



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

FINAL FINDINGS AND DECISION BY THE DESIGN
COMMISSION RENDERED ON January 3, 2019

CASE FILE NUMBER: LU 18-191719 DZM
PC # 17-274410
Grand Avenue Mixed Use

BUREAU OF DEVELOPMENT SERVICES STAFF: Benjamin Nielsen 503-823-7812 /
Benjamin.Nielsen@portlandoregon.gov

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

GENERAL INFORMATION

**Applicant/
Representative:**

Ryan Miyahira, Ankrom Moisan Architects, Inc
38 NW Davis St, Portland, OR 97209
503-245-7100, ryanm@ankrommoisan.com

Applicant:

Trevor Boucher, Fairfield Residential
5510 Morehouse Drive, Suite 200, San Diego, CA 92121
858-626-8334, travorb@ffres.com

Owner on Record:

DJ-Grand LLC
338 SE Spokane St, Portland, OR 97202

Owner on Record:

Stark's Inc
12730 NE Marx St, Portland, OR 97230

Site Address:

203 NE GRAND AVE & 206 NE MLK BLVD

Legal Description:

BLOCK 109 S 35' OF LOT 2 EXC PT IN ST LOT 3&4 EXC PT IN ST,
EAST PORTLAND; BLOCK 109 LOT 5&6, EAST PORTLAND

Tax Account No.:

R226507400, R226507420

State ID No.:

1N1E35CB 03300, 1N1E35CB 03200

Quarter Section:

3031

Neighborhood:

Kerns, contact Elliott Mantell at commonchiro@yahoo.com

Business District:

Central Eastside Industrial Council, contact ceic@ceic.cc.

District Coalition:

Southeast Uplift, contact Leah Fisher at 503-232-0010.

Plan District: Central City - Central Eastside

Other Designations: None

Zoning: EXd – Central Employment with Design Overlay

Case Type: DZM – Design Review with Modifications

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 applicants request Design Review for a proposed 151,600 SF, 8-story, 92'-5" tall residential mixed-use building in the Central Eastside Subdistrict of the Central City Plan District. The ground floor will contain a mix of retail spaces (fronting NE Grand Ave, NE Davis St, and NE MLK Blvd), a residential lobby (fronting NE Davis St), an amenity fitness room (facing NE MLK Blvd), long-term bike parking, and structured parking and loading with access from NE Davis St. The upper stories contain 170 residential dwelling units—and trigger the mandatory inclusionary housing requirements of Title 33—as well as two amenity rooms and an amenity deck on the top floor.

Two (2) Modifications to zoning code development standards are requested:

1. Standards for all bicycle parking, Bicycle racks (33.266.220.C.3.b) – Reduce the size of the required long-term bicycle parking spaces in the bike storage rooms on levels 1 and P1 to 18" wide from the required 24" wide. Spaces will be hung and staggered vertically on the walls.
2. Ground Floor Active Uses (33.510.225.C.1) – Provide a retail space along NE Davis St with a distance of 11'-2" from the finished floor to the bottom of the structure above instead of the required 12'-0" distance.

Design Review is required for new development and for Modification requests to zoning code development standards in the design overlay zone of the Central Eastside Subdistrict of the Central City Plan.

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
- 33.825.040 – Modifications That Will Better Meet Design Review Requirements
- Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan

ANALYSIS

Site and Vicinity: The subject site is a 22,030 SF site in the Central Eastside Subdistrict of the Central City Plan District. The site is located on the northernmost block in the subdistrict of the strip between NE Martin Luther King Jr Blvd and NE Grand Ave. Both are classified as Civic Main St, Major City Traffic St, Major Transit Priority St, Central City Transit/Pedestrian St, City Bikeway, Major Emergency Response St, and Priority Truck Streets. The south end of the site is bound by NE Davis St [Major Truck Street, otherwise local service all modes]. The entire site is also located within a Freight District.

The subject site is currently occupied by a single-story auto service shop and garage on its eastern half, and a paved parking area on its western half. Nearby development includes an additional single-story auto service building immediately to the north on the same block, as well as two large billboards and two small trailer structures. The single-story Stark's Vacuum

building lies to the south across NE Davis. An auto dealership lies to the east across NE Grand Ave, and a two-story mixed-use building lies to the west across NE MLK Blvd.

The subject site also lies at the northern end of what is colloquially called the Burnside Bridgehead area, which has in the past few years come to be defined by taller and larger-scale mixed-use development—buildings which are often very sculptural in their massing and articulation, though there are also some more-typical, though well-detailed traditional mixed-use type buildings interspersed as well.

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 development standards are intended to allow new development which is similar in character to existing development.

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

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

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 **September 5, 2018**.

- The Bureau of Environmental Services responded with no objections to the proposal and with information about permitting requirements for sanitary service and stormwater management. Please see Exhibit E-1 for additional details.
- The Bureau of Parks-Forestry Division responded with no concerns. Please see Exhibit E-2 for additional details.
- The Water Bureau responded with no issues and provided additional comments about available water service and permitting requirements. Please see Exhibit E-3 for additional details.
- The Life Safety Section of BDS responded with no objections to the proposal and with additional life safety comments. Please see Exhibit E-4 for additional details.
- The Site Development Section of BDS responded with comments about permitting requirements and noted no landslide or floodplain hazards. Please see Exhibit E-5 for additional details.
- The Fire Bureau responded with a statement that all applicable Fire Code requirements shall apply at the time of permit review and development. Please see Exhibit E-6 for additional details.

- The Bureau of Transportation responded with no objections and with comments about standard, required improvements, possible dedications, a driveway design exception, vaults and other encroachments. Please see Exhibit E-7 for additional details.

Regarding the comments about possible dedications, which were identified as potentially being needed along NE Davis St, the applicants provided an existing conditions site plan (Exhibit C56) showing that the required 12' sidewalk dimension exists along that street. PBOT will require a signed survey, however, to document this condition, otherwise dedications may be required. From the existing conditions site plan and other plans provided by the applicant, it appears that any dedication would have no impact on the proposed building design, since a full 12' sidewalk is also proposed.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **September 5, 2018**.

Two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Doug Klotz, 1908 SE 35th Pl, Portland, OR 97214, 10/05/2018, via email. Doug raised a concern that the applicants were proposing building within a portion of the NE MLK Blvd right-of-way or requesting a partial vacation of right-of-way and stated that keeping the project within the existing site would leave a wider sidewalk area on the southern portion of the MLK frontage.

Staff responded via email, noting that the applicants provided an existing conditions survey which matches with city data (though not exactly with portlandmaps.com mapping data or tax assessor maps) and showing that the proposal will be built entirely upon private property. No street vacations are requested. Were there to be any changes to the edge of the right-of-way, it would be the private development that would have to dedicate land to the right-of-way along NE MLK Blvd to ensure there is a minimum 12-foot wide sidewalk; however, this has not been required.

- Todd DeNeffe and Peter Finley Fry, CEIC Land Use and Urban Design Committee, PO Box 14251 Portland, OR 97293-0251, via email. Letter of support for the proposal.

Procedural History:

- A pre-application conference (EA 17-274410 PC) was held on December 19, 2017.
- Three optional Design Advice Requests (EA 18-118843 DA) were held with the Design Commission.
 - The first was held on April 5, 2018.
 - The second was held on May 17, 2018.
 - The third was held on June 6, 2018.
- The Design Review application was submitted on June 22, 2018.
- An incomplete application letter was sent on July 13, 2018.
- The applicants requested to deem the application complete on August 28, 2018.
- A hearing with the Design Commission was held on October 18, 2018, which was 51 days after the application was deemed complete.
 - The staff report for that hearing recommended denial, and the applicants chose to continue the hearing to November 15, 2018 to submit revisions to the Design Commission.
 - The staff report for the November 15, 2018 hearing recommended denial, and the applicants chose to continue the hearing to January 3, 2019 to submit revisions to the Design Commission.
 - The Design Commission voted 6-0 to approve the proposal, with conditions, at the January 3, 2019 Design Commission hearing.

ZONING CODE APPROVAL CRITERIA

(1) 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 the site is located generally within the Central City Plan District, the applicable design guidelines are the Central City Plan Fundamental Design Guidelines. As the site is also specifically located within the Design Zone of the Central Eastside District, the Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan also apply.

Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan and Central City Fundamental Design Guidelines

The Central Eastside is a unique neighborhood. The property and business owners are proud of the district's heritage and service to the community and region. Light industry, distribution/warehousing, and transportation are important components of the district's personality. To the general public, retail stores and commercial businesses provide the central focus within the district.

The underlying urban design objective for the Central Eastside is to capitalize on and emphasize its unique assets in a manner that is respectful, supportive, creative and compatible with each area as a whole. Part of the charm and character of the Central Eastside District, which should be celebrated, is its eclectic mixture of building types and uses. An additional strength, which should be built on, is the pattern of pedestrian friendly retail uses on Grand Avenue, East Burnside and Morrison Streets, as well as portions of 11th and 12th Avenues.

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 Eastside Design Goals

The following goals and objectives define the urban design vision for new development and other improvements in the Central Eastside

- Encourage the special distinction and identity of the design review areas of the Central Eastside District.
- Provide continuity between the Central Eastside and the Lloyd District.
- Provide continuity between the Central Eastside and the river, downtown, and adjacent residential neighborhoods.
- Enhance the safety, convenience, pleasure, and comfort of pedestrians.

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. Staff has also grouped the guidelines under three broad categories comprising area Context, the Public Realm, and Quality & Permanence of the proposal.

CONTEXT

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

Findings: The subject site is located several blocks from the river; however, the proposal integrates the river in the following ways:

- Amenity rooms and an amenity deck are on the west side of the building, facing toward the river and Burnside Bridge.
- Balconies on the west, south, and north elevations allow for views to the river.

Therefore, this guideline is met.

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

A2-1. Recognize Transportation Modes, Produce, and Commerce as Primary Themes of East Portland. Recognize and incorporate East Portland themes into a project design, when appropriate.

Findings for A2 and A2-1: The proposal emphasizes Portland themes and recognizes commerce as a primary theme of East Portland in the following ways:

- Ground floor retail spaces along NE Grand Ave continue the Central Eastside main street pattern of this street.
- The generally active ground floors along the rest of the street frontages also reinforce and emphasize these themes.

Therefore, these guidelines are met.

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.

C3-1. Design to Enhance Existing Themes in the District. Look to buildings from throughout the district for contextual precedent. Innovation and creativity are encouraged in design proposals, which enhance overall district character.

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

Findings for A5, C3-1, & C4: Portions of the proposal successfully enhance, embellish, and identify the Central Eastside area and complement the context of existing buildings in this district and, more specifically, around the Burnside Bridgehead area in the following ways:

- The scale of the proposed building fits within overall context of buildings at the Burnside Bridgehead and along the NE MLK and NE Grand Ave corridors.
- The pattern of canopies at the ground floor along NE MLK, NE Davis, and NE Grand are typical embellishments along the sidewalk in the area.
- The scale of architectural projections fit in with the Bridgehead area's context.
- The proposed framing of residential unit windows helps to articulate the facades of the building, which is a common element on buildings in the area.
- The residential lobby and parking and loading entries are located off NE Davis St, which are better-suited to the lower classification of that street.
- Proposed structured parking is fully-enclosed within the building, which is typical of parking areas in the Bridgehead area.
- Retail presence along NE Grand extends the historic main street context of Grand Ave to the south of the site.
- Portions of the design of the north elevation has been simplified since the drawing set submitted to the Design Commission on September 27, 2018.
 - Balconies are now aligned in vertical columns, which is a much more rational arrangement that is more consistent with the design of balconies on other buildings in the vicinity, and one that is more consistent with the design of the street-facing facades of the subject building.
 - The recess at the stair tower on the western portion of the north façade has been removed and replaced with a much simpler continuation of the ribbed metal façade.
- Issues raised during the first two Design Commission hearings regarding material quality and detailing and overall design coherency have been addressed through design revisions to the drawing set submitted for the January 3, 2019 hearing or through conditions of approval in Findings for C2 and Findings for C5, below. The proposed development, therefore, better complement and embellish the context of other sculptural, dramatic forms at the Burnside Bridgehead area.

Therefore, these guidelines are met.

A5-3. Plan for or Incorporate Underground Utility Service. Plan for or Incorporate Underground Utility Service to development projects.

Findings: An underground utility vault is proposed at the northwest corner of the site within the right-of-way. PBOT has indicated conceptual approval for a utility vault in this location.

Therefore, this guideline is met.

A5-4. Incorporate Works of Art. Incorporate works of art into development projects.

Findings: The proposal includes a small, metal grate and glass water feature/art piece in the small courtyard at the northeast corner of the site. The proposal shows a runnel which channels water onto the top of the sloped metal grating, presumably creating a cascading effect. The proposed art piece will likely integrate well with the stormwater feature, described below in Findings for A5-5, though it will only minimally meet the guideline in terms of its appropriateness to the site, artistic excellence, meaningfulness to the community served, and its form and materials.

Therefore, this guideline is met.

A5-5. Incorporate Water Features. Enhance the quality of public spaces by incorporating water features.

Findings: A small semi-public space is proposed at the northeast corner of the site. A stormwater planter lies adjacent to this space and runs underneath it. It will be experienced from above due to proposed metal grates for the floor. These characteristics will help enhance the quality of this space.

A sculptural water feature is also proposed at the end of the small semi-public courtyard in the northeast corner of the site, as described in the Findings for A5-4, above. This piece will further help to enhance the quality of the public space.

Therefore, this guideline is met.

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

Findings: The site lies at a de facto gateway from Lloyd into the Central Eastside and contributes to the Burnside Bridgehead gateway into Portland's east side. The proposed massing of the building helps to develop and strengthen this gateway location. Massing articulation in the form of the projecting white “box ends” at the street intersections and again at the northwest and northeast corners of the building help to mark and celebrate this gateway into the Central Eastside.

Therefore, this guideline is met.

PUBLIC REALM

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

Findings: The primary unifying elements in the public realm relate to the retail streetscape. The proposed storefront windows, canopies, and generally-active ground level uses all help to maintain a consistent streetscape along all three streets and connect this building to other parts of the area and district.

Therefore, this guideline is met.

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

Findings: The proposal successfully establishes and maintains a sense of urban enclosure in the following ways:

- Canopies and storefront windows with views into active spaces help to create sense of urban enclosure and articulation along the sidewalk edge.
- Recesses at ground level entries help to articulate the building sidewalk edge and reinforce the urban character of all three streets.
- Extending the ground floor expression to the second floor helps extend the presence of the ground floor and reinforce the sense of enclosure.
- The scale of the proposed building fits within the overall urban context of development near the Burnside Bridgehead.

Therefore, this guideline is met.

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.

Findings: The proposal successfully contributes to a vibrant streetscape in the following ways:

- The large, double-height retail spaces along NE Grand will help to extend vibrant pedestrian realm along that street.
- Retail spaces along NE MLK will also help contribute to vibrancy of that street.
 - The proposed fitness room and lounge will contribute somewhat to vibrancy of NE MLK; however, this program would be better placed on one of the upper stories. That being said, the fitness room appears to be designed such that it could convert to retail in the future.
- Although ground floor heights along NE Davis and NE MLK are rather short—as low as 11', or less, in some cases—the Design Commission found at the October 18, 2018 Design Commission hearing that these spaces appeared to have sufficient height to allow for viable, flexible uses, such as retail, which will contribute to a vibrant streetscape.
- The design of the retail space along NE Davis (Retail 03) has been revised since the September 27, 2018 submittal to the Design Commission: the proposed ramp and stair have been shifted away from the glazing to the eastern wall of the retail space, allowing interior activities to be located closer to the windows.

Therefore, this guideline is 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.

Findings: The proposal successfully reinforces and enhances the pedestrian system in the following ways:

- Canopies and storefront windows with views into active spaces help to create sense of urban enclosure and articulation along the sidewalk edge.

- Recesses at the ground level entries help to articulate the building sidewalk edge and reinforce the urban character of all three streets.

Therefore, this guideline is met.

B2. Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

Findings: Portions of the proposal successfully protect the pedestrian:

- Mechanical equipment is located on the roof away from the sidewalk.
- The electrical transformer is located in a vault below the sidewalk, essentially removing it from the pedestrian realm.
- Soffit downlighting is proposed in the canopies extending over sidewalks on all three street frontages, increasing safety for pedestrians in the evening hours.
- Building trash, parking, and generator are enclosed within the ground floor and located away from the sidewalk edges, screening these uses from pedestrians. The door into the structured parking area has been conditioned in Findings for C1-1, above, to be a translucent glazed door, which will further screen these areas from the pedestrian environment.
- Ground floor venting for the proposed retail spaces is accommodated through vents in the transom band of the retail spaces along all three street frontages. Placing these vents high up, often above canopies, protects the pedestrian from these mechanical exhaust systems.

