# FINAL FINDINGS AND DECISION BY THE DESIGN COMMISSION RENDERED ON January 25, 2018

**Case File Number:** LU 16-251880 DZM AD  
PC # 16-221061  
Lovejoy Square Mixed-Use

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

**BUREAU OF DEVELOPMENT SERVICES STAFF:**  Meriam Rahali 503-823-5363 / Meriam.Rahali@portlandoregon.gov

## GENERAL INFORMATION

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Leslie Cliffe, Bora Architects</th>
<th>503-226-1575, <a href="mailto:cliffe@bora.co">cliffe@bora.co</a></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>720 SW Washington Street, Suite 800</td>
<td>Portland, OR 97205</td>
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<tr>
<td>Owner’s Agent:</td>
<td>Adam Tyler, Killian Pacific LLC</td>
<td>360-567-0626, <a href="mailto:adam@killianpacific.com">adam@killianpacific.com</a></td>
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<tr>
<td></td>
<td>500 E Broadway Street, Suite #110</td>
<td>Vancouver, Wa 98660</td>
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<tr>
<td>Owner:</td>
<td>Lovejoy Square LLC</td>
<td>360-567-0626</td>
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<tr>
<td></td>
<td>101 E 6th Street, Suite 350</td>
<td>Vancouver, Wa 98660</td>
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<tr>
<td>Site Address:</td>
<td><strong>930 NW 14th Avenue</strong></td>
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<tr>
<td>Legal Description:</td>
<td>BLOCK 142 LOT 1&amp;4 LOT 2&amp;3 EXC W 20’ TAKEN FOR 14TH ST, COUCHS ADD; BLOCK 142 LOT 5 LOT 6-8 EXC PT IN STS, COUCHS ADD</td>
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<tr>
<td>Quarter Section:</td>
<td>2928</td>
<td></td>
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<tr>
<td>Neighborhood:</td>
<td>Pearl District, contact <a href="mailto:planning@pearldistrict.org">planning@pearldistrict.org</a>.</td>
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<tr>
<td>Business District:</td>
<td>Pearl District Business Association, contact Carolyn Ciolkosz at 503-227-8519.</td>
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<td>District Coalition:</td>
<td>Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.</td>
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<td>Plan District:</td>
<td>Central City Plan District- River District Sub-district</td>
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<td>Zoning:</td>
<td>EXd, Central Employment with Design Overlay</td>
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<td>Case Type:</td>
<td>DZM AD, Design Review with Modifications and Adjustment</td>
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<td>Procedure:</td>
<td>Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.</td>
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Proposal:
The applicant seeks Design Review approval for a new mixed-use building with below-grade parking on 18,000 square feet, half-block site in the Central City Plan District’s River sub-District. The site is bounded by NW 13th Avenue to the east, NW Kearny Street to the south, and NW 14th Avenue to the west. The final proposal has changed from a full block development that included two towers 9-story tall sitting on a 1-story base to a half block development that includes one tower 7-story tall sitting on a 3-story podium. A centrally private courtyard is proposed on the north side of level 2, as well as small terraces on Level 3. In addition, a 29-foot deep terrace is proposed on level 4 that spans the width of the building along NW 13th Avenue. Following are the primary components:

- One 7-story tower on a 3-story podium. Total 10 stories;
- Maximum Allowed FAR for the site is 8:1, the proposed FAR is 6.84:1;
  - 5:1 Base FAR;
  - 1.84:1 Bonus FAR (Transfer from Historic Landmark Site).

**A Covenant for FAR transfer from a Historic Landmark, meeting requirements of PZC 33.700.060, will be required prior to the issuance of any building permits.**

- Maximum Allowed Height for the site is 75’, the proposed height is 150’;
  - 75’ base height;
  - 75’ height bonuses:
    - 15’ General Bonus Height (33.510.210.D.). For achieving a bonus floor area ratio of at least 1 to 1, but less than 2 to 1, a height bonus of 15 feet is earned. The 15’ General Height Bonus allowed is based on the transfer of floor area from sites of Historic Landmarks (see above);
- Approximately 7,000 square feet of retail at ground level;
- Approximately 33,000 square feet of office at levels 2-4;
- Approximately 46,000 square feet, 78 residential units at levels 5-10;
- Rooftop program includes elevator/stair overrun, machine room, electrical room, and mechanical enclosure;
- 2 levels of below grade parking with access from NW Kearny Street. It provides 70 vehicular spaces;
- 165 long term bike parking;
- Payment to the bike parking fund in lieu of 10 short term bike parking spaces;
- NW 13th Avenue loading dock within the right-of-way, as allowed by the River District ROW standards;
- NW 14th Avenue right-of-way improvements along the entire block frontage. Improvements include a protected bike lane, curb extensions at both intersections, improved crossing at NW 14th Avenue and NW Lovejoy, signal relocation, and tree planting. See Exhibit C-13. A more detailed review of these right-of-way improvements would be reviewed in detail, including the removal of existing curb cuts on the north property along NW 14th Avenue, and tree number and spacing during Public Works Review; and
- The repair and patching of existing cobblestones on NW Kearny Street.

**Staff Note: The removal of the existing driveway will require an Adjustment to the Loading Standards (33.266.310), which has been added to this review (see below.)**

Three (3) Modifications are requested for:

1. **Height (33.140.210.B.2).** A height modification is requested as follows:
   - Mechanical and stairwell enclosures to cumulatively cover 21% of the roof area, rather than the allowed 10% of the roof area.
   - Allow the cooling towers to extend to 16 feet in height, rather than the allowed 10 feet per code.
2. **Loading Standards (33.266.310.D.a).** Two (2) Standard A loading spaces are required. A Standard A loading space must be at least 35 feet long x 10 feet wide, and have a clearance of 13 feet. The project proposes instead two (2) Standard B loading spaces, each 18 feet long x 9 feet wide, 10’-6” clear. The spaces will be located within the footprint of the building with access from NW Kearny Street.

3. **Standards for all Bicycle Parking (33.266.220.C.3.b).** A space 2 feet by 6 feet must be provided for each required bicycle parking. The project proposes vertical storage with vertically staggered bike hangers at 6 inches minimum and mounted at 18 inches on center minimum. The clearance for each bike is 44 inches. A minimum of 5’ walk aisle are provided.

**One (1) Adjustment is required for:**

1. **Number of Loading Spaces (33.266.310.C.2.b).** One (1) Standard A loading is required for the adjacent building north of the proposal. The building will lose the use of its loading space because of the removal of its driveway located along NW 14th Avenue. PBOT has required this removal for safety reasons to the bicycle users of the NW 14th Avenue right-of-way improvements.

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

- Central City Fundamental Design Guidelines
- River District Design Guidelines
- 33.510.210 E.4. Bonus Height Option for Housing
- Modification Criteria (33.825.040)
- Adjustment Criteria (33.805)

**PROCEDURAL HISTORY**

The application was deemed complete, per the applicant’s request, on March 29, 2017 or it would have been required to be voided on April 3, 2017 per the Zoning Code. However, the applicant requested staff not to move forward with processing the application until the proposal's program and scope was settled. Refer to Exhibit A.40. On August 28, 2017, the applicant submitted a final submittal for staff review. The Design Commission Hearing was therefore scheduled within 51 days of the final application and scheduled for October 19, 2017. A work session with the Design Commission occurred on December 21, 2017, to discuss the changes in project scope from a full to a half block development, the bonus height criteria, the modifications request, as well as key design elements. A final hearing with the Design Commission occurred on January 25, 2018. The proposal was approved by the Design Commission at the January 25, 2018 hearing.

**ANALYSIS**

**Site and Vicinity:** The subject property is the south half block bounded by NW 13th Avenue, NW Kearney Street, and NW 14th Avenue, and totaling 18,000 square feet. The site is in the River District. Presently under the ownership of Lovejoy Square LLC, the property supports a structure with a full ground floor and a partial second floor. The building is occupied by several ground floor tenants, as well as On Deck sports bar on the partial 2nd floor/roof. The building was constructed in 1937, with the two floors totaling 21,500 sf. The building will be demolished to make way for the proposed project. The north half block is occupied by a two-story 28,850 square-foot building constructed in 1978, and occupied by Office Depot.
The predominant full block massing pattern in the area includes either a “donut” partii with building massed around a central courtyard, or a two tower partii in a N-S orientation massed around a through linear courtyard. NW 13th street serves as the central spine of the neighborhood, defined by a strong and continuous building frontage articulated with canopied loading docks. Building heights along this street are lower, ranging from approximately 1-5 stories, with heights increasing up to 10 to 16 stories along NW 14th and NW 12th respectively. (Refer to Exhibit C.4, C.8, and C.14)

The Pearl District has a rich fabric of historic warehouse buildings combined with contemporary new construction on former vacant railyards as the district reaches toward the north. The project site is situated at the intersection of the new and old. Immediate adjacent developments to the north and east include the 9-story Lovejoy/Safeway Building (office/retail), and the 2 story Rivertech Building (office/retail) respectively. Adjacent historic warehouse buildings include the landmark 8-story Marshall Wells Company Warehouse on the west, and the 2 story Wholesale Crockery warehouse on the south. The site also sits between the historic loading docks of NW 13th street and cobblestones of NW Kearney Street and streetcar line along Lovejoy Street on the north.

The site lies within the Northwest Triangle Pedestrian District per the Transportation System Plan. Street designations are:
- NW 13th Avenue is designated as City Walkway; Local Service Bikeway. It is a Local Service Traffic Street, and is two-way, no striped bike lane.
- NW 14th Avenue is designated as City Bikeway; Local Service Walkway. It is a Major City Traffic Street, and is one-way with a designated right turn lane, bike lane and shared through left lane.
- NW Kearney Street is designated as Local Service Walkway & Bikeway. It is a Local Service Traffic Street, and is two-way, no striped bike lane.

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

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

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

**Land Use History:** City records indicate that prior land use reviews include the following:
1. LU13-142465: Design review for proposed signs.
2. LU05-168307: Approval to add a new retail entrance with stairway to the corner plaza at NW 13th Avenue and NW Lovejoy Street.
3. LU04-005257: Approval of a partial third story, a dock and ramp system along NW 13th Avenue, a corner plaza with fountain at NW 13th Avenue and NW Lovejoy Street, signs and lighting.
4. LU03-171435: Renovation to include new storefronts; new glass and steel awnings, and penthouse addition.
5. LU90-004003: Renovations.

Agency Review: A “Follow up Request for Response” was emailed January 9, 2018 to obtain responses from the bureaus given the change in project scope from a full to a half block development. The following Bureaus have responded with no issue or concerns:

The Bureau of Environmental Services responded with the following comment: BES does not object to the approval of the Design Review application, but notes that the stormwater planters currently proposed on the 2nd level private courtyard would need to be slightly larger. The proposed development will be subject to BES standards and requirements during the permit review process. Please see Exhibit E-1c for additional details.

Staff Note: Staff would support changes to the size of the stormwater planters if the increase is within the planted areas.

The Life Safety Section of BDS responded with the following comment: Life Safety Plan Review does not object to the approval of this proposal. The applicant should be aware that several building code requirements may impact the final design of this building. Please see Exhibit E-7d for additional details.

The Portland Bureau of Transportation responded with the following comment: PBOT does not object to the approval of this proposal subject to the following condition:

- Under a separate public works permit, the applicant shall construct the site’s frontage on NW 14th Avenue in substantial conformance with the exhibit titled “NW 14th Ave Protected Bike Lane Concept (Kearny-Lovejoy)”. This condition shall be a condition of building permit approval. The public works permit must receive a 30% concept approval to document the improvements can be constructed prior to building permit approval.

As conditions of building permit approval, the following requirements will apply:

- The applicant must receive approval of a Public Works Alternative Review to reduce the requirement to construct all four frontages and limit the improvements to the northern half of the block (only on the north block of NW 13th Ave. and Lovejoy) except for the protected bike facility on NW 14th Avenue (improvements are required along the entire block of NW 14th Ave.)
- Frontage improvements, including the protected bike lanes on NW 14th, must be constructed under a separate public works permit to River District Standards per the requirements of the City Engineer. The driveway to the on-site loading space on NW 14th will required to be closed. A bond and contract ensuring the improvements will be completed must be provided.

