



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

FROM CONCEPT TO CONSTRUCTION

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STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION

CASE FILE: LU 16-144846 DZM, AD (PC # 15-210283)
Hotel, SW11th & Alder

REVIEW BY: Design Commission

WHEN: September 29, 2016

WHERE: 1900 SW Fourth Ave., Room 2500A
Portland, OR 97201

Bureau of Development Services Staff: Grace Jeffreys / Grace.Jeffreys@portlandoregon.gov

Areas of Concern are boxed below.

GENERAL INFORMATION

Applicant: Gary Golla, Sera Architects
338 NW 5th Ave, Portland, OR 97209

Owner: The United Way
619 SW 11th Ave #300, Portland, OR 97205-2646

Site Address: **SW11th & Alder**

Legal Description: BLOCK 257 LOT 1&2, PORTLAND; BLOCK 257 LOT 3&4, PORTLAND
Tax Account No.: R667728480, R667728500
State ID No.: 1N1E33DD 04100, 1N1E33DD 04200
Quarter Section: 3028
Neighborhood: Portland Downtown, contact Rani Boyle at 503-725-9979.
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - Downtown - West End
Zoning: **RXd**, Central Residential with design overlay
Case Type: **DZM, AD**, Design Review with Modifications and Adjustments
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 quarter-block, 15-story hotel building located in the West End Subarea of the Central City Plan District, Downtown Subdistrict, located on the eastern half of its block, and bordered by SW Morrison Street, SW 11th Avenue, and SW Alder Street. The proposed 150' tall building will replace the 3-story, quarter-block structure (office) on the northeastern part of the block, while the 3-story, quarter-block structure (office) on the southeastern part of the block will remain. Key components of the development program are (approximate quantities):

Site – half-block site, 20,000 SF

- Proposed Floor Area - 158,398 SF above grade, 7.92:1 FAR
Hotel at northern ¼ block, 130,953 SF above grade, 6.55:1 FAR;
Existing office at southern ¼ block, 27,445 SF above grade, 1.37:1 FAR) achieved as follows:
 - Base FAR allowed: 6:1 FAR, or 120,000 SF;
 - Eco-roof Bonus: 1:1 FAR, or 19,974 SF, earned through 6,658 SF of eco-roof at 66.6% of the total roof area, which earns 3 SF of bonus floor area for every one SF of ecoroof;
 - Transfer of Residential Floor Area from a site with residential development: Minimum required will be 0.92 FAR, or 18,424 SF.
- Height – 150' (150' allowed)
- Program – Lobby, restaurant, lounge and meeting rooms first two levels, 220 hotel rooms above;
- Parking – None;
- Loading - One 35' x 10' x 12' loading space, accessed off SW Alder;
- Bike Parking - 14 long-term bike parking spaces (11 required) in a locked, basement level room, 0 short-term spaces (11 required), code requirement met via paying into bike parking fund.

Materials. Exterior materials are:

- Primary Cladding - Two-coat stucco (4" recess at window frame, 1" recess at louvers);
- Accent Cladding - Pre-finished fiber-cement panel clad ribbon on East elevation (concealed fasteners), perforated metal screen at sculptural element on East elevation and second floor, all louvers (exposed fasteners) aluminum composite metal panels at ground level (concealed fastening), and corrugated perforated metal screen at roof (face fixed);
- Accent Trim - Sheet metal trim and flashings (window sills), painted fiber cement (window heads);
- Base - Aluminum storefronts, heavy timber red cedar columns, glass and metal canopies, colored glass accents.
- Windows - Aluminum windows (with fiberglass as an alternate).

Modifications/Design Exceptions/ Adjustments. The following are requested:

- Modification request (PZC 33.266.310.D) - Reduce the size of the loading space from 35' long x 10' wide x 13' tall to 35' long x 10' wide x 12' high.
- Exception request (OSSC/32/#1) - Increase the maximum width of an oriel projection from 12' to 27'-11" on SW 11th.
- Adjustment request (PZC 33.266.310.C) - Reduce the number of loading spaces from 2 to 1.

Design review is necessary because the project proposes new development within a design overlay zone, per section 33.420.041 of the Portland Zoning Code.

Relevant Approval Criteria:

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

- Design Review, 33.825
- Central City Fundamental Design Guidelines
- Modifications, 33.825.040
- Adjustments, 33.805.040

ANALYSIS

Site and Vicinity: The subject site is the eastern half of the block bounded by SW Alder Street, 11th Avenue, Morrison Street, and 12th Avenue. The 20,000 SF site is occupied by two modern three-story concrete office buildings. The northern 3-story ¼-block building is proposed to be demolished in order to construct this 15-story hotel. The southern 3-story ¼-block building on the site will remain.

The surrounding area has undergone changes in the past decades. New buildings have been constructed, and existing buildings have been renovated for new retail, restaurant, and office tenants. The Portland Streetcar now runs south along SW 11th Avenue and the MAX Light Rail runs west along SW Morrison Street.

Zoning: The Central Residential (RX) zone is a high-density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of housing development will be medium and high rise apartments and condominiums, often with allowed retail, institutional, or other service oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby. RX zones will usually be applied in combination with the Central City plan district.

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

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

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

- LU 13-159355 DZ – A 2013 Design Review approval for new signs and furnishings at the United Way building.
- LU 15-259364 CU – A 2015 Conditional Use Review approval for up to 179,140 of net building area in non-residential use (Retail Sales and Service and Office).
- LU 16-128846 DZM – A 2016 Design Review approval with conditions for exterior alterations to the ¼-block United Way office building on the southern half of the site. Proposal included a new perforated trash enclosure painted to match existing window frames, alterations to rooftop enclosure and a RACC approved mural on the south wall. Approval of Modifications to Required Building Lines, Ground Floor Windows, and Ground Floor Active Uses.

Agency Review: A “Request for Response” was mailed **May 24, 2016**. The following Bureaus have responded with no issues or concerns:

- Site Development Review Section of Bureau of Development Services (Exhibit E.1)
- Fire Bureau (Exhibit E.2)
- Water Bureau (Exhibit E.3)
- Life Safety Review Section of Bureau of Development Services (Exhibit E.4)

The **Bureau of Parks-Forestry Division** responded with the following comment: Please see Exhibit E-5 for additional details.

