

**IN THE CITY COUNCIL OF THE  
CITY OF  
PORTLAND OREGON**

**IN THE MATTER OF AN APPEAL BY THE APPLICANT AGAINST DESIGN  
COMMISSION'S DECISION TO CONDITIONALLY APPROVE  
DESIGN REVIEW FOR NW 14TH & RALEIGH IN THE PEARL DISTRICT  
(LAND USE CASE NO.: 16-197257 DZM)**

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**FINDINGS AND CONCLUSIONS**

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**ADOPTED BY THE CITY COUNCIL ON  
December 7, 2016**

**(Approval of an appeal of a Type 3 Design Review with Modifications and Exception)**

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FINDINGS AND CONCLUSIONS

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The findings and conclusions of the City Council in this matter are set forth below.

**I. GENERAL INFORMATION**

**Applicant/Appellant:** David Turville and Trish Nixon, LRS Architects  
720 NW Davis, Suite 300, Portland, OR 97209

**Owner:** Julie Garver, Innovative Housing Inc  
219 NW 2nd Ave, Portland, OR 97209

Faez Soud, Portland Housing Bureau, City of Portland  
421 SW 6th Ave #500, Portland, OR 97204-1620

**Site Address:** **NW 14<sup>th</sup> and NW Raleigh**

**Legal Description:** BLOCK 258 TL 711, COUCHS ADD  
**Tax Account No.:** R180220354  
**State ID No.:** 1N1E28DD 00711  
**Quarter Section:** 2828  
**Neighborhood:** Pearl District, contact Kate Washington at [planning@pearldistrict.org](mailto:planning@pearldistrict.org).  
**Business District:** Pearl District Business Association, contact Carolyn Ciolkosz at 503-227-8519.

**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Plan District:** **Central City - River District - North Pearl**  
**Zoning:** **EXd**, Central Employment with a Design overlay  
**Case Type:** **DZM**, Design Review with Modification reviews.  
**Procedure:** **Type III**, with a public hearing before the Design Commission. The decision of the review body can be appealed to City Council.

**II. INTRODUCTION AND PROCEDURAL HISTORY**

**Original Proposal:**

The applicant seeks Design Review approval for a new ¼-block 12-story residential building located in the North Pearl Subarea of the River Subdistrict of the Central City Plan District bounded by NW 14<sup>th</sup> Ave and NW Raleigh Street. Key components of the development program are (approximate quantities):

- 105,242 SF of floor area, 10.5242 of FAR;
- 661 square feet of ground floor retail;

- 93 affordable apartments;
- 15 parking stalls at ground level;
- 155 long-term bike parking spaces (142 required) in two bike rooms (levels 1 & 2) and in units;
- 0 short-term spaces (12 required), code requirement met via paying into bike parking fund;
- Amenity spaces - Level 2 communal rooms and outdoor play area, Level 12 roof terrace;
- Eco-roofs and solar panels provided on the roof.

Design. A design goal is to achieve a contemporary interpretation of the traditional warehouse expressed as follows:

- *Massing.* The massing is split into three separate vertical elements by recessed notches on both street faces. Two brightly colored, rotated oriel windows are added to the corner element;
- *Podium.* A single-level podium faces the street frontages, but does not extend to the side walls;
- *Amenity.* Common rooms and outdoor play on Level 2, communal roof terrace on Level 12;
- *Entries.* The main residential lobby entry is on NW 14<sup>th</sup> Ave and a connecting bike lobby is on NW Raleigh St. A retail unit is located the corner;
- *Vehicle Access.* A shared parking and loading access is located off NW Raleigh, across from the Ramona (the quieter street frontage).

Materials. Exterior materials are:

- *Primary Cladding at ground level.* Brick veneer, aluminum storefront (setbacks from brick face: storefront 8-5/8", louvers 3-1/2");
- *Primary Cladding above ground level.* Profiled metal panels – 12" wide, 22 gauge (window trim is 1.5" to 7.5" proud of window frame, louvers are flush mounted);
- *Metal Trim.* Includes canopy soffits, and corner and window trims. No gauge is specified;
- *Storefronts.* Aluminum storefronts, clear anodized;
- *Windows.* VPI windows, white generally with orange at the red/orange metal panels.

Modifications/Design Exceptions. The following are requested:

1. *33.510.205.H Height* - To allow an additional 29'-8" height over the 100' base height, for a total height of 129'-8";
2. *33.266.130.F. (Table 266-4) Parking Space Size* – To allow 4 out of the 15 proposed parking spaces to be 8' wide, instead of the required 8'-6" wide (no parking spaces are required);
3. *33.266.130.F. Long-term Bike Parking* – To allow wall mounted bike racks to be mounted 18" with a 6" stagger, instead of the required 2'-0" on-center spacing (PZC Section 33.266.220);
4. *33.266.310.D.b. Loading Size* – To allow a reduced size loading space length of 16' long x 9' wide x 10' high, instead of the required 18' long x 9' wide x 10' high;
5. *Exception. OSCC 3202.3.2. / IBC/32#1. Window Projections into a Right-of-Way* - To not require side windows on oriel windows over 2'-6" deep, and to allow oriels that are 29'-11" wide on NW 14<sup>th</sup> and 30'-10" wide on NW Raleigh, instead of the maximum 12' wide allowed.

Standards. The following summarizes the proposed building's features to the applicable plan district standards – 33.510 Central City Plan District:

- **Max FAR** – Allowable FAR is 4:1 as shown on zoning maps and the site is eligible to earn up a total of 9:1 FAR maximum through bonuses (Map 510-2, 33.510.200.C.5). FAR above 9:1 can be transferred from a Historic Resource (33.510.200.H). *Proposed FAR is 10.52:1 with Middle-income housing bonus of 5:1 (90,000 SF) and Transfer from a Historic Resource of 1.5242:1 (15,242 SF) = 105,242 SF total FAR.*

- Max Height – Allowable height is 100’ with additional height allowed as a modification through design review (Map 510-3, 33.510.205.H). *Modification through design review is requested to reach 129’-8”.*
- Ground Floor Windows - This standard is required for street frontages. The windows must be at least 50 percent of the length and 25 percent of the ground level wall area. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade. (33.510.220, 33.140.230). *Proposed: complies.*
- Rooftop mechanical equipment - Screening is required for this location. It should be part of the overall building design. (Map 510-11, 33.510.224). *Proposed: complies.*

Design review is necessary because the project proposes new development within a design overlay zone, per section 33.420.041 of the Portland Zoning Code.

