



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

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FINAL FINDINGS AND DECISION BY THE DESIGN COMMISSION RENDERED ON October 22, 2015

**CASE FILE NUMBER: LU 15-169591 DZM AD MS
PC # 15-120750**

NW 11TH & HOYT

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

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

GENERAL INFORMATION

Applicant: Scott Passman | Ankrom Moisan Architects | 6720 SW Macadam, Suite 100 | Portland, OR 97219

Owners: John Carroll | Carroll Investments | 4129 SW Greenleaf Court
Portland, OR 97221

Debbie Thomas Geffrard | Debbie Thomas Real Estate | 3-D Investments LLC | 402 NW 13th Ave | Portland, OR 97209-2930

Site Address: 535-537 & 530 NW 11TH AVENUE

Legal Description: COUCHS ADD BLOCK 76 LOT 5&8 AND BLOCK 75 LOT 6
Tax Account No.: R180206900, R180206980
State ID No.: 1N1E34BC 05100, 1N1E33AD 03100
Quarter Section: 2929
Neighborhood: Pearl District, contact Patricia Gardner at 503-243-2628.
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 zone with a Design overlay
Case Type: DZM AD MP – Design Review with Modifications and an Adjustment and a Central City Master Plan Review
Procedure: Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

Proposal:

The applicant seeks Design Review approval for a new 14-story, 153' tall residential building in the River sub district of the Central City plan district. The building will provide 102 apartments and approximately 1,500 SF of retail on the ground floor along the east frontage. Parking for 52 vehicles will be provided within the building, the majority via a mechanized parking system that is accessed off NW Hoyt. Bike parking for tenants (155 in total) will be provided in a large room within the basement level. Outdoor terraces are provided on the rooftop and atop the 2nd floor along the south end. Juliette balconies are provided for the units at the 2nd and 14th floors. The building exterior finishes include brick, pre-cast concrete, metal panel, and aluminum storefront and vinyl windows.

The project also includes a Central City Master Plan Review for the transfer of floor area from 530 NW 11th located immediately east of the site. The 10,000 site is allowed a base Floor Area Ratio (FAR) of 6:1 with an additional 3:1 FAR for floor area committed to housing (total 9:1 FAR or 90,000 SF of floor area). The project seeks an additional 20,000 SF of floor area via a FAR transfer from 530 NW 11th bringing the total FAR for the site to 11:1, which would be slightly more than the 17,520 SF of extra floor area needed to accommodate the building as proposed. The 100' base height limit is increased to 145' via the 3:1 bonus FAR earned for the residential component. The additional 8', measured to the top of the building parapet, is requested through the housing height bonus of PZC Section 33.510.210.E.

The following Modifications are requested:

1. Ground Floor Windows - To allow artwork to substitute for some of the ground floor window requirement and to reduce the overall window length requirement from 50% to 40.5% along NW Hoyt (PZC Section 33.510.220).
2. Ground Floor Active Use - To reduce the ground floor active use requirement along NW Hoyt from 50% to 25% of the frontage (PZC Section 33.510.225).
3. Bike Parking - To reduce the width of 58 long-term bike parking spaces from 2'-0" to 18" (PZC Section 33.266.220.C.b).
4. Loading - To allow the one small Standard B loading space provided on site to be located within the drive aisle of the parking area in the garage (PZC Section 33.266.130.A)
5. Height Projections - To allow the rooftop mechanical room and screen enclosure to be within the 15' setback from the roof edges (9' at closest point), allow the screen enclosure to extend above the height limit (10' tall) and exceed the 10% roof coverage (26% excluding roof screen PZC Section 33.140.210.B.2)

The following Adjustment is requested:

1. Loading - To reduce the number of required on-site Standard B loading spaces from two to one 9' wide x 18' long x 10' vertical clearance (PZC Section 33.266.310.C).

Approval Criteria:

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

- Central City Fundamental Design Guidelines
- River District Design Guidelines
- Central City Master Plan – Section 33.510.255.E
- Modifications – Section 33.825.040
- Adjustments – Section 33.805.040
- Bonus Height - Section 33.510.210.E.4
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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 southbound Portland Streetcar line for connections to the downtown core, Max light rail, and the South Waterfront District and one block from the northbound Portland Streetcar line for connections to NW 23rd Avenue, Good Samaritan Hospital, and the Nob Hill neighborhood. It is one block north of NW Glisan and three blocks north of NW Everett streets, which provide key east-west car and bus connections. The site is also within four blocks of Interstate 405.

The site is the quarter-block at the northeast corner of the block bounded by NW Hoyt, NW 11th, NW Glisan, and NW 12th. The site has 100' of frontage on NW Hoyt and 100' of frontage on NW 11th for a total of 10,000 square feet and is developed with a single story commercial building. The project also includes the one-story warehouse across 11th Avenue at 530 NW 11th. The project proposes to transfer 20,000 SF of floor area from the property across 11th to the site via the Central City Master Plan review.

NW 11th is designated as a Transit Access Street. Both street frontages are Local Service Bikeways. The site is located within the Northwest Triangle Pedestrian District.

Zoning: The Central Employment (EX) zone implements the Central Employment map designation of the Comprehensive Plan. The 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 development standards are intended to allow new development which is similar in character to existing development.

The Design Overlay (d) zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. 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 or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

Land Use History: City records indicate there is one prior land use review for 530 NW 11th site:

- LU 09-129849 DZ – A 2009 Design Review approval for a storefront alteration and sign.

Project History:

- 1st Design Review hearing occurred on September 10, 2015 where the Commission indicated additional items needed to be addressed in order to meet the approval criteria. Comments from the hearing are summarized in Exhibit H-1.
- EA 14-209169 – An Early Assistance meeting occurred with the project team and City Staff (BDS, BES, PBOT & Water only) on September 26, 2015.
- EA 15-120750 PC - A Pre-Application Conference occurred with the project team and City Staff on March 24, 2015.

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed August 21, 2015. The following Bureaus have responded with no issue or concerns:

- Bureau of Environmental Services

- Water Bureau
- Fire Bureau
- Bureau of Transportation Engineering
- Site Development Review Section of BDS
- Plan Review Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 21, 2015. Three written responses were received at or after the first hearing on September 10, 2015 from either the Neighborhood Association or notified property owners in response to the proposal.

- Patricia Gardner, Pearl District Neighborhood Association, stating support for the project.
- Robert Brand, stating concerns with the height and potential development on the rest of the block.
- Jane Flaherty, questions and concerns related to parking, height, and site contamination.

Response to Comments:

- The Commission stated support for the height at the hearing on September 10th.
- There is no minimum number of parking spaces required for the development. Streetcar and frequent bus service in the immediate vicinity will support the transportation needs of those occupants without vehicles.
- The applicant is required to work with the state DEQ agency on any contamination on the site.

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.

Findings: The project includes a number of features that relate to Portland's identity. The visible on-site stormwater facility atop the 2nd floor expresses the rainy climate of the Pacific Northwest and can be experienced from the adjacent and upper floor units on the south side. A large amount of bike parking for the residents supports the bike culture of the City. The project has a goal to obtain LEED Gold certification through the LEED for Homes, Multifamily Mid-Rise program, which supports the City's sustainable growth values. *This guideline has 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 building extends to the property line along both NW Hoyt and NW 11th frontages with the exception of four recessed entries

that are setback approximately 3'-0" from the building's street façade. These setbacks at the building entries provide areas off the sidewalk to stop and visit or rest. *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.

Findings for A5-1 and A5-1-1: The project relates to the historic character of Pearl District buildings by utilizing a brick exterior that is designed with a traditional load bearing expression. The building provides a unified, monolithic tripartite composition for a base, middle and top, with distinct cornice lines to acknowledge the historic building fabric. Active ground retail will open onto the sidewalk to connect the building to the community and the pedestrian realm. Common amenity space at the 2nd floor terrace is purposefully located on the exterior and faces down to the building entry and busy street.

The project's activating elements (second story roof gardens, residential lobby and retail entries, art glass panels) 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. *These guidelines have been met.*

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: The project integrates stormwater management into the development at the 2nd floor terrace. Rain water from the main rooftop is collected and piped to the 2nd floor planter area. The stormwater planter adds a landscape buffer and critical stormwater function that is attractive with or without water. Views are enhanced for south facing units that look down on the 2nd floor terrace. *This guideline has been met.*

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.

C3-1. Integrate Parking. Design parking garage exteriors to visually integrate with their surroundings. This guideline may be accomplished by:

- 1) Designing street facing parking garages to not express the sloping floors of the interior parking.

Findings for A5-4, A8 and C3-1: Active spaces for both retail and the residential lobby contain transparent glazing to visually connect these interior spaces with the adjacent sidewalks. Individual entries along both frontages marked with canopies and light fixtures provide direct pedestrian access. The applicant is working with the Regional Arts and Culture Council (RACC) to install art glass panels within three bays along the edges of the garage on the Hoyt frontage as mitigation to the ground floor window requirement.

In response to the need to provide a public benefit for the FAR transfer, an additional art piece integrated into the south wall of the sidecar, referred to as the “dissolving wall”, has been added to the project (see Section 5 of the report for more details about additional RACC coordination). Once installed, the two art pieces will provide visual interest and increase the public enjoyment along the pedestrian environment.

At the hearing on October 22, 2015, the Commission indicated the garage elements needed to be more opaque in order to limit the amount of light emitting from the garage, which would detract from the art glass within the ground floor bays. This is consistent with RACC's provision that more consideration is given to the overall lighting along the Hoyt façade so that it is favorable to the artwork. The Commission, therefore, added a condition of approval for the garage door, adjacent person door and side lite to be at least 90% opaque and for the addition of baffling to be installed behind the three art glass pieces. *As revised and conditioned, these guidelines have been met.*

A9. Strengthen Gateways. Develop and/or strengthen gateway locations.

A9-1. Provide a Distinct Sense of Entry and Exit. When developing at gateway locations, provide a distinct sense of entry and exit that relates to the special qualities of an area. This guideline may be accomplished by:

- 1) Orienting building massing and form towards the intersection of a major district entrance.
- 2) Creating structures or art or using special historic structures to frame a key district or special area entry.

Findings for A9 & A9-1: This site is not an identified gateway. *These guidelines are therefore not applicable.*

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.

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 Hoyt and NW 11th 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 the brick veneer piers that anchor the project at the ground level. The ½” reveals in the brick with soldier course and stacked bonding details at the piers provide a layer of detail and richness along the sidewalk level. Canopies, light fixtures, art glass panels and the ornamental concrete panels that will flank the lobby entry are additional human scaled elements along the base that provide visual interest for pedestrians. Between the piers storefront glazing will connect pedestrians to the building lobby and retail spaces.

The required loading/trash/recycling functions will be carried out inside the building on the north side, so that there is very limited exposure of pedestrians to these activities. The highest level of pedestrian activity will be on 11th Avenue, associated with the Streetcar stop and the residential entrance. The loading bay and garage entrance will be located on Hoyt which has the lesser vehicular and pedestrian load. Safety will also be enhanced by mounted light fixtures that will light the base of the building while the entry alcoves have integral down lights illuminating the entrances and abutting sidewalk.

Louvers that provide ventilation for the garage are located along Hoyt above the art panels. 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. Exhaust for an emergency generator located in the basement will occur in the form of a lantern atop the 2nd floor outdoor terrace at the south end. A letter from an industry engineer, states that exhaust from the generator will only occur in the event of an emergency when the generator is operational and for 29 minutes for a monthly testing at which time the residents fronting the outdoor space will be notified. Noise generated will be minimal as the generator is located in the basement, will meet the City’s Noise Code requirements and would only occur in the event of an emergency.

These guidelines have been met.

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

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: Canopies provided above the building entrances along both street frontages are the only elements that project into the right-of-way. With depths of 3’-6 and 6’-0”, and lengths of 6’-4” and 42’-6”, the canopies will provide a generous amount of protection for pedestrians at the building entry points and along the sidewalk. The canopies will be comprised of composite metal panel, which is used elsewhere on the exterior and well integrated into the facades above the storefronts for a coherent composition. *These guidelines have been met.*

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

Findings: All areas of the building, parking and 2nd floor terraces are designed for accessibility. The basement and upper floors are accessible by elevator from the main 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: The building's primary structure is post-tensioned concrete. The building's envelope is brick. Ornamental elements of precast concrete masonry accent the brick at entry piers and above at cornice lines. Metal panels in both flat and chevron profile occur on the upper corner facades, as spandrels and on portions of the rooftop screen and enclosures. The 22-gauge panels will be backed to provide a sturdy panel that resists 'oil-canning'. The spandrel metal panels are a composite system that ensures rigidity. The Innotech vinyl windows on the upper floors are similar to the commercial-grade vinyl systems, such as VPI, that have been previously approved due to their higher quality finish and detailing. Steel tracery in the form of signage, structural brackets, and light fixtures are highlights along the building. *This guideline has been met.*

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.

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

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

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.

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

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

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 A4, A5, A1, C1, C1-1, C4, C5 and C11: The project incorporates elements of scale, massing, height and materials derived from the vocabularies in the Pearl and NW residential districts. Brick is a common material throughout the Pearl and it will be the primary material of the building. The building incorporates the typical elements of a tower building with a distinct base, middle, and top. Juliette balconies are distinguished

by decorative metal railings and help to further articulate the base and top elements of the building.

The building is a simple, straightforward, and coherent design with high quality materials and meaningful details. The brick material and piers that meet the ground anchor the building to the site. The regularized bays throughout provide consistency among all facades and are reminiscent of the warehouse aesthetic that permeates the district. Large canopies, lighting and signage provide human scale at the ground floor which is common in the district.

At the hearing on September 10, 2015, the Commission indicated the rooftop, specifically the metal enclosure, was the weakest part of the design. In response, the rooftop has been revised to include an outdoor deck (of an intimate scale) and the enclosure is an extension of the architectural language of the building with brick and metal panel (both chevron and flat). These changes integrate these necessary rooftop elements (elevator overruns, stair enclosures and mechanical screening) in a manner that accentuates the top of the building and complements the building's overall design concept. The outdoor deck also provides an additional opportunity to take advantage of surrounding views.

The other significant design concerns raised at the hearing included the need to design and consider all four facades and not just focus on the two facing the street. The ground floor along Hoyt also was noted as needed some attention, which is discussed in detail in Section 2 (Modifications) of this report below. The revisions to building facades have been very responsive and include extending the decorative precast panels to the upper floor facades of the south and north elevations and increasing the amount of brick and detailing on the west end wall. The center bay of metal panel on the west end wall was replaced with brick and extended up to the roof to capture the stair enclosure. Brick reveals were also added in a design that accentuates the verticality of the building and complement the strong vertical columns on the other three facades.

The Commission also noted more minor elements in the design that needed to be addressed, which are summarized below with the applicant's response:

- Further differentiate the sidecar – The butt-glazed storefront, which differs from the aluminum storefront system used elsewhere, has been clarified; the canopy has been changed to a lighter glass design; the entry is now offset at the south end; and large art piece (“dissolving wall”) has been added to the south edge. Together these changes further strengthen the identity of the sidecar element.
- Add more Juliette balconies to the larger Hoyt façade – Smaller versions of the existing Juliette style railings have been added in two columns along the north façade to provide more articulation on the larger of the two street elevations.
- Discouraged reflective glass on the upper floors – Replaced with clear glazing.
- More integrated, less applied, pre-cast concrete panels – The ornamental pre-cast panels have been further detailed; extended up to the 2nd floor cornice on the 11th Avenue; added to the top of the south and north facades; and a detail has been provided that shows they are proud of the brick to emphasizes their presence. Together these changes better integrate the decorative panels into the overall design.
- Better detail of drip edge on precast cornice – A detail has been provided to show a pre-finished sheet metal pan flashing for a cleaner appearance.

As revised, the guidelines have been met.

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

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

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

Findings for C7, C8 and C9: The ground floor and second floor “podium” façade is clearly differentiated from the tower above with large glazed areas, double-high proportions, second floor podium patios, Juliette balconies and precast pier bases, and capped with a precast cornice. Canopies, lighting and signage further define the sidewalk level of the building with human-scaled elements.

Commercial floor area at the ground level and highly glazed edges on the upper tower highlight and anchor the building’s primary corner at the 11th & Hoyt intersection. The building’s core is internalized and the egress stair is located at the west end allowing for more active areas along the street frontage and at the intersection. Uses within the commercial spaces along the entire frontage could easily spill out into the building frontage zone. *These guidelines have been met.*

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

Findings: Exterior lighting will emphasize retail and building entrance areas using a combination of wall and down lights and augmenting light spilling through large windows from the interior. At the east elevation close to the top above the main entry up and down fixtures will wash the three central piers highlighting these architectural elements, marking the entry, and adding an element of richness to the skyline, without adversely illuminating the nighttime sky. *This guideline has been met.*

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

Findings: Images of potential signage have been provided for reference only as the size of the two signs indicated would be below the Design Review threshold and therefore be exempt. It should be noted, however, that the signs shown both appear to be of quality materials and of a design that complement the building and its finishes as well as appropriately scaled and placed on the façade. *This guideline is not applicable.*

(2) MODIFICATION REQUESTS

33.825.040 Modifications That Will Better Meet Design Review Requirements:

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

will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

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

The following modifications are requested:

Modification #1 - To allow artwork to substitute for some of the ground floor window requirement and to reduce the overall window length requirement from 50% to 40.5% along NW Hoyt (PZC Section 33.510.220).

