



Date: December 1, 2015
To: Interested Person
From: Jeff Mitchem, Land Use Services
 503-823-7011 / Jeffrey.Mitchem@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 15-248092 DZM
CHANGES TO BLOCK 136 LAND USE REVIEW APPROVAL

GENERAL INFORMATION

Owner: Michael Nanney | Security Properties
 701 Fifth Ave, Suite 5700
 Seattle, Wa 98101

Representatives: Karen Karlsson
 906 NW 23rd Ave
 Portland, OR 97210

Daniel Swabb | Mithun
 1201 Alaska Way, Suite 200
 Seattle, Wa 98101

Site Address: 1250 NW KEARNEY ST

Tax Account No.: R180211770
State ID No.: 1N1E33AD 01600
Quarter Section: 2928
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
Case Type: DZM, Design Review with Modifications
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

Changes to approved design under LU14-230014 DZM:

- **On-site Loading Stall “C” Location.** Stall to remain under the building footprint and height to be reduced by 1”.
- **Courtyard Lighting.** Additional light fixture on Bocce court. Change in angle of some bench tape light fixtures. Additional dock step and ramp fixtures.
- **Canopy Drainage.** Elimination of downspouts and gutters for some canopies on 12th Ave and 13th Ave.
- **13th Ave Building Roof.** Changes to trellis canopy and roof structure.
- **13th Ave Building Elevations.** At the vestibule dock walls, change from composite metal panel to ¼” steel plate.
- **12th Ave Building Roof.** New water feature, reduced garden size, reduced elevator penthouse canopy.
- **12th Ave Building Elevations.** Lower window wall railing, increase height of spandrel panels.

The following three (3) **Modifications** are requested:

- **Modification #1. Parking Area Layouts (33.266.130.F.).** Parking space and aisle dimension changes in below-grade parking garage.
- **Modification #2. Required Building Lines (33.510.215).** Buildings must extend to the property line along at least 75% of the property line on all frontages. The proposal seeks 71% along the NW Kearney St frontage and 72% along the NW Johnson St frontage.
- **Modification #3. Ground Floor Windows. (33.140.230).** Exterior walls 20’ or closer to a street must have glazing for 50% of wall length and 25% of wall area. Along the NW 12th Ave frontage, the proposal seeks 19% of wall length and 15% of wall area.

Design Review is necessary because the project proposes changes to a previously approved Land Use Review.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines
- River District Design Guidelines

ANALYSIS

Site and Vicinity: The subject property is full 40,000 square-foot block, located in the River District, bound by NW 13th and NW 12th Avenues and by NW Johnson and NW Kearney Streets. Presently under the ownership of SP Pearl LLC, the property supports one single-storey 38,000 square-foot structure occupied by the Pacific Northwest College of Art. The building will be demolished to make way for the proposed project.

Over the past several years, the character of the neighborhood has significantly changed, providing increased opportunities for a variety of residential, diversified commercial/retail, and open space development. Starting at the north and rotating clockwise, immediately adjacent developments include the two-story Rivertech Building (office/retail), the 5-story Kearney Plaza, the 6-story Riverstone, the Johnson Street Townhomes, the Armco Building (Downtown Self Storage), 24 Hour Fitness, the Stagecraft Building (Nossa Familia Coffee, PNCA Studios), and Lovejoy Square (retail/office).

The site lies within the Northwest Triangle Pedestrian District per the Transportation System Plan. Street designations are:

- NW 13th Ave is designated a City Walkway;
- NW 12th Ave, NW Johnson St and Kearney St designated as Local Service Walkways; and,
- NW Johnson St is also designated as a City Bikeway.

The River District was established as an Urban Renewal Area in 1998, selected as such for its proximity to the core of downtown and to correct blighted conditions that had overtaken the area. It was envisioned that transit and open space improvements, as well as the introduction of dense housing and commercial opportunities would bring new life into this area while meeting the state land use planning goals. Since 2001, the River District, and in particular the Pearl District at the heart of the URA, has transformed significantly into one of Portland's densest and fastest-growing neighborhoods.

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

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

Land Use History: City records indicate the following land use reviews for this site:

- LU 14-230014 DZM AD – Approval of a new full-block mixed-use project in the Central City Plan District's River sub-District.
- EA 14-134106 – Pre-application conference for the proposed project (Exhibit G-2);
- EA 14-134111 – Design Advice Request for the proposed project (Exhibit G-3);
- LU 14-217898 – Withdrawn;
- LUR 01-00379 DZ – Addition of three entry awnings;
- LUR 95-00301 DZ – Removal of overhead door and infill a 20'x60' wall and door void;
- LUR 97-01095 DZ – Interior tenant improvements;

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **October 21, 2015**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Life/Safety Section of BDS

Neighborhood Review: A "Notice of Proposal in Your Neighborhood" was mailed on **October 21, 2015**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

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.

33.825.025.A.2 Procedures for Design Review

The specific procedure for this design review application are described in this chapter as minor changes to an approved design review prior to issuance of final permit approval. Minor changes to an approved design review that was originally processed through a Type III procedure are reviewed through a Type II procedure when all of the following are met.

- a) The original design review has not expired;
- b) The building permit for the project has not received final approval;

- c) The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
- d) The cumulative value of the changes will not result in an increase or decrease in the original project value by more than 15 percent.

