



City of Portland
Bureau of Development Services
Land Use Services Division

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**FINAL FINDINGS, CONCLUSIONS AND DECISION OF THE
DESIGN COMMISSION
ON AN
APPEALED ADMINISTRATIVE DECISION
(TYPE II PROCEDURE)**

Case File Number: LU 18-198669 DZ – Oregon Harbor of Hope

The Administrative Decision for this case was appealed by Kurt Sorensen to the City of Portland Design Commission. The Design Commission **denied the appeal and upheld the Administrative Decision that approved the proposal.**

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:**

Tim Brooks, Winterbrook Planning
610 SW Alder Street, Suite 810, Portland, OR 97205
tim@winterbrookplanning.com

Don Mazziotti, Oregon Harbor of Hope
1308 NW Everett Street, Portland, OR 97202

Owner:

Kyra Straussman, Prosper Portland (City of Portland)
222 NW 5th Avenue, Portland, OR 97209

Architects:

John Shorb & Lauren Loosveldt, Opsis Architecture
920 NW 17th Avenue, Portland, OR 97209
laurenl@opsisarch.com, jenniferh@opsisarch.com

Appellant:

Kurt Sorensen
1310 NW Naito Pkwy #507, Portland, OR 97209

Site Address:

1111 NW Naito Parkway

Legal Description:

LOT 1 LYING NWLY OF NWLY R/W OF BROADWAY BRIDGE SPLIT
LEVY & SPLIT MAP R508394 (R649812730), PARTITION PLAT 2001-69

Tax Account No.:

R649812740

State ID No.:

1N1E34BB 00502

Quarter Section:

2929

Neighborhood:

Pearl District, contact planning@pearldistrict.org.

Business District:

Pearl District Business Association, contact at
info@explorethepearl.com

District Coalition:

Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City Plan District – River District Subdistrict
Other Designations: None

Zoning: EXd – Central Employment with Design Overlay
Case Type: DZ – Design Review
Procedure: Type II – an administrative decision with appeal to the Design Commission.

Proposal:

The applicant requests Design Review for the proposed Navigation Center by Oregon Harbor of Hope (OHOH) on a 1.17-acre site immediately north of the Broadway Bridge in the River District Subdistrict of the Central City Plan District. The Navigation Center is envisioned to provide temporary shelter for homeless individuals and navigational assistance to social service programs. These services include mental and medical health, housing placement and job training. The project is intended to provide short-term stays (90-120 days) on a referral basis and transitional assistance to the next step in care, capability and self-help.

Consistent with the City of Portland’s Emergency Housing Ordinance (Ordinance 187371, Ordinance 187973, and Ordinance 188627), this project is proposed as a “long-term temporary project.” The Navigation Center is allowed under a Temporary Activities permit for the duration of the housing emergency. As a Temporary Activity the temporary structure must only meet the development standards for uses allowed by right in the underlying zone, EX. At the time of application, the Emergency Housing Ordinance was scheduled to expire on April 4, 2019. However, the City Council adopted Ordinance 189387 on February 21, 2019 to extend the housing emergency for another 24 months. Even when the housing emergency ends, the Navigation Center is permitted on the site as a mass shelter use, which is an allowed use in the EX zone pursuant to Portland City Code (PCC) 33.285.040.B.4.a.(1).

The proposed Navigation Center is comprised of three primary elements:

1. Dormitory and Program Delivery – a tensioned, membrane structure, which will provide:
 - Dormitory space for sleeping and personal possessions (up to 100 residents). Natural daylight provided through translucent panels above, and large areas for daylight from window areas within commons and at connection to patio.
 - Program delivery space for Transition Projects staff, including reception area, conference room, medical exam room, staff facilities and storage, staff/building storage, meeting rooms, servery for meal distribution and resident kitchenette, and commons area for residents.

2. Outdoor patio with:
 - Secure gated entry to NW Naito;
 - Emergency exit through gate at north edge;
 - Covered pet relief area;
 - Covered resident smoking area;
 - Covered bike storage;
 - Fenced parking area with gated, accessible access to trash/recycling and parking area; and,
 - Patio site furnishings and landscape.

3. Maintenance Structure – Accessory maintenance/trash enclosure structure, with painted metal siding, at the west edge of resident patio with:
 - Outdoor maintenance supply/storage room; and,
 - Trash enclosure for trash and recycling.

The description of the proposal has been revised from the Notice of a Type II proposal in Your Neighborhood to provide some additional clarity about the site location—specifically, revising the proposal to state that the subject site lies to the north of the Broadway Bridge and not underneath it. The “also owned parcel” identified on the zoning map does extend under the bridge, but this is not part of the development site under consideration. This revised description appeared on the Notice of a Type II Decision on a Proposal in Your Neighborhood and on the Notice of Appeal Hearing on a Proposal in Your Neighborhood.

Design Review is required for new development in the Design Overlay zone of the Central City Plan District.

Approval Criteria:

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

- Central City Fundamental Design Guidelines
- River District Design Guidelines

ANALYSIS

Site and Vicinity: The subject site is a vacant, 1.17-acre site in the North Pearl Subarea of the River District Subdistrict of the Central City Plan District and lies immediately to the north of the Broadway Bridge. The site is bound on the northeast by NW Naito Parkway and on the southwest by the BNSF railroad and railroad platforms at Union Station. The landmark Albers Mill lies across NW Naito Parkway to the northeast. Vacant lots abut the site to the northwest and southeast. Other nearby development includes the single-story Food Innovation Center to the northwest and the multi-story, mixed-use, though primarily residential, Yards at Union Station and McCormick Pier developments to the southeast on either side of NW Naito Parkway.

The property includes two easements: a 14-foot wide sanitary easement along the west portion of the property and a varying, four to eight feet wide sidewalk easement along the east property line to allow for pedestrian access around the Broadway Bridge abutments. Development of structures is currently prohibited underneath and within ten feet of the Broadway Bridge to allow for access of bridge-maintenance equipment.

The subject site comprises the northern portion of a larger, 1.56-acre site under ownership of Prosper Portland and which lies on either side of the Broadway Bridge. The proposed project lies entirely within the northern lot.

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 River District Subdistrict of this plan district.

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

- LUR 96-00274 – Minor Partition approval and Final Plan approval for a 5 lot minor subdivision.
- LUR 00-00736 MP – Approval with conditions of a Minor Partition to replat Union Station Lot 2 and create two new lots. The conditions of approval included the granting of a public sewer easement on the property, and the easement was granted.
- LUR 01-00165 DZM – Approval of Design Review for a new 12-story commercial office building at approximately 256,000 square feet and a new 4-story, 700-space parking garage at approximately 188,000 square feet. A shared pedestrian plaza/vehicular space will be constructed between the 2 structures. This building was never constructed and the land use approval has expired.
- LU 08-119516 DZM – Approval of a Type 3 Design Review for a 12-story, approximately 256,000-square foot commercial building and a 4-level, approximately 182,000-square foot parking garage. This building was never constructed, and the land use approval has expired.
- EA 18-163814 – An early assistance meeting for the proposed Navