

courtyard. Understanding that the planter sizes are fixed to handle the stormwater required to treat, Staff feels that along with the widening of the courtyard to 50' or 60', more can be done with the larger eastern portion of the courtyard space to create more usable areas, such as incorporating the seating onto the planter walls and removing, or reducing the size, of the other (non-stormwater) planters.

As noted in the findings for C1-1 above, the adjacency of the garage to the courtyard along the north side is unfortunate and further impacts the quality of the already tight space.

Given that the courtyard could be improved to provide a more usable and quality space, these guidelines have not 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.

**Findings for C7 and C8:** All four corners of the building have been designed to be occupied with active uses including retail spaces and the residential lobby. Floor-to-ceiling glazing and 8'-deep canopies wrap the corners highlighting the building at the intersections. The large storefronts elsewhere on the ground floor and the corner canopies with soffit lights also help to differentiate the base of the building. *These guidelines have been met.*

**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 accessways 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.

**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 storm water management tools.

**Findings for A1, C1 and C11:** The at-grade courtyard and roof terrace are both oriented west towards the Willamette river. The courtyard will contain the stormwater facility for the development and include entries to the building and individual residential units that connect to the sidewalk. The rooftop terrace is located atop the eastern wing and overlooks the courtyard with views of the surrounding activity of the central eastside and the river. The terrace amenity includes outdoor seating, landscaping, fire pit and a covered portion for year round use.

The rooftop elements are limited to two mechanical units (6' in height with curb) and an elevator overrun (2'-6" above the parapet). Relatively low in height and setback a minimum of 37' for the closest street edge will diminish the visibility and prominence

of these utilitarian objects. *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:** Building lighting will consist of recessed can lights in building and canopy soffits and square wall mounts at the entries of the individual units in the courtyard. Lighting within the courtyard itself will be a combination of fixtures set within and on the planters, steps and ground intended to highlight the landscaping and walkways and seating areas. The clear anodized finish of the metal fixtures results in a coherent lighting scheme that complements the building design. 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*

## (2) MODIFICATION REQUESTS – CHAPTER 33.825

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

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

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

The following modifications are requested:

1. To reduce the minimum parking space width from 8'-6" to 7'-10" within the underground garage for some of the spaces (PZC Section 33.266.130.F, Table 266-4);
2. To reduce the bicycle parking space width from the required 2' to 18" inches for the proposed long-term bicycle parking spaces (PZC Section 33.266.220.C); and
3. To reduce the 10' vertical clearance to 9' for the two small loading spaces within the basement garage (PZC Section 33.266.310.D).

**Modification #1** - To reduce the minimum parking space width from 8'-6" to 7'-10" (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 that are 16" wide x 24" long would be located between some parking stalls that would protrude 8" into the 8'-6" clear width of the stall on each side. The columns are generally located near the back end or 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 more of the ground level active uses along NW Front Street that enhances the relationship with pedestrians. *These criteria have been met.*

**Modification #2** - To reduce the bicycle parking space width from the required 2' to 18" for all 312 of the proposed long-term bicycle parking spaces (PZC Section 33.266.220.C).

**Findings:** The project includes 312 total long term bicycle parking spaces, which is based on proposed residential and live-work units and retail floor area. Accommodating 312 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 numerous Design Reviews throughout Central City. 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 a lobby and retail tenant spaces.

The proposed bike rack systems (Saris 8016 and 8080 Bike Trac) are 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 large secure bike storage rooms in the garage and in ground level bike lounge. 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. *These criteria have been met.*

**Modification #3** - To reduce the 10' vertical clearance to 9' for the two small loading spaces required within the basement garage (PZC Section 33.266.310.D)

**Findings:** The project proposes both loading spaces within the basement level garage, which does not provide the 10' vertical clearance required. Transportation is still reviewing the request, specifically for the loading needs of the 7,300 SF of commercial space.

*Until the loading modification concerns associated with the commercial space has been resolved with Transportation, these criteria have not 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 proposed design did take into account some of the guiding principles offered at the Design Advice Request. However, as discussed in the findings above, some of the design issues mentioned by the Commission remain and additional critical concerns exist. Resolution of the identified items is critical to meeting the approval criteria. The outstanding issues are related to:

1. **Active Ground Floors**
2. **Composition, Compatibility and Materials**
3. **Quality of Courtyard**
4. **Unresolved Transportation Items** (garage door and transformer locations, and loading modification request)

Based on these issues, the following Central City Fundamental Design Guidelines and Central Eastside Design Guidelines have not been met:

- A5-3 Plan for or Incorporate Underground Utility Service
- A8 Contribute to a Vibrant Streetscape
- B1 Reinforce and Enhance the Pedestrian System
- B2 Protect the Pedestrian
- B3 Bridge Pedestrian Obstacles
- B3-1 Reduce width of Pedestrian Crossings
- B4 Provide Stopping and Viewing Places
- B6 Develop Weather Protection
- B6-1 Provide Pedestrian Rain Protection
- C6 Develop Transitions between Buildings and Public Spaces
- C4 Complement the Context of Existing Buildings
- C5 Design for Coherency
- C1-1 Integrate Parking

## TENTATIVE STAFF RECOMMENDATION

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

Staff is recommending denial of the proposal based on the unresolved items stated in the conclusion section above.

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**Procedural Information.** The application for this land use review was submitted on February 9, 2015, and was determined to be complete on March 11, 2105.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on February 9, 2015.

*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 July 9, 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).**