Urban Forestry has no objections to the proposal subject to the following conditions of approval:

1. *Street Tree Planting prior to final plat approval*
2. *Street trees must be included in all proposed public works and building permit applications.*

The **Bureau of Transportation Engineering and Development** Review responded with comments, excerpts are provided below: Please see Exhibit E-6 for additional details.

Portland Transportation/ Development Review (PBOT) has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.

There are no applicable transportation-related approval criteria associated with the proposed Design Review. However, the applicant has requested an Adjustment and a Modification for exceptions to the Zoning Code's loading space requirements. The applicant is seeking the Adjustment to reduce the number of required on-site loading spaces from two "Standard A" (35-ft wide x 10-ft long x 13-ft vertical clearance) spaces to one (PZC Section 33.266.310.C). The Modification is being sought to reduce the associated clearance height from 13-ft to 12-ft (PZC Section 33.266.310.D). These requests are transportation-related and PBOT provide will provide the following analysis thereto.

The applicant is also proposing an "oriel window" (as amended on plans dated May 29, 2016) in relation to the new building along the site's SW 11th Ave frontage, towards the northern end of the building. Oriel windows are reviewed pursuant to BDS' Code Guide – Window Projections into the Public Right-of-Way – OSSC/32/#1. Said Code Guide provides dimensional limitations and allowed considerations of exceptions thereof. In this case, the applicant is seeking an exception to the overall width limitation (12-ft) for said projection – the proposed oriel window would measure 27'-11". There is an associated width (ratio) limitation for window projections as it relates to the overall wall length – the applicant's proposal is satisfying this requirement.

Relative to this request, PBOT is supportive of the proposed window (width) – although it is more than twice the standard width allowed, overall, in comparison to the entire wall area, the projection is within the comparative ratio. Further, the proposed oriel window satisfies all of the other parameters identified in the referenced Code Guide. PBOT has no objections to the proposed oriel window (as amended on plans dated May 29, 2016).

PBOT's analysis has been integrated into to findings below.

The **Bureau of Environmental Services** responded with comments, excerpts are provided below: Please see Exhibit E-7 for additional details.

BES does not object to approval of the design review application. The proposed development will be subject to BES standards and requirements during the permit review process.

1. *Onsite Stormwater Management: Stormwater runoff from this project must comply with all applicable standards of the SWMM and be conveyed to a discharge point along a route of service approved by the BES Director or the Director's designee. The applicant submitted a revised site plan from SERA dated 9/2/2016 and a stormwater report from Humber Design Group dated 5/4/16. The site plan proposes an ecoroof of 6,658 square feet of the roof with two flow-through planters providing pollution reduction and flow control for the remainder of the roof runoff.*
 - a. *The ecoroof is designed to cover 6,658 square feet of the roof area which accounts for more than 66% of the footprint. This qualifies the development for a 3:1 ecoroof FAR bonus according to the Central City Plan District (33.510.210 C. 10. a). BES has included a copy of the BES certification of the ecoroof design with this land use*

- response.*
- b. The planters are proposed to be 178 and 49 square feet in size and located on the Level 3 roof area. The planters are designed to be above and at the grade of the roof in order to accommodate flow from the main roof as well as the Level 3 roof, respectively. The planters were sized based on a smaller ecoroof and therefore may be smaller than the storm report indicates. Depending on developing policy around the new SWMM the smaller planter has the potential to be fully removed.*
 - c. Discharge will be to the combined sewer in SW Alder.*
 - d. BES has no objection with the proposed stormwater management plan.*

The Bureau of Environmental Services also responded with an addendum Ecoroof letter of Certification, excerpts are provided below: Please see Exhibit E-8 for additional details.

This certification memo is an addendum to the initial BES Land Use Response issued by Bureau of Environmental Services (BES) staff on August 16, 2016. The applicant is proposing to use an ecoroof over a significant portion of the new structure and would therefore achieve an FAR bonus according to the Central City Plan District (33.510.210 C. 10. a).

Per Title 33, BES is required to certify that a proposed ecoroof meets the BES criteria for an ecoroof in order to receive a Floor Area Ratio (FAR) bonus. BES finds the following with regard to the proposed ecoroof for the proposed SW 11th & Alder structure:

*1. Based on information provided by the applicant, the United Way Hotel will include an ecoroof. The ecoroof will be at least 6,658 square feet. **With an impervious area building footprint of 10,000 square feet, the structure will have an ecoroof over 66% of the structure. Since the ecoroof is over 60% of the footprint, it qualifies the applicant to receive a 3:1 square foot bonus.***

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 26, 2016. One response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Jim Mark, September 13, 2016, wrote in support of the proposal.

Procedural History:

The applicant requested the project to be deemed complete on May 17, 2016, and requested a hearing date of July 21, 2016 although a July 7, 2016 hearing date was offered (Exhibit G.10). On June 13, 2016, the applicant requested the hearing date to be rescheduled to August 18, 2016 (Exhibit G.10). Following the submission of a substantially revised scheme, the hearing date was again rescheduled to September 29, 2016 to allow for public re-noticing (Exhibit G.11).

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.

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City.

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

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within all of the Central City policy areas. The nine goals for design review within the Central City are as follows:

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

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

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 accessways for pedestrians that provide connections to the Willamette River and greenway.

Findings: The proposed site is eleven blocks west of Governor Tom McCall Waterfront Park; therefore, it is not adjacent to the greenway of the Willamette River. The park can be accessed by heading east along SW Alder, and the project proposes the following elements to increase the connection to the Willamette River.

- The two-story, highly-glazed base with a canopy has the potential to support active streetscapes, which will enhance pedestrian connections towards the river;
- Guestrooms on the east side will have views towards the river, and significant glazing is provided to support the visual connection;
- The main hallway from the elevators has windows at the end of each corridor to visually orient hotel guests east to the river or west to the west hills and Forest Park;
- A vegetated storm water flow-through planter is located at the third floor roof to enhance river ecology by improving water quality before it flows into the Willamette.

