



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

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

FINAL FINDINGS AND DECISION BY THE DESIGN COMMISSION RENDERED ON August 6, 2015

**CASE FILE NUMBER: LU 15-116838 DZM
PC # 14-228796**

Modera Belmont

BUREAU OF DEVELOPMENT SERVICES STAFF: Staci Monroe 503-823-0624 /
staci.monroe@portlandoregon.gov

The Design Commission has **approved** a proposal in your neighborhood. This document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

GENERAL INFORMATION

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

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

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

Site Address: 818 SE 6TH AVENUE

Legal Description: BLOCK 138 LOT 1&8 EXC PT IN ST LOT 2-7, EAST PORTLAND
Tax Account No.: R226508590
State ID No.: 1S1E02BB 06200
Quarter Section: 3131
Neighborhood: Buckman, contact Matthew Kirkpatrick at 503-236-6350.
Business District: Central Eastside Industrial Council, contact Peter Fry at 503-274-2744.
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.
Plan District: Central City - Central Eastside
Zoning: EXd – Central Employment Zone with a Design overlay
Case Type: DZM – Design Review with Modifications
Procedure: Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

Proposal:

The applicant seeks a Design Review approval for a new 6-story mixed use development with 200 dwelling units and 11,468 SF of commercial space in the Central Eastside sub district of the Central City plan district. The project includes a basement level garage for 105 parking spaces and two loading spaces, which is accessed off SE 6th Avenue. The u-shaped building provides for an at-grade courtyard with a western orientation as well as another amenity space on the rooftop at the east end. Bike parking is provided for visitors along the building frontage (14 total) and in bike rooms in the basement and ground floor (302 total) for residents and employees. Exterior building finishes include brick, metal panel, and aluminum storefront and vinyl windows.

The following Modifications are requested:

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

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

Relevant Approval Criteria:

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

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

ANALYSIS

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

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

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

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

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

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

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed April 16, 2015. The following Bureaus have responded with no issue or concerns:

- Bureau of Environmental Services (see Exhibits E-1 and E-1a)
- Bureau of Transportation Engineering and Development Review (Exhibit E-2, also see Exhibit G-9 for copy of PBOT’s Approved Design Exception)
- Water Bureau (Exhibit E-3)
- Fire Bureau (Exhibit E-4)
- Site Development Section of BDS (Exhibit E-5)
- Plan Review section of BDS (Exhibit E-6)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on April 16, 2015. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

(1) DESIGN REVIEW – CHAPTER 33.825

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

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

Section 33.825.055, Design Review Approval Criteria

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

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because the site is located generally within the Central City Plan District, the applicable design guidelines are the Central City Plan Fundamental Design Guidelines. As the site is also specifically located within the Design Zone of the Central Eastside District, the Special Design Guidelines for the Central Eastside District of the Central City Plan also apply.

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

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

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

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

Central Eastside Design Goals

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

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

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within all of the Central City policy areas. The nine goals for design review within the Central City are as follows:

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

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

A2. Emphasize Portland Themes. When provided, integrate Portland-related themes with the

development's overall design concept.

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

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

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

Findings for A2, A2-1, A5 and A5-5: The project includes several features that relate to Portland's built environment, climate and cultural themes. Some aspects of the project establishes unity with the surrounding Central Eastside warehouse and industrial district through the use of simple and solid massing that exhibits weight and mass with brick and steel and canopies at the street edge. The large depth of the canopies (8') are reminiscent of the deep canopies found on warehouse docks throughout the Central Eastside and more specifically on the historic Grand Central Market Building two block east of the site. The large bike storage areas and bike lounge visible from the street acknowledge the history of transportation modes in the immediate area, and the larger bike culture of Portland. The stormwater planters in the courtyard showcase the roof runoff through the use of scuppers and exposed splash blocks. *These guidelines have been met.*

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

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

Findings for A3 and A7: The proposed full block development helps to visually establish the 200' block structure of the site. As currently developed, the property consists largely of surface parking that extends to the sidewalk on all four frontages and surrounds a 1- and 2-story. The new 6-story building is proposed to the edges of the right-of-way on all four sides, with the exception of the 42' wide courtyard along SE 6th, which maintains the sense of urban enclosure that exists in this dense portion of the inner east side. *These guidelines have been met.*

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

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

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

B3-1. Reduce width of Pedestrian Crossings

a. Where possible, extend sidewalk curbs at street intersections to narrow pedestrian crossings for a safer pedestrian environment.

b. Maintain large service vehicle turning radii where necessary.

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

At both the DAR hearing on February 5, 2015 and the Design Review hearings on May 6, 2015 and June 4, 2015, the Design Commission stated concerns regarding the adverse impact that residential and small, shallow live-work units can have on the vitality and activity of the streetscape. In lieu of creating deeper live-work units that could accommodate the residential component at the back and the active retail use at the street edge, the applicant has replaced live-work units along Belmont with commercial tenant space. Additional entries & demising walls have also been added to support the smaller retail spaces evident in the area, particularly across Morrison Street. As a result of the more recent hearing and discussion regarding how to better activate and open up the courtyard entry along SE 6th, the lone ground floor residential unit adjacent to the courtyard entry has been converted to a retail space. *As revised, these guidelines have been met.*

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

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

Findings for B1 and B2: Per Transportation, the site will be subject to frontage improvements, which after a 3'-6" dedication of the property along SE Belmont, will provide 12' wide sidewalks along all four streets. The 3' to 5' setbacks that occur at the building entries and some of retail will accommodate bike parking and free up some of the sidewalk space for pedestrians and other uses. The sidewalks will be adequately illuminated for safety with the numerous recessed lights around the building.

The garage will be ventilated on the north façade of the courtyard through two large louvers. The louvers do not face the sidewalk directly, are integrated into the brick bays and will be obscured by the layered landscaping in a raised planter along the base. *These guidelines have been met.*

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

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

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

skybridges to be visually level and transparent.

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

At the first hearing on May 6, 2015 the Design Commission stated there were not enough canopies along the ground level to provide adequate weather protection. In response, canopies have been provided above each commercial and common resident entry. *As revised, these guidelines have been met.*

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

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

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

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

At the first hearing on May 6, 2015, the Design Commission discussed concerns related to the amount of metal panel (especially at the garage entry and courtyard), reflective quality of the white color of the metal panel, and the use of weathering steel for the planters in the touch-zone. In response, the amount of metal panel was reduced and the finish was changed from gloss to matte and the weathering steel planters changed to clear coated steel. At the second hearing on June 4, 2015, the Commission felt the building needed more carve-outs to break up the mass of the full block and balconies. To offset the additional metal panel that resulted from this change, more brick was added to all of the facades and at the returns of the carve-outs and storefront bays. *As revised, these guidelines have been met.*

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

C1-2. Integrate Signs.

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

Findings for C13 and C1-2: Signage for the development is not proposed at this time. If larger than 32 SF in size a Design Review will ensure the appropriate scale, location and

signage type will adorn the building. The canopies proposed would provide a suitable structure for future blade signs below or individual letters on top. *These guidelines are not applicable at this time.*

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

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

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

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

C1-1. Integrate Parking.

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

Findings for A4, C4, C5, C3-1 and C1-1: At the DAR on February 5, 2015, the Commission stated concerns with the design and were unanimous in a desire for a more clear, unified and organized concept and expressed support for an entirely brick building. In response to the DAR comments, the design changed significantly and, in general, the changes better complement the early 20th century buildings in the area with the use of brick and metal that exhibit weight and mass and regularized openings throughout the façade, which vary in terms of the portions of glazing and metal within each. The result is a more contemporary design that enhances the creative character of the district.

At the hearings on May 6, 2015 and June 4, 2015, the Design Commission expressed concerns with the new design related to the full-block massing, logic and extent of the carve-outs, lack of balconies, amount and detailing of the metal panel and brick, window composition, and the ground level (define the base, simplify storefronts and garage and service area details). Revisions were made in an attempt to address these concerns. However, at the latest hearing on July 9, 2015, the Commission concluded that larger moves into the mass were needed to better break down the scale of the full-block building with a focus on the upper façade near the roofline. A couple of different approaches were discussed. Additional comments to further refine the metal panel detailing, composition within the window openings and the base were also noted. In response, the following revisions have been made:

- At mid-block on the east facade, two units on the 6th floor have been removed and replaced with an outdoor terrace approximately 1,200 SF in size (30'x42'). This change provides a visual break in the building along 7th that aligns with the break of the courtyard on 6th.
- Carve-outs on north, east and south facades have been extended vertically to carry through the full height of the building, including down to the ground, where in most cases they align with building entries. This change further breaks down the scale of the building into at least 3 masonry forms with varied heights on each elevation.
- Balconies have been redistributed from the courtyard to the street facades.
- Brick columns have been altered to better align the upper facades with the storefronts and base.

- The joint pattern of the metal panels has been simplified by increasing the size of the panels thereby eliminating some of the joint lines.
- On the upper façade, the composition of the metal panel and windows have been simplified by increasing the size of the narrow windows thereby reducing the width of the metal panel.

At the hearing on August 6, 2015, the Commission imposed two Conditions of Approval:

- For a consistent treatment of canopies at the large corner storefront bays, the canopy at the north end of the west façade will extend south to the end of the storefront bay (above the residential trash room).
- For the ground floor storefront system, the mullion spacing is to be increased from 3' in width (as shown) to 5' to better complement the proportions of the 5' wide window bays on the upper façade.