In addition, the following are key transportation issues:

- NW 14th Avenue frontage. See above.
- Vehicle access must be from NW Kearny.
- PBOT supports the modification for two Type B loading spaces to be located within the garage.
- Any additional on-street loading spaces will have time limits that make the spaces available to visitors and customers during peak demand times.
- A Driveway Design Exception for the garage gate on NW Kearny is required prior to land use approval.

Please see Exhibit E-2c for additional details.
The Urban Forestry Services does not object to the approval of the Design Review application. However, one street tree must be planted or retained for each full increment of 25 linear feet (11.50.060.C.1). Street trees must be planted at a minimum 2.5 caliper inches. Street tree planting may be exempt under 11.50.060.B when existing above or below grade utilities prevent planting street trees or when the existing planting strip is less than 3 feet wide.

- NW 13th Avenue: Due to the current proposed design of this frontage, no street trees are required.
- NW 14th Avenue: There are approximately 165 feet of street frontage at this location, requiring 6 trees to be planted or preserved.
- NW Kearney Street: There are approximately 180 feet of street frontage requiring seven trees to be planted.

Trees will be required to be planted through the building permit or public works permit. The applicant has provided a conceptual street tree planting plan. Please see Exhibit E-4c for additional details.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on September 28, 2017. One written response has been received from the Neighborhood Association or notified property owners in response to the proposal. Refer to Exhibit F-1 for more details.

Following the applicant’s presentation to the neighborhood association of the revised proposal that includes the NW 14th Avenue improvements as public amenity to qualify for the discretionary height, a written response to the proposal has been received from the Pearl District Neighborhood Association.

1. Reza Farhoodi, Planning & Transportation Co-Chair, Pearl Neighborhood Association; December 20, 2017, responded that the Committee voted in support of the NW 14th Avenue Proposed Bike Lane Concept in conjunction with the Lovejoy Square project. Refer to Exhibit F-2 for more details.

**ZONING CODE APPROVAL CRITERIA**

**Section 33.825.010 Purpose of Design Review**

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

**Section 33.825.055 Design Review Approval Criteria**

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

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

**River District Design Guidelines and Central City Fundamental Design Guidelines**

The River District is a remarkable place within the region. The area is rich with special and diverse qualities that are characteristic of Portland. Further, the River District accommodates a significant portion of the region’s population growth. This area emphasizes the joy of the
river, connections to it, and creates a strong sense of community. The goals frame the urban
design direction for Central City and River District development.

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

**River District Design Goals**
1. Extend the river into the community to develop a functional and symbolic relationship with
the Willamette River.
2. Create a community of distinct neighborhoods that accommodates a significant part of the
region’s residential growth.
3. Enhance the District’s character and livability by fostering attractive design and activities
that give comfort, convenience, safety and pleasure to all its residents and visitors.
4. Strengthen connections within River District, and to adjacent areas.

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

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

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

**A1-1. Link the River to the Community.** Link the Willamette River to the community
reinforcing the river’s significance. This guideline may be accomplished by:
1) Organizing land areas and groupings of buildings to visually define the river’s linkage to the
community.
2) Focusing and articulating roadways and pedestrian ways to emphasize the river.
3) Developing projects that celebrate the river and contribute to creating centers of interest
and activity that focuses on the Willamette.
4) Connecting the internal areas of the District to the Willamette Greenway Trail.

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

**A5-3. Incorporate Water Features.** Incorporate water features or water design themes that
enhance the quality, character, and image of the River District. This guideline may be
accomplished by:
1) Using water features as a focal point for integrated open spaces.
2) Taking cues from the river, bridges, and historic industrial character in the design of
3) Integrating stormwater management into the development.

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

**C1-1. Increase River View Opportunities.** Increase river view opportunities to emphasize the River District ambiance. This guideline may be accomplished by:
1) Designing and locating development projects to visually link their views to the river.
2) Providing public stopping and viewing places which take advantage of views of River District activities and features.
3) Designing and orienting open space and landscape areas to emphasize views of the river.

**Findings A1, A1-1, A2, A5-3, C1 & C1-1:** The site is not located close to the Willamette River; however, several design features reinforce it’s significant and emphasize water and Portland-related themes within the overall concept:
- **The ground floor** includes a variety of public space-activating uses including storefront retail on all frontages, and office and residential lobbies. These active 20-foot high, sidewalk-proximate spaces will enhance pedestrian connectivity throughout the district and reinforce connections to the Willamette River (about eight blocks north and west of the site.) The project is retaining and repairing the cobblestones on NW Kearny Street to maintain a pedestrian scale to the street.
- **The level 4 terrace and unit balconies** will have river and territorial views. Many visual cues signifying river and greenway connections are evident from the abutting right-of-way including the arched span of the Fremont Bridge and the Union Station clock tower. These features and others like them serve as visual landmarks for the entire neighborhood. The tower does not interfere with views down Kearney Street to the Union Station clock tower. The level 4 terrace and balconies will offer views northward to the river and the Fremont Bridge, and southward to downtown and the west hills.
- **The project includes storm water planters at level 2 courtyard** which expresses the rainy climate of the Pacific Northwest.
- **The NW 14th Avenue improvements** that include a dedicated bike lane, and the large number of bike parking spaces that have been provided on the ground floor for the residents, support the bike culture of the City.

The proposal while not close to the river provides several building features that help convey the significance of the river and Portland themes. These guidelines are met.
2) Recognizing the urban warehouse character of the Pearl District within the design of the site and open spaces.
3) Designing buildings which provide a unified, monolithic tripartite composition (base/middle/top), with distinct cornice lines to acknowledge the historic building fabric.
4) Adding buildings which diversify the architectural language and palette of materials.
5) Celebrating and encouraging the concentration of art and art galleries and studios with design features that contribute to the Pearl District’s “arts” ambiance. Consider features that provide connectivity and continuity such as awnings, street banners, special graphics, and streetscape color coordination, which link shops, galleries, entrances, display windows and buildings. Active ground level retail that opens onto and/or uses the sidewalk can contribute to the attraction of the “arts” concentration.