Modification #2 - To reduce the ground floor active use requirement along NW Hoyt from 50% to 25% of the frontage (PZC Section 33.510.225).

Findings: The proposal requests Modifications to both the Ground Floor Windows and Ground Floor Active Use standards along the NW Hoyt frontage primarily due to layout of the parking garage, narrow width of the bays and broad brick columns along the first level. Specifically:

- To allow art to substitute for approximately half of the transparent window requirements for length and area.
- To reduce the required length of windows and art from 50' to 40'-6" along the Hoyt frontage.
- To reduce the ground floor active use standard (active uses that are in spaces at least 25' deep and 12' tall) along the Hoyt frontage from 50% to 25%.

The site is a quarter block and incorporating ground level parking on such a small footprint is challenging. The design attempts to balance the program demands of active use and parking in a manner that maintains the cohesive rhythm of brick piers, which are an important part of the overall design. The applicant met with RACC on October 14, 2015 where the Public Art Advisory Committee approved the art glass panels in the western three bays with the provision that more consideration is given to the overall lighting along the Hoyt façade so that it is favorable to the artwork. The applicant will continue to work through the RACC process and conditions of approval have been added that will ensure the RACC process is completed prior to the main building permit issuance, the art is installed before the final occupancy of the building and requiring a covenant to ensure the installation, preservation, maintenance, and replacement of the public art.

At hearing on September 10, 2015 the Commission expressed support for the art glass mitigation, however, noted that the composition of the ground floor features (louvers, art panels and garage door) needed more work. Furthermore, it was indicated that the retail should be extended along the Hoyt frontage to better address both modifications, particularly the active use requirement.

The applicant explored reducing the garage width in an attempt to get more glazing, however, Transportation indicated the 20' proposed was the minimum necessary for the number of spaces and type (mechanized) of parking proposed. The changes therefore focused on improving the composition of ground floor elements and include: changing the garage door from all metal to translucent polycarbonate panels, adding more brick and detailing, increasing the glazing by changing the side-lite from metal to glass, and altering

the proportions of the louvers and art panels within the western 3 bays to complement the storefront systems in the remainder of the ground floor bays.

Regarding the amount of retail along Hoyt, after considerable discussion at the September 22nd hearing, the majority of the Commission concluded the three glass art pieces and the condition of approval to limit the amount of light emitting from the garage, was adequate mitigation for both modifications. Therefore, the ground floor along Hoyt with the three, individually illuminated, art glass pieces will meet the purpose of both standards by providing a more pleasant and diverse pedestrian experience and encourage pedestrian activity at the ground-level of the building. These elements will also better meet Central City Design Guideline A8 by contributing to the vitality and vibrancy of street frontage along Hoyt.

As revised, and conditioned to reduce the amount of light emitting from within the garage, these approval criteria have been met.

Modification #3 - To reduce the width of 58 long-term bike parking spaces from 2'-0" to 18" (PZC Section 33.266.220.C.b).

Findings: A total of 156 long-term bike parking spaces are proposed in the basement level in a common, secured bike room. 58 of the spaces will utilize a "Huntco" rack where the spacing recommended by the manufacturer is 18" between each rack, thereby necessitating a Modification to the 2' spacing required by the Zoning Code. It should be noted that the other 98 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 hub intended for use by residents and tenants of the project, and the bike storage room will be monitored by security. 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 lobby and retail spaces (Central City Design Guideline A8 - Contribute to a Vibrant Streetscape). *The approval criteria have been met.*

Modification #4 - To allow the one small loading space provided on-site to be located within the drive aisle of the parking area in the garage (PZC Section 33.266.130.A)

Findings: The 9' wide x 18' long loading space is proposed to occur within the drive aisle, which effectively reduces the 22' width of the drive aisle in half and blocks access to a small portion of the parking spaces. The purpose of the parking related development standards of Section 33.266.130.A are stated below and the portion italicized are applicable to the Modification requested:

"The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones. Together with the transit street building setback standards in the base zone chapters, the vehicle area restrictions for sites on transit streets and in Pedestrian Districts:

- *The parking area layout standards are intended to promote safe circulation within the parking area.*
- *Direct traffic in parking areas.”*

The proposed project includes a parking garage for 52 vehicles that will mostly be parked via a mechanized system. This system is likely to be operated by an attendant or via a system that will orchestrate the removal or insertion of the parked vehicles. The operations must be systematic in order to ensure that there won't be any conflicts within the constrained garage area. Similarly, to accommodate vehicles expected to utilize the loading space which is located within the parking aisle of the garage, the mechanized parking system must be effective and efficient. Accordingly, with tenants being aware of the only option that is available to park their vehicles (potentially within assigned spaces in the mechanized system), and with the loading space utilized on a supervised schedule, the parking area layout will promote safe circulation; traffic internal to the garage will be driven by the mechanized system and the proposed loading space in the drive aisle will have minimal impacts.

The applicant has adequately demonstrated that the transportation-related approval criteria relative to the requested Adjustment for the single small loading space and Modification for loading to occur within the drive aisle are satisfied. PBOT is supportive of both requests. Allowing the loading to occur within a drive aisle allows for more efficient use of the ground floor and more active uses along the pedestrian realm, better meeting Central City Design Guideline A8 (Contribute to a Vibrant Streetscape). *The approval criteria have been met.*

Modification #5 - To allow the rooftop mechanical room and screen enclosure to be within the 15' setback from the roof edges (9' at closest point), allow the screen enclosure to extend above the height limit (10' tall) and exceed the 10% roof coverage (26% excluding roof screen PZC Section 33.140.210.B.2)

Findings: The Zoning Code allows rooftop projections for these elements above the maximum building height, so long as they are setback 15' from the roof edges, limited in height (elevators to 16' and other elements 10') and do not cover more than 10% of the roof area. The intent of the standard is to control the overall scale of buildings. However, more specifically in the CX zone, where is site is situated, taller buildings are encouraged, consistent with the character of the area.

As discussed in Section 1 (Design Review) above, the rooftop has been significantly revised to include an outdoor deck and the enclosure is now an extension of the architectural language of the building with brick and metal panel (both chevron and flat). These changes integrate these necessary rooftop elements (elevator overruns, stair enclosures and mechanical screening) in a manner that accentuates the verticality of the building, provides a proper “top” to the building and complements the overall design concept. For these reasons, the modification meets the purpose of the height standard and better meets Central City Design Guideline C11 (Integrate Roofs and Use Rooftops). *As revised, the approval criteria have been met.*

(3) ADJUSTMENT REQUESTS

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.

The following Adjustment is requested:

1. To reduce the number of required on-site Standard B loading spaces from two to one 9' wide x 18' long x 10' vertical clearance (PZC Section 33.266.310.C).

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.

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

Findings: Based on the number of residential units proposed (102), one large (35' long x 10' wide) or two small (9' wide x 18' long) loading spaces are required on the site. The applicant is requesting to reduce the number of the small on-site loading spaces from two to one, which will be provided within the garage on the ground level.

To address the approval criterion, the applicant submitted a loading demand analysis that was prepared by a professional traffic consultant. The 1,500 SF ground floor retail space will consist of two separate retail businesses totaling 828 SF and 679 SF in size. Although final tenants have not yet been determined, likely users according to the project's commercial real estate broker include "soft clothing" businesses catering to women's specialties or shoes, and/or a food service akin to a yogurt shop. The proposed 102 apartments will consist of 14 studios, 61 one-bedroom, and 27 two-bedroom units (the average unit size will be 804 SF).

Aside from the one loading space proposed on-site, there are several on-street truck loading in the immediate vicinity of the site. Two existing loading zones, an 18-ft zone on NW Hoyt Street and a 25-ft zone on NW 11th Avenue, are present along the subject block. The NW Hoyt Street loading zone will need to be shifted slightly to the east to accommodate the proposed garage entrance. An additional 60-ft long loading zone is present on the east side of NW 11th Avenue, across the street from the subject site to serve large vehicles. These three zones all include Monday through Saturday, 7:00 a.m. - 7:00 p.m. restrictions.