Because all of the preceding criteria are met by the proposal, this Staff Decision makes findings pursuant to this section.

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 planned to become a place that is remarkable within the region. The area is intended to grow rich with special and diverse qualities that are, or will become characteristic of Portland. Further, the River District will accommodate a significant portion of the region's population growth. The plan calls for the creation of a new community of dense neighborhoods, housing a resident population of over 15,000 people, and providing jobs, services, and recreation to this population and others. This area is intended to emphasize the joy of the river, connections to it, and create a 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 the specific changes from the original Land Use Approval LU14-230014 DZM AD.

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

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

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.

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

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

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.

Findings for A8, B1, B2, B4, B5. The proposed design changes to lighting in the courtyard (reduction of number of lighting fixtures and outward and upward cast light levels) will help to make the courtyard successful – lighting will be more concentrated on activity areas (bocce court, pedestrian clear zones such as the ramp to the 13th Avenue Building) thereby enhancing the functionality and safety of these places.

Changes to the canopies will drain water to planters and onto the sidewalk, where they were previously approved to drain to gutters and downspouts. The canopies proposed to drain to planters will decrease stormwater runoff. The canopies proposed to drain to the sidewalk are consistent with existing practices elsewhere in the Pearl District. The extent of canopies will still provide the same level of weather protection along the sidewalk as approved.

The proposed relocation of Loading Space C will result in a decrease in clear height by 1" (from 8'-11" to 8'-10"). The proposed space, designated as van accessible only, is intended to complement loading facilities elsewhere in the garage (Standard A and Standard B spaces.) The reduction by 1" of clear height will neither measurably alter overall loading capacity or operations, nor adversely impact pedestrian safety.

Therefore these guidelines are met.

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

Findings for C5. The design change to use painted 1/4" steel plate with exposed fasteners at the 13th Avenue vestibule and dock walls introduces a material more germane to the warehouse character of the Pearl District. As this material is more

industrial in character and is already used at other locations on the building, this change will bring more coherency to the building.

The design change of lowering the glazed railing at the penthouse patios is proposed in order to increase the design coherency of the 12th Avenue Building, as this glazed portion will now align with a window wall mullion running around the entire building.

Therefore this guideline is met.

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

Findings for C11. The roof terrace on the high rise building includes two outdoor kitchens, a fire pit, a large bench for taking in river views, a large planter with trees which may be seen from elsewhere, a water feature, and community gardens. Nearly at the top of the roof, a penthouse-level trellis meets the sky when viewed from below.

The increased extent of the elevator entry trellis and the added windscreen walls at the 13th Avenue Building's rooftop are aesthetically and proportionally integrated with the building concept, and provide more semi-sheltered area to be enjoyed by office workers on the roof. The transparency of the overhead screening elements on the mechanical enclosure has been decreased, but still provide a visual screen from above. As a whole, these two changes increase the coherence of the roof design.

A new water feature is proposed for the roof of the 12th Avenue Building. In addition, the community garden and eco-roof area on the south portion of the roof is proposed to be reduced in area, as well as the extent of the trellis at the mechanical penthouse. But as a whole, the three roof changes are integrated with the building concept and will be beneficial to the residents in that they allow more types of activity on the roof terrace and increases the number of planter boxes available to residents.

Therefore this guideline is met.

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

Findings for C12. The exterior lighting revisions are limited to the courtyard where they will have the overall effect of lowering both outward- and upward-directed light levels. The linear distance of channel tape lighting (casting light outward at benches) and the in-grade linear lighting (casting light upward in walkways) is reduced and more concentrated on pedestrian through zones. Surface mounted flood lights (casting light upward at courtyard edges) have been eliminated from the design. The only additional lighting proposed is a single pedestrian pole mounted floodlight (casting downward light on the bocce court). These changes will have the net effect of reducing upward light glare which will reduce impacts to the night-time skyline.

Therefore this guideline is met.

MODIFICATIONS (33.825)

33.825.040 Modifications That Will Better Meet Design Review Requirements:

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review

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

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

Modification Request #1: 33.266.130.F. Parking Area Layouts. All automobile parking for the project is contained within the parking garage. All spaces will be assigned to residents and office workers—there will be no public parking for retail, visitors or the general public.

Per Table 266-4, for Angle 90°, parking space and aisle dimensions are required to be:

- Stall Width: 8 ft. 6 in.
- 1 Way and 2 Way Aisle Width: 20 ft.
- Stall Depth: 16 ft.

The garage parking layout is oriented to maximize efficiency with the structural column grid – combinations of standard 8'-6" x 16' wide stalls and narrower stalls (as narrow as 8'-3") with 6" column encroachments (for a total width as narrow as 7'-9"). The column encroachments generally occur outside of the door-opening zone, thereby maintaining functionality. Within two locations (labeled "Compact" on the drawings), the proposed condition incorporates a column/pilaster at the head of a stall reducing the stall depth to 14'-3".

The smaller spaces will be assigned by the property management company to tenants with extra small vehicles (increasingly much smaller than the design vehicles for a standard parking stall.) At the electric car stalls, the charging equipment will charge two cars each, and will be centered between two stalls. They will be mounted off the floor, allowing full pull-in of a vehicle. In all cases a 20' wide drive aisle will be maintained (and in many cases will exceed the required 20').

