



City of Portland, Oregon
Bureau of Development Services
Land Use Services

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Date: March 26, 2009
To: Interested Person
From: Noelle Elliott, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 09-104171 DZ – CHANGES TO THE DESIGN OF THE PARK AVENUE WEST TOWER

GENERAL INFORMATION

Applicant: Vanessa Sturgeon, TMT Development, Owner
805 SW Broadway, Ste 2020
Portland, OR 97205

Fox Tower LLC
1000 SW Broadway St #900
Portland, OR 97205

Bob Thompson, Thompson Vaivoda & Associates, Applicant
920 SW 6th, Ste 1500
Portland OR 97204

Representative: Staci Pfau, TVA Architects, 503-517-8152
920 SW Sixth Ave Ste 1500
Portland OR 97204

Site Address: 728 SW 9th Avenue

Legal Description: PORTLAND PARK BLOCKS LOT 1 BLOCK 4, PORTLAND; PORTLAND PARK BLOCKS LOT 2 BLOCK 4, PORTLAND; PORTLAND PARK BLOCKS S 1/2 OF LOT 3 BLOCK 4, PORTLAND; PORTLAND PARK BLOCKS N 1/2 OF LOT 3 BLOCK 4 LOT 4 BLOCK 4, PORTLAND

Tax Account No.: R667743340, R667743360, R667743380, R667743400
State ID No.: 1N1E34CC 09700, 1S1E03BB 05100, 1S1E03BB 05200, 1N1E34CC 09600

Quarter Section: 3029
Neighborhood: Portland Downtown., contact Jennifer Geske at 503-750-9843.
Business District: Downtown Retail Council, contact Stephen Pirkl at 503-274-7682.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - Downtown

Zoning: CXd: Central Commercial zone with a design overlay
Case Type: DZ: Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant seeks Design Review approval to make changes to the design of the Park Avenue West mixed-use tower, which was approved through a Type III Design Review land-use process in 2007 by the Portland Design Commission [LU 07-140635 MS DZM AD]. The revisions include:

- Changes to ground floor entrances on the north, south and west facades;
- The addition of solid concrete walls to the ground floor of the west façade;
- An increase in the width of the curb-cut for the loading bay and parking garage from 46'-0" to 51'- 2¾";
- Changes to the size and placement of balconies on the uppermost floors, and the addition of a balcony on the east façade of the seventh floor;
- The addition of louvers to the mechanical penthouse;
- The removal of one residential floor, and an increase in floor-to-floor heights to provide for structural and HVAC equipment, thereby maintaining the original approved building height of 476 ft (515 ft including spire);
- A reduction in the total floor area from 474,000 square feet to 473,986 square feet. As a result, there is a reduction in the Base FAR transferred from Park Block 5 to Park Block 4 (Park Avenue West Tower) from 8.7:1 or 174,000 square feet to 8.6993:1 or 173,986 square feet;
- A reduction in the number of residential units from 82 to 53;
- A reduction in the total number of automobile parking spaces from 317 to 253; and
- An increase in the number of long-term bicycle parking spaces provided (from 60 to 69), a change in the bike parking stall, and an increase in the size of the bike parking locker rooms, from 688 square feet to 767 square feet.

Specifically, the proposed changes include the following:

Location	Originally Approved	Proposed
Lower Levels 1 and 5	60 long-term bike parking spaces total	Changes to bike racks (type and size), increase in the number of long-term bike parking spaces from 60 to 69 total
Lower Level 1	688 square foot bike locker room	767 square foot bike locker room
Level 1/Right-of-Way	46'-0" curb-cut	51'- 3" curb-cut
Level 1, E Elevation	27'-0" wide loading door	26'-9 ½" wide loading door
Level 1, E Elevation	24'-0" wide garage door	25'-9 ½" wide garage door
Level 1, E Elevation		Electrical cabinet added
Level 1, W Elevation	Fully glazed west facade	Opaque walls added to the west façade, equaling 34.75% of the ground level of the west façade
Level 1, W Elevation		Slight change to office & residential lobby entrances
Level 1, W Elevation		Side entrances added
Level 1, N & S Elevations		New doors added, slight shift in the location of a door
Levels 2 & 3 E Elevation		New louvers added

Level 2, S Elevation	Canopy/Terrace Element	Now a simple canopy
Level 2, W Elevation	Canopy Broken Near Entry	Continuous canopy
Level 7, E Elevation		Inset Balcony added
Level 22, E Elevation		Balcony added
Level 22, W Elevation		Balcony added
Level 23, W Elevation		Balcony removed, mechanical louvers added
Level 24, W Elevation		Balcony removed
Level 25	Condominium floor	Condo floor removed
Levels 25-28, W Elevation		Balcony removed
Level 29, W Elevation		Slight change to the shape of the terrace
Level 30, N & S Elevations		Slight reduction in the size of the terrace
Level 30	Double height interior space	Continuous floor plate, elimination of double-height interior space
Level 31, W & E Elevations		Increased floor area & elimination of an inset balcony
Level 31, N & S Elevations		Slight reduction in the size of a terrace
Level 32, W & E Elevations		Increase in floor area & new projecting balcony
Level 32, N & S Elevations		Slight decrease in the size of a terrace
Level 33 – Mechanical Penthouse		Additions of mechanical louvers
Total Housing FAR	128,517 square feet	122,349 square feet
Total Office FAR	305,383 square feet	312,030 square feet
Total Retail FAR	37,890 square feet	28,736 square feet
Total FAR	474,000 square feet	473,986 square feet
Total Vehicular Parking (all floors)	317	253
Long-term Bike Parking – Retail & Office	36	51
Long-term Bike Parking - Residential	24	18
Total Long-term Bike Parking	60	69
Bike Locker Rooms (all floors)	688 square feet	767 square feet
Total Base FAR transferred from Park Block 5 to Park Block 4 (Park Avenue West Tower)	8.7:1 or 1,74,000 square feet	8.6993:1 or 173,986 square feet