Together these revisions result in a building that is more compatible with the smaller scale, materials, and details of the ¼ block, masonry buildings in the surrounding area and adjacent historic district, as well as a more coherent composition.

As revised, and as conditioned for the canopy to extend to the south on the west façade and for a storefront with mullion spacing of 5' in width, these guidelines have been met.

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

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

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

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

At both the DAR hearing on February 5, 2015 and the first Design Review hearing on May 6, 2015, the Design Commission stated concerns regarding the quality of the courtyard space. A wider courtyard with more gracious, usable space and a focus on improving the transition area from the public sidewalk and garage entry to the private portion were recommended. In response to these initial comments the width of private (eastern) portion increased by 3'-0", some planters were removed and re-arranged and a canopy was added at the eastern end near the entry.

At the June 4, 2015 hearing, the Commission stated that additional focus was needed at the west end of the courtyard to improve the transition from SE 6th and better activate the edge. As a result, the residential unit on the ground floor that fronts 6th and the courtyard was converted to a retail space. The raised planter along the north-facing wall in the courtyard was removed to allow for outdoor seating or spill out activity from the retail space. *As revised, these guidelines have been met.*

C7. Design Corners that Build Active Intersections. Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.

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

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

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

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

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

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

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

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

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

in their concealed nature and focus the illumination downward so as not to impact the skyline at night. *This guideline has been met.*

(2) MODIFICATION REQUESTS – CHAPTER 33.825

33.825.040 Modifications That Will Better Meet Design Review Requirements:

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

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

The following modifications are requested:

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

Modification #1 - To reduce the minimum parking space width from 8'-6" to 7'-10" (PZC Section 33.266.130.F, Table 266-4).

Findings: The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. Structural concrete columns that are 16" wide x 24" long would be located between some parking stalls that would protrude 8" into the 8'-6" clear width of the stall on each side. The columns are generally located near the back end or front end of the space so as not conflict with car door operations. This reduced width will accommodate a regular sized vehicle, however, may require addition maneuvering. Building management could also limit these spaces to compact vehicles, if desired.

The modification better meets design guideline C1-1 (Integrate Parking) in that it allows more parking to be integrated in the development underground while allowing more of the ground level active uses along NW Front Street that enhances the relationship with pedestrians. *These criteria have been met.*

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

Findings: The project includes 312 total long term bicycle parking spaces, which is based on proposed residential and live-work units and retail floor area. Accommodating 312 bicycle parking spaces in a horizontal rack would consume considerable floor area.

Relying upon a vertical/wall hanging bike rack is a more efficient use of space, and is identical to the parking system recently approved in numerous Design Reviews throughout Central City. The proposed functional and space efficient system better meets the design guidelines because it eases floor plan demands and results in additional opportunities for active uses at the street, such as a lobby and retail tenant spaces.

The proposed bike rack systems (Saris 8016 and 8080 Bike Trac) are engineered to stagger bikes vertically to allow the handle bars to overlap. This allows the proposed racks, within an 18" space, to provide the same level of service that would be provided by a standard 24" on center spacing. The staggered clearance between adjacent bikes and allowance for sliding hangers ease the hanging and locking of a bike. Additionally the loops, to which the bikes are hung, project out of the wall 27" to further ease hanging and locking bikes. A 5' minimum aisle is still provided behind each bicycle rack. The rack system will be located within a large secure bike storage rooms in the garage and in ground level bike lounge. For these reasons, the bicycle parking system is safe and secure, located in a convenient area, and designed to avoid any intentional or accidental damage to bicycles; as such, the proposal is consistent with the purpose statement of the bicycle parking standards. *These criteria have been met.*

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

Findings: Transportation (PBOT) has considered the loading accommodations as proposed by the applicant, which includes two on-site loading spaces that will serve the residential component of the building only. An exception to the Zoning Code's standard loading height (clearance) requirement has been request. Given the size of the residential units, it is not expected that large scale moving trucks will be utilized for move-in/move-outs. Smaller sized trucks/vans that are lower in height and can fit within the proposed garage (dimensions) are anticipated to be used by future tenants of the apartments. PBOT is therefore supportive of the proposed clearance height reduction.

PBOT acknowledges that the retail elements of the building will need to rely on on-street spaces for the respective loading needs. With an understanding of retail spaces of approx 1,000 SF, the expectation is that the loading demands for these small commercial uses can be accommodated within the public ROW without adverse impacts.