However, one aspect of the proposal might not successfully meet this guideline:

- The architectural site plan shows the proposed gas regulator location as being inside the garage, though typically these must be located outside the building. The utility plan (Exhibit C52) shows the gas meters, rather than the regulator, on the inside of the garage. Ideally, these would both be located within the garage so that they do not detract from the pedestrian environment; however, if the regulator is required to be on the exterior of the building, it should be placed in one of the building's set back alcoves, rather than along, or in, the sidewalk. Therefore, a condition of approval has been added requiring this.

With the condition of approval that the gas regulator, if not located inside the building, shall be located within one of the building's set back alcoves, this guideline will be met.

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

Findings: The proposal successfully provides stopping and viewing places in the following ways:

- Ground floor setbacks at retail entries and the lobby entry are proposed along all three streets.
- A semi-public area is proposed to the north of the northeastern-most retail space along NE Grand (Retail 02), which could afford room for outdoor seating just off the sidewalk.
- Large storefront windows provide views into active ground-level spaces at the

retail entry setbacks, which enhances their comfort.

Therefore, this guideline is met.

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

Findings: A small, semi-public open space, akin to a private pocket park, on the northeast corner of the site is supported by retail storefront glazing facing the space and regulated connection to the sidewalk along NE Grand Ave.

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.

B6-1. Provide Pedestrian Rain Protection. Rain protection is encouraged at the ground level of all new and rehabilitated commercial buildings located adjacent to primary pedestrian routes. In required retail opportunity areas, rain protection is strongly recommended.

Findings for B6 and B6-1: Canopies that are well-integrated with the overall design of the lower two floors provide weather protection along much of the building frontage along NE MLK, NE Davis, and NE Grand. However, these canopies are typically only 3'-6" deep over the right-of-way. To be minimally functional, they should be at least 4'-0" deep. A condition of approval has been added to ensure this. Furthermore, canopy locations on the ground floor plan do not match the proposed locations on the elevations. Canopies should extend over the following locations to increase the amount of weather protection on the sidewalk:

- On the south elevation, the canopy at the lobby entrance should extend to the west over the window into Retail 04. This is currently shown on the plan, but not the south elevation.
- On the east elevation, the canopy at the southeast corner should extend to the north by an additional window bay.

These extensions can be ensured through a condition of approval.

With the condition of approval that all proposed canopies shall extend at least 4'-0" over the right-of-way; and,

With the condition of approval that, on the south elevation, the canopy at the lobby entrance shall extend to the west over the window into Retail 04, as shown on the Level 1 floor plan, and that, on the east elevation, the canopy at the southeast corner shall extend to the north by an additional window bay, these guidelines will be met.

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

Findings: Accessible entries are provided to residential lobby and retail entries. Floor and grade transitions appear to be accommodated inside the building or out on the sidewalk.

Therefore, this guideline is met.

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 successfully enhances view opportunities in the following ways:

- Windows and top floor amenity rooms and deck increase view opportunities for residents.
- The ground floor has large areas of glazing which provide views into and from generally-active ground level spaces. However, for these windows to fully meet this guideline, they should have clear glazing, which is not specified in the drawing package. Therefore, a condition of approval requiring clear glazing—with a minimum 67 VLT (visible light transmittance)—into the ground floor retail, office, lobby, fitness room, and lounge spaces should be added.
- Balconies are used on the upper stories and provide views to the surrounding neighborhood and city.

With the condition of approval that the ground floor retail, office, lobby, fitness room, and lounge spaces shall have clear glazing, with a minimum 67 VLT, in their windows, this guideline will be met.

C1-1. Integrate Parking.

- a. Integrate parking in a manner that is attractive and complementary to the site and its surroundings.
- b. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

Findings: In large part, this guideline is met, since the structured parking area is nearly fully-enclosed within the building behind active ground floor uses.

The proposed garage gate into the structured parking area has also been revised from the original submittal to be composed of dark bronze painted steel. The painted steel will match the color of the storefront windows at the ground level. The drawings include no indication of the type of glazing (or lack thereof) proposed in the gate, however; translucent glazing should be used to obscure views from the sidewalk into the parking area to increase overall integration of this otherwise visually incongruous part of the building. A condition of approval has been added to ensure this.

With the condition of approval that translucent glazing shall be used in the proposed garage gate, this guideline will be met.

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.

Findings: Setbacks at retail entries and the lobby entry are proposed along all three streets and provide for transition space between the building and the public sidewalk.

Therefore, this guideline is met.

C7. Design Corners that Build Active Intersections. Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings,

canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.

Findings: The proposal successfully designs corners that build active intersections in the following ways:

- Flexible-use retail spaces at the intersections of NE Grand & Davis and NE MLK & Davis help to activate that intersection.
- A roof deck overlooking the intersection of NE MLK & Davis helps to activate that corner.
- Architectural projections at the intersections of NE MLK & Davis and NE Grand & Davis help to define those corners. Larger areas of glazing are used within these projections to add further differentiation at the corners.
- Egress stairs and elevators are located away from the intersections.

Therefore, this guideline is 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 ground floor façade expression extends up to the second story, and both stories are clad and articulated differently from the upper stories, helping to differentiate the sidewalk level of the building. The cladding used is a dark, flat, insulated metal panel in contrast to the white ribbed metal panel used as a primary cladding on the upper stories. The walls of the ground floor are also slightly setback from those on the upper stories, which protrude slightly due to the use of Z-girts.

Therefore, this guideline is met.

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

Findings: Portions of the proposal successfully develop flexible sidewalk-level spaces:

- The retail spaces along NE MLK Blvd and NE Grand Ave provide flexible-use spaces that can accommodate a variety of active uses. The spaces along NE Grand are particularly flexible, due to their large floor-to-ceiling height.
- At the October 18, 2018 Design Commission hearing, the Commission found that the fitness room on the ground floor along NE MLK Blvd could be converted to other uses, such as a retail use, in the future, and is therefore a flexible sidewalk-level space.
- The Commission also found at the October 18, 2018 hearing that the retail spaces along NE Davis and NE MLK Blvd had sufficient height—11'-2" floor to ceiling at Retail 03 and 12'-0" floor to ceiling at Retail 04—to successfully accommodate flexible uses.

Therefore, 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: Portions of the proposal successfully integrate encroachments into the public right-of-way:

- The proposed canopy structures appear to be well-detailed and well-integrated within the overall ground floor cladding system and composition.
- The proposed architectural projections at the building’s southwest and southeast corners appear to be well-integrated within the overall composition of the south, east, and west elevations and echo in larger scale the white window framing expression used across the rest of the building’s facades.
- Balconies on the street-facing facades are either recessed slightly into the building or contained within the “box ends” at the building’s corners. The latter have guardrails composed of glass, which helps to avoid obscuring their forms and gives them additional emphasis. The former have guardrails composed of 12-gauge, perforated aluminum panels that are finished in the same dark color as the cladding in the vertical bands into which they are set. These cause the balconies to read as protruding masses, which helps to contrast them with the recessed forms of the “box ends”, and which helps to contrast them with the typical vertical bays of windows on the remainder of the upper stories. These strong contrasts have the effect of achieving a greater integration of these otherwise disparate elements.

Therefore, this guideline is met.

QUALITY & PERMANENCE

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

Findings: Portions of the proposal successfully incorporate design principles and building materials that promote quality and permanence:

- The proposed insulated metal panels are "structurally bonded" to polystyrene or polyisocyanurate and should maintain their rigidity better than unbacked metal panels. The proposed finishes are a PVDF system which is a typically high-quality finish with good weathering resistance and good overall color-retention.
- Pre-finished sheet metal details, such as accents around windows and parapet copings, will be constructed of 22-gauge metal (not all are indicated in drawings, but applicants indicated in email), which should be sufficient in thickness to resist oil-canning or pillowing of those components.
- The primary ribbed metal panels have a 6" panel face with a 6" setback face, and an overall width of 12" per panel; at 22-gauge in thickness, all these characteristics should be sufficient to resist oil-canning and pillowing in the panels. Proposed PVDF finish is typically high-quality with good weathering resistance and good overall color-retention.
- Secondary ribbed metal panels, proposed at the cornice line of the building and on the north façade of the building, have an 11" panel face with a 1" setback face, and an overall width of 12" per panel. In the past, the Design Commission has found the 11"/1" panels at 22-gauge to be slightly too prone to pillowing or oil-canning. Therefore, the 6"/6" ribbed metal panels should also be used on the north façade, since these panels span such a large area. This can be ensured through a condition of approval. The 11"/1" panels, however, can be used in 22-gauge thickness at the cornice line around the building. The distinction in this

case is that the length of the panels is comparatively small, and requiring additional thickness would result in a stronger horizontal joint/shadow line between the 6”/6” panels and the 11”/1” panels.

