



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

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## **STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION**

CASE FILE: LU 18-210124 DZM AD  
PC # 18-159281  
**Block 216**  
REVIEW BY: Design Commission  
WHEN: December 13, 2018 @ 1:30pm  
WHERE: 1900 SW Fourth Ave., Room 2500 B  
Portland, OR 97201

**Bureau of Development Services Staff:** Benjamin Nielsen 503-823-7812 /  
[Benjamin.Nielsen@portlandoregon.gov](mailto:Benjamin.Nielsen@portlandoregon.gov)

**Please note:** Aspects of the proposal that do not meet the Approval Criteria are in boxed text.

Revisions to the staff report dated October 31, 2018 are shown in **yellow highlights**.

### **GENERAL INFORMATION**

**Applicants/**

**Representatives:** Phillip Beyl & Kyle Andersen, GBD Architects  
1120 NW Couch St, Suite 300  
Portland, OR 97209

**Owner:** Block 216 LLC  
920 SW 6th Ave, #223  
Portland, OR 97204

**Owner's Representative:** Brian Owendoff, BMO Commercial Real Estate LLC  
C/O A-1331 NW Lovejoy, Ste 775  
Portland, OR 97209

**Site Address:** **900-936 SW WASHINGTON ST**

**Legal Description:** BLOCK 216 LOT 1&2 LOT 7&8, PORTLAND; BLOCK 216 LOT 3&4, PORTLAND; BLOCK 216 LOT 5&6, PORTLAND

**Tax Account No.:** R667723140, R667723180, R667723200, R667723140, R667723180

**State ID No.:** 1N1E34CC 05900, 1N1E34CC 06100, 1N1E34CC 06000, 1N1E34CC 05900, 1N1E34CC 06100

**Quarter Section:** 3029

**Neighborhood:** Portland Downtown, contact Rani Boyle at 503-725-9979.  
**Business District:** Downtown Retail Council, contact at lfrisch@portlandalliance.com  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Plan District:** Central City - West End  
**Zoning:** CXd – Central Commercial with Design Overlay

**Case Type:** DZM AD – Design Review with Modifications and concurrent Adjustment Review

**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 applicants request Design Review for a proposed 35-story, 460-foot tall mixed-use building comprising approximately 844,117 SF in the West End Subdistrict of the Central City Plan District. The proposed building massing and program includes an 8-story podium, containing hotel event space and commercial office uses. A tower comprising the remainder of the 35-stories will sit atop the podium and is proposed to contain hotel, restaurant, bar, spa facility, private residences, and shared amenities for hotel and residential occupants.

On the ground floor, retail spaces are proposed at the southwest corner and along the length of SW 9<sup>th</sup> Ave, at a total of 13,000 SF. Separate office and residential lobbies are proposed along SW 10<sup>th</sup> Ave. A hotel lobby and bar are proposed at the NW corner of the building. An entrance to the underground parking garage and covered hotel drop-off area is proposed along SW Washington St. A loading dock is proposed along SW Alder St.

The proposal also includes proposed non-standard improvements in the right-of-way for the entire length of SW 9<sup>th</sup> Ave. These improvements include special paving, large planting areas and trees, non-standard lighting, and seating areas, among other components.

One Adjustment to use-related zoning code development standards is requested:

- 1) 33.510.263.B.2 – Parking and loading access standards. The applicants request the Adjustment to allow parking access from SW Washington St, which is classified as a Major City Bikeway, and to allow loading access from SW Alder St, which is also classified as a Major City Bikeway. Motor vehicle access to any parking area, loading area, or parking structure is not allowed from streets classified as a Major City Bikeway.

Four Modifications to site-related zoning code development standards is requested:

- 1) 33.266.100.F – Stacked Parking. The applicants request the Modification to allow some, unspecified number, of stacked parking spaces to function without an attendant. The standard requires an attendant to be present when the lot is in operation, except in cases where the spaces are used as tandem parking for individual dwelling units.
- 2) 33.266.220.C.3.b – Standards for all bicycle parking, Bicycle racks. The applicants request the Modification to allow wall-mounted, vertically-staggered long-term bicycle parking racks to provide spaces which are 6' tall by 1'-6" in width, rather than the required 2' width.
- 3) 33.510.215.B.5 – Required Building Lines, Standards for the Park Blocks. The applicants request the Modification to allow the building to extend to the street

- lot line for its full length along SW 9<sup>th</sup> Ave, instead of setting back at least 12 feet from the lot line for at least 75% of the lot line's length. Instead, the applicants propose to create a retail "food hall" space along SW 9<sup>th</sup> Ave that will be open to the street and to redesign and rebuild SW 9<sup>th</sup> Ave with non-standard right-of-way improvements, such as traffic calming measures, curbless transitions between active and vehicular travel modes, visual and textural material changes of ground lane, bollards, special overhead lighting, street furnishings, and shifting the planting zone out into the street
- 4) 33.510.243 – Ecoroofs. The applicants request the Modification to allow ecoroof to cover only 33% of the total building roof area (increased from 31% in the original proposal), rather than 100% of the building roof area (minus allowed exceptions, such as mechanical equipment and uncovered common outdoor areas).

Design Review is required for proposed new development in the Central City Plan District, for proposed non-standard improvements in the right-of-way, and for requested Modifications to site-related zoning code development standards. Adjustment Review is required for requested Adjustments to use-related zoning code standards.

#### **Approval Criteria:**

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

- |  |   |
|--|---|
| ▪ Central City Fundamental Design Guidelines | ▪ 33.805.040 – (Adjustments) Approval Criteria                                |
| ▪ Oregon Statewide Planning Goals            | ▪ 33.825.040 – Modifications That Will Better Meet Design Review Requirements |

## **ANALYSIS**

**Site and Vicinity:** The subject site is a full block in the West End Subdistrict of the Central City Plan District, bound by SW Alder Street on the south, SW 9<sup>th</sup> Avenue on the east, SW Washington Street on the north, and SW 10<sup>th</sup> Avenue on the west. The site is currently occupied by a surface parking lot, which, in addition to parked vehicles also hosts numerous food carts around the site's perimeter. The site sits amidst several landmark structures, including the Stevens Building and Woodlark Building to the east, the Olds, Wortman, & King Department Store (Galleria) building to the south, the Pittock Block to the north, and the Seward Hotel building to the southwest.

The subject site also lies within the Midtown Park Blocks and adjacent to a segment of the Green Loop, both of which connect the South Park Blocks to the North Park Blocks.

#### **Zoning:**

The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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

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

- CU 090-70 – Conditional Use approval with conditions for parking lot.
- CU 010-71 – Conditional Use approval to allow a 44-space parking lot.
- CU 062-82 – Revocable permit to allow a 44-space surface parking lot granted for a period of 3 years.
- DZ 5-84 – Design Review approval for signage.
- DZ 112-85 – Design Review approval for installation of a gas vent through the roof of the Pierre Building.
- DZ 117-86 – Type 3 Design Review for a new building with conditions.
- Ordinance 158893 – Revocable permit for a 44-space surface parking lot on Lots 5 and 6, Block 216, granted August 15, 1986.
- CU 88-89 – Conditional Use approval for continued use of the 44-space surface parking lot.
- DZ 117-86 – See CU 129-86.
- CU 129-86 – Conditional Use approval to allow vehicle access from SW 10<sup>th</sup> Ave and a 270-space parking lot on Block 216.
- DZ 127-90 – Type 1 Design Review approval for a wall mural sign.
- LUR 93-00064 CU DZ – Denial of Conditional Use and denial of Design Review for a 64-space surface parking lot.
- LUR 93-00136 HL – Decision to deny Historic Landmark status to an unranked building on the Historic Resource Inventory at 901-917 SW Alder St and expiration of the demolition delay for the building.
- LUR 95-00501 DZ – Design Review approval for continued use of an existing 6-foot wide by 10-foot long by 8-foot high food concession trailer parked on SW 9<sup>th</sup> Ave between SW Washington and SW Morrison Streets.
- LUR 95-00550 CU DZ – Conditional Use and Design Review approval for Lots 3 and 4 to approve a 54-space parking lot on the southeast quadrant of the block.
- LUR 95-00660 CU DZ – Type 3 approval for a 54-space surface parking lot.
- LUR 96-00596 DZ – Design Review approval for an existing food service vending trailer in the corner of a parking lot fronting the intersection of at SW 9<sup>th</sup> & Alder.
- LUR 96-00713 PR – Conversion of existing surface parking lot from Conditional Use status to Central City Parking Review status.
- PC 02-000494 – Pre-Application conference for a Type 3 Central City Parking Review.
- LU 02-110928 PR – Withdrawn/void Type 3 renewal of a CCPR for a permit for surface parking lot.

- LU 09-104325 DZM – Design Review with Modifications approval for improvements to the perimeter landscape area of an existing full-scale parking lot.

**Agency Review:** A “Notice of proposal in Your Neighborhood” was mailed October 11, 2018. The following Bureaus have responded with no issue or concerns:

- Urban Forestry Division of Portland Parks & Recreation

The Bureau of Environmental Services (BES) responded with comments stating that they do not recommend approval due to insufficient information related to on-site stormwater management and insufficient progress towards Public Works Permit approval. Please see Exhibit E-1 for additional details.

BES sent a revised response on December 6, 2018 again stating that there was insufficient progress towards Public Works permit approval. However, BES also stated that it could recommend approval for the proposed on-site stormwater management design. Please see Exhibit H-26 for additional details.

The Bureau of Transportation Engineering (PBOT) responded with comments prior to the Design Commission hearing on November 1, 2018, stating that they do not yet recommend approval due to lack of a Public Works Permitting approval for the proposed woonerf design on SW 9<sup>th</sup> Ave, lack of Driveway Design Exception approval for the proposed dedicated drop-off area off SW Washington St, lack of required UVE request approval for proposed vaults in the public right-of-way, and lack of Encroachment Permit approval for proposed subterranean encroachments into the public right-of-way. PBOT also recommended approval for the requested Adjustment to allow parking and loading access from SW Washington St and SW Alder St, respectively. Please see Exhibit E-2 for additional details.

PBOT sent a revised response on December 5, 2018 again stating that the city is not yet able to provide approval to the Concept Phase of the Public Works permit for the SW 9<sup>th</sup> Ave street design, application of which was submitted on November 8, 2018. Additionally, PBOT states that the applicants have not yet submitted necessary Encroachment Permits for parking garage and utility functions under the right-of-way on one frontage of the site. PBOT also recommends against approval for this reason. Please see Exhibit H-19 for additional details.

The Water Bureau responded with comments with comments about available water service, the need to consolidate tax lots, and with no objections. Please see Exhibit E-3 for additional details.

The Fire Bureau responded with comments stating that all applicable Fire Code requirements shall apply at the time of permit review and development. Please see Exhibit E-4 for additional details.

The Site Development Section of BDS responded with no objections to the proposal and with additional comments about key issues and requirements, geotechnical engineering requirements, performance-based design, temporary shoring, and erosion control. Please see Exhibit E-5 for additional details.

The Life Safety Section of BDS responded with no objections and with general life safety comments. Please see Exhibit E-6 for additional details.

*Staff forwarded all comments received to the applicants. Since the design of the building is essentially contingent upon both Public Works and Design Commission approval of the proposed street design for SW 9<sup>th</sup> Ave, the lack of approval from PBOT and BES and lack of approval of the Public Works Concept Phase for this street preclude staff from recommending approval for Modification #3.*

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on October 11, 2018.

Two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- 1) Jane Kim, No. 1 Bento Korean BBQ, 11/27/2018: Letter to Kyle Chisek, Mayor's Senior Staff Representative re: culinary corridor and requesting assistance to relocate current food cart owners. Please see Exhibit H-14 for additional details.
- 2) Dave Otte, on behalf of the Urban Design Panel Executive Committee, 12/06/2018: Letter in support of the proposal and of the design for SW 9<sup>th</sup> Ave. Please see Exhibit H-24 for additional details.

## ZONING CODE APPROVAL CRITERIA

### (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 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. Staff has also grouped the guidelines under three broad categories comprising area Context, the Public Realm, and Quality & Permanence of the proposal.*

## **CONTEXT**

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

**Findings:** The subject site is located about 9 blocks from the river; however, the proposal integrates the river in the following ways:

- The building's top will be visible from the river. The top has been designed to illuminate at night to create a presence on the skyline, particularly from the east side of the river.
- The proposed building has balconies on floors 19 through 35 on its east and north elevations. These will allow views to the river, though possibly some views will be blocked by other development.

*Therefore, this guideline is met.*

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

**Findings:** The proposal integrates Portland-related themes in the following ways:

- The ground floor on all four elevations has active retail uses or lobbies to activate the streets around the building.
- The retail "food hall" space along SW 9<sup>th</sup> Ave includes glazed, fold-up overhead doors that allow indoor activities to spill out onto the sidewalk and walk-up order windows. These elements gesture to the current mobile food carts which line the perimeter of the site and attempt to replicate some of the site's current vitality.

*Therefore, 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 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.

**Findings:** The proposed development occupies the entirety of the 200-foot by 200-foot site and fits within the city’s existing street grid. Corners are anchored with active retail and commercial spaces.

*Therefore, this guideline is met.*

**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 for A5 & C4:** The proposal successfully enhances, embellishes, and identifies the West End Subdistrict and Midtown Park Blocks and complement the context of existing buildings in these areas in the following ways:

- The proposed podium, which runs along most of the lower eight floors, responds well to the context of surrounding landmark buildings, both in terms of the podium’s materiality and articulation.
  - The proposed white precast concrete pilasters and mullions echo the solidity of all five surrounding landmark structures and responds much more directly to the terra cotta-clad Olds, Wortman & King Department Store building (Galleria) and, to a lesser extent, the Seward Hotel building.
  - The same white precast concrete is used to define narrower window “mullions” in each bay. These mullions further reflect, in a contemporary way, the form and articulation of the window bays in the Galleria building.
- Ground floor retail spaces are proposed along SW 9<sup>th</sup> Ave and at the southwest corner of the building at SW 10<sup>th</sup> Ave & Alder St. Retail spaces such as these are common features in the West End and the Midtown Park Blocks.
- Two lobbies, one to the residential units at the top of the tower and a second to the six floors of office space, face SW 10<sup>th</sup> Ave. 10<sup>th</sup> Ave is, historically, the most important street out of the four which surround the site, so orienting the lobbies to this street helps to enhance the character of this street. The lobbies of the landmark Pittock Block, the landmark Galleria building, and the landmark Central Library farther south along 10<sup>th</sup> Ave also follow this pattern.
- The proposed loading dock for the building is located on the south elevation, facing the loading dock for the landmark Galleria building. This street has long served as a kind of service street for buildings which front other, more prominent streets—for example, loading docks for the landmark Meier & Frank Building also face SW Alder St. Therefore, placement of this necessary building function along SW Alder St continues



the building service context established by historic buildings.

- The building's tower is proposed to sit on the western half of the block. This placement responds well to the context of the Midtown Park Blocks:
  - It shifts the tower off of the narrow right-of-way of SW 9<sup>th</sup> Ave, preserving more of its intimate character, and towards SW 10<sup>th</sup> Ave, which is one of the city's broad north-south streets.
  - Placing the tower on the western half of the block helps preserve access to light and air at O'Bryant Square.
- The tower, itself, also responds to the emerging tower vocabulary in the West End and Midtown Park Blocks. The overall massing of the tower is narrow in the north-south direction, which corresponds to the pattern set by the Fox Tower and the Park Avenue West tower in the Midtown Park Blocks. It's glassy composition also echoes the highly-glazed exterior of the Indigo at 12 West.
- The proposed terracing on the eastern half of the block has been simplified since the first Design Commission hearing on November 1, 2018. The number of steps in the façade has been reduced; the east elevation now reads as three "primary" steps, defined by the white precast concrete cladding material. "Secondary" terrace steps are set back from the SW 9<sup>th</sup> Ave street edge and are clad entirely in vision and spandrel glass (both of which match the glazing types on the rest of the podium). This simplification in form of the podium terracing helps the building to better relate to the simple, straightforward forms of the historic buildings surrounding the site.
- The very top of the tower will be illuminated via internal illumination from a light box assembly, which also forms screening for mechanical units on the roof. The Design Commission discussed the issue of the illuminated top during the November 1, 2018 hearing, finding that an illuminated top is an appropriate response to the context of tall towers in the Central City. However, Commissioners were concerned that the tower top not appear too white during the daytime, as this would offer too much contrast against the darker vision and spandrel glazing of the tower. The applicants have now proposed a laminated "Starphire" glass product for this top, which is not as starkly white and has a higher level of reflectivity than the previously proposed material. This change improves the overall cohesiveness of the tower, which better complements the city's skyline and the context of other towers in the West End and the rest of the Central City.
- One consistent point of some contention among commissioners has been the issue of response to context vis a vis overall building coherency. The Commission spent quite a bit of time discussing the two issues together during the November 1, 2018 hearing and stated that a coherent building would provide a strong response to context. Findings for C5, below, describe how the building is meeting, and can better meet through conditions of approval, the "Design for Coherency" guideline. The revisions made to the building since the first hearing in November have improved its response to that guideline, which therefore results in a more contextually-responsive building.

*Therefore, these guidelines are met.*

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

**Findings:** The proposal successfully enhances view opportunities in the following ways:

- The building is designed with large areas of glazing around all sides of the tower and podium, providing view opportunities for residents, tenants, and guests.
- Large glazed areas line retail, hotel, and lobby uses at the ground floor, allowing for views into and out of these ground-level spaces. This glazing is proposed to be either Viracon VE1-2M or Solarban 60—both in their clear varieties. (Note: Solarban 70 is indicated on the materials sheet on Exhibit C.127; however, the applicant has indicated via email that this should actually be Solarban 60). Both the Viracon and Solarban products provide a visible light transmittance (VLT) of 70%. Both have the same exterior reflectance of 11%. These characteristics provide an essentially clear view between the interior and exterior of the building at the ground floor for both pedestrians and building occupants.
- The proposed building has balconies on floors 19 through 35, which provide view opportunities for residents and guests on those floors.
- Occupiable roof terraces are proposed on floors 3 through 8. These terraces provide views to surrounding development and, importantly, they are oriented to the north to provide visual connections towards O'Bryant Square.
- The retail “food hall” area has windows at the northeast corner of the site which provide additional visual connections to O'Bryant Square.
- The subject site is not located within a protected view corridor.

One aspect of the proposal does not yet successfully meet this guideline:

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| <ul style="list-style-type: none"> <li>▪ The proposed glazing type used on the operable ground level windows on the east façade food hall is not specified in the drawing set. To best develop a street-level façade that creates visual connections between the interior retail “food hall” space and the street and between the walk-up windows and the street, this glazing should be clear, as well, with a VLT of no less than that used for the other ground level clear glazing. This can be assured through a condition of approval.</li> </ul> |
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*With the condition of approval that glazing at the operable ground level windows on the east façade shall be clear, with a VLT of no less than that used for the other ground level clear glazing, this guideline will be met.*

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

**D1. Park Blocks.** Orient building entrances, lobbies, balconies, terraces, windows, and active use areas to the Park Blocks. In the South Park Blocks, strengthen the area’s emphasis on history, education, and the arts by integrating special building elements, such as water features or public art. In the Midtown Park Blocks, strengthen the connection between the North and South Park Blocks by using a related system of

right-of-way elements, materials, and patterns. In the North Park Blocks, strengthen the area's role as a binding element between New China/Japantown and the Pearl District.

**Findings for A4 & D1:** Portions of the proposal successfully integrate unifying elements and enhance and support the Park Blocks in the following ways:

- A linear retail space is proposed at the ground floor along SW 9<sup>th</sup> Ave. Glazed, fold-up overhead doors along the east elevation of this space allow for indoor activities to flow outside, and vice versa, helping to activate this section of the Midtown Park Blocks. This retail space also extends the intermittent ground floor retail spaces found on other blocks of SW 9<sup>th</sup> Ave in the Midtown Park Blocks.
- Occupiable, landscaped roof terraces on floors 3 through 8 also line SW 9<sup>th</sup> Ave. Trees proposed in the landscape planters should be visible from O'Bryant Square and points along SW 9<sup>th</sup> Ave to the north of the site. These elements help to extend the sense of the Park Blocks on this block.
- Balconies on floors 21 through 35 face east, towards SW 9<sup>th</sup> Ave. Large areas of glazing on all floors also face towards this segment of the Midtown Park Blocks.
- Three of the proposed fold-up, operable, glazed windows along SW 9<sup>th</sup> Ave provide accessible access from the street into the retail "food hall" space inside the building. These at-grade transitions functionally blur the delineation of the interior and exterior space along this street. To best achieve this effect and strengthen the connection of this space to the Midtown Park Blocks and Green Loop street segment outside, however, the paving pattern—or a derivative of it—should extend from the street into the retail space. This can be accomplished with a condition of approval.
- Several proposed elements of the streetscape of SW 9<sup>th</sup> Ave could be extended to the north and/or south along SW 9<sup>th</sup> Ave and SW Park Ave to the east to create a series of unifying elements for the Midtown Park Blocks segment of the Green Loop.
  - The proposed SW 9<sup>th</sup> Ave paving pattern consists of light and dark gray Willamette graystone concrete pavers arranged in a herringbone pattern across the traditional sidewalk, parking, and driving lane sections of the street. Dark gray pavers are proposed only to run in the east-west direction, to afford opportunities to incorporate a gradient-type pattern in the street paving system. This system of pavers avoids complications that could arise from using a more-specialized paver system, increasing its replicability for other property developers and PBOT along the Midtown Park Blocks—and potentially beyond. Additionally, the pattern proposed is generic enough to be extended along both streets without conflicting in its patterning and styling with existing (often historic) buildings along both streets.
  - Trees species proposed in the right-of-way of SW 9<sup>th</sup> Ave include the tall-growing, large-canopied *Zelkova serrata*. This species has an upward-branching, vase-shaped crown, much like the American Elm trees found in the North and South Park Blocks. This species and its canopy, therefore, integrate this important element of the Park Blocks into this block segment of the Midtown Park Blocks.
  - The proposed street light standard is a simple column fixture that,

like the pavers, essentially becomes a background element to activity on the street itself, yet it is distinct from the city's standard twin ornamental fixture. The fixture system has a fairly large kit of parts available to serve different lighting situations. This fixture could be extended along the whole Midtown Park Blocks segment of the Green Loop or even the entire loop, due to its flexible kit of parts and simple design.

Some aspects of the proposal do not yet successfully meet this guideline:

- Overhead hanging lights are proposed over the segment of SW 9<sup>th</sup> Ave adjacent to the subject site. These luminaires are approximately 41" in height—these do not appear to be rendered with the correct height on Exhibits C.107 & C.108—and are connected to wires that span the street, anchoring into the proposed building on Block 216 and the existing historic landmark structures across the street. Conceptually, the idea of stringing lights or other ornamentation across the street would help to support and strengthen the character of the Midtown Park Blocks and help to connect the North and South Park Blocks. Since the connection details to the historic landmark structures require historic resource review approval (for exterior alterations to a landmark structure), and since connection details to the proposed building at Block 216 should also be evaluated through design review, this element of the streetscape needs further study through the aforementioned follow-up land use reviews. Additionally, due to the size of the luminaires and the relative narrowness of the street, these fixtures seem to be scaled incorrectly for this narrow street. The sparseness of their placement also does not lend the same festive atmosphere evoked by precedent images on Exhibits C.94 and C.118. As an important element of the overall streetscape design, a condition of approval should be added to ensure that further design development takes place.

*With a condition of approval that the proposed street pattern, or a derivative of it, shall extend into the full, publicly-accessible space of the retail "food hall" along SW 9<sup>th</sup> Ave; and,*

*With a condition of approval that the proposed overhead hanging lights (or other hanging ornamentation) shall be further studied and developed, including connection details to the proposed building at Block 216 and to the landmark structures on the east side of SW 9<sup>th</sup> Ave, through a follow-up Type Ix and/or Type II land use review(s) prior to main building permit submittal, these guidelines will be met.*

## **PUBLIC REALM**

**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 proposal establishes and maintains a sense of urban enclosure in the following ways:

- The building extends to the sidewalk edges along most of the block's perimeter. Active uses at the ground floor are provided on the majority of each street edge.
- The proposed stepped podium on the east half of the subject site responds

to the scale of surrounding landmark masonry structures. The tower and the podium together respond to the scale of development along the Midtown Park Blocks, which includes mid-rise masonry structures as well as modern towers.

- Retail storefronts, lobby entries, and canopies at the ground floor on all four frontages help to articulate the urban edge. Additional articulation is provided by regularly-spaced precast concrete pilasters and recessed entries.

*Therefore, 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.

**Findings:** Portions of the proposal successfully contribute to a vibrant streetscape in the following ways:

- Active interior ground-level spaces line most of the four frontages and include retail, lobby, and hotel lounge uses. These active use spaces off SW 10<sup>th</sup> Ave, SW Washington St, and SW Alder St are glazed with clear glazing, allowing for views of activity inside and on the sidewalk to be transmitted between inside and outside.

o The proposed glazing type used on the operable ground level windows on the east façade food hall is not specified in the drawing set. To best develop a street-level façade that creates visual connections between the interior retail “food hall” space and the street and between the walk-up windows and the street and that contributes to a vibrant streetscape, this glazing should be clear, as well, with a VLT of no less than that used for the other ground level clear glazing. This can be achieved through a condition of approval.

- The residential and office lobbies along SW 10<sup>th</sup> Ave have a double-height expression as compared to the rest of the ground floor entries along that street, providing an indication of the important interior space within.
- The podium expression changes at the hotel lobby and lounge area; these areas are instead indicated by a continuation of the glazed tower, which touches the ground and denotes the entries into these distinctive spaces.
- The retail “food hall” space along SW 9<sup>th</sup> Ave includes glazed, operable overhead doors which open the interior space, and its activities, sights, smells, and sounds within, directly to the sidewalk along that street. This “food hall” also includes walk-up order windows in the other bays along SW 9<sup>th</sup> Ave, which will contribute additional vibrancy to this street and help to capture some of the food cart vibrancy and spirit that this street currently possesses.
- The northwest corner of the building is pulled back from both streets, creating a plaza area that serves as an entry sequence into the hotel lobby and lounge space, with entries into these spaces facing SW 10<sup>th</sup> Ave. This area is further highlighted pulling back the building’s podium and allowing the tower expression instead to touch the ground on SW Washington St and SW 10<sup>th</sup> Ave. Additional emphasis is provided due to the angle at

which the tower touches the ground on the west elevation. These architectural moves help to define a “grand entry” into the building while increasing the space off the sidewalk for public and building-occupant use. The windows facing this plaza continue the clear glazing found around the rest of the ground floor of the building, allowing interior activities to be visible from the exterior and helping to activate the street and plaza.

- Some details at this northwest corner plaza are still vague and need additional attention to ensure that they contribute to, rather than detract from, activation and vibrancy of the streetscape.

- ◇ A water feature is proposed at the south end of this plaza, between the plaza and the windows looking into/out of the hotel lounge area. The concept and important details of the water feature are not yet resolved to ensure that it contributes to activating the plaza and streetscape, rather than being a passive feature.
- ◇ A series of double lines appears in the plaza plan on Exhibit C.39, and it is not clear what design feature these are trying to describe. They appear to be in line with railings at the short stairways leading from SW 10<sup>th</sup> Ave to the plaza; however, placing railings through the plaza would ultimately detract from this space.
- ◇ While the plaza space and its proposed elements should conceivably serve to contribute to a vibrant streetscape and help to define the entry into the hotel lobby and lounge, additional evaluation through a follow-up, staff-level Type II Design Review would serve to ensure that this guideline is most fully met.

*With the condition of approval that glazing at the operable ground level windows on the east façade shall be clear, with a VLT of no less than that used for the other ground level clear glazing; and,*

*With the condition of approval that the design of the plaza at the northwest corner of the site and building shall be further resolved through a follow-up Type II Design Review prior to main building permit submittal, this guideline will be 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.

**Findings:** The proposal reinforces and enhances the pedestrian system in the following ways:

- The proposal retains and reconstructs existing sidewalks on all four sides of the site. Movement and furnishing zones are retained along SW Alder, SW Washington, and SW 10<sup>th</sup>. The building frontage zone is retained on those streets as well and is further defined with setbacks at building entries.
- The sidewalk along SW 9<sup>th</sup> Ave is effectively extended into the street adjacent to the site and across SW 9<sup>th</sup> Ave next to the landmark Stevens



Building and landmark Woodlark Building. This allows for a larger frontage zone next to the proposed new building.

- The movement zone of the sidewalk should remain essentially the same width as the existing sidewalk on both sides of the street. The street is also designed as a curbless street which, in a possible future scenario in which vehicle traffic is removed, the entire street may serve to accommodate pedestrian movement.
- The furnishing zone of the sidewalk on both sides of the street will be increased since trees and most street furnishings are shown pushed out into the current parking lanes.

*Therefore, this guideline is met.*

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

**Findings:** Portions of the proposal successfully protect the pedestrian in the following ways:

- Canopies are provided around much of the building's four frontages, which protect pedestrians from rain and provide some shading in the summer.
- Integrated LED lighting is proposed at the all-composite metal canopies at the main lobby entries. Canopies at all other locations are composed of glass on metal frames, which lets street and ambient lighting through at night.
- **With one exception**, mechanical exhaust louvers are located above the ground floor level, and often above canopies as well, which helps to reduce their impact on the pedestrian environment. Building mechanical units are primarily located either inside the building or are screened on the roof of the tower.

- On the south elevation, one long mechanical exhaust louver extends from the third floor down to the sidewalk level. This louver, which is diagonal in direction as opposed to the vertical louvers found on the east, north, and south elevations of the building, should terminate at the same elevation above grade as the other vertically-oriented louvers on the south elevation do. This can be achieved with a condition of approval.

- The building's loading dock area on the south elevation occupies relatively little area on the façade, given that it accommodates 4 loading spaces, and is well-integrated with the overall podium expression. Taken altogether, these characteristics help to protect the pedestrian from otherwise obnoxious, dangerous, or disrupting loading activities.
- The proposed parking garage entry on the north elevation is wider than the typical garage entry in the Central City, at about 30'-0" wide; however, this opening accommodates traffic from four floors of underground parking as well as a separate hotel drop-off area. The Design Commission found at the November 1, 2018 hearing that this wider driveway would be acceptable, on balance, if the building responded well to its overall context and achieved a high level of architectural coherency. See Findings for A5 & C4,



above, and Findings for C5, below, for response to context and coherency, respectively.

*With the condition of approval that the diagonal mechanical exhaust louver on the south elevation, which extends from approximately the third floor down to the sidewalk level, shall terminate above grade at the same elevation as the other vertically-oriented louvers on the south elevation, this guideline will 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 successfully bridges pedestrian obstacles in the following ways:

- The distance to cross SW 9<sup>th</sup> Ave at SW Washington and SW Alder Streets will be reduced since the parking lanes will be removed at either end of the street. Crosswalks appear to be well-defined and are located at either end of the special paving for the “woonerf” portion of SW 9<sup>th</sup> Ave.

*Therefore, this guideline is met.*

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

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

**Findings for B4 & C6:** Portions of the proposal successfully provide stopping and viewing places and develop transitions between the building and public spaces in the following ways:

- Setback areas are provided along the sidewalk along portions of the building frontage. In addition to allowing for door to swing out without impeding the sidewalk, these setbacks provide space for people to stop without conflicting with movement or other uses on the sidewalk.
- Along SW 9<sup>th</sup> Ave, larger seating areas and other loosely-defined stopping places are provided in the widened sidewalk. These spaces are placed in an enlarged frontage zone, which is near large, glazed operable windows that provide views to the activities happening inside the retail “food hall” space.
- A plaza area is proposed at the northwest corner of the site, opening onto SW 10<sup>th</sup> Ave and SW Washington St. A short stairway connects the plaza to SW 10<sup>th</sup> Ave, and a water feature is proposed on its south side. This plaza area functionally serves as a transition space between the sidewalk and hotel lobby entrance, and it will also serve as a meeting place in front of the hotel entrance. Depending on the ultimate design of the water feature (see condition of approval in Findings for A8), some “secondary” seating may also be accommodated in this plaza.
- A linear precast concrete, sculptural bench runs along a portion of the north elevation adjacent to the hotel lobby. This element provides opportunities for seating just off the sidewalk underneath the canopy

projecting over SW Washington St.

*Therefore, these guidelines are 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.

**Findings:** Portions of the proposal help to make plazas, parks, and open space successful in the following ways:

- An entry into the retail “food hall” space is located at the northeast corner of the building, kitty-corner from O’Bryant Square. Clear glazing and an operable overhead door are also located at this corner. Together, these elements help open the ground level to the square.
- Landscaped and occupiable roof terraces on the east half of the block face north and descend toward O’Bryant Square. Both landscaping and views of people on the terraces will help to activate and visually extend the square.
- The retail “food hall” space along SW 9<sup>th</sup> Ave includes glazed, operable overhead doors which open the interior space, and its activities, sights, smells, and sounds within, directly to the sidewalk along that street, which forms a segment of the new Green Loop.
- The northwest corner of the building is pulled back from both streets, creating a plaza area that serves as an entry sequence into the hotel lobby and lounge space, with entries into these spaces facing SW 10<sup>th</sup> Ave. This area is further highlighted pulling back the building’s podium and allowing the tower expression instead to touch the ground on SW Washington St and SW 10<sup>th</sup> Ave. Additional emphasis is provided due to the angle at which the tower touches the ground on the west elevation. These architectural moves help to define a “grand entry” into the building while increasing the space off the sidewalk for public and building-occupant use. The windows facing this plaza continue the clear glazing found around the rest of the ground floor of the building, allowing interior activities to be visible from the exterior and helping to activate the street and plaza, which will make it a more successful space.

○ Some details at this northwest corner plaza are still vague and need additional attention to ensure that they contribute to, rather than detract from, activation and vibrancy of the streetscape.

◇ A water feature is proposed at the south end of this plaza, between the plaza and the windows looking into/out of the hotel lounge area. The concept and important details of the water feature are not yet resolved to ensure that it contributes to activating the plaza and streetscape, rather than being a passive feature.

◇ A series of double lines appears in the plaza plan on Exhibit C.39, and it is not clear what design feature these are trying to describe. They appear to be in line with railings at the short stairways leading from SW 10<sup>th</sup> Ave to the plaza; however, placing railings through the plaza would ultimately detract from this space.

- ◇ While the building massing, fenestration, and articulation at the plaza help to define the entry into the hotel lobby and lounge, additional development of the proposed plaza design and evaluation through a follow-up, staff-level Type II Design Review would serve to ensure that this plaza is successful.

*With the condition of approval that the design of the plaza at the northwest corner of the site and building shall be further resolved through a follow-up Type II Design Review before main building permit submittal, this guideline will be met.*

**B6. Develop Weather Protection.** Develop integrated weather protection systems at the sidewalk-level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

**C10. Integrate Encroachments.** Size and place encroachments in the public right-of-way to visually and physically enhance the pedestrian environment. Locate permitted skybridges toward the middle of the block, and where they will be physically unobtrusive. Design skybridges to be visually level and transparent.

**Findings:** The proposal successfully integrates weather projection systems at the sidewalk-level and encroachments in the right-of-way in the following ways:

- A painted steel and glass canopy system is proposed around much of the building's exterior. The design is simple and straightforward and, essentially, stays out of the way of the stronger architectural expression of the podium. A white color is indicated on the drawings, which will match the color of the precast concrete pilasters of the podium.
- A second steel and glass canopy type is used at the northwest corner of the building, where the tower touches the ground at the hotel lobby area. This canopy is painted a dark color to better match and integrate with the window and spandrel system.
- A different, all-composite metal canopy system is proposed and is used at lobby entries on the west and north elevations. These canopies are set higher on the façade than the typical metal and glass canopies, helping to distinguish both the canopies and the entries. These are also shown as being white in color, which matches the color of the precast concrete pilasters of the podium.

*Therefore, these guidelines are met.*

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

**Findings:** The proposal successfully integrates barrier-free design in the following ways:

- The proposal provides entries into the various ground floor spaces at grade around all four frontages of the building.
- Three of the proposed fold-up, operable, glazed windows along SW 9<sup>th</sup> Ave provide access from the street into the retail "food hall" space inside the building. These at-grade transitions will allow for accessible movement into and out of the "food hall" space from the street through the large apertures created when the windows are open.

*Therefore, this guideline is 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 proposal successfully designs corners that build active intersections in the following ways:

- Flexible sidewalk-level retail spaces are provided at the northeast, southeast, and southwest corners of the proposed building. A hotel lounge, which is essentially a flexible-use retail space, is located at the northwest corner of the building.
- Egress stairs occupy minimal frontage on the building, and all elevators are located away from the edges of the building.
- The podium expression, which predominates the lower six to seven stories of the building, is pulled away at the northwest corner of the building. The glass tower expression instead touches the ground here, which gives extra emphasis to that corner.

*Therefore, 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 proposal successfully differentiates the sidewalk-level of the building in the following ways:

- The lowest six to seven floors of the building, comprising the podium, are generally defined by a solid, white pre-cast concrete pilaster system. This system is distinct from the architectural vocabulary of the rest of the building, which is comprised almost-solely of a glass curtainwall system.
- Three types of canopies, as described in Findings for B6, also help to differentiate the sidewalk-level of the building from the tower and the remainder of the podium.
- Large, glazed, fold-up overhead doors and walk-up order windows help to differentiate the sidewalk level along the east elevation.
- Large expanses of clear storefront glazing predominate along the sidewalk-level frontage, helping to differentiate the sidewalk level of the building.

*Therefore, this guideline is met.*

**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 successfully develops flexible sidewalk-level spaces in the following ways:

- A retail space is proposed at the southwest corner of the building. This space has large clear-glazed windows and three separate entries, which provides flexibility for demising into smaller spaces.

- Building back-of-house spaces are located towards the middle of the block (or on floors above ground level) to allow spaces along the street frontages to remain flexible.
- The hotel lounge area at the northwest corner of the building provides what is essentially a flexible retail space. Entry into this space is provided off a small plaza through the hotel lobby entrance facing SW 10<sup>th</sup> Ave.
- A long retail “food hall” space lines SW 9<sup>th</sup> Ave and anchors the northeast and southeast corners of the building. This space is inherently flexible in nature and is designed to accommodate a variety of food stalls. Glazed, fold-up overhead doors open to allow access directly from the street through three of the large window bays facing SW 9<sup>th</sup> Ave. Windows in other bays open to allow walk-up food service counters and windows to provide service from the sidewalk. In the future, if the retail “food hall” space is converted into other uses, it is possible to demise this space into smaller spaces.

*Therefore, this guideline is met.*

## **QUALITY & PERMANENCE**

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

**Findings:** The proposal uses design principles and building materials that promote quality and permanence in the following ways:

- The proposed precast concrete used at the podium levels of the building is a very solid, durable, high-quality material. This material is particularly suited to its placement at the ground level, where materials will be in frequent contact with pedestrians.
- The proposed aluminum-framed curtainwall system will be structurally glazed with integrated insulated, back-painted spandrel glass. Curtainwall systems are of very high-quality and wholly appropriate for use on a 35-story tower. The same curtainwall system will also be used as the storefront system.
  - The product cutsheets provided for the curtainwall and storefront system, however, are for a product that is suited to low- and mid-rise applications (according to the manufacturer), rather than high-rise applications. Similar structurally-glazed, aluminum curtainwall systems exist (even in the same product series) that are suitable for high-rise applications, though, and one of these should be used to ensure quality and permanence.
- The proposed Alucobond metal panel system is a very high-quality and durable aluminum composite panel system. Because it is a fully-bonded composite panel system, it is very rigid and resistant to pillowing or oil-canning. Furthermore, it is capable of producing crisp lines and joints whether cut or folded.
- The proposed glass and metal canopies are a high-quality system, with a painted structural steel framing system.
- The proposed light box assembly/screen at the top of the tower is a Starphire glazing system with a diffused, white PVB lamination between the two glass lites. Like the glazing used on the rest of the tower, this is a

high-quality system and is detailed with a similar curtainwall system to that used on the rest of the building.

- The SW 9<sup>th</sup> Ave paving material is proposed to be Willamette graystone concrete pavers. These are locally-produced and can therefore be easily replaced if damaged. Concrete is an inherently durable material suitable for use on streets. The proposed herringbone pattern will help to lock the pavers in place and prevent any movement or drift.
- Fixed planters proposed along SW 9<sup>th</sup> Ave will be composed of painted steel plates attached to the sidewalk below. (Specific attachment methods and details will be determined during Public Works engineering review.) Benches composed of 5/4" x 4" tropical hardwood will be attached in some locations. Both materials are durable and capable of resisting weather.
- Proposed planters on the roof terraces will be composed of similar materials and details as those proposed in the SW 9<sup>th</sup> Ave right-of-way. A pedestal paver system will provide a walkable surface. These will be durable materials on the roof.
- Light standards proposed along SW 9<sup>th</sup> Ave differ from the city's standard twin ornamental fixture. The Hess City Elements 230 illuminating column is a system with a kit of parts that can be utilized to fulfill different lighting objectives. The proposed light "column" appears to be a high-quality system.
- Proposed hanging pendant luminaires over SW 9<sup>th</sup> Ave are designed specifically to light public plazas and pedestrian zones and are suited to wet outdoor climates. Therefore, these luminaires are a durable system.
 

- Details of proposed attachments to the new building at Block 216 are not indicated, and neither are details of proposed attachments to the landmark Woodlark and Stevens Buildings on the east side of SW 9<sup>th</sup> Ave. These attachments are important to ensure the overall permanence and durability of the system and the buildings to which they are attached. Attachments to the proposed building on Block 216 can be evaluated through a follow-up Design Review. Attachments to the landmark structures across SW 9<sup>th</sup> Ave require Historic Resource Review approval. This would likely fall under a Type Ix staff level review. A condition of approval requiring these reviews is needed to ensure that these connections are express permanence and high quality.
- The proposed translucent glass overhead door at the loading dock area is an aluminum sectional door. This system is designed to be used with a wide variety of glazing types and will be a high-quality system on this building.
- Large louver systems are used across all four facades. These are composed of 6063-T6 alloy aluminum, which is the most common alloy used in extrusions. The finish of the louvers is not specified, but it is shown as matching the color of the glazing spandrels or curtainwall mullions.
- The proposed glazed, fold-up overhead doors at the ground level are composed of a steel tube system which supports the glazing. The proposed system is a resilient commercial system designed for spanning wide openings and to serve a wide variety of commercial and industrial uses.

*With a condition of approval that the proposed overhead hanging lights (or other*



*hanging ornamentation) shall be further studied and developed, including connection details to the proposed building at Block 216 and to the landmark structures on the east side of SW 9<sup>th</sup> Ave, through a follow-up Type Ix and/or Type II land use review(s) prior to main building permit submittal, this guideline will be met.*

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

**Findings:** The Design Commission devoted a significant amount of time discussing the overall coherency of the proposed building at the November 1, 2018 Design Commission hearing. There was disagreement among the commissioners as to whether the building successfully integrated its podium, clad primarily with precast white concrete and glazing, with its tower, which is clad almost entirely in glazing. Two commissioners stated that the two primary masses would be more integrated if they were both clad primarily with glazing. Another commissioner stated that the contrast between the white precast concrete and the glazing was too stark. The other commissioners stated that the white precast podium was an essential part of the building's response to the context of nearby, masonry and terra cotta landmark buildings. This latter statement explicitly ties the building's overall coherency to its response to context.

- One massing move that was discussed at some length at the November 1, 2018 hearing was the difference in how the tower related to the podium at both the north and south elevations. At the north elevation, the podium steps back along its western edge, creating a plaza space and allowing the tower to extend down and touch the ground. This expression continues on the north elevation, with the tower extending down to ground. Commissioners found that the extension of the tower to grade elongated the proportion of the tower in a way made the tower more elegant. This elongated proportion also better relates to the proportion within individual bays on the podium and also better relates to the “vertical fold” divisions on the tower. See Diagrams 1 and 2 below.

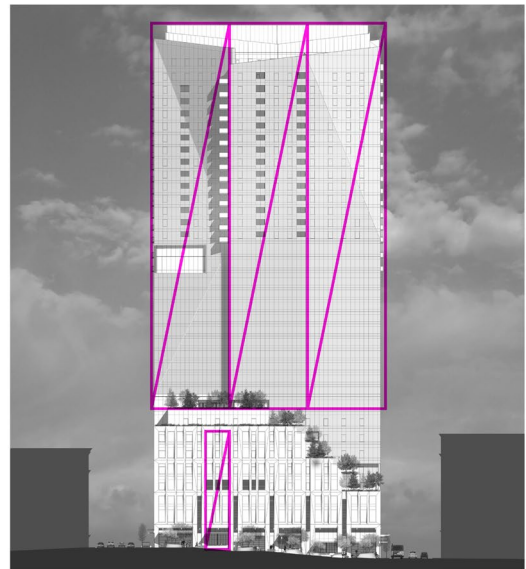


Diagram 1: North elevation (left); East elevation (right).



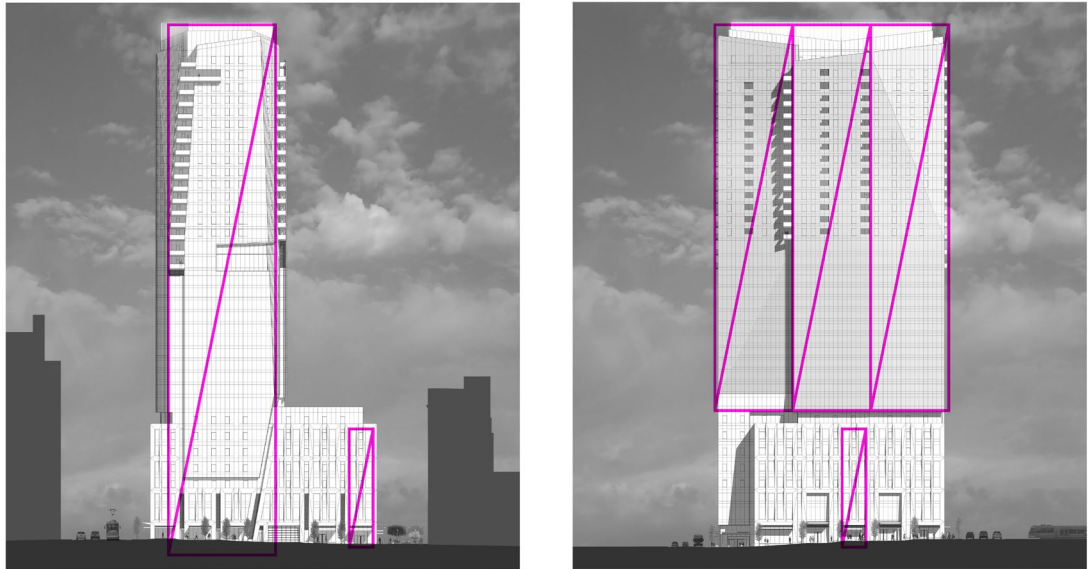


Diagram 2: South elevation (left); West elevation (right).

- A design option was shown at the November 1, 2018 hearing that also extended the tower to grade on the south elevation. Many commissioners found this design response to increase the overall coherency between the tower and the podium. Additionally, that design option simplified the terracing on the eastern half of the site, which commissioners also found to improve both overall coherency and contextual response. That same design option is shown as “Option B” on Exhibits C.152 and C.153, and this option’s south elevation showing the tower protrusion should replace the proposed south elevation, which extends the podium’s lower three floors across the south facade.
  - Unfortunately, there are no larger-scale elevations or details provided which flesh this option out in more detail. Detailing of this section of the building can be resolved through a follow-up design review, as a condition of approval, to ensure there is a satisfactory response to context and the pedestrian realm and to ensure that overall coherency is maintained and strengthened. Finally, as one commissioner noted at the November 1, 2018 hearing, this move better accomplishes the crystalline design parti for the building, which is diagrammed on Sheet C.169.
- Taken on its own, the proposed podium design vocabulary achieves a coherent, modern take on a historic façade pattern found on the Galleria building across SW Alder St. The proposed use of faceted, precast concrete pilasters, beams, and mullions creates a unified design with a strong street presence.
  - As alluded to above, overall coherency in the podium has increased since the November 1, 2018 hearing. The number of terrace steps on the east side of the podium has been reduced. This achieves two things: first, it reduces the number of apparent steps in the podium on the east elevation to three and simplifies the mass at its south end. (Secondary podium steps are set back from the street edge and clad in glass and are less apparent when viewing the podium from

SW 9<sup>th</sup> Ave or points to the north or south.) Second, this move aligns the “cornice line” of the podium around the building’s perimeter, strengthening the expression of the podium and creating a strong base upon which the tower can sit and into which it can protrude.

- A small detail has appeared in the most-recent drawing set: the white precast concrete is no longer showing touching down to the ground in the building elevations. Instead it is shown resting on a darker-colored material, often up to about knee-height, which is not identified in the drawings. The applicants have indicated verbally to staff that this is intended to represent “black galaxy” granite panels. The stark contrast with the white precast concrete used on the rest of the podium disrupts the overall coherency of the base of the building, and the podium would be much stronger if the white precast concrete touched the ground as is shown in numerous renderings in the drawing package. The applicants have also verbally indicated to staff that they will rework the detail to a “toe-kick” height for the hearing on December 13, 2018. Until that time, a condition of approval requiring the white precast concrete to extend to the ground is needed to ensure coherency at the street level.

- ◇ The same “black galaxy” granite panels are also shown (but not labeled) under storefront windows and the walk-up food service windows at the ground level. In these locations, the material makes more sense, as it is filling in portions of the bay that would otherwise be clad with darker tinted glazing or spandrel panels on the upper stories of the podium. The black color also more closely matches the color of the clear glass from certain angles and times of day at the ground level.

- Taken on its own, as well, the tower has also achieved a greater level of coherency since the November 1, 2018, through several simple moves.
  - The original protrusion from the tower mass at floors 19 & 20—dubbed a “barnacle” by commissioners at the November 1 hearing—has been changed to be a slightly recessed break in the continuity of the tower, rather than a protrusion. This greatly simplifies the massing of the tower, while retaining the differentiated expression in volume and glazing that the applicants were trying to achieve.
  - Balconies on the upper stories of the tower are well-integrated components of the building, composed of glass and dark colored slab edges. Those that are located on the east and west faces of the tower are recessed into the larger tower mass. Balconies protrude at breaks or folds in the tower on all four elevations. All balconies are logically stacked. The balconies at the 34<sup>th</sup> floor extend beyond the typical line of balconies on the north and south elevations, but the Design Commission found that this was a subtle gesture helping to define the top of the tower that did not detract from overall coherency.
  - The top of the tower is proposed to be illuminated with an internally-illuminated “light box assembly”. This light box is

composed of Starphire glass with an internal, diffuse white lamination layer to scatter light. At the November 1, 2018 hearing, a different material was proposed, which commissioners found to be too white. They expressed concerns that the tower not have a “white hat” during the daytime. The proposed Starphire glass with laminate is more subdued. Should the Commission find this still to be too white, an assembly composed of the ground level glazing may be more subdued yet still allow for a bright cap to the tower at night.

- The various glass products proposed appear to integrate well together. The tower will have a slightly darker, more reflective expression than the podium level and pool area at the 19<sup>th</sup> & 20<sup>th</sup> floors, but the vision and spandrel panels for both are appear very similar. Likewise, the clear glazing proposed at the ground floor will allow for greater views between the street and the interior of the building while retaining overall coherency with the rest of the building.
  - ◇ The glass type proposed for use on the balconies is not indicated. To retain overall coherency on the tower, this glass should match the glass used on the tower. This can be achieved through a condition of approval.
- Bird-safe glazing is required on certain locations of the building’s exterior, per requirements in zoning code section 33.510.223. These locations are within the first 60 feet of the building, as measured from grade, and within the first 15 feet above any ecoroof, garden, or other vegetated or landscaped roof area. The proposal shows these areas on Exhibits C.190 & C.191, though some areas at the floor 7 terraces are missing from the diagram and will be required to have the frit pattern as well.
  - ◇ The applicants propose to use a small-dot frit pattern on the exterior surface of the glazing in the areas shown shaded on C.190 & C.191. This will satisfy the standard; however, the abrupt ending of the pattern will detract from the overall coherency of the proposal. To achieve a more unified design, the frit pattern should instead cover the glazing on the entire podium mass. Glazing that extends up the tower should stop at the next highest horizontal mullion above the height set by the standard, rather than terminating in the middle of a glazing panel. These conditions can be achieved through a condition of approval.
- Overall, the proposed palette of materials to be used on the building is concise and well-coordinated, in addition to being of high-quality, as described in Findings for C2, above.

*With the condition of approval that the tower shall extend to grade on the south elevation of the building, and the detailing of this section of the tower shall be evaluated under a follow-up Type II Design Review prior to submittal of the main building permit;*

*With the condition of approval that the white precast concrete columns shall extend to grade rather than terminating above grade and resting on granite panels;*

*With the condition of approval that the glass type used in the balcony match the glass type used on the tower;*

*With the condition of approval that the proposed bird-safe glazing frit pattern cover the glazing on the entirety of the podium mass and that the frit pattern shall extend to the next highest horizontal mullion above the height set by the standard, rather than terminating in the middle of a glazing panel, this guideline will be 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:** The proposal successfully integrates roofs and uses rooftops in the following ways:

- The tower roof accommodates a mechanical penthouse, large mechanical units, and a retractable maintenance crane all behind a large screening system. These will be concealed behind a screen which also functions as a "light box" at the top of the tower. The integration of this screen with the rest of the tower composition is described in greater detail in Findings for C5, above. The screen will shield these mechanical units and the building maintenance unit from view, helping to successfully integrate all these rooftop components while enhancing the view of the Central City skyline.
- A building maintenance unit (BMU) crane is proposed on the roof of the tower, described on Exhibits C.176 through C.181. The proposed BMU crane is a retractable, telescoping system that will rest below the height of the mechanical screen parapet when not in use, as indicated on Exhibit C.181. To ensure that this BMU crane is fully integrated with the roof and, therefore, only visible when in use, a condition of approval requiring the crane to be fully below the height of the mechanical screen parapet when not in use should be added to satisfy this guideline.
- Landscaped, occupiable roof terraces are proposed on the east half of the site, stepping down from level 8 and level 3. The terraces will include planters and stormwater management features which are well-integrated with the overall terrace concept and podium design. The Bureau of Environmental Services has indicated that stormwater can be successfully managed with the stormwater management system proposed on these roofs. Additionally, the landscaping will help to tie the building into the Green Loop and connect it visually with O'Bryant Square to the northeast of the site. For all these reasons, the roof terraces and their components are well-integrated.

*With the condition of approval that the building maintenance unit crane on the roof shall be lowered fully below the height of the mechanical screen parapet when not in use, this guideline will be 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:** Portions of the proposal successfully integrate lighting in the following ways:

- Integrated LED lighting is proposed in the all-composite metal canopies at

the lobby entries. This fixture is narrow and long and recessed into the canopy structure and is therefore well-integrated.

- As described in the Findings for A5 & C4 and Findings for C5, above, the proposed “light box” assembly at the top of the tower will be a well-integrated system. Additionally, the Design Commission found at the November 1, 2018 hearing that this will be a good addition to the city’s skyline at night.
- The written narrative also describes additional lighting at retail entries and the amenity decks which are not shown in the drawing set. Since supporting drawings are not provided, these light fixtures cannot be evaluated or approved at this time. If these will be added to the design package at a later date, they will need design review approval.

*Therefore, this guideline is met.*

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

**Findings:** No signs are yet proposed. Signs over 32 square feet in area are required to receive design review approval.

*Therefore, this guideline does not yet 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.

**Modification #1: 33.266.100.F – Stacked Parking.** The applicants request the Modification to allow some, unspecified number, of stacked parking spaces to function without an attendant. The standard requires an attendant to be present when the lot is in operation, except in cases where the spaces are used as tandem parking for individual dwelling units.

*Purpose Statement:* (From zoning code section 33.266.130) The development standards promote vehicle areas that 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 location regulations for sites on transit streets and in Pedestrian Districts:

- Provide a pedestrian access that is protected from auto traffic;
- Create an environment that is inviting to pedestrians and transit users.
- Create a strong relationship between buildings and the sidewalk; and
- Create a sense of enclosure on transit and pedestrian street frontages.

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. The setback and landscaping standards:

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Provide flexibility to reduce the visual impacts of small residential parking lots;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

*Standard: 33.266.100.F, Stacked Parking.* Stacked or valet parking is allowed if an attendant is present to move vehicles. If stacked parking is used for required parking spaces, some form of guarantee must be filed with the City ensuring that an attendant will always be present when the lot is in operation. Automated stacked parking and tandem parking for individual dwelling units are exempt from the attendant and guarantee requirements. The requirements for minimum or maximum spaces and all parking area development standards continue to apply for stacked parking. See also 33.266.140.

**A. *Better meets design guidelines.*** *The resulting development will better meet the applicable design guidelines; and*

**Findings:** The proposed modification would allow for some stacked (tandem) parking spaces to be leased to individual residents of the building. Providing additional parking spaces for these residents in the subterranean structured parking levels allows for a greater number of vehicles to be parked in a smaller amount of the developed footprint.

This allows all desired parking to be accommodated underground, rather than at grade or above ground. This request also leads to the creation of a better pedestrian realm, better meeting guidelines *B2 – Protect the Pedestrian* and *C9 – Develop Flexible Sidewalk-Level Spaces*, and leads to a better contextual response to the Midtown Park Blocks, better meeting guidelines *A5 – Enhance, Embellish, and Identify Areas*, *C4 – Complement the Context of Existing Buildings*, and *D1 – Park Blocks*.

**B. *Purpose of the standard.*** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

**Findings:** The purpose of the parking standards, including standards related to stacked parking, includes ensuring that proposed parking promotes the safe circulation of vehicles within the parking area. The purpose also works to create an environment that is inviting to pedestrians and transit users, create a strong relationship between buildings and the sidewalk, and create a sense of enclosure on transit and pedestrian street frontages.

Since all proposed parking spaces are underground, they have no negative effect on the pedestrian realm at grade level and allow for the creation of a strong relationship between the building and the sidewalk and the creation of a sense of enclosure on the sidewalks adjacent to the building. Additionally, all proposed tandem parking spaces are set rather deeply into the parking garage circulation areas, giving other motorists sufficient sightlines and time to respond to vehicles maneuvering in these spaces. This helps to ensure the safe circulation of vehicles within the garage.

For these reasons, the purpose is met, on balance.

*Therefore, this Modification merits approval.*

**Modification #2: 33.266.220.C.3.b – Standards for all bicycle parking, Bicycle racks.** The applicants request the Modification to allow wall-mounted, vertically-staggered long-term bicycle parking racks to provide spaces which are 6’ tall by 1’-6” in width, rather than the required 2’ width.

*Purpose Statement:* These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

*Standard:* 33.266.220.C.3.b, A space 2 feet by 6 feet must 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. See Figure 266-11.

**A. Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines; and*

**Findings:** The Modification request addresses the long-term bicycle parking spaces in bike rooms on levels P2 and P3—a total of 208 long-term bike parking spaces. The racks are proposed to be mounted vertically with a high-density rack system. Each rack is proposed to be staggered vertically, as well, but the stagger is not specified.

The narrower spacing of the racks on these subterranean levels will allow a greater number of bikes to be stored underground, ensuring that there remains plenty of room for active uses on the ground floor along all four streets—a development pattern which also fits in well with other nearby development—better meeting guidelines A5 – Enhance, Embellish, and Identify Areas, A8 – Contribute to a Vibrant Streetscape, C4 – Complement the Context of Existing Buildings, and C9 – Develop Flexible Sidewalk-Level Spaces.

**B. Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*



**Findings:** As stated above, the proposed racks will be mounted vertically and will be staggered, which will provide room for handlebars and peddles to overlap without snagging or interfering with one another. However, the amount of vertical stagger is not identified; previous land use decisions and code research on rewriting the bike parking standards have found that an 8" vertical stagger is a good minimum amount to achieve successful overlap of handlebars and peddles, and this should be required through a condition of approval.

Thus, the purpose statement of the standard, which states that the standards ensure that bikes can be locked without undue inconvenience and are reasonably safeguarded from damage, will be met, on balance

*With the condition of approval that the vertically-mounted long-term bicycle racks shall be staggered vertically by at least 8", this modification will merit approval.*

**Modification #3: 33.510.215.B.5 – Required Building Lines, Standards for the Park Blocks.** The applicants request the Modification to allow the building to extend to the street lot line for its full length along SW 9<sup>th</sup> Ave, instead of setting back at least 12 feet from the lot line for at least 75% of the lot line's length. Instead, the applicants propose to create a retail "food hall" space along SW 9<sup>th</sup> Ave that will be open to the street and to redesign and rebuild SW 9<sup>th</sup> Ave with non-standard right-of-way improvements, such as traffic calming measures, curbless transitions between active and vehicular travel modes, visual and textural material changes of ground lane, bollards, special overhead lighting, street furnishings, and shifting the planting zone out into the street.

*Purpose Statement:* The required building line standards ensure that buildings in certain parts of the Central City are built to the sidewalk's edge unless landscaping or an extension of the sidewalk is provided. The standards support the street and development character objectives of the Central City 2035 Plan by creating diverse street character, promoting active uses, pedestrian movement, and opportunities for stopping and gathering. Extensions of the sidewalk may incorporate trees, landscape planters, groundcover, and areas for stormwater management between the building and the sidewalk.

*Standard:* 33.510.215.B.5, Standards for the Park Blocks. On sites with frontage on a street shown on Map 510- 22, and on sites that are adjacent to an open area shown on Map 510-22, buildings must be set back at least 12 feet from the street or adjacent lot line along at least 75 percent of the length of the lot line. At least 50 percent of the space between the building and the street or adjacent lot line must be landscaped with ground cover plants and shrubs, and contain one tree per 400 square feet. All plants must be selected from the Portland Tree and Landscaping Manual. This standard applies to new development. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge

**A. Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines; and*

**Findings:** One of the objectives of the required building line standard is to create "opportunities for stopping and gathering". This is accomplished in the standard by requiring 12-foot deep setbacks along at least 75% of the length of the lot line. For the 200-foot long lot, this would result in 1,800 square feet of stopping and gathering areas.

The applicants propose to partially mitigate the loss of this stopping and gathering area by designing and reconstructing SW 9<sup>th</sup> Ave as a woonerf-type street—curb-less and with a design that will allow for free pedestrian movement across the breadth of the street. A kit of parts consisting of fixed, elevated, custom steel planters with wooden benches, new light standards, concrete pavers, and hanging pendant luminaires serve to define the character and spaces of the street, which will be one of, if not the first, segment of the new Green Loop to be constructed. Combined with the removal of parking spaces and the “woonerf”-type street design, large areas for stopping and gathering will be created in the street itself.

It is also important to consider that the subject site lies in the Midtown Park Blocks, between Director Park and O’Bryant Square. The right-of-way along SW 9<sup>th</sup> Ave through the Midtown Park Blocks is only 50-feet wide, as compared to 60- to 80-feet right-of-way widths for other streets downtown. This narrower width gives the Midtown Park Blocks a unique development character in the Central City. Additionally, the applicants point out in their written narrative that only three of the 54 Green Loop block edges on the west side of the river currently have setbacks of any kind, and all are located in the South Park Blocks area. The proposal sets development at the street lot line edge of SW 9<sup>th</sup> Ave, rather than setting back by 12 feet.

Considering all of these design elements and contextual characteristics, allowing the proposed development to extend to the street lot line helps to maintain the unique development character of the Midtown Park Blocks, better meeting *Guidelines A5 – Enhance, Embellish, and Identify Areas* and *C4 – Complement the Context of Existing Buildings*. The proposed street design and reconstruction goes well beyond what would ever be required for a similarly-scaled development that met the standard in terms of design of the pedestrian realm in providing additional space for pedestrian movement, stopping, and gathering. This street design, therefore, better meets *Guidelines B1 – Reinforce and Enhance the Pedestrian System* and *B4 – Provide Stopping and Viewing Places* than a standard street design would.

The required building line standard also requires additional planting areas and trees within the setback areas. The Green Loop volume (Volume 5B) of the *Central City 2035 Plan* describes a “connected canopy” as one of the design principles of the Green Loop. Central City 2035 Policy 5.12 also describes the Green Loop as providing “tree canopy, innovative, park-like pedestrian environments, and wildlife habitat connections.”

Rather than providing for required (and desired) trees and plants in a setback area off the street, the proposal instead provides these plantings in the proposed raised planters in the street. Pushing the planters into what was formerly the parking lanes of the street allows for the planting of larger-canopy trees in the street, such as the proposed *Zelkova serrata*. In addition to this particular species’ similarity to the American Elm trees found in the North and South Park Blocks, planting trees in the right-of-way more closely approximates the tree-lined character of the Park Blocks than shifting plantings onto private property would.

Additional plantings in the form of ornamental, flowering trees and shrubs and flowering plants and groundcover go beyond the basic code requirements for planting in the setback and begin to establish a more park- or garden-like character in the pedestrian environment on the street. Taken all together, the

proposed planting plan both supports the goals of the Central City 2035 Plan for the Green Loop while also better meeting *Guidelines A1 – Integrate the River* (by providing additional habitat), *A2 – Emphasize Portland Themes*, *A4 – Use Unifying Elements*, *A7 – Establish and Maintain a Sense of Urban Enclosure* (with larger tree canopy), and *D1 – Park Blocks*.

The podium on the proposed building terraces down to O'Bryant Park on the site's eastern half. These terraces are proposed to be planted with trees and other significant plant species, some of which have a tendency to drape or cascade over the sides of their containers. These landscape elements will be visible from O'Bryant Square, will help to extend the sense of the Park Blocks past this site, and will provide some additional mitigation for the lack of trees and landscaping within the otherwise required setback area, moving it to the roof instead of the street level. This landscape strategy will better meet *Guidelines A4 – Use Unifying Elements* and *D1 – Park Blocks* than would a roof without these features.

Since this segment of SW 9<sup>th</sup> Ave will be redesigned as mitigation for the standard, and since this segment of the Green Loop is the first in the city to be designed and, likely, the first to be built, it is likely that at least some of the elements proposed for the street design could or will be replicated elsewhere on the Green Loop, creating elements of continuity for the system. While it is not the responsibility of the applicants to design additional segments of the Green Loop, they have proposed how the design elements of the street could be extended to the north and south along the SW 9<sup>th</sup> Ave and SW Park Ave segments of the Green Loop in the Midtown Park Blocks. This is described in greater detail in Findings for A4 & D1, above. These design elements and strategies for extension, therefore, better meet *Guidelines A4 – Use Unifying Elements*, *A5 – Enhance, Embellish, and Identify Areas*, and *D1 – Park Blocks*.

Finally, in addition to design and reconstruction of the street, the applicants also propose to mitigate the standard by providing a very porous edge at the ground floor along SW 9<sup>th</sup> Ave. The ground floor here, which is programmed with a retail “food hall” space along the 9<sup>th</sup> Ave frontage, creates a unique interface between the street and the interior of the building. This is accomplished with a combination of clear-glazed, folding overhead doors which extend from floor to ceiling in three of the six storefront bays along SW 9<sup>th</sup> Ave. This affords opportunities for pedestrians and activities to move seamlessly from inside to outside (or vice versa), functionally extending the sidewalk into the building. This blurring of inside and outside could be further enhanced if the pattern of the street, or a derivative thereof, extended into the interior of the retail “food hall” space, and this could be achieved through a condition of approval.

The other three storefronts along this frontage are programmed with six walk-up food service windows which open into small work spaces inside the building. These walk-up windows are then reflected onto the interior side of these work spaces, creating two-side retail food service spaces. The walk-up windows facing the street provide for more activity on the street than a standard storefront and also retain some sense of the current, and beloved, food cart character found on the block today.

Taken all together, these design elements better meet *Guidelines A2 – Emphasize Portland Themes*, *A8 – Contribute to a Vibrant Streetscape*, *B1 – Reinforce and Enhance the Pedestrian System*, *B5 – Make Plazas, Parks, and Open Space*

*Successful, C6 – Develop Transitions Between Buildings and Public Space, and C9 – Develop Flexible Sidewalk-Level Spaces, than typical retail spaces would.*

For the reasons listed above, the proposed Modification better meets applicable design guidelines; however, since the design of this block of SW 9<sup>th</sup> Ave is so unique in the city, and since it is critical for support of the Modification, it is imperative that Public Works Concept Phase approval is secured before the Modification can be granted. Portland Public Works staff have many unresolved issues related to the conceptual-level engineering of the street, which could result in significant redesign or rethinking of elements in the street. This is alluded to in Exhibits H-19 and H-26, and Concept Phase approval of the Public Works permit has not yet been secured.

**B. Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

**Findings:** The purpose statement for the Required Building Lines standard states that the standard is intended to support the street and development character objectives of the Central City 2035 Plan by creating diverse street character, promoting active uses, pedestrian movement, and opportunities for stopping and gathering. *As described in the Findings for this Modification above, the proposal would meet this purpose through a variety of interventions, and, with Concept Phase approval of the Public Works permit, will be consistent with the purpose of the standard, on balance. Until that time, however, since the design and reconstruction of the street are critical to meeting both Criteria A & B for this Modification request, staff recommends against its approval.*

*Therefore, this Modification does not yet merit approval.*

**Modification #4: 33.510.243.B. – Ecoroofs.** The applicants request the Modification to allow ecoroof to cover only 33% of the total building roof area, rather than 100% of the building roof area (minus allowed exceptions, such as mechanical equipment and uncovered common outdoor areas).

*Purpose Statement:* Ecoroofs provide multiple complementary benefits in urban areas, including stormwater management, reduction of air temperatures, mitigation of urban heat island impacts, air quality improvement, urban green spaces, and habitat for birds, plants and pollinators. The standards are intended to:

- Maximize the coverage of ecoroofs;
- Allow for the placement of structures and other items that need to be located on roofs; and
- Support the architectural variability of rooftops in the Central City.

*Standard:* 33.510.243.B, Ecoroof standard. In the CX, EX, RX, and IG1 zones, new buildings with a net building area of 20,000 square feet or more must have an ecoroof that meets the following standards:

1. The ecoroofs, including required firebreaks between ecoroofs areas, must cover 100 percent of the building roof area, except that up to 40 percent of the building roof area can be covered with a combination of the following. Roof top parking does not count as roof area. Roof area that has a slope greater than 25% does not count as roof area:
  - a. Mechanical equipment, housing for mechanical equipment, and required access to, or clearance from, mechanical equipment;
  - b. Areas used for fire evacuation routes;

- c. Stairwell and elevator enclosures;
  - d. Skylights;
  - e. Solar panels;
  - f. Wind turbines;
  - g. Equipment, such as pipes and pre-filtering equipment, used for capturing or directing rainwater to a rainwater harvesting system; or
  - h. Uncovered common outdoor areas. Common outdoor areas must be accessible through a shared entrance.
2. The ecoroof must be approved by the Bureau of Environmental Services as meeting the Stormwater Management Manual's Ecoroof Facility Design Criteria.

**A. Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines; and*

**Findings:** Rooftop spaces on the tower and podium terrace levels of the building are proposed to accommodate large mechanical equipment, uncovered common outdoor areas, landscape planters, and stormwater-based water features. The aggregation and placement of these large mechanical uses on the roof of the tower, and subsequent screening of these mechanical uses, helps to lift these otherwise unsightly building services off the ground level and away from the exterior elevations, better meeting *Guidelines C5 – Design for Coherency* and *C11 – Integrate Roofs and Use Rooftops*.

**B. Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

**Findings:** The purpose of the standard is to provide for stormwater management, mitigation of the urban heat island effect, and allowing for architectural “variability” of rooftops within the Central City.

- BES has found that the proposed stormwater management solution can be successfully accommodated in the remaining ecoroof area. Therefore, this proposal is consistent with the stormwater management part of the purpose of the standard, on balance.
- The applicants stated on the record at the November 1, 2018 Design Commission hearing that the remaining roof coverings will be white or light in color to help reduce the urban heat island effect. Commissioners found that this would be sufficient to meet this portion of the purpose statement; however, a condition of approval should be added to ensure that the rooftop surfaces are cleaned periodically to remove moss and other elements which could darken the color of the roof and decrease its reflective properties.
- The planting plan for the rooftop terrace areas includes plants, such as trees and cascading ground covers which will provide greater habitat opportunities than a typical sedum ecoroof. This will improve habitat options for birds and some arthropods; however, with the addition of some flowering plant species, this would also increase the habitat opportunities for pollinators. This can be accomplished through a condition of approval.
- Finally, the terraced, landscaped rooftops of the podium level provide “architectural variability” over half the site. Therefore, the proposal is consistent with this part of the purpose, on balance.

*With the condition of approval that the non-landscaped roof coverings shall be light in color and shall be cleaned periodically to remove moss and other detritus which could darken the color of the roof; and,*

*With the condition of approval that the planted areas shall include flowering plant species to increase habitat opportunities for pollinators, this modification will merit approval.*

### **(3) 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 citywide, 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.

#### **The following adjustment is requested:**

1. 33.510.263.B.2 – Parking and loading access standards. The applicants request the Adjustment to allow parking access from SW Washington St, which is classified as a Major City Bikeway, and to allow loading access from SW Alder St, which is also classified as a Major City Bikeway. Motor vehicle access to any parking area, loading area, or parking structure is not allowed from streets classified as a Major City Bikeway

#### **33.805.040 Approval Criteria**

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A through F have been met:

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

**Findings:** The purpose statement for 33.510.263, Parking and Loading Access is: “The purpose of the parking and loading access regulations is to ensure the safety of pedestrians, bicyclists, and motorists, to avoid significant adverse impact on transit operations, and to ensure that the transportation system functions efficiently. The regulations require that the access to parking and loading areas be designed so that motor vehicles can enter and exit the parking facility without being required to cross the tracks of a light rail or streetcar alignment. Parking access shall be designed to avoid adverse impacts on operation and safety of pedestrian, bicycle, or motor vehicle circulation, and shall not preclude the future construction of facilities such as protected bikeways. A driveway is not automatically considered such an impact. On blocks where transit stations are located, the pedestrian environment on both sides of the streets will be considered and protected.”

In relation to the requested Adjustment and in order to adequately address the above referenced approval criterion, the applicant had a Transportation Impact Study (TIS) prepared by a professional traffic consultant. The TIS included



standard information utilizing acceptable industry assumptions, references, calculations and conclusions – addressing the above referenced issues related to safety and operations related to pedestrian, bicycle and motor vehicle modes of travel. It should be noted that there was really no option for the applicant to consider vehicle access (associated with either the parking garage or loading spaces) from either SW 9th or 10th Avenues. The Zoning Code prohibits access to SW 10th Ave and SW 9th Ave is also identified as the “Green Loop” designated street through the city core area. The Green Loop is intended to minimize vehicle travel and focus on moving bicycles and pedestrians – hence the applicant’s proposed concept of a woonerf along this site frontage. Accordingly, the only options for the applicant to explore included either combining the parking and loading functions along either SW Washington or SW Alder, or, providing one of these functions along one site frontage, and the other function on the opposing street. In this regard, the analyses performed identified a recommendation for the proposed parking access along SW Washington and loading access along SW Alder. PBOT is supportive of this recommendation and is also supportive of the requested Adjustment.

*For these stated reasons, the approval criterion is 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 an OS C, E, or I zone, the proposal will be consistent with the desired character of the area.

**Findings:** The subject site is located within the CX – Central Commercial zone. This zone “is intended to provide for commercial and mixed-use development within Portland’s most urban and intense areas, specifically the Central City and the Gateway Regional Center. A broad range of uses are allowed to reflect Portland’s role as a commercial, cultural, residential, and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.”

The proposed development is of a very high intensity, at 35-stories, 460 feet, and over 1 million SF of development area (including the subterranean structured parking), and it accommodates a broad range of uses within that space, including multi-family residential, hotel, retail, and commercial office uses. The development is pedestrian-oriented on all four sides of the building and has a safe and attractive streetscape, particularly along SW 9<sup>th</sup> Ave.

*For these stated reasons, the 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.

**Findings:** Only one adjustment is being requested.

*This criterion does not apply.*

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

**Findings:** No city-designated historic resources or scenic resources are located on the subject site.



*This criterion does not apply.*

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

**Findings:** All four street frontages have restrictions on parking and loading access, and access is prohibited off SW 10<sup>th</sup> Ave. Locating access to either the parking or loading areas on SW 9<sup>th</sup> Ave would severely negatively affect the success and safety of the Green Loop on that block, leaving only SW Alder St and SW Washington St as acceptable alternatives.

Separating the two functions—parking and loading—to different streets helps to reduce the number of conflicts that would be experienced both by motorists and loading vehicles, but also by pedestrians. Locating both on one side essentially leave over 100 feet of frontage in vehicle and service area, which would detract from the pedestrian environment. Due to the number of uses and large program of the proposed building, conflicts between motor vehicles entering and exiting the parking garage and loading vehicles accessing or leaving the four loading bays provided would undoubtedly arise. Therefore, locating each on a separate street frontage will reduce potential conflicts in both cases.

The placement of the loading access off SW Alder also continues the pattern established across that street at the Galleria building, which has two mid-block loading spaces that also open onto SW Alder. The placement of the parking access off SW Washington St also takes advantage of the natural grade of the site to place the parking garage entry at a lower point, reducing the need for ramping inside.

*For these stated reasons, the approval criterion is 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:** The subject site is not in an environmental zone.

*This criterion does not apply.*

*For the reasons stated above, this Adjustment merits approval.*

#### **(4) OREGON STATEWIDE PLANNING GOALS**

##### **Oregon Statewide Planning Goals findings for site in the Central City plan district**

###### Goal 1: Citizen Involvement

Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.” It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

**Findings:** The City of Portland maintains an extensive citizen involvement program which complies with all relevant aspects of Goal 1, including specific requirements in Zoning Code Chapter 33.730 for public notice of land use review applications that seek public comment on proposals. There are opportunities for the public to testify at a local hearing on land use proposals for Type III land use review applications, and for Type II and Type IIX land use decisions if appealed. For this application, a

written notice seeking comments on the proposal and notifying of the public hearing was mailed to property-owners and tenants within 400 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 1,000 of the site. Additionally, the site was posted with a notice describing the proposal and announcing the public hearing.

The public notice requirements for this application have been and will continue to be met, and nothing about this proposal affects the City's ongoing compliance with Goal 1.

*Therefore, the proposal is consistent with this goal.*

#### Goal 2: Land Use Planning

Goal 2 outlines the basic procedures of Oregon's statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

**Findings:** Compliance with Goal 2 is achieved, in part, through the City's comprehensive planning process and land use regulations. For quasi-judicial proposals, Goal 2 requires that the decision be supported by an adequate factual base, which means it must be supported by substantial evidence in the record. As discussed earlier in the findings that respond to the relevant approval criteria contained in the Portland Zoning Code, the proposal complies with the applicable regulations, as supported by substantial evidence in the record.

*As a result, the proposal meets Goal 2.*

#### Goal 3: Agricultural Lands

Goal 3 defines "agricultural lands," and requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

#### Goal 4: Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

**Findings for Goals 3 and 4:** In 1991, as part of Ordinance No. 164517, the City of Portland took an exception to the agriculture and forestry goals in the manner authorized by state law and Goal 2. Since this review does not change any of the facts or analyses upon which the exception was based, the exception is still valid and *Goals 3 and 4 do not apply.*

#### Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 relates to the protection of natural and cultural resources. It establishes a process for inventorying the quality, quantity, and location of 12 categories of natural resources. Additionally, Goal 5 encourages but does not require local governments to maintain inventories of historic resources, open spaces, and scenic views and sites.