**A5-4. Integrate Works of Art.** Integrate works of art or other special design features that increase the public enjoyment of the District. This guideline may be accomplished by:
1) Integrating art into open spaces or along pathways.
2) Incorporating art within the structure of the building.
3) Using “found objects” that are remnants from the area’s history.

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

**Findings for A4, A5, A5-1, A5-1-1, A5-4 & C4:** The Pearl District has a rich fabric of historic warehouse buildings combined with contemporary new construction as the district reaches toward the north and west. Immediate adjacent developments to the north and east include the 9-story Lovejoy/Safeway Building (office/retail), and the 2 story Rivertech Building (office/retail) respectively. Adjacent historic warehouse buildings include the landmark 8-story Marshall Wells Company Warehouse on the west, and the 2 story Wholesale Crockery warehouse on the south. The site also sits between the historic loading docks of NW 13th street and cobbledstones of NW Kearney Street. The project design responds to this intersectionality between new and old by the following methods:

- The **simple design** with repetitive window patterns reflect and reinforce the urban warehouse character of the Pearl District, while interpreting it in contemporary material palette and detailing.
- While the building doesn’t model itself after the more historic tri parte model, it does have a **strong 3-story base** with a 20-foot high ground level and large windows into retail and lobby spaces to create an active streetscape.
- The project will include a **retail dock** along NW 13th Ave frontage, contributing to the unique streetscape of covered loading docks along NW 13th Ave which are important symbols of the area’s industrial past. The loading dock provides raised retail/restaurant spaces that help activate the mixed-use pedestrian corridor on NW 13th Avenue.
- The building is wrapped with **retail spaces** and entrance lobbies which help activate the street frontages.
- **NW Kearney Street** is one of the few remaining streets in the district that retains the original cobblestone surface. The project will repair/patch the needed area of the street with the historic cobblestones stockpiled by the Parks Bureau when the street utility connections are made.
- The **simple material palette** consisting primarily of GFRC, glass and metal is consistent with the area’s material vocabulary.
- The **garage entry door** on NW Kearny is designed as a high quality perforated metal art piece with the top panels made of metal with cut pattern for open air supply, while the lower panels are made of solid metal with a pattern.
- With a half-block development and only one tower proposed, the **east-west orientation** of the proposal responds well to the context. In addition, the deep terrace on level 4 and the tower setting back along NW 13th Avenue help the massing of the building.
respond better to the lower scale of the NW 13th Avenue and the neighboring NW 13th Avenue Historic District.

These guidelines are met.

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

**A3-1. Provide Convenient Pedestrian Linkages.** Provide convenient linkages throughout the River District that facilitate movement for pedestrians to and from the river, and to and from adjacent neighborhoods. This guideline may be accomplished by:
1) Using visual and physical cues within the design of the building and building entries to express connections to the river and to adjacent neighborhoods.
2) Orienting integrated open spaces and trails that physically and visually link the river and/or surrounding neighborhoods.
3) Reusing or retaining cobblestone within the design of new development.
4) Encouraging flexibility and creativity along streets enhancing their historic or cultural role.
5) Creating visual and physical links across major corridors such as I-405, Burnside, and Front/Naito to strengthen connections to the river and other neighborhoods.

**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.

**B1-1. Provide Human Scale to Buildings along Walkways.** Provide human scale and interest to buildings along sidewalks and walkways. This guideline may be accomplished by:
1) Providing street furniture outside of ground floor retail, such as tables and chairs, signage and lighting, as well as large windows and balconies to encourage social interaction.
2) Providing stoops, windows, and balconies within the ground floors of residential buildings.

**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 elements, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

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

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

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

**Findings for A3, A3-1, A7, A8, B1-1, B4, B6, C6, C7, C8 & C9:** The proposed development successfully meets many aspects of the above guidelines and as itemized
Providing a round-the-clock mix of residential, office and retail uses on this half block ensures diverse human activity in the streetscape throughout the day and night and contribute to a vibrant streetscape.

The project is being developed utilizing a 180’ by 100’ half block pattern, with right-of-way improvements as per adopted River District standards.

The proposal responds to the urban context by building to the edge of all street frontages and providing no or minimal setbacks.

The reduced massing and scale proposed along NW 13th Avenue and the north edge of the development respond better to the lower scale of the adjacent existing development as well as nearby NW 13th Avenue Historic District.

The building has a strong 3-story base with a 20-foot high ground level and large windows into retail and lobby spaces to create an active streetscape, and help differentiate the sidewalk level of the building.

The project recreates the loading dock and activates it with a number of retail and lobby entries. In addition, the loading dock is planned to include tables and chairs for outdoor seating for restaurants where they occur.

All facades at the street level have large expanses of glass at the retail and lobby spaces.

The retail and lobby entrances are recessed, and along with the loading dock provide transitional spaces and alcoves for people to stop and gather.

Retail and lobby entries typically include a canopy with integral down lights to protect the pedestrian from rain and provide a safe walking environment day and night.

Back of house programs such as trash room, recycling room, generator, and bike room are coalesced into the center of the building away from the façade at ground level.

NW Kearney Street is one of the few remaining streets in the district that retains the original cobblestone surface. The project will repair and patch as needed cobblestones of the street.

The deep terrace created by the tower setback along NW 13th Avenue will add to the vitality of NW 13th Avenue from above the street.

The building corners help activate the intersections:
- The corner at NW 13th and NW Kearny is activated by the entrance to the elevated loading dock platform and retail tenant space.
- The corner at NW Kearny and 14th is a quieter intersection that is fronted by retail tenant space.

These guidelines are met.