- Steel canopy structures are composed of a frame of painted structural steel tubes, generally attached directly to structural floor slabs, and infilled with smaller structural steel and painted metal decking. All are quality, durable materials.
 - The proposed wood soffit may be a source of concern, given the poor weathering and wear of other wood soffits in the city. The applicants have provided an example of a similarly-detailed wood soffit system used elsewhere in the city (The Addy on NW 17th & Overton), which demonstrates that the details of this canopy successfully transport water away from the wood and increasing the permanence of the material.
- The proposed aluminum storefront window system, indicated to be a dark bronze color, is set typically set upon a minimum 6” concrete curb at the ground floor, which increases they system's overall durability.
- Proposed vinyl windows and vinyl French doors on the upper stories are composed of a commercial-grade system with internal steel reinforcements, which increases overall quality and durability.
- Proposed exhaust louvers are a quality flangeless, metal system which can be painted to match adjacent exteriors. The proposed detail on Exhibit C44 indicates that the louvers will be flush when installed in walls clad with insulated metal panels.
- Proposed PTAC grilles are composed of aluminum (Exhibit C64) and will be finished to match the color of the window system. Like the exhaust louvers, these should be a high-quality system.
- Tongue & groove wood soffits with a transparent finish are proposed under the canopies. While wood soffits such as these are often very prone to weathering and, therefore, often do not express quality and permanence, the proposed detail shown on Exhibit C39 has been successfully used on other soffits in the city which have been weathering well; the detail successfully directs water away from the wood material, helping to preserve it.
- The applicants have revised their proposal since the November 15, 2018 Design Commission hearing to propose insulated metal panels at the underside of the projecting “box ends” (Exhibit C41). This helps to resolve a potentially-complicated detail to wrap the box-rib panel from the wall to the underside of the “box ends” and will ultimately result in a higher-quality material expression.
- In order to ensure the perforated aluminum panels used at most of the balconies remain well-integrated and express quality in their construction, the Design Commission stated at the January 3, 2019 hearing that it is very important for the guardrail material to be aluminum, as proposed, rather than steel, as it can be difficult to completely paint the perforations in the metal, which would lead to rusting in steel. Additionally, it is important that the metal be no thinner than 12-gauge to ensure that the perforated metal will not buckle or warp. The Commission added a condition of approval to ensure that these two characteristics will be incorporated into these balconies.

With the condition of approval that the 6”/6” ribbed metal panels used across the upper stories of the building shall be used in place of the 11”/1” ribbed panels on the north elevation (except at the cornice line); and,

With the condition of approval that all perforated metal balconies will be aluminum and a minimum 12-gauge, this guideline will be met.

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

Findings: Some aspects of this proposal successfully integrate different building and design elements to achieve a coherent composition:

1. The lower two floors read with a unified ground floor expression. The applicants have further refined the ground floor to create better window and panel alignments, both at the lower two floors and above. The proposed dark bronze storefront windows will integrate well with the proposed dark bronze insulated metal panel, and the storefront window system now continues across the entirety of the second floor, further increasing overall cohesiveness at the ground floor.
2. The upper six floors have a much more cohesive design than the original proposal submitted with the land use application (see Exhibit C11), which bifurcated the upper stories horizontally and treated each with a different material, and than the proposal shown at the first two Design Commission hearings for the proposal.
 - In the latest iteration of the design, the applicants have much more carefully considered the ribbed metal panel system used on the upper stories and have created an “A-B-A” type rhythm in the arrangement of panels and window bays (as shown on the black * white elevation drawings) and have simplified and standardized the window system proposed to work within the rational pattern. These two changes, alone, have greatly simplified the design of the upper stories, increasing overall coherency of the building, while at the same time allowing for greater “tailoring” of the metal panel details. To that end, the diagrams on Exhibit C46 show how the ribbed metal panels terminate at the vertical window bays with their protruding end at the window jamb. This eliminates the added fin detail that was originally proposed at the window jambs to give the windows the punch and shadow lines that they need.
 - In addition to the rationalization described above, the vertical window bays on the upper stories have also been grouped into columns defined by slightly-recessed insulated metal panels. These panels are proposed to be a silver color to provide some contrast between the columns and the white ribbed metal panels. These columns help to ease the sense of windows being set into a large field of ribbed metal panels, which some commissioners found to be awkward and out of context with the district during the first two Design Commission hearings on this proposal.
 - Recessed “slots” on the south and west facades of the building contain columns of balconies. As described in Findings for C10, the change in the guardrail material from glass to dark bronze-colored, perforated metal panels has helped to better integrate these components into the overall composition.
3. The design of the north elevation has been much simplified from the design proposal submitted to the Design Commission on September 27, 2018. Balconies have been aligned vertically and the notch at the stair on the northwestern face of the building has been integrated into the main portion of that wing. The material of the interior corner on the north has also been changed from standing seam metal to dark insulated metal panel, better matching the material palette of the rest of the building. Additionally, through a condition of approval in Findings for

C2 to change the ribbed metal panel from the proposed 11”/1” panel to the typical 6”/6” panel found across the rest of the upper floors, this elevation will be well-integrated into the overall composition of the building.

- It is unclear in the drawings what the proposed balcony guardrail color will be on the eastern two columns of balconies on the north elevation. Where proposed on the south and west elevations, these balconies colored dark bronze to match the paneling in the slots and the lowest two floors of the building. On the north elevation, the balcony guardrails on the eastern two columns appear to retain the same dark bronze color, even though the insulated metal panels behind are the lighter silver color. The guardrails should be finished to match the color of those panels, rather than the dark bronze of the building’s base. This can be assured through a condition of approval. Balconies proposed at the recessed corner should remain the dark bronze color to match the dark bronze panels used there.
 - Similarly, on the east-facing interior lot line elevation (i.e., the east elevation of the “leg” of the building that extends along NE MLK Blvd), the two columns of balconies are again shown with dark bronze-colored guardrails. In this case, though, the metal panels behind the guardrails are also shown with a dark-bronze color. To better integrate these two columns with the overall composition of the upper stories, both the balcony guardrails here and the insulated metal panels behind should be colored the same lighter silver color used in the rest of the window bays on the upper stories. This, too, can be assured through a condition of approval
4. The structured parking swing gate has been redesigned since the proposal submitted on September 27, 2018 to better integrate with the overall ground floor design. Now, it is composed of painted steel, colored to match the metal panel and storefronts at the ground floor, and infilled with translucent glazing. Furthermore, the Design Commission found at the October 18, 2018 hearing that the swing gate at the northeast corner of the site could successfully incorporate a unique design pattern since it is set apart from the rest of the building and opens onto a pedestrian space.
 5. Exhaust louvers on the upper stories have been moved to be located directly above the dwelling unit windows on the upper stories of the building. This change, and the proposed detailing of the louvers, helps to integrate them well into the overall composition of the upper stories.
 - Exhaust louvers for the residential dwelling units on the second floor are also well-integrated. In this case, they are placed in the soffit of the overhanging upper stories, as shown on Detail 4/Exhibit C38.
 6. Connection methods for the proposed ribbed metal panels are not clearly indicated, though they will likely be face-fastened with rivets or bolts to the Z-girts and wall assembly behind. These rivets or bolts should be color-matched to the panels and arranged in straight lines to help them disappear and integrate into the overall composition of the upper stories. This can be assured through a condition of approval.
 7. On the north elevation, at the very northwest corner of the building, the metal panel below the Juliette balcony on the third floor is shown as a light gray/silver insulated panel. Panels used in this same location around the rest of the building are white ribbed metal panels, however. The same white ribbed metal panel should be used in this location, as well, to better terminate this column of windows and balconies and to better integrate with the rest of the building’s

composition. This can be assured through a condition of approval.

