



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

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FINAL FINDINGS AND DECISION BY THE DESIGN COMMISSION RENDERED ON August 20, 2015

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.

CASE FILE NUMBER: LU 15-102181 DZM PC # 13-235106 SE 9th & Belmont Apartments

BUREAU OF DEVELOPMENT SERVICES STAFF: Tim Heron 503-823-7726 /
Tim.Heron@portlandoregon.gov

GENERAL INFORMATION

Applicant: Robert Brendle / Ankrom Moisan Architects (503-952-1350)
6720 SW Macadam Ave Suite 100 / Portland, OR 97219

Owner: Concept Real Estate-Five LLC
829 SE 9th Ave #201 / Portland, OR 97214-2260

Representative: Peter Eggspuehler / Foresight Development
829 SE 9th Ave Suite 201 / Portland, OR 97214

Site Address: 915 SE BELMONT ST

Legal Description: BLOCK 205 LOT 1 EXC PT IN ST LOT 2-4 LAND & IMPS SEE R150449
(R226513811) FOR BILLBOARD, EAST PORTLAND

Tax Account No.: R226513810

State ID No.: 1S1E02BA 04600

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 with 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 is seeking Design Review approval for a new 6-story, brick, 105-unit apartment building with ground floor retail and 17 internal parking spaces in the Central Eastside Subdistrict of the Central City Plan District.

The following Modification is requested:

1. 33.266.220 Bicycle Parking. To provide wall-mounted long-term bike racks in place of the 2 foot wide standard spaces.

Design Review is required for new construction in the Central City Plan District.

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:

- 33.825 Design Review
- 33.825.060 Modifications thru Design Review
- Central City Fundamental Design Guidelines
- Special Design Guidelines for the Central Eastside

ANALYSIS

Site and Vicinity: The 20,000 SF site comprises a half block of land bounded by SE Morrison Street, SE 9th Avenue, and SE Belmont Street. The site to the west, across the street was recently renovated into a number of retail spaces, including Grand Central Bowl. Lots to the south east have also been renovated for a brewery. The area around the site is developed with a combination of low-scale commercial and industrial buildings typical of the older early 20th Century industrial development of the Central Eastside. A few new mid-rise mixed-use buildings have been constructed farther north and east around East Burnside Street and 10th Avenue. The area is becoming popular with local retailers and has an active nightlife scene with multiple restaurants and bars.

The City of Portland's Transportation System Plan designates SE Morrison Street a Major City Traffic Street, a Major Transit Priority Street, a City Bikeway, a City Walkway, and a Regional Main Street. Both NE Davis Street and SE 9th Avenue are designated Local Service Bikeways, Local Service Walkways. The site is within a designated freight district and is in Central Eastside Parking Sector 2. There is no designated Pedestrian District in this area.

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.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed **May 14, 2015**. The following Bureaus have responded with no issue or concerns:

- Site Development Section of BDS
- Fire Bureau
- Life Safety Review Section of BDS (Exhibit E-1)
- Water Bureau (Exhibit E-2)
- Bureau of Transportation Engineering (Exhibit E-3)
- Bureau of Environmental Services (Exhibit E-4)
- Bureau of Parks-Forestry Division (Exhibit E-5)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 14, 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) Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

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

Section 33.825.055, Design Review Approval Criteria

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

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

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

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

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

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

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

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

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.

Findings for A2, A2-1, A4, A5, C4 & C3-1: The area historically operated as a working and industrial manufacturing district with a mix of uses within buildings of varying styles and materials. The immediate area around the site contains a modern multi-story

government office building, several renovated low-scale streetcar-era commercial structures, a quanset hut, warehouse-style buildings, and surface parking lots. The neighborhood is starting to redevelop in a new direction with the construction of a number of mid-rise apartment buildings around the periphery of the Central Eastside. This proposed building's brick exterior which is highlighted by dimensional patterning and recesses, the simple rectilinear form, and repetitive window openings match a number of local early 20th Century mid-rise warehouse style buildings. Though the immediately adjacent buildings are one and two-story structures, the proposed building massing and its location at the lot lines anticipates the desired height and prominence of buildings in this portion of the Central Eastside.