**Findings:** The City complies with Goal 5 by identifying and protecting natural,

scenic, and historic resources in the City's Zoning Map and Zoning Code.

The only Goal 5 natural resources in the Central City plan district are located near the Willamette River. Therefore, natural resource protection in the Central City is carried out by the River overlay zones discussed below in the findings for Statewide Planning Goal 15. Per OAR 660-023-0240(2), Goal 15 supersedes Goal 5 for natural resources that are also subject to Goal 15.

Protection of scenic resources is implemented through the Scenic ("s") overlay zone on the Zoning Map or by establishing building height limits within view corridors as shown on Map 510-3 and 510-4.

Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts.

The Zoning Code imposes special restrictions on development activities within the River overlay zones, the Scenic overlay zone, view corridors, and designated historic resources.

This site is not within any River overlay zone, Scenic overlay zone, or designated view corridor, and is not part of any designated historic resource. *Therefore, Goal 5 is not applicable.*

#### Goal 6: Air, Water and Land Resources Quality

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

**Findings:** Compliance with Goal 6 is achieved through the implementation of development regulations such as the City's Stormwater Management Manual at the time of building permit review, and through the City's continued compliance with Oregon Department of Environmental Quality (DEQ) requirements for cities.

The Bureau of Environmental Services reviewed the proposal for conformance with sanitary sewer and stormwater management requirements and expressed objections to approval of the application, as mentioned earlier in this report. *Therefore, the proposal is not consistent with Goal 6.*

#### Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 7 requires that jurisdictions adopt development restrictions or safeguards to protect people and property from natural hazards. Under Goal 7, natural hazards include floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires. Goal 7 requires that local governments adopt inventories, policies, and implementing measures to reduce risks from natural hazards to people and property.

**Findings:** The City complies with Goal 7 by mapping natural hazard areas such as floodplains and potential landslide areas, which can be found in the City's MapWorks geographic information system. The City imposes additional requirements for development in those areas through a variety of regulations in the Zoning Code, such as through special plan districts or land division regulations. The subject site is not within any mapped floodplain or landslide hazard area, so *Goal 7 does not apply.*

#### Goal 8: Recreation Needs

Goal 8 calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expediting siting of destination resorts.

**Findings:** The City maintains compliance with Goal 8 through its comprehensive planning process, which includes long-range planning for parks and recreational facilities. Staff finds the current proposal will not affect existing or proposed parks or recreation facilities in any way that is not anticipated by the zoning for the site, or by the parks and recreation system development charges that are assessed at time of building permit. Furthermore, nothing about the proposal will undermine planning for future facilities.

*Therefore, the proposal is consistent with Goal 8.*

#### Goal 9: Economy of the State

Goal 9 calls for diversification and improvement of the economy. Goal 9 requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

**Findings:** Land needs for a variety of industrial and commercial uses are identified in the adopted and acknowledged Economic Opportunity Analysis (EOA) (Ordinance 187831). The EOA analyzed adequate growth capacity for a diverse range of employment uses by distinguishing several geographies and conducting a buildable land inventory and capacity analysis in each. In response to the EOA, the City adopted policies and regulations to ensure an adequate supply of sites of suitable size, type, location and service levels in compliance with Goal 9. The City must consider the EOA and Buildable Lands Inventory when updating the City's Zoning Map and Zoning Code. Because this proposal does not change the supply of industrial or commercial land in the City, *the proposal is consistent with Goal 9.*

#### Goal 10: Housing

Goal 10 requires local governments to plan for and accommodate needed housing types. The Goal also requires cities to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

**Findings:** The City complies with Goal 10 through its adopted and acknowledged inventory of buildable residential land (Ordinance 187831), which demonstrates that the City has zoned and designated an adequate supply of housing. For needed housing, the Zoning Code includes clear and objective standards. Since approval of this application will enable an increase in the City's housing supply, *the proposal is consistent with Goal 10.*

#### Goal 11: Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

**Findings:** The City of Portland maintains an adopted and acknowledged public facilities plan to comply with Goal 11. See Citywide Systems Plan adopted by Ordinance 187831. The public facilities plan is implemented by the City's public services bureaus, and these bureaus review development applications for adequacy of public services. Where existing public services are not adequate for a proposed development, the applicant is required to extend public services at their own

expense in a way that conforms to the public facilities plan. In this case, the City's public services bureaus found that existing public services are adequate to serve the proposal, as discussed earlier in this report.

*Therefore, the proposal is consistent with Goal 11.*

#### Goal 12: Transportation

Goal 12 seeks to provide and encourage "safe, convenient and economic transportation system." Among other things, Goal 12 requires that transportation plans consider all modes of transportation and be based on an inventory of transportation needs.

**Findings:** The City of Portland maintains a Transportation System Plan (TSP) to comply with Goal 12, adopted by Ordinances 187832, 188177 and 188957. The City's TSP aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs."

Under the Oregon Transportation Planning Rule (TPR), which helps to implement Goal 12, the Central City is designated as a Multi-Modal Mixed-Use Area (MMA). The MMA designation is intended to foster a mixed-use, pedestrian-friendly center that allows a high intensity of uses. Development proposals are evaluated for their anticipated impacts to the safety of the transportation system.

The extent to which a proposal affects the City's transportation system is evaluated by the Portland Bureau of Transportation (PBOT). As discussed earlier in this report, PBOT evaluated this proposal and found that it could not recommend approval due to lack of a Public Works Permitting approval for the proposed woonerf design on SW 9<sup>th</sup> Ave and lack of Encroachment Permit approval for proposed subterranean encroachments into the public right-of-way.

*Therefore, the proposal is not consistent with Goal 12.*

#### Goal 13: Energy

Goal 13 seeks to conserve energy and declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

**Findings:** With respect to energy use from transportation, as identified above in response to Goal 12, the City maintains a TSP that aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." This is intended to promote energy conservation related to transportation. Additionally, at the time of building permit review and inspection, the City will also implement energy efficiency requirements for the building itself, as required by the current building code.

*For these reasons, staff finds the proposal is consistent with Goal 13.*

#### Goal 14: Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

**Findings:** In the Portland region, most of the functions required by Goal 14 are administered by the Metro regional government rather than by individual cities. The desired development pattern for the region is articulated in Metro’s Regional 2040 Growth Concept, which emphasizes denser development in designated centers and corridors. The Regional 2040 Growth Concept is carried out by Metro’s Urban Growth Management Functional Plan, and the City of Portland is required to conform its zoning regulations to this functional plan. This land use review proposal does not change the UGB surrounding the Portland region and does not affect the Portland Zoning Code’s compliance with Metro’s Urban Growth Management Functional Plan.

*Therefore, Goal 14 is not applicable.*

#### Goal 15: Willamette Greenway

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

**Findings:** The City of Portland complies with Goal 15 in the Central City by applying River overlay zones to areas near the Willamette River. These overlay zones impose special requirements on development activities.

The subject site for this review is not within a River overlay zone near the Willamette River, so *Goal 15 does not apply*.

#### Goal 16: Estuarine Resources

This goal requires local governments to classify Oregon’s 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those “management units.”

#### Goal 17: Coastal Shorelands

This goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for “water-dependent” or “water-related” uses.

#### Goal 18: Beaches and Dunes

Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

#### Goal 19: Ocean Resources

Goal 19 aims “to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.” It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19’s main requirements are for state agencies rather than cities and counties.

**Findings:** Since Portland is not within Oregon’s coastal zone, *Goals 16-19 do not apply*.

## 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 requirements of Title 11 can be met, and 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.

### 33.510.200, Floor Area Ratios and 33.510.205, Floor Area Bonus and Transfer Options

The subject site is located on a 40,000 square-foot block in the Central City. Map 510-2 shows that the site has a base floor area ratio (FAR) of 9:1.

- Bonus floor area of 3:1 may be earned through the Inclusionary Housing Bonus Option of zoning code section 33.510.205.C.2.a. With 249,804 SF of household living use proposed, the full 120,000 SF bonus will be earned.
- The proposed development program consists of 853,641 SF of at- or above-grade uses.
- An additional 373,641 SF of floor area will need to be transferred to the site from other sites within the site's floor area transfer sector, as shown on Map 510-23, or from Historic Resource sites in accordance with zoning code section 33.510.205.D.1.
- No specific floor area transfers have been proposed or recorded at this time. These standards will need to be met at the time of permit.

## CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. While there are many aspects of the proposal that meet the applicable design guidelines, state planning goals, modification criteria, and approval criteria issues related to the design and reconstruction of SW 9<sup>th</sup> Ave need resolution and Public Works approval before staff can recommend approval for the proposal.

Were staff to recommend approval for the Design Review, Modifications, and Adjustment Review, staff would also recommend several conditions of approval. These are listed here for ease of consideration.

- 1) *Glazing at the glazing at the operable ground level windows on the east façade shall be clear, with a VLT of no less than that used for the other ground level clear glazing.*
- 2) *The proposed street pattern, or a derivative of it, shall extend into the full, publicly-accessible space of the retail "food hall" along SW 9<sup>th</sup> Ave.*
- 3) *The proposed overhead hanging lights (or other hanging ornamentation) shall be further studied and developed, including connection details to the proposed building at Block 216 and to the landmark structures on the east side of SW 9<sup>th</sup> Ave, through a follow-up Type Ix and/or Type II land use review(s) prior to main building permit submittal.*
- 4) *The design of the plaza at the northwest corner of the site and building shall be further resolved through a follow-up Type II Design Review prior to main building permit submittal.*



- 5) The diagonal mechanical exhaust louver on the south elevation, which extends from approximately the third floor down to the sidewalk level, shall terminate above grade at the same elevation as the other vertically-oriented louvers on the south elevation.
- 6) The tower shall extend to grade on the south elevation of the building, and the detailing of this section of the tower shall be evaluated under a follow-up Type II Design Review prior to submittal of the main building permit.
- 7) The white precast concrete columns shall extend to grade rather than terminating above grade and resting on granite panels.
- 8) The glass type used in the balcony match the glass type used on the tower.
- 9) The proposed bird-safe glazing frit pattern cover the glazing on the entirety of the podium mass and that the frit pattern shall extend to the next highest horizontal mullion above the height set by the standard, rather than terminating in the middle of a glazing panel.
- 10) The building maintenance unit crane on the roof shall be lowered fully below the height of the mechanical screen parapet when not in use.
- 11) The vertically-mounted long-term bicycle racks shall be staggered vertically by at least 8".
- 12) The non-landscaped roof coverings shall be light in color and shall be cleaned periodically to remove moss and other detritus which could darken the color of the roof.
- 13) The planted areas shall include flowering plant species to increase habitat opportunities for pollinators.

### **TENTATIVE STAFF RECOMMENDATION**

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

Staff recommends denial of the proposed 35-story, 460-foot tall mixed-use building comprising approximately 844,117 SF in the West End Subdistrict of the Central City Plan District and denial of proposed non-standard improvements in the right-of-way for the entire length of SW 9<sup>th</sup> Ave, since Public Works permitting Concept Phase approval has not yet been granted.

Were Public Works approval to be obtained, staff would recommend Design Review approval of the proposed 35-story, 460-foot tall mixed-use building comprising approximately 844,117 SF in the West End Subdistrict of the Central City Plan District and denial of proposed non-standard improvements in the right-of-way for the entire length of SW 9<sup>th</sup> Ave.

Were staff to recommend approval for the Design Review, staff would recommend approval for the requested Adjustment and the four Modification requests:

One Adjustment to use-related zoning code development standards:

- 1) 33.510.263.B.2 – Parking and loading access standards. The applicants request the Adjustment to allow parking access from SW Washington St, which is classified as a Major City Bikeway, and to allow loading access from SW Alder St, which is also classified as a Major City Bikeway. Motor vehicle access to any parking area, loading area, or parking structure is not allowed from streets classified as a Major City Bikeway.

**Four** Modification requests:

- 1) 33.266.100.F – Stacked Parking. The applicants request the Modification to allow some, unspecified number, of stacked parking spaces to function without an attendant. The standard requires an attendant to be present when the lot is in operation, except in cases where the spaces are used as tandem parking for individual dwelling units.
- 2) 33.266.220.C.3.b – Standards for all bicycle parking, Bicycle racks. The applicants request the Modification to allow wall-mounted, vertically-staggered long-term bicycle parking racks to provide spaces which are 6' tall by 1'-6" in width, rather than the required 2' width.
- 3) 33.510.215.B.5 – Required Building Lines, Standards for the Park Blocks. The applicants request the Modification to allow the building to extend to the street lot line for its full length along SW 9<sup>th</sup> Ave, instead of setting back at least 12 feet from the lot line for at least 75% of the lot line's length. Instead, the applicants propose to create a retail "food hall" space along SW 9<sup>th</sup> Ave that will be open to the street and to redesign and rebuild SW 9<sup>th</sup> Ave with non-standard right-of-way improvements, such as traffic calming measures, curbless transitions between active and vehicular travel modes, visual and textural material changes of ground lane, bollards, special overhead lighting, street furnishings, and shifting the planting zone out into the street
- 4) 33.510.243 – Ecoroofs. The applicants request the Modification to allow ecoroof to cover only 31% of the total building roof area, rather than 100% of the building roof area (minus allowed exceptions, such as mechanical equipment and uncovered common outdoor areas).

All approvals would be per recommended conditions of approval as outlined in the Conclusions section above, in addition to the three standard conditions of approval recommended for each Design Review.

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**Procedural Information.** The application for this land use review was submitted on July 27, 2018, and was determined to be complete on September 24, 2018.

*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 July 27, 2018.

*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 G-6. Unless further extended by the applicant, **the 120 days will expire on September 24, 2019.**

**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 \$5,000.00 will be charged (one-half of the application fee for this case, up to a maximum of \$5,000.00).**

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.

