



STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION

CASE FILE: LU 17-195442 DZM AD
PC # 17-108623
SW 11th & Clay
REVIEW BY: Design Commission
WHEN: September 21, 2017; 1:30pm
WHERE: 2020 SW Fourth Ave., Lincoln Room
Portland, OR 97201

Bureau of Development Services Staff: Hannah Bryant 503-823-5353 /
Hannah.Bryant@portlandoregon.gov

Please note this report does not recommend approval. Aspects of the proposal that do not meet the approval criteria are in **boxed text**, and a Summary of the Issues and Approval Criteria not met are in the "Conclusions" section on page 11.

GENERAL INFORMATION

Applicant: Joshua Lupkin | SERA Design & Architecture, Inc.
338 NW 5th Ave
Portland, OR 97209
503-445-7346 | joshual@seradesign.com

Owner: David Garnand | Housing Northwest, Inc.
1604 SW Clay St
Portland, OR 97201
503-345-4110 | dgarnand@chnw.org

Site Address: **1110 SW CLAY ST**

Legal Description: BLOCK 266 LOT 1 N 10' OF LOT 2, PORTLAND; BLOCK 266 S 40' OF LOT 2, PORTLAND

Tax Account No.: R667729560, R667729580, R667729580

State ID No.: 1S1E04AD 04800, 1S1E04AD 05000, 1S1E04AD 05000

Quarter Section: 3128

Neighborhood: Portland Downtown, contact Rani Boyle at 503-725-9979.

Business District: None

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

Plan District: Central City - West End

Zoning: RXd - *Central Residential with a design overlay*

Case Type: DZM AD – Design Review with Modifications and Adjustments

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

Proposal:

The applicant seeks Design Review approval for a ¼ block, 16-story, furnished student group living building.

- 16-story furnished student group housing, with 259-units, four double-height residential kitchen, and lounge spaces.
- Ground floor includes commercial space, lobby, bicycle storage, two loading bays and service. There is no proposed parking.
- Modification of long-term bicycle rack storage from 24” to 18”.
- Adjustments to loading space size from 2 Standard A spaces to 2 Standard B spaces, accessed off SW 11th (a Parking Access Restricted Street).
- Conditional Use Review (LU17-198428) is requested to approve group living in the RX zone. That case is currently incomplete. The planner assigned is Rodney Jennings rodney.jennings@portlandoregon.gov | 503.823.5088

Design Review is required because site is in Central City with a ‘d’ overlay.

The following Modifications are requested:

1. Standards for all bicycle parking (Section 33.266.220.C.3.b) to reduce the spacing between vertical, staggered bicycle racks.
2. Loading Standards (33.266.310)
 - Reduction in loading spaces size (Section 33.266.310.C.2.c) from two Standard A spaces to two Standard B spaces.
 - Allow for egress not in a forward motion (Section 33.266.310.F.2) when loading is located abutting a streetcar alignment.

The following Adjustments are requested:

1. Loading from a Parking Access Restricted Street (Map 510-9) to locate loading spaces off SW 11th, a parking access restricted street.

Relevant Approval Criteria:

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

- | | |
|-----------------------------------|---|
| ▪ <i>Design Review</i> , 33.825 | ▪ <i>Central City Fundamental Design Guidelines</i> |
| ▪ <i>Adjustments</i> , 33.805.040 | ▪ <i>Modifications</i> , 33.825.040 |

ANALYSIS

Site and Vicinity: Located within the Central City, just north of the Portland State University campus and two blocks east of I-405, the ¼ block site is located at the southwest corner of SW Clay Street and SW 11th Avenue. It has ½ block frontages on both SW Clay Street (Traffic Access Street, Local Service Bikeway, Major Emergency Response Street) and SW 11th Avenue (Portland Streetcar, Traffic Access Street, Transit Access Street, Local Service Bikeway, Major Emergency Response Street). The site is in

the Downtown Pedestrian District, and across the street from the southbound streetcar stop at the northwest corner of the SW Clay and SW 11th intersection.

Existing conditions include a 6-story, brick apartment building. Built in 1909, the Tiffany Apartments are a richly detailed U-shaped building, set above the street with extensive brick ornamentation, rounded corner balconies and stacked bay windows. They were removed from the Historic Resource Inventory by the current ownership in 2013. The remaining sites on this block are three recently redeveloped ¼ block buildings. They all are primarily brick and masonry cladding, and share a design language including vertical oriel window projections, distinct bases, and traditional architectural details derived from the Tiffany Apartments. Surrounding buildings are primarily masonry, with notable exceptions in the glass and steel Benson tower, directly east across SW 11th Avenue, and the Rose Schnitzer Tower, a metal and concrete tower that is north across SW Clay Street.

Adjacencies to I-405 and the Portland State University Campus result in high levels of vehicle and pedestrian traffic. SW Clay Street often has long queues to access I-405, while SW 11th Avenue ends at the end of the block to the south, where it meets the Portland State University campus. Footpaths through the campus allow pedestrians and bicyclists to pass through, but all vehicle traffic must turn east at this point.

Zoning:

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

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

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

- LU 91-008759 – Approval, with conditions, to replace deteriorated wood windows with anodized aluminum.
- LU 17-198428 – Pending Conditional Use review to approve group living in the RX zone.

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed **September 1, 2017**. The following Bureaus have responded with no issue or concerns:

The Bureau of Environmental Services responded with the following comment: Additional information is needed about proposed pollution reduction strategies for the second story roof terrace. Please see Exhibit E-1 for additional details.
--

The Bureau of Transportation Engineering responded with the following comment: A loading analysis is necessary prior to approval of the Adjustment to locate loading off SW 11th Avenue. Additionally, due to the relocation of the existing catenary pole, a 30% Public Works Permit must be obtained prior to receiving PBOT approval. Please see Exhibit E-2 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **September 1, 2017**.

A total of one written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Mara Scantlebury, June 13, 2017 – Construction at this site will negatively impact traffic, pedestrian right-of-way, and may result in noise and air quality issues that will affect the sensitive population at the Rose Schnitzer Tower. It would be preferable to sustainably renovate the existing building. See exhibit F-1 for more information.

Staff Response: The Land Use Review process does not address construction impacts. Staff met with the respondent to provide thorough in-person answers, and referred her to relevant teams who oversee site development, code enforcement. If members of the public have concerns about construction management or code compliance, they can contact code enforcement: <https://www.portlandoregon.gov/bds/34170>.

ZONING CODE APPROVAL CRITERIA

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 of the site's location, the applicable design guidelines are the Central City Fundamental Design Guidelines.

Central City Fundamental Design Guidelines

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

The Central City Fundamental Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public

environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

Central City Plan Design Goals

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

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.

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

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

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 ¼ block proposal is built to just behind the property line, serving to maintain a sense of urban enclosure. Five-foot deep canopies extend over more than half the frontage on both streets.

The two entrances are both located off SW Clay street, a busy traffic street, rather than the more pedestrian and transit-oriented SW 11th Avenue frontage. The proposal is not yet detailed to demonstrate that the entrances, and corresponding commercial and public spaces within will contribute to a vibrant streetscape. Entrances should be architecturally distinguished from the adjacent storefronts and not reliant on color.

Lacking a basement, the proposal includes extensive street-level loading, storage and utility spaces. These create inactive frontages and require mitigation through

well-detailed design of the active spaces to ensure that they are extremely successful and offset the windowless spaces. The proposal does not yet have a level of design development to demonstrate that the residential lobby, resident bicycle access and corner commercial space will be highly active and contribute to the public realm. Well-detailed storefront systems with low bulkheads, operable windows into the commercial tenant space, deeper canopies to shelter on-street seating, and increased unity between first and second story fenestration could all serve to better meet these guidelines. *These guidelines are not yet 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.

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

Findings: The proposal is set within a context of primarily masonry building. There are no cementitious buildings in the nearby vicinity. To address the surrounding masonry context, the proposal is for brick cladding at the bottom two stories and cementitious panels on the top 14 stories. However, the detailing is not yet successful in creating a unified building that complements the existing buildings and enhances the area.