Southeast Morrison and SE Belmont Streets form a couplet of one-way streets and handle a tremendous amount of commuter traffic to and from the Morrison Bridge. This requires restrictions on vehicle access points so that the only street available for commercial loading and unloading will be SE 9th Avenue. This sidewalk will be widened and will be able to accommodate the traditional commercial activities such as loading and unloading to this site as well as neighboring businesses as the existing on-street parking will remain in place. *These guidelines are therefore 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 & A7: This project occupies one half of a standard 200' x 200' Portland city block and maintains the traditional block pattern. Adjacent public rights-of-way are defined by the building walls which are placed at the lot lines and maintain a sense of urban enclosure. A series of recessed entries with canopies provide places for seating and landscape planters if the retail tenants wish to provide them. The public rights-of-way are enhanced by the strong building lines at the property edges. *These guidelines are therefore met.*

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

Findings: This site is impacted by an existing set of Pacific Power high-voltage supply lines that run along SE 9th Avenue through the neighborhood and up into the Lloyd District. The proposal retains these overhead lines which in turn require the building step-back for clearances. Utility services to the building itself will be underground. *This guideline is therefore 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.

A5-4. Incorporate Works of Art. Incorporate works of art into development projects.

Findings for A8 & A5-4: The building features one entry with a fabric canopy and precast concrete portal along SE 9th Avenue that marks the apartment lobby access point. Separate retail entries are also punctuated with projecting steel canopies at various points around the ground level. These architectural elements create physical connections into active

interior spaces. A majority of the street level façade is also has large glazed storefront windows and glazed overhead doors that have direct visual and physical connections to the adjacent sidewalks. No artwork is proposed at this time but could be incorporated if desired. *These guidelines are therefore 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.

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.

C8-1. Allow for Loading and Staging Areas on Sidewalks. On local service streets, adjacent businesses may use the sidewalk area for temporary loading and staging as long as pedestrian access through it is maintained.

Findings for B1, B2, B3, B3-1 & C8-1: The existing pedestrian zones on all three street frontages will be maintained. New sidewalks, as required by PBOT, will be designed to provide the various activity and furnishings zones desired in this area and will match approved sidewalk patterns. Pedestrians will be protected from vehicular movement by the complete separation of the parking area from the sidewalks with an overhead door that will alert pedestrians to cars when it opens and closes. Night-lighting is provided by fixtures mounted to the building and the canopies that will illuminate the sidewalks, creating a safer environment. The large street-level windows and glazed overhead doors also promote “eyes on the street”. All building mechanical equipment will be on the roof and all vents for the retail spaces will be located above the pedestrian zone. Unit PTACs will vent horizontally within concealed louvers integrated with the window mullion patterning. There will be no adverse impacts on pedestrians from exhaust vents or other equipment.

The newly constructed rights-of-way will include a planting strip with street trees, which is an improvement to the pedestrian environment. The various building entries are recessed from the sidewalks which creates a nice transition from the building to the public ways. Canopies are provided around the building and offer protection from the elements at the pedestrian level. Loading and staging space will be available along NE 9th Avenue which will include a sidewalk that is wide enough to accommodate pedestrian access together with loading. *These guidelines are therefore 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.

Findings for B6 & B6-1: Canopies that project over the sidewalks are provided around all three sides of the building. These encroachments provide weather protection for pedestrians at all the building entrances. The use of brick and painted metal minimizes any potential glare that would come off the building. *These guidelines are therefore met.*

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

Findings: The proposed design is fully ADA accessible. *This guideline is therefore 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: This project has views of downtown, the Willamette River, Mt Hood, and the West Hills by providing windows on all sides of the upper floors, and terraces for the 2nd level units. *This guideline is therefore met.*

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

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

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 C2, C5 & C1-1: This project incorporates quality building materials that provide permanence and integrity. This includes architectural and precast concrete, brick, glass, CMU block, steel, and outdoor fabric. The materials are used to articulate the masses and facades while providing a cohesive materials palette around all sides of the building. Parking is integrated into the building with an overhead door pulled close to the lot line. This door location and door patterning maintains the building's base and repeats the pattern of overhead doors around the ground level.

The building is set back from the SE 9th Avenue lot line due to clearance requirements from overhead Pacific Power high-voltage supply lines that run through this neighborhood. It is also set back from the east lot line, as required by the building code, so that windows can be provided for the upper floor units. The recessed upper stories create a ground floor podium that is a strong, cohesive base for the building. The ground level window and door glazing patterns and divisions are consistent around the ground floor which also helps strengthen the podium and create visual cohesion along the sidewalks.