These criteria have been met

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal has been responsive to the major items identified by the Design Commission in the prior

Design Advice and Design Review hearings. The most recent revisions and conditions of approval imposed at the August 6th hearing, result in a building that is more compatible with the smaller scale, materials, and details of the ¼ block, masonry buildings in the surrounding area and adjacent historic district, as well as a more coherent composition. As revised, the Modera Belmont project will be a significant contribution to the diverse architecture and active pedestrian environment that characterizes the Central Eastside sub district. The proposal meets the applicable design guidelines of the Central City Fundamental and Central Eastside Design Guidelines and the modification criteria and therefore warrants approval.

DESIGN COMMISSION DECISION

It is the decision of the Design Commission to approve Design Review for a 6-story mixed use building (Modera Belmont) in the Central Eastside sub district of the Central City plan district with the following components: 200 residential units, 11,468 SF of commercial space, 105 below-grade parking spaces, 2 on-site loading spaces, and 14 short-term and 302 long-term bike spaces.

Approval of the following Modification requests:

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

Approvals per Exhibits C.1-C-51, signed, stamped, and dated August 6, 2015, subject to the following conditions:

- A.** As part of the building permit application submittal, the following development-related conditions (A – E) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 15-116838 DZM. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B.** Prior to building permit issuance, Transportation will require the following details to be demonstrated on the plans:
 - The security gate shall be a minimum of 20 feet wide.
 - The security gate shall be timed to fully open or close within 5 seconds.
 - The parking garage shall be reserved for residential use only.
The security gate shall be activated by remote control devised issued to all drivers allowed access to the parking garage.
- C.** For a consistent treatment of canopies at the large corner storefront bays, the canopy at the north end of the west façade will extend south to the end of the storefront bay (above the residential trash room).
- D.** For the ground floor storefront system, the mullion spacing is to be increased from 3' in width (as shown) to 5' to better complement the proportions of the 5' wide window bays on the upper façade.
- E.** No field changes allowed.

=====

By: 
David Wark, Design Commission Chair

Application Filed: February 9, 2015
Decision Filed: August 7, 2015

Decision Rendered: August 6, 2015
Decision Mailed: August 14, 2015

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

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

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

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant extended the review period by 91 days for the 2nd, 3rd and 4th hearings (see Exhibits H-1, H-8 and H.12). Unless extended by the applicant, **the 120 days will expire on October 8, 2015**.

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

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. This report is the final decision of the Design Commission with input from other City and public agencies.

Conditions of Approval. This approval may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. Appeals must be filed by 4:30 pm on August 28, 2015 at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services

Center or the staff planner on this case. You may review the file on this case by appointment at, 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201. Please call the file review line at 503-823-7617 for an appointment.

If this decision is appealed, a hearing will be scheduled and you will be notified of the date and time of the hearing. The decision of City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to City Council on that issue. Also, if you do not raise an issue with enough specificity to give City Council an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or 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).**

Neighborhood associations may qualify for a waiver of the appeal fee. 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. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **August 31, 2015 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a

new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

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.