**Relevant Approval Criteria:**

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

- 33.825, Design Review
- 33.825.040, Modifications
- Central City Fundamental Design Guidelines
- River District Design Guidelines

**Design Review Commission Procedural History:**

- Three Design Advice Request (DAR) meetings were held, two before the Design Commission on April 7, 2016 and May 12, 2016, and one special meeting before a Design Commission subcommittee on June 6, 2016, where the Commission provided feedback on the overall design, and the need to provide a more contextual response with compositional coherency.
- The land use hearing on this Design Review application was held on September 22, 2016, where the commission found that additional design moves were needed to fully meet guidelines related to contextual response and coherency, but rather than require the applicant to return for a second hearing which they believed would put the project at risk, the commission added conditions of approval C.1 and C.2, which required moving of the lower oriel up to create a singular oriel, and changing the color of the corner metal panels to match checkerboard patterning elsewhere.
- The City mailed the Notice of Decision of Approval with Conditions on October 7, 2016.
- The Appellant, LRS Architects Inc., filed a timely appeal to the City Council on October 21, 2016, at 1:45 p.m. The basis of the appeal was the Conditions of Approval C1 and C2, which required moving of the lower oriel up to create a singular oriel, and changing the color of the corner metal panels to match checkerboard patterning elsewhere.

**Portland City Council:**

- Following timely notice to all persons entitled to notice under the City’s zoning code, the City Council heard the appeal at an “on the record” hearing on November 23, 2016 at 2:00 p.m.
- Following a presentation by BDS staff, testimony was provided by the Appellant/Applicant and supporters of the Appellant/Applicant. Testimony opposing the appeal and supporting the approval with conditions was presented by the Design Commission. The Mayor then closed the hearing. The City Council made a decision, voting 4-0 to approve the appeal and remove Conditions of Approval C1 and C2 of the Design Commission’s decision, and continued the matter to December 7, 2016 for the adoption of findings and a final vote.
- On December 7, 2016, the Council adopted findings and a final decision to grant the appeal and remove Conditions of Approval C1 and C2 of the Design Commission’s decision, and approve the project with the two oriel windows as the original design review proposal.

### **III. ANALYSIS**

**Site and Vicinity:** The 10,000 square foot site occupies the quarter block bound by NW Raleigh St and NW 14<sup>th</sup> Avenue in the northwest corner of the River District. The site is also located in the North Pearl Subarea of the River District which is itself a Subdistrict of the Central City Plan District. The North Pearl District plan area was adopted in November 2008 and focuses on the creation of a pleasing and dynamic urban form, a mix of complementary land uses, creation of community-serving amenities, and providing a range of housing opportunities for the growing diversity of household types in the Pearl District. Northwest Naito Parkway is located to the east, the I-405 freeway is to the west, and the Fremont Bridge is to the north of the site. The property is currently vacant.

The surrounding area is also zoned EXd and is developed with a mix of single story warehouse buildings, some of which house older industrial uses plus some recently converted to design and production spaces, as well as new multi-story housing developments. In the City's Transportation System Plan, NW 14<sup>th</sup> Avenue is classified as a Major Traffic Street, City Bikeway, and a City Walkway. NW Raleigh Street is classified as Local Service Street for all transportation modes. The site lies 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 Design Overlay Zone (d) 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 North Pearl Subarea of the River District Subdistrict of this plan district.

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

- EA 15-251449 PC – Pre-Application conference for this proposal. (Exhibit G.2)
- EA 16-121712 DA – Design Advice Request (DAR) for this proposal (Exhibit G.3). Three Design Advice Request (DAR) meetings were held, two before the Design Commission and one special meeting before a Design Commission subcommittee.

#### **Agency and Neighborhood Review:**

##### **1. Agency Review:**

A "Request for Response" was mailed on August 10, 2016. The following Bureaus have responded with no issues or concerns:

- Life Safety Section of BDS (Exhibit E.1)

- Fire Bureau (Exhibit E.2)
- Site Development Section of BDS (Exhibit E.3)
- Bureau of Parks-Forestry Division (Exhibit E.4)

The Bureau of Transportation Engineering responded on September 7, 2016, and the following comments are excerpts from their response relating to the Design Review (Refer to Exhibit E.5 for additional details):

*PBOT does not support an Adjustment to eliminate the requirement for an on-site loading space since the project is proposing on-site parking.*

*PBOT does support a modification to allow a standard passenger vehicle sized loading space within the garage.*

*The proposed narrow width of the garage entry was denied under driveway design exception (DE) 15-226842 TR. The garage entry must be 20-ft wide in order to provide adequate on-site maneuvering area for forward ingress and egress.*

*An additional driveway DE was granted under 16-212911 TR to allow the gate to the garage to be closer than 20-ft from the street property line. Conditions of approval of that DE will be imposed at the time of building permit review.*

*The following conditions of approval B.1-4, as outlined in the approved Driveway Design Exception, 16-212911 TR, and related to the operation of the garage gate, shall be conditions of approval.*

*B1. The security gate must fully open/close in 13 seconds or less.*

*B2. The parking spaces must be reserved for residential use only.*

*B3. A remote control device with a 50-foot minimum detection radius must be issued to all residents who are allowed access to the parking spaces.*

*B4. The security gate details and specifications must be added to the door schedule sheet of the building permit plan set.*

*Note: Driveway design exceptions are reviewed based on plans and information submitted with this application. Should any plans or information originally submitted change during the land use phase or building permit review phase, the original decision may be considered null and void at the discretion of the City Traffic Engineer.*

*RECOMMENDATION. No objection to approval with the above conditions of approval.*

The Bureau of Environmental Services responded twice, on September 2, 2016 and again on September 12, 2016 (Refer to Exhibit E.6a and E.6b for additional details):

**Comments**

*Inadequate stormwater management information has been received by BES to ensure that BES requirements will not impact the design of this project; however, BES has no specific approval criteria related to Design Reviews that would prevent approval of this project. Be aware, however, that it is the applicant's responsibility to ensure that BES requirements are met at the time of building permit review and that failure to provide a conceptual stormwater management plan that is acceptable to BES and BDS Land Use Services through the Design Review process may result in a subsequent Design Review and/or delays in the building permit process.*

***Note that the stormwater report and plans are not being approved by BES through this land use review and it is possible a subsequent land use review could be triggered. Be aware that more detailed information will need to be provided at the time of building permit review and a revised stormwater management plan will be required.***

### **Conditions of Approval**

*BES has no specific approval criteria related to Design Reviews and, therefore, no recommended conditions of approval. However, be aware that it is the applicant's responsibility to ensure that BES stormwater management requirements are met, which may impact the design of this project and require a subsequent Design Review.*

### **Administrative Review**

*The applicant may request a modification of a decision presented in this response via an administrative review as outlined in PCC sections 17.06.050, 17.32.150, 17.33.100, 17.34.115, 17.36.110, 17.38.060 and 17.39.120 and in those sections' associated administrative rules. There is no fee charged for an administrative review, and all BES penalties and late fees will be stayed pending the outcome of the review process. To request an administrative review, the applicant must complete the Administrative Review Request Form (located here: [www.portlandoregon.gov/bes/68285](http://www.portlandoregon.gov/bes/68285)) within 20 business days of the mailing date of this response and mail it to the Systems Development staff listed above. Note that the administrative review could affect the outcome of this land use application. In addition, the applicant should coordinate with the BDS planner to determine whether applying for an administrative review could have an impact on state-mandated land use timelines.*

## **2. Neighborhood Review:**

A "Notice of Proposal in Your Neighborhood" was mailed on **September 1, 2016**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## **IV. ZONING CODE APPROVAL CRITERIA AND FINDINGS**

### **(1) DESIGN REVIEW (33.825)**

#### **Chapter 33.825 Design Review**

##### **Section 33.825.010 Purpose of Design Review**

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

##### **Section 33.825.055 Design Review Approval Criteria**

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

**Findings:** The site is designated with 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 River District Sub District, the River District Design Guidelines also apply.

#### **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.

**A1-1. Link the River to the Community.** Link the Willamette River to the community reinforcing the river's significance. This guideline may be accomplished by:

- 1) Organizing land areas and groupings of buildings to visually define the river's linkage to the community.
- 2) Focusing and articulating roadways and pedestrian-ways to emphasize the river.
- 3) Developing projects that celebrate the river and contribute to creating centers of interest and activity that focuses on the Willamette.
- 4) Connecting the internal areas of the District to the Willamette Greenway Trail.

**Findings for A1 & A1-1:** This quarter-block site at the N-W corner of the Pearl District is located several blocks from the Willamette River but is connected to the river in multiple ways. By building on a vacant lot with family oriented housing, the development will increase pedestrian movement to and from the river and parks, reinforcing connections being established in the neighborhood. As residents head east on NW Raleigh they connect to the Fields Park which has river views just three blocks away. As residents head north on NW 14th Street they connect under the 405 freeway to NW Thurman and NW Naito Parkway to the river just four blocks away.



The main residential lobby is accessed from NW 14<sup>th</sup>, reinforcing the main N-S connector street in the neighborhood, and the connecting Bike Lobby is accessed from NW Raleigh, which relates to the pedestrian path to The Fields Park and the river beyond. The 12th floor is set back on the south-east corner, creating a roof terrace which will have views east towards the Willamette River beyond. *These guidelines are met.*

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

**Findings:** The development integrates Portland and River District/Pearl District themes as follows:

- Reinforcing the urban fabric and pedestrian scale with active frontages;
- Activating the upper levels of buildings with outdoor amenity space to capture views of the River District, Pearl District and Willamette River;
- Use of brick and metal as a contemporary interpretation of a traditional warehouse;
- Prominent architectural features at corners;
- Proposed eco-roof with planting and solar water heating; and,
- Emphasizing Portland's pedestrian/bike culture through the provision of a bike lobby, integrated long-term bike parking, and sidewalk-activating retail.

*This guideline is met.*

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

**A3-1. Provide Convenient Pedestrian Linkages.** Provide convenient linkages throughout the River District that facilitate movement for pedestrians to and from the river, and to and from adjacent neighborhoods. This guideline may be accomplished by:

- 1) Using visual and physical cues within the design of the building and building entries to express connections to the river and to adjacent neighborhoods.
- 2) Orienting integrated open spaces and trails that physically and visually link the river and/or surrounding neighborhoods.
- 3) Reusing or retaining cobblestone within the design of new development.
- 4) Encouraging flexibility and creativity along streets enhancing their historic or cultural role.
- 5) Creating visual and physical links across major corridors such as I-405, Burnside, and Front/Naito to strengthen connections to the river and other neighborhoods.

**Findings for A3 and A3-1:** The proposed ¼ block development holds the street edges and reinforces the traditional 200 foot block pattern typical in Portland. The building is built to the property lines with a minor erosion at the major entry point. The building provides a commercial storefront located at the street corner, canopy coverage, and active frontages, all of which help promote linkages within and beyond the River District. *These guidelines are met.*

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

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

**A5-1. 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.

**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.

**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 A4, A5, A5-1, A5-1-1, C4, C5, and C10:**

At the Design Review hearing on September 22, 2016, the Design Commission found the following are aspects of the proposal met these guidelines:

- Activation: The proposed 12-story design holds the ¼-block form typical in the Pearl District. At the ground level, new fully glazed pedestrian entries on both NW 14th and NW Raleigh, and locating a fully glazed commercial space on the corner, the development will help activate the right-of-way and provide linkages to the surrounding area. New street trees and undergrounding of utilities on NW 14th will also clean up and improve the experience as one travels on NW 14th and NW Raleigh.
- Design of ground floor. Referencing the existing brick-clad buildings in the North Pearl subarea, the base of the building at the street frontages is anchored mid-block with brick, with full height glazing wrapping the corner, linking the design to historic uses of brick in the neighborhood and at the same time providing a look into the active uses that wrap the corner. The glazed corner integrates retail space, a canopy, active lobby entrances, and lighting to connect to the emerging adjacent urban context and reinforce linkages throughout the district.
- Design above ground floor: Similar to some of the newer proposed developments, the proposal integrates a metal building skin at the upper floors reflecting the industrial character of the neighborhood at the edges at the 405 freeway. Most of the windows stack vertically on the facades helping to express building structure that is found in urban warehouse neighborhoods. The top floor of the building is treated in a contemporary way (no cornice), consistent with metal clad warehouse building design styles.

The commission found that design of the corner with two rotated oriel windows required additional design moves to fully meet these guidelines, and added Conditions of Approval C.1 and C.2, which required moving the lower oriel up to create a singular oriel, and changing the color of the corner wall metal panels to match the checkerboard patterning elsewhere.

Regarding conditions of approval C1 and C2 (the source of the appeal), at the City Council hearing on November 23, 2016, the Council found that the design review proposal with the two rotated oriel windows does meet these guidelines related to contextual response and the coherency. It was noted that the oriel windows were four-stories above the sidewalk, and therefore would not appear to encroach upon the pedestrian experience. It was also noted by one Council member that the lower oriel windows made the corner appear shorter rather than taller, better relating to the adjacent context. *With conditions of approval C1 and C2 removed, 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:** The proposal incorporates an eco-roof with landscape planting as part of the storm water management system and solar water heating systems, integrating stormwater management into the design. These rooftop installations will be visible from the elevated 405 freeway which surrounds the site.

*This guideline is met.*

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

**Findings:** The 12 story design holds the quarter-block form and street edges, the vertical notches of the building massing highlight the street corner which is reinforced by a corner canopy that also helps protect and define the pedestrian realm on the adjacent sidewalk.

*This guideline is met.*

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

**A8-1. Design Fences, Walls and Gateways to be Seen Over.** Design fences, walls and gateways located between a building and the sidewalk to be seen over to allow for social interaction. This guideline may be accomplished by:

- 1) Elevating building entries higher than the public sidewalk or path.
- 2) Creating a low fence or wall to visually separate but not hide semi-private spaces.
- 3) Using a low or stepped-down planting area or terraces to separate private development from a public sidewalk.

**Findings for A8 & A8-1:** The quarter-block corner site (with 200 linear feet of frontage) has been designed with about 114 linear feet of glazed active frontage which includes a corner commercial space, main entry lobby, bike lobby, and offices that will enhance the streetscape experience. Continuous storefront glazing provided at the corner massing along with the canopy overhead will give the appearance that the corner massing above is floating. *These guidelines are met.*

**B1. Reinforce and Enhance the Pedestrian System.** Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: 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 B1 & B1-1:** A canopy wraps the street corner, identifying and protecting the commercial space, the main lobby and the bike lobby entries, and tying into the vertical 'notches' in the massing above. Sconce lighting at the West lobby entry will be mounted on the adjacent brick pier and overhead lighting will be mounted below the soffits at the building entrances.

Although signage is indicated on the drawings, details have not been provided therefore findings cannot be made. Non-exempt signage will be subject to further review.  
*These guidelines are 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.

**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.

**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.

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

**Findings:** The 114 linear feet active storefront areas along the frontage will provide active frontages and improve the safety of the streetscape. The majority of windows at the 2nd and 3rd floors are either living room or bedroom windows, providing many "eyes on the street" that will also enhance safety in the area. Exterior pedestrian level lighting is provided at building entrances.

At the DAR's, the Commission acknowledged the challenge of providing large covered pedestrian areas for this particular program. It was suggested coverage focused on the visible spaces in front of the glazed walls at the main entry, commercial space and bike lobby, and that recesses at the entries would offer greater protection at least for those entering and exiting the building, and will also help to provide transition between public and private areas.

The proposed canopy wraps the street corner, identifying and protecting the commercial space and main lobby and bike lobby entries, and tying into the vertical 'notches' in the massing above. In addition to the canopy, the main lobby entry on NW 14<sup>th</sup> is setback three feet from the property line, and provides a small protected area for people to stop, view, socialize or rest.

However, the other building entries are not recessed, and because the canopy angles back along NW Raleigh, minimal coverage is provided over the bike lobby entry. With a Condition of Approval that the bike lobby entrance is to be fully accessible, recessed so that the out-swinging door does not encroach into the Right-of-Way, and to be the width of 2 full glazing

modules, protection will be afforded for those entering the bike lobby. *With Condition of Approval D, these guidelines can be met.*

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

**Findings:** The proposal has only one curb cut which is located on NW Raleigh and services both the auto and loading entry. This limits interruptions of the sidewalk, thereby minimizing obstacles to pedestrian movement. *This guideline is met.*

**B5. Make Plazas, Parks and Open Space Successful.** Orient building elements such as main entries, lobbies, windows, and balconies to face public parks, plazas, and open spaces. Where provided, integrate water features and/or public art to enhance the public open space. Develop locally oriented pocket parks that incorporate amenities for nearby patrons.

**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 C1 & C1-1:** The ground floor has about 114 linear feet of storefront facing the street that will enhance view opportunities for pedestrians. The corner of the building is fully glazed and will activate the corner with a retail space within. The main residential entry to the building is designed to be prominent and inviting.

The applicant considered residential balconies but deemed them inappropriate for this building which will contain small children, however the development will have a shared communal rooftop terrace located at the SE corner of the 12th floor which will provide residents with views of the Fields Park and Willamette River, and this deck is protected with a seven foot, glazed guardrail wall. The units with the rotated bays at the street corner will have enhanced views down NW Raleigh toward Fields Park, and down NW 14th toward downtown. *These guidelines are met.*

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

**Findings:** Because the development is affordable housing, funded with local, state and federal funds, it will meet or exceed accessible standards well beyond what is normally required of privately funded residential buildings. All entries and common areas will be designed to provide accessible features that meet federal standards. 5 units will be fully accessible, and another 2 units will be designed for hearing and visually impaired residents. *This guideline is met.*

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

**Findings:** At the ground level, brick veneer cladding and aluminum storefront glazing provide a high-quality cladding material suitable for the ground level. Proposed setbacks from the face of the brick cladding are over 8.5" for storefronts and 3.5" for the louvers,

which will add articulation and depth to the façade.