**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).**

Benjamin Nielsen

October 22, 2018; Revised October 31, 2018; Revised December 7, 2018

#### **EXHIBITS – NOT ATTACHED UNLESS INDICATED**

##### **A. Applicant's Submittals**

1. Original Drawing Package, dated 10/18/2018 and received 07/27/2018
2. Original Written Narrative, dated 10/18/2018 and received 07/27/2018
3. Application for Adjustment Review, dated and received 09/24/2018
4. Response to Incomplete Application letter, dated 08/16/2018 and received 09/24/2018
5. Revised Drawing Set, dated and received 09/24/2018
6. Revised Written Narrative & Stormwater Report, dated and received 09/24/2018
7. SW 9<sup>th</sup> Ave and Podium Studies, received 10/03/2018
8. PBOT Concept Plans, received 10/09/2018
9. Applicants' Statewide Planning Goals Narrative, received 10/10/2018
10. Revised Drawing Set for Design Commission, received 10/12/2018
11. Revised Written Narrative, received 10/12/2018
12. Bird-safe Glass Product and Specifications, received 10/19/2018
13. Utility Plan, received 10/25/2018
14. Driveway Design Exception application (for PBOT), 10/26/2018
15. Email from applicants to BES re: infiltration
16. Product Cutsheets, received 10/31/2018

##### **B. Zoning Map (attached)**

##### **C. Plan & Drawings**

- 1-8. Not used.
9. Architectural Site Plan
10. Floor Plan | Level P4/P4.5
11. Floor Plan | Level P2-3
12. Floor Plan | Level P1
13. Floor Plan | Level 01 (attached)
14. Floor Plan | Level 1.5
15. Floor Plan | Level 02
16. Floor Plan | Level 2.5
17. Floor Plan | Level 03
18. Floor Plan | Level 04

19.	Floor Plan   Level 05
20.	Floor Plan   Level 06
21.	Floor Plan   Level 07
22.	Floor Plan   Level 08
23.	Floor Plan   Level 09-17
24.	Floor Plan   Level 18
25.	Floor Plan   Level 19
26.	Floor Plan   Level 20
27.	Floor Plan   Level 21
28.	Floor Plan   Level 22-33
29.	Floor Plan   Level 34
30.	Floor Plan   Level 35
31.	Floor Plan   Mechanical Penthouse
32.	<i>Not used.</i>
33.	Floor Plan   Roof Plan
34.	Loading Composite
35.	Drop-off Composite
36.	Food Hall Composite
37.	Food Hall Sections
38.	SW Retail Composite
39.	NW Corner Composite
40.	Building Section   E-W (attached)
41.	Building Section   N-S
42.	North Elevation & East Elevation (attached)
43.	West Elevation & South Elevation (attached)
44.	B/W   North Elevation & B/W   East Elevation
45.	B/W   West Elevation & B/W   South Elevation
46.	W-1   Enlarged West Elevation
47.	W-2   Enlarged West Elevation
48.	W-3   Enlarged West Elevation
49.	W-4   Enlarged West Elevation
50.	<i>Not used.</i>
51.	W-5   Enlarged West Elevation
52.	N-1   Enlarged North Elevation
53.	N-2   Enlarged North Elevation
54.	N-3   Enlarged North Elevation
55.	N-4   Enlarged North Elevation
56.	E-1   Enlarged East Elevation
57.	E-2   Enlarged East Elevation
58.	E-3   Enlarged East Elevation
59.	E-4   Enlarged East Elevation
60.	E-5   Enlarged East Elevation
61.	E-6   Enlarged East Elevation
62.	S-1   Enlarged South Elevation
63.	S-2   Enlarged South Elevation
64.	S-3   Enlarged South Elevation
65.	S-4   Enlarged South Elevation
66.	<i>Not used.</i>
67.	Top of Building – Plan
68.	Canopy   Garage Entry, Retail, Typical Canopies
69.	Canopy   Lobby Entries
70.	<i>Not used.</i>
71.	<i>Not used.</i>
72.	Landscape Site Plan
73.	Site Zone Diagram

74.	Terrace Landscape Plan
75.	Terrace Materials
76.	Terrace Planting
77.	Terrace Sections
78.	Terrace Sections
79.	Terrace Detail Section
80.	Terrace Precedents
81.	<i>Not used.</i>
82.	Block 216 & Green Loop Plan
83.	Block 216 & Green Loop Plan
84.	Block 216 & Green loop Plan
85.	Block 216 Context Axon
86.	Block 216 + Green loop Context Axon
87.	Green Network Expansion
88.	District Park Standards
89.	Paving Expansion
90.	Urban Furniture Expansion
91.	Lights/Hanging Features Expansion
92.	District Composite
93.	<i>Not used.</i>
94.	Streetscape Precedents
95.	Streetscape Precedents
96.	Landscape Site Plan (attached)
97.	Streetscape Elements
98.	9th Aerial Perspective
99.	9 <sup>th</sup> Ave. Perspective
100.	Streetscape Materials
101.	Lighting Diagram
102.	Paving Diagram
103.	Streetscape Planting
104.	Custom Planter & Integrated Wood Seating Axon, Typ.
105.	Custom Planter & Integrated Wood Seating Detail Plan, Typ.
106.	Custom Planter & Integrated Wood Seating Detail Section, Typ.
107.	9th Ave Food Hall Section
108.	9th Ave Food Hall Section
109.	Streetscape North Elevation
110.	Streetscape East Elevation
111.	SW 9th Ave Gathering Diagram
112.	SW 9th Ave Activation Precedents – Shared Street
113.	SW 9th Ave Activation Diagram – with Parked Cars
114.	SW 9th Ave Activation Precedents – Parklets
115.	SW 9th Ave Activation Diagram – With Parked Cars + Parklets
116.	SW 9th Ave Activation Diagram – Vendors & Parklets
117.	SW 9th Ave Activation Diagram – Vendors & Parklets
118.	SW 9th Ave Activation Precedents – Street Festival
119.	SW 9th Ave Activation Diagram – Street Festival
120-122.	<i>Not used.</i>
123.	NW Corner Plaza Enlargement Plan & Elevation
124-126.	<i>Not used.</i>
127.	Material Palette
128-130.	<i>Not used.</i>
131.	Materials: Precast Composition Language
132-151.	<i>Not used.</i>
152.	Podium Studies
153.	Podium Studies

154-175.	Not used.		
176.	Technical	Proposed Building Maintenance Unit	Retracted
177.	Technical	Proposed Building Maintenance Unit	Extended
178.	Technical	Proposed Building Maintenance Unit	General Info
179-180.	Not used.		
181.	Technical	Proposed Building Maintenance Unit	Typical Section
182-184.	Not used.		
185.	Technical	Utility Site Plan	
186-189.	Not used.		
190.	Zoning	Bird-safe Glazing Analysis	
191.	Zoning	Bird-safe Glazing Analysis	
192-212.	Not used.		
213.	4B	Eco-Roof Diagram	
214.	Product Cutsheets		

## D. Notification information:

1. Request for response
2. Posting letter sent to applicant
3. Notice to be posted
4. Applicant's statement certifying posting
5. Mailed notice
6. Mailing list

## E. Agency Responses:

1. Bureau of Environmental Services
2. Bureau of Transportation Engineering and Development Review
3. Water Bureau
4. Fire Bureau
5. Site Development Review Section of BDS
6. Life Safety Review Section of BDS

## F. Letters

*No correspondence was received prior to the November 1, 2018 hearing.*

## G. Other

1. Original LUR Application
2. Pre-Application Summary Memo for EA 18-159281 PC
3. Request for Completeness Review, sent 08/01/2018
4. Letter from Allison Rouse, Portland Parks & Recreation, in comment to EA 18-159309 DA for Block 216 but during completeness check for LU 18-210124 DZM AD, received 08/14/2018
5. Incomplete Application Letter, sent 08/16/2018
6. Signed Request for an Evidentiary Hearing and Waiver of Right to a Decision within 120 Days, received 08/17/2018
7. PBOT Completeness Check comments, received 08/21/2018
8. Block 216 Transportation Access Report, dated 08/23/2018 and received 08/24/2018
9. Email from staff to applicants, re notes from Portland Parks & Recreation on "Enhanced Streets at Director Park", sent 09/17/2018
10. Email from applicant re: 09/24/2018 submittals
11. Staff comments to applicants, sent 10/09/2018
12. Staff email to applicants, re: Oregon Statewide Planning Goals, sent 10/10/2018
13. Email from BES re: approvability, 10/16/2018
14. Email from PBOT re: approvability, 10/16/2018
15. Email from staff to applicants re: service bureau comments, 10/19/2018
16. Email response from applicants re: BES issues, 10/22/2018
17. Original Staff Report, 10/22/2018



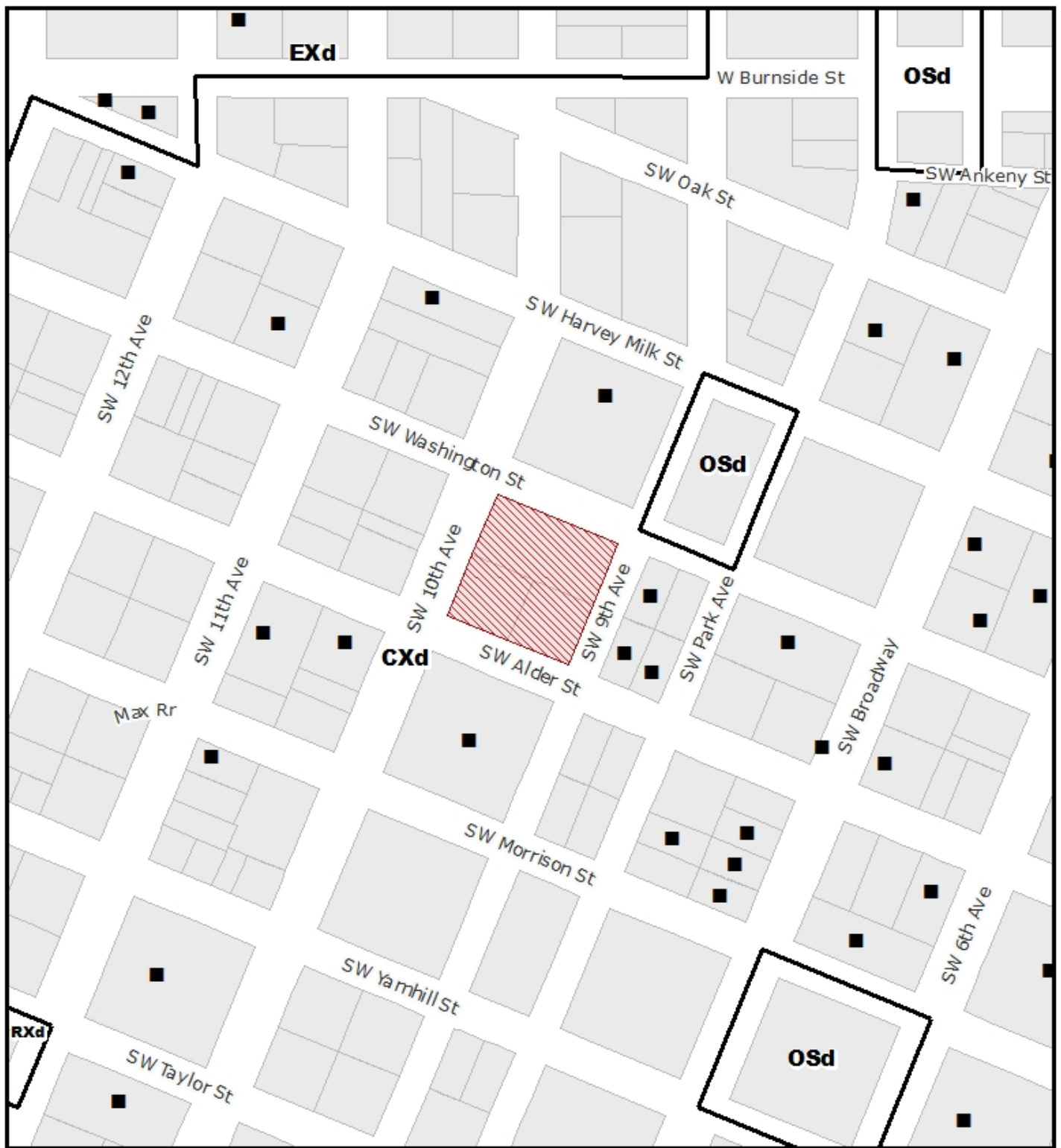
18. Email from BES to Kim Shera re: stormwater and sewer connections, 10/24/2018
19. Staff Memo to Design Commission, 10/25/2018
20. Email from PBOT to applicants re: public works submittals, 10/25/2018
21. Internal PBOT email re: UVE, 10/25/2018
22. Revised Staff Report, 10/31/2018

#### H. Hearing

1. Staff Presentation to the Design Commission, 11/01/2018
2. Applicants' Presentation to the Design Commission, 11/01/2018
3. Testimony Sign-in Sheet, 11/01/2018

*[Material received/sent after the November 1, 2018 hearing.]*

4. Infiltration Memo, 11/05/2018
5. Email from BES to applicants' stormwater engineer, 11/08/2018
6. Email from applicants re: design revisions, 11/09/2018
7. Staff response to email from applicants re: design revisions, 11/13/2018
8. Email from PBOT to applicants re: removal of parking spaces on SW 9<sup>th</sup> Ave, 11/14/2018
9. Email from PBOT to applicants re: need to retain 4-6 parking spaces, 11/14/2018
10. Email from staff to Jakkhuma Srichandra re: follow-up to testimony at Design Commission, 11/14/2018
11. Email from staff to Jane Kim re: follow-up to testimony at Design Commission, 11/14/2018
12. Driveway Design Exception approval from PBOT, 11/15/2018
13. Internal PBOT email re: SW 9<sup>th</sup> Ave design issues, 11/16/2018
14. Email from Jane Kim, No. 1 Bento Korean BBQ, to Kyle Chisek, 11/27/2018
15. Site Plan, 11/29/2018
16. Revised Drawing Set, received 11/29/2018 and dated 12/13/2018
17. Email string between PBOT and BDS staff re: lack of internal loading space at Woodlark Building, 11/30/2018
18. Email from staff to applicants re: lack of letters from impacted property owners on SW 9<sup>th</sup> Ave, sent 12/03/2018
19. PBOT Amended Response, received 12/05/2018
20. Email from applicants re: status update on letters of support from adjacent property owners, 12/06/2018
21. Email from staff to applicants re: PBOT amended response, 12/06/2018
22. Email from applicants re: PBOT amended response, 12/06/2018
23. Vaulted basement encroachment application, 12/06/2018
24. Letter from Dave Otte on behalf of the Urban Design Panel, in support of the proposal, 12/06/2018
25. Email from applicant re: ground floor glazing type, 12/06/2018
26. BES Amended Response, 12/06/2018
27. Email to applicants re: BES Amended Response, 12/06/2018
28. Email string between PBOT and BDS staff re: SW 9<sup>th</sup> Ave design, 12/07/2018



