



**City of Portland, Oregon**  
**Bureau of Development 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](http://www.portlandoregon.gov/bds)

**FINAL FINDINGS AND DECISION BY THE DESIGN  
COMMISSION RENDERED ON September 8, 2016**

**CASE FILE NUMBER: LU 16-128835 DZM, AD  
PC # 15-251449  
Framework**

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.

**BUREAU OF DEVELOPMENT SERVICES STAFF:** Grace Jeffreys 503-823-7840 /  
[Grace.Jeffreys@portlandoregon.gov](mailto:Grace.Jeffreys@portlandoregon.gov)

**GENERAL INFORMATION**

**Applicant:** Jonathan Heppner, Lever Architecture  
239 NW 13th Avenue Suite 303, Portland OR 97209

**Representative:** Anyeley Hallova, Project^  
413 SW 13th Ave #300, Portland, OR 97205

**Owner:** Beneficial State Bancorp Inc.  
1438 Webster St #100, Oakland, Ca 94612-3229

**Site Address:** **430 NW 10TH AVE**

**Legal Description:** BLOCK 61 LOT 6&7, COUCHS ADD  
**Tax Account No.:** R180205510  
**State ID No.:** 1N1E34CB 02300  
**Quarter Section:** 3029  
**Neighborhood:** Pearl District, contact Kate Washington at [planning@pearldistrict.org](mailto:planning@pearldistrict.org).  
**Business District:** Pearl District Business Association, contact Carolyn Ciolkosz at 503-227-8519.

**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Plan District:** Central City - River District  
**Zoning:** **EXd**, Central Employment with Design (d) overlay  
**Case Type:** **DZM, AD**, Design Review with Adjustment and Modification requests  
**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 requests Design Review approval for a new 11-story, 143' tall mixed-use building in the River Subdistrict of Central City Plan District. The building will provide 500 SF of ground floor retail, 31,260 SF of office (levels 2-6), and 60 apartments (levels 7-11). No vehicle parking is proposed (or required), one loading space is provided (one required) accessed off NW Glisan, and 109 long term bike parking for tenants (95 required) will be provided, 69 in a bike room on the ground floor and 40 in the studio apartments above. Short term bike parking requirements will be met by paying into the bike parking fund. Outdoor terraces and eco-roofs are provided on the second floor and the roof. Exterior finishes include aluminum composite panels, board formed concrete, aluminum curtain wall and storefronts, and fiberglass windows above.

The project also seeks bonuses for floor area and height. The 10,000 site is allowed a base Floor Area Ratio (FAR) of 6:1. The project is seeking floor area bonuses of 3:1 to reach a maximum floor area ratio of 9:1 for building total gross area of 89,896 sf. FAR of 2.7:1 is to be earned through the Housing bonus (PZC 33.510.210.C.1.a.(1)) and FAR of 0.3:1 is to be earned through the Eco-roof bonus (PZC 33.510.210.C.10). The maximum building height is 100 feet and is within an area eligible for general and housing height bonuses. The building is 142'-2" tall and seeks additional height of 42'-2". For achieving a bonus floor area ratio of 3:1, a height bonus of 45 feet is earned. (PZC 33.510.210.D.2.c)

The following Modification is requested:

1. *Bike Parking* - To reduce the width of 60 long-term bike parking spaces from 2'-0" to 18" (PZC Section 33.266.220.C.3.b).

The following Adjustment is requested:

1. *Parking Access on a Restricted Street* - To allow access for the loading space off NW Glisan Street, a "Parking Access Restricted Street". (PZC Section 33.510.263.G.6.c)

Design review is necessary because the project proposes new development within a design overlay zone.

#### **Relevant Approval Criteria:**

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

- Central City Fundamental Design Guidelines
- River District Design Guidelines
- Modifications – Section 33.825.040
- Adjustments – Section 33.805.040

## **ANALYSIS**

**Site and Vicinity:** The site is located in the River District in the heart of the Pearl District. The project location has ideal pedestrian and transportation connections. The site is located directly on the northbound Portland Streetcar line for connections to NW 23rd Avenue, Good Samaritan Hospital, and the Nob Hill neighborhood and is one block from the southbound Portland Streetcar line for connections to the downtown core, Max light rail, and the South Waterfront District. It is also located on NW Glisan and two blocks north of NW Everett streets, which provide key east-west car and bus connections. The site is also within five blocks of Interstate 405.

The site is the quarter-block at the northwest corner of the block bounded by NW Glisan, NW 10th, NW Flanders, and NW 9th. The site has 100' of frontage on NW Glisan and 100' of frontage on NW 10th for a total of 10,000 square feet and is currently developed with a single story commercial building.

The north park blocks are two blocks further east. Mixed-use developments surround the site, including the multi-story Gregory occupying the block to the west and the half-block, 16-story,

mixed-use 937 Condominiums across NW Glisan. Other retail, commercial, and residential uses are located in an urban setting surrounding the site.

The site is located within the Northwest Pedestrian District. At this location, NW 10<sup>th</sup> as Traffic Access Street, a Transit Access Street, a Central City Transit/Pedestrian Street, a Community Main Street, and a Local Service Street for all other transportation modes in the City's Transportation System Plan (TSP). The TSP classifies NW Glisan St as a Traffic Access Street, a Transit Access Street, a City Walkway, and a Local Service Street for all other transportation modes in the City's Transportation System Plan (TSP).

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

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

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

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

- EA 15-251449 PC – Pre-Application conference for this proposal.
- LU 03-125300 – Approval of a Type II Design Review with Modification for a proposal to renovate the exterior of a one-story building, including new storefronts and canopies, signs, lights, mechanical equipment, a new garage entry bay, and up to 9 interior parking spaces. Approval of the Modification to drive aisle width to a dimension of 17'-9" at one columnar location.
- LU 03-116541 – Approval of a Central City Parking Review for maximum of nine Preservation Parking stalls and approval of an Adjustment to allow a driveway access on NW Glisan Street, subject to the following conditions:
  - A. A final site plan shall be submitted for review and approved by Portland Transportation, as part of the building permit application, which demonstrates that:
    - 1) The parking stall and aisle dimensions meet all applicable parking development standards, or reflect the dimensions granted through an approved Modification or Adjustment to those standards; and
    - 2) The parking stall and aisle dimensions are of sufficient size to allow vehicles to maneuver inside the garage and exit the site in a forward motion for a maximum of nine parking stalls.
  - B. The garage entry shall be a minimum of 18 feet wide.
  - C. An audio/visual warning system must be installed at the garage exit to alert pedestrians of exiting vehicles, and to allow exiting drivers to see pedestrians on the sidewalks approaching the exits.

**Agency Review:** A “Notice of proposal in Your Neighborhood” was mailed **June 13, 2016**. The following Bureaus have responded with no issue or concerns:

- Water Bureau (Exhibit E.1)
- Fire Bureau (Exhibit E.2)
- Site Development Section of BDS (Exhibit E.3)
- Bureau of Transportation Engineering (Exhibit E.4)
- Urban Forestry (Exhibit E.5)

The Bureau of Environmental Services initially responded twice, with the following comments in response to revised submittals (Exhibits E.6a and E.6b):

*This memo is an addendum to the initial BES Land Use Response issued by Bureau of Environmental Services (BES) staff on July 1, 2016, and is in response to the following new information that was received subsequent to those comments:*

- *Stormwater Drainage Report, KPFF, July 2016*
- *BES approval of the applicant’s Special Circumstances application (August 10, 2016)*
- *BES certification letter for requested ecoroof FAR bonus (August 11, 2016)*

A. *COMMENTS:* Through the additional submittal materials listed above, the applicant has shown that the project can meet its stormwater management obligations through a combination of ecoroof area (some of which will also be applied toward an FAR bonus) and by paying an off-site management fee through an approved Special Circumstances application, in accordance with Section 1.7 of the 2014 SWMM:

1. Stormwater Management: *The applicant has proposed two alternative roof designs through this design review application: a ‘Base Option’ that includes approximately 7,556 SF of total ecoroof (4,543 SF of extensive & intensive roof and 3,013 SF of red cinder roof), and an ‘Add-In Option’ that includes approximately 6,244 SF of total ecoroof (3,231 SF of extensive & intensive & 3,013 SF of red cinder). Under both options, runoff from the remainder of the developed site area is proposed to flow unmanaged to the City’s combined sewer system.*

*The ‘red cinder’ ecoroof specification of a 1.5” red cinder mulch layer over a 2” growing medium base has not been adopted within the SWMM administrative rule as an accepted stormwater management facility. However, the specification – which was developed for internal use primarily on City retrofit projects where SWMM requirements were not being triggered – was erroneously described in a document available on the BES webpage as being sufficient to meet SWMM requirements. In consideration of this, and given the innovative nature of the project and the extent to which the project team has gone to include ecoroof beyond that necessary to achieve their requested FAR bonus, BES has determined that the red cinder ecoroof will be accepted toward the project’s stormwater management obligations. It must be noted that this approval is for this project only and should not be considered a precedent, nor can the red cinder ecoroof area count toward the project’s FAR bonus (see below).*

*With BES acceptance of the proposed ecoroof areas, the applicant was left to show how the remaining post-developed runoff will meet SWMM requirements. For those areas, the applicant submitted a Special Circumstances application in accordance with Section 1.7 and Appendix D.7 of the 2014 SWMM requesting to pay an off-site management fee for runoff that will discharge unmanaged into the City’s combined sewer system. On BES’s recommendation, the applicant submitted one application indicating that the off-site management fee would be paid for the option that proposes the larger amount of unmanaged runoff, i.e. the ‘Add-In Option’; and that if the project proposes more ecoroof area during building permit review, the expected off-site management fee will be adjusted down accordingly. The Special Circumstances application was approved on August 10, 2016;*

*therefore, staff finds that both proposed design options can meet the City's stormwater management requirements.*

*2. Ecoroof FAR Bonus: According to PCC 33.510.210.C.10.b, BES must certify the ecoroof areas that are proposed for the purpose of achieving bonus FAR prior to approval of this design review application. Upon review of Lever Architecture's Exhibit C – included in KPFF's report as Appendix C – the proposed extensive/intensive ecoroof areas are satisfactory, and BES issued a certification letter for the ecoroof areas proposed for the purpose of achieving bonus FAR on August 11, 2016; therefore staff finds the ecoroof FAR bonus request approvable.*

**Given the above, BES has no further objections to approval of the design review with modification and adjustment application.**

**B. CONDITIONS OF APPROVAL:**

**BES has no recommended conditions of approval.** (Please see Exhibit E-6 for additional details.)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **June 13, 2016**. A total of four written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Kate Washington, PDNA Planning and Transportation Committee Co-chair, June 1, 2016, stating support of both the design and the program (Exhibit F.1).
2. Michael and Alice Shiffman, April 14, 2016, stating concern regarding the lack of parking proposed (Exhibit F.2).
3. William Gumenberger, June 17, 2016, stating concern regarding the lack of parking proposed (Exhibit F.3).
4. Mark Whitlow, June 29, 2016, stating concerns regarding the proposed design meeting RDDG A5-1-1 (Exhibit F.4).

**Staff response:** *With reference to concerns about the lack of parking, note there is no requirement for this proposal to provide parking. Please refer to findings below for findings regarding the design and materials.*

Seventeen additional written responses to the proposal were received after the July 1 Staff report:

5. Letter from Stephan Kenneally, 7/4/16, stating concerns with the design meeting RDDG A5-1-1 (Exhibit H.5).
6. Letter from Curt Jennewine, 7/5/16, stating concerns with the design meeting RDDG 5-1-1 (Exhibit H.6).
7. Letter from Sarah Mace, 7/7/16, stating concerns with the lack of parking (Exhibit H.7).
8. Second letter from Mark Whitlow, neighbor, 7/7/16, stating concerns with the design meeting RDDG 5-1-1 and the CLT technology (Exhibit H.11).
9. Letter from Brenda Whitlow, neighbor, 7/11/16, stating concerns with the design meeting RDDG 5-1-1 (Exhibit H.5).
10. Letter from Anyeley Hallova, Manager, The Framework Project LLC, 7/18/16, responding to neighbor's concerns (Exhibit H.14).
11. Second letter from Anyeley Hallova, Manager, The Framework Project LLC, 7/18/16, responding to neighbor's concerns (Exhibit H.15).
12. Second letter from Brenda Whitlow, neighbor, 7/24/16, stating concerns with the design meeting RDDG 5-1-1 (Exhibit H.16).
13. Letter from Nolan Lienhart, neighbor, 7/25/16, stating support of the proposal (Exhibit H.17).
14. Letter from Stephen Lovett, CEO of Softwood Lumber Board, sponsor of the Tall Wood Building Prize Competition, 7/27/16, clarifying the competition was not a design competition but a incentive to build tall wood buildings (Exhibit H.18).

15. Letter from Gun Denhart, neighbor, 7/31/16, stating support of the proposal (Exhibit H.20).
16. Third letter from Brenda Whitlow, neighbor, 8/1/16, stating concerns with the windows and the facades (Exhibit H.21).
17. Letter from Robert Snyder, AIA, neighbor, 8/3/16, stating support of the proposal (Exhibit H.22).
18. Third letter from Anyeley Hallova, Manager, The Framework Project LLC, 8/9/16, responding to neighbor's concerns about public and neighborhood input, changes to building design, and clarifying the intentions of the Tall Wood completion (Exhibit H.26).
19. Fourth letter from Anyeley Hallova, Manager, The Framework Project LLC, 8/9/16, responding to neighbor's concerns about public and neighborhood input, changes to building design, and clarifying the intentions of the Tall Wood completion (Exhibit H.27).
20. Second letter from Curt Jennewine, 8/9/16, inviting applicant to meet with neighbors (Exhibit H.28).
21. Third letter from Mark Whitlow, neighbor, 8/9/16, stating concerns with proposal and process (Exhibit H.29).
22. Fourth letter from Brenda Whitlow, neighbor, 8/10/16, stating concerns with proposal (Exhibit H.30).

**Staff response:**

- *With reference to concerns about the lack of parking, note there is no requirement for this proposal to provide parking.*
- *With reference to the neighborhood involvement, the applicant met with the neighborhood association February 2, 2016, and the PDNA provided a letter of support (Exhibits F1 and H.27).*
- *With reference to concerns about design changes, changes which have occurred since the initial Land Use submittal on March 1, 2016 have been in direct response to staff or the design commission comments.*
- *With reference to concerns about the design meeting particular design guidelines, refer to the specific findings below.*

**Procedural History:**

*The first Design Review (DZ) hearing was held on July 7, 2016. Staff was supportive of the proposal but recommended denial due to outstanding stormwater and eco-roof information. At the hearing, the Commission asked the applicant to further study the canopies, the lighting to the second floor terrace on NW Glisan, the service areas on NW Glisan, and the generator area.*

Prior to the second hearing, the applicant resolved outstanding stormwater and eco-roof issues, and in response to the commissions comments at the first hearing, revised the canopies, the lighting to the second floor terrace, the design of service area on NW Glisan, and added a cover to the generator. Staff was supportive of these changes and recommended approval of the project.

*The second Design Review (DZ) hearing was held on August 18, 2016. Staff and Commission were supportive of the proposal. During public testimony, the record was requested to be held open to submit further testimony. The record was held open as follows:*

- **New Evidence:** During the first 7 days any new information can be submitted, which closed on August 25, 2016 at 4:30pm. Two letters were received:
  - Kate Washington, PNDA Planning and Transportation Co-Chair, August 19, 2016, letter reaffirming PDNA's support of the project (Exhibit H.39).
  - Curt Jennewine, August 23, 2016, letter with a petition attached asking that the Design Guidelines are upheld (Exhibit H.40).

- Open rebuttal: During the second 7 days anyone can rebut new information presented, but no new evidence can be submitted, which closed on September 1, 2016 at 4:30pm. Two letters were received:
  - Rod Campbell, August 26, 2016, letter requesting a design change to the residential windows. *Staff note: Because this email was received after the new evidence period, it was not considered part of the record (Exhibit H.41).*
  - Anyeley Hallova, applicant, August 30, 2016, letter stating applicant will waive the applicant's rebuttal period (Exhibit H.42).
- Applicant's final rebuttal: During the last 7 days the applicant has an opportunity to make a final argument, but no new evidence may be submitted. This period would have closed on September 8, 2016 at 4:30pm, however the applicant waived this opportunity. During the "Open Rebuttal" period, two letters were received:

The third Design Review (DZ) hearing was held on September 8, 2016. The Commission voted to approve the proposal.

## ZONING CODE APPROVAL CRITERIA

### (1) DESIGN REVIEW

#### Chapter 33.825 Design Review

##### Section 33.825.010 Purpose of Design Review

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

##### Section 33.825.055 Design Review Approval Criteria

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

**Findings:** The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Central City Fundamental Design Guidelines and River District Guidelines.

#### **River District Design Guidelines and Central City Fundamental Design Guidelines**

The River District is a remarkable place within the region. The area is rich with special and diverse qualities that are characteristic of Portland. Further, the River District accommodates a significant portion of the region's population growth. This area emphasizes the joy of the river, connections to it, and creates a strong sense of community. The goals frame the urban design direction for Central City and River District development.

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

### **River District Design Goals**

1. Extend the river into the community to develop a functional and symbolic relationship with the Willamette River.
2. Create a community of distinct neighborhoods that accommodates a significant part of the region's residential growth.
3. Enhance the District's character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.
4. Strengthen connections within River District, and to adjacent areas.

### **Central City Plan Design Goals**

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

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

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

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

**A5-3. Incorporate Water Features.** Incorporate water features or water design themes that enhance the quality, character, and image of the River District. This guideline may be accomplished by:

- 1) Using water features as a focal point for integrated open spaces.
- 2) Taking cues from the river, bridges, and historic industrial character in the design of structures and/or open space.
- 3) Integrating stormwater management into the development.

**Findings for A2, A4 and A5-3:** The project includes a number of features that relate to Portland's identity. The proposal helps spotlight timber as a construction material. As one of the nation's first wood high-rise structures, the proposal will highlight new opportunities for using timber as a high-rise structural system. The design of the building is described by the applicant as "influenced by the surrounding forests in both structural design and facade inspiration. This specialized wood structure will be showcased at the sidewalk-level and inside the lobby. The ground level of the building is highly glazed and offers views directly from the sidewalk to this highly unique structural system. Additionally, the Tall Timber Exhibit space just inside the lobby will highlight the history of timber construction in Portland."

The facade design is also inspired by Oregon's natural context, and is described by the applicant as "comparable to the variegations of budding tree leaves, the facade is animated and creates visual interest through its response to daily and seasonal variations in light."

Additionally, the project integrates ecoroofs into the development expressing and responding to the rainy climate of the Pacific Northwest. The ecoroofs at the second and

twelfth floors will add landscaping and critical stormwater functions that are attractive with or without water. The second floor ecoroof can be experienced from the office spaces and the twelfth floor ecoroof can be experienced from the terrace. Views will be enhanced for south facing units that look down on the 2nd floor terrace. Finally, the project supports the bike culture of the City by providing more than the required number of bike parking spaces and a dedicated and secure bike room on the ground floor for the building's occupants. *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 superblocks exist, locate public and/or private rights-of-way in a manner that reflects the 200-foot block pattern, and include landscaping and seating to enhance the pedestrian environment.

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

**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.

**Findings for A3, A7, and B4:** The project develops the full 100' x 100' footprint of the site producing a standard ¼ block development. The structure above the ground level holds the street edge along NW Glisan Street, and along NW 10<sup>th</sup> the angled faces of the building reach to the property lines. Along the south property line the building is pulled back 15'-0" to allow for glazing at office and apartment floors. The south setback also allows for a roof terrace at the second floor. At the ground floor, the building extends to the property line along NW Glisan with the exception of recessed entries at the loading and service entry, that are setback 1'-0". Along NW 10<sup>th</sup>, the building is setback 4'-0" from the building's street façade, with a deeper recess of 9'-0" at the main lobby entrance on the corner. These setbacks at the building entries provide areas off the sidewalk to stop and visit or rest, enhancing the pedestrian environment. *These guidelines have been met.*

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

**A5-4. Integrate Works of Art.** Integrate works of art or other special design features that increase the public enjoyment of the District. This guideline may be accomplished by:

- 1) Integrating art into open spaces or along pathways.
- 2) Incorporating art within the structure of the building.
- 3) Using "found objects" that are remnants from the area's history.

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

**Findings for A5, A5-4, and A8:** Active spaces are located along both street frontages. The main lobby is located on the corner of NW 10<sup>th</sup> and NW Glisan and the adjacent retail space fronts NW 10<sup>th</sup>. Both provide direct pedestrian access from NW 10<sup>th</sup> and contain full height glazing to visually connect these interior spaces with the adjacent sidewalks. Additionally, full height glazing is provided at the CLT structural system to showcase this unique application to passersby.

The fully glazed double height main lobby serves both the office and apartments, and connects to the second floor community room. A terrace has been provided off this community room, which faces down to NW Glisan activating the busy street below.

The lobby is sized and designed to be flexible and able to accommodate a variety of events, including First Thursdays and visitors to the Tall Wood Exhibit, located immediately adjacent to the lobby. This permanent exhibit will be open to the public, and “seeks to raise awareness of the benefits of using engineered wood products in construction, and will showcase the features, materials and structural system of the building, highlighting the safe application, practicality and sustainability of mass timber structures. *These guidelines have been met.*

**A5-1. Reinforce Special Areas.** Enhance the qualities that make each area distinctive within the River District, using the following “Special Area Design Guidelines” (A5-1-1 – A5-1-5).