This guideline is therefore met.

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

Findings: Portland is a city with a depth of layers that are reflected in the different neighborhoods. In particular, the West End's vitality is driven by the restaurants, breweries, art galleries, neighborhood coffee shops and unique retail opportunities housed in a mix of modern and historic architecture. This creates a rich district filled with opportunities for exploration. This project integrates several themes related to the area and the city by incorporating the following features:

- Active frontages to reinforce the urban fabric and pedestrian scale;
- Restaurant/bar facing Eleventh Avenue to build on the Portland food cultural theme;
- Canopies to enhance the streetscape and support Portland's pedestrian culture;
- Heavy timber columns to reference the timber industry;
- Sustainable features including an ecoroof and stormwater planters.

This guideline is therefore met.

A3. Respect the Portland Block Structures. Maintain and extend the traditional 200-foot block pattern to preserve the Central City's ratio of open space to built space. Where superblock exist, locate public and/or private rights-of-way in a manner that reflects the 200-foot block pattern, and include landscaping and seating to enhance the pedestrian environment.

Findings: The proposed building occupies a quarter of a full 200 foot square Portland block. The building will support the Portland Block structure on its street frontages by massing the building near the property line and providing active uses at the majority of both street fronts on Alder and 11th.

This guideline is therefore met.

A6. Reuse/Rehabilitate/Restore Buildings. Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

Findings: The existing building on the northeast quarter of the block will be demolished. This building is not of historic significance, and its original façade was removed in the 1970's. Applicant has advised that the building's existing structure is not robust enough to accommodate the new development and will be removed. They also stated they will try to salvage timbers in the existing building basement for decorative use, depending on condition of the material.

This guideline is therefore met.

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

Findings: The proposed building will provide a strong built edge along both SW Eleventh Avenue and SW Alder. The two story glazed base is slightly set back from the 13-story tower above, providing a sense of urban enclosure for the street frontages. The 2-story base of the hotel responds to the pedestrian scale, as well as the neighboring United Way building, which is roughly similar in height and scale. The building's overall height and articulation responds to the urban enclosure defined by the Sentinel Hotel on Eleventh Ave, helping to support the lively urban space of bars and restaurants that reflects the diversity of the food culture, pedestrian experience and style of the West End.

This guideline is therefore met.

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.

Findings: The main lobby of the building will be located at the corner of SW Eleventh Avenue and SW Alder and will be enclosed with two stories of glazing that will connect guests of the hotel to the dynamic streetscape of the neighborhood. Placing this high traffic area of the building on the corner will allow visitors of the hotel to connect with the mature trees and food cart culture of the city just across the intersection. The open interior design locates the most active program spaces such as the restaurant, bar and lounge along SW Eleventh Avenue with its large areas of storefront windows. These large expanses of glazing have the potential to maximize sunlight in the morning hours, enhance the pedestrian experience during the day, contribute to a vibrant nightlife in the evening, and overall visually connect these welcoming interior spaces with the public way.

This guideline is therefore met.

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

Findings: Entries to the building will meet code requirements for accessible.

This guideline is therefore 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.

Findings: The proposed scheme places the entrance for the building along Eleventh Avenue near the intersection with SW Alder Street. The entrance is set back slightly from the property line providing a semi-public/semi-private transition zone between the main flow of pedestrians on the sidewalk for those entering and exiting the building. At the base of the building, the corner at Eleventh and Alder has the highest concentration of glazing along the street facades and will be oriented to the streetcar stops just across SW Alder. This will connect hotel guests to the outdoor activities of the intersection, including streetcar movement, food carts, tree lined streets and the environmental conditions of the day. Signs will be added to the building corner to enhance an active intersection, but they will be submitted at a later date. Stairs, upper floor access, staff entry, and service areas have been located near the center of the block on each elevation.

This guideline is therefore met.

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.

Findings: The proposed scheme places the entrance for the building along Eleventh Avenue near the intersection with SW Alder Street and will activate this important pedestrian connector. All active use spaces are arranged to front SW Eleventh and Alder such as the lobby, restaurant, lounge, check in desk, and lobby bar. The first two floors are differentiated from the upper floors via taller floor to floor heights, large areas of glazing, setbacks from the massing of the guestroom block above, and canopies to protect the pedestrian.

This guideline is therefore met.

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

Findings: The proposed scheme places the entrance for the building along Eleventh Avenue near the intersection with Alder Street. The hotel lobby reception run along SW Alder and the lounge and bar run along SW Eleventh Avenue. The hotel’s public space program is purposely designed to be flexible to accommodate the needs of the guest throughout the day. Seating groups for those who like to be solitary or socialize are provided throughout the ground floor public spaces. The mix of activities they accommodate will keep these spaces active throughout the day.

This guideline is therefore 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: Not applicable. Applicant has advised that signage will be integrated into the design but is not a part of this review. If not exempt, exterior building signage will be a separate design review at a later date.

This guideline is therefore not applicable.

AREAS OF CONCERN:

- 1. Pedestrian Experience** (ground floor),
- 2. Context and Coherency** (design features),
- 3. Quality and Permanence** (materials and detailing),
- 4. Integrate Encroachments** (oriel windows)

AREA OF CONCERN #1. Pedestrian Experience (ground floor).

Canopies, columns, ground floor setbacks, and ground floor service area.

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.

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.

B3. Bridge Pedestrian Obstacles. Bridge across barriers and obstacles to pedestrian movement by connecting the pedestrian system with innovative, well-marked crossings and consistent sidewalk designs.

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.

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.

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

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

Findings: The West End district is known for its vibrant mix of residential, retail, restaurants, and bars. This mix of uses keeps the district active from morning till evening. The active uses of the proposed hotel are intended to mirror the activities of the area throughout the day by providing ground floor restaurant/bar and lounge spaces which are located to have views to the pedestrian oriented activities that run along Eleventh Avenue including streetcar movement, neighborhood food carts and the historical architecture across Eleventh Avenue of the former Elks Temple (now the Sentinel).