**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.

**B7. Integrate Barrier-Free Design.** Integrate access systems for all people with the building’s overall design concept.
Findings for B1, B2, B3, B7:
- The project will reinforce a unified streetscape through the use of established street elements such as light standards, street tree spacing, and sidewalk joint patterns.
- The furnishing zone of the abutting streets has a mix of River District standard elements including trees, benches, bike racks and light poles separating pedestrians from cars. Existing parallel parking on NW 13th and Kearney will maintain an effective separation from the pedestrian and vehicular traffic.
- Mechanical exhausts and louvers are located above the canopies of the retail storefronts, and out of the pedestrian realm.
- Each entry to the building is set back from the street to allow for a transition zone so that those entering the building or using the intercom do not block the pedestrian zone.
- The project will include a covered retail dock along NW 13th Avenue, contributing to the unique streetscape of covered loading docks along NW 13th Avenue, which are important symbols of the area's industrial past.
- The elevated dock along NW 13th Avenue features a single ramp provided at the south end of the dock to ensure accessibility for all people.

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.

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.

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

Findings for C2, C5, C11 & C12: The design goal of this project is to create a flexible mixed-use building that can accommodate changes in the housing and office uses adaptively over time. The proposal consists of a 150’x 70’ tower that sits upon a 3-level “base” that features a 20’ floor to floor height of active use ground floor. The design includes simple massing, high ceiling heights, and exposed structure to allow for maximum flexibility as follows:
- Simple façade system based on a regular grid that allows for flexible wall partitions per user needs.
- Exterior balconies are inset into the grid and the building volume to create a simple, seamless façade.
- Courtyard and terraces are provided, as well as storm water management in private courtyard.
- Rooftop mechanical equipment, stairwell and cooling tower, and related screening elements well sized and placed to enhance views of the Central City’s skyline.
- All back-of-house program such as trash room, recycling room, generator, and bike room are consolidated into the center of the building away from the façade at ground level.
• **Exterior lighting** is used sparingly to accent building entries. Retail and lobby canopies include down lighting for illuminating the entries.

• A **simple building material palette** that is contextually appropriate and includes:
  - GFRC (glass fiber reinforced concrete): as the primary façade material which creates a framework system recalling the repetitive character of the historic warehouse buildings to the south of the site.
  - GFRC is consistently used for the ground floor level, which is differentiated by its taller ceiling heights and greater transparency rather than a different material.
  - **Heavy timber columns and beams structural system** that are visible through the large window grid and provide warmth to the interior spaces.
  - Bronze tone aluminum **window system** with operable slider windows provide natural ventilation.
  - A **garage entry door** designed as high quality perforated metal art piece with top panels made of metal with cut pattern for open air supply, while lower panels are made of solid metal with pattern.
  - Bronze tone metal panels for **canopies**, ground floor generator walls, and inset balcony walls, and bronze tone picket railing.

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

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

2) Designing the sidewalk level of parking structures to accommodate active uses, display windows, public art or other features which enhance the structure’s relationship to pedestrians.

**Findings:** The Lovejoy Square parking is below grade and not visible from the street. The parking/loading/trash access is all consolidated in the center of the building and accessed from a single entry along NW Kearny Street per PBOT recommendations. The back of house facilities are wrapped with retail on all street frontages. The garage entry is concealed with bronze tone, high quality partially perforated metal art piece panels that is set back from the property line by approximately 4'-9". This depth is consistent with the rhythm established by the adjacent retail and service entrances. The depth is sufficient to allow motorists oblique visual access to the sidewalk upon exiting thereby minimizing potential conflicts with pedestrians.

*This guideline is met.*

C10. **Integrate Encroachments.** Size and place encroachments in the public right-of-way to visually and physically enhance the pedestrian environment. Locate permitted skybridges toward the middle of the block, and where they will be physically unobtrusive. Design skybridges to be visually level and transparent.

**Findings:** Along the NW 13th Avenue, the building features a covered loading dock projecting into the right-of-way by approximately 10 feet along the entire width of the building. This type of encroachment is characteristic of the NW 13th Avenue Historic District adjacent to the site. In addition, the building features a large canopy over the length of the loading dock.

*This guideline is 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: Signage is not proposed at this time. Therefore, guidelines relevant to signage do not apply. The applicant understands that any future signage in excess of 32 square feet will be subject to design review.

This guideline is not Applicable.

MODIFICATIONS (33.825)

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

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

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

Modification Request #1: Exceptions to Height (33.140.210.B.2). A height modification is requested to allow:

- Mechanical and stairwell enclosures to cumulatively cover 21% of the roof area, rather than the allowed 10% of the roof area.
- Allow the cooling towers to extend to 16 feet in height, rather than the allowed 10 feet per Title 33.

Purpose Statement. The height standards work with the FAR, building setback, and building coverage standards to control the overall bulk and intensity of an area. The EX zone height limit reflects its use in intense urban areas and the range of uses that are allowed.

Standard:
33.140.210.B.2: The Height Standard. Rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follow, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades:

a. Elevators mechanical equipment may extend up to 16 feet above the height limit; and

b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.

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

Findings: The mechanical equipment is organized within one centrally located mechanical enclosure and integrated with stair penthouse and elevator overrun, thereby being unobtrusive when viewed from other locations.

In an effort to create a unified building top appropriate for this half block site, the mechanical enclosure has been integrated with the penthouse to create a singular form
which serves to anchor the overall rooftop design. The resulting singular volume is enclosed with materials similar to residential floors below. The building mechanical equipment being integrated and screened in this manner will better meet Guideline C11 Integrate Roofs and Use Rooftops, because the alternative to locate the equipment elsewhere on the building would result in a more visible, less integrated configuration. Overall, the rooftop is a nicely composed assemblage of a simple enclosure within a passive area.

Therefore, this criterion is met.

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

Findings: The purpose of the design standard is to limit building rooftop mechanical equipment area to reduce clutter and preserve views. In this situation, building views have been maintained and enhanced by the integration of the mechanical equipment with the access enclosures. The appearance will be unified and softened. The relatively modest increase in all dimensions will still enable the purpose of the design standard, which is to limit clutter while preserving the building’s aesthetic. Therefore, this criterion is met.

This Modification therefore warrants approval

Modification Request #2: Loading Standards (33.266.310.D Loading Standards; Size of loading spaces). Two (2) Standard A loading spaces are required. A Standard A loading space must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet. The project proposes two (2) Standard B loading spaces within the building. Standard B size is 18’ long x 9’ wide x 10’ clear. The proposed clearance is 10’-6”.

Purpose Statement: 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.