**A5-1-1. Reinforce the Identity of the Pearl District Neighborhood.** This guideline may be accomplished by:

- 1) Recognizing the urban warehouse character of the Pearl District when altering existing buildings and when designing new ones.
- 2) Recognizing the urban warehouse character of the Pearl District within the design of the site and open spaces.
- 3) Designing buildings which provide a unified, monolithic tripartite composition (base/middle/top), with distinct cornice lines to acknowledge the historic building fabric.
- 4) Adding buildings which diversify the architectural language and palette of materials.
- 5) Celebrating and encouraging the concentration of art and art galleries and studios with design features that contribute to the Pearl District’s “arts” ambiance. Consider features that provide connectivity and continuity such as awnings, street banners, special graphics, and streetscape color coordination, which link shops, galleries, entrances, display windows and buildings. Active ground level retail that opens onto and/or uses the sidewalk can contribute to the attraction of the “arts” concentration.

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

**Findings for A5, A5-1 and C4:** Like many of the surrounding warehouse buildings in the Pearl District, the proposal utilizes a heavy timber structure. The interior office spaces will have exposed cross-laminated ceilings and glulam columns and beams. The apartment units will have exposed cross-laminated ceilings, similar to the vocabulary found in nearby loft spaces. While referring to traditional heavy timber construction, the proposal also adds cross-laminated timber technology to the palette of the area, referencing and expanding the existing architectural language.

The sidewalk level is defined by extensive glazing and the building above cantilevers beyond this base and is clad in metal panel with deeply recessed punched window openings, differentiating it from the ground floor. Full height, floor to ceiling windows will provide well daylit spaces, acknowledging but also reinterpreting the deeply punched, large window openings found in traditional warehouse buildings. While referencing and complementing the urban warehouse character of the Pearl District, this proposal also adds a modern interpretation and a level of sophistication to the local design vocabulary.

The guideline asks to “*Reinforce the Identity of the Pearl District Neighborhood*” and suggests a number of ways this guideline might be met. At the first hearing on July 7, 2016, the Design Commission discussed the design’s contextual response with the applicant.

This proposal recognizes “*the urban warehouse character of the Pearl District within the design of the site and open spaces*” by creating an urban enclosure and active street frontages.

The proposal provides “*a unified, monolithic tripartite composition (base/middle/top), with*

*distinct cornice lines to acknowledge the historic building fabric*". The proposal creates a unified composition by reflecting the proportional regularity found in these warehouses. The proposal also presents a three part composition with a base, middle and top, with differentiation between the office and residential above, and the top is additionally reinforced at the north by extending the cladding as a mechanical screen above the roof level.

The proposal provides a building which will *"diversify the architectural language and palette of materials"* in respectful manner by complementing the patterning of the district. While the proposal cannot be clad in brick like the traditional brick warehouses in the area due to weight concerns, the proposed cladding will provide a similar play of light/richness of shadowing that is found in them. Instead of brick piers and traditional cornices, the proposal provides depth and shadowing through the specially formed, high quality ACM cladding and the varying depth of recessed openings.

The proposal celebrates and encourages *"the concentration of art and art galleries and studios with design features that contribute to the Pearl District's "arts" ambiance"* by providing a welcoming double height lobby at the corner, designed to be flexible and able to accommodate a variety of events, including First Thursdays.

Through active street frontages, regular window patterning, subtle proportional variations, depth and shadowing of the facades, and generous public spaces, the proposal references and complements the urban brick warehouses in the district, while at the same time utilizes materials and technology of its time.

This proposal reinforces the identity of the Pearl District Neighborhood by providing a respectful interpretation of the character of the traditional warehouses and at the same time offers innovation and diversity to the local architectural language. *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 superblocs or other large blocks.

**B1-1. Provide Human Scale to Buildings along Walkways.** Provide human scale and interest to buildings along sidewalks and walkways. This guideline may be accomplished by:

- 1) Providing street furniture outside of ground floor retail, such as tables and chairs, signage and lighting, as well as large windows and balconies to encourage social interaction.
- 2) Providing stoops, windows, and balconies within the ground floors of residential buildings.

**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, B1-1, and B2:** The project will improve both the NW Glisan and NW 10th sidewalks and define the zones per district standards, including new street trees and lighting. The building wall at the ground level will be articulated by full height glazing, bookended midblock by board formed concrete piers that anchor the project at the ground level. Building setbacks and overhangs, canopies, light fixtures, and glazing with views into active spaces will add human scaled elements along the base that provide visual interest for pedestrians.

The highest level of pedestrian activity will be on 10th Avenue, associated with the Streetcar stop and the main lobby and retail entrances. Safety will be enhanced by recessed soffit mounted light fixtures that will illuminate the entrances and abutting sidewalk. Interior lighting will also contribute towards sidewalk illumination through the fully glazed frontages.

The loading bay and services will be located on NW Glisan which has the lower classification. The required loading/trash/recycling functions as well as electrical equipment and gas meters will be located inside the loading area, so that there will be very limited exposure of pedestrians to these activities. Small louvers that provide ventilation for the loading area are located above the service door and in adjacent bay. The louvers are well integrated within the bays and located 8'-0" above the sidewalk so as to limit views and impacts on the pedestrian environment. The emergency generator is located in the southeast corner of the project, well away from both street frontages, and will exhaust vertically up.

At the first hearing on July 7, 2016, the Design Commission asked for the loading door to be moved closer to the street edge and the locations of services entering the building on NW Glisan. In response, the applicant has moved the loading door to within 1' of the street edge. Additionally, they have identified the locations for the FDC and roof overflow drain locations, which will be adjacent to the loading, and have located the fuel station and Annunciator panel for the generator inside the loading dock, away from the street frontage (Revised Exhibits C.20, C.31, and C.40).

At the first hearing the Design Commission also asked for further information about the generator in the center of the block. In response, the applicant has provided additional detail plans, sections, and cutsheets which illustrate the sound attenuated and weather protective enclosure which surrounds it. Additionally, they have added a metal grate cover over the generator area. (Revised Exhibits C.40, C.41, and C.42). *As revised, these guidelines have now 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.

**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 C10:** Weather protection is provided in a number of ways. The ground floor is recessed from the building above along both street frontages. Additional coverage will be provided by three steel canopies. The main lobby entry on NW 10<sup>th</sup> is recessed and a canopy above will provide additional coverage. Mid-block on NW 10<sup>th</sup> where there is no building overhang, a canopy will provide protection above the bank ATM. And along NW Glisan below the community room terrace, a canopy will provide further protection for passersby on NW Glisan.

The canopy on the NW Glisan Street frontage is the only element that projects into the right-of-way. It is 13'-6" above the sidewalk, with a depth of 4'-0", and length of approximately 23'-6", and will provide protection for pedestrians along NW Glisan. The canopy will be comprised of 3/4" steel plate which is used on the other two canopies on the exterior, and is well integrated into the façade, contributing to a coherent composition.