Purpose Statement. 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:

- Provide a pedestrian access that is protected from auto traffic; and
- Create an environment that is inviting to pedestrians and transit users.
- The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles.

- A. **Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines.*

Findings: The parking area layout standards are intended to promote safe circulation within the parking area and provide for convenient entry and exit of vehicles. Structural concrete columns that are 16" wide x 24" long would be located between some parking stalls that would protrude up to approximately 9" into the 8'-6" clear width of the stall on each side. The columns are generally located near the back end or front end of the space so as not conflict with car door operations. This reduced width will accommodate a regular sized vehicle, however, may require additional maneuvering. Building management could also limit these spaces to compact vehicles, if desired.

The modification better meets design guideline C3-1 (Integrate Parking) in that it allows more parking to be integrated in the development while allowing more of the ground level active uses along NW 12th Ave that enhance the relationship with pedestrians. *Therefore this criterion is met.*

B. Purpose of the standard. *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings: The parking area layout standards are intended to promote safe circulation within the parking area. Based on the adoption of these smaller sizes and encroachments by The City of Portland in the past and by other urban jurisdictions (such as Seattle), precedent proves these spaces will safely accommodate automobiles. In addition, all spaces will be assigned, further ensuring larger vehicles will be assigned larger spaces to fit safely in the garage. *Therefore this criterion is met.*

Therefore this Modification merits approval.

Modification Request #2: 33.510.215, Required Building Lines. The building must extend to the street lot line along at least 75% of the lot line. The buildings are located at (or within 12 feet of) the street lot line for 100% of the NW 13th Ave frontage, 100% of the 12th Avenue frontage, 71% of the NW Kearney frontage and 72% of the NW Johnson frontage.

Purpose Statement. Required building lines are intended to enhance the urban quality of the Central City plan district.

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines.*

Findings: *A3-1 Provide Convenient Pedestrian Linkages:* The design supports a fine grain pedestrian network in the neighborhood by providing an on-grade, accessible public courtyard running north-south between the buildings fronting on 13th and 12th Avenues. The greater than 50 feet wide courtyard provides convenient, pleasant access to both buildings, but decreases the ability to meet the building line percentage requirements along Johnson and Kearney Streets.

A7 Establish and Maintain a Sense of Urban Enclosure: To continue the Pearl District's sense of urban enclosure, both buildings will be built to their lot lines on all streets. The only exceptions occur where the residential building form steps back at the lower levels to create semi-public townhouse stoops at Johnson St and 12th Avenue.

A8 Contribute to a Vibrant Streetscape: Providing a round-the-clock mix of residential, office and retail uses on the block ensures diverse human activity throughout the day and night. The project incorporates a variety of types and places to sit on the sidewalk and within the courtyard. The through-block connection at the courtyard provides ample opportunities for seating, gathering and people watching. The bocce court provides an active public program, as do public bicycle repair stations and ample bike parking. Art is also proposed in the courtyard and at the south end of the NW 12th Ave elevation.

The design of the office building will promote use of the dock with large folding storefront doors to let the public in to the proposed market. Outdoor dining is envisioned here. In addition, the sidewalk level of the elevations along Johnson and Kearney are designed to encourage the use of adjacent on-grade sidewalks by providing direct visual and physical connections to retail spaces through large windows and doors into their storefronts, as well as a slight recess from the lot lines at the entries to these spaces which could be used for café or other seating.

In the residential building, connections to the sidewalk are created with outdoor transition areas, with large windows facing the street, and with usable stoops at the townhouse

entries. In addition, the townhouse stoops are located from 2 feet to 3 feet above the sidewalk level with soft streetscape edge landscape to encourage active use of the stoops by residents while protecting their exposure to the public.

B1-1 Provide Human Scale to Buildings Along Walkways: Detailing, proportions, materials, and activities at the ground levels of both buildings provide human scale and relationships which support pedestrian needs and interests. In the office building, tall 16' to 20' ground-level ceilings, canopies, folding storefront walls, and custom entry doors with custom hardware to the office lobby provide interest adjacent to the sidewalk and raised dock. In addition, the ground-level slab steps internally to create accessible entries directly off the street at the corners with Johnson and Kearney.

Tall 20' ceilings and large expanses of clear glazing at the northeast corner of the residential building will allow views into the leasing office and lobby. Sensitive detailing of the townhouse transitions on 12th Avenue and Johnson Street, including low planter walls, high and low plantings, trellises and canopies at the stoops also provide human scale. The high rise also includes balconies to allow for informal surveillance of the street.

B5 Make Plazas, Parks and Open Space Successful: The project's on-grade public courtyard will incorporate active open space adjacent to both buildings. It is oriented in the north-south direction in order to receive sunlight during most of the day. Eyes on the courtyard from both office and residential spaces will keep it safe throughout the day and night.

Incorporating primary entrances to both buildings, the courtyard also provides restaurant/café seating at the dock-level retail, and a residential patio adjacent to the amenity lounge and kitchen spaces.

A simple but diverse material palette in the courtyard will create warmth and variety from the adjacent streetscape, and the plant palette selected to create seasonal interest throughout the year. Proposed "log jam" benches are intended to appeal to users of all ages by providing seating and being climbable for children.