Relevant Approval Criteria:

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

- 33.825 Design Review
- *Central City Fundamental Design Guidelines*

ANALYSIS

Site and Vicinity: The 20,000 square foot site, bounded by SW Yamhill Street and SW Morrison Street to the north and south and SW Park Avenue and SW 9th Avenue to the east and west, takes up an entire city Park Block in Portland's Downtown. The MAX light rail line

runs along SW Yamhill and Morrison Streets, which are designated Regional Transitway/Major Transit Priority Streets, Central City Transit Pedestrian Streets, and Local Service Bikeways. SW 9th Avenue and Park Ave are both designated City Walkways. The site is within the Downtown Pedestrian District.

The site is part of the downtown Park Blocks, which run north-south between Park Avenue and 9th Avenue. Whereas the South Park Blocks run through the University District and Cultural District, and the North Park Blocks extend north from W Burnside Street to NW Glisan Street in the Pearl District neighborhood, the subject site is located in the area known as the Midtown Park Blocks, which extends from SW Salmon Street to W Burnside. Portland's Park Blocks were platted for public use in the late 1840s by Daniel H. Lownsdale and William Chapman. While their original concept to create 25 contiguous public blocks for parks, schools, and public markets extending north to south was never fully realized, the existing 18 blocks remain a defining element of Portland. As the city has developed around them, each block has taken on its own distinct identity. Unlike the park blocks to the north and south, the Mid-town Park Blocks have primarily been developed, except for South Park Block 5, O'Bryant Square and Ankeny Plaza.

The block is currently home to three buildings, which will all be demolished: the Dental Arts Building, the building that contains Zell Brothers Jewelers, and the Mercantile Building. The Dental Arts Building was constructed in 1908 and is listed on the Historic Resources Inventory, which is compiled by the City of Portland to identify buildings with potential for historic preservation. The Dental Arts Building is composed of brick and was designed by prolific Portland architect John V. Bennes. It exhibits Second Revival Renaissance architecture and has been home to a hotel, offices, and retail. The three-story Zell Brothers Jewelers building was constructed in 1917. Before the building was renovated around mid-century, the façade consisted of terra cotta. Lastly, the Mercantile Building was constructed in 1922 and contains several retailers and the Virginia Café, a bar and restaurant. The café has been in continuous operation at this location since 1922, and has become a venerable downtown landmark with a diverse base of loyal patrons. The Virginia Café supported the construction of nearby Pioneer Courthouse Square by inscribing 140 floor tiles for customers who contributed funding for the project.

Zoning:

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

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

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

1. LUR 93-010686 DZ (reference file # 93-00687): Approval for new awnings with signage on ground floor of existing building.
2. LUR 01-007453 DZ (reference file # 01-00054): Approval for one new awning with signage on south elevation of existing building, near the corner of SW Morrison and 9th Avenue.
3. LU 05-141016 PR: Approval of Central City Parking Review for a new underground parking garage at South Park Block 5, to be constructed as an extension of the existing Fox Tower parking garage, directly east. No new access proposed; access remains from existing entry

and exit in Fox Tower on SW Taylor Street. The new garage contains 606 Visitor stalls and 71 Preservation stalls.

4. LU 06-163144 DZ: Approval of Design Review for South Park Block 5's location of stair and mechanical shaft near corner of SW Yamhill Street and 9th Avenue, and stair, elevator lobby, and mechanical shaft along SW Park Avenue about 53' from SW Taylor Street property line, associated with underground parking approved under LU 05-141016 PR.
5. LU 07-136525 DZM: Approval of Design Review for the design of two parking pavilion structures [locations approved under LU 06-163144 DZ] at South Park Block 5.
6. LU 07-143667 DZM: Approval of Design Review for new café building to be located at South Park Block 5.
7. LU 07-169105 PR: Approval of a Central City Parking Review to allow the Park Avenue West parking access at SW Park Avenue to be within 75' of a light rail alignment.
8. PC 07-112764: Design Advice for a new 33-story mixed-use building, including a transfer of FAR from Park Block 5.
9. LU 07-140633 MS DZM AD: Type III Design Review approval of a 33-story mixed-use building consisting of retail, offices, condominiums, and six levels of below-grade parking with a total of approximately 341 parking stalls. This review also included a Central City Master Plan Review to enable floor area (base floor area and bonus floor area) to transfer from Park Block 5 [block bounded by Park, 9th, Yamhill and Taylor] to Park Block 4 [block bounded by Park, 9th, Yamhill and Morrison].

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed on February 12, 2009. The following Bureaus have responded with no issues or concerns:

- Portland Fire & Rescue;
- Portland Water Bureau;
- Urban Forestry Division of Portland Parks & Recreation;
- Development Review Section of the Bureau of Transportation;
- Site Development Section of the Bureau of Development Services;
- Life Safety (Building Code) Section of the Bureau of Development Services.