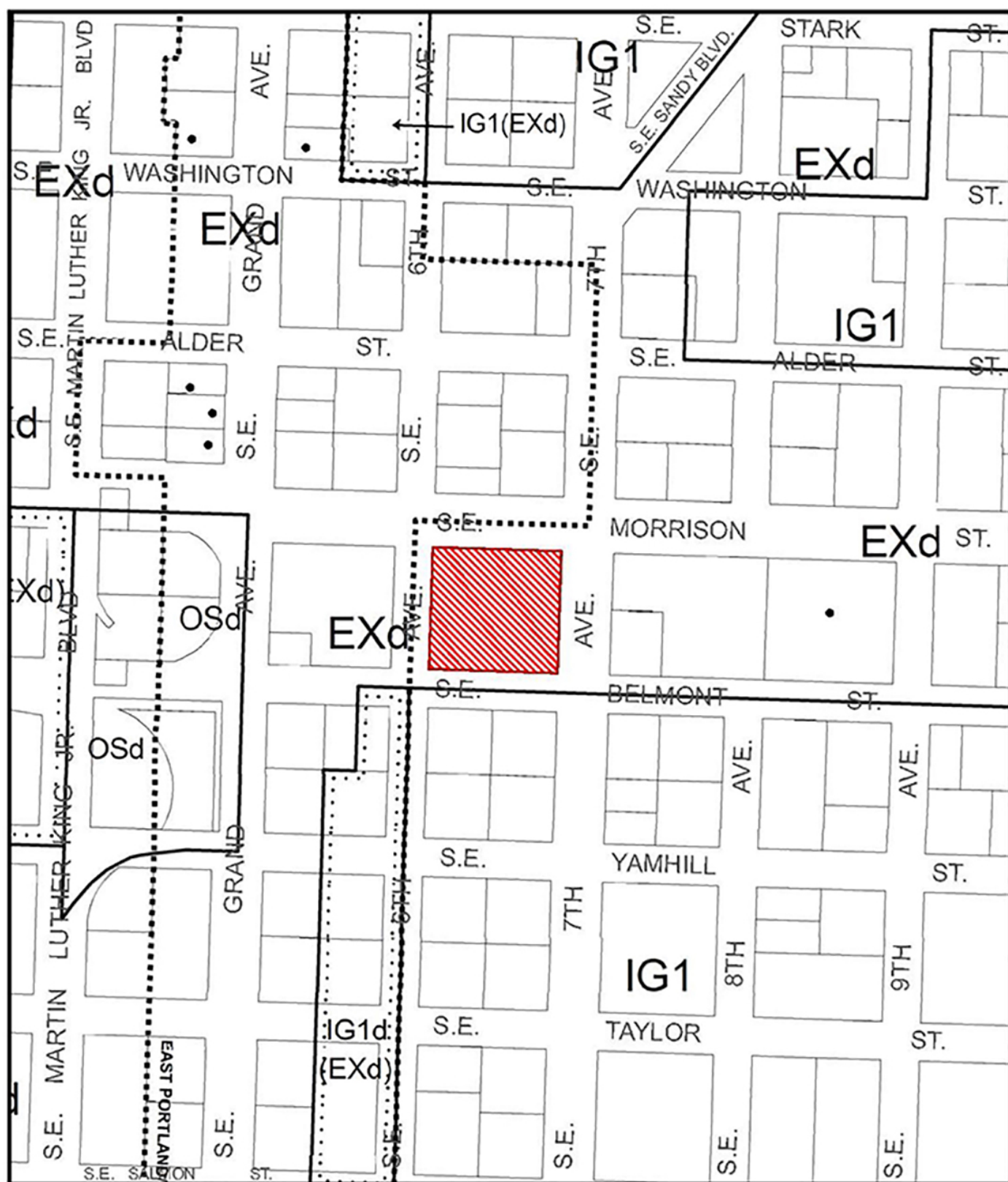
Staci Monroe
August 10, 2015

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).

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements
 - 1. Project Summary & Written Statement
 - 2. Responses to Approval Criteria
 - 3. LEED Narrative
 - 4. Stormwater Report dated 2/6/15
 - 5. Special Circumstances Application for Stormwater
 - 6. Queuing Analysis dated 4/6/15
 - 7. Memo from Applicant to Staff dated 3/11/15 with update on PBOT Completeness Items
 - 8. Letter from Developer dated 4/6/15 regarding loading Modification for garage height
 - 9. Enlarged floor plan with electrical transformer within the building at the northwest corner facing SE 6th
 - 10. Applicant Memo dated 5/21/15 summarizing project changes since 1st hearing
 - 11. FINAL Queuing Analysis dated 4/24/15
 - 12. Applicant Memo dated 4/24/15 regarding Loading Modification
 - 13. Applicant Memo dated 5/21/15 summarizing revisions from 1st hearing
 - 14. Applicant Memo dated 6/22/15 summarizing revisions from 2nd hearing
 - 15. Applicant Memo dated 7/23/15 summarizing revisions from 2nd hearing
- B. Zoning Map (attached)
- C. Plan & Drawings
 - 1. Through 50 (C-16, C-25, C-28, C-30 to C-33 attached)
 - 51. 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 (also see E.1a)
 - 2. Bureau of Transportation Engineering & Development Review (3 sheets, also see Exhibit G.9 for PBOT's Approved Design Exception)
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Section of BDS
 - 6. Plan Review section of BDS
- F. Letters - none.
- G. Other
 - 1. Original LUR Application
 - 2. Incomplete Letter dated 3/5/15
 - 3. Email from Staff to Applicant dated 4/10/15 identifying concerns and additional items needed.
 - 4. Pre-Application Conference Land Use Planner Response dated 11/21/14
 - 5. Staff Memo to Design Commission dated 4/30/15
 - 6. Staff Report & Recommendation to the Design Commission dated 4/22/15
 - 7. Design Advice Hearing Summary dated 3/2/15
 - 8. Copy of Staff's Presentation for 5/6/15 hearing
 - 9. Copy of PBOT's Design Exception Approval for garage entry gate location
- H. After First Hearing
 - 1. Signed Extension of 120-Day Review Period with a Continuation Hearing
 - 2. Email dated 5/11/15 summarizing Commission comments from 5/6/15 hearing
 - 3. Revised Staff Report & Recommendation to Design Commission dated 4/22/15
 - 4. Staff Memo to Design Commission dated 5/28/15
 - 5. Revised Staff Report & Recommendation to Design Commission dated 5/28/15
 - 6. Copy of Staff's Presentation for 6/4/15 hearing
 - 7. Email dated 6/4/15 summarizing Commission comments from 6/4/15 hearing
 - 8. Signed Extension of 120-Day Review Period with a Continuation Hearing
 - 9. Staff Memo to Design Commission dated 6/30/15
 - 10. Revised Staff Report & Recommendation to Design Commission dated 6/30/15
 - 11. Email dated 7/9/15 summarizing Commission comments from 7/9/15 hearing
 - 12. Signed Extension of 120-Day Review Period with a Continuation Hearing
 - 13. Staff Memo to Design Commission dated 7/29/15
 - 14. Revised Staff Report & Recommendation to Design Commission dated 7/29/15