With the condition of approval that the eastern two columns of balconies on the north elevation shall have guardrails finished in a color to match the light gray/silver color of the insulated metal panels behind them;

With the condition of approval that the two columns of balconies on the east interior lot line elevation shall have light gray/silver-colored insulated metal panels used around the windows and doors, rather than the dark bronze color shown, and the guardrails on the balconies shall be finished in the same color to match;

With the condition of approval that exposed rivets or bolts used to attach the metal panels to the wall shall be color-matched to the panels they are attaching, and they shall be arranged in straight lines; and,

With the condition of approval that the metal panels below the Juliette balcony area at the third floor of the northwest corner of the north elevation shall be the same white ribbed metal panel used at other window bays on the rest of the building, this guideline will be 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 storm water management tools.

Findings: Portions of the proposal successfully integrate roofs and use rooftops:

- Building mechanical units are located on the roof and set behind screens that appear to be well-integrated with the overall building composition.

However, some aspects of the proposal do not fully integrate the roof:

- Some mechanical units are simply identified as "future" on the roof plan. A condition of approval should be added to ensure that these future mechanical units either do not exceed the height of the mechanical screen or else the mechanical screen must be raised to fully screen them.

With the condition of approval that all future mechanical units shall be fully screened behind the proposed mechanical screens, or the proposed screens must be extended in height to fully screen them, this guideline will be met.

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

Findings: Portions of the proposal successfully integrate exterior lighting:

- Exterior soffit lights are proposed on the underside of the canopies. These appear to be recessed and well-integrated into the wood soffit material.
- Wall-mounted sconce fixtures are proposed at upper story units with balconies. These fixtures are minimal in size, and the dark color should integrate well with the proposed dark bronze window frames and door bronze metal panels used in the slots on the upper stories. Though not called out directly on the elevations, where used within the projecting white "box ends", the white-colored fixtures should be used. This will better integrate with this design system. Finally, the

product cutsheet provided on Exhibit C67 still indicates that these are up-and-down light fixtures. The light cast should be restricted to the downward direction; otherwise, the lights would serve to provide additional accent to the facade, likely detracting from the overall composition. This can be ensured through a condition of approval.

- LED “wash lights” are indicated on Exhibits C40 & C41 in the projecting white “box ends”. These appear to be a simple, minimalistic fixture system and should be able to be well integrated with the overall façade composition. These fixtures will also have minimal impact on the skyline, due to the building’s relatively low height (compared to other buildings at the Burnside Bridgehead). Additionally, while this type of exterior lighting may not be compatible with the skyline in other parts of the Central City, the Design Commission found at the October 18, 2018 hearing that the Burnside Bridgehead area is one which can successfully accommodate more fanciful designs, as demonstrated by the Fair-haired Dumbbell and Slate buildings.

With the condition of approval that the proposed sconce lights shall be downlights rather than up-and-down lights, this guideline will be 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.

C1-2. Integrate Signs.

- a. Retain and restore existing signage which reinforces the history and themes of the district, and permit new signage which reinforces the history and themes of the East Portland Grand Avenue historic district.
- b. Carefully place signs, sign supports, and sign structures to integrate with the scale, color and articulation of the building design, while honoring the dimensional provisions of the sign chapter of the zoning code.
- c. Demonstrate how signage is one of the design elements of a new or rehabilitation project and has been coordinated by the project designer/ architect. Submit a Master Signage Program as a part of the project’s application for a design review.

Findings for C13 and C1-2: No signs are yet proposed. Signs over 32 square feet in area are required to receive design review approval.

Therefore, these guidelines do not yet apply.

(2) Modifications

33.825.040 Modifications That Will Better Meet Design Review Requirements:

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

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

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

Modification #1: Standards for all bicycle parking, Bicycle racks (33.266.220.C.3.b) – Reduce the size of the required long-term bicycle parking spaces in the bike storage rooms on levels 1 and P1 to 18” wide from the required 24” wide. Spaces will be hung and staggered vertically on the walls.

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. A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet 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; and*

Findings: The Modification request addresses the long-term bicycle parking spaces on the ground level and in the basement level bike rooms—a total of 136 long-term bike parking spaces. The racks are proposed to be mounted vertically with a high-density rack system. Each rack is proposed to be staggered vertically, as well, but the stagger is not specified.

The narrower spacing of the racks on the ground floor and in the basement will allow a greater number of bikes to be stored, ensuring that there remains plenty of room for active uses on the ground floor along all three streets—a development pattern which also fits in well with other nearby development—better meeting guidelines A5 – Enhance, Embellish, and Identify Areas, A8 – Contribute to a Vibrant Streetscape, C4 – Complement the Context of Existing Buildings, and C9 – Develop Flexible Sidewalk-Level Spaces.

- 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: As stated above, the proposed racks will be mounted vertically and staggered, which will provide room for handlebars and peddles to overlap without snagging or interfering with one another. However, the amount of vertical stagger is not identified; previous land use decisions have found that an 8” vertical stagger is a good minimum amount to achieve successful overlap of handlebars and peddles, and this should be required through a condition of approval.

Thus, the purpose statement of the standard, which states that the standards ensure that bikes can be locked without undue inconvenience and are reasonably safeguarded from damage, will be met, on balance

With the condition of approval that the vertically-mounted long-term bicycle racks shall be staggered vertically by at least 8”, this modification will merit approval.

Modification #2: Ground Floor Active Uses (33.510.225.C.1) – Provide a retail space along NE Davis St with a distance of 11’-2” from the finished floor to the bottom of the structure above instead of the required 12’-0” distance.

Purpose Statement: The ground floor active use standards are intended to reinforce the continuity of pedestrian-active ground-level building uses. The standards are also to help

maintain a healthy urban district through the interrelationship of ground-floor building occupancy and street level accessible public uses and activities. Active uses include but are not limited to: lobbies, retail, residential, commercial, and office.

Standard: 33.510.225.C. Buildings must be designed and constructed to accommodate uses such as those listed in Subsection A., above. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to active uses. This standard must be met along at least 50 percent of the ground floor of walls that front onto a sidewalk, plaza, or other public open space.

Areas designed to accommodate active uses must meet the following standards:

1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
2. The area must be at least 25 feet deep, measured from the street-facing facade;
3. The area may be designed to accommodate a single tenant or multiple tenants. In either case, the area must meet the standards of the Accessibility Chapter of the State of Oregon Structural Specialty Code. This code is administered by BDS; and
4. The street-facing facade must include windows and doors, or be structurally designed so doors and windows can be added when the space is converted to active building uses.

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

Findings: The retail space along NE Davis St (identified as Retail 03 on the ground floor plan) is challenged by the grade change on the exterior, which is accommodated by lowering the floor on the interior of the retail space. At the Design Commission hearing on October 18, 2018, the applicants presented a revised design for this space which shifted the needed stair and ramp away from the window edge and over to the eastern edge of the space, allowing more activity to abut the windows. Commissioners weighed whether lowering the floor further to meet the standard, or keeping it raised by 10 inches would be better to express interior activities on the street for passing pedestrians. Ultimately, they found that the requested modification would indeed be better than further lowering the floor. It would better allow this space to meet Guidelines A8 – Contribute to a Vibrant Streetscape and C1 – Enhance View Opportunities.

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 Ground Floor Active Uses standard is, among other things, intended to help maintain a healthy urban district through the interrelationship of ground-floor building occupancy and street level accessible public uses and activities. The interrelationship of the ground-floor retail occupancy and the street-level sidewalk is already hampered by the grade difference, and the Design Commission found at the October 18, 2018 hearing that further lowering the floor to meet the standard would not meet the purpose of the standard, on balance, which is to help maintain a healthy urban district through the interrelationship of ground-floor building occupancy and street level accessible public uses and activities.

Therefore, this Modification merits approval.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans

submitted for a building or zoning permit must demonstrate that all requirements of Title 11 can be met, and 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 Commission voted 6-0 to approve the proposal at the January 3, 2019 Design Commission hearing.

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. With conditions, the proposal meets the applicable design guidelines and modification criteria and, therefore, warrants approval.

DESIGN COMMISSION DECISION

It is the decision of the Design Commission to approve Design Review for the proposed 151,600 SF, 8-story, 92'-5" tall residential mixed-use building in the Central Eastside Subdistrict of the Central City Plan District;

To approve, with a condition, Modification #1 - Standards for all bicycle parking, Bicycle racks (33.266.220.C.3.b) – Reduce the size of the required long-term bicycle parking spaces in the bike storage rooms on levels 1 and P1 to 18" wide from the required 24" wide. Spaces will be hung and staggered vertically on the walls; and,

To approve Modification #2 - Ground Floor Active Uses (33.510.225.C.1) – Provide a retail space along NE Davis St with a distance of 11'-2" from the finished floor to the bottom of the structure above instead of the required 12'-0" distance.