The Source Control Section of the Bureau of Environmental Services responded with the following comment: "see 07-140633-LU & 07-112764-EA". *Please see Exhibit E-1 for additional details.*

The Life-Safety Plans Examiner of BDS responded with the following comment: "A Building Permit has been applied for and is currently under review or has been issued or, a Life Safety plans examiner has been in contact with the applicant. Please refer to correspondence from the Life Safety plans examiner for building code-related comments." *Please see Exhibit E-2 for additional details.*

The Portland Bureau of Transportation/Development Review (PBOT) responded with the following comment "Portland Bureau of Transportation/Development Review (PBOT) has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services. With regard to the only transportation-related change noted above, PBOT had the applicant's transportation consultant provide a revised turning movement study to demonstrate that the expected vehicles that will be utilizing the loading bay can continue to maneuver into/out of the bay without any conflicts. The revised diagram did show that there won't be any issues with the expanded curb cut width. PBOT therefore has no concerns regarding this change". *Please see Exhibit E-3 for additional details.*

Neighborhood Review: A "Notice of Proposal in Your Neighborhood" was mailed on February 12, 2009. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

(1) DESIGN REVIEW (33.825)

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

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

Section 33.825.055 Design Review Approval Criteria

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

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

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City. The Central City Fundamental Design Guidelines 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.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven 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.

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.

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.

B5. Make Plazas, Parks and Open Space Successful. Orient building elements such as main entries, lobbies, windows, and balconies to face public parks, plazas, and open spaces. Where provided, integrate water features and/or public art to enhance the public open space. Develop locally oriented pocket parks that incorporate amenities for nearby patrons.

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

D1. Park Blocks. Orient building entrances, lobbies, balconies, terraces, windows, and active use areas to the Park Blocks. In the South Park Blocks, strengthen the area's emphasis on history, education, and the arts by integrating special building elements, such as water features or public art. In the Midtown Park Blocks, strengthen the connection between the North and South Park Blocks by using a related system of right-of-way elements, materials, and patterns. In the North Park Blocks, strengthen the area's role as a binding element between New China/Japantown and the Pearl District.

Findings for A4, A5, B4, B5, C6, and D1: The changes proposed to the ground floor of the building have a relatively minor impact on the design approved through the Type III Design Review process, and are for the most part, related to functional issues that were unclear during the Type III review. The aspects of the building that aid in its integration with the surrounding built environment and help to activate the sidewalk and park, such as its mostly transparent ground floor with active uses and multiple entries, are retained by the proposal. Minor changes proposed, such as an alteration to the location of entry doors at the lobby on SW Park Street, and the addition of solid wall area on the same façade, modify the building's appearance to some degree, but retain the building's compatibility with the neighborhood and its public spaces.

The addition of solid wall area to the ground floor of the west façade has been added to help visually frame the prominent residential and office lobby that face SW 9th Avenue. While glazed wall area and two retail doors have been removed from the west facade, the majority of the ground floor wall area is maintained as transparent vision glass, thereby continuing to provide clear visibility into the retail portions of the building that wrap the northwest and southwest corners, and into the paired lobbies that reside in the center of the block. These two primary building entrances, with access to floors two through thirty-two, generate a significant level of activity along the sidewalk. New retail entries have been notched-out at the northwest and southwest corners, further helping to activate the west façade. The new covered doors face south and north, with the southern door contributing to greater connectivity with Park Block 5 located directly across SW Yamhill Street, and the adjacent MAX light rail alignment. These new covered doorways provide a transitional area for people to gather and seek shelter from the elements, and observe the activity within the park and along the urban streets of SW Morrison Street and SW Yamhill Street. In addition, the new corner entries emulate corner entries found on neighboring buildings, such as the Nordstrom's building to the east and the adjacent parking garage to the west. The new solid wall area incorporated into the west façade is rendered in stone panel, with joint lines and proportions corresponding to the vertical lines of the tower. The stone material reflects architectural aspects of the surrounding urban environment, recalling quality materials found in historic buildings and the City's monumental towers, including the Union Bank of California Building and the Wells Fargo Center.

Alterations to the balconies on the building's upper floors are primarily shifts in placement, with a relatively insignificant reduction in total outdoor space. The total square footage of the balcony area in the Type III proposal equaled 21,304 square feet, whereas the total balcony area currently proposed equals 20,426 square feet, a difference of 878 square feet. This is a relatively minor difference over the 33-story tower, particularly as an entire residential floor was removed from the proposal. The revised balcony design continues to

help activate the neighborhood with visible residential and commercial activity, albeit high in the air, and provides the potential for passive and active surveillance of the surrounding neighborhood.

These guidelines are therefore met.

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

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

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

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 A7, A8, B1, C7, C8 and C9: The changes proposed to the design of the ground floor are relatively minor, and help to visually differentiate the ground floor from the upper floors of the tower, while continuing to foster an activated urban environment. The loss of transparent glazing and retail doors on the west façade is mitigated by the significance of the paired entrances to the office and residential tower, which should generate a considerable level of activity along the street. In addition, the new notched entrances at the northwest and southwest corners help to activate the north, south *and* west building frontages. The slight increase in separation between the residential and office entrances helps to highlight their individuality and make the tower's dual program more comprehensible from the street. The addition of solid wall area to the ground floor of the west façade helps to visually frame these important lobby entrances, and provides a degree of visual pause between the retail areas at the corners and the centralized lobbies. In addition, the new stone wall area helps to visually differentiate the ground floor from the metal and glass of the tower. Paired with the stepped concrete base at the ground floor, the new stone wall area helps to add visual weight to the lower level as it meets the sidewalk, reinforcing the prominence of the ground level of the building through a change in material.