C8 Differentiate the Sidewalk-Level of Buildings: In the 13th Ave Building, the sidewalk level is differentiated with larger openings of storefront windows, canopies at the dock and above Johnson and Kearney Street entries, a consistent concrete base around the building, as well as signage (to be reviewed at a later date).

In the 12th Avenue Building, a different material (board-formed concrete) occurs at the townhouse level, and at townhouses and garage entry trellises/canopies. Glass comes to the ground at the residential amenity spaces and leasing area to differentiate its public use differently from the rest of the semi-private and private uses. *Therefore this criterion is met.*

B. Purpose of the standard. *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings. The purpose of the required building lines is to enhance the "urban quality" of the district. The greater than 50 feet wide courtyard (which would meet the required building line standard) is an urban amenity, and the project exhibits other urban qualities mentioned in the design guidelines above. *Therefore this criterion is met.*

Therefore this Modification merits approval.

Modification Request #3: 33.140.230. Ground Floor Windows. In the EX zone, all exterior walls on the ground level which are 20 feet or closer to a street lot line, sidewalk, plaza, or other public open space or right-of-way must have windows. The windows must be at least 50 percent of the length and 25 percent of the ground level wall area. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade. The requirement does not

apply to the walls of residential units, and does not apply to the walls of parking structures when set back at least 5 feet and landscaped to at least the L2 standard.

The proposed buildings meet or exceed this standard, with the exception of the East elevation of the NW 12th Avenue Tower Building. On this elevation the requirements (for the portion of the ground floor that is not made up of residential units) are approximately 45.95 feet of window length and 206.5 square feet of window area. Proposed are 17.77 feet (19 percent) of window length and 124 square feet (15 percent) of window area. If the residential facades are included, overall on this entire façade the glazing length is 33 percent and glazing area is 23 percent.

Purpose Statement. In the EX zone, blank walls on the ground level of buildings are limited in order to:

- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, or allowing public art at the ground level;
- Encourage continuity of retail and service uses;
- Encourage surveillance opportunities by restricting fortress-like facades at street level; and
- Avoid a monotonous pedestrian environment.

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines.*

Findings. *A2 Emphasize Portland Themes:* The concept for the project (Heartwood + Seedling) relates to Portland themes in two ways: ‘Heartwood’ for lumber industry, and ‘Seedling’ for Portland’s natural setting and forested past. Use of decorative perforated metal garage gates with a custom perforation of a young forest relates to this theme.

A4 Use Unifying Elements: The 12th Avenue Building shares several unifying features with Edge and other taller buildings within the Pearl District to the north, and with the lowrise on the same block. The material palette contributes to the diversity of the Pearl. Each structure uses raw concrete, painted steel canopies, galvanized railings, a similar storefront character, and relational bays at the courtyard—all with a common color palette.

A5-1-1 Reinforce the Identity of the Pearl District Neighborhood: The 12th Ave Building uses board-formed concrete at its base and incorporates townhouse stoop design consistent with other townhouses in the District.

B1-1 Provide Human Scale to Buildings Along Walkways: Tall 20’ ceilings and large expanses of clear glazing at the northeast corner of the residential building will allow views into the leasing office and lobby. Sensitive detailing of the townhouse transitions on 12th Avenue and Johnson Street, including low planter walls, high and low plantings, trellises and canopies at the stoops also provide human scale. These canopies are also included at the entries to the garage and loading area to bring a pedestrian scale to these areas.

B5 Make Plazas, Parks and Open Space Successful: Locating service entries to the 12th Avenue Building away from the project’s on-grade public courtyard was key to success of the courtyard. This allows the courtyard to incorporate active open space adjacent to both buildings. It is oriented in the north-south direction in order to receive sunlight during most of the day. Eyes on the courtyard from both office and residential spaces will keep it safe throughout the day and night.

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 has been accomplished by integrating art into the public edges of the project – the Applicant has identified a public art zone along the NW 12th Ave elevation to be administered by Regional Arts and Culture Council (refer to Condition of Approval B). *Therefore this criterion is met.*

B. Purpose of the standard. *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings. The purpose of this standard is to limit blank walls on the ground level of buildings in order to: provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, or allowing public art at the ground level; encourage continuity of retail and service uses; encourage surveillance opportunities by restricting fortress-like facades at street level; and avoid a monotonous pedestrian environment.

On balance, this project meets the purpose of this standard by visually and physically connecting activities within the structures to adjacent sidewalk areas. With eight public elevations to the project, there is no ideal location for garage entry ramps, loading bays or trash/recycling. However, due to the shared street nature of NW 13th Avenue, the pedestrian orientation of NW Kearney Street, the bicycle greenway designation on NW Johnson Street, and the desire to keep the courtyard pedestrian-oriented, the logical location for loading and garage access is on 12th Ave. Because NW 12th Ave is not a retail-oriented street in this location, the lack of glazing in this area does not create a discontinuity of retail and service uses.

Locating service and garage access on NW 12th Ave compromises active floor area and glazing potential on this elevation – 19% of wall length and 15% of wall area. Specific features meeting the purpose of this standard are:

- decorative garage and loading gates with a custom perforation pattern and lighting consistent with the seedling theme of the building;
- glazed views into the active leasing office;
- high quality board formed concrete wall segments – varying from 6’ to 19’ in length;
- varied landscape plantings within the setback (approx 3’) between wall and sidewalk; and
- a designated Public Art Zone at the south end of the NW 12th Ave elevation to be administered by the Regional Arts and Culture Council.