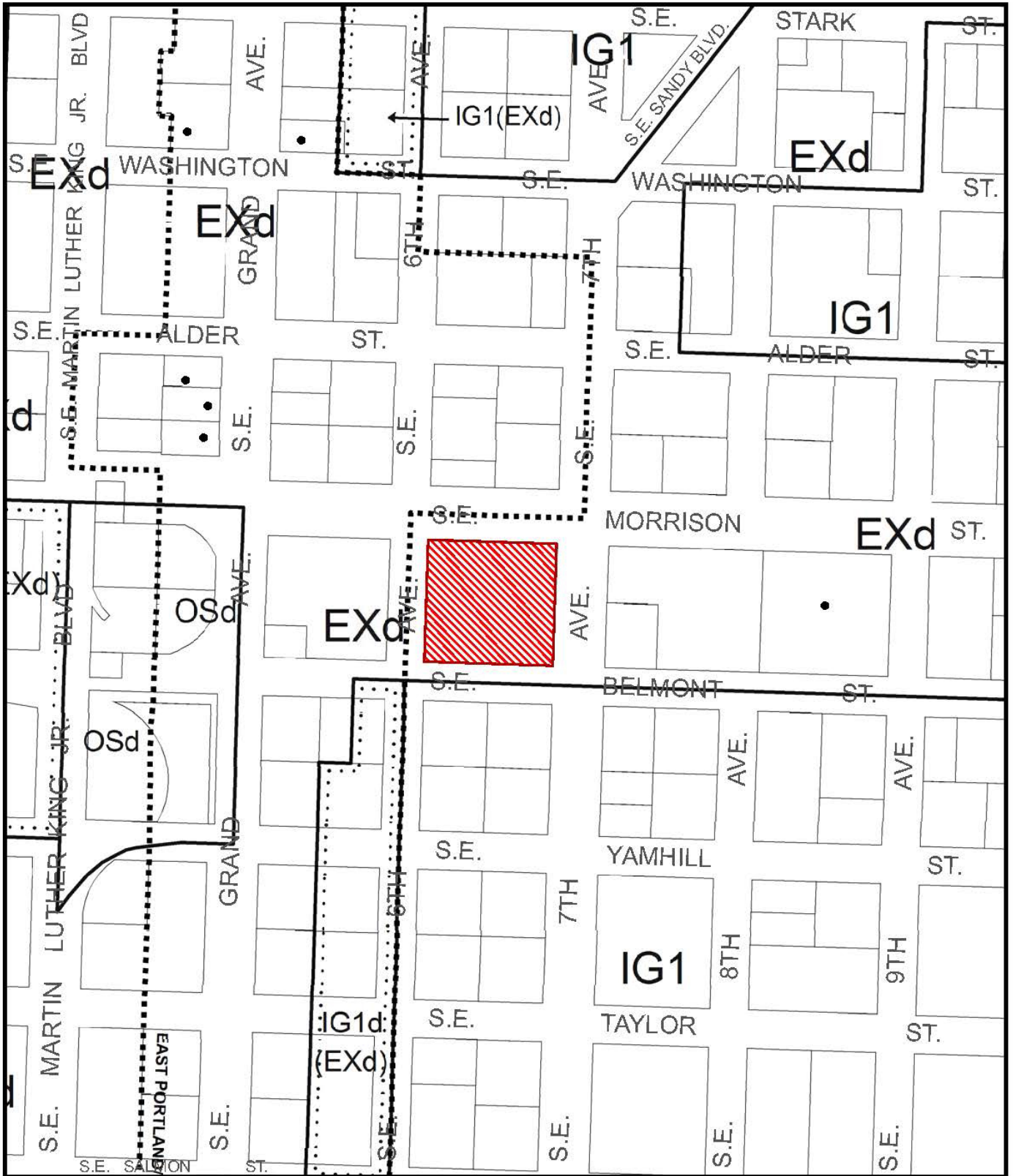
Staci Monroe  
April 22, 2015

**EXHIBITS – NOT ATTACHED UNLESS INDICATED**

- A. Applicant's Statements
1. Project Summary & Written Statement
  2. Responses to Approval Criteria
  3. LEED Narrative
  4. Stormwater Report dated 2/6/15
  5. Special Circumstances Application for Stormwater



6. Queuing Analysis dated 4/6/15
  7. Memo from Applicant to Staff dated 3/11/15 with update on PBOT Completeness Items
  8. Letter from Developer dated 4/6/15 regarding loading Modification for garage height
  9. Enlarged floor plan with electrical transformer within the building at the northwest corner facing SE 6<sup>th</sup>
- B. Zoning Map (attached)
- C. Plan & Drawings
1. Through 41 (C-19, C-13, C-22, C-23 to C-26 attached)  
42 through 48.
- 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 (placeholder, response not yet provided)
  3. Water Bureau
  4. Fire Bureau
  5. Site Development Section of BDS
  6. Plan Review section of BDS
- F. Letters - none.
- G. Other
1. Original LUR Application
  2. Incomplete Letter dated 3/5/15
  3. Email from Staff to Applicant dated 4/10/15 identifying concerns and additional items needed.
  4. Pre-Application Conference Land Use Planner Response dated 11/21/14



# ZONING



Site



Historic Landmark



NORTH

This site lies within the:  
**CENTRAL CITY PLAN DISTRICT**  
**CENTRAL EASTSIDE SUBDISTRICT**