Standard:
33.266.310.D: Size of loading spaces
a. Standard A: the loading space must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet.

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

Findings: The complexity of demand triggered by a multi-use building within a half block (office, residential, retail, etc.) necessitates a limited loading configuration. The size and location of the two spaces are well suited to meet the project’s complex demand for service.

The provision of two Standard B loading spaces, each measuring 18’ long x 9’ wide x 10’-6” clear within the ground floor area of the building better meets Central City Fundamental Design Guidelines B1-1 Provide Human Scale to Buildings Along Walkways, B2: Protect the Pedestrian, B3: Bridge Pedestrian Obstacles. The reason for the smaller dimensions is to accommodate loading within the footprint of the building to limit the impact to surrounding streets, to provide appropriate size of retail spaces, to create a uniform façade design, scaled for pedestrians at street level, as well as an aesthetically rich design facing the neighbors on all three facades. Artistically designed garage doors which are appropriately scaled, along with entry canopies denoting entries to the building, create this richness.
Therefore, this criterion is met.

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

**Findings:** The purpose statement for the Loading standard states that the appearance of loading areas should be “consistent with that of parking areas”. This is met simply by virtue of the loading space being located within the building and on the way to the parking area, all with adequate clearance to maneuver. The spaces are also centrally located and easily accessible for all users. In addition, the placement of the loading spaces within the building greatly reduces negative effects “on the traffic safety or other transportation functions of the abutting right-of-way.” The proposal remains consistent with the purpose statement for the Loading standard. In addition:
- The proposal for two Standard B loading spaces is supported by PBOT.
- PBOT is also supportive of on-street loading space with time limits that make the spaces available to visitors and customers during peak demand times.

Therefore, this criterion is met.

This Modification therefore warrants approval.

**Modification Request #3. Standards for all Bicycle Parking (33.266.220.C.3.b).** A space 2 feet by 6 feet must be provided for each required bicycle parking space. The project proposes staggered vertical storage, dimensioned at 18” x 6’ with a 5’ walk aisle.

**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.

**Standard:**
33.266.220.C.3.b: Bicycle racks.

b. A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six-foot long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components.

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

**Findings:** The project includes 165 total long term bicycle parking spaces (residential and retail). Accommodating 165 bicycle parking spaces in a horizontal rack would consume considerable floor area in a half block development. Relying upon a vertical/wall hanging bike rack is a far more efficient use of space and is identical to the parking system recently approved in other Pearl District projects. The proposed functional and space efficient system better meets design guidelines A8, B1-1, B4, and C6 because it eases floor plan demands and results in active uses at the street, such as commercial use, lobbies and residential units. Therefore, this criterion is met.

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

**Findings:** The proposed system is engineered to stagger bikes vertically to allow the handle bars to overlap. This allows the racks to provide the same level of service that would be provided by a standard 24” on center spacing within an 18” space. The staggered clearance between adjacent bikes and allowance for sliding hangers ease the hanging and locking of a
bike. A 5’ minimum aisle is still provided behind each bicycle rack. The rack system will be located within a secure bike storage enclosure within the ground floor area, easily accessible to all users. The bicycle parking system is safe and secure, located in a convenient area, and is designed to avoid initial or accidental damage to bicycles, so the proposal is consistent with the purpose statement of the bicycle parking standards. Therefore, this criterion is met.

This Modification therefore warrants approval.

**HEIGHT BONUS**

**Section 33.510.210, Floor Area and Height Bonus Options**
Base height allowed for this site is 75’. Additional height, up to a maximum of 75’ over the base height, is allowed through general bonus heights and the bonus height option for housing. The project is utilizing height and FAR bonuses as follows:
- 75’ base height
- 60’ Bonus Height Option for Housing (33.510.210.E.).

For achieving a bonus floor area ratio of 1.84:1, a height bonus of 15’ is earned outright. The project is receiving additional FAR transferred from a historic landmark (33.510.200.H).

Although this subsection allows the review body to approve bonus height, the review body may also require reconfiguration of the building, including reducing its height, and may approve all, some or none of the bonus height requested, based on application of the criteria in Section 33.510.210.E.4. It is important to note that bonus height in excess of the maximum allowed through general bonus heights, above, must be used exclusively for housing, and may not be used to qualify for the residential floor area bonus option.

**Section 33.510.210.E.4, Approval Criteria**. The approval of the bonus height is made as part of the design review of the project. The bonus height may be approved if the review body finds that the applicant has shown that all of the following criteria have been met:

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

**Findings**: There is no established view corridor at the location of the project per the Portland Scenic Resources Protection Plan adopted March 15, 1991 (ord. # 1639577).

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

**Findings**: The site is not within 500 feet of an R zone.

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

**Findings**: This criterion is not applicable because the site is not included on map 510-3 as eligible for the Open Space performance standard.
D. If the site is on a block adjacent to the Yamhill or Skidmore Fountain/Old Town Historic Districts, the project must meet the performance standards of Subsection 33.510.205.D.;

Findings: This criterion is not applicable due to the location of the project.

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

Findings: For the reasons stated below, the project better meets the applicable Central City Fundamental and River District Design Guidelines noted in parentheses:

- The placement of the tower that sets back on the east side of the block allows a three-story podium along NW 13th Ave, reflecting context scale and massing of the adjacent historic district as well as the lower scale of adjacent existing development. (A lower height would likely yield a bulkier building along NW 13th Avenue, considered the spine of the NW 13th Avenue Historic District.) (A2, A4, A5, A7, A8, B4, B5, C5, C9)
- The proposed reduced massing to the north edge of the development help tie the proposal with the existing north half block development without overwhelming it. (B5, C4, C5)
- NW Kearny Street cobblestone repair. (A3.1)
- NW 14th Avenue Right-of-Way Improvements: The improvements along the entire 200’ block frontage include a protected bike lane, curb extensions at both intersections, improved crossing at NW 14th Avenue and NW Lovejoy, signal relocation, and tree planting. (A8, B1, B2, B3, B4). In addition, these improvements have the support of the Pearl District Neighborhood Association and PBOT.