Expected truck loading demands for the proposed site development are derived from the following three purposes: moving trucks, retail deliveries, trash/recycling service. Based on information provided by the intended property management company, moving trucks are anticipated approximately 2-3 times per week after the initial occupancy of the residential units. Loading events will occur over several hours, conducted only during business hours, and supervised by building staff to enforce efficient use of the space. Single-unit/smaller rental trucks (20-26 ft long) are expected to be utilized for the proposed sized dwelling units, which can utilize either the proposed on-site loading space or any of the on-street loading zones. Truck deliveries to the two retail spaces on the ground floor are expected to occur 1-2 times per week for each business (2-4 deliveries per week in total). Because the two retail businesses are small in size, there will be very limited space for storage of bulky products. As such, these businesses are expected to be served primarily by 24-ft delivery trucks, using the adjacent curbside loading zone on 11th Avenue. In the rare event a larger delivery truck is needed, the 60-ft loading zone on

the east side of NW 11th Avenue can be used. It is also important to note that although the adjacent truck loading zones on NW Hoyt and NW 11th do not have a time restriction beyond the 7:00 a.m. – 7:00 p.m. designation for truck deliveries, deliveries to the retail businesses would likely be of short duration, at 30 minutes or less. Trash/recycling service will occur several times a week. Receptacles will be moved for unloading from the trash room in the garage to where they would be accessible to a truck along the adjacent curb by the trash collection company.

Based on these findings, the proposed single on-site loading space and the adjacent on-street loading zones are expected to accommodate the anticipated loading demand of this project. To ensure timely loading and unloading to maximize the availability on-site and curb loading zones, it is recommended that the residential move-ins and move-outs should be monitored by building staff. *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 a single on-site loading space and the adjacent on-street loading zones to serve this development more of the ground floor is retained for active uses which support the vibrant streetscape and pedestrian environment that characterize the River and Pearl sub districts. *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.*

(4) BONUS HEIGHT

Height Bonus Option - 33.510.210.D & E

Base height allowed for this site is 100'. Additional height, up to a maximum of 75' over the base height, is allowed through general bonus heights and the bonus height option for housing. The building, measured to the top of the parapet, is proposed at 153'. A portion of this height is achieved by utilizing the 45' bonus height allowed outright per 33.510.210.D based on bonus 3:1 FAR earned with housing floor area. The additional 8', which includes a portion of the upper 15th floor and the parapet, is requested through discretionary review per Section 33.510.210.E. The rooftop elements that project above the 153' are being considered in Section 2 through a Modification request.

Approval criteria (33.510.210.E.4) for the discretionary 8' of residential bonus height are as follows:

a. The increased height will not violate an established view corridor;

Findings: There are no established view corridors on or near the project site. *This criterion is therefore not applicable.*

b. If the site is within 500 feet of an R zone, the proposed building will not cast shadows that have significant negative impacts on dwelling units in R zoned lands.

Findings: The site is not located within 50' of an R zone. *This criterion is therefore not applicable.*

c. If the site is shown on Map 510-3 as eligible for the Open Space (OS) performance standard, the project must meet the performance standards of Subsection 33.510.205.E.

Findings: The site is not included on map 510-3 as eligible for the Open Space performance standard. *This criterion is therefore not applicable.*

d. If the site is on a block adjacent to the Yamhill or Skidmore Fountain/Old Town Historic Districts, the project must meet the performance standards of Subsection 33.510.205.D.

Findings: The site is not adjacent to the Yamhill or Skidmore Fountain/Old Town Historic Districts. *This criterion is therefore not applicable.*

e. The increased height will result in a project that better meets the applicable design guidelines.

Findings: As discussed in detail in Section 1 (Design Review) and Section 2 (Modifications) above, the design of the upper facade of the building has been further detailed with the extension of the ornamental precast panels to the north and south facades, the additional brick and detailing on the west end wall and the revisions to the rooftop enclosure which is now an extension of the architectural language of the building. These changes integrate these necessary rooftop elements in a manner that accentuates the verticality of the building, provides a proper “top” to the building and complements the overall design concept. For these reasons, the revised design better meets Central City Design Guideline C11 (Integrate Roofs and Use Rooftops).

As revised, this criterion has been met.

f. Approval of the increased height is consistent with the purposes stated in Subsection 33.510.205.A.

Findings: The purpose statement of subsection 33.510.205.A is as follows: "The maximum building heights are intended to accomplish several purposes of the Central City Plan. These include protecting views, creating a step-down of building heights to the Willamette River, limiting shadows on public open spaces, ensuring building height compatibility and step downs to historical districts, and limiting shadows from new

development on residential neighborhoods in and at the edges of the Central City." The project design is consistent with the purpose of this section as follows:

- There are no established view corridors on or near the project site.
- The site is several blocks south of Jamison Park and 5 blocks west and north of the North Park Blocks. The additional 8' of height will not cast any shadows on these public open spaces given the distance and existing tall buildings between.
- The building will be located 1.5 blocks east of the NW 13th Avenue Historic District. At 153' in height it will be shorter than the Casey building two blocks south of the site, which tops out at 175' and is immediately adjacent to the NW 13th Avenue Historic District. Therefore, no new height impacts would occur on the historic district.
- The project is not adjacent to the Willamette River or residential neighborhoods.

This criterion is therefore met.

(5) CENTRAL CITY MASTER PLAN

33.510.255 A. Purpose

The Central City master plan adds development potential and flexibility for projects in specified areas. The additional development potential and flexibility is possible because the plan is used to demonstrate that the policy objectives of the Central City Plan and the public service needs of the area are addressed. The Central City master plan is an option; it is not a requirement. A Central City master plan may also be created through a legislative process initiated by the City.

A Central City master plan application will be approved if the review body finds that the applicant has shown that all of the following approval criteria of Section 33.510.255.E are met.

The **Central City Master Plan** request is necessary to enable floor area to transfer from 530 NW 11th Avenue site [immediately east of the site] to the project site [at the southwest intersection of NW 11th and Hoyt]. The maximum development capacity of each of the two sites is 9:1 (6:1 base FAR + 3:1 FAR bonus FAR).

The subject site is utilizing the residential bonus floor area option to achieve 9:1 FAR (90,000 SF floor area). The proposal is requesting to transfer 20,000 SF of floor area to develop the proposed 107,520 SF building. The amount of floor area requested exceeds what is needed by 2,450 SF, which is intended as a buffer to accommodate slight modifications as the design progresses. If approved through a Central City Master Plan, the site would receive 20,000 SF floor area (for a total of 11:1 FAR) from the 530 NW 11th Avenue site. The 530 NW 11th Avenue site is 5,000 SF in size and developed with a single story building of the same footprint. The base FAR is 6:1 and would allow 30,000 SF of floor area to be developed without bonus FAR. After the transfer, 10,000 SF (or 2:1 of unused FAR) would remain on the 530 NW 11th Avenue site.

As a point of information, four Central City Master Plans (CCMP) for the transfer of floor area have occurred in the past decade. The most recent, which were both approved, include PSU's College Station (aka University Pointe), Park West Avenue Tower and Ladd Tower. The fourth request was in 2006 for The Allegro building where the CCMP request was denied by City Council. Below is a brief summary of each:

- For PSU's College Station (aka University Pointe), in 2010 the full block development transferred 79,245 SF from Tri-Met's South Terminus to the project site resulting in an increase of FAR from 9:1 to 10.19:1. The project provided several physical and visual public benefits beyond the development proposal itself including a RACC-approved art

element at the NW corner of the SW Jackson Street turnaround oval, two new wooden benches along the south edge of SW Jackson Street, a landscaped stormwater swale along the edge of the light rail tracks, and weathering steel dam walls within the existing stormwater facility.

- In 2007 the Park Avenue West Tower site received the majority of the FAR from the park block to the south (117,100 SF) to nearly double it's FAR to 23.7:1. The project's contribution to the public was the development of a half city block park (Director's Park).
- In 2007, Ladd Tower project obtained approval for a increase in FAR from 8.6:1 to 8.78:1 in the RX-zoned portion of the site and 9.1:1 to 9.22:1 in the CX-zoned portion of the site. On average the FAR did not exceed 9:1. Restoration of the Ladd Carriage House was undertaken as part of the overall proposal.
- In 2006 The Allegro project sought to transfer a total of 155,000 SF of floor area from two sites, to increase it's FAR from 9:1 to 13.28:1. The City Council upheld an appeal on the project and denied the CCMP stating that design merit alone was not a public benefit to just justify the large floor area transfer.

CCMP 1. The proposed plan is consistent with the policy objectives of the Central City Plan;

Findings: Each policy is addressed separately.

Policy 1: Economic Development. Build upon the Central City as the economic heart of the Columbia Basin, and guide its growth to further the City's prosperity and livability.

The project includes the development of 102 new rental units and 1,507 square feet of retail use in the center of the Pearl District. Development of rental housing units in the Central City will further support and facilitate the economic development of the Central City in several ways. First, a primary driver for economic vitality of retail uses in the Pearl District and the larger Central City is a critical mass of downtown residents. This project will add 102 more units and their residents to the economic engine of the Central City and do so in a manner that provides the maximum intended density. Second, the project will include 1,507 square feet of new retail uses which themselves will contribute to the economy of the district. Lastly, retaining and growing the residential occupancy of the Central City will locate residents close to a rich array of employment opportunities, providing a low impact job base for commercial uses in the Central City. *This policy is therefore met.*

Policy 2: The Willamette Riverfront. Enhance the Willamette River as the focal point for views, public activities, and development which knits the City together.