The Design Commission discussed this elevation design at length during the Type III LUR, required changes during the process, and approved it as designed. The additional features added since the previous LUR have further enhanced the project with particular attention to the express mention of public art in this purpose standard.

Therefore, with the condition of approval that the public art (in lieu of the required ground floor windows along NW 12th Ave) will be approved by the Regional Arts & Culture Council (RACC) and installed on, or adjacent to the southerly most wall of the NW 12th Ave elevation prior to approval of the issuance of a final certificate of occupancy, and that a covenant for the public art, following the regulations of Section 33.700.060, Covenants with the City, to ensure the installation, preservation, maintenance, and replacement of the public art must be submitted prior to approval of the issuance of a final certificate of occupancy, this criterion is met.

Therefore this Modification merits approval.

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 applicant has addressed all major concerns expressed by staff and designed a building that embodies the spirit intended by the applicable design guidelines, and responds well to the natural, cultural and built context. The proposal meets, and in some cases exceeds the applicable design guidelines, and Modification and Adjustment criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of changes to approved design under LU14-230014 DZM:

- **On-site Loading Stall "C" Location.** Stall to remain under the building footprint in and height to be reduced by 1"
- **Courtyard Lighting.** Additional light fixture on Bocce court. Change in angle of some bench tape light fixtures. Additional dock step and ramp fixtures.
- **Canopy Drainage.** Elimination of downspouts and gutters for some canopies on 12th Ave and 13th Ave.
- **13th Ave Building Roof.** Changes to trellis canopy and roof structure.
- **13th Ave Building Elevations.** At the vestibule dock walls, change from composite metal panel to ¼" steel plate.
- **12th Ave Building Roof.** New water feature, reduced garden size, reduced elevator penthouse canopy.
- **12th Ave Building Elevations.** Lower window wall railing, increase height of spandrel panels.

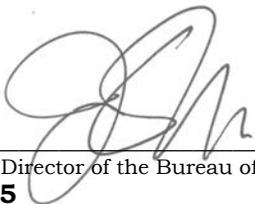
Approval of the following three (3) **Modifications**:

- **Modification #1. Parking Area Layouts (33.266.130.F.).** Parking space and aisle dimension changes in below-grade parking garage.
- **Modification #2. Required Building Lines (33.510.215).** Buildings must extend to the property line along at least 75% of the property line on all frontages. The proposal seeks 71% along the NW Kearney St frontage and 72% along the NW Johnson St frontage.
- **Modification #3. Ground Floor Windows. (33.140.230).** Exterior walls 20' or closer to a street must have glazing for 50% of wall length and 25% of wall area. Along the NW 12th Ave frontage, the proposal seeks 19% of wall length and 15% of wall area.

Approval per the approved site plans, Exhibits C-1 through C-22, signed and dated November 25, 2015, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.22. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-248092 DZM. No field changes allowed."
- B. The public art (in lieu of the required ground floor windows along NW 12th Ave) will be approved by the Regional Arts & Culture Council (RACC) and installed on, or adjacent to the southerly most wall of the NW 12th Ave elevation prior to approval of the issuance of a final certificate of occupancy. A covenant for the public art, following the regulations of Section 33.700.060, Covenants with the City, to ensure the installation, preservation, maintenance, and replacement of the public art must be submitted prior to approval of the issuance of a final certificate of occupancy.

Staff Planner: Jeff Mitchem

Decision rendered by:  **on November 25, 2015**

By authority of the Director of the Bureau of Development Services

Decision mailed: December 1, 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 October 8, 2015, and was determined to be complete on **October 16, 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 October 8, 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 by the maximum amount of 245 days. Therefore, **the 120 days will expire on: October 8, 2016**.

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

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

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

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

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on December 15, 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 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

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

Recording the final decision.

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

- *Unless appealed*, The final decision may be recorded on or after **December 16, 2015**.
- 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 may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

