



STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION

CASE FILE: LU 17-264667 DZM AD
PC # 17-244629
SW 10th & Alder Boutique Hotel
REVIEW BY: Design Commission
WHEN: February 15, 2018
WHERE: 1900 SW Fourth Ave., Room 2500A
Portland, OR 97201

Bureau of Development Services Staff: Hannah Bryant 503-823-5353 /
Hannah.Bryant@portlandoregon.gov

This staff report recommends *Approval with Conditions*.

GENERAL INFORMATION

Applicant: Matthew Mering, Graves Hospitality
1934 Hennepin Avenue #201
Minneapolis, MN 55403
(612)312.1133

Applicant: Pete Miller, DLR Group
421 SW 6th Avenue #1212
Portland, OR 97204
(503)200.3973

Owner: Greg Goodman, L-63 LLC
920 SW 6th Avenue, Suite 223
Portland, OR 97204
(503)489.2323

Site Address: **539 SW 10TH AVE**

Legal Description: BLOCK 253 S 1/2 OF LOT 3 LOT 4, PORTLAND
Tax Account No.: R667728030
State ID No.: 1N1E34CC 05600
Quarter Section: 3029

Neighborhood: Portland Downtown, contact Rani Boyle at 503-725-9979.
Business District: Downtown Retail Council, contact Sandra McDonough at 503-552-6762.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City – Downtown - West End
Other Designations: None
Zoning: CXd – Central Commercial with Design Overlay
Case Type: DZM AD – Design Review with Modification and Adjustment
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 proposal is for a 12-story boutique lifestyle hotel on a 7500sf lot at the northwest corner of SW 10th and Alder. Ground level includes a hotel lobby/bar/lounge. Exterior materials include brick and fiberglass materials. One Modification, to long-term bike rack spacing and one Adjustment, to reduce the loading spaces from two to one, are requested. Design Review is required for non-exempt construction in the Central City.

Relevant Approval Criteria:

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

- *Central City Fundamental Design Guidelines*
- *Modification Approval Criteria 33.825.040*
- *Adjustment Approval Criteria 33.805.040*

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. This application was submitted on November 1, 2017 and determined to be complete on December 22, 2017.

ANALYSIS

Site and Vicinity: The subject site is the southwestern corner of the block bounded by SW Alder Street, SW 10th Avenue, SW Washington Street, and SW 11th Avenue. The 7,500 SF site is occupied by a surface parking lot currently known for its numerous food cart businesses.

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

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

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed **January 24, 2018**. The following Bureaus have responded with no issue or concerns:

- Bureau of Environmental Services (Exhibit E.1)
- Water Bureau (Exhibit E.2)
- Life Safety (Exhibit E.3)

The Portland Bureau of Transportation responded with the following comment: PBOT approves the requested Adjustment to reduce the required parking spaces from two Standard A spaces to one Standard A (35’x10’, with 13’ vertical clearance). Please see Exhibit E.4 for additional details.

The Site Development Section of BDS responded with the following comment: The applicant must include in the permit additional information regarding drywell locations and evaluation of the impact on foundations. Please see Exhibit E.5 for additional details.

The Bureau of Parks-Forestry Division responded with the following comment: Urban Forestry acknowledges that it may not be possible to preserve the two existing trees on SW Alder, or the southern tree on SW 10th Avenue. The applicant should make every attempt to preserve all existing trees, but at minimum, is expected to preserve the northern tree on SW 10th Avenue. Please see Exhibit E.6 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **January 24, 2018**.

No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

(1) DESIGN REVIEW (33.825)

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

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

Section 33.825.055 Design Review Approval Criteria

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

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

Central City Fundamental Design Guidelines

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

The Central City Fundamental Design Guidelines 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.

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.

Findings: The proposal includes a vertical band of floor to ceiling windows facing toward the river and accented by a tapered vertical fin. The windows are located at the eastern end of the primary corridor on floors two through eleven, and within the hospitality suite on level twelve. From these windows, guests will have views toward the river, Mount Hood, the buttes and green parks of eastern Portland.

The vertical band of windows and adjacent fin further serve to highlight the location of the primary entrance. Located at the corner of SW 10th and SW Alder streets, the entrance opens toward SW 10th, which is a streetcar and transit access street. The entrance location presents a welcoming point of entry to the public while also orienting hotel guests toward Portland's convenient and accessible transit system. *Therefore, this guideline is 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.

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

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

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

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.

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.

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: At the street level, the highly-glazed storefront windows are set at the rear of three-foot deep brick columns. The resulting recessed areas at the back of the sidewalk are filled with integrated benches, providing sheltered areas for the public to sit, eat lunch, or make a call. These interstitial spaces create a transitional buffer between the busy street and the building’s interior. Surrounded on three sides by brick, and backed by storefront glazing, the resulting small ‘rooms’ within the public realm offer shelter and a sense of privacy adjacent to the sidewalk. The integrated seating sits entirely within the property line, which allows for a wider and more accessible sidewalk. Flexible street furnishings may be added to the integrated seating with minimal spatial impact on the pedestrian right-of-way.

Regular mounted sconces at the canopy level on each column create a safe, attractive frontage. The exterior sconces cast light both down, to illuminate the sidewalk and pedestrian realm, and up, to wash the column and accentuate the vertical architectural elements at the pedestrian level without unnecessary illumination of the night sky.

Within the storefront system at each bay are operable windows. When opened,

these will further contribute to a vibrant streetscape by creating a strong connection with the activity, music and energy of the lounge and lobby within. Deep canopies that extend a minimum of four feet from the property line out over the sidewalk will further enhance the sense of enclosure and protection from the elements at the pedestrian realm. *Therefore, these guidelines are met.*

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

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

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

Findings: The proposal is clad entirely in black brick. Brick is a traditional building material in this commercial district. The depth of the full-size brick module is accentuated by framing each window in a full-length brick to replicate the deep window punches and resulting shadow lines that are found on nearby historic buildings. The building's simple volume contrasts, and provides a backdrop for, the ornately detailed, light-colored stucco Galleria Building, a National Historic Landmark across the street. *Therefore, this guideline is met.*

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

Findings: Three-foot deep recesses between the vertical columns and the ground floor storefront create sheltered areas for public seating. An additional four to six-foot deep canopy mounted on the face of the building at the property line creates a generous sheltered space to mitigate the effects of rain, wind and summer sunshine on the pedestrian environment. At the primary entrance, facing SW 10th Avenue, the six-and-a-half-foot deep ACM-clad canopy is significantly deeper and more prominent than the four-foot deep storefront canopies that line the remainder of the frontages. Its larger size is appropriate for a location where pedestrians are most likely to be waiting for a ride, making a phone call or seeking longer-term shelter from the elements. *Therefore, this guideline is met.*

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

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 main entrance is located on SW 10th Avenue, near the intersection with SW Alder Street. Due to the two sloping street frontages, this is the sole location that allows for pedestrians to enter at the grade of the interior floor plate.

Its thoughtful corner location and deep entrance canopy facing the SW 10th streetcar line, activate the intersection and facilitate easy entrance for guests arriving from both streets, light rail or the passenger vehicle loading area on SW Alder Street. The elevator core is located at the very center of the building, with

fire egress stairs at the very furthest corners of the building, closest to the mid-block frontages. *Therefore, these guidelines are met.*

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

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

Findings: Clad entirely in high-quality, full-sized brick, with fiberglass windows and aluminum composite material detailing at the canopies and vertical fin, this proposal utilizes high-quality and resilient materials. The brick is a contextually appropriate material that has been proven to withstand Portland's extreme weather for over a century.

While the primary cladding material is a traditional brick, the façade's black coloring and a symmetrical patterning ground the building in the contemporary era. Its staggered window patterning and variations of brick finishes indicate a more playful and whimsical building than the historic surrounding architecture with their regular aligned windows and simple, single-material exterior cladding.

The austerity of the material palette, the monochromatic color scheme, and the regular, simple massing moves facilitate a coherent composition that compliments the surrounding neighborhood. The concise architectural statements are elegant and graceful, uncluttered with fussy detailing or signage, demonstrating clear hierarchy of programmatic elements including the primary entrance, public commercial zone and private guest spaces. *Therefore, these guidelines are 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 sidewalk level of the proposed hotel is notable for its deeply inset storefront windows, fronted by integrated benches and capped with canopies. Deep brick columns separate the storefront bays, and integrate the street level with the brick-clad upper floors. The middle floors (2-11) are consistent in their staggered window patterning, dark fiberglass windows and black brick cladding. At the top level, floor-to-ceiling windows line the perimeter of the building, without interruption from the brick column structure below. An aluminum composite material (ACM) horizontal cornice caps the building. Its singular form turns down above the primary entrance, and becomes a tapered fin, which extends four feet out at the top of the building but recedes just above the street level entrance canopy. This unifying element further serves to differentiate the top and middle from the bottom. *To strengthen the coherency of the building and give prominence to the fin and building top, Condition C will eliminate the horizontal ACM band above the transom windows. With Condition C, 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: Due to the L-shaped plan of floors two through twelve, there are two

rooftops. The rooftop at level two is located at the center of the block, surrounded by the L-shaped, eleven story tower. The rooftop units located on the upper roof are centrally located, a minimum of eight feet from the roof edge, and fully screened within a box-rib metal enclosure. The size, placement, and concealment of the rooftop mechanical elements successfully integrate them within the overall design concept and mitigate their impact on the views from other buildings. The four-foot deep horizontal architectural projection that extends from the roof edge further shields these elements from visibility from the public right of way. *Therefore, this guideline is met.*

(2) MODIFICATION REQUESTS (33.825)

33.825.040 Modifications That Will Better Meet Design Review Requirements:

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

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

The following modifications are requested:

1. **Bicycle Parking Standards** – (33.266.220.C) – To reduce the spacing of wall-mounted long-term bicycle racks in the locked bicycle room from 24” to 18”.

Purpose Statement: These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

Findings: The project includes 10 total long-term bicycle parking spaces, which is based on the quantity of rentable rooms proposed. All of the required bicycle parking spaces are proposed to be accommodated in a secure bicycle room in the basement, adjacent to the fitness center and employee lounge.