The August 20, 2015 submittal package contained Juliette balconies that were inaccessible from unit interiors. This condition is contrary to guidelines for coherency – the addition of inaccessible faux Juliette balconies appearing fully functional that serve only to screen PTAC vents.

Therefore, additional Conditions of Approval were added by the Design Commission at the August 20, 2015 hearing. While retaining the new PTAC units concealed by louvers integrated within the window mullion patterning and centered within the west and east was supported, the following Conditions of Approval were added:

1. All existing Juliet balconies remain on the West face with inclusion of 2 doors; 1 each flanking the PTAC in the center, and the inclusion of a pair of operable windows above the PTAC; and
2. All existing Juliet balconies on the East face will be replaced with minimum 4'-0" deep balconies of the same design, but floor surfaces will be concrete with corrugated metal to be painted to match the entry canopy metal, and a minimum of one access door.

With the above Conditions of Approval, these guidelines are met.

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

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

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

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 C7, C8, C9 & C10: Both outer building corners are highlighted by a slight recess along SE Morrison and SE Belmont Streets. This recess follows the overall building step back between the ground floor and the upper floors. The corners are further delineated by brick quoining and single tall storefront windows on either side. Retail spaces are located at each of these corners and are not interrupted by stairs or the main building entry. These ground level retail spaces are flexible on the interior and can be utilized in a variety of ways over time.

The building design provides a clear differentiation between the base and the upper levels by stepping the building back at the 1st floor ceiling along the east and west facades. The ground level height is also taller than the upper stories, which allows for storefront glazing that has a larger module than the unit windows above. The building locates active indoor uses, including several retail spaces and the main lobby, in areas with ground floor windows and doors that are adjacent to the public rights-of-way. The ground level design also provides weather protection with canopies that project over the sidewalks. These projecting canopies are high enough over the sidewalks as to not encroach into desired clear areas for pedestrian movement. *These guidelines are therefore 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 storm water management tools.

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.

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 C11, C12, C13 & C1-2: The building has integrated the necessary functional elements into the overall design by placing the individual mechanical units on the roof. These units are grouped in pairs and are set back from the building edges so that the equipment will not be visible from the sidewalks across the streets. This is in keeping with similar mid-rise warehouse buildings in the area so that this building fits into the neighborhood. Smaller metal grilles are incorporated into the storefront openings at the retail spaces.

The building lighting strategy defers to the architecture by highlighting the canopies and the main entry. It also provides ample storefront lighting at the pedestrian level thru the use of large clear glazed windows and overhead doors into the retail areas and lobby. Only one sign, the building name, is proposed at this time and it is part of the precast concrete lobby entry surround so that it fits into the overall architecture of the building. *These guidelines are therefore met.*

(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:

Modification #1: Standards for all Bicycle Parking (33.266.220.C). Reducing long-term

bicycle parking space widths. 39 of the 53 provided long-term bike parking spaces provided in this proposal will be wall-hung racks in a shared bike room. The proposed vertical rack system provides spaces that are spaced 1'-6" on center and staggered 6" vertically. The remainder of the spaces are floor-mounted racks spaced 2' wide x 6' long as required.

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: Bike parking spaces must be 2' wide x 6' long.

Findings: All residential units will have access to a bike parking space either in the unit or in the bike room which is located on the ground floor in a protected area not accessible by the general public, therefore meeting the goals of security, convenience, and

safeguarding. A wall-mounted staggered bike parking system will be installed in the bike room which allows residents to vertically hang and lock their bicycles with 6” staggered clearances to adjacent bikes. The specified bike rack system staggers the frames at 20” on center. The 20” on-center separation may be a narrower dimension than the code requirement, but the stagger and allowance for sliding hangers will help assist hanging and locking a bike. Additionally, the loops to which the bikes are hung project out of the wall to further ease hanging and locking a bike. A 5’-0” minimum aisle is still provided behind each run of wall racks. For all of these reasons, the purpose statement is satisfied. The functional and space-efficient system of the wall-mounted bike racks alleviates floor plan demands, which in turn results in active uses at the street, like the generous main lobby and multiple retail spaces. The proposal better meets design guidelines C8. *Differentiate the Sidewalk-Level of Buildings, and C9. Develop Flexible Sidewalk-Level Spaces.*

The criteria are met and this modification request is therefore approvable.

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 meets the applicable design guidelines and modification criteria and therefore warrants approval with a condition as described below.

DESIGN COMMISSION DECISION

It is the decision of the Design Commission to approve Design Review for a new 6-story, brick, 105-unit apartment building with ground floor retail and 17 internal parking spaces in the Central Eastside Subdistrict of the Central City Plan District.

Approval of the following Modification request:

1. 33.266.220 Bicycle Parking. To provide wall-mounted long-term bike racks in place of the 2 foot wide standard spaces.

Approvals per Exhibits C.1-C-48, signed, stamped, and dated August 20, 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 15-102181 DZM. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled “REQUIRED.”
- B.** No field changes allowed.
- C.** All existing Juliet balconies remain on the West face with inclusion of 2 doors; 1 each

flanking the PTAC in the center, and the inclusion of a pair of operable windows above the PTAC.

- D. All existing Juliet balconies on the East face will be replaced with minimum 4'-0" deep balconies of the same design, but floor surfaces will be concrete with corrugated metal to be painted to match the entry canopy metal, and a minimum of one access door.
- E. At the generator location there will be a continuation of the planter on the East side to the north and the exhaust will be routed north and facing Morrison.

By:  _____
David Wark, Design Commission Chair

Application Filed: January 7, 2015
Decision Filed: August 21, 2015

Decision Rendered: August 20, 2015

Decision Mailed: September 3, 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 January 7, 2015, and was determined to be complete on **April 21, 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 January 7, 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 requested that the 120-day review period be extended Exhibit A.2 and A.3. The **120 days expire on:** October 28, 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 September 17, 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 \$5000.00 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 **September 18, 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.

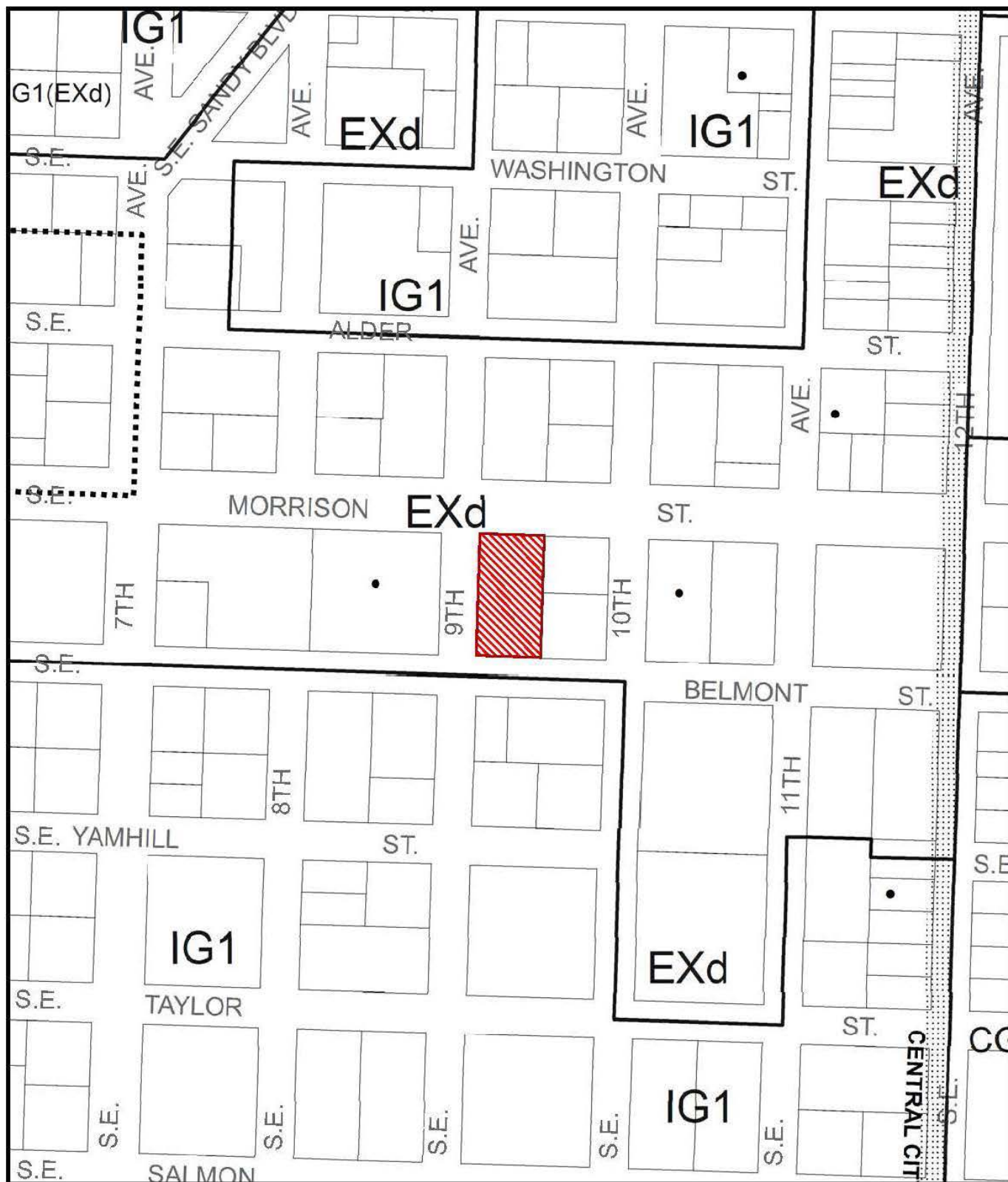
Applying for your permits. A building permit, occupancy permit, or development permit must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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.