Above the ground level, proposed cladding is 22 gauge, 12" profiled metal paneling with a full turned edge and a concealed fastener. At anomaly conditions that do not match the 12" setting out, custom formed panels will be used that will match the profiles of the 12" panels and also have a full turned edge and the standard concealed fastener.

Sheet metal trims are proposed throughout the design to differentiate building elements. These occur at the windows, panel junctions, outside and inside corners, soffits, roofs of the oriels, and faces and roofs of the canopy. No gauge has been specified for these items. With a Condition of Approval that all visible metal trim elements are a minimum of 22 gauge, these important details will be of quality and maintain their inherent shapes. *With Condition of Approval E, this guideline can be met.*

**C3. Respect Architectural Integrity.** Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

**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 & C3-1:** On-site parking will be contained within the building and accessed by a single curb cut and garage door on NW Raleigh to minimize its effect on the design and the public way. Exterior walls of the parking area are solid and brick clad and the garage doors are a minimum 50% perforation to minimize any views into the parking area from the adjacent the public frontage. The applicant has obtained a Design Exception to allow the parking garage door to be brought close to the property line (Exhibit A.6). *These guidelines are 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 proposed 12-story, ¼ -block massing is broken down by vertical notches in the building on NW 14th Street and on NW Raleigh Street, which creates three vertical building elements (one facing west, one facing south, and one at the street corner), creating a unique street corner. In addition, the 12th floor roofline of the corner is expressed with a taller parapet and angled slope to create a contemporary roofline that maintains its industrial character. At the ground floor, a glazed continuous corner storefront and canopy above will highlight the corner. The fully glazed corner retail space and active lobby entrances will reinforce the corner, connect to the emerging adjacent urban context, and create linkages through the district. *This guideline is met.*

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

**Findings:** The ground floor cladding is expressed in brick and full-height storefront glazing, differentiating it from the metal clad upper floors which have punched openings.

The ground floor also has canopies, entrances, and lighting as discussed above which will reinforce the differentiation of the ground floor.

At the important junction of the ground floor brick and the building above, a flush detail is proposed (Detail 1/Exhibit C.20). However, a stronger transition is needed here. With a Condition of Approval that the brick pilasters are setback from the metal above or a transitional trim element is introduced, the base can be more clearly differentiated. *With Condition of Approval F, this guideline can be met.*

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

**C9-1. Reduce the Impact of Residential Unit Garages on Pedestrians.** Reduce the impact on pedestrians from cars entering and exiting residential unit garages by locating garage access on alleys, and active spaces on ground floors that abut streets. This guideline may be accomplished by:

- 1) Locating residential unit garage access on alleys.
- 2) Locating garage access on less trafficked streets.

**Findings for C9 & C9-1:** Active street frontages are provided by a commercial retail space on the street corner, the main residential lobby on NW 14<sup>th</sup>, and the bike lobby on NW Raleigh. These fully glazed spaces have been located and designed to activate the streetscape. A singular combined auto and loading garage entry is located at the SE corner of the site directly opposite the existing garage entry to the Ramona Apartments. The one curb cut needed to serve both these functions will reduce their impact on the pedestrians on the sidewalk. *These guidelines are met.*

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

**Findings:** As part of the storm water management system, the proposal incorporates an eco-roof with landscape planting and solar water heating system panels. The panels will help obscure the roof top mechanical equipment. *This guideline is 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:** Pedestrian level lighting is proposed to light ground floor entrances (Exhibits C.29, C.30). At the three pedestrian entry locations, linear LED fixture "Type A" will be mounted to the underside of the canopy, with recessed junction boxes. The main residential lobby entrance will have additional lighting via a sconce fitting mounted on the adjacent brick pier. At the service entries, shallow can LED fixture "Type C" will be mounted to the underside of the canopy with recessed junction boxes.

A lit sign is also indicated on the drawings, fixture "Type F", but details have not been provided therefore findings cannot be made. Applicant has indicated that these signs will occur at the two entries, and are anticipated to be less than 30 square feet each. If signage is below the Design Review threshold, it will be exempt from review. Non-exempt signage will be subject to further review.

High level lighting is proposed to illuminate the two notches, refer to fixture "Type E"

(Exhibit C.30). Locations and lighting quality of these are not yet indicated on the drawings, but the fittings specified may not create the effect indicated in the night rendering, and the location and style of these fittings is not well integrated with the design of the building. With a condition of approval that the notch lighting is integrated into the architecture, this lighting will contribute to the building's overall concept. *With Condition of Approval G, this guideline can be 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:** Signage has been indicated on the drawings although no details have been provided, therefore findings cannot be made. Applicant has indicated that signage will occur at the two entries and the signs are anticipated to be less than 30 square feet each, which is below the Design Review threshold and therefore would be exempt from review. Non-exempt signage will be subject to further review. *This guideline therefore does not apply.*

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

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

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

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

The following modifications are requested:

- 1. Modification of 33.510.205.H, Height.** Additional building height proposed above the base allowance.

**Purpose:** The maximum building heights are intended to accomplish several purposes of the Central City Plan. These include protecting views, creating a step-down of building heights to the Willamette River, limiting shadows on public open spaces, ensuring building height compatibility and step downs to historical districts, and limiting shadows from new development on residential neighborhoods in and at the edges of the Central City.

33.510.205. H. North Pearl Subarea height opportunity area. In the North Pearl Subarea, additional building height may be appropriate to support the goals of the North Pearl Plan. The regulations of this subsection:

- Promote the use of development bonus and transfer provisions to create and support a range of community amenities to serve the diversity of residents and employees in the Central City;
- Create a skyline and urban form that is visually permeable by providing visual access to locations within and beyond the subarea;



- Encourage the development of taller buildings that may accommodate a range and diversity of land uses;
- Result in a dynamic and varied skyline and urban form that contributes to the health, vibrancy, and livability of urban living;
- Shape building massings that allow light and air to penetrate to the street level, enhance pedestrian scale, and create a pleasant, versatile, and active public realm; and
- Provide flexibility to allow a range of uses and building types to be developed in a manner that fulfills the design objectives of this purpose statement.

**Findings:** Base allowable height on the site is 100' with additional height available through a modification through Design Review. Proposed building height is 129'-8" to the highest parapet point. An additional height of 29'-8" is requested.