The design of the two-story glazed base is intended to support the liveliness of the district by being transparent and inviting, encouraging hotel guests to engage with the culture of the district, as well as inviting locals to stop in at the restaurant for dining and a drink, and thereby increase sidewalk and storefront activity in the district. However, there are design elements that with further development, would better support pedestrian activity, including:

- **Canopies.** The canopies at the edge of the building are intended to protect pedestrians along the streetscape and create a more intimate space to act as a buffer between the public exterior realm and the private interior of the building. However, the canopies do not extend the length of the storefronts. Additionally, the canopy on the east elevation angles down towards the corner, and staff has concerns about water draining off at the critical corner location (Exhibits C.19, C.28, C.49). If the canopies extended further down the length of the frontages, and remained a constant height rather than angled down towards the corner, the canopies would better support the pedestrian activity that enlivens this area.
- **Columns.** The depth and number of timber columns as well as their angled nature blocks rather than opens connections to sidewalk activity. Additionally, although large sliding windows are proposed along SW 11th, columns are proposed crossing in front of them (Exhibits C.19, C.24). If the number of columns was reduced and the angled columns possibly removed, the two-story glazed base would provide more transparency and better connections to the active surroundings.
- **Ground Floor Setbacks.** Although the glazing is slightly stepped back from the property lines, the faces of the columns are at the property lines, with the limited spaces between them filled with planters. Additionally, only one pedestrian entry is provided, located near the corner. The secondary entry to the restaurant is not covered with the canopy, not ADA friendly, and not designed to accommodate visitors. The narrative and renderings describe the “lounge and bar spilling outside for street side dining”; however no outdoor space or direct access has been provided to achieve this (Exhibits C.18, C.37). If the proposal was setback from the property lines, the planters replaced with pavers, and better access to the street was provided from the restaurant, the design would better support this intended indoor/outdoor seating, better accommodate stopping and viewing places, and ensure there are no obstructions to the adjacent pedestrian right-of-way.
- **Ground Floor Service frontage.** While limited setback is proposed at the active frontages, larger setbacks are proposed at the loading area, with the inadvertent effect of highlighting a one-story service mass that extends to the property line (Exhibit C.19, C.36). With further design development, this effect could be minimized.

With further design development, these guidelines supporting the pedestrian

experience could be met.

AREA OF CONCERN #2. Context and coherency (design features).

East and north mass articulation, sculptural metal screen, and exterior lighting.

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

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.

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.

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: The neighborhood is characterized by a diverse mix of historic and contemporary buildings. In addition, some of the older buildings in the neighborhood have had very modern and sculptural additions to them. The applicant indicates that the proposed new hotel will continue the pattern of local contemporary buildings that reflect the vibrancy of the district by sculpting the base of the building and then moving to a standard pattern after the third floor.

The proposed two-story glazed base wraps the corner and clearly defines the public areas of the hotel. The heavy timber columns and the glass and metal canopies at the base of the hotel will be fabricated using exposed connectors, intended to celebrate the skilled craftsmanship of joinery between various materials. The glazing mullion patterns on the Alder elevation are designed to respond to cornice lines of the neighboring building to the west. This combination of design expression and native materials will help create a contemporary building that is consistent with new development in the neighborhood, while its scale and patterning will fit comfortably in the district.

Referencing the strongly sculpted adjacent United Way building, above this base, the hotel's upper stories are intended to have a "sculptural and dynamic massing with subtle patterned joint". The façade of the upper floors is divided into two distinctly different plaster masses. According to the applicant, the two façade masses represent the maker culture of Portland; the east elevation presents a woven pattern, similar to a basket, while the north elevation is a patterned façade using the windows and louvers to mimic woodworking or paper craft works (Exhibits C.24, C.25, C.35, C.36). However, unlike the United Way building, the designs of both these masses are graphic rather than architecturally derived:

- **East mass.** The woven pattern of the east elevation is defined by a ribbon element which wraps back and forth across the façade every other floor. This 1'-6" wide x 1' deep ribbon form is constructed of fiber cement board clad over an open frame (Exhibit C.55).
- **North mass.** The north elevation is relatively flat except for the 4" recessed windows and the slightly recessed louvers, and relies on patterning of color and material for articulation (Exhibit C.51, C.54).
- If these massing elements were articulated with architectural rather than graphic elements (building/ programmatic/ structural elements), the design would be more

coherent and better complement its sculptural and dynamic context.

These two upper floor masses are separated by a programmatically driven vertical notch spanning the height of the building, which contains windows located at the ends of the main hotel corridors. The parapet at the top of the northern mass of the building slopes very slightly downward towards the vertical glass window wall to subtly draw attention down to the main entry located at the base of the notch. A large, perforated metal screen element then covers these windows, running the full height of the façade and dropping to the base where it wraps the corner to the north above the second floor. According to the applicant, this building-scaled, perforated metal element on the east facade is intended to represent plate tectonics that created the Willamette Valley 35 million years ago and in turn the Willamette River. However, staff has concerns with how this major building element fits with existing buildings in this downtown district, as follows:

- **Function, detailing, materials.** Although this is a major building-scaled element, it offers little functional purpose, and the detailing and materials are not of a quality expected in the Downtown District. It appears to be constructed of a face-fixed, perforated metal screen clad over over an approximately 5' wide x 3' deep metal frame, which will be very visible through the open perforations (Exhibits C.24, C.29, C.37, C.47, C52). If the metal screen element was removed, the notch behind would serve to separate the two-part massing of the building and connect down to the main entry at the recessed building base.
- **Screen at windows.** While the windows at the notch are located to connect hotel guests at each level to views of Portland in all directions, covering them with a screen (albeit open) contradicts the intention of providing these views (Exhibits C.24, C.29, C.52). If the metal screen element was removed, unobstructed views would be provided for these windows and would provide better views to the city and landscape beyond.