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

- | | |
|---|---|
| <p>A. Applicant's Information</p> <ol style="list-style-type: none">1. Project Narrative and Drawings, Stormwater Report2. Design Review Drawing Set (6.11.2015), Sheet C.1-C.583. 120-Day Extension4. Design Review Drawing Set (7.23.2015), Sheet C.1-C.585. 120-Day Extension <p>B. Zoning Map (attached)</p> <p>C. Plan & Drawings</p> <ol style="list-style-type: none">1. Design Review Drawing Set (8.20.2015), Sheet C.1-C.48 <p>D. Notification information:</p> <ol style="list-style-type: none">1. Request for response2. Posting letter sent to applicant3. Notice to be posted4. Applicant's statement certifying posting5. Mailed notice6. Mailing list | <p>E. Agency Responses:</p> <ol style="list-style-type: none">1. Water Bureau2. Life Safety3. Bureau of Environmental Services4. Bureau of Transportation Engineering and Development Review5. Urban Forestry <p>F. Letters: none received</p> <p>G. Other</p> <ol style="list-style-type: none">1. Original LUR Application2. Incomplete Letter3. Staff Email, March 12, 20154. Staff Email, May 8, 20155. Staff Memo, June 1, 20156. Copy of Staff PowerPoint <p>H. Received After June 11, 2015 Hearing</p> <ol style="list-style-type: none">1. Hearing Summary Response2. Staff Memo, July 13, 20153. Staff Report, July 13, 20154. Staff Report, July 23, 20155. Staff Memo/Report August 14, 2015 |
|---|---|



ZONING



Site



Historic Landmark



NORTH

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

File No. LU 15-102181 DZM
1/4 Section 3131
Scale 1 inch = 200 feet
State_Id 1S1E02BA 4600
Exhibit B (Apr 21, 2015)

9th and Belmont

Design Review Submittal (Pre-Application# EA 13-235106)

LU 15-102181

PRESENTED BY: ANKROM MOISAN ARCHITECTS

OWNER: FORESIGHT DEVELOPMENT AND REAL ESTATE

ARCHITECT: ANKROM MOISAN ARCHITECTS

1/7/2015

REVISED: 4.10.2015

5.22.2015

7.23.2015

8.20.2015

EXH.C.1

AUG. 20, 2015

DC HEARING

APPROVAL SET

EXH.C.1-C.48

Approved
City of Portland
Bureau of Development Services
Planner ADH
Date 8.20.15
* This approval applies only to the
reviews requested and is subject to all
conditions of approval.
Additional zoning requirements may apply.



LU 15-102181 DZM

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ARCHITECTURE INTERIORS URBAN DESIGN BRANDING
ankrommoisan.com

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FORESIGHT
Development & Real Estate



Ankrom Moisan