NW 14th Avenue Right-of-Way Improvements will constitute a substantial public amenity to the neighborhood and, by extension to the City. Because the proposal is getting the increased height due to this proposed amenity, a condition of approval has been added:

Before issuance of the building permit for the proposal, the public works permit must receive a 30% concept approval to document the improvements can be constructed. The building permit for the proposal must demonstrate compliance with the 30% public works permit concept approval. As conditioned, this criterion has been met.

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

Purpose Statement: The maximum building heights are intended to accomplish several purposes of the Central City Plan. These include protecting views, creating a step-down of building heights to the Willamette River, limiting shadows on public open spaces, ensuring building height compatibility and step downs to historical districts, and limiting shadows from new development on residential neighborhoods in and at the edges of the Central City.

Findings: The project design is largely consistent with the purpose of this section as follows:

- Protecting Views: Massing and height do not disrupt established views.
- Creating a step-down of building heights to the Willamette River: Inherent in the maximum building heights and sites afforded height bonuses, both depicted on Map 510-3, the River Sub-district will have building heights that generally step down from freeway to river. This project is compliant with height allowances/bonuses of the River Sub-district of the Central City.
Final Findings and Decision for Case Number LU 16-251880 DZM AD – Lovejoy Square Mixed-Use

- **Ensuring building height compatibility and step downs to historical districts:** Though the project is not located adjacent or within the NW 13th Avenue Historic District, which is a block to the south, it is providing a lower massing along NW 13th Avenue.

- **Limiting shadows from new development on residential neighborhood in and at the edges of Central City.** This was intended for pre-existing residential developments at the edge of the Central City, and not for infill development within its commercial and employment zones.

  *This criterion is met.*

### ADJUSTMENT (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. They also 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.

**Adjustment #1 (33.266.310.C.), Quantity of Loading Spaces.** One on-site loading space meeting Standard A is required for the existing building located in the north half block, north of the development site. The project proposes to remove the driveway that accesses this loading space to allow the NW 14th Avenue right-of-way improvements within the entire block. The removal of the driveway is required by PBOT for safety reasons.

  **Purpose Statement:** 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.

  **Standard:**

  33.266.310.C.2.b: Number of Loading Spaces.

  - b. One loading space meeting Standard A is required for buildings with at least 20,000 square feet and up to 50,000 square feet of net building area in uses other than Household Living.

**33.805.040 Approval Criteria**
All adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A through F have been met.

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

  **Findings:** The provision of no loading spaces for this building meets the purpose of the standard in that it reduces the potential for conflicts between loading vehicles, pedestrians, and bicycle riders. In addition, the retailer has demonstrated they have not been using the driveway to backup into the loading space, but rather has used the on-street parking to unload their delivery trucks. Therefore, the proposed adjustment will
not have any effect on the current use of the loading space. Furthermore, the Portland Bureau of Transportation (PBOT) has requested the removal of the driveway for safety reasons along the proposed NW 14th Avenue right-of-way improvements. In addition, PBOT would consider allowing for an on-street loading zone by the lost driveway area.

It is not expected that creating an off-street loading zone along the existing building frontage will result in a negative effect on traffic safety or other transportation functions of the right-of-way. In fact, with the new protected bike lane concept, and the removal of the existing driveway, this stretch of NW 14th Avenue will become safer to bike riders and pedestrians alike. These approval criteria are 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 classifications of the adjacent streets and the desired character of the area; and

**Findings:** The site is located in an EX zone. *This criterion does not apply.*

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

**Findings:** Only one adjustment is requested. *This criterion does not apply.*

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

**Findings:** The site does not fall within the scenic or historic resources. *This criterion does not apply.*

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

**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**

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The applicant has addressed all major concerns expressed by staff and the Commission, and designed a building that embodies the spirit intended by the applicable design guidelines, and responds well to the natural, cultural, and built context. The proposal meets the applicable design guidelines, modification criteria, and adjustment criteria.

**DESIGN COMMISSION DECISION**

It is the decision of the Design Commission to approve a Design Review for a 10-story building in the River Sub District of the Central City Plan District, that include: 7,000 square feet of
Final Findings and Decision for  
Case Number LU 16-251880 DZM AD – Lovejoy Square Mixed-Use

retail, 33,000 square feet of office, 78 residential units, 2 levels of below grade parking for 70 vehicular spaces, a bike room for 165 long-term bike spaces, NW 13\textsuperscript{th} Avenue loading dock within the right-of-way, the repair and patching of existing cobblestones on NW Kearny Street, and the NW 14\textsuperscript{th} Avenue right-of-way improvements.

Approval of the following Modifications:

- Allow the cooling towers and related enclosure to extend to 16 feet in height.
- Allow two Standard B loading spaces in lieu of two Standard A loading spaces within the ground floor of the building.
- To allow vertical storage of bicycle parking with staggered bike hangers mounted at 18 inches on center.

Approval of the following Adjustment:

- To remove the loading space requirements for the north property to allow removal of the driveway by PBOT requirement.

Approval of the following Height Bonus:

- 60’ Discretionary Height Bonus subject to Condition of Approval C below.

Per the approved exhibits C.1 through C.26, dated January 25, 2018 and subject to the following Conditions of Approval:

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 16-251880 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. Before issuance of the building permit for the proposal, the public works permit must receive a 30% concept approval to document the improvements can be constructed. The building permit for the proposal must demonstrate compliance with the 30% public works permit concept approval.

D. No field changes allowed.

By: ______________________________
Julie Livingston, Design Commission Chair

Application Filed: October 3, 2016  
Decision Rendered: January 25, 2018
Decision Filed: January 26, 2018  
Decision Mailed: February 9, 2018

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

Procedural Information. The application for this land use review was submitted on October 3, 2016, and was determined to be complete on March 29, 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 October 3, 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-7. The 120-day review period will expire on: March 29, 2018

Some of the information contained in this report was provided by the applicant.
As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. This report is the final decision of the Design Commission with input from other City and public agencies.

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

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

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. Appeals must be filed by 4:30 pm on February 23, 2018 at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case by appointment at 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201. Please call the file review line at 503-823-7617 for an appointment.

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

Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing, one in which new evidence can be submitted to City Council.