The addition of new recessed and covered entries at the northwest and southwest corners encourage more active intersections and greater pedestrian interactivity along the north, west, and south frontages. This increased recess at the building corners maintains a strong sense of urban enclosure, as the majority of the frontage maintains its lot line configuration. The proposed change to the form of the ground floor helps to increase its accessibility and flexibility, and strengthens the building's relationship with the transit streets and the new park. The covered areas support a variety of active uses, and may help park activities to spill across the street and better knit the new building with its pedestrian setting.

The addition of a commercial balcony at the seventh floor of the east façade increases the

interactivity of the building's tall podium with the street environment, which is particularly beneficial along the building's more service-oriented frontage (loading bays and the garage entrance are located on the east façade). The increase in the width of the curb cut is relatively minor (within 12% of the original design) and improves the functionality of the loading bay.

These guidelines are therefore met.

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

Findings for B2: While the majority of mechanical equipment servicing the building is located above the pedestrian realm, a new gas regulator room that houses the gas meters for the building is proposed to be located at the ground level adjacent to the loading bay on the east façade. The location of this room is determined by its need to be accessible from the sidewalk, and placement alongside other service areas (loading bay and garage) protects the more active building frontages. The double doors that service this room are placed above ground level, notched into the concrete base that creates a consistent floor plate across the sloped site. The new metal doors are clad in smooth metal panel that matches new metal panels located to the south of the doors, and throughout the building exterior. This maintains a strong symmetry to the ground floor composition, which is carried vertically up the tower. In addition, areas of louvers have been placed directly above this new metal clad bay, in a central bay on the building's second and third floors. By joining these service functions and carefully integrating them into the building's architectural composition, their visual impact on the façade is minimized.

This guideline is therefore met.

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

Findings: Park Avenue West complies with the Americans with Disabilities Act (ADA) as incorporated into the International Specialty Code. Access systems are integrated into the building's design concept, and the new retail doors placed at the northwest and southwest corners are 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.

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.

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 C1, C2, C5 and C11: The proposed changes to the design of the Park Avenue West Tower have a minimal impact on the design, and reflect further development of the

building through a more realistic understanding of the building's circulation, mechanical and structural requirements. The revisions to balconies located on floors three through thirty-two reflect interior changes, but have the overall effect of maintaining the building's sculptural and formal dynamism that was approved through the Type III review.

The addition of louvers to the lower podium floors and the mechanical penthouse floor are carefully incorporated to provide a similar look and materiality to the building's smooth metal panel cladding system, with the upper floor louvers appearing as a solid plane when viewed from below. The new louvers should visually blend with adjacent metal panel, and are carefully placed within the building's very ordered composition.

The addition of new recessed entries and solid stone wall areas to the west façade of the building's ground floor helps to emphasize the primary lobby entrances on SW 9th Avenue, and activates the northwest and southwest corners and the park. The relatively large glazed area along SW 9th Avenue, with a high concentration of pedestrian activity mid-block at the residential and office entrances and at the retail corners, ensures that the addition of opaque wall area has a minimal impact on the interactivity of the ground floor.

The aspects of the building that received the highest level of scrutiny at the hearings and DAR have been left mostly unchanged by the recent proposed alterations. The clarity of the glazing, building height, compatibility and identity in the City skyline, and the building's sculptural character changed little. The increase in the width of the curb cut, which was a point of discussion at the hearings, is driven by the desire for a more functional loading bay. The change will not impact the number of on-site parking spaces or significantly impact the distance of the curb cut to the Morrison Street and Yamhill Street intersections. In addition, the increase in width from 46'-0" to 51'-3" is within 12% of the original width, and improves the functionality of the building. Furthermore, this change is supported by the Bureau of Transportation (see Exhibit E.4 for additional details).

These guidelines are therefore met.

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and therefore warrants approval. The changes proposed to the design of the Park Avenue West Tower reflect the continued evolution of the building design. Most of the changes are pragmatically driven and reflect aspects of the program that had not yet been incorporated into the original approved design. The alterations to the ground floor support active uses along the sidewalk, and a strong relationship between the design of the tower, podium, and the ground floor, as vertical elements of the tower are carried to the ground. The addition of solid walls on the west façade and entrances at the building's northwest and southwest corners support the activation of the retail elements at the base and offer greater differentiation between the entrances to the building's residential, office, and retail components. The alterations to balconies on the building's upper floors maintain the tower's sculptural form, and the addition of louvers to the mechanical penthouse level and the lower floors are carefully integrated with the building design to minimize their visual impact on the façade.