**A. Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines.* The buildings height and massing will create view opportunities and visual connections throughout. The 12th floor terrace and upper floor dwelling units benefit from additional height for views toward the River, The Fields Park, and Mt Hood, and downtown for the greatest number of residents. This additional height will allow for stronger visual connection to the river for residents and visitors from the residential units as well as from the 12th floor terrace, helping to contribute to better meeting Guidelines A1 (*Integrate the River*) and C1, C1-1 (*Enhance View Opportunities, Increase River View Opportunities*). *Therefore this criterion is met.*

**B. Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.* The site is in the North Pearl Subarea Height Opportunity Area and the additional height is consistent with the stated purpose of this area, specifically:

1. *The proposal promotes the use of development bonus and transfer provisions to create and support a range of community amenities to serve the diversity of residents and employees in the central city:* The proposed additional height is earned through Bonus Area (middle-income housing bonus) and Historic Resource Transfer. Additional height, and the resulting dwelling units, will serve a crucial need for low income and homeless families.
2. *The proposal encourages development of taller buildings that may accommodate a range and diversity of land uses:* The taller building allows for a greater density of affordable, family housing, bringing continued diversity to the Pearl District.
3. *The proposal result in a dynamic and varied skyline and urban form that that contributes the health, vibrancy, and livability of urban living:* The added height is appropriate at this location, where the neighborhood transitions from primarily 6 story, and lower, buildings to the height and mass of the adjacent 405 freeway. A taller building will vary the built skyline, rather than having it dominated solely by the freeway, adding vibrancy to the neighborhood. *Therefore this criterion is met.*

*This Modification therefore merits approval.*

2. **Modification of 33.266.130.F.2, Parking Space Dimension.** For some parking spaces narrowed by structural constraints.

**Purpose:** The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones. Together with the transit street building setback standards in the base zone chapters, the vehicle area restrictions for sites on transit streets and in Pedestrian Districts:

- Provide a pedestrian access that is protected from auto traffic; and
- Create an environment that is inviting to pedestrians and transit users.

- 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.

**Findings:** The modification to reduce the width of 4 of the 15 garage parking spaces from 8'-6" to 8'-0" due to structural constraints is in keeping with other parking garages of this type. The remaining parking spaces will be a minimum of 8'-6" wide. The drive aisles and other maneuvering spaces as well as bike parking, stairways, ADA parking spaces, and pedestrian walkways will comply with code requirements so that vehicles can enter and exit as well as pass each other within the parking garage in a safe manner.

**A. Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines.* The proposed range of parking space sizes is an increasingly common feature of parking garages around the city and allows for more spaces to be provided within the development. This in turn incrementally relieves parking burden that would have to be accommodated by on-street parking which can in-turn meet project parking demand on site and not within the public ROW. In addition, because spaces will be assigned, larger vehicles can be assigned larger spaces to fit safely in the garage. This modification contributes to better meeting the following Central City Fundamental Design Guideline: *C1-1 (Integrate Parking)* in that it provides well-integrated parking in the development while allowing more of the ground level to be used as active uses along NW Raleigh, further enhancing the proposal's relationship with pedestrians. *Therefore this criterion is met.*

**B. Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.* The parking area layout standards are intended to promote safe circulation within the parking area and provide for convenient entry and exit of vehicles. The area in front of the proposed smaller spaces exceeds the 20'-0" minimum, and is at least 24' deep, allowing additional maneuverability into the tighter spaces. The parking spaces will be for the use of the tenants and can be assigned based on individual size requirements. This reduced width will accommodate a regular sized vehicle; however, it may require additional maneuvering. Building management could also limit these spaces to compact vehicles, if desired. *Therefore this criterion is met.*

*This Modification therefore merits approval.*

### **3. Modification of 33.266.220.C.3.b. Standards for all bicycle parking.**

**Purpose:** Bicycle parking is required for most use categories to encourage the use of bicycles by providing safe and convenient places to park bicycles. These regulations ensure adequate short and long-term bicycle parking based on the demand generated by the different use categories and on the level of security necessary to encourage the use of bicycles for short and long stays.

**Findings:** The standard requires a space 2 feet by 6 feet be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components. The project proposes a total of 155 long-term spaces (142 required). Of this total, 69 spaces will be vertically stacked and staggered at 18" on center within 2 bike rooms on levels 1 and 2. An additional 81 wall-mounted spaces are proposed within individual units.

**A. Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines.* Accommodating these bicycle parking spaces in horizontal

racks would consume considerable floor area. Relying upon a vertical/stacked bike rack is a more efficient use of space, and is similar to bike parking systems recently approved in numerous Design Reviews throughout Central City. The proposed functional and space efficient system eases floor plan demands and results in additional opportunities for active uses at the street, such as lobby space and retail tenant spaces which contributes to the project better meeting the following Central City Fundamental Design Guidelines: *A8 Contribute to a Vibrant Streetscape* and *B1 Reinforce and Enhance the Pedestrian System*. *Therefore this criterion is met.*

**B. Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.* The primary purpose of the standard is to ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and damage. The proposed bike rack system is engineered to stack 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. A 5' minimum aisle is still provided behind each bicycle rack. The rack system will be located within a secure bike storage room within the bike rooms or individual units. 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. The overall solution is consistent with the purpose of the bicycle parking standard. *Therefore this criterion is met.*

*This Modification therefore merits approval.*

#### **4. Modification of 33.266.310.D. Loading Standards**

**Purpose:** A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.

**Findings:** The modification to reduce the length of the loading space from 18' long x 9' wide x 10' high (required), to 16' long x 9' wide x 10' high (proposed). This modification will allow the loading proposal to be located on the interior of the block, and share access with the car parking.