All approvals per the approved site plans, Exhibits C.14 through C.70, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through O) 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 18-191719 DZM". 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 Review decision and approved exhibits.
- C. No field changes allowed.
- D. The ground floor retail, office, lobby, fitness room, and lounge spaces shall have clear glazing, with a minimum 67 VLT, in their windows.
- E. Translucent glazing shall be used in the proposed garage gate.
- F. The gas regulator, if not located inside the building, shall be located within one of the building's proposed set back alcoves.

- G. All proposed canopies shall extend at least 4'-0" over the right-of-way.
- H. On the south elevation, the canopy at the lobby entrance shall extend to the west over the window into Retail 04, as shown on the Level 1 floor plan, and that, on the east elevation, the canopy at the southeast corner shall extend to the north by an additional window bay.
- I. All future mechanical units shall be fully screened behind the proposed mechanical screens, or the proposed screens must be extended in height to fully screen them.
- J. The 6"/6" ribbed metal panels used across the upper stories of the building shall be used in place of the 11"/1" ribbed panels on the north elevation (except at the cornice line).
- K. The eastern two columns of balconies on the north elevation shall have guardrails finished in a color to match the light gray/silver color of the insulated metal panels behind them.
- L. The two columns of balconies on the east interior lot line elevation shall have light gray/silver-colored insulated metal panels used around the windows and doors, rather than the dark bronze color shown, and the guardrails on the balconies shall be finished in the same color to match.
- M. Exposed rivets or bolts used to attach the metal panels to the wall shall be color-matched to the panels they are attaching, and they shall be arranged in straight lines.
- N. The metal panels below the Juliette balcony area at the third floor of the northwest corner of the north elevation shall be the same white ribbed metal panel used at other window bays on the rest of the building.
- O. The vertically-mounted long-term bicycle racks shall be staggered vertically by at least 8".
- P. All perforated metal balconies will be aluminum and a minimum 12-gauge.

=====
 By: 
 Julie Livingston, Design Commission Chair

Application Filed: June 22, 2018
 Decision Filed: January 4, 2019

Decision Rendered: January 3, 2019
 Decision Mailed: January 18, 2019

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 June 22, 2018, and was determined to be complete on August 28, 2018.

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 June 22, 2018.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period, as stated with Exhibit G.3. Unless further extended by the applicant, **the 120 days will expire on: August 28, 2019.**

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 1, 2019 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 \$5,000.00 will be charged (one-half of the application fee for this case, up to a maximum of \$5,000.00).**

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 4, 2019** 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.

Benjamin Nielsen
January 4, 2019

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

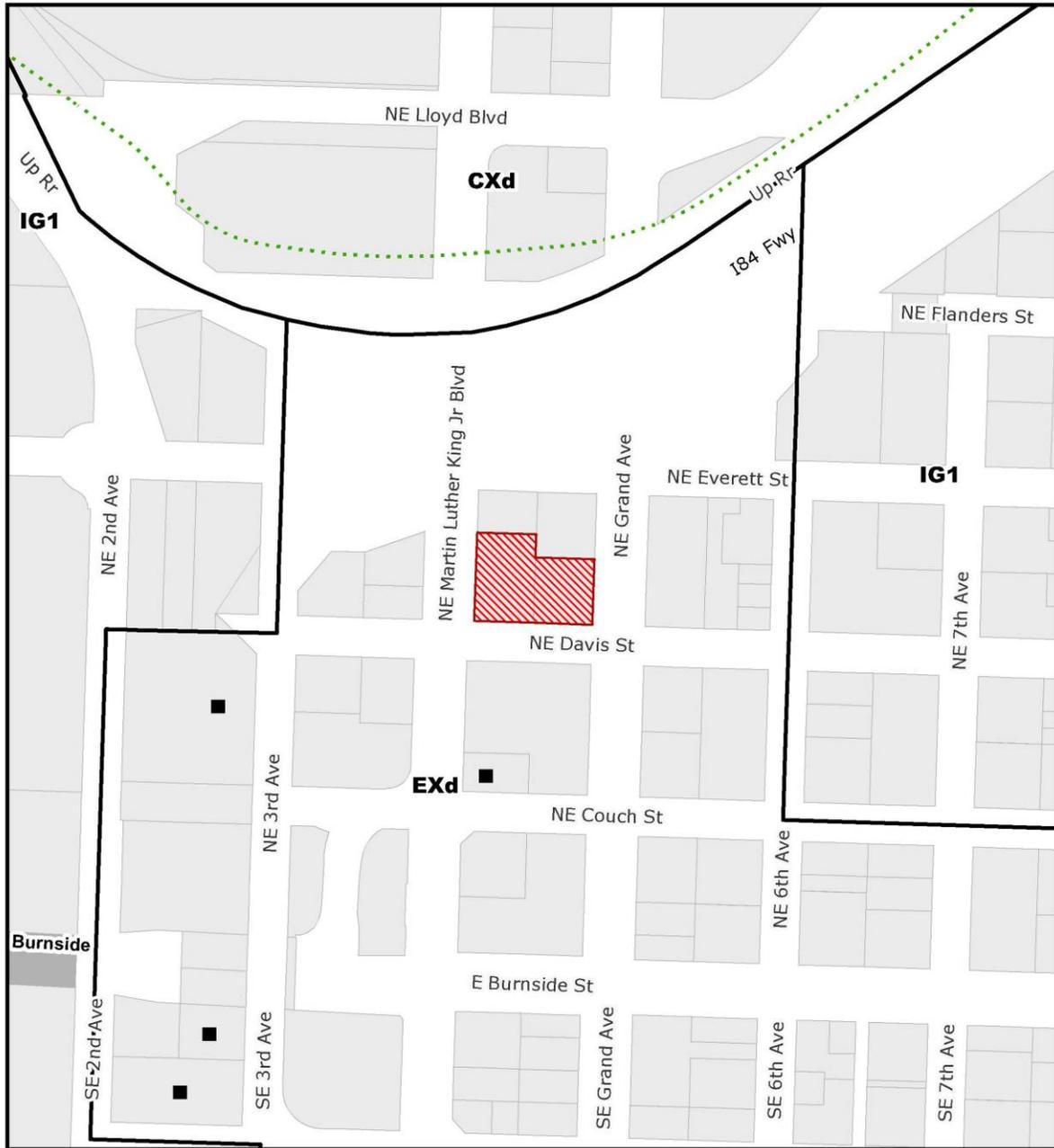
EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
1. Original Drawing Package, dated 06/07/2018
 2. Original Narrative, dated 06/22/2018
 3. Geotech Report, dated 01/17/2018 and received 07/18/2018
 - 3b. Email response and design studies, dated 08/03/2018
 4. Email response and design studies, dated 08/10/2018
 5. Revised Drawing Package, dated 08/24/2018
 6. Revised Narrative, dated 08/24/2018
 7. Stormwater Management Report, dated 08/10/2018 and received 08/24/2018
 8. Design studies, dated 09/06/2018
 9. Updated design sheets, received 09/13/2018
 10. Request for 2 modifications, received 09/20/2018

11. Canopy example photo, received 09/24/2018
12. Draft Revised Drawing Package, received 09/24/2018
13. Revised Design Package, submitted to the Design Commission, dated 09/27/2018
14. PBOT UVE submittal, received 10/03/2018
15. Preliminary Utility Site Plan & confirmation of PBOT UVE approval, received 10/04/2018
16. Drawings showing balconies and architectural features projecting over the ROW, received 10/09/2018
17. Loading site plan, received 10/15/2018
18. Loading plans and sections, received 10/16/2018
- B. Zoning Map (attached)
- C. Plan & Drawings
 - 1-13. *Not used.*
 14. Site Plan (attached)
 15. Floor Plan – Garage
 16. Floor Plan – Level 1 (attached)
 17. Floor Plan – Level 2
 18. Floor Plan – Level 3
 19. Floor Plan – Level 4 + 5
 20. Floor Plan – Level 6 + 7
 21. Floor Plan – Level 8
 22. Floor Plan – Roof
 23. *Not used.*
 24. Elevation – North (attached)
 25. Elevation – North
 26. Elevation – South (attached)
 27. Elevation – South
 28. Elevation – West (attached)
 29. Elevation – West
 30. Elevation – East (attached)
 31. Elevation – East
 32. E-W Building Section
 33. E-W Building Section
 34. N-S Building Section
 35. N-S Building Section
 36. Wall Section – Entry
 37. Wall Section – Garage Entry
 38. Wall Section – Garage Entry
 39. Wall Section – Resident Entry
 40. Wall Section – SE Box End
 41. Wall Section – SE Box End
 42. Wall Section – Juliet & Balcony
 43. Wall Section – Typical Bay
 44. Wall Section – Typical Bay
 45. Details – Slot
 46. Metal Panel Pattern
 - 47-49. *Not used.*
 50. Existing Conditions Plan
 51. Grading Plan
 52. Utility Plan
 53. Landscape Plan
 54. Pocket Park Enlarged Plan
 55. Landscape Plan
 56. Fence Elevation
 57. Landscape Plan