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. An appeal fee of $5,000 will be charged.

Neighborhood associations may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision.
Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

**Recording the final decision.**
If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.
- *Unless appealed*, the final decision will be recorded after **February 23, 2018** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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 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.

Meriam Rahali
February 5, 2018

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

**EXHIBITS – NOT ATTACHED UNLESS INICATED**

A. Applicant’s Statement:
1. Narrative: Zoning and Guidelines Summary
2. Pre-Application Conference Documents
3. *Not Used*
5. Preliminary Drainage Report
6. Driveway Design Exception Report, Kittelson & Associates
7. 120-day waiver
9. Memo from Jeff Shoemaker, DOWL addressing completeness comments
10. Preliminary Drainage Report
11. Traffic analysis for 14th Avenue Driveway Location
12. Driveway Design Exception Report
13. Loading Demand Design Exception Report
14 Request to Reschedule Hearing to October
15. Project Information, Context, Design Concept, Renderings, Modifications, Drawings per 10/19/2017 Design Commission Hearing
16. Hearing Follow-up Email
17. Emails on Vesting
18. Narrative on Discretionary Height Alternate Proposals-Emails
19. Discretionary Height Public Proposal – NW 14th Avenue Improvements
20. Email on FAR Transfer from Landmark
21. Project Information, Context, Design Concept, Renderings, Modifications, Drawings per 12/21/2017 Design Commission Worksession Hearing
22. Worksession Hearing Follow-up Emails
23. Revised narrative: Zoning and Guidelines Summary, submitted 1/16/2018
24. Revised Preliminary Drainage Report, submitted 1/6/2018
25. Statutory Bargain and Sale Deed, submitted 1/16/2018
26. Application for Design Exception Request Form
27. Revised Project Information, FAR Diagrams, Design Concept, Renderings, Drawings (1-28)

B. Zoning Map
1. Old Zoning Map
2. Updated Zoning Map (attached)

C. Plan & Drawings
1. Site Plan (attached)
2. Project Information
3. Civil Plan
4. Levels B1 and B2
5. Levels 2 and 3
6. Levels 4 and 5-10
7. Mechanical Roof Plan
8. East and North Elevations (attached)
9. South and West Elevations (attached)
10. Building Sections
11. Street Level Studies-Garage Door Elevation and Details
12. Street Level Studies
13. Wall Sections and Details
14. Wall Sections
15. Wall Sections
16. Landscape Plan
17. Level 2 Courtyard Landscape and Lighting Plan
18. Level 3 Terraces Landscape and Lighting Plan
19. Level 4 Courtyard Landscape and Lighting Plan
20. Exterior Lighting
21. Modifications – Height/Mechanical
22. Modifications – Height/Mechanical
23. Modifications – Loading Standards
24. Modifications – Bicycle Parking
25. Modifications - Modification
26. Materials & Cutsheets (1-27)

D. Notification information:
1. Request for response-1, 4/4/17
2. Request for response- revised hearing date, 4/13/17
3. Request for response- 3; 9/1/2017
4. Posting letter sent to applicant
5. Notice to be posted
6. Applicant’s statement certifying posting
7. Mailing list
8. Mailed notice

E. Agency Responses:
1. Bureau of Environmental Services
   a. RFC
   b. 1st RFR & 2nd RFR
   c. Final Revision
2. Bureau of Transportation Engineering and Development Review
   a. RFC
   b. RFR
   c. Final Revision
3. Site Development Review Section of Bureau of Development Services
   a. 1st RFR
   b. 2nd RFR
4. Urban Forestry
   a. 1st RFR
   b. 2nd RFR
   c. Final Revision
5. Water Bureau
   a. 1st RFR
   b. 2nd RFR
6. Fire Bureau
   a. 1st RFR
   b. 2nd RFR
7. Life-safety Review Section of BDS
   a. 1st RFR
   b. 2nd RFR
   c. 2nd RFR- revised.
   d. Final Revision

F. Letters and Public Testimony
1. David Dysert, Planning & Transportation Co-Chair, Pearl Neighborhood Association; responded with concerns regarding height, phasing and courtyard design.
2. Reza Farhoodi, Planning & Transportation Co-Chair, Pearl Neighborhood Association; December 20, 2017, responded that the Committee voted in support of the NW 14th Avenue Proposed Bike Lane Concept in conjunction with the Lovejoy Square project.

G. Other
1. Original LUR Application
2. Incomplete Letter from staff to applicant, sent 10/25/2016
3. Request for Completeness, 10/10/2016
4. Void notification, 3,21,2017
5. Historic Resources Inventory
6. Site Photographs
7. Staff email encouraging DAR
8. Applicant email with update of meeting with Pearl District Neighborhood Association.
9. PBOT email response regarding street reclassification; staff email requesting clarification of PGE vaults locations.
10. Project Timeline Response
11. Pre-Application Conference Drawings. For Review only, Not approved.
12. IA Bureaus Waiver for Adjustment Fee
Final Findings and Decision for
Case Number LU 16-251880 DZM AD – Lovejoy Square Mixed-Use

H. Design Commission Exhibits
1. Original Staff Report, 10/19/17
2. Original Design Commission Memo, 10/12/17
3. Not Used
4. Email with concerns from Ann Frodel, received 10/9/17
5. Original Testimony Sheet, 10/19/17
6. Original Staff PPT Presentation, 10/19/17
7. Original Applicant PPT Presentation, 10/19/17
8. Design Commission Memo, 12/13/17
9. Staff PPT Presentation, 12/21/17
10. Testimony Sheet, 12/21/17
11. Final Design Commission Memo, 1/19/18
12. Final Staff Report, 1/25/18
13. Final Staff PPT Presentation, 1/25/18

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ZONING

THIS SITE LIES WITHIN THE:
CENTRAL CITY PLAN DISTRICT
RIVER DISTRICT SUBDISTRICT

Site
Also Owned Parcels
Historic Landmark
Bridge

File No. LU 16-251880 DZM AD
1/4 Section 2928
Scale 1 inch = 200 feet
State ID 1N1E33AD 400
Exhibit B Jan 19, 2018

Exh. B.2