ZONING



Site



Historic Landmark



NORTH

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

File No. LU 15-116838 DZM

1/4 Section 3131

Scale 1 inch = 200 feet

State_Id 1S1E02BB 6200

Exhibit B (Feb 10, 2015)

STREET TREES W/O POWER LINE



PYRAMIDAL EUROPEAN
HORNBEAM

STREET TREES WITH POWER LINE



GINKGO SARATOGA



FOREST GREEN OAK



MODERA BELMONT APARTMENTS

DESIGN REVIEW APPLICATION

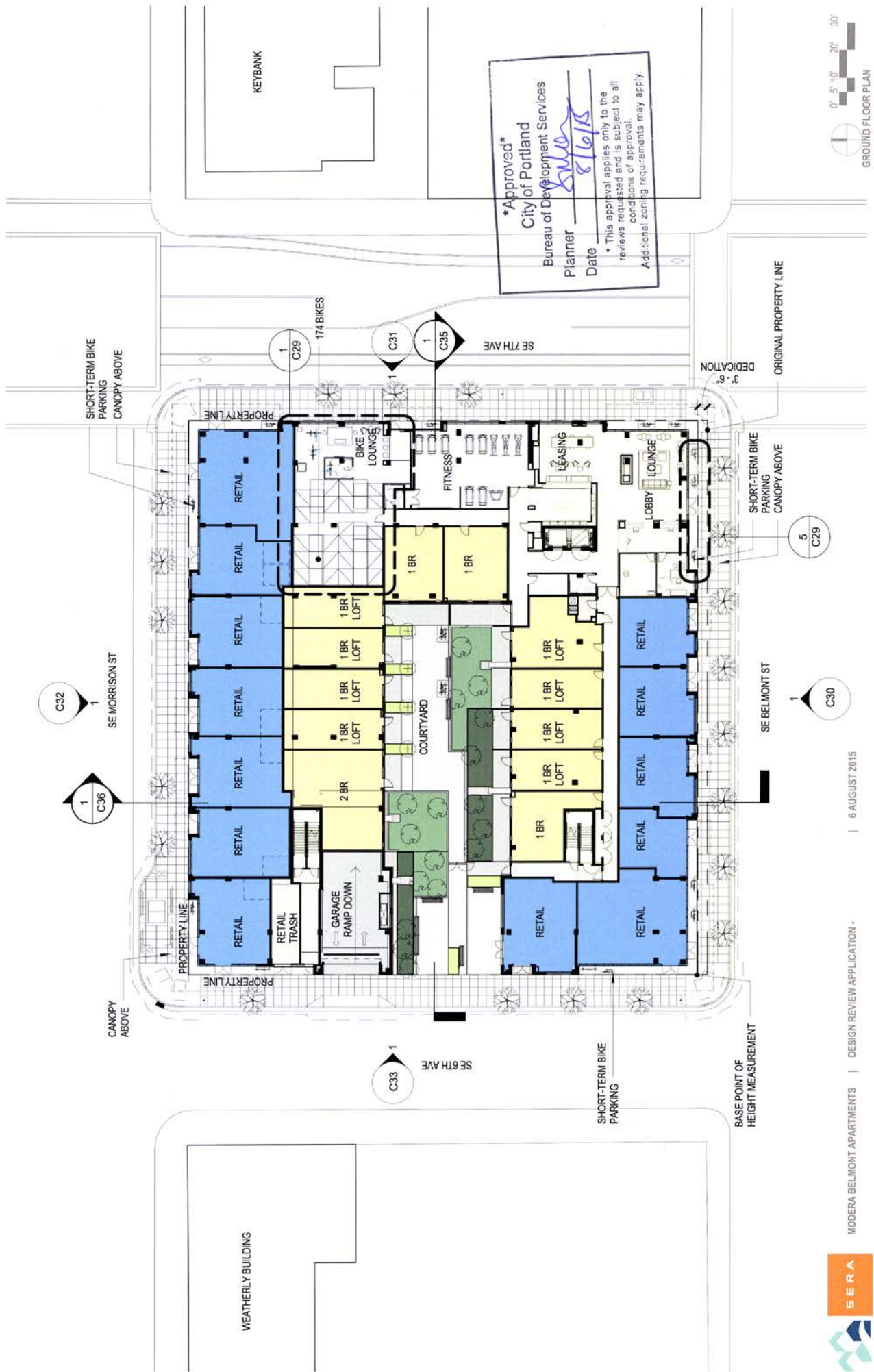
6 AUGUST 2015

LU 15-116838 DZM

C16



LANDSCAPE SITE PLAN



Approved
 City of Portland
 Bureau of Development Services
 Planner Sulev
 Date 8/16/15
 * This approval applies only to the reviews requested and is subject to all conditions of approval.