**A. Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines.* Most of the loading requirements for this proposal will be related to the move-in and move-out activities of residents and intermittent deliveries to the retail establishment. The proposed loading area will supply a space for delivery vans and smaller moving trucks that are expected to serve the building tenants. Similarly the small retail space will have minimal loading needs that can be met by either the onsite space or a space on the street. The retail space is less than 7,500 square feet and if it was a stand-alone use, a loading space would not be required. This shared access contributes to the project better meeting the following Central City Fundamental Design Guidelines: *A7 Establish and Maintain a Sense of Urban Enclosure*, *A8 Contribute to a Vibrant Streetscape*, and *B1 Reinforce and Enhance the Pedestrian System* by creating a comfortable urban living environment for residents while respecting and enhancing the surrounding neighborhood through a mix of uses and active sidewalks. *Therefore this criterion is met.*

**B. Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested. The Office of Transportation [Exhibit E.5] supports this modification request and offered the following comment: "PBOT does support a modification to allow a standard passenger vehicle sized loading space within the garage." On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested. The applicant is proposing a loading area that is smaller than that which is required by Code, but one that is adequate to serve the needs of the building tenants, as stated above. The minimal impacts of smaller loading vehicles support the idea that the resulting development will not interfere with circulation around the site. Therefore this criterion is met.*

*This Modification therefore merits approval.*

### **(3) DESIGN EXCEPTION REQUEST (OSSC/32/#1)**

Windows that project into the public right-of-way are allowed a maximum width of 12'. When approved through design review, the width may vary. The proposal includes a 29'-11½" wide window on NW 14<sup>th</sup> Ave and 31'-4" wide window on NW Raleigh projecting into public rights-of-way at the east and south ends of the building.

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

**Findings:** The maximum projection is 3'-1.5". *This Criterion is met.*

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

**Findings:** Minimum clearances above grade are well above 12' (41'-9") and the maximum projection is 3'-1.5", along NW 14<sup>th</sup>. *This Criterion is met.*

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

**Findings:** Projecting wall areas are well under 40% (14% on NW 14<sup>th</sup> Avenue and 14% on NW Raleigh St.). *This Criterion is met.*

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

**Findings:** Projecting wall lengths are well under 50% (30% on NW 14<sup>th</sup> Avenue and 30% on NW Raleigh St.). *This Criterion is met.*

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

**Findings:**

Window Area:

The front-facing window area of the projecting oriel windows is 30% on both NW 14<sup>th</sup> Ave and NW Raleigh, thereby meeting the minimum requirement for transparency.

Side Windows:

The projection on NW Raleigh is 1'-9" which is below the 2'-6" trigger for side windows requirement. However, the projection on NW 14<sup>th</sup> Avenue is 3'-1 1/2", which does trigger the requirement for minimum of 10% side windows. This Criterion is not met but is approvable with (1) compliance with standards C and D, and (2) a favorable recommendation through Design Review. Standards C and D are met.

With regard to Design Review consideration, side windows are typical of bays and traditional "oriel" windows, however, the turned corner oriels being proposed are not bays in the traditional sense. Instead, they are more akin to a corner bay or turret. Given the twisted form, there is only one real "side" at the slot on NW 14<sup>th</sup>. Windows at this location are not desired from an exterior composition, interior program, or energy conservation standpoint and would not contribute to the traditional three sided bay feel that the base standards are written for. *Approval of this requested exception is granted.*

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

**Findings:**

- The proposed oriel projection NW 14<sup>th</sup> Ave is 29'-11 1/2" wide (12' allowed), 14% of the wall's area (40% allowed), and 30% of the building wall's length (50% allowed).
- The proposed projection on NW Raleigh 31'-4" wide (12' allowed), 14% of the wall's area (40% allowed), and 30% of the building wall's length (50% allowed).

Both of these oriels comply with the maximum percentages of length and areas allowed, however both of these oriels also greatly exceed the maximum 12' width allowed, by 2.5 times or more. This Criterion is not met but is approvable with (1) compliance with standards C and D, and (2) a favorable recommendation through Design Review. Standards C and D are met. With regard to Design Review consideration, the oriel projections are triangular in shape and taper back to inside the property lines, which will help reduce the visual impact of the longer projections. Additionally, the bottom of each bay is high above the sidewalks, 41'-9" above grade, so they will not feel heavy overhead or encroach into the pedestrian realm.

The applicant states that the projecting oriel length exceeds the 12' foot standard as a result of the rotated massing, and the desired scale of the rotated element. The longer oriels do allow for a larger, simpler form. Additionally, along with the corner massing created by the notches, they highlight and activate the corner of the site and the building entries. Together with the retail space, the rotated massing and color emphasis will further highlight the building corner and street intersection and provide an identity to the building for residents as well as retail tenants and patrons. The increased length of the proposed bays allows the corner to be a more integral part of the building massing.

At the DAR's, the Commission advised that support for this Exception would require mitigation, and suggested studying additional transparency beyond the required minimum 30%.

At the September 22, 2016 Design Commission hearing, the Commission supported the oriel design with the 30% minimum glazing required. Since the design incorporates so many competing elements, further differentiation of the oriels was not desired, and would not help the proposal better meet the design guidelines relating to contextual response and coherency. *This criterion is met.*

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

**Findings:** There are no other projections on the NW 14<sup>th</sup> Ave and NW Raleigh St elevations. *This criterion does not apply.*

*This Exception meets the approval criteria and therefore merits approval.*

#### **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal is not required 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.

#### **IV. 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 the guiding principles offered at the Design Advice Requests related to ground floor activation and design. At the design review hearing, the Commissioners continued to have concerns with the proposal meeting guidelines related to contextual response and coherency, and found that additional design moves were needed to fully meet these guidelines. Rather than require the applicant to return for a second hearing which they believed would put the project at risk, the Commission added conditions of approval C.1 and C.2 which required moving of the lower oriel up to create a singular oriel, and changing the color of the corner metal panels to match checkerboard patterning elsewhere.

At the appeal hearing on November 23, 2016, Council granted the appeal to remove the conditions of approval C1 and C2. It was noted that the oriel windows were four-stories above the sidewalk, and therefore would not appear to encroach upon the pedestrian experience. With the removal of these conditions of approval, the Council found that this proposal meets the applicable design guidelines. Council also noted, however, that through the design review process, the proposal as a whole has resulted in a better building. The proposal has become significantly stronger, and provides better functionality, massing, scale, and character.

It is the decision of the City Council to approve **Design Review** for a new ¼-block, 12-story, residential building in the North Pearl Subarea of the River District Subdistrict of the Central City Plan District including the following key program components: 105,242 gross SF total; 661 square feet of ground floor retail; 93 affordable apartments; 15 at-grade parking stalls; 155 long-term bike parking spaces (142 required) in two bike rooms (levels 1 and 2); and, 0 short-term spaces (12 required, code requirement met via paying into bike parking fund.)