58. *Not used.*
 59. Cut Sheet – Metal Siding
 60. Cut Sheet – Metal Siding
 61. Cut Sheet – Insulated Metal Panel
 62. Cut Sheet – Insulated Metal Panel
 63. Cut Sheet – Insulated Metal Panel
 64. Cut Sheet – Louvers
 65. Cut Sheet – Holcomb Windows and Patio Doors
 66. Cut Sheet – Storefront
 67. Cut Sheet – Exterior Lighting
 68. Cut Sheet – Landscape Lighting
 69. Exterior Lighting Plan – RCP
 70. Bike Parking Modification Request (for bike rack info)
- 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. Bureau of Parks, Forestry Division
 3. Water Bureau
 4. Life Safety Section of BDS
 5. Site Development Section of BDS
 6. Fire Bureau
 7. Portland Bureau of Transportation
- F. Letters
1. Doug Klotz, 10/05/2018, concern about ROW impacts
- G. Other
1. Original LUR Application
 2. Request for Completeness Review
 3. Signed Request for an Evidentiary Hearing and Waiver of a Right to a Decision within 120 Days, received 07/09/2018
 4. Incomplete Application Letter, sent 07/13/2018
 5. Email from PBOT, re: dedications, sent 07/23/2018
 6. Email from staff re: 08/03/2018 design studies, sent 08/08/2018
 7. Email from staff re: development standards not yet met and additional info requested, sent 08/28/2018
 8. Email from applicant requesting to deem application complete, received 08/28/2018
 9. Email from staff re: design comments, sent 09/12/2018
 10. Email from staff re: design comments, sent 09/17/2018
 11. Email between staff and applicant re: Z-girt size, 09/26/2018
 12. Email between staff and applicant re: vinyl and storefront windows, 10/02 – 10/03/2018
 13. Staff Report, published 10/08/2018
 14. Staff Memo to Design Commission, sent 10/11/2018
 15. Email from Ryan Miyahira, re: approach to hearing, received 10/17/2018
- H. Hearing
1. Staff Presentation to Design Commission, 10/18/2018
 2. Applicants’ Presentation to Design Commission, 10/18/2018
 3. Applicants’ written response to staff report, 10/18/2018
 4. Email from Ryan Miyahira with concrete base options, received 10/30/2018
 5. Email from Ryan Miyahira re: concrete base, received 10/31/2018

6. Revised Drawing Set, received 11/01/2018
7. Staff Memo to Design Commission, sent 11/08/2018
8. Revised Staff Report, published 11/09/2018
9. Comments from Commissioner Julie Livingston for 11/15/2018 hearing, received 11/12/2018
10. Letter of support from Todd DeNeffe and Peter Finley Frye, Central Eastside Industrial Council – Land Use and Urban Design Committee, received 11/14/2018
- 10a. Staff Presentation to Design Commission, 11/15/2018
- 10b. Applicants' Presentation to Design Commission, 11/15/2018
11. Design revision sketches, received 11/28/2018
12. Staff comments on design revision sketches, sent 11/30/2018
13. Design revision sketches, received 11/30/2018
14. Design revision sketches, received 12/04/2018
15. Revised Design Set, dated and received 12/17/2018
16. Revised Design Set sent to Design Commission, dated 12/17/2018 and received 12/20/2018
17. Revised Staff Report, published 12/27/2018
18. Staff Memo to Design Commission, sent 12/27/2018
19. Staff Presentation to Design Commission, 01/03/2019
20. Applicants' Presentation to Design Commission, 01/03/2019

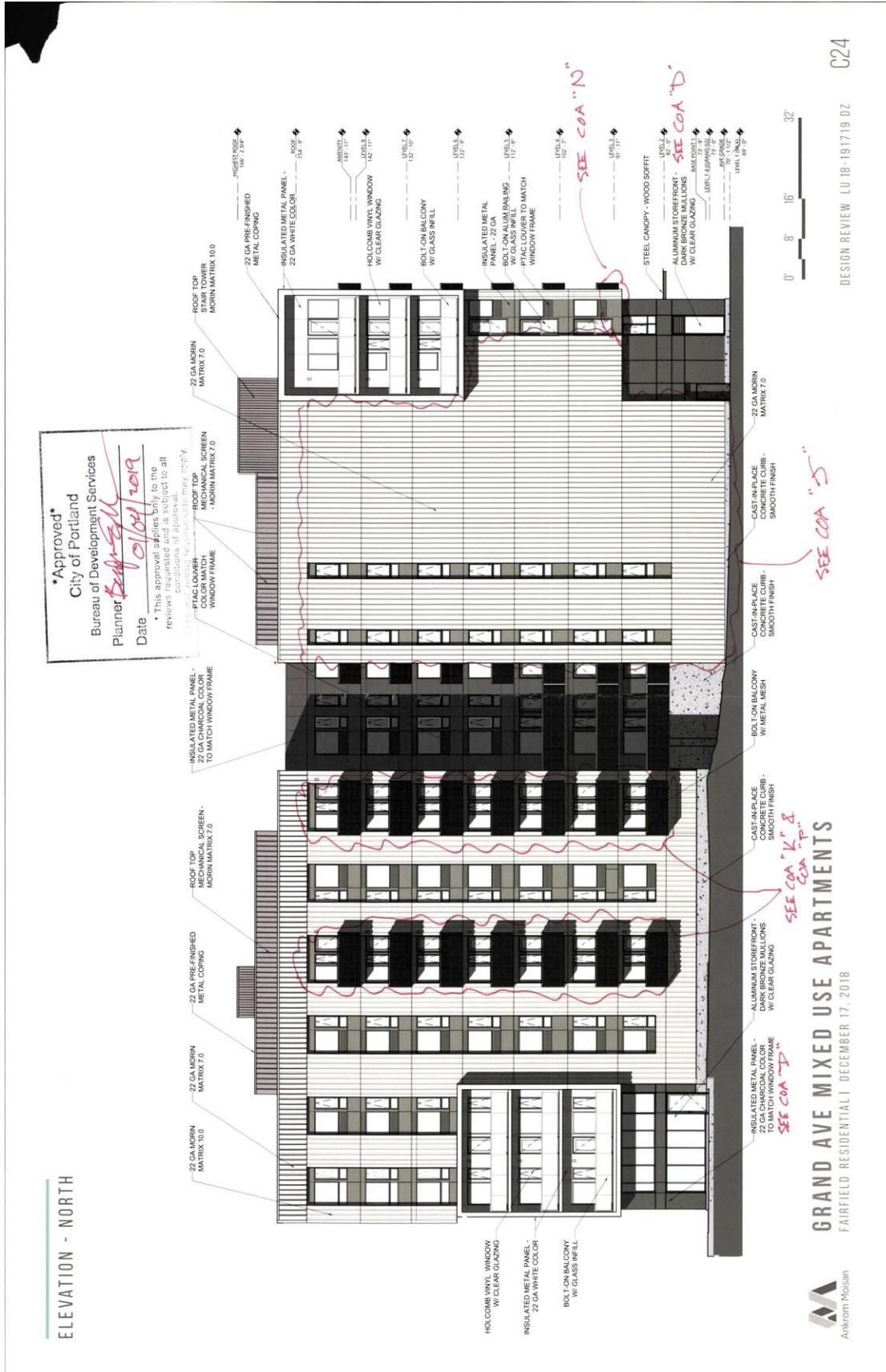


ZONING 
NORTH

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

-  Site
-  Historic Landmark
-  Bridge
-  Recreational Trails

File No.	LU 18-191719 DZM
1/4 Section	3031
Scale	1 inch = 200 feet
State ID	1N1E35CB 3200
Exhibit	B Sep 21, 2018



Approved
City of Portland
Bureau of Development Services
Planner *Erin Salk*
Date *10/04/2019*