 Additional zoning requirements may apply.

6 AUGUST 2015

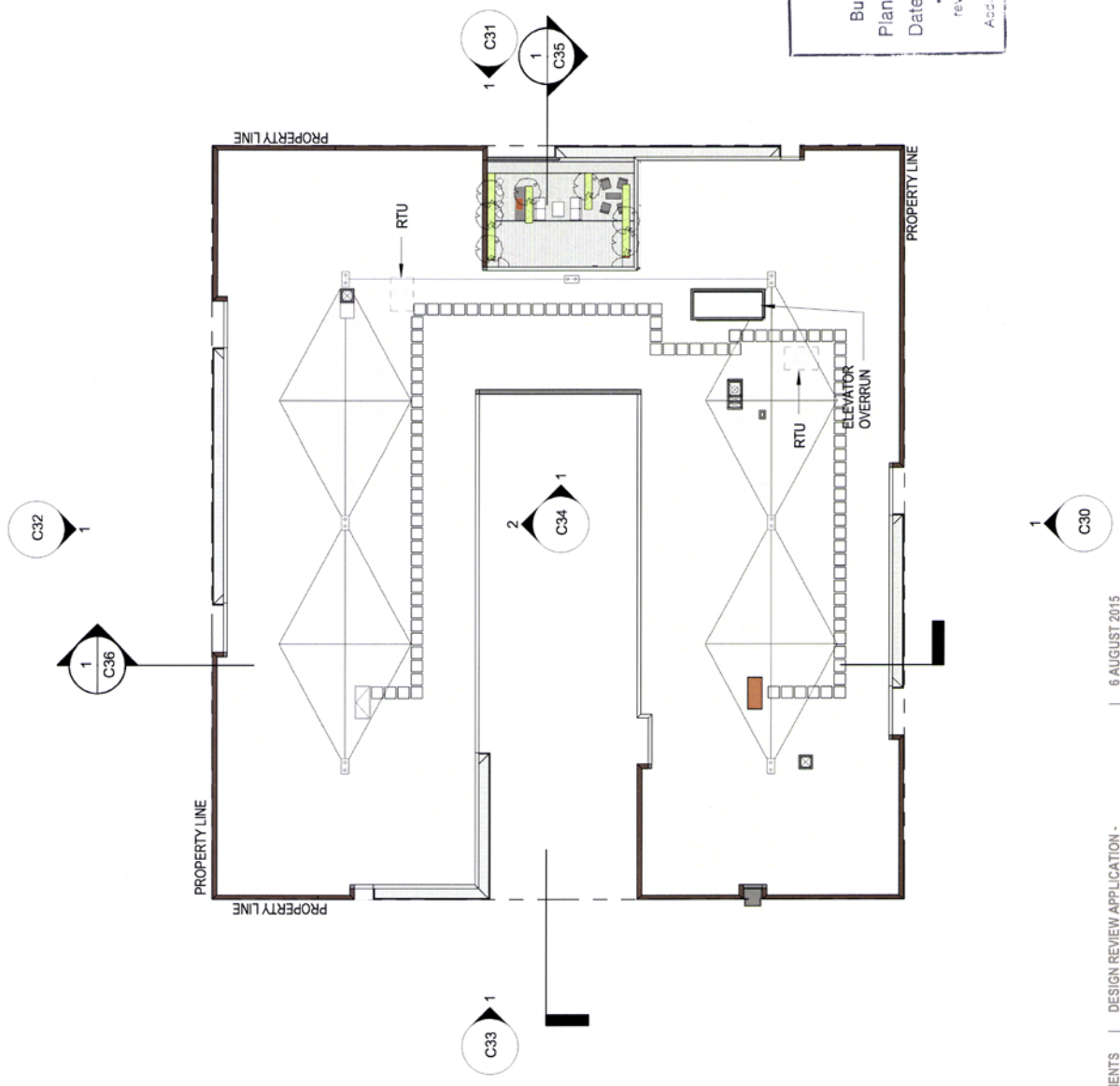
MODERA BELMONT APARTMENTS | DESIGN REVIEW APPLICATION -



LU 15-116838 DZM

C25

Approved
 City of Portland
 Bureau of Development Services
 Planner 8/16/15
 Date 8/16/15
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



6 AUGUST 2015

MODERA BELMONT APARTMENTS | DESIGN REVIEW APPLICATION



Approved
 City of Portland
 Bureau of Development Services
 Planner Sylvia
 Date 8/6/15
 * This approval applies only to the reviews requested and is subject to all conditions of approval.
 Additional zoning requirements may apply.