Approval of the following **Modification** requests:

1. 33.510.205.H Height - To allow an additional 29'-8" height over the 100' base height, for a total height of 129'-8";
2. 33.266.130.F. (Table 266-4) Parking Space Size - To allow 4 out of the 15 proposed parking spaces to be 8' wide, instead of the required 8'-6" wide (no parking spaces are required);
3. 33.266.130.F. Long-term Bike Parking - To allow wall mounted bike racks to be mounted 18" with a 6" stagger, instead of the required 2'-0" on-center spacing (PZC Section

33.266.220);

4. 33.266.310.D.b. Loading Size – To allow a reduced size loading space length of 16' long x 9' wide x 10' high, instead of the required 18' long x 9' wide x 10' high.

Approval of the following **Exception** request:

1. Exception. OSCC 3202.3.2. / IBC/32#1. Window Projections into a Right-of-Way - To not require side windows on oriel windows over 2'-6" deep, and to allow oriels that are 29'-11" wide on NW 14<sup>th</sup> and 30'-10" wide on NW Raleigh, instead of the maximum 12' wide allowed.

Approvals per Exhibits C.1-C.41, signed, stamped, and dated October 4, 2016, subject to the following **Conditions of Approval**:

- A. As part of the building permit application submittal, the following development-related conditions (A through I) 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 16-197257 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Conditions B.1-4 related to the security gate:
  1. The security gate must fully open/close in 13 seconds or less.
  2. The parking spaces must be reserved for residential use only.
  3. A remote control device with a 50-foot minimum detection radius must be issued to all residents who are allowed access to the parking spaces.
  4. The security gate details and specifications must be added to the door schedule sheet of the building permit plan set.
- C. *Conditions C1 and C2 removed through this appeal.*
- D. The bike lobby entrance to be recessed in depth so that the out-swinging door does not encroach into the Right-of-Way, to be two (2) full glazing modules wide, and to be fully accessible.
- E. All visible metal trim elements to be a minimum of 22 gauge.
- F. The brick pilasters are to be setback from the metal above, or a transitional trim element is introduced to create a stronger demarcation of the base.
- G. The lighting of the notches is to be shrouded.
- H. Prior to the issuance of any building permit the applicant must demonstrate through the required covenants how FAR is achieved in accordance with the Portland Zoning Code.
- I. No field changes allowed.

**The applicant/appellant prevailed.**

## **VII. APPEAL INFORMATION**

### **Appeals to the Land Use Board of Appeals (LUBA)**

This is the City's final decision on this matter. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date of the decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period or this land use review. You may call LUBA at 1 (503) 373-1265 for further information on filing an appeal.

**EXHIBITS – NOT ATTACHED UNLESS INDICATED**

- A. Applicant's Statement:
  - 1. Initial Application – Narrative, 6/30/16
  - 2. Initial Application – Drawings, 6/30/16
  - 3. Initial Application – Stormwater Report, 6/30/16
  - 4. Response to Incomplete letter, 8/5/16
  - 5. Second Response to Incomplete letter, 8/12/16
  - 6. Driveway Design Exception for door location, 16-212911, approved with Conditions
  - 7. Driveway Design Exception for reduced width, 16-226842, denied
  - 8. Revised Appendix sheets App 1-22, 9/2/16
  - 9. Revised Guidelines narrative, 9/2/16
  - 10. Revised Modifications narrative, 9/7/16
  - 11. Revised Appendix sheets App 1-14, 9/15/16
- B. Zoning Map (attached):
  - 1. Zoning Map
- C. Plans & Drawings:
  - 1. Site Plan (attached)
  - 2. Through C.6 Plans, levels 1-12 (C.2 attached)
  - 7. Roof Plan
  - 8. West Elevation, b/w (attached)
  - 8a. South Elevation, b/w (attached)
  - 9. East Elevation, b/w (attached)
  - 9a. North Elevation, b/w (attached)
  - 10. East and West Elevations, color
  - 11. North and South Elevations, color
  - 12. Enlarged Street-Front Elevations
  - 13. Enlarged Oriel & Niche Elevations
  - 14. Building Sections
  - 15. Through C.17 Wall Sections
  - 18. Plan Details
  - 19. Roof Details
  - 20. Through C.21 Section Details
  - 22. Window Details
  - 23. Materials Key
  - 24. Proposed Metal Panels
  - 25. Through C.28 Landscape Plans
  - 29. Through C.30 Exterior Lightning
  - 31. Through C.33 Civil Plans
  - 34. Through C.41 Cut Sheets
- D. Notification information:
  - 1. Request for response
  - 2. Posting letter sent to applicant
  - 3. Notice to be posted
  - 4. Applicant's statement certifying posting
  - 5. Mailing list
  - 6. Mailed notice
- E. Agency Responses:
  - 1. Life Safety Section of Bureau of Development Services
  - 2. Fire Bureau
  - 3. Site Development Review Section of Bureau of Development Services
  - 4. Bureau of Parks, Forestry Division
  - 5. Bureau of Transportation Engineering and Development Review
  - 6a. Bureau of Environmental Services, 9/2/15
  - 6b. Bureau of Environmental Services, addendum 9/15/16
  - 7. Water Bureau, 9/14/16



F. Letters: none received.

G. Other:

1. Original LUR Application
2. Pre-Application Conference notes, 3/8/16
3. DAR summary notes from three meetings
4. Request for completeness, plus BES, PBOT and Site Development responses
5. Incomplete letter, July 27, 2016

H. Hearing

1. Staff Report, 9/15/16
2. Staff Memo, 9/16/16
3. Staff PPT, 9/22/16
4. Photos of sample boards, 9/22/16
5. Staff notes from hearing, 9/22/16

I. Appeal

1. Appeal Submittal
2. Appealed Decision
3. Notice of Appeal
4. NOA Mailing list
5. PDNA association letter, received 11/23/16 (undated)
6. Design Commission letter, received 11/23/16
7. Copy of BDS Staff Presentation to Council on 11/23/16
8. Signed Request for Extension of 120-Day review Period.