Exterior architectural lighting will be used in a couple of ways. At the street level, lighting at columns is used to demarcate the entries. Interior lighting will articulate the rhythm of large areas of glazing at levels one and two. Above street level, the perforated screen element runs the full height of the façade. The proposal is to light this screen with changing LED lights to draw visitors in at night (Exhibits C.15, C.16, C.38, C.52). The applicant stated that these lights could be designed/ programmed to respond to special events in Portland or specific times of the year, such as changing the lights to green for a Timbers MLS soccer match or to red when the NBA's Trailblazers play. However, full height, building-scaled exterior lighting is not typical for buildings in the Downtown District.

- **Lighting of screen element.** If the exterior lighting proposal was scaled down, it would be more appropriate for this context.

With further design development, these guidelines addressing the context and coherency could be met.

AREA OF CONCERN #3. Quality and Permanence (materials and detailing).

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

Findings: Durable and attractive materials are proposed at the ground floor which include heavy timber Red Cedar columns, exposed concrete superstructure, glass and metal canopies, aluminum storefront windows, and composite aluminum panels at the service area. However, above ground, some materials are less durable, and less appropriate for the Downtown District, including the following:

- **Two-coat stucco** (4" recess at window frame, 1" recess at louvers) on the two mass

elements. Based on prior stucco proposals, this should be 3-coat stucco for better durability.

- **Open, perforated metal screen** (*face-fixed*). At the sculptural element on the East elevation and all louvers (Exhibits C.47, C.51, C.52). Over the notch, an open weave is more preferable, but over the louvers better screening should be provided.
- **Corrugated perforated metal screen** (*face-fixed*). At rooftop mechanical (Exhibits C.31, C.55). Staff has concerns that the edges are vulnerable.
- **Sheet metal trim and flashings**. At window sills (Exhibits C.50, C.53, C.55), no gauge is specified.
- **Painted fiber cement**. At window heads (Exhibit C.50). If fiber cement is acceptable, it should the pre-finished fiber cement used elsewhere on building.

With further design development, this guideline addressing quality and permanence could be met.

AREA OF CONCERN #4. Integrate Encroachments (Oriel windows).

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.

Exception request (OSSC/32/#1). Increase the maximum width of an oriel projection from 12' to 27'-11" on SW 11th.

Findings: Proposal meets the *Window Projections into Public Right-of-Way, OSSC/32/#1*, requirements for: *Projection, Clearance, Area, Wall Length, Window Area, and Separation*, but is asking for an approval through design review for an Exception to the *Width* requirement as follows:

- **Width.** Maximum width of 12 feet for each projecting window element. When approved through design review, the width may vary provided the area of all windows on a wall which project into public right of way does not exceed 40% of the wall's area and the width of any single projecting window element does not exceed 50% of its building wall's length.

Total width proposed of 28.2% of the wall area meets requirement, but element width of 27'-11" is more than twice the 12' width allowed, therefore an Exception is requested. As mitigation, the applicant stated that the request allowed the proposal to better meet the following Design Guidelines:

- A5. *Enhance, Embellish, and Identify Areas.*
- A8. *Contribute to a Vibrant Streetscape.*
- C4. *Complement the Context of Existing Buildings.*
- C8. *Differentiate the Sidewalk-Level of Buildings.*

The oriel projection serves to identify the main entrance, strengthens the differentiation between the tower and the street level, and creates a dynamic separation between the two massing elements that make up the tower portion of the building. However, to visually and physically enhance the pedestrian environment, as mitigation for this large oriel, additional transparency greater than the minimum requirement of 30% would make this oriel appear less solid and more window-like.

With a substantial increase in the transparency of this oriel, this guideline addressing integration of encroachments and this Exception could be met.

(2) Modifications

33.825.040 Modifications That Will Better Meet Design Review Requirements:

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

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

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

The following modification is requested:

1. Modification of 33.266.310.D Loading Standards, Size of Loading Spaces.

Purpose: A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.

Findings: The Loading Standards require two Type A loading spaces. Proposal is to provide one Type A loading space on the property with access via SW Alder, and an Adjustment has been requested for this, see the findings below regarding this adjustment. Additionally, the loading space proposed is slightly smaller than a standard A space, therefore this modification is requested to reduce the size of the loading space from 35' long x 10' wide x 13' tall to 35' long x 10' wide x 12' high.

The applicant advised that the project has minimal need for loading spaces as there is no move-in/move out as may be needed in a residential project and there are not extensive food service deliveries. Loading will only be used during garbage/recycle pick-up and deliveries of supplies. Full details on the delivery schedule and comparative buildings can be found in the Hotel Truck Loading Needs Assessment report produced by Kittelson and included in the record. On balance therefore, the proposed configuration better meets guidelines as follows:

- A. Better meet design guidelines.** *The resulting development will better meet the applicable design guidelines.* Minimizing the loading space height to only what is necessary will reduce the visual impact of the loading bay on the façade of the building. This will better meet the following guidelines:

A8: Contribute to a vibrant streetscape. The active street frontage opportunity afforded by the reduction in loading size will better enhance the streetscape.

C5. *Design for Coherency.* The reduced height in loading bay will allow for a more coherent elevation. *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.*

PBOT addressed this criterion which refers to transportation-related issues as follows: As noted in the PBOT response regarding the requested Adjustment, and in relation to the loading analysis performed by the applicant's traffic consultant, observations were made at three other hotels in the downtown area for comparison purposes. Part of the conclusions that were made in relation to the surveillance of the other hotels was that the vast majority of the loading/delivery/service vehicles that were serving the other hotels could easily fit into the proposed 12-ft clearance height space (for the subject hotel). With similar delivery/loading functions expected in association with the proposed hotel, PBOT is supportive of the Modification request to allow a 12-ft clearance height.

As stated in 33.266.310.A above, the purpose of the Loading standards are to 1. Ensure adequate loading areas; 2. Ensure appearance will be consistent with parking areas; and 3. Ensure access to loading areas will not negatively affect the function of the right-of-way.