The proposal is not located on the Willamette Riverfront. *This policy does not apply.*

Policy 3: Housing. Maintain the Central City's status as Oregon's principal high-density housing area by keeping housing production in pace with new job creation.

The proposal directly implements this objective by providing high density housing in an area specifically designated for this type of housing in the Central City. The proposal will also locate residents close to employment opportunities in the Central City, further supporting both the residential density in the core and employment growth. *This policy is met.*

Policy 4: Transportation. Improve the Central City’s accessibility to the rest of the region and its ability to accommodate growth by extending the light rail system and by maintaining and improving other forms of transit and the street and highway system, while preserving and enhancing the City’s livability.

The extension of mass transit is a public not private function. However, the Central City Plan calls for the reinforcing “the link between transit and land use by encouraging transit-oriented development and supporting increased residential and employment densities along transit streets, at existing light rail transit stations, and at other major activity centers”. Both sites in the CCMP are richly served by transit. The streetcar line runs down 10th and 11th Avenues, with streetcar stops within one block of the sites. Light rail runs within 5 blocks of both sites. The new residential units and retail reinforces the City’s transit investment by providing more residents and more active retail in close proximity to the MAX and Streetcar lines. *This policy is met.*

Policy 5: Human Services. Provide social and health services for special needs populations and assist dependent individuals to become more independent.

The proposal is for a market-rate mixed-use development. *This policy does not apply.*

Policy 6: Public Safety. Protect all citizens and their property and create an environment in which people feel safe.

Ground floor retail and residential use increase street safety and create an active pedestrian space along the site’s street frontages. By allowing the transfer of residential units under this proposal, the overall density of the neighborhood is increased, further activating the pedestrian spaces and creating more eyes on the street. Public art that is proposed for this development will add vitality and interest to the pedestrian environment and provide opportunities for surveillance on the street. In addition, proposed exterior lighting at the building perimeter will create a safe night-time pedestrian environment. *This policy is met.*

Policy 7: Natural Environment. Improve the Central City’s environment by reducing pollution, keeping the Central City clean and green, and providing opportunities to enjoy nature.

The added residential density on the receiving site will implement this Policy in several ways. Density will be located proximate to the multi-modal transit options further encouraging the use of transit and discouraging the use of single occupancy vehicles. The streetcar stop is located only one block from the sites. The residential units are also located in a neighborhood with a diversity of commercial options encouraging foot or bike traffic and resulting in the reduction of non-renewable resource use and of airborne and storm water pollution from vehicles. Stormwater management for the project is provided via a vegetated flow-through planter on the second floor outdoor terrace. The project has a goal to obtain LEED Gold certification through the LEED for Homes, Multifamily Mid-Rise program.

This policy is met.

Policy 8: Parks and Open Spaces. Build a park and open space system of linked facilities that tie the Central City districts together and to the surrounding community.

While this policy does not directly apply to this proposal, the sites are served by several parks with direct access to the CCMP projects on a mature pedestrian network. The parks

include Jamison and Tanner Springs Parks located 3 and 5 blocks away from the sites and the North Park Blocks, located 3.5 blocks from the sites. *This policy does not apply.*

Policy 9: Culture and Entertainment. Provide and promote facilities, programs and public events and festivals that reinforce the Central City's role as a cultural and entertainment center for the metropolitan and northwest region.

This policy is not directly applicable to the sites but the project is located close to cultural and entertainment venues, such as the Gerding Theater at the Armory, the Museum of Contemporary Craft, Powell's City of Books, and Jamison Square. This proximity will allow residents to easily participate in the abundance of activities and cultural events offered in the area. In addition, the retail proposed at the ground floor level will contribute to the activities of the area. *This policy is met.*

Policy 10: Education. Expand education opportunities to meet the needs of Portland's growing population and businesses, and establish the Central City as a center of academic and cultural learning.

This policy does not apply.

Policy 11: Historic Preservation. Preserve and enhance the historically and architecturally important buildings and places and promote the creation of our own legacy for the future.

There are no historically significant structures on either site. *This policy does not currently apply.*

Policy 12: Urban Design.

Enhance the Central City as a livable, walkable area which focuses on the river and captures the glitter and excitement of city living.

- A. Create a rich and enjoyable environment for pedestrians throughout the Central City.
- B. Strive for excellence in the design of new buildings.
- C. Encourage designers of new developments to sensitively enhance Portland's human scale of buildings, streets and open space.
- D. Promote the formation of districts with distinct character and a diverse and rich mixture of uses (in non-industrial areas).
- E. Locate the highest densities in the Downtown and along potential and existing transit corridors, and step density down toward the Willamette River, residential neighborhoods, adjacent to the Central City and as the distance from the core increases.

Policy 15: Northwest Triangle.

Preserve the district's character and architectural heritage while encouraging both industrial activity and missed use development.

- A. Encourage the growth of industry in the district.
- B. Recognize the importance and potential of the redeveloping rail yard area and encourage a mixture of uses, including housing.
- C. Focus development along the North Park Blocks extension.
- D. Develop 9th Avenue as a interim connection between the North Park blocks and the river through the placement of public art, special lighting and a park treatment until the Park Blocks extension is completed.
- E. Foster the developments of artist live/work space and gallery facilities.

The art panel at the ground level of NW Hoyt will provide a richness and diversity along the pedestrian environment adding to the character of the district. Involving RACC, as encouraged by Staff, will help to ensure the art is of high quality and maintained over time.

However, while art is a great visual contribution, it is provided as mitigation for two development standards (Ground Floor Windows and Ground Floor Active Use) along the Hoyt frontage (See Section 2- Modifications, above).

At the hearing on September 10, 2015, the Commission indicated that a true public benefit beyond the NW Hoyt art for the ground floor window mitigation and building design itself was still needed. In response, the applicant explored two additional art pieces. However, RACC and Transportation shared concerns with a stand-alone piece proposed in the right-of-way given the narrowness of the furnishing zone, conflicts with other elements in the ROW (trees, catenary poles, dual head light fixtures, bike racks, etc) and the potential to be damaged by car doors. Therefore, the applicant is pursuing a single art piece with RACC for the public benefit that will be integrated into the southern wall of the sidecar, referred to as the “dissolving wall”. Staff and the applicant met recently with RACC to some establish some parameters for the additional public art piece, which include:

- Utilizing the Percent for Art FAR bonus option in Section 33.510.210.C.6 as a guide to establish a minimum budget for the art wall piece (1% of project value).
- The main location for the artwork will be adjacent to or part of the southern wall of the “sidecar” building, beginning on the exterior and likely extending into the interior. Materials may need to be fire rated.
- The entire length of the street façade of the “sidecar” building will need to be set back at least 3’ from the property line to allow the maximum flexibility of the design and increase its visibility.
- The artwork will remain visible from the street and be well lit in the evening hours.

RACC has expressed support of the art concept on the south wall. With RACC’s support to continue to work with the applicant based on the parameters mentioned above, the art on the south wall will contribute to the River district, known for its displays of public art, and add richness and diversity to the public realm. Conditions of approval have been added that include the parameters above, require a covenant to ensure the installation, preservation, maintenance, and replacement of the public art, and establish the timing of RACC approval process and installation. *As revised, and conditioned, these policies have been met.*

Policy 13: Plan Review. *This policy does not apply.*

Policy 14: Downtown. Strengthen the Downtown as the heart of the region, maintain its role as the preeminent business location in the region, expand its role in retailing, housing, and tourism, and reinforce its cultural, educational, entertainment, governmental and ceremonial activities.

The proposal for new residential and retail use in a quarter block tower, together with the one-story warehouse, is consistent with this Downtown policy. The project will allow development at the planned densities for retail and residential uses. The additional site art and amenities will provide great contributions to the cultural experience in the Pearl and is an expansion of retail and housing in the downtown. *This policy is met.*

CCMP 2. The plan ensures that there will be adequate and timely infrastructure capacity for the proposed developments;

Findings: BES and PBOT have confirmed that existing utility and road infrastructure around the site is adequate to meet the proposed development’s needs. Therefore, this proposal does not require any additional infrastructure capacity to be built. Any required

sidewalk improvements will be built to current City standards. Sidewalk construction will occur in conjunction with the building construction, ensuring that adequate and timely infrastructure is in place at the time of building completion. In addition, the project must meet all City regulations and standards, including those in Title 33 (Zoning), Title 17 (Street Improvements), Portland Stormwater Manual, and pertinent building and fire codes. *This criterion is therefore met.*

CCMP 3. The plan provides for a useful and pleasant circulation system and for adequate open space within the plan boundaries;

Findings: All sidewalks serving both sites have been improved to City standards and provide direct access to the front doors of each site. The pedestrian system in the greater area of the two sites is also fully developed providing access to locations outside of the two sites including office, retail and park uses. The project site and the Sending Site (530 NW 11th) are relatively small in size at 10,000 and 5,000 square feet, respectively. There is no requirement to build open space on either site and both are built, or to be built, to the property line. There is a developed park system in close proximity to the properties. The vacated NW Irving Street is developed with park-like amenities and is one block north of the project site. Jamison Park is two blocks north and Tanner Springs Park is five blocks north of the project site; all within easy walking distances. *This criterion is therefore met.*

CCMP 4. Development will be placed and sized to protect significant public viewpoints and public view corridors; and

Findings: Neither of the sites are within a “scenic overlay zone” and there are no designated viewpoints around or through the sites. *Therefore, this criterion does not apply.*

CCMP 5. There are adequate assurances that required housing that is deferred or proposed for another site will be built.

Findings: There is no required housing proposed to be deferred or proposed for another site. *Therefore, 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

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 revisions to the project over the course of the two hearings have been very responsive to the comments and concerns of the Commission. As revised and conditioned, the project will be a significant contribution to the diverse architecture and active pedestrian environment that characterizes the River sub district. The proposal meets the applicable design guidelines, and the approval criteria for the Central City Master Plan, housing height bonus, Modifications and Adjustment and therefore warrants approval.

DESIGN COMMISSION DECISION

It is the decision of the Design Commission to approve Design Review for a 14-story building (The Dianne) at the northwest corner of NW 11th Avenue and Hoyt Street in the River sub district of the Central City plan district with the following components: 102 residential units, approximately 1,500 SF of commercial space, 52 parking spaces, 1 on-site loading space and 155 long-term bike spaces. The approval includes the housing height bonus to allow for the 153' tall building to exceed the base zone and FAR bonus height.

Central City Master Plan Review for the transfer of 20,000 SF of floor area from 530 NW 11th to the site for a total 11:1 FAR (slightly more than the 17,520 SF of extra floor area needed to accommodate the building as proposed).

Modifications:

1. Ground Floor Windows - To allow artwork to substitute for some of the ground floor window requirement and to reduce the overall window length requirement from 50% to 40.5% along NW Hoyt (PZC Section 33.510.220).
2. Ground Floor Active Use - To reduce the ground floor active use requirement along NW Hoyt from 50% to 25% of the frontage (PZC Section 33.510.225).
3. Bike Parking - To reduce the width of 58 long-term bike parking spaces from 2'-0" to 18" (PZC Section 33.266.220.C.b).
4. Loading - To allow the one small Standard B loading space provided on site to be located within the drive aisle of the parking area in the garage (PZC Section 33.266.130.A)
5. Height Projections - To allow the rooftop mechanical room and screen enclosure to be within the 15' setback from the roof edges (9' at closest point), allow the screen enclosure to extend above the height limit (10' tall) and exceed the 10% roof coverage (26% excluding roof screen PZC Section 33.140.210.B.2).

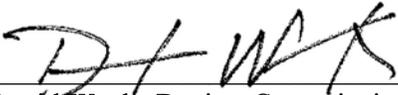
Adjustment:

1. Loading - To reduce the number of required on-site Standard B loading spaces from two to one 9' wide x 18' long x 10' vertical clearance (PZC Section 33.266.310.C).

The approval is subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B-E) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 15-169591 DZM AD MS". All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Prior to building permit issuance, the following changes shall be incorporated to limit the amount of light emitting out from the garage:
 - The garage door, adjacent person door and side lite must be at least 90% opaque.
 - Baffling must be added behind the three art glass pieces.
- C. The public art glass (in lieu of the required ground floor windows along NW Hoyt Street) and the public art piece, the "dissolving wall" (as a public benefit for the FAR transfer for the CCMP) will be approved by the Regional Arts & Culture Council (RACC) and installed prior to issuance of final occupancy of the building.

- D. For the public art piece, the “dissolving wall” (as the public benefit for the FAR transfer for the CCMP):
- A minimum budget of 1% of the project value, which equates to approximately \$160,000 for the \$16 million project.
 - The location for the artwork will be adjacent to or part of the southern wall of the “sidecar” building, beginning on the exterior and possibly extending into the interior. Materials may need to be fire rated.
 - The entire length of the street façade of the “sidecar” building must be set back at least 3’ from the property line to allow the maximum flexibility of the design and increase its visibility.
 - The artwork must remain visible from the street and be well lit in the evening hours.
- E. A covenant for each of the public art pieces will be required, following the regulations of Section 33.700.060, Covenants with the City, to ensure the installation, preservation, maintenance, and replacement of the public art pieces must be provided prior to approval of the main building permit. The covenants must document approval by the Regional Arts and Culture Council.
- F. The covenant for the FAR transfer (up to 20,000 SF from 530 NW 11th Avenue to the subject site at 535-537 NW 11th Avenue) must be executed and recorded prior to the issuance of any building permit.

=====
By: 
David Wark, Design Commission Chair

Application Filed: May 15, 2015
Decision Filed: October 23, 2015

Decision Rendered: October 22, 2015
Decision Mailed: October 30, 2015

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

Procedural Information. The application for this land use review was submitted on May 12, 2015, and was determined to be complete on **July 10, 2015**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on May 12, 2015.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period, as stated with Exhibit G-2.

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 November 13, 2015 at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case by appointment at, 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201. Please call the file review line at 503-823-7617 for an appointment.

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

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 **November 16, 2015 – (the day following the last day to appeal).**

- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

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

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

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

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

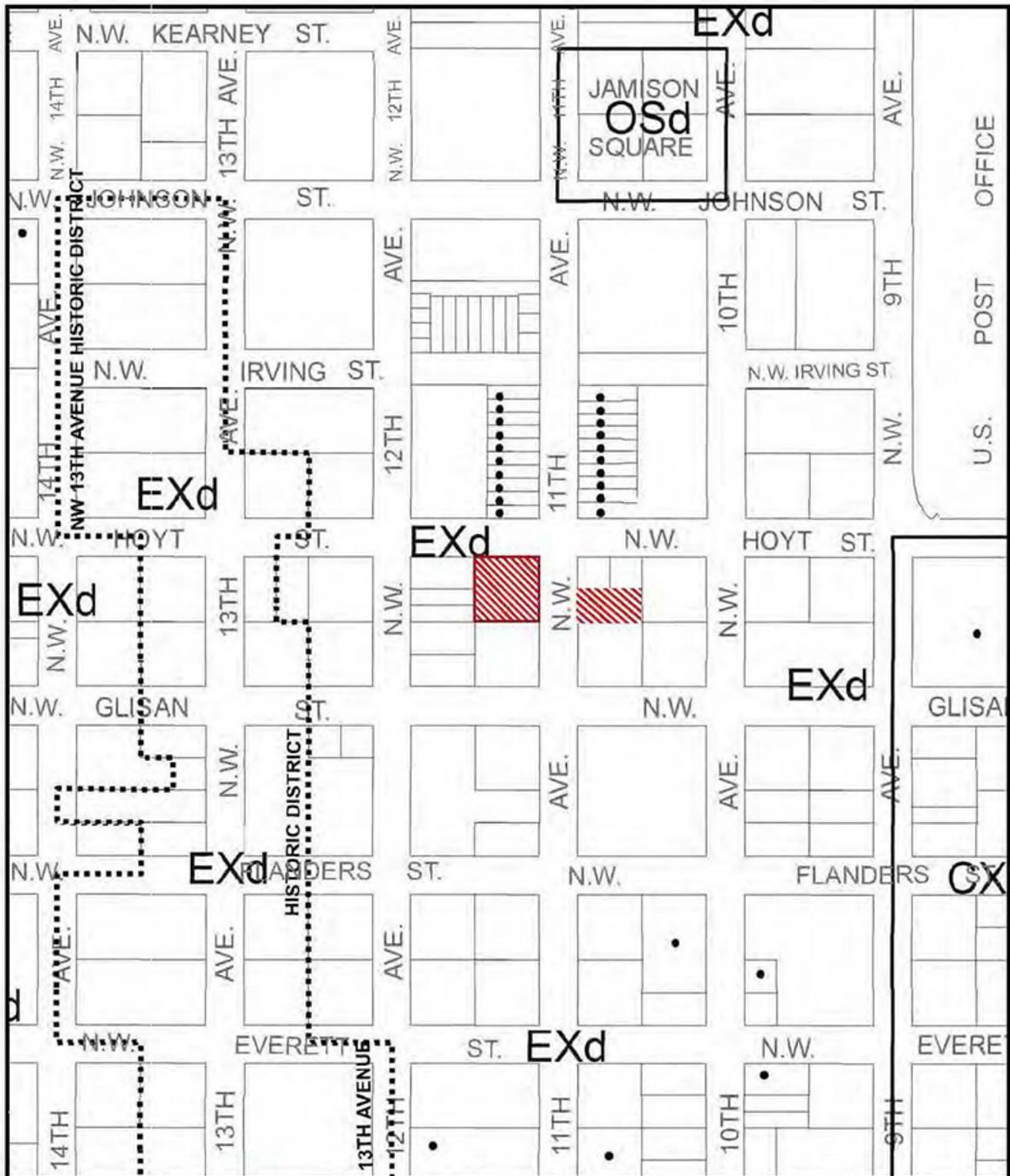
Staci Monroe
October 28, 2015

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
1. Approval criteria & develop standard responses, Stormwater Report and Loading Analysis
 2. Letter from applicant team regarding RACC participation dated 8/26/15
 3. Letter from mechanical engineer dated 8/26/15
 4. Canopy exhibit showing location and dimensions.
 5. Ground floor window calculations along Hoyt & garage door options
 6. Proposed plans dated 7/16/15

7. Proposed plans dated 8/19/15
- B. Zoning Map (attached)
- C. Plan & Drawings
 1. Through 60 (attached C27, C29, C33-C34)
- D. Notification information:
 1. Request for response
 2. Posting letter sent to applicant
 3. Notice to be posted
 4. Applicant's statement certifying posting
 5. Mailed notice
 6. Mailing list
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Water Bureau
 3. Fire Bureau
 4. Bureau of Transportation Engineering
 5. Site Development Review Section of BDS
 6. Plan Review Section of BDS
- F. Letters
 1. Patricia Gardner, Pearl District Neighborhood Association, received 9/10/15, stating support for the project.
 2. Robert Brand, dated 9/8/15, stating concerns with the height and potential development on the rest of the block.
 3. Jane Flaherty, dated 9/11/15, questions and concerns related to parking, height, and site contamination.
- G. Other
 1. Original LUR Application
 2. Signed Evidentiary Hearing Request & 120-day Extension form dated 5/21/15
 3. BDS Planner Response for Pre-Application Conference dated 4/7/15
 4. Incomplete Letter dated 6/3/15
 5. Staff Memo to Commission dated 9/3/15
 6. Staff Report and Recommendation to the Design Commission dated 8/31/15
 7. Copy of Staff's Presentation from 9/10/15 hearing
- H. Post First Hearing
 1. Staff's summary of the September 10, 2015 hearing
 2. Staff Report & Recommendation to Design Commission dated 10/15/15 for denial
 3. Staff Memo to Commission dated 10/15/15
 4. Copy of email from RACC dated 10/20/15, accepting the sidecar art piece
 5. Staff Report & Recommendation to Design Commission dated 10/22/15 for denial
 6. Copy of Staff's Presentation from 10/22/15 hearing



ZONING

 Site

 Historic Landmark



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

File No. LU 15-169591 DZM,AD,MS

1/4 Section 2929

Scale 1 inch = 200 feet

State_Id 1N1E33AD 3100

Exhibit B (July 21, 2015)

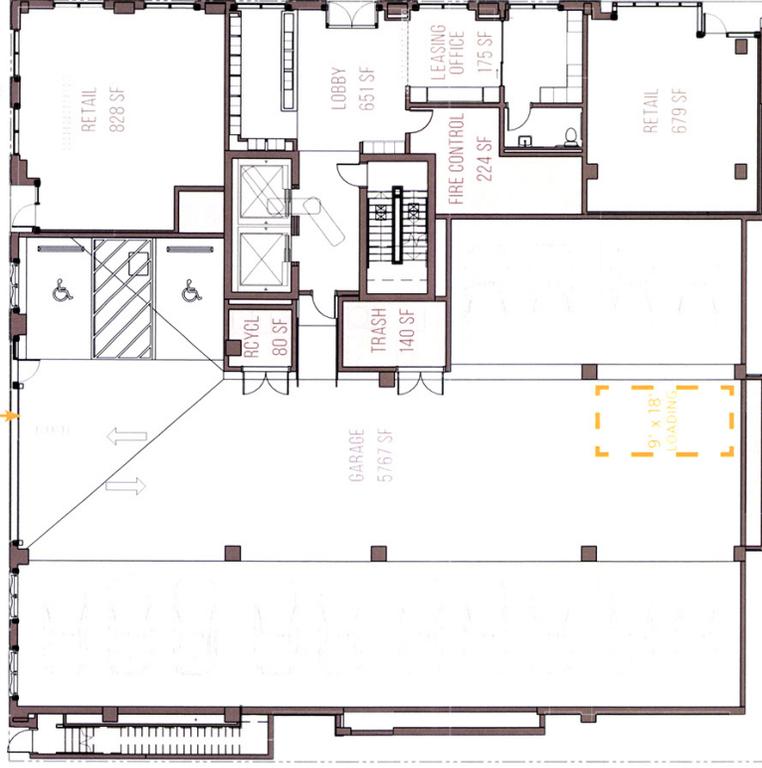
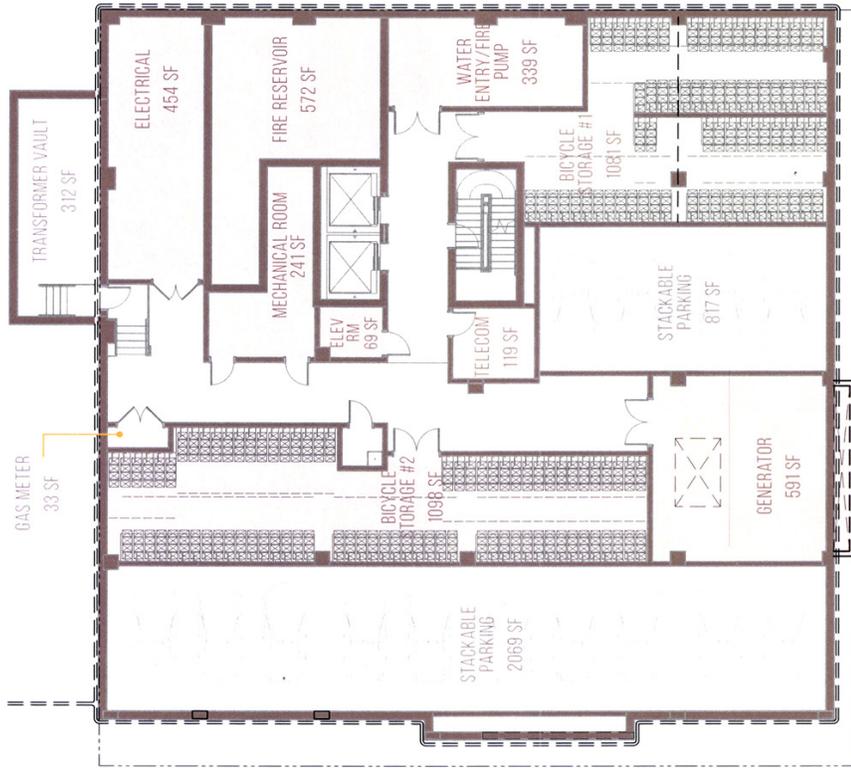
11TH & HOYT APARTMENTS | PORTLAND, OR

Overhead Door

- On property line per PEROT Design Exchange
- PGE Vault #1
- Note: switch gear located in underground
- 2019 Approved Location per PEROT

BASEMENT & GROUND FLOOR PLAN | C.27

- PGE Vault #2
- Note: switch gear located in underground
- 2019 Approved Location per PEROT



BASEMENT

Trash & Loading Narrative: See Appendix D - Loading Demand Analysis by Kittelson in application