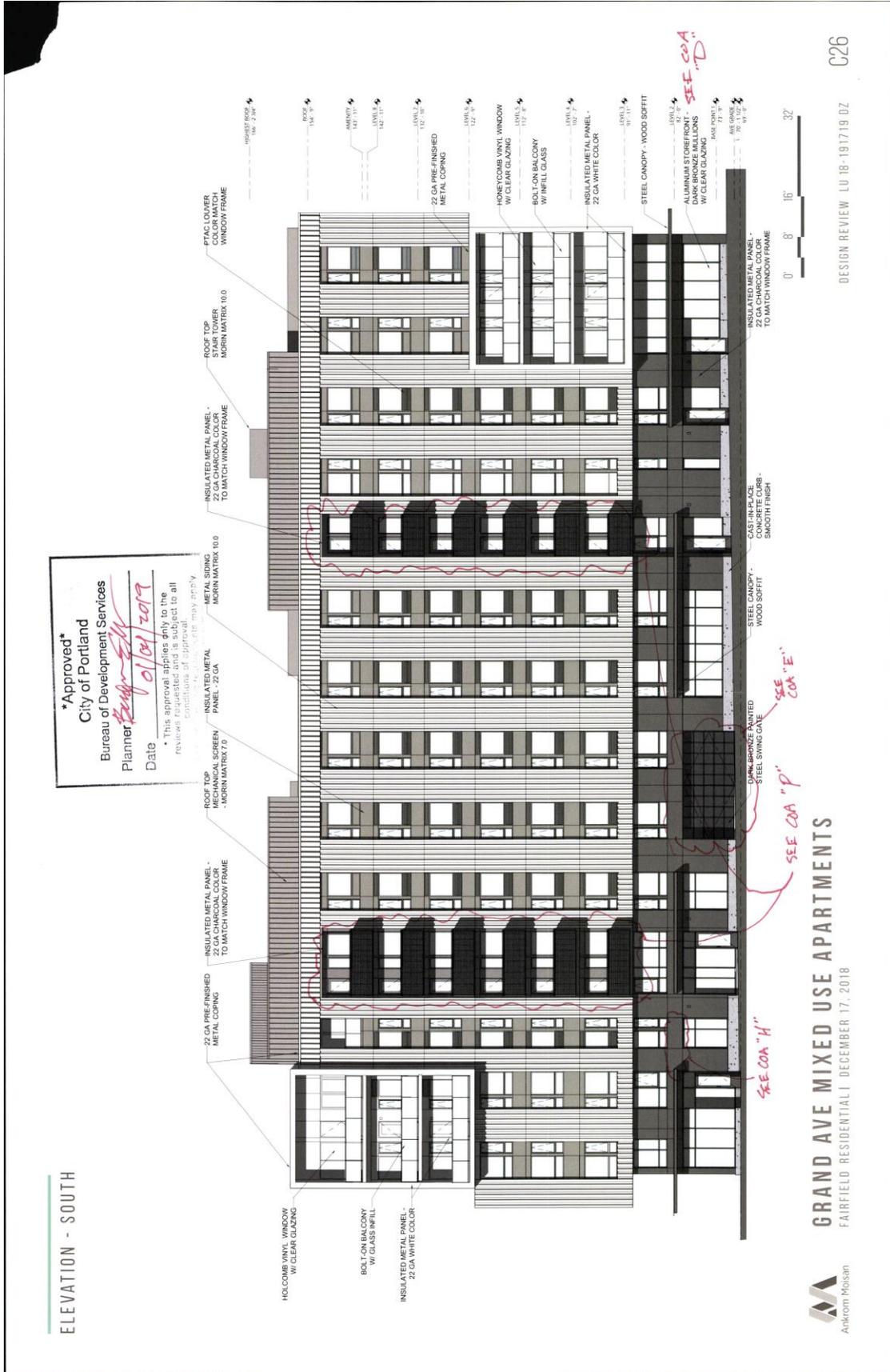
This approval applies only to the project and is subject to all conditions of approval.
This approval is valid for 180 days from the date of approval.

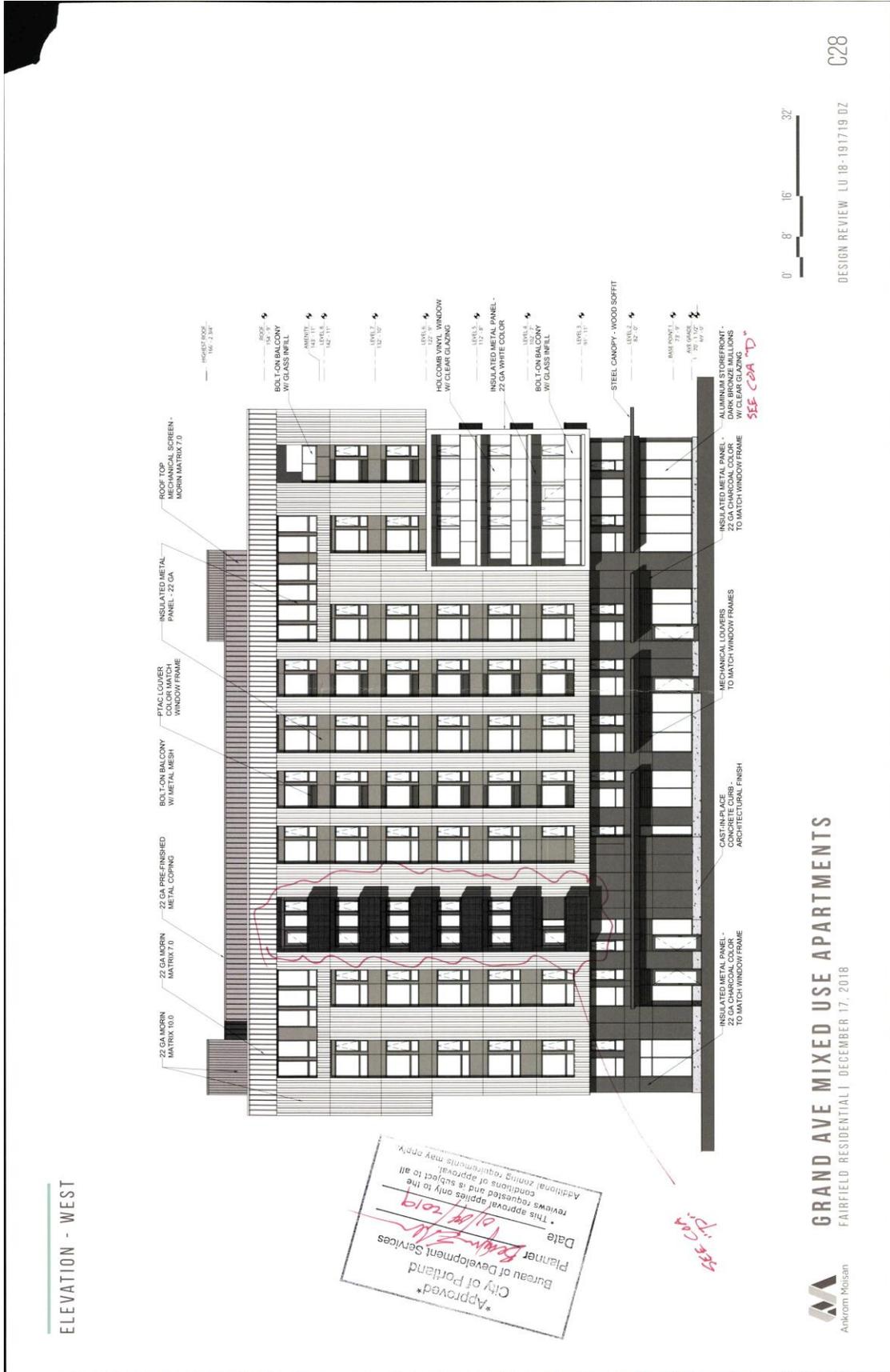
GRAND AVE MIXED USE APARTMENTS
FAIRFIELD RESIDENTIAL | DECEMBER 17, 2018



024

DESIGN REVIEW LU 18-191719 DZ





ELEVATION - WEST

Approved*
Bureau of Development Services
City of Portland
Planner *Brigitte N...*
Date *1/24/2019*
* This approval applies only to the reviews requested and is subject to all Additional zoning requirements may apply.

See CDA "D"



028

DESIGN REVIEW LU 18-191719 DZ

GRAND AVE MIXED USE APARTMENTS
FAIRFIELD RESIDENTIAL | DECEMBER 17, 2018