Previously submitted images from the final Design Advice Request showed a more unified base, with second story windows that aligned with the street level fenestration below. The rich storefront pattern shown in this image was a more contextual response to the recently approved adjacent brick buildings. The current proposal has strayed from the unified base of the previous proposal, and presents a more disjointed ground level that lacks the richness of detailing in the storefronts. In the Design Advice Requests, Commission encouraged the applicant to express the base as if the second story was a mezzanine. As such, the windows should read as one vertical band, and second story windows should be of the same patterning and materiality as the ground-level windows. The second story windows should not employ the window modules and visible venting strategies of the upper stories.

The transition between the brick base and the cementitious cladding above needs more resolution. The proposed thin metal fin, protruding 6", is not sufficient to make the transition between two disparate cladding materials. *These guidelines are not yet 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.

Findings: The proposal includes louvers beneath the five-foot deep street level canopies. Due to the slope of the sidewalk, the canopies are placed above the louvers to ensure adequate sense of height for pedestrians approaching from uphill. The louvers are placed above the height of pedestrians, above the storefront windows.

The canopies are of sufficient depth to provide weather protection and to mitigate the effects of summer sunlight. The canopies may encourage the street-level commercial tenant to locate outdoor seating on the sidewalk where people can stop, socialize and rest. *These guidelines are met.*

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

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

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

Findings: The proposal is for a highly visible, four-sided building clad primarily in cementitious panels. The success of this panelized material is reliant on well-detailed joints and successful transitions between materials and architectural elements. The current submittal does not include detail drawings to demonstrate how panels will be fabricated, what the cut edge conditions will look like, how the panels are flashed, or how the material returns to the punched windows. Lacking these details, Staff has concerns about the quality and permanence of the cladding.

The current proposal shows a two-story brick base, topped by 14-stories of cementitious panels. The transition between the brick and cementitious panel is made through a narrow metal fin. While sufficient to cast a shadow line, this fin does not adequately create a top for the brick base.

The lighting proposal is for standard, minimal overhead lighting. The design drawings do not show how the lighting is located above each doorway. The lighting plan shows the same lights proposed for above the front entry as above the service rooms and loading bays. The applicant is encouraged to consider a more detailed lighting plan, including wall-mounted lights and special canopy lighting, as a mechanism for differentiating entrances from utility rooms and egress doors. This area is under lit at night, and better lighting will not only promote pedestrian safety, contribute to a vibrant streetscape, but also add needed material richness and detailing to the ground floor. *These guidelines are not yet met.*

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

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 element, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

Findings: Sited on a ¼ block with two sloped street frontages, the proposal is limited in its ability to locate entrances to facilitate barrier-free access. Utilizing

internal ramps, the proposal demonstrates a clear path from the entrance to the elevator, and multiple paths of access to the bicycle storage room. Recessed doors and 5' deep canopies provide deep shelter between the doors and the public right-of-way. Canopies facilitate outdoor seating areas, which may further develop the transition between the private development and public streets. *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.

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

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

Findings: The proposal is notable for its four double-height glass modules located overlooking the intersection of SW Clay and SW 11th Avenue. These large glass windows celebrate the community spaces within, and will demonstrate the activity of the residential building throughout the day.

The sidewalk level of the building is differentiated from the upper stories through a change in material, large storefront window patterning and long canopies. The ground floor is designed to have commercial tenant space at the corner, which will further activate the intersection and accommodate active uses to serve the building's residents and pedestrians from the surrounding neighborhood. *These guidelines are met.*

(1) 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) Standards for Bicycle Parking (33.266.220.C.3.b) and (2) Loading Standards (33.266.310).

- 1. Standards for all bicycle parking** (Section 33.266.220.C.3.b) to reduce the spacing between vertical, staggered bicycle racks from 24" to 18". Purpose: to

facilitate easy use of required bicycle racks to encourage frequent use of bicycles as a form of transportation.