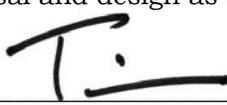
ADMINISTRATIVE DECISION

Approval of changes to the design of the Park Avenue West mixed-use tower located in the Central City Plan District including:

- Changes to ground floor entrances on the north, south and west facades;
- The addition of solid concrete walls to the ground floor of the west façade;
- An increase in the width of the curb-cut for the loading bay and parking garage from 46'-0" to 51'- 3";
- Changes to the size and placement of balconies on the uppermost floors, and the addition of a balcony on the east façade of the seventh floor;
- The addition of louvers to the mechanical penthouse;
- The removal of one residential floor, and an increase in floor-to-floor heights to provide for structural and HVAC equipment, thereby maintaining the original approved building height of 476 ft (515 ft including spire);
- A reduction in the total floor area from 474,000 square feet to 473,986 square feet. As a result, there is a reduction in the Base FAR transferred from Park Block 5 to Park Block 4 (Park Avenue West Tower) from 8.7:1 or 174,000 square feet to 8.6993:1 or 173,986 square feet;
- A reduction in the number of residential units from 82 to 53;
- A reduction in the total number of automobile parking spaces from 317 to 253; and
- An increase in the number of long-term bicycle parking spaces provided (from 60 to 69), a change in the bike parking stall, and an increase in the size of the bike parking locker rooms (from 688 square feet to 767 square feet).

Per the approved site plans, Exhibits C-1 through C-41, signed and dated March 24, 2009, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.41. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-104171 DZ. No field changes allowed."

Decision rendered by:  **on March 24, 2009**

By authority of the Director of the Bureau of Development Services

Decision mailed: March 26, 2009

Staff Planner: Noelle Elliott

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 23, 2009, and was determined to be complete on **February 9, 2009**.

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 23, 2009.

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 with a letter asking that the decision be delayed until further information was submitted. *See Exhibit A.3 for additional information.*

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

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

Conditions of Approval. If approved, this project 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.

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 9, 2009** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor.

An appeal fee of \$250 will be charged. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. 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 the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

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 the Land Use Board of Appeals (LUBA) on that

issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

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 **April 10, 2009 – (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 may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

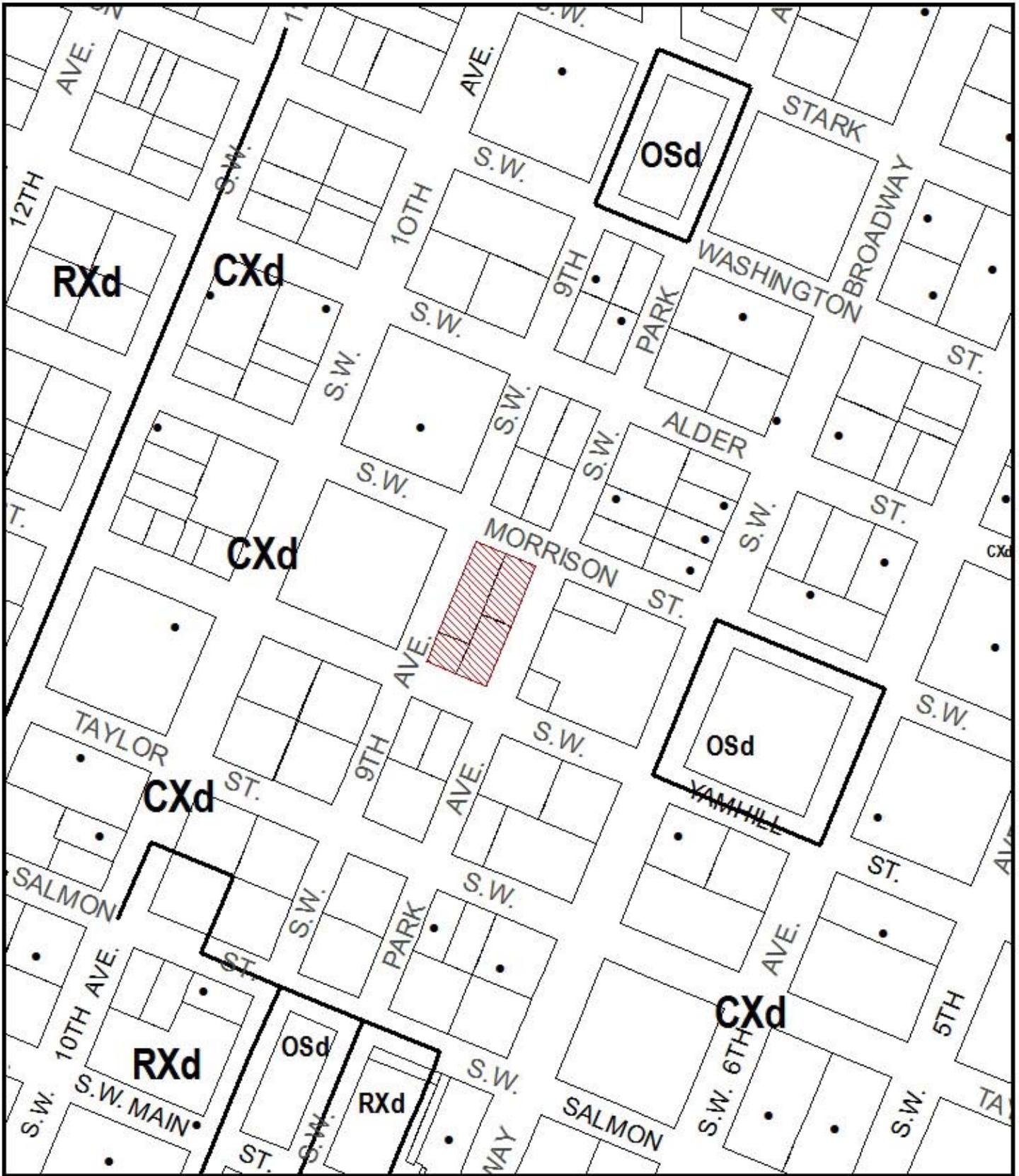
EXHIBITS

NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement

1. Statement and Drawings
2. Additional Information
3. Email correspondence dated February 27, 2009, asking to hold-off on issuing the decision until further information is submitted.

- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan
 - 2. Enlarged Site Plan, changes noted
 - 3. Enlarged Site Plan, Updated, without changes noted (attached)
 - 4. Retail Level 2 Plan
 - 5. Office Level 7 Plan (floors 3-6 remain unchanged)
 - 6. Office Level 8 Plan
 - 7. Office Level 22 (floors 9-21 remain unchanged)
 - 8. Condo Level 23 Plan
 - 9. Condo Level 24 Plan
 - 10. Condo Level 25 Plan
 - 11. Condo Level 26 Plan
 - 12. Condo Level 27 Plan
 - 13. Condo Level 28 Plan
 - 14. Condo Level 29 Plan
 - 15. Condo Level 30 Plan
 - 16. Condo Level 31 Plan
 - 17. Condo Level 32 Plan
 - 18. Mechanical Penthouse Level 33
 - 19. Lower Level 1 Plan
 - 20. Lower Level 2 Plan
 - 21. Lower Level 3 Plan
 - 22. Lower Level 4 Plan
 - 23. Lower Level 5 Plan
 - 24. Lower Level 6 Plan
 - 25. South Elevation (facing SW Yamhill Street)
 - 26. East Elevation (facing SW Park Avenue) (attached)
 - 27. North Elevation (facing SW Morrison Street)
 - 28. West Elevation (facing SW 9th Avenue) (attached)
 - 29. South Elevation (facing SW Yamhill Street), with notes
 - 30. East Elevation (facing SW Park Avenue), with notes
 - 31. North Elevation (facing SW Morrison Street), with notes
 - 32. West Elevation (facing SW 9th Avenue), with notes
 - 33. Enlarged West Elevation, Ground Floor
 - 34. Enlarged Loading Dock Plan
 - 35. Enlarged East Elevation, Ground Floor
 - 36. Enlarged Lower Level 1 Plan
 - 37. Enlarged Lower Level 1 Plan, Bike Locker Room
 - 38. Enlarged Lower Level 5 Plan
 - 39. Enlarged Lower Level 5 Plan, Bike Locker Room
 - 40. Spreadsheet Outlining Square Footage and Parking Count Changes
 - 41. Bike Racks – Manufacturer’s Cutsheet
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Source Control Section of the Bureau of Environmental Services
 - 2. Life-Safety Plans Examiner of BDS
 - 3. Bureau of Transportation Engineering
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research