At the first hearing on July 7, 2016, the Design Commission asked the applicants to provide further study of the proposed canopies. Since the first hearing, the applicant

provided a series of canopy studies which illustrate the coverage provided by the current proposal, as well as two alternatives which extended the low metal canopies (Revised Exhibit A series). At the second hearing, the applicant presented canopy Study option 2, which provided additional low canopy coverage over the bank entry, as well as a canopy that wrapped the corner onto Glisan. The canopy at the loading dock was removed. (Exhibit C.19.2). *With this revision, these guidelines have now been met.*

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

**Findings for B7:** All areas of the building are designed for accessibility. The retail space and the main lobby are accessible directly from the sidewalk. The main lobby entrance, two story lobby space and central elevator core provide strong visual cues to accessible movement throughout the building. The community room on the second floor is open to the main lobby below, providing clear visual connections and accessibility via the elevator from the main lobby. *This guideline has been 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.

**C1-1. Increase River View Opportunities.** Increase river view opportunities to emphasize the River District ambiance. This guideline may be accomplished by:

- 1) Designing and locating development projects to visually link their views to the river.
- 2) Providing public stopping and viewing places which take advantage of views of River District activities and features.
- 3) Designing and orienting open space and landscape areas to emphasize views of the river.

**Findings for C1 and C1-1:** The building massing and facades are designed to create visual connections at all levels. The second and twelfth floor roof terraces are placed on the south side of the building to allow for sunlight and view opportunities. Taller buildings surround the site and this placement also takes advantage of view corridors to downtown, the river and the southwest hills. The large expanses of glazing at the sidewalk level allow views into the active spaces of the ground floor. The placement of the entrance near the streetcar stop provides a visual a connection between the active sidewalk corner and the lobby. *This guideline has been met.*

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

**Findings for C2:** The primary facade material will be Aluminum Composite Material (ACM) panels with punched openings for operable fiberglass windows. ACM is a high quality material that ensures rigidity and the additional folding details of the panels increases this quality. Aluminum curtain wall will be utilized at the ground floor and at the slot window at the west facade. Board formed concrete mid-block will be durable and visually anchor the building.

The unique structural system is described by the applicant as a resilient design which “will be easily repaired after an earthquake. To achieve this goal, the lateral force-resisting system includes post-tensioned rocking CLT shear walls, with “Low Damage Design” features pioneered in New Zealand. These features include a pre-determined rocking plane at the base of the walls; replaceable energy dissipating “fuses”; special detailing at the floor-to-wall connections; and the self-centering characteristics of the post-tensioning system.” The structure, materials and detailing are all of a very high quality, and will contribute permanence to this busy urban location. *This guideline has been met.*

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

**Findings for C5:** The proposal is a mixed-used building with office and residential uses. Each use has a different floor-to floor height and desired window size. The ground floor is fully glazed designating the public nature of the uses at the ground level. The facades above unify the office and residential uses with a similar vocabulary of angled metal panel profiles that varies depending on window size. The same system is used at the roof to screen the mechanical equipment. The overall material palette of the proposal is limited to composite metal panel, aluminum curtain wall and the wood structure within the building. The building is an elegant, straightforward and coherent design, and offers high quality materials, a unique structural solution, and meaningful details. *This guideline has been met.*

**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.

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

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

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

**Findings for C6, C7, C8, and C9:** The design of the building and building entries provide numerous opportunities for transitions between the public and private spaces, activation of the corner, differentiation of the sidewalk level, and development of flexible sidewalk spaces.

As mentioned above, public to private transition spaces are provided at the street frontages. Along NW 10<sup>th</sup> the building is setback 4'-0" from the building's street façade with a deeper recess of 9'-0" at the main lobby entrance on the corner. Three metal canopies and recessed LED lighting are located at the main entry lobby, the bank ATM on NW 10<sup>th</sup>, and below the covered terrace on NW Glisan, providing further pedestrian protection. At the retail entry along NW 10<sup>th</sup>, recessed LED lighting is provided in the soffit above. These building setbacks and protected areas at the entries provide areas off the sidewalk to stop and visit or rest, enhancing the pedestrian environment.

The corner of the building is activated through form and program. The overall building mass is divided into north and south bars, and the north bar is "lifted" two stories adjacent to Glisan Street, creating a double height lobby space at the corner of Glisan Street and 10<sup>th</sup> Avenue. The main building entry into this lobby space faces the street car stop on 10<sup>th</sup> Avenue. The north bar also cantilevers 6'-0" west from the lobby, the main entry is recessed, and a metal canopy provides further entry coverage, providing a generous flexible covered area at the entry.

The sidewalk-level is differentiated from the building above by large windows that allow views of the structure and the interior spaces. The building above cantilevers beyond the

base and is clad in metal panel with punched window openings, differentiating it from the ground floor. Vertical circulation has been located in the center of the building, allowing for a primarily glazed ground floor, and service spaces have been located mid-block along both frontages to allow for this fully activated corner. Above the ground floor at the junction between the north and south bars, daylight, west-facing corridor ends provide visual connections back to the surrounding context.

Active ground lobby and retail spaces will open onto the sidewalk to connect the building to the community and the pedestrian realm. Common amenity space at the 2nd floor terrace facing NW Glisan is purposefully located on the exterior and faces down to the building entry and busy street. The project's activating elements (two-story main lobby on corner, retail entry, and second story roof terrace) are spaced regularly along the building's frontage reflecting the serial "happenings" which are a feature of the best of the blocks in the Pearl District neighborhood. The design provides connections to the adjacent context and a strong sense of entry, as well as highlights and activates the corner of NW Glisan and NW 10th. *These guidelines have been met.*

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

**Findings for C11:** The roofs are integrated elements within the overall design concept of the development. The roof at the top is divided into two zones. The north side will contain mechanical equipment, which is well screened by an extension of the metal facade from below. The south side will have an ecoroof, and there is an add-alternative that includes a roof terrace, community garden, and landscape plantings. Additionally, the roof on the second floor at the south side of the building will contain a terrace and eco-roof. *This guideline has 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 for C12:** Exterior lighting will emphasize both retail and building entrance areas using soffit mounted recessed down lights augmented by light spilling out through large windows from the interior. Additional soffit mounted recessed down lights lighting will be provided at the bank ATM midblock on NW 10<sup>th</sup>, and at the loading bay/ service door midblock on NW Glisan. The proposed lighting scheme will mark the entries and illuminate the sidewalks, without adversely illuminating the nighttime sky.

At the first hearing on July 7, 2016, the Design Commission asked the applicant to provide further study of the exterior lighting of the second floor terrace on NW Glisan. Since the first hearing, the applicant removed the surface mounted linear LED down-lighting at the second floor roof deck soffits and replaced them with floor mounted recessed LED up-lighting set back from the street edge (Revised Exhibit C.39). This will provide more subtle illumination of the soffit above rather than direct lighting facing down on the street. *With these revisions, this guideline is now met.*

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

**Findings for C13:** Applicant has indicated that signage will occur at the two entries and signs are anticipated to be less than 30 square feet each, which is below the Design Review threshold and therefore would be exempt from review. *This guideline is not applicable.*

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

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

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

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

The following modification is requested:

**Modification #1 - Bike Parking** - To reduce the width of 60 long-term bike parking spaces from 2'-0" to 18" (PZC Section 33.266.220.C.3.b).