Findings: The proposal includes 393 long-term bicycle parking spaces. One bike parking space will be provided in each of the units, with the remaining 134 spaces located in an at-grade bike parking room on the ground floor. The proposed bike rack system is engineered to stagger bikes vertically to allow the handle bars to overlap. This allows the racks to provide the same level of service that would be provided by a standard 24” on center spacing, within an 18” space. The staggered clearance between adjacent bikes eases the hanging and locking of a bike. A 5’ minimum aisle is still provided behind each bicycle rack. Reducing the spacing between vertical, staggered wall-mounted bicycle racks allows for more racks in the conveniently-located space. Facilitating increased storage better meets the standard, and will encourage the use of bicycles for short and long trips, helping to meet the City’s goal that 10 percent of all trips be made by bicycle. *These criteria have been met.*

This Modification therefore warrants approval.

2. Loading Standards (33.266.310) Purpose: Loading spaces are required to ensure adequate areas for loading for larger developments. 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.

- Reduction in loading spaces size (Section 33.266.310.C.2.c) from two Standard A spaces to two Standard B spaces.
- Allow for egress not in a forward motion (Section 33.266.310.F.2) when loading is located abutting a streetcar alignment.

Findings: The proposal is for furnished, student group-living units. Given the student population, and the minimal personal possessions that will be required to be moved, it is anticipated that residents will move in and out during very limited periods at the beginning and end of the school year, and that they will be able to use personal vehicles parked on-street to do so. Therefore, the loading spaces are anticipated to be used primarily by professional delivery drivers who will be capable of navigating exit from the loading bay, across the street car tracks, in a rearward motion.

The applicants have requested a reduction from two Standard A spaces to two Standard B spaces but have not yet provided Portland Bureau of Transportation with a traffic study to support their request. *This criterion is not yet met.*

(2) ADJUSTMENT REQUESTS (33.805)

33.805.010 Purpose

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

ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.040 Approval Criteria

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

- A. *Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and*
- B. *If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and*
- C. *If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and*
- D. *City-designated scenic resources and historic resources are preserved; and*
- E. *Any impacts resulting from the adjustment are mitigated to the extent practical; and*
- F. *If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; or*

The following Adjustments are requested:

- 1. Loading from a Parking Access Restricted Street (Map 510-9) to locate loading spaces off SW 11th, a parking access restricted street.

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

Purpose Statement: *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 Applicant has not yet submitted a professionally prepared loading demand analysis, as required by PBOT, demonstrating that the proposed loading configuration will sufficiently and safely serve the site, and will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way. This criterion is not yet met.*

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

Findings: *The site is in the RX – Central Residential zone. All the other ¼ block buildings in this square block have mid-block loading zones. These loading bays are proposed to be enclosed by transparent garage doors, which allows for limited light and activity from within to be visible from the street. The proposal is consistent with the loading conditions of surrounding buildings, and has reduced the scale of the loading bays to the extent approvable by the Bureau of Transportation. This approval criterion is met.*

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

Findings: *Only one Adjustment is requested. This criterion does not apply.*

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

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

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

Findings: The loading functions will contribute to the activity of the street, and when unused, the translucent garage doors will allow light and limited views of activity within to be visible from the street. The applicant has not yet submitted a Loading and Queueing analysis to the Portland Bureau of Transportation, so Staff is unable to make a final determination about impact mitigation. *This criterion is not yet met.*

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

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

Therefore, approval of this Adjustment is not yet warranted.

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 proposal provides necessary and convenient student housing in a location that facilitates easy transportation via public transit and bicycles.

The required design review process for large scale development proposals exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The design team has been very responsive to Commission comments and continues to move the proposal toward a more contextually responsive, ordered and vibrant contribution to the neighborhood.