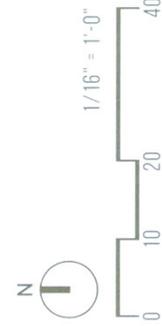
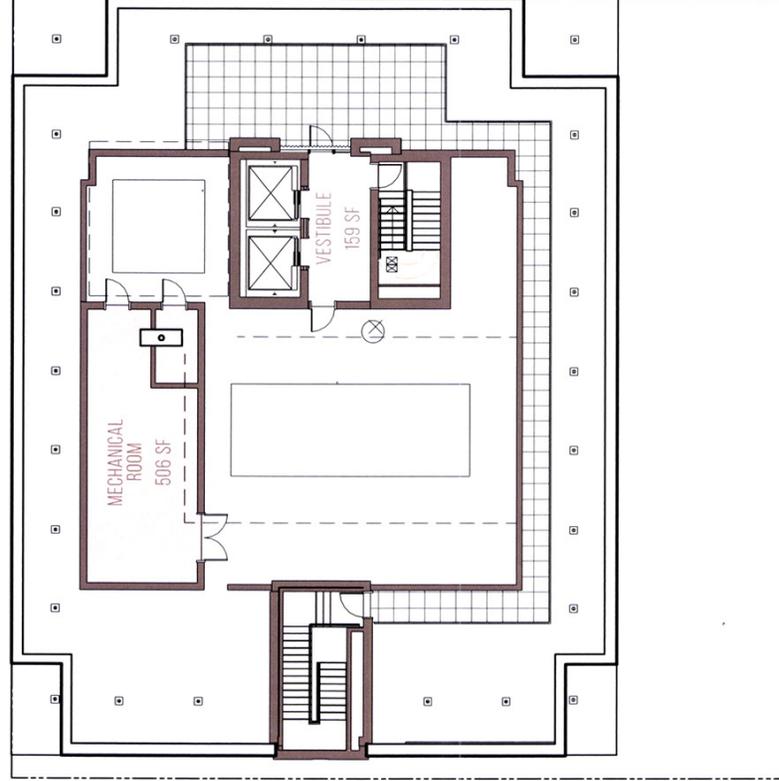
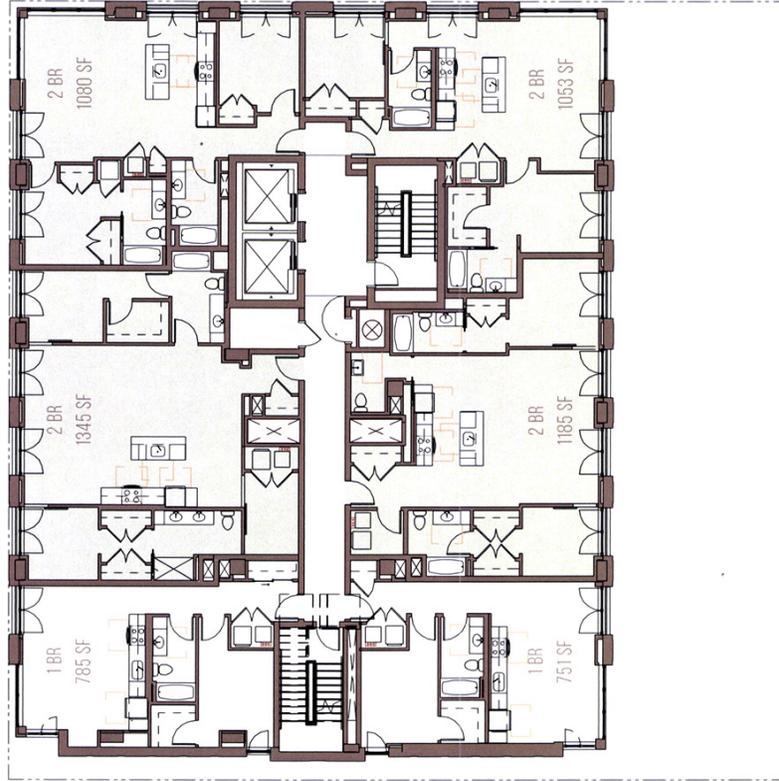
Approved
 City of Portland - Bureau of Development Services
 Planner: *[Signature]* Date: 10.22.15
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



ANKROM MOJISAN ARCHITECTS & CARROLL INVESTMENTS
 OCTOBER 22ND, 2015 LU 15-169591 OZM AD



Approved
 City of Portland - Bureau of Development Services
 Planner SMW Date 10.22.15
 * This approval applies only to the reviews requested and is subject to all
 conditions of approval. Additional zoning requirements may apply.



11TH & HOYT APARTMENTS | PORTLAND, OR

EAST & NORTH ELEVATIONS | C.33

Approved
 City of Portland - Bureau of Development Services
 Planner: *JMK* Date: 10.22.15
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

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PAGE C.35

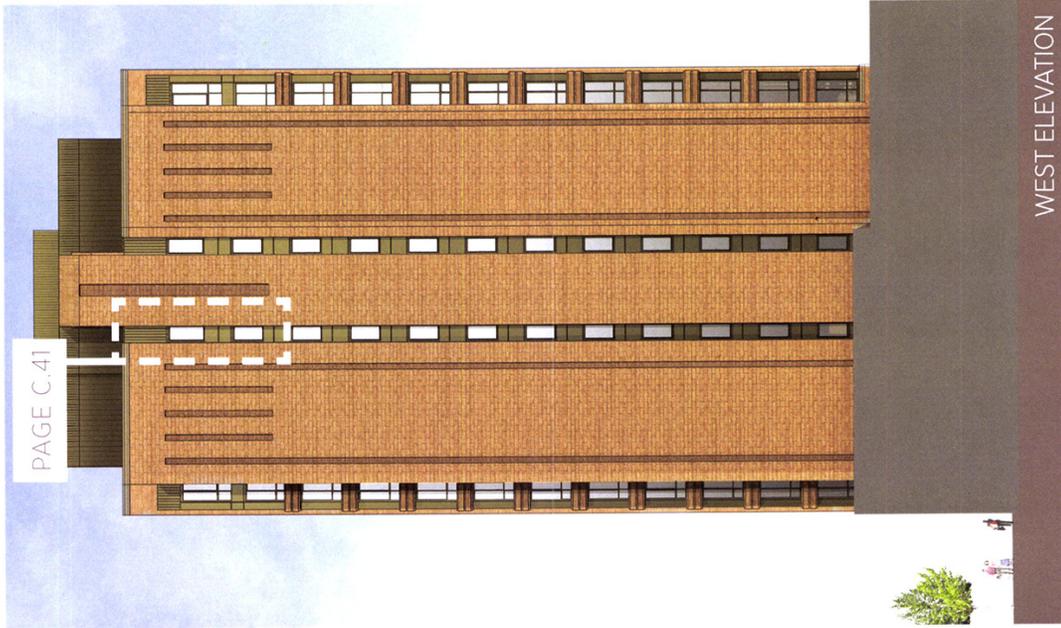


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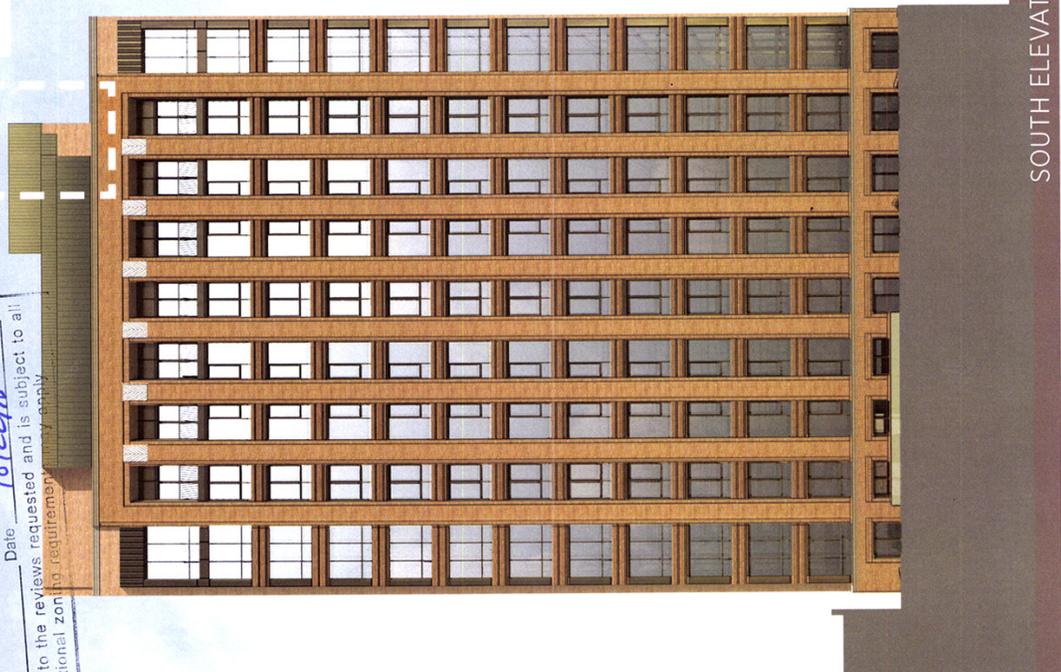
PAGE C.37

PAGE C.38



WEST ELEVATION

Approved
 *Approved Development Services
 *Approved Development Services
 City of Portland - Bureau of Development Services
 Planner DMC Date 10/22/15
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



SOUTH ELEVATION