# ZONING



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

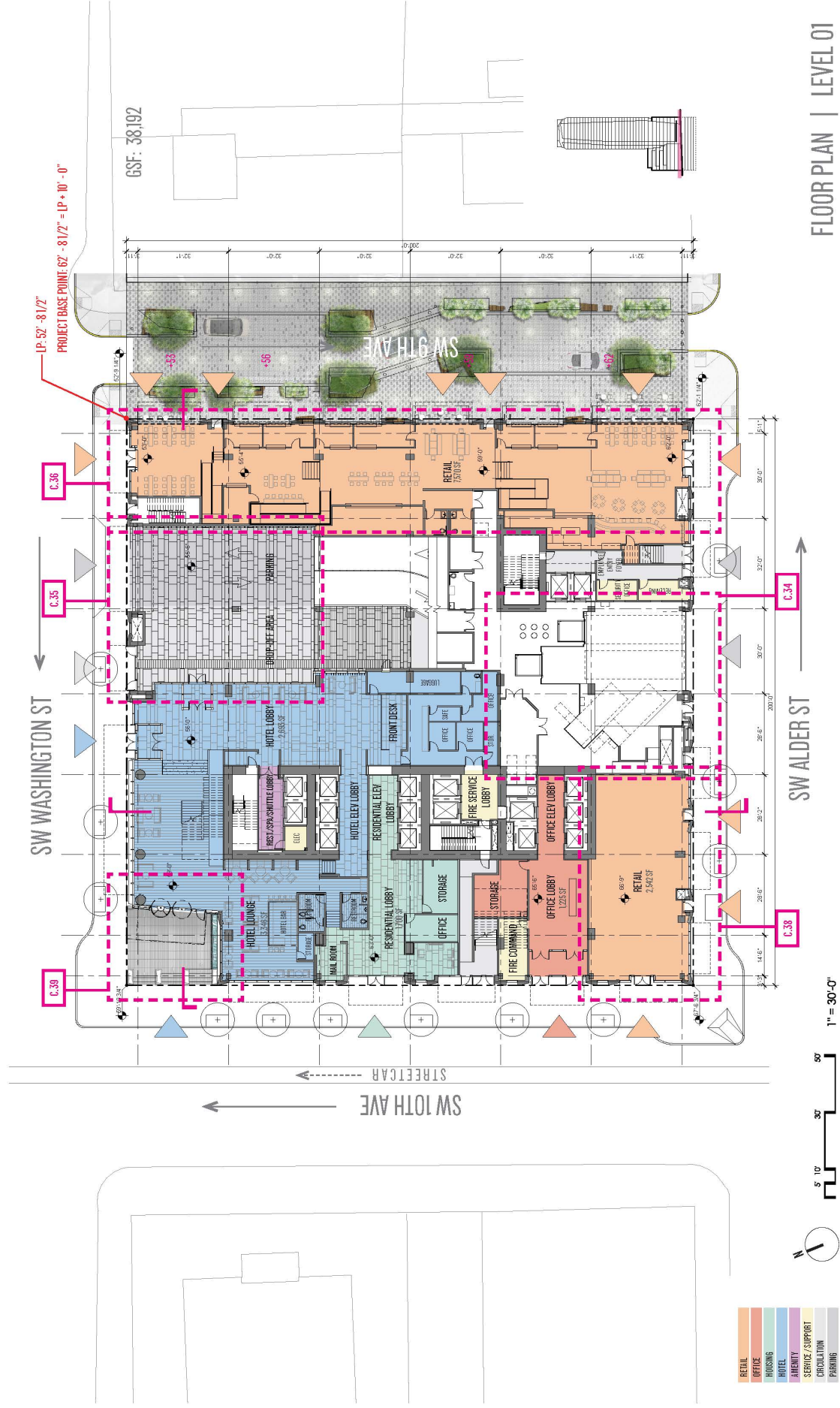


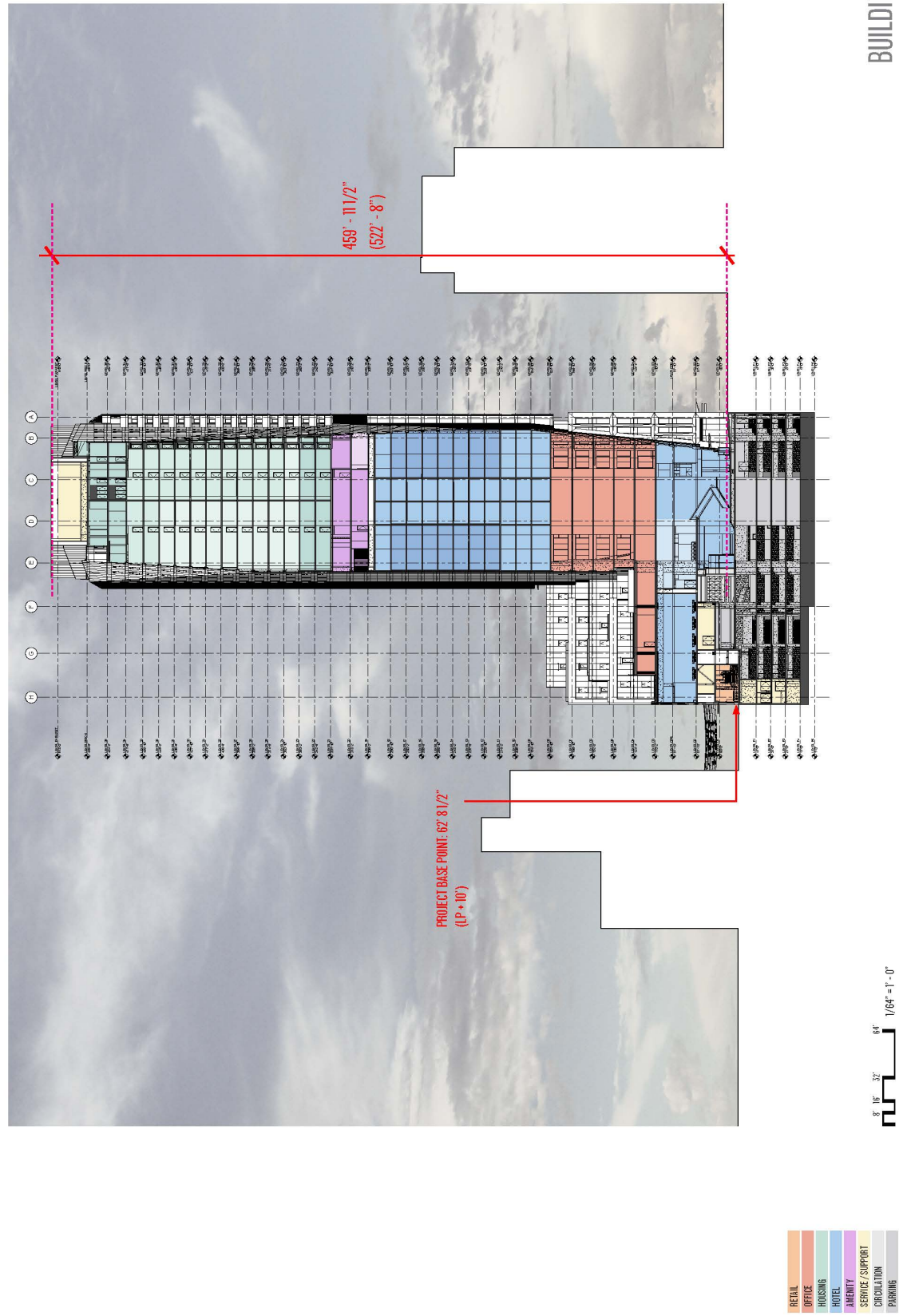
Site



Historic Landmark

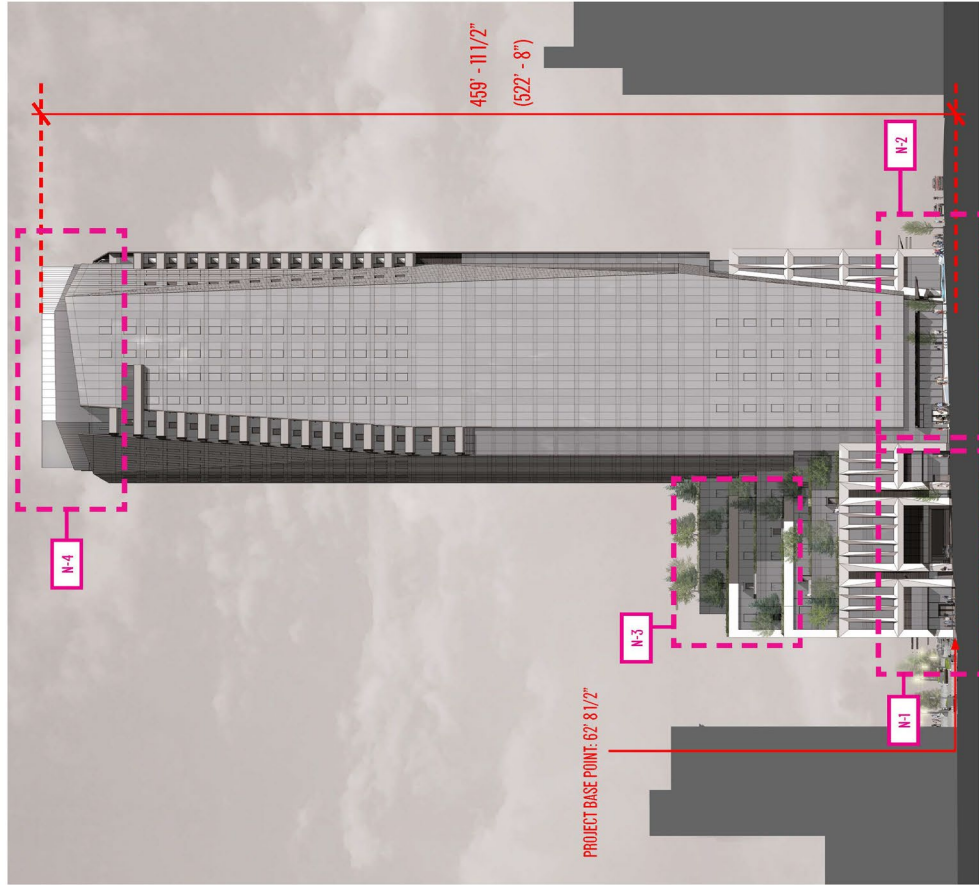
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1/4 Section	3029
Scale	1 inch = 200 feet
State ID	1N1E34CC 5900
Exhibit	B Sep 25, 2018



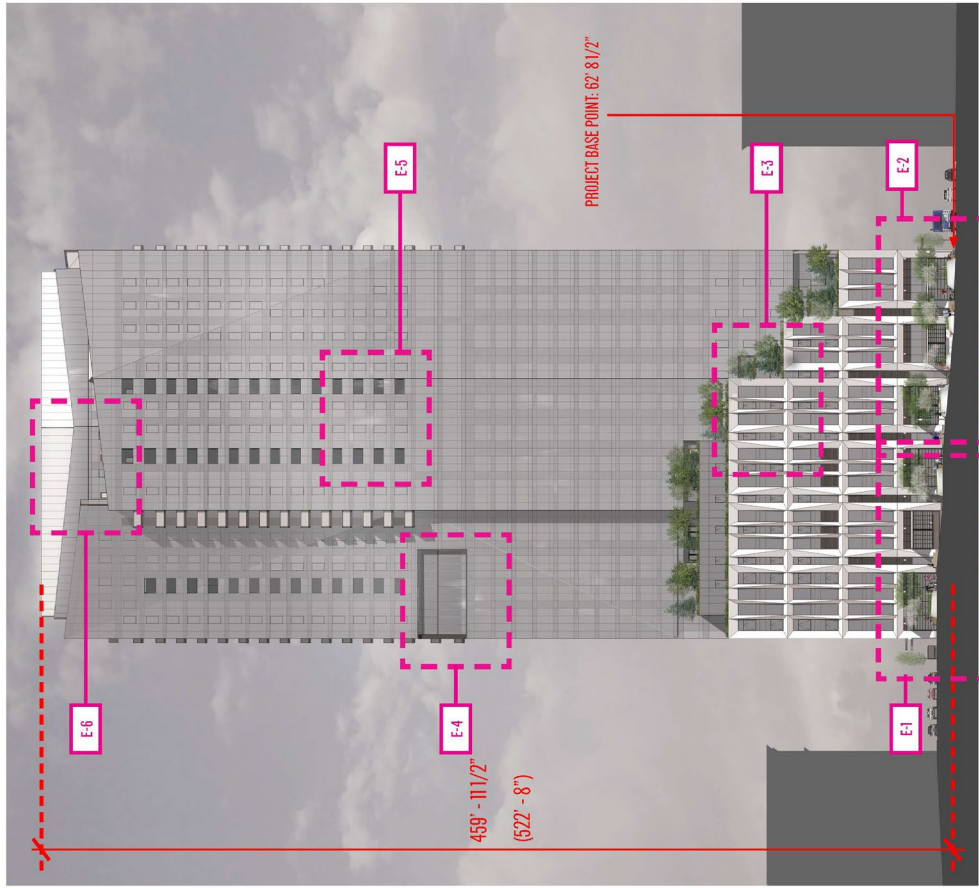


BUILDING SECTION | E-W

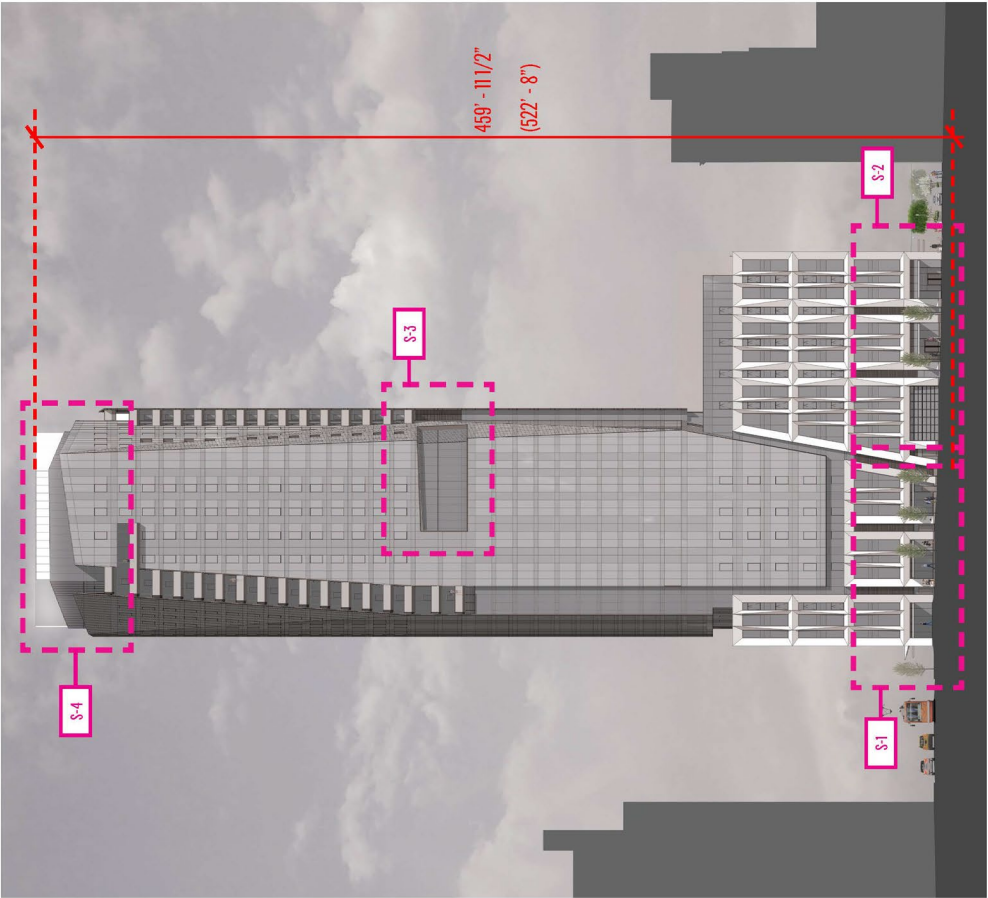




NORTH ELEVATION

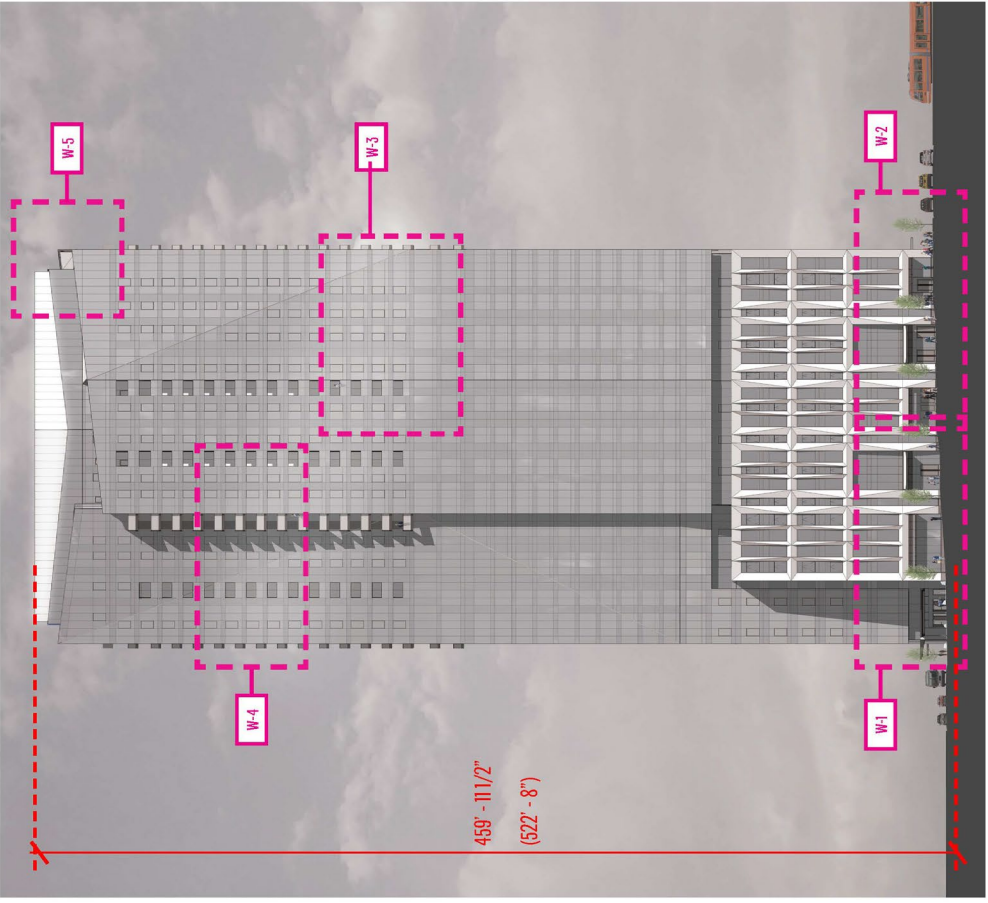


EAST ELEVATION



15' 30' 60' 120'  
1" = 60'

SOUTH ELEVATION



WEST ELEVATION