1. Ensure adequate loading areas: The proposed project will not require significant deliveries and one type A size loading space with 12' of clearance will be adequate to receive and store deliveries while awaiting distribution to storage areas within the building.
2. Ensure Appearance is consistent with parking areas: The project does not propose to have parking on site. The project intends to visually minimize the appearance of the loading area to better fit into the district.
3. Ensure access to loading areas will not negatively affect the function of the right-of-way: Based on the findings of the Hotel Truck Loading Needs Assessment report for the project, the 12' clearance can accommodate the types of trucks that will provide deliveries for the property. There will be no disruption to the right-of-way caused by the modification. *Therefore this criterion is met.*

Therefore this Modification merits approval.

(3) Exception to Window Projections into Public Right-of-Way OSSC/32/#1

Windows that project into the public right-of-way have a maximum width of 12'. When approved through design review, the width may vary. The proposal includes a 27'-11" wide window projecting into the SW 11th Avenue public rights-of-way at the east end of the building.

Standards for windows allowed to project into public right-of-way.

A. Projection. Maximum projection of 4 feet into the right-of-way including trim, eaves and ornament.

Findings. The maximum projection is 3'-6". *This criterion is met.*

B. Clearance. Clearance above grade as defined in Chapter 32, Section 3202.3.2 of the current Oregon Structural Specialty Code. (The 2014 edition of the Oregon Structural Specialty Code states that no projection is allowed for clearances less than 8 feet above grade. For clearances above grade greater than 8 feet, 1 inch of projection is allowed for each additional inch of clearance, provided that no such projection shall exceed a distance of 4 feet.)

Findings. The minimum clearance above grade is 25'-0" and the maximum projection is 3'-6". *This criterion is met.*

C. Area. Maximum wall area of all windows which project into public right-of-way on a wall is 40% of the wall's area.

Findings. The projecting wall areas are below the maximum allowed 40%, as follows: East Façade 23.5%, North Façade 3%. *This criterion is met.*

D. Wall Length. Maximum width of any single window which projects into public right-of-way is 50% of its building wall length.

Findings. The projecting wall length is under the maximum allowed 50% width of any single window is as follows: East Façade 28.2%. *This criterion is met.*

E. Window Area. Minimum of 30% window area at the face of the projecting window element. Projections greater than 2 feet 6 inches must have windows at all sides, and required side windows must be a minimum of 10% of side walls. When approved through design review, the window requirement for side walls may vary. Side windows must meet the requirements of Table 705.8 of the current Oregon Structural Specialty Code, maximum area of exterior wall openings based on fire separation distance and degree of opening protection. The separation distance is measured from the continuation of the property line. No openings will be allowed within 3 feet of the property line continuation.

Findings. The projections are 3'-6" and the front-facing window area on the East Façade of 30.3% just meets the minimum required 30%. The side-facing window area on the North Façade of 48% is well over the minimum required 10%. *This criterion is met, however refer to the findings under F. Width below encouraging increased transparency as mitigation for the large width proposed.*

F. Width. Maximum width of 12 feet for each projecting window element. When approved through design review, the width may vary provided the area of all windows on a wall which project into public right of way does not exceed 40% of the wall's area and the width of any single projecting window element does not exceed 50% of its building wall's length.

Findings. The proposed projection is 27'-11" wide. This Criterion is not met but is approvable with (1) compliance with standards C and D, and (2) a favorable recommendation through Design Review. Standards C and D are met.

PBOT advised that relative to this request, they are supportive of the proposed window width. Although it is more than twice the standard width allowed, overall, in comparison to the entire wall area, the projection is within the comparative ratio. Furthermore, the proposed oriel window satisfies all of the other parameters identified in the referenced Code Guide. PBOT has no objections to the proposed oriel window (as amended on plans dated May 29, 2016).

With regard to Design Review consideration, the modification will allow the upper levels of the building to have an articulated massing above the main building entrance. The proposed oriel projection functions as follows:

- identifies the main entrance,
- strengthens the differentiation between the tower and the street level, and
- creates a dynamic separation between the two massing elements that make up the tower portion of the building.

However, as noted under findings above for C.10 Integrate Encroachments, to visually and physically enhance the pedestrian environment, additional transparency greater than the minimum requirement of 30% is needed to make this oriel appear less solid and more window-like.

Staff does not yet recommend approval of this requested exception, but with increased transparency of the east elevation, this criterion could be met.

G. Separation. Minimum separation of 12 feet measured from other projecting window elements on the same elevation or plane of wall. When approved through Design Review, required separation may vary provided the area of all projecting window elements on a wall does not exceed 40% of the wall’s area and the width of any single projecting window element over the right-of-way does not exceed 50% of its building wall’s length.

Findings. There is only one window projection proposed. *This criterion is met.*

(4) Adjustment Requests (33.805)

33.805.010 Purpose

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

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A through F have been met.

The following adjustment is requested:

Adjustment request: Loading, PZC 33.266.310.A, to reduce the number of required loading stalls from 2 to 1.

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

Findings: As stated in 33.266.310.A above, the purpose of the Loading standards are to 1. Ensure adequate loading areas; 2. Ensure appearance will be consistent with parking areas; and 3. Ensure access to loading areas will not negatively affect the function of the right-of-way.

According to the applicant (Exhibit A.11), the use of the proposed building will not require significant deliveries and one type B size loading space will be adequate to receive and store deliveries while awaiting distribution to storage areas within the building. The project does not have parking on site. They intend to visually minimize the appearance of the loading area to better fit into the district. Reducing the number of loading spaces from 2 to 1 area will better meet this intent. If the proposed project were to provide 2 spaces the length of loading would be at least 20 feet of the 100 foot SW Alder Street frontage. Without the adjustment, parking

in the right-of-way might be reduced. The addition of more loading spaces would also create greater disruption of the pedestrian zone surfaces and street tree placement.

To address the above referenced approval criterion, the applicant submitted a loading demand analysis that was prepared by a professional traffic consultant. The analysis included a survey of three hotels located within the Central City to assess the loading needs and to help in identifying the anticipated loading demand of the proposed hotel and its needs in terms of loading space(s)/sizing. A 72-hour surveillance of each of the comparative hotels was documented by the applicant's traffic consultant. The conclusions reached for the surveyed hotels as a result of the multiple-day observations were that:

- Each of the hotels received the majority of deliveries through service entrances as well as the main guest lobbies.
- The majority of loading activities for each hotel was performed on abutting streets – streets with high volumes of vehicles.
- The majority of garbage activities for each hotel were performed on abutting streets.
- The majority of vehicles performing loading/garbage activities ranged between 17-25 ft in length.
- All of the loading vehicles, except one, would have fit within a loading space with a 10-ft high clearance.