**Findings:** 95 long-term bike parking spaces are required and a total of 109 long-term bike parking spaces are proposed, 14 more than required. 69 spaces will be in a common, secured bike room on the ground floor, and 40 will be in the studio apartments above.

In the bike room, 32 of the spaces will utilize a wall mounted "Ultra Space Saver" rack and 28 of the spaces will utilize a floor mounted "Ultra Space Saver" rack. For these systems, the spacing recommended by the manufacturer is 16" if the racks are staggered vertically. The modification request is for an 18" spacing with vertical staggering. It should be noted that the other 49 spaces will provide the required 2' spacing.

These racks are proposed to be used for long-term storage in a central controlled-access bike storage room intended for use by residents and tenants of the project. Because these racks will be used by residents and tenants, it can be assumed that they will have some familiarity with the rack systems. Transportation has considered the reduced 18" width on numerous projects and determined the stagger of the mounts allows for these racks to function as well as a rack meeting the 2' width. For these reasons, the bicycle parking system is safe and secure, located in a convenient area, and designed to avoid any intentional or accidental damage to bicycles. As such, the proposal is consistent with the purpose statement of the bicycle parking standards. The proposed functional and space efficient system also better meets the design guidelines because it eases floor plan demands and results in additional opportunities for active uses at the street, such as more generous lobby and retail space (Central City Design Guideline A8 - Contribute to a Vibrant Streetscape). *The approval criteria have been met.*

## **(3) ADJUSTMENT REQUESTS (33.805)**

### **33.805.010 Purpose**

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

### **33.805.040 Approval Criteria**

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

The following adjustment is requested:

**Adjustment #1** - *Parking Access on a Restricted Street* - To allow access for the loading space off NW Glisan Street, a "Parking Access Restricted Street". (PZC Section 33.510.263.G.6.c)

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

**Findings:** Both street frontages for this site, NW 10th Avenue and NW Glisan Street, are "parking-access-restricted streets", and are designated as "streets where access to parking will not be approved except when granted under Adjustment procedures".

The applicant has proposed a driveway/curb-cut on NW Glisan to provide access to the Standard A on-site loading space (10-ft wide, 35-ft long, 10-ft clearance) required by the standards. To support the Adjustment request, the applicant submitted a professional transportation analysis prepared by a professional traffic consultant. The applicant's traffic engineer conducted traffic counts on NW Glisan and found that vehicle volumes are highest between 8-9AM and 4-5PM and pedestrian/bicycle volumes are highest between 7AM and 9AM with the 8AM-9AM period having the highest volume during the three-hour peak period.

Access to the proposed loading space will be in the approximate location of the existing driveway on NW Glisan that currently accesses a parking garage. The applicant's traffic engineer conducted observational analysis of the existing parking garage usage and found that within the three-hour peak period (7AM-9AM) there were seven vehicles entering the site and three vehicles leaving the site.

As discussed in the analysis, use of the loading space, which is expected to include UPS/Fed Ex deliveries, tenant move-ins/move-outs and daily armored car deliveries to the bank, is anticipated to occur prior to the AM peak period or during the mid-day when volumes on NW Glisan are lower. Further demonstrated by the applicant's transportation analysis, the frequency and volume of access associated with the proposed loading space will be less than that experienced today with the existing parking garage serving the site. Therefore, a decrease in the number of interactions between vehicles accessing the site and pedestrians/bicycles traveling along NW Glisan is expected with the proposed change from parking garage access to loading space access.

The applicant's traffic engineer also conducted an intersection sight distance analysis which documented that there are no sight distance concerns with the proposed driveway location on NW Glisan. Further, the analysis included vehicle turning

movements that confirmed that delivery vehicles will be able to enter/exit the space without impacting on-street parking.

Moreover, when considering the two frontages, NW 10th versus NW Glisan, the NW Glisan is the preferred frontage for access for several reasons. First, consistent with PBOT policy, driveways are typically preferred to be located on the lower classified street. NW 10th is classified as a Central City Transit/Pedestrian Street whereas NW Glisan is classified as a City Walkway and therefore represents the lower classified street. Additionally, TriMet operates Streetcar service along NW 10th and there is a raised platform and stop provided on NW 10th along the site's frontage. A driveway located in this area would result in potential conflicts with streetcar operations.

For the reasons stated herein and based upon the findings in the applicant's traffic analysis, PBOT has no objection to proposed Adjustment to allow vehicle access to the on-site loading space via NW Glisan. *This approval criterion is met.*

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

**Findings:** By allowing allow vehicle access to the on-site loading space via NW Glisan, the ground floor along NW 10<sup>th</sup> is retained for active uses which support the vibrant streetscape and pedestrian environment that characterize the River and Pearl subdistricts. Nonetheless, the Glisan ground level contains almost 60 lineal feet of ground level active use. *This approval criterion is met.*

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

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

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

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

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

**Findings:** Because there were no impacts identified in the findings, *this criterion does not apply.*

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

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

## 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



*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 **March 1, 2016**.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period, as stated with Exhibit G.5. The **120 days expire on May 20, 2017**.

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

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. 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 October 3, 2016 at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> Avenue Monday through Friday between 8:00 am and 4:30 pm. 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).

Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing, one in which new evidence can be submitted to City Council.

**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 **October 3, 2016** – (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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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

- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

Grace Jeffreys  
**September 15, 2016**

**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 Statement
  - 1. Initial Submittal – Narrative & drawings, 3/1/16
  - 2. Initial Submittal – Specifications, 3/1/16
  - 3. Initial Submittal – Stormwater & Geotech reports, 3/1/16
  - 4. Incompleteness response - Narrative, Stormwater, Ecoroof, Transportation 5/23/15
  - 5. Incompleteness response – Drawings, 5/23/16
  - 6. Canopy study, 6/14/16
  - 7. Revised ecoroof, ground floor, landscape and bike parking drawings, 7/1/16
- B. Zoning Map (attached)
- C. Plan & Drawings
  - 1. Cover Sheet
  - 2. Index
  - 3. through C6 - Civil
  - 7. through C18 - Landscape
  - 19. Site plan
  - 20. Ground Floor Plan (attached)
  - 21. through C25 - Plans
  - 26. through C29 - Elevations (attached)
  - 30. Section
  - 31. through 38 - Details
  - 39. Lighting Plans
  - 40. Loading and Generator enlarged plans
  - 41. Generator Specifications
  - 42. Section at Generator
- 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. Water Bureau
  - 2. Site Development Review Section of BDS
  - 3. Life Safety Review Section of BDS
  - 4. Bureau of Transportation Engineering and Development Review
  - 5. Bureau of Parks, Forestry Division
  - 6a. Bureau of Environmental Services, Initial response
  - 6b. Bureau of Environmental Services, addendum
  - 6c. Bureau of Environmental Services, FAR letter of Certification
- F. Letters
  - 1. Kate Washington, PDNA Planning and Transportation Committee Co-chair, 6/1/16, Support of design and program.
  - 2. Michael and Alice Shiffman, 4/14/16, Concern with lack of parking.
  - 3. William Gumenberger, 6/1/16, Concern with lack of parking.
  - 4. Mark Whitlow, 7/1/16, Concerns with proposed design and materials.
- G. Other
  - 1. Original LUR Application and fees paid
  - 2. Request for Completeness and responses, 3/8/16
  - 3. Pre-Application Conference Summary
  - 4. Incomplete Letter, 3/22/16
  - 5. Request for an Evidentiary Hearing, 3/10/16

H. **(Received before the first hearing)**

1. Staff memo to the Commission, 6/7/16
2. Staff report, 6/7/16
3. Applicant's "C" drawings, 6/20/16
4. Applicant's "A" appendix drawings, 6/20/16
5. Letter from Stephan Kenneally, 7/4/16, stating concerns with the character of the proposal.
6. Letter from Curt Jennewine, 7/5/16, stating concerns with the character, composition and materials of the proposal.
7. Letter from Sarah Mace, 7/7/16, stating concerns with the lack of parking.