ZONING



Site



Historic Landmark



NORTH

This site lies within the:
CENTRAL CITY PLAN DISTRICT

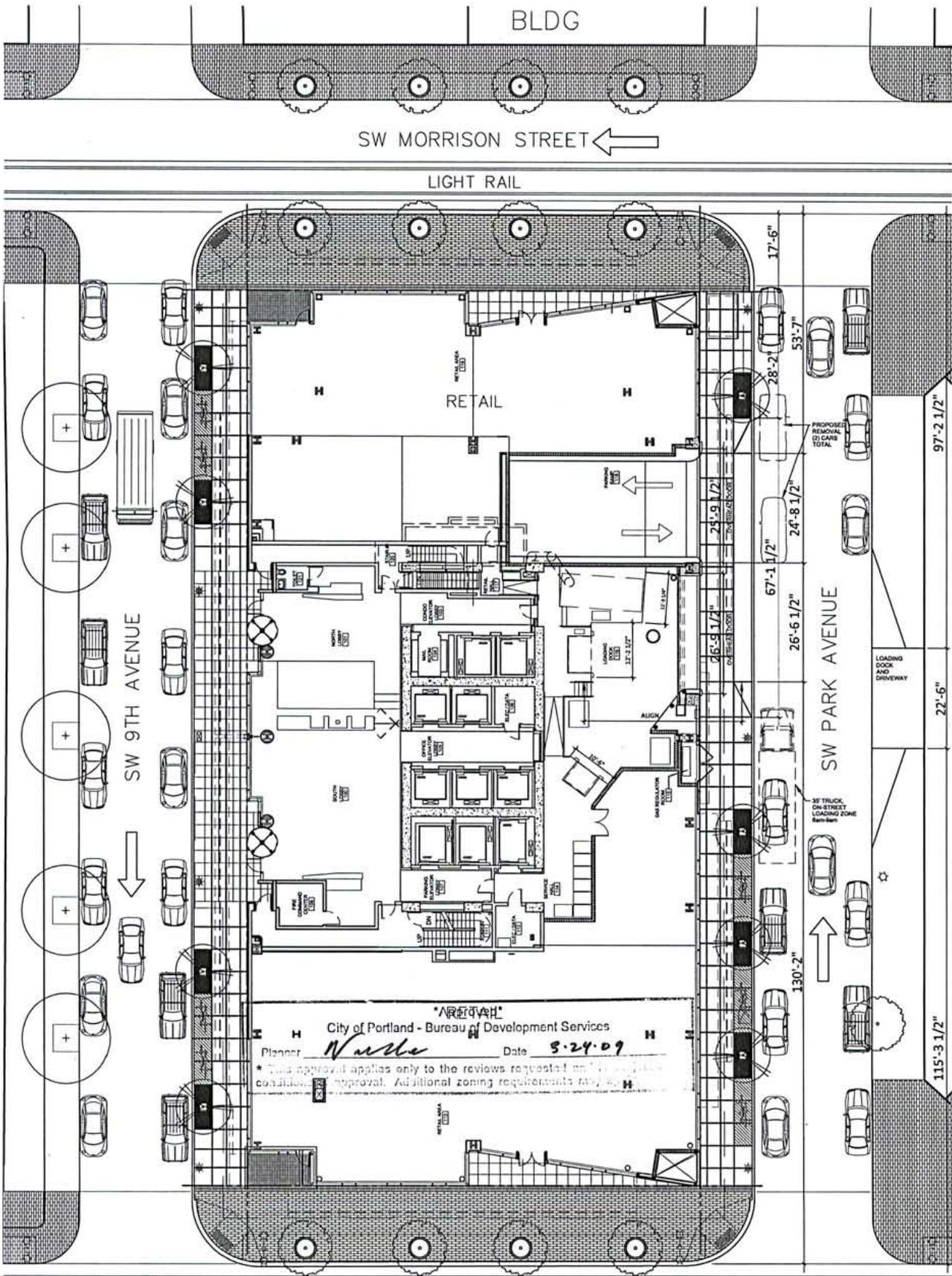
File No. LU 09-104171 DZ

1/4 Section 3029,3129

Scale 1 inch = 200 feet

State_Id 1S1E03BB 5100

Exhibit B (Feb 9, 2009)



BLDG
SW MORRISON STREET ←

LIGHT RAIL

SW 9TH AVENUE

SW PARK AVENUE

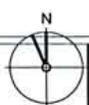
LIGHT RAIL

SW YAMHILL STREET →

City of Portland - Bureau of Development Services
 Planner *W. N. N. N.* Date *5.24.09*
 * This approval applies only to the reviews requested on this application. Additional zoning requirements may apply.