Projected deliveries to the proposed hotel are expected to occur on a recurring basis, including those for guest/office supplies, food-beverage, linen/laundry, parcel pick-up, garbage/recycle pick-up. Much of the types of regular deliveries for the services noted above can be scheduled to avoid conflicts with the proposed on-site loading space. These delivery services, as evidenced by the survey conducted, can, and are likely to occur along abutting streets. The applicant's proposed one on-site loading space should be sufficient to accommodate the number of anticipated loading activities associated with the proposed hotel. PBOT is supportive of the applicant's request to provide only one loading space on-site.

For these stated reasons, the 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 an OS C, E, or I zone, the proposal will be consistent with the desired character of the area; and

Findings: The zoning of this site is RX (Central Residential). A reduced loading area will allow for a greater percentage of façade to be active space with ground floor windows that visually connect to the sidewalk space. Active street frontages are a significant characteristic of the West End.

This 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.

Findings: This criterion is not applicable as this is the only adjustment being requested.
This criterion does not apply.

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

Findings: The proposed adjustment does not impact designated scenic or historic resources.
This criterion does not apply.

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

Findings: Two loading bays are not necessary due to the amount of deliveries proposed for this site. Fewer loading bays are more consistent with the character of the district.
This criterion is met.

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: The proposed project is not in an environmental zone.
This criterion does not apply.

Development Standards

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

CONCLUSIONS

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. While many aspects of the proposal meet the Design Guidelines and the Zoning Code standards, staff has identified four primary Areas of Concern where approval criteria are not yet met.

Area of Concern #1: Pedestrian Experience (ground floor)

Canopies, columns, ground floor setbacks, and ground floor service area.

Design Guidelines not met:

- A8. Contribute to a Vibrant Streetscape.
- B1. Reinforce and Enhance the Pedestrian System.
- B2. Protect the Pedestrian.
- B3. Bridge Pedestrian Obstacles.
- B4. Provide Stopping and Viewing Places.
- B6. Develop Weather Protection.
- C6. Develop Transitions between Buildings and Public Spaces.
- C9. Develop Flexible Sidewalk-Level Spaces.

Area of Concern #2: Context and Coherency (design features)

East and north mass articulation, sculptural metal screen, and exterior lighting.

Design Guidelines not met:

- A4. Use Unifying Elements.
- C4. Complement the Context of Existing Buildings.
- C5. Design for Coherency.
- C12. Integrate Exterior Lighting.

Area of Concern #3: Quality and Permanence (materials and detailing)

Design Guidelines not met:

- C2. Promote Quality and Permanence in Development.

Area of Concern #4: Integrate Encroachments (oriel windows)

Design Guidelines not met:

- C10. Integrate Encroachments.
Exception request (OSSC/32/#1).

With additional design development and changes to the proposal, Staff could recommend approval. However, at this time, Staff recommends denial.

TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time to the Design Commission decision)

Staff is *recommending denial* of the *Design Review* and *Exception* at this time based on the Areas of Concern stated in the conclusion section above.

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Procedural Information. The application for this land use review was submitted on April 4, 2016, and was determined to be complete on **May 17, 2016**.

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 **April 4, 2016**.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period as stated with Exhibit A.2. Unless further extended by the applicant, **the 120 days will expire on: August 5, 2017**.

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

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. 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 recommendation 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.

This report is not a decision. The review body for this proposal is the Design Commission who will make the decision on this case. This report is a recommendation to the Design Commission by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Design Commission will make a decision about this proposal at the hearing or will grant a continuance. Your comments to the Design Commission can be mailed c/o the Design Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201 or faxed to 503-823-5630.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

Appeal of the decision: The decision of the Design Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Design Commission, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. 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.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record on hearing or if you testify 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 BDS application fee, up to a maximum of \$5,000.00).**

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

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.