**(Received at the first hearing)**

8. Staff presentation, 7/7/16
9. Applicant's presentation, 7/7/16
10. List of public testimony from first hearing, 7/7/16.
11. Second letter from Mark Whitlow, neighbor, 7/7/16, stating concerns with the character and proposed CLT technology of the proposal.

**(Received after the first hearing)**

12. Letter from Brenda Whitlow, neighbor, 7/11/16, stating concerns with the character of the proposal.
  13. Applicant's revised Stormwater Report, 7/12/16
  14. Letter from Anyeley Hallova, Manager, The Framework Project LLC, 7/18/16, responding to neighbor's concerns.
  15. Second letter from Anyeley Hallova, Manager, The Framework Project LLC, 7/18/16, responding to neighbor's concerns.
  16. Second letter from Brenda Whitlow, neighbor, 7/24/16, stating concerns with the character of the proposal.
  17. Letter from Nolan Lienhart, neighbor, 7/25/16, stating support of the proposal.
  18. Letter from Stephen Lovett, CEO of Softwood Lumber Board, sponsor of the Tall Wood Building Prize Competition, 7/27/16, clarifying the competition was not a design competition but a incentive to build tall wood buildings, 7/27/16
  19. Applicant's revised Stormwater Report, 7/29/16
  20. Letter from Gun Denhart, neighbor, 7/31/16, stating support of the proposal.
  21. Third letter from Brenda Whitlow, neighbor, 8/1/16, stating concerns with the character of the proposal.
  22. Letter from Robert Snyder, AIA, neighbor, 8/3/16, stating support of the proposal.
  23. Applicant's cover letter listing changes since first hearing, 8/5/16
  24. Applicant's revised "C" drawings, 8/5/16
  25. Applicant's revised "A" appendix drawings, 8/5/16
  26. Third letter from Anyeley Hallova, Manager, The Framework Project LLC, 8/9/16, responding to neighbor's concerns.
  27. Fourth letter from Anyeley Hallova, Manager, The Framework Project LLC, 8/9/16, responding to neighbor's concerns.
  28. Second letter from Curt Jennewine, 8/9/16, stating concerns with proposal and process.
  29. Fourth letter from Mark Whitlow, neighbor, 8/9/16, stating concerns with proposal and process.
  30. Fourth letter from Brenda Whitlow, neighbor, 8/9/16, stating concerns with proposal.
  31. Staff email to applicant with notes from first hearing, 7/8/16
  32. Staff memo to the Commission, 8/11/16
  33. Revised Staff report, 8/11/16
  34. Letter from Nancy Casciato, neighbor, 8/16/16, stating support of proposal.
- (Received at the second hearing)**
35. Fifth letter from Mark Whitlow, neighbor, 8/18/16, stating concerns.
  36. Fifth letter from Mark Whitlow, neighbor, 8/18/16, stating concerns and requesting revisions to findings.

37. Staff notes from hearing
38. Applicants presentation  
**(Received after the second hearing, first 7 days)**
39. Letter from Kate Washington, PDNA, 8/19/16, reiterating support of proposal.
40. Email from Curt Jennewine, 8/23/16, with petition mentioned at hearing attached.  
**(Received after the second hearing, second 7 days)**
41. Letter from Rod Campbell, 8/26/16, noting concerns about the windows facing north.  
(note this was received after the cutoff for new testimony)
42. Letter from Anyeley Hallova, applicant, 8/30/16, confirming they will not rebut additional evidence or submit a final legal argument.  
**(Received after the second hearing, after second 7 days)**
43. Staff memo to the Commission for final hearing, 9/2/16