Accommodating 10 bicycle parking spaces in horizontal racks, or wall-mounted racks each separated by 24” would consume considerable floor area on an already constrained site. Relying on a vertical/wall hanging bike rack is a more efficient use of space, and is identical to the parking system recently approved in numerous Design Reviews throughout the City. The proposed functional and space efficient system better meets the design guidelines A8 – Contribute to a Vibrant Streetscape and B1 – Reinforce and Enhance the Pedestrian System, because it eases floor plan demands and results in additional opportunities for needed affordable and market-rate residential units.

The proposed bike rack system is engineered to stagger bikes vertically to allow

the handle bars to overlap. This allows the proposed racks, within an 18” space, to provide the same level of service that would be provided by a standard 24” on center spacing. A 5’ minimum aisle is still provided behind each bicycle rack. The rack system will be located within a secure bike storage room in an accessible at-grade, secure bicycle room. For these reasons, the bicycle parking system is safe and secure, and designed to avoid any intentional or accidental damage to bicycles; as such, the proposal is consistent with the purpose statement of the bicycle parking standards. *Because the proposal better meets design guidelines A8 Contribute to a Vibrant Streetscape and B1 Reinforce and Enhance the Pedestrian System, this Modification warrants approval.*

(3) ADJUSTMENT REQUESTS (33.805)

33.805.010 Purpose

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

33.805.040 Approval Criteria

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

The following adjustments are requested:

1. **Loading Standards** – (33.266.310.C.2) – to reduce the number of required parking spaces from two Standard A spaces (35’ long, 10’ wide, 13’ high) to one Standard A space.
 - A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The purpose of the regulation is to ensure sufficient loading space to serve the building’s needs without negatively impacting traffic or safety in the public right-of-way. To demonstrate actual loading needs, the applicant has provided a study prepared by a traffic engineer. Its results are consistent with those verified by the Portland Bureau of Transportation. Therefore, PBOT has approved the loading request to reduce the number of required spaces from two to one. The reduction in loading spaces results in a reduction in windowless, inactive service area, less potential for conflict as vehicles back over the sidewalk, and facilitates a better pedestrian realm with more active commercial storefronts, canopies and integrated seating. *This approval criterion is met.*

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

Findings: The site is located in a Commercial zone. Comparable loading reductions have been approved in recently approved nearby buildings of the same scale and use. The loading needs of the proposed hotel use are consistent with those of other commercial tenants in the district. *This approval criterion is met.*

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

Findings: There is only one adjustment being requested. *This criterion does not apply.*

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

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

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

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

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

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

DEVELOPMENT STANDARDS

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

CONCLUSIONS

Utilizing high-quality materials and a restrained, timeless architectural style, this proposal strives to incorporate many of Portland’s notable characteristics, including an active public realm along its exterior, deep canopies to protect pedestrians, large windows to foster connection with the interior, and subtle architectural detailing to provide visual interest. The overall massing and palette are designed to respond to, and compliment, the surrounding context.

The required design review process for large scale development proposals exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The project manager and development team have worked closely with design review Staff to modify this proposal to better meet the guidelines.

TENTATIVE STAFF RECOMMENDATION

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

Staff recommends approval of a 140'-4" tall, twelve-story hotel with 197 guest rooms over a ground level that includes a public bar/lounge, loading and service areas.

- A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 17-264667 DZM AD". All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. Brick will be uninterrupted from street-level columns to upper story cladding. The horizontal ACM band above the transom windows will not be proposed on building permit drawings.
- D. No field changes allowed.

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Procedural Information. The application for this land use review was submitted on November 1, 2017, and was determined to be complete on December 22, 2017.

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 November 1, 2017.

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 (Exhibit A.2)

Some of the information contained in this report was provided by the applicant. As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. 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.

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. You may review the file on this case by appointment at our office at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201. Please call the file review line at 503-823-7617 to schedule an appointment.

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 for the hearing, if you testify at the hearing, or if you are the property owner/applicant. **Appeals must be filed within 14 days of the decision. An appeal fee of \$5.000 will be charged.**

Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. 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.

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

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

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).

Hannah Bryant
February 5, 2017

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. 120-Day Waiver, dated November 9, 2017
- B. Zoning Map (attached)
- C. Plan & Drawings
 - 1. Site Plan (attached)
 - 2. Design Review Submittal for February 15, 2018 hearing
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailed notice
 - 6. Mailing list
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau
 - 3. Life Safety
 - 4. Portland Bureau of Transportation
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
- F. Letters: None
- G. Other
 - 1. Original LUR Application
 - 2. Incomplete Letter, dated November 22, 2017



ZONING



THIS SITE LIES WITHIN THE:
 CENTRAL CITY PLAN DISTRICT
 DOWNTOWN SUBDISTRICT
 WEST END SUBAREA



Site



Historic Landmark

File No.	LU 17-264667 DZM, AD
1/4 Section	3029
Scale	1 inch = 200 feet
State ID	1N1E34CC 5600
Exhibit	B Dec 20, 2017