SEE COA D. FOR STOREFRONTS.



0' 5' 10' 20' 30'
 SOUTH ELEVATION



Approved
 City of Portland
 Bureau of Development Services
 Planner EWL
 Date 8/6/15

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

SEE COA D. FOR STOREFRONTS



6 AUGUST 2015

MODERA BELMONT APARTMENTS | DESIGN REVIEW APPLICATION



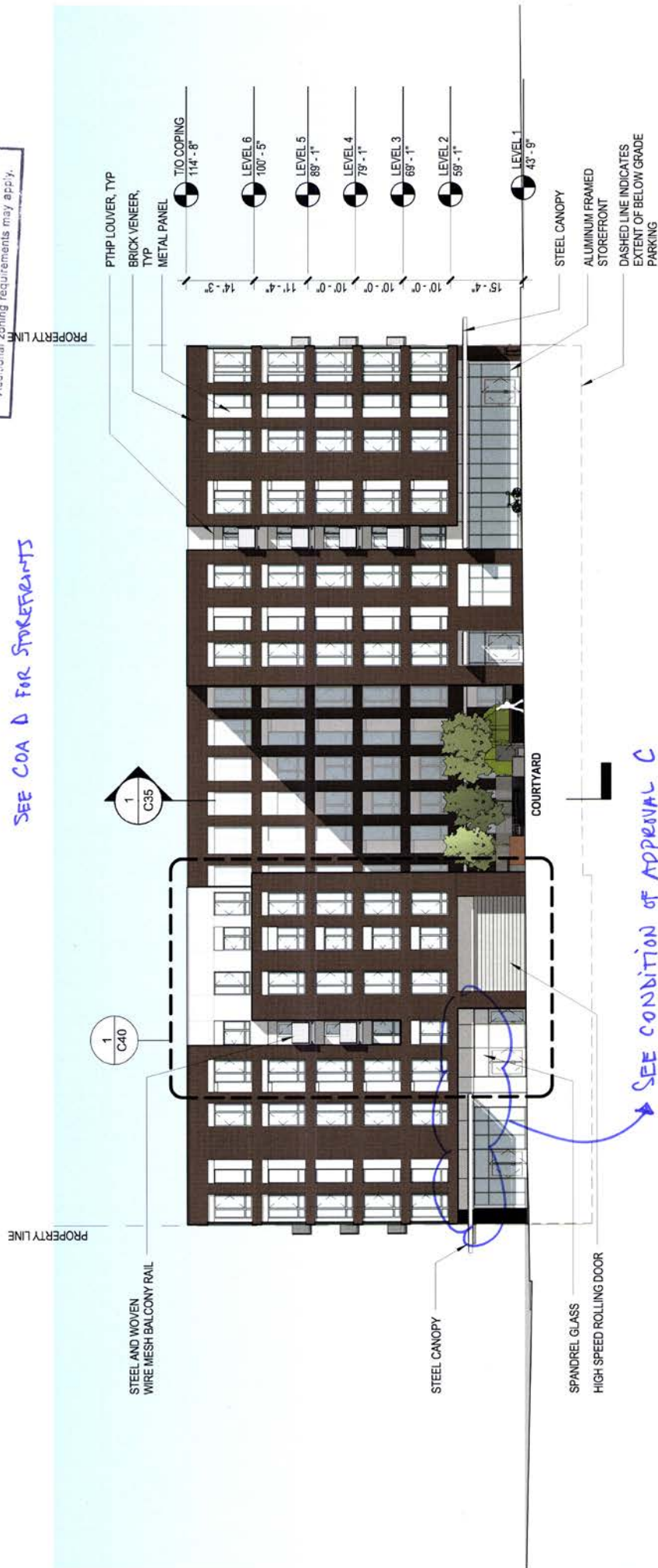
SEE COA D FOR STOREFRONTS

Approved
City of Portland
Bureau of Development Services
Planner SML
Date 8/6/15
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



Approved
 City of Portland
 Bureau of Development Services
 Planner Salmon
 Date 8/16/15
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

SEE COA D FOR STOREFRONTS



SEE CONDITION OF APPROVAL C