LU09-104171 D2
Exhibit C.3

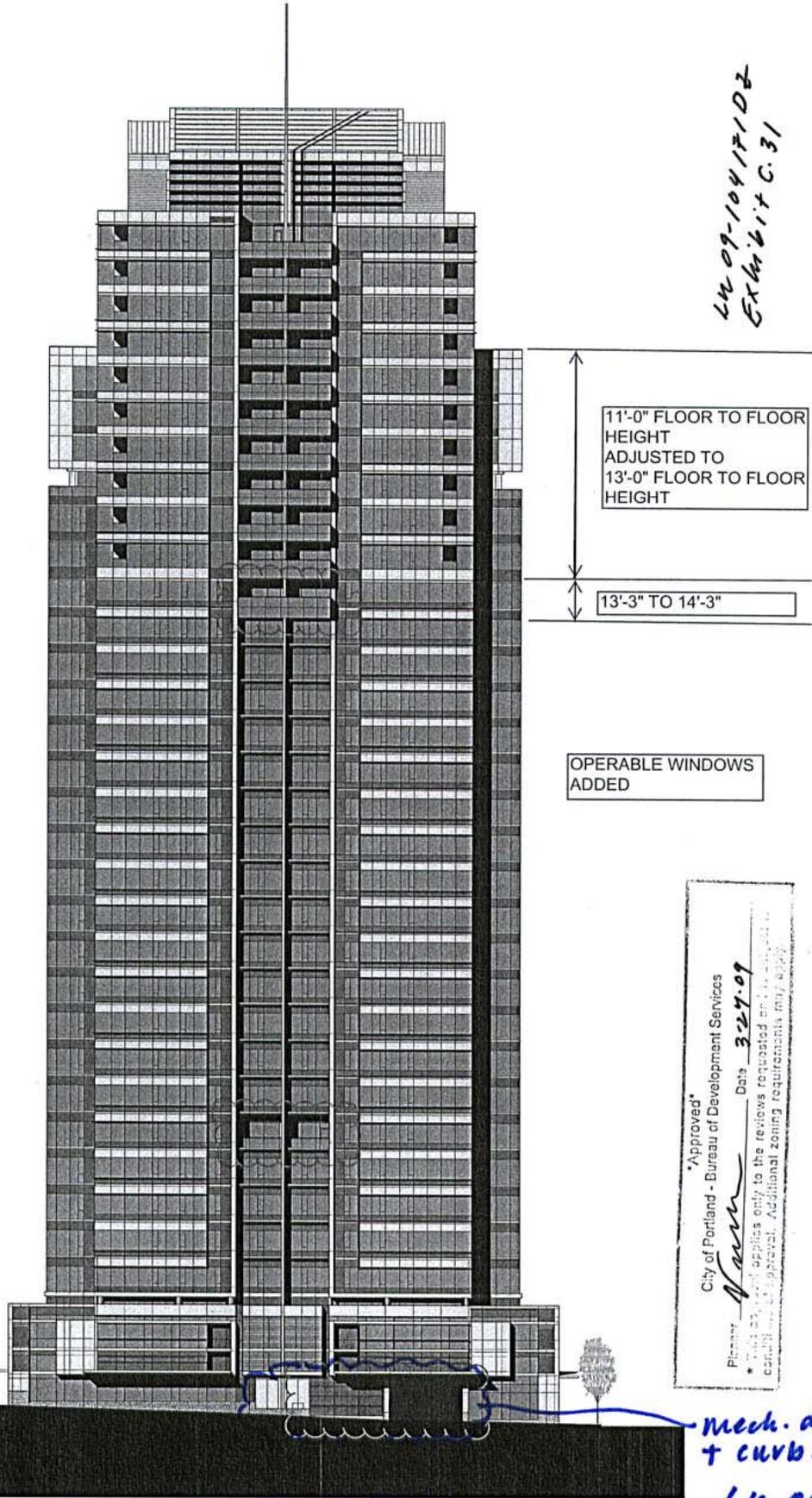


tva architects

park avenue west tower
TMT DEVELOPMENT
portland, oregon

*LU09-104171 D2
Exhibit C.3*

LW 09-104171 D2
Exhibit C.31



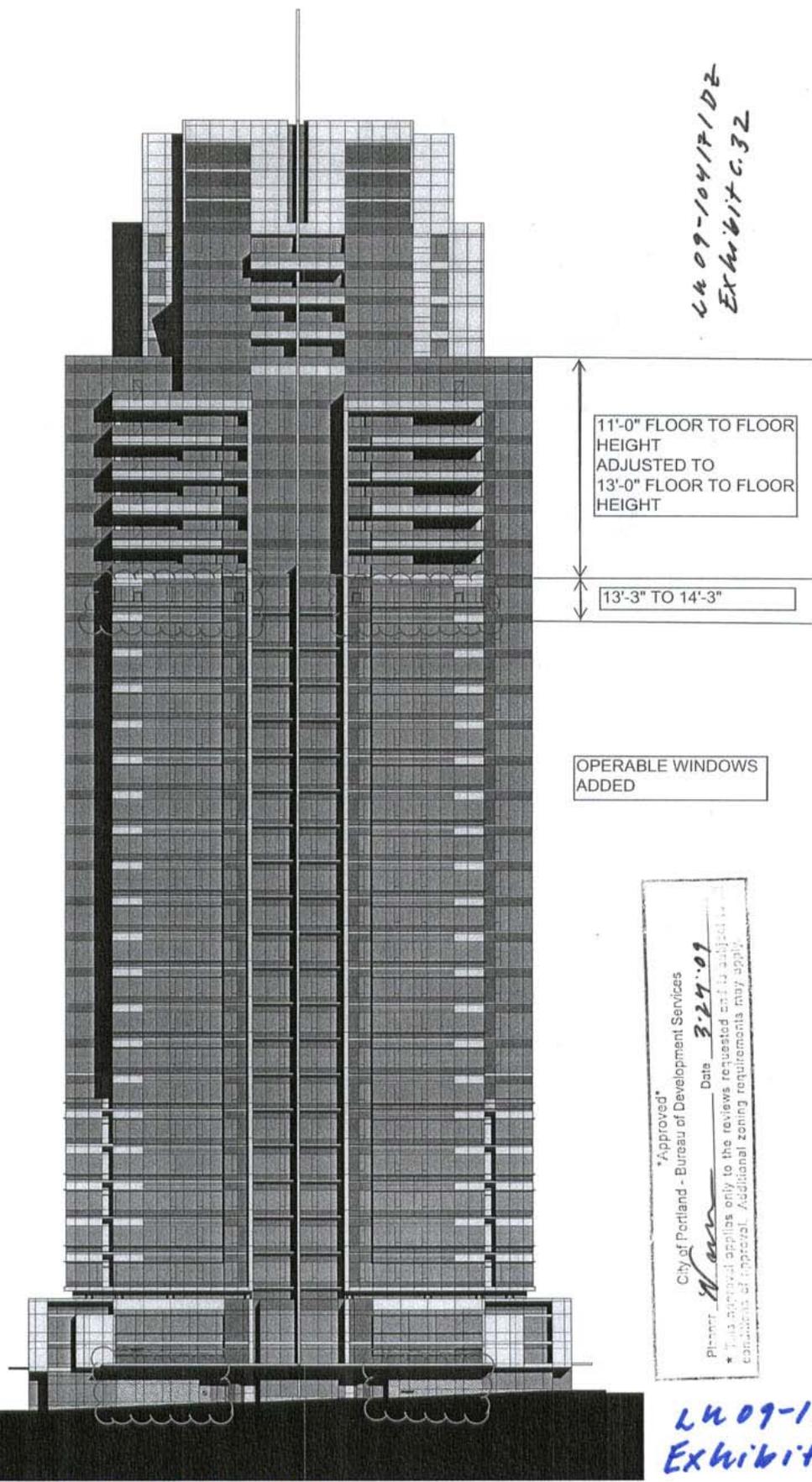
East Elevation Facing SW Park Ave

mech. doors added + curbcut widened

LW 09-104171 D2
Exhibit C.31

Park Avenue (East) Elevation - updated

LU 09-104171 D2
Exhibit C.32



11'-0" FLOOR TO FLOOR
HEIGHT
ADJUSTED TO
13'-0" FLOOR TO FLOOR
HEIGHT

13'-3" TO 14'-3"

OPERABLE WINDOWS
ADDED

Approved
City of Portland - Bureau of Development Services
Planner: *W. [Signature]* Date: 3.24.09
* This approval applies only to the reviews requested and is subject to comments of approval. Additional zoning requirements may apply.

LU 09-104171 D2
Exhibit C.32

West Elevation Facing SW 9th Ave

Ninth Avenue (West) Elevation - updated