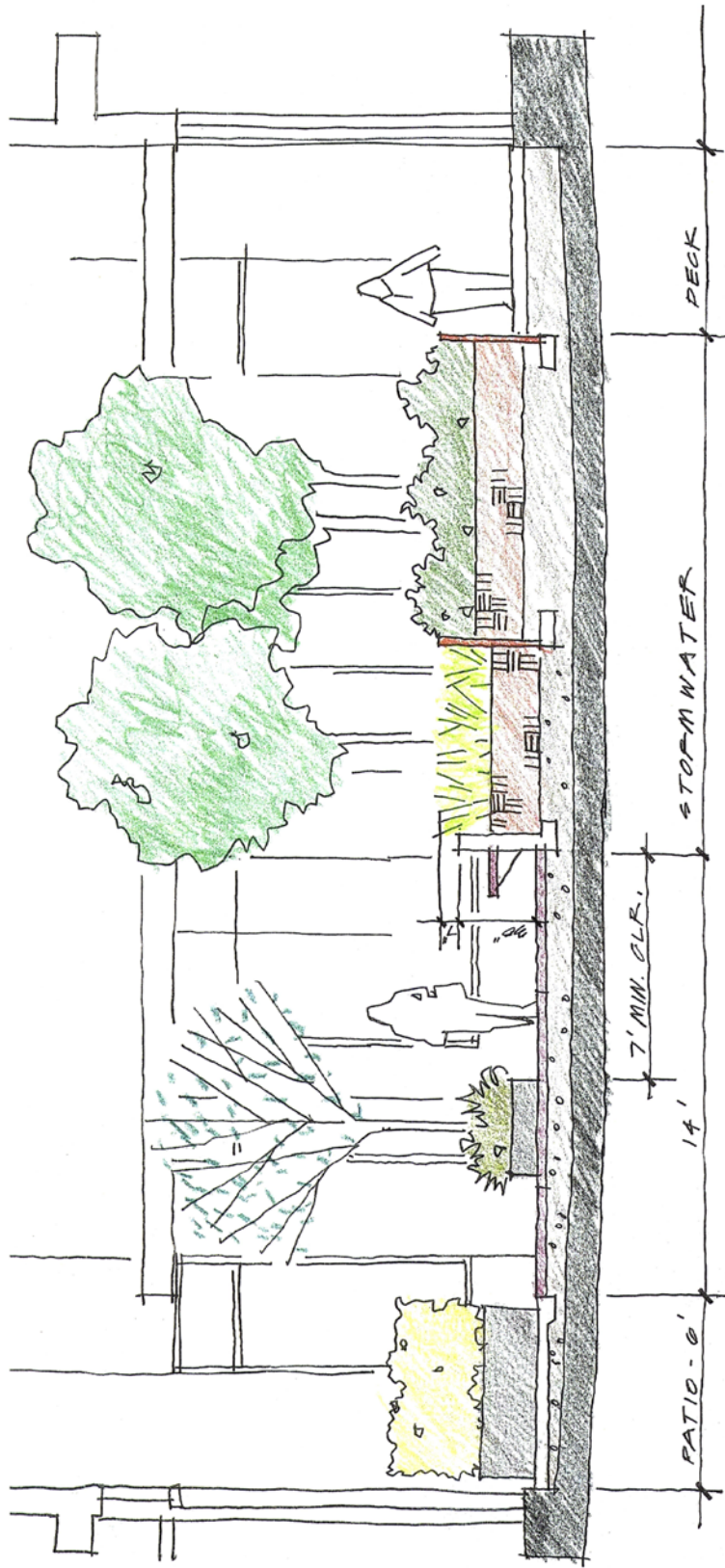
File No. LU 15-116838 DZM

1/4 Section 3131

Scale 1 inch = 200 feet

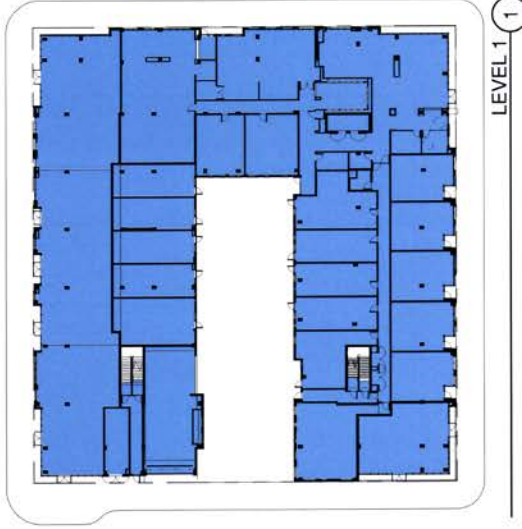
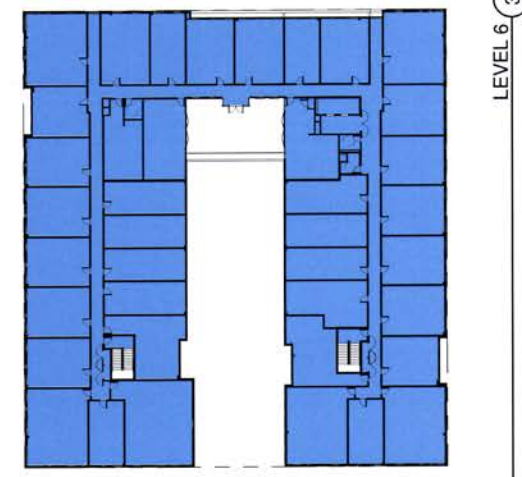
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Exhibit B (Feb 10, 2015)



LANDSCAPE SECTION 2  
AT PATIO





|                  |                   |
|------------------|-------------------|
| LEVEL 1          | 29,793 SF         |
| LEVEL 2          | 30,856 SF         |
| LEVEL 3          | 30,856 SF         |
| LEVEL 4          | 30,917 SF         |
| LEVEL 5          | 31,050 SF         |
| LEVEL 6          | 29,686 SF         |
| <b>FAR TOTAL</b> | <b>183,158 SF</b> |
| <b>ALLOWABLE</b> | <b>332,235 SF</b> |