However, as addressed in this Staff Report, the proposal does not yet respond fully to numerous Central City Fundamental Design Guidelines, and has not yet provided necessary information to the Bureau of Environmental Services or the Portland Bureau of Transportation. Staff has identified two areas of concern:

1. **Ground Floor Program.** *Guidelines: A5 Enhance, Embellish and Identify; A8 Contribute to a Vibrant Streetscape; C5 Design for Coherency*
 - A. Commercial Space.** The commercial space is not sufficiently detailed to create the vibrant streetscape that will enhance the neighborhood and mitigate the extensive street frontage dedicated to service and loading.
 - B. Pedestrian Realm Details.** Canopy soffits, lighting, storefronts and bulkheads need further refinement to ensure that the materials and details at the pedestrian level contribute to a vibrant, high-quality street environment.

C. Unify First and Second Floors. Explore ways to better integrate the fenestration at the first and second floors to convey a mezzanine level, rather than a distinct program at the two floors.

2. **Materials.** *Guidelines: C4 Complement Context; C2 Promote Quality and Permanence*

A. Masonry / Cementitious Panel Transition. The transition between the brick base and the cementitious panel at the upper stories is not sufficiently resolved.

B. Joints and Connections. Details are needed to understand how cut ends of panelized material will be flashed and detailed to avoid inconsistencies and to create a clean, smooth façade. Staff needs details on the face fasteners proposed, the quantity per panel, how they will be applied and how they are finished. Material samples and mock-ups are appropriate.

TENTATIVE STAFF RECOMMENDATION

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

Denial.

=====

Procedural Information. The application for this land use review was submitted on June 29, 2017, and was determined to be complete on July 26, 2017.

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 June 29, 2017.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period, as stated with Exhibit (Exhibit A.2) Unless further extended by the applicant, **the 120 days will expire on: November 23, 2017.**

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

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the recommendation of the Bureau of Development Services with input from other City and public agencies.

This report is not a decision. The review body for this proposal is the Design Commission who will make the decision on this case. This report is a recommendation to the Design Commission by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Design Commission will make a decision about this proposal at the hearing or will grant a continuance. Your comments to the Design Commission can be mailed, c/o the Design

Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201 or faxed to 503-823-5630.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. You may review the file on this case by appointment at our office at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201. Please call the file review line at 503-823-7617 to schedule an appointment.

Appeal of the decision. The decision of the Design Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Design Commission, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. **Appeals must be filed within 14 days of the decision. An appeal fee of \$5000.00 will be charged.**

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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **October 6, 2017** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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).

Hannah Bryant
September 20, 2017

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Written Narrative, dated June 29, 2017
 2. 120-Day Waiver
 3. LUR Application Drawing Set, dated June 29, 2017
- B. Zoning Map (attached)
- C. Plan & Drawings
 1. Site Plan
 2. Floor Plans (5 pages)
 3. Roof Plan
 4. North Elevation
 5. East Elevation
 6. South Elevation
 7. West Elevation
 8. North Elevation B+W
 9. East Elevation B+W
 10. South Elevation B+W
 11. West Elevation B+W
 12. Building Section (2 pages)
 13. Details (5 pages)
 14. Materials
 15. Landscape Planting Plan
 16. Landscape Irrigation Plan
 17. Landscape Plant List
 18. Landscape Typical Details
 19. Landscape Operations and Maintenance
 20. Exterior Lighting
 21. Civil Plan
 22. Cut Sheets
 23. FAR Diagram

24. Bike Storage Diagram

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:

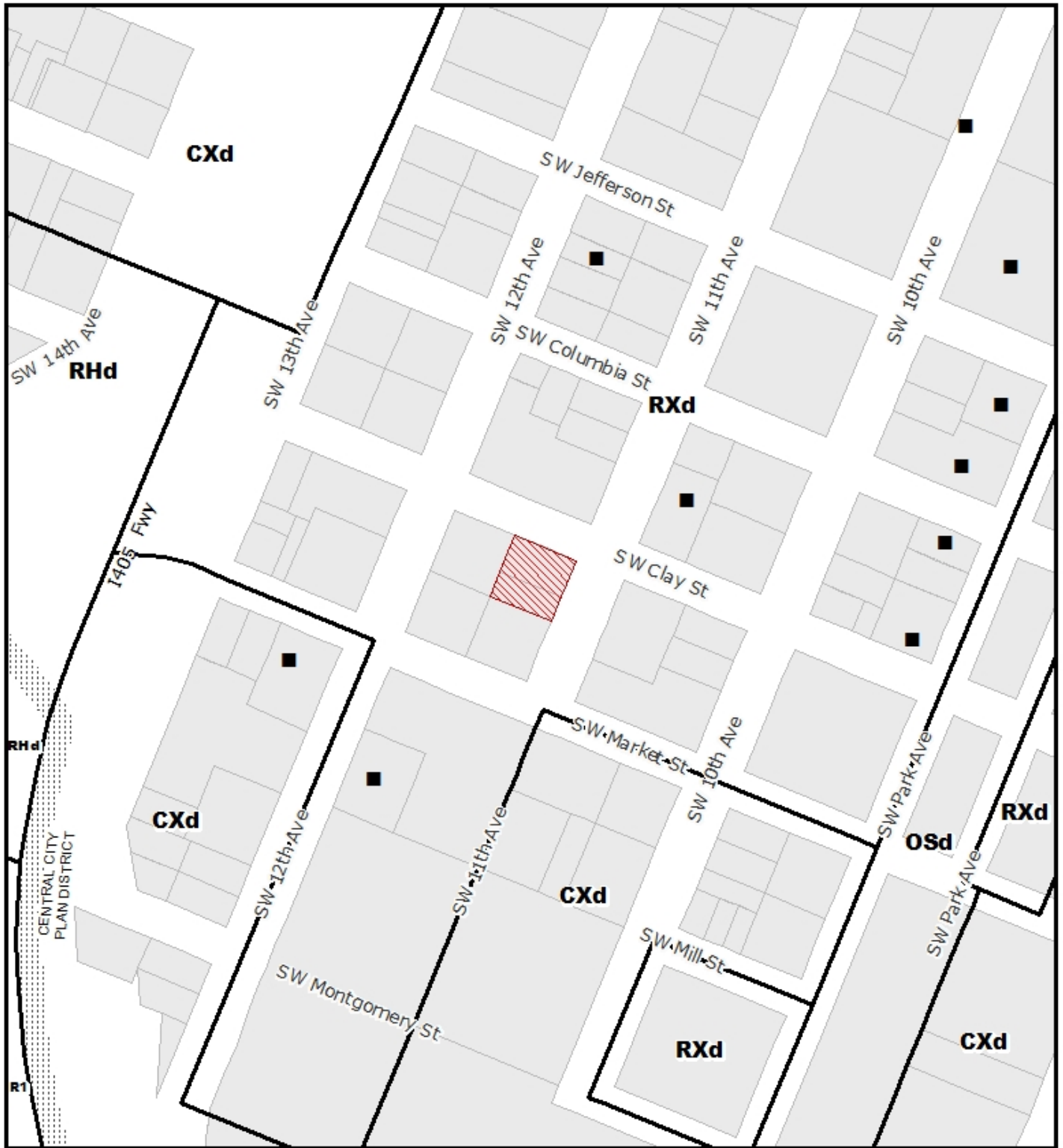
1. Bureau of Environmental Services
2. Bureau of Transportation Engineering and Development Review

F. Letters

1. Mara Scantlebury, June 13, 2017, has concerns about environmental impacts of site construction and impacts on the neighbors.


G. Other

1. Original LUR Application
2. Pre-Application Summary Notes, dated March 21, 2017
3. DAR Summary Memorandum, dated May 1, 2017
4. DAR Summary Memorandum, dated June 26, 2017



ZONING

THIS SITE LIES WITHIN THE:
 CENTRAL CITY PLAN DISTRICT
 DOWNTOWN SUBDISTRICT
 WEST END SUBAREA

-  Site
-  Historic Landmark

File No.	LU 17-195442 DZM, AD
1/4 Section	3128
Scale	1 inch = 200 feet
State ID	1S1E04AD 4800
Exhibit	B Jul 26, 2017