# ZONING

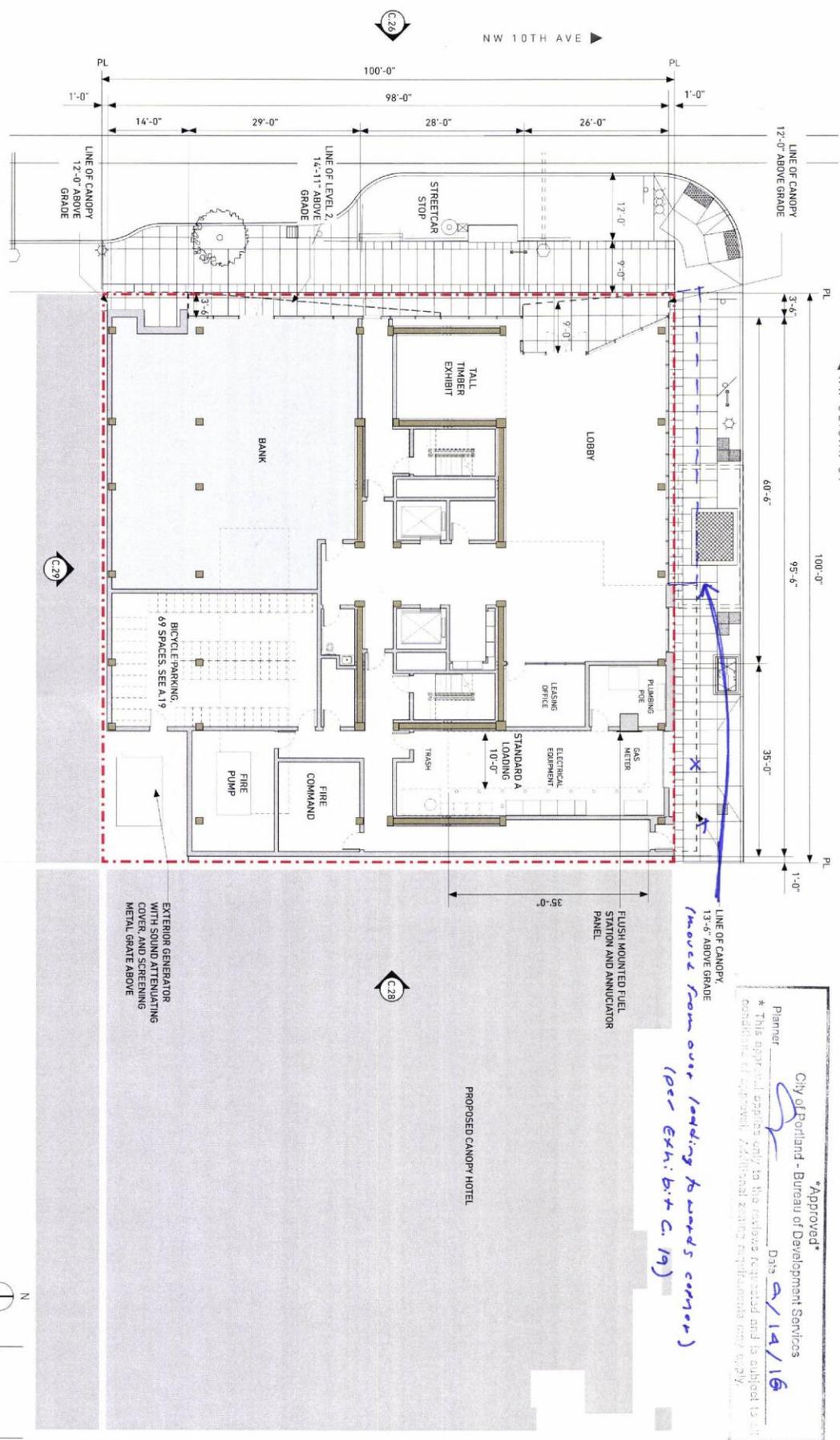
-  Site
-  Historic Landmark

This site lies within the:  
**CENTRAL CITY PLAN DISTRICT**  
**RIVER SUBDISTRICT**



File No. LU 16-128835 DZM AD  
 1/4 Section 3029  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E34CB 2300  
 Exhibit B (Mar 02, 2016)

GROUND FLOOR PLAN



Approved\*  
 City of Portland - Bureau of Development Services  
 Planner: [Signature]  
 Date: 8/14/16  
 \* This approval applies only to the revisions requested and is subject to all conditions of approval. Additional zoning requirements may apply.

*(see Exh. B + C.19)*  
*(move from over loading towards corner)*

PROPOSED CANOPY HOTEL

EXTENSION GENERATOR WITH SOUND ATTENUATING COVER AND SCREENING METAL GRATE ABOVE

FLUSH MOUNTED FUEL STATION AND ANNUNCIATOR PANEL

LINE OF CANOPY 13'-6" ABOVE GRADE

BICYCLE PARKING, 69 SPACES, SEE A.19

FIRE COMMAND

FIRE PUMP

STANDARD A LOADING 10'-0"

TRASH

LESING OFFICE

PLUMBING

GAS METER

ELECTRICAL EQUIPMENT

LOBBY

TALL TIMBER EXHIBIT

BANK

STREETCAR STOP

LINE OF LEVEL 2, 14'-11" ABOVE GRADE

LINE OF CANOPY 12'-0" ABOVE GRADE

LINE OF CANOPY 12'-0" ABOVE GRADE

NW 10TH AVE

NW GLISAN ST





LEVER ARCHITECTURE

FRAMEWORK | LU 16-128835 DZM | JUNE 20, 2016

WEST ELEVATION

EXHIBIT C.26

\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner *[Signature]* Date *9/14/16*  
 \* This approval applies only to the reviews requested and is subject to a conditions of approval. Additional zoning requirements may apply.



LEVER ARCHITECTURE

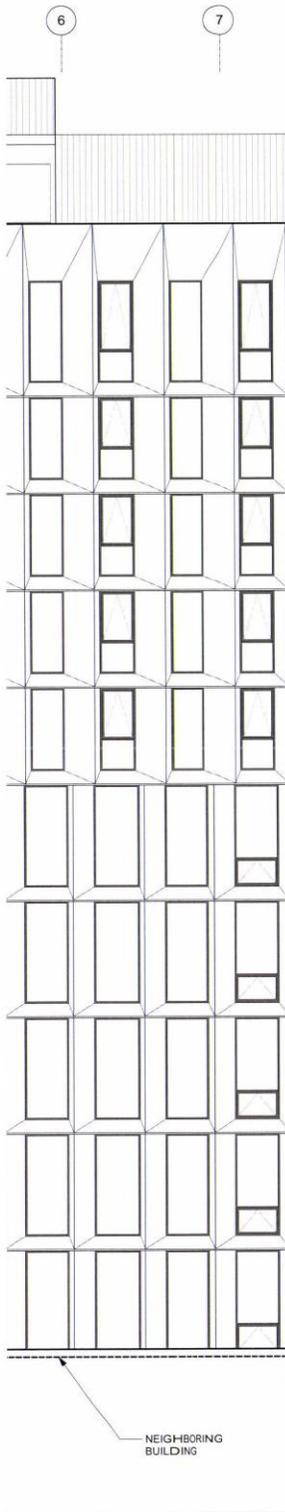
FRAMEWORK | LU 16-128835 DZM | AUGUST 5, 2016

NORTH ELEVATION

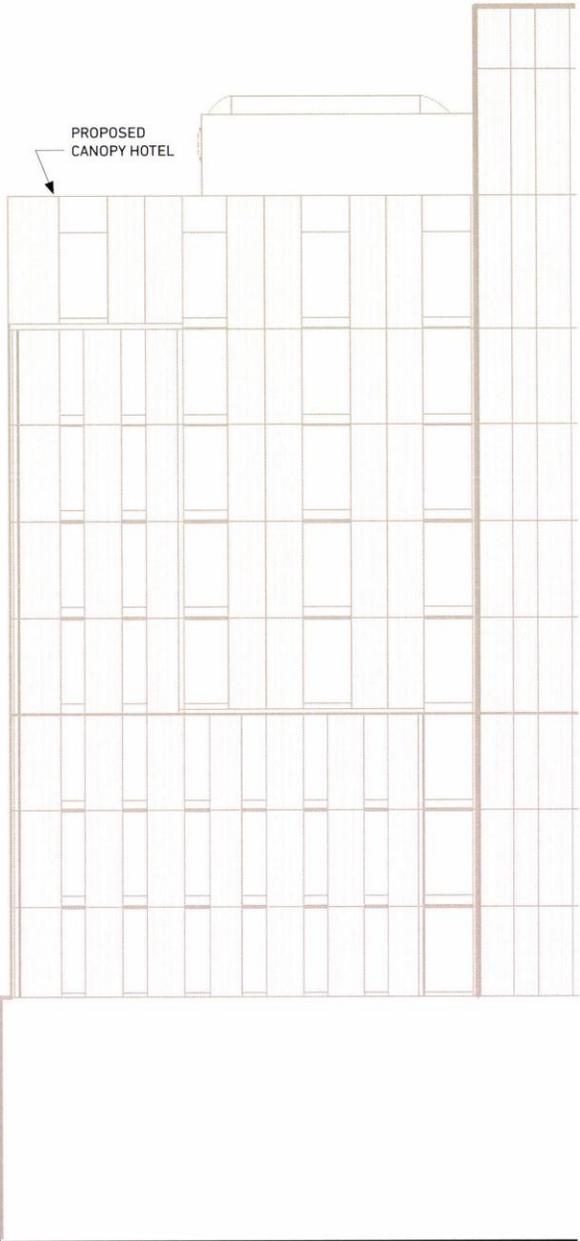
REVISED EXHIBIT C.27

\*Approved\*  
 City of Portland - Bureau of Development Services  
 Date 8/14/16  
 Planner [Signature]  
 \* This approval applies only to the reviews requested and is subject to a conditions of approval. Additional zoning requirements may apply.





**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Planner SR Date 9/14/16  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



**SOUTH ELEVATION**