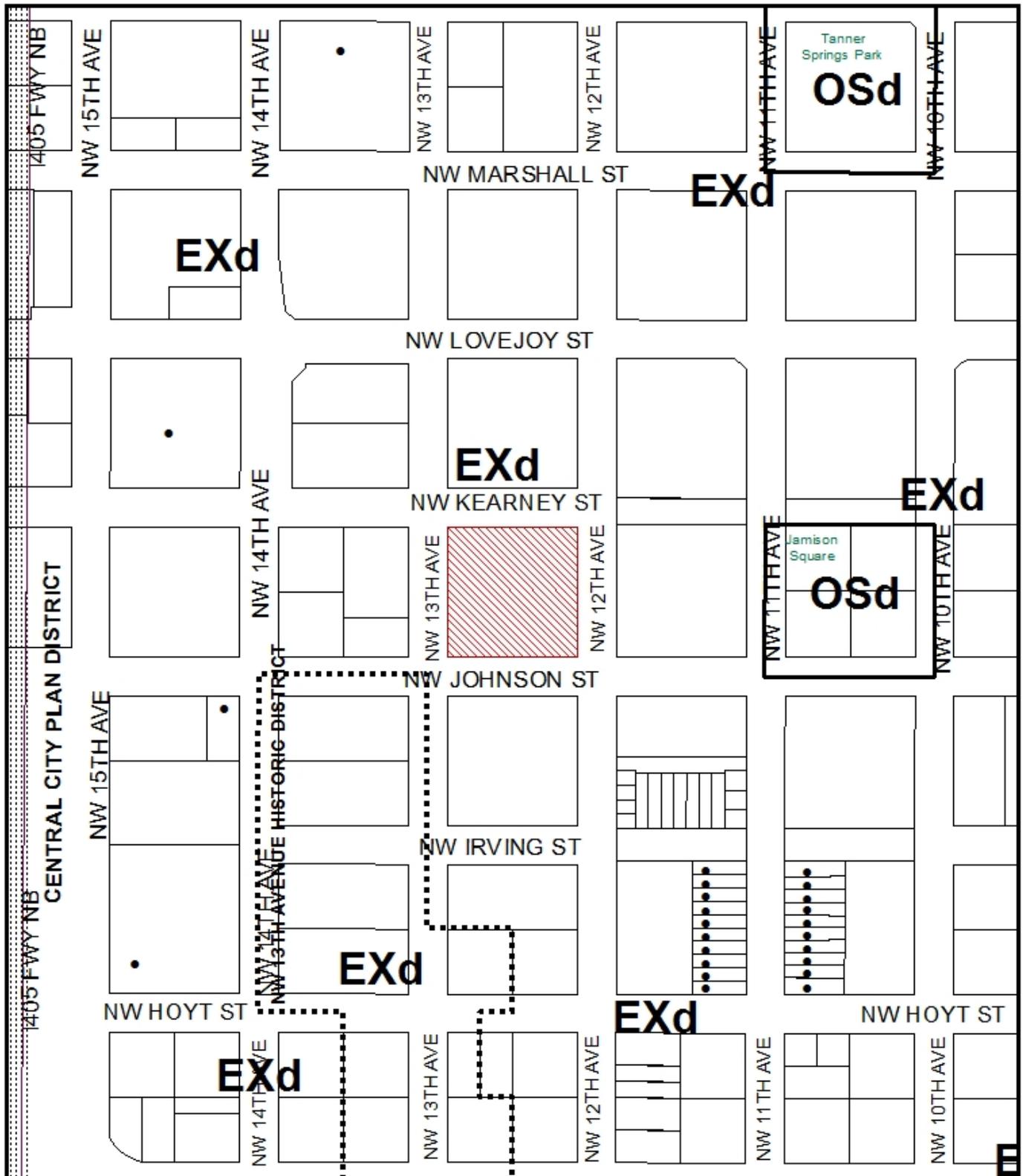
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Block 136 Type II Land Use Application Drawing Set (C.0-C.22)
 - Sheet C.0, Site Plan (attached)
 - Sheet C.9, Courtyard Lighting (attached)
 - Sheet C.10, Canopy Drainage (attached)
 - Sheet C.12, 13th Ave Building Penthouse (attached)
 - Sheet C.20, 12th Ave Building Elevation (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Life/Safety Section of BDS
 - 3. Fire Bureau
- F. Correspondence:
 - 1. Dee, October 26, 2015. Letter in opposition to Ground Floor Windows Modification.
- G. Other:
 - 1. Original LU Application
 - 2. 120-Day Extension Form

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).



ZONING

-  Site
-  Historic Landmark

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



File No. LU 15-248092 DZM
 1/4 Section 2928
 Scale 1 inch = 200 feet
 State_Id 1N1E33AD 1600
 Exhibit B (Oct 13, 2015)