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

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

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

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

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

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

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

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

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

Planner's Name: Grace Jeffreys

Date: **September 23, 2016**

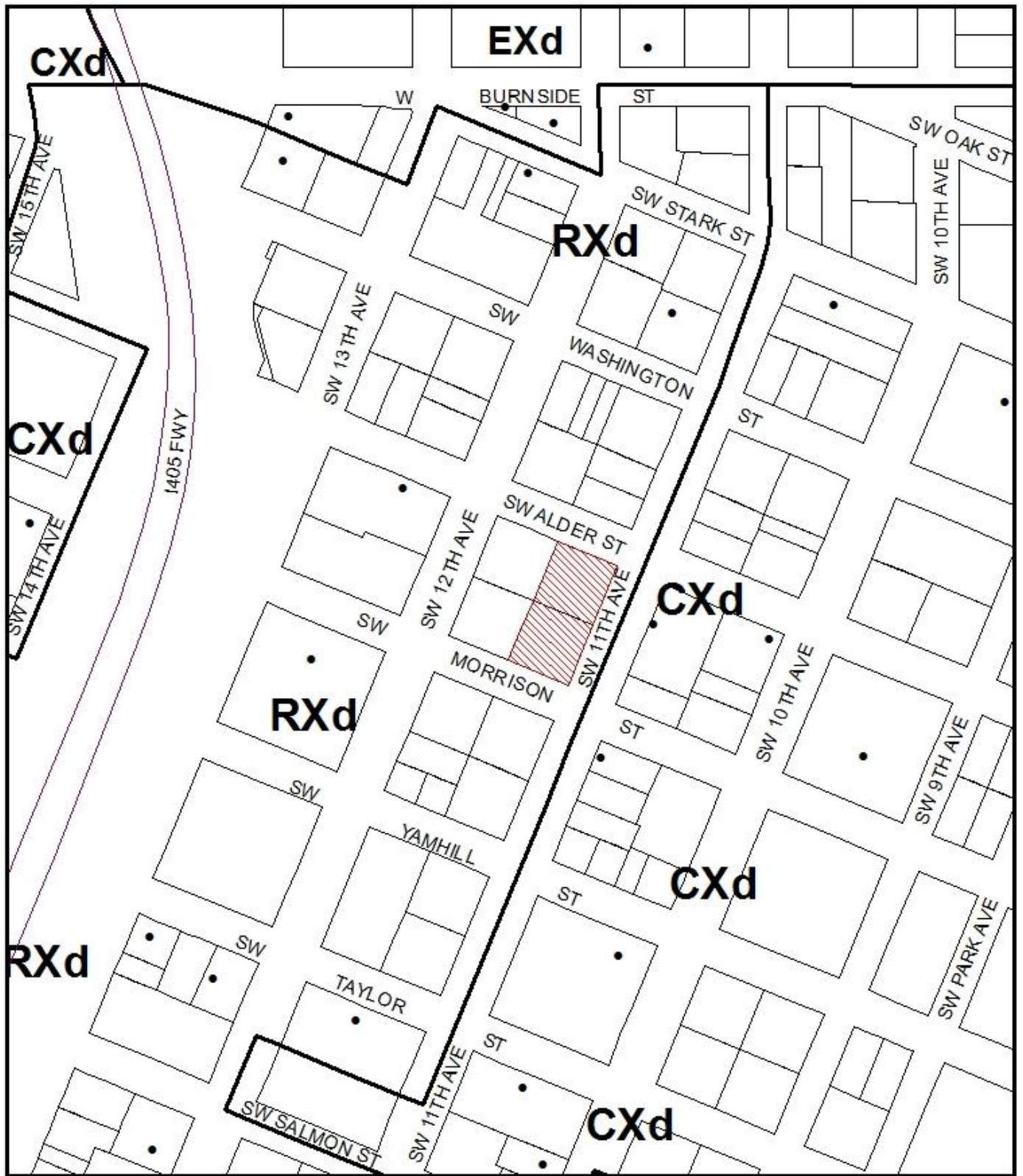
EXHIBITS - NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
1. Initial application, narratives, drawings, cutsheets, stormwater report, 4/4/16
 2. 120-day waiver, 4/11/16
 3. Loading Demand Analysis, 5/3/16
 4. FAR strategy, 5/16/16
 5. Revised narratives, drawings, cutsheets, stormwater report, loading analysis, 5/17/16
 6. New design, digital set, 7/22/16
 7. Revised narratives, drawings, cutsheets, stormwater report, loading analysis, 7/29/16
 8. Email with suggested FAR language for SR, 8/3/16
 9. Signed Acknowledgement of the draft convents, 8/11/16
 10. Revised design, digital set, 9/2/16
 11. Revised narratives, drawings, cutsheets, stormwater report, loading analysis , 9/9/16
- B. Zoning Map (attached):
1. Zoning Map
- C. Plans & Drawings:
1. Cover
 2. Contents
 3. Aerial
 4. Site Photos
 5. Context
 6. - through 10. Narrative
 11. Three Block Study
 12. Site Plan
 13. Site Utility Plan
 14. FAR Diagrams
 15. Lighting Plan
 16. Lighting Elevation

17. Basement
 18. Floor Plan Level 1
 19. Floor Plan Level 2
 20. Floor Plan Level 3
 21. Floor Plan Level 4
 22. Floor Plan Levels 5-15
 23. Roof Plan
 24. East Elevation
 25. North Elevation
 26. West and South Elevations
 27. - through 34. Enlarged Elevation and Sections
 35. Street Level Perspective from SE
 36. Street Level Perspective from NW
 37. Street Level Perspective from NE
 38. Night Perspective from SE
 39. Landscape Courtyard Plan
 40. Landscape Level 1 Plan
 41. Ground Floor Active Use Plan
 42. Oriel Windows - Levels 3-15
 43. Oriel Windows - East Elevation
 44. Ground Floor Windows
 45. Building Section
 46. Bike Parking – Basement
 47. Materials
 48. - through 55. Details
 56. Ecoroof - Planting Plan
 57. Ecoroof - Drainage Plan
 58. Ecoroof - O + M Plan
 59. Ecoroof – Details
 60. Ecoroof - Irrigation Details
 61. East Elevation
 62. North Elevation
 63. West Elevation
 64. South Elevation
- 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. Mailing list
 6. Mailed notice
 7. Revised Notice to be posted
 8. Revised Applicant’s statement certifying posting
 9. Revised Mailing list
 10. Revised Mailed notice
- E. Agency Responses:
1. Site Development Review Section of Bureau of Development Services
 2. Fire Bureau
 3. Water Bureau
 4. Life Safety Review Section of Bureau of Development Services
 5. Bureau of Parks, Forestry Division
 6. Bureau of Transportation Engineering and Development Review
 7. Bureau of Environmental Services
 8. FAR Letter of certification
- F. Letters:

1. Jim Mark, September 13, 2016, wrote in support of proposal.
- G. Other:
1. Original LUR Application
 2. Pre-Application Conference notes, EA 15-210283 PC, 10/2/15
 3. Pre-Application Conference LU addendum, EA 15-210283 PC, 10/20/15
 4. Early Assistance Meeting notes, EA 15-192716, 8/26/15
 5. Conditional Use Approval, LU 15-259364 CU, 2/16/16
 6. Site Images
 7. Request for Completeness with BES & PBOT responses, 4/11/16
 8. Incomplete letter, 4/25/16
 9. Completeness request, 5/17/16
 10. Applicant time extension request, email chain, 6/13/16
 11. Hearing date change to allow public notice for substantial design changes, 8/4/16
 12. Signed acknowledgement of draft covenants, 8/11/16

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

This site lies within the:
 CENTRAL CITY PLAN DISTRICT
 DOWNTOWN SUBDISTRICT
 WEST END SUBAREA

-  NORTH
-  Site
-  Historic Landmark

File No.	<u>LU 16-144846 DZM AD</u>
1/4 Section	<u>3028</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E33DD 4200</u>
Exhibit	<u>B</u> (Apr 05, 2016)