Block 136

Type II Land Use Application

October 2, 2015



PORTLAND BLOCK 136

TYPE II LAND USE APPLICATION

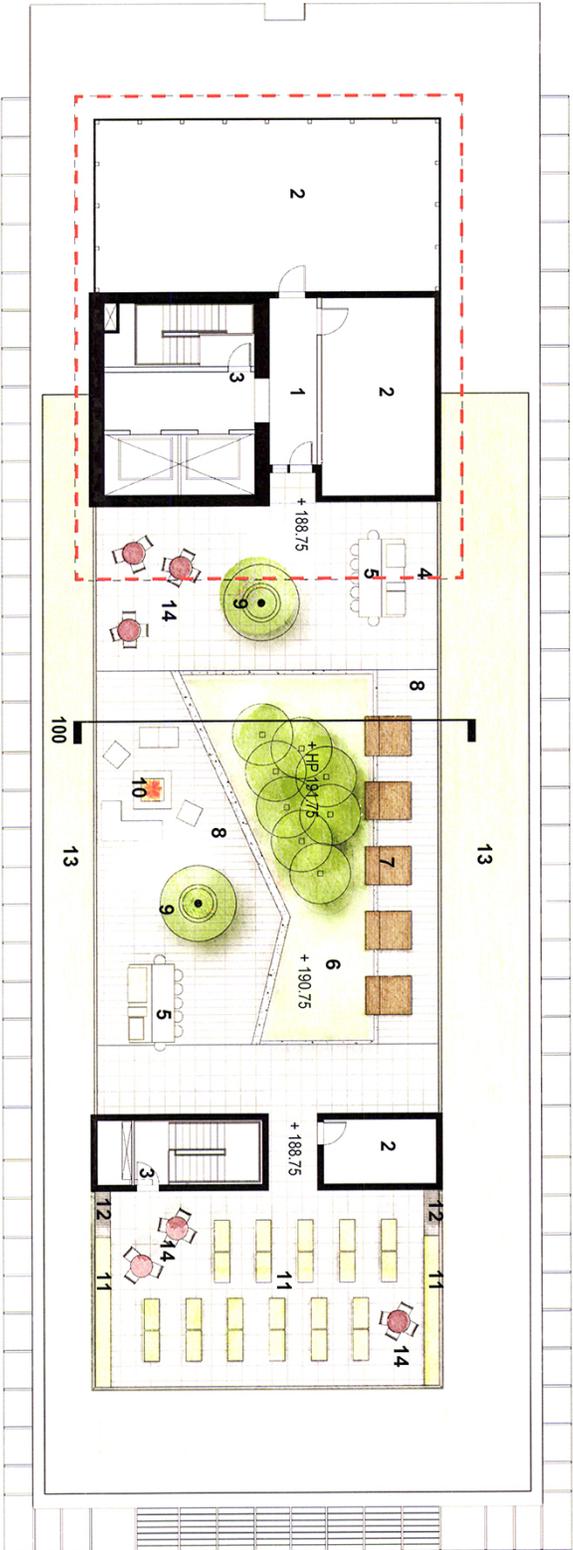
October 2, 2015

MITHUN

W22 26087-511

6. 12th Ave Bldg Roof Terrace

Approved Design



- 1 Main Entry, Elevator Lobby**
Flush with level of concrete unit pavers
- 2 Mechanical Space**
- 3 Stair Entry**
- 4 Trellis Overhang**
- 5 Outdoor Kitchen, Total of 2**
Bar height concrete counter with (1) gas grill, (1) sink, (1) mini-refrigerator. Seating for 6-8
- 6 Elevated Planting Area**
Roof-top feature of protected grove of seedlings. Finished grade varies from 24"-36" above pavers. Articulated concrete wall and sun loungers on east and west sides.
- 7 Hardwood Chaise Lounge**
Facing the river and protected from the other program areas by the elevated planter. 5' W is sized to accommodate 1-2 people. height is 12" above pavers
- 8 Paving Accent Zone**
- 9 Tree Planter**
Precast concrete planter, 24" min. depth. Planted with medium sized trees to subdivide spaces
- 10 Fire Pit**
Gas fire pit, approximately 18" H, located on west side for sunset and evening views. Surrounded by flexible furniture.
- 11 Community Gardens, 30-60 Plots**
(30) 2x4 galvanized steel trough planters, paired. Can be further divided to create more plots.
- 12 Storage**
Built in storage box, 24", 6"-10"L to accommodate gardening tools. Top serves as bench.
- 13 Green Roof** 4" planting depth
- 14 Flexible Space** Area for casual seating dining overflow



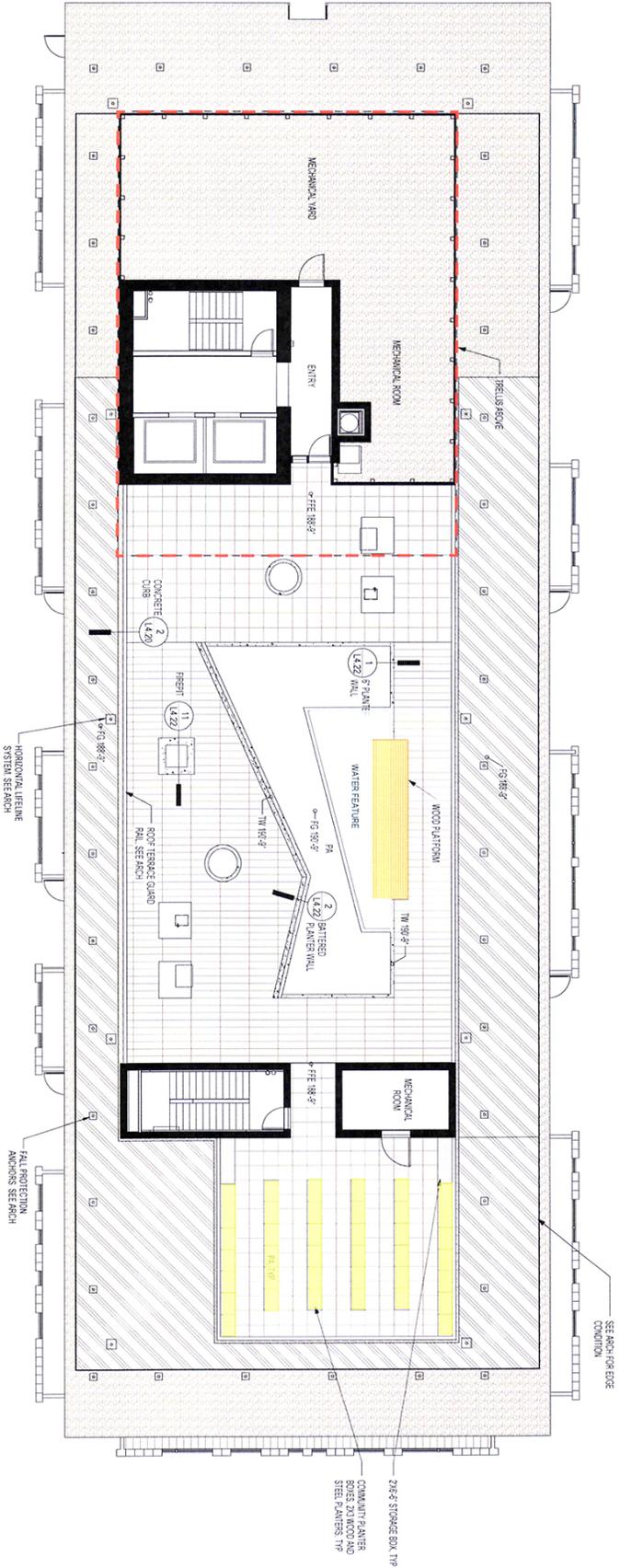
Approved
City of Portland - Bureau of Development Services
Planner: *[Signature]* Date: 11/25/15

W15-248092DZM

EXH.C. 9

6. 12th Ave Bldg Roof Terrace

Proposed Design



ROOF TERRACE MATERIALS LEGEND:

- CONCRETE UNIT PAVES 1x4
- CONCRETE UNIT PAVES 2x2
- GREEN ROOF 2x7 PERLITE WOOLLE
- BULLSEYE
- CONCRETE PAVES WALL
- GRASS ON CONCRETE CURB
- ROOFING PITCHES IN GAS BOG. CONCRETE CURBS & SK. SEE 1 / AS 33
- PAINTED CONCRETE PAVES, 18" SQU. GRTH
- PAINTING AREA
- COLUMN ENDING

CITY OF PORTLAND

 PROJECT APPROVAL

 10/2/15



PORTLAND BLOCK 136

TYPE II LAND USE APPLICATION

October 2, 2015

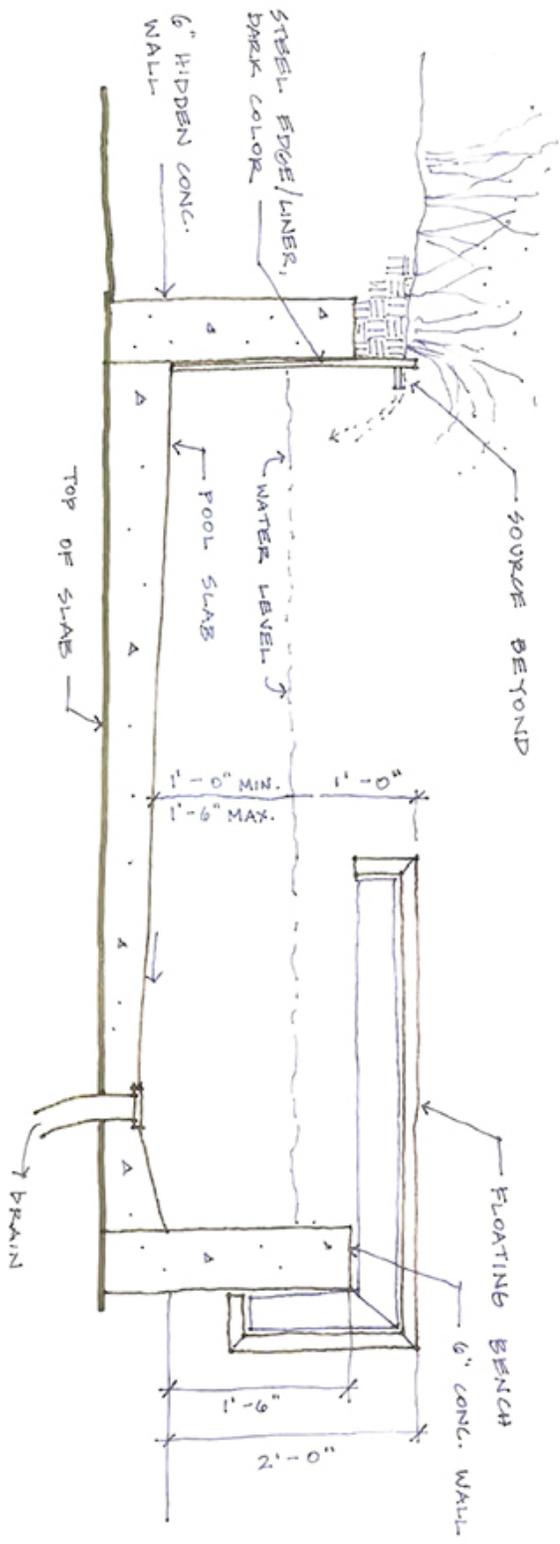
MITHUN

EXHIBIT C.10

6. 12th Ave Bldg Roof Terrace

Proposed Sketch Section of Water Feature Design

Planner *[Signature]*
* This copy is for all conditions.
10/2/15



EXH C.12

Modification #2

Required Building Lines

The purpose of the required building lines is to enhance the "urban quality" of the district. The greater than 50 feet wide courtyard is an urban amenity that provides a round-the-clock mix of residential, office and retail uses on the block ensures diverse human activity throughout the day and night.



Courtyard View Looking North

Planner _____ Date: 10/2/15
* This application is subject to all conditions of _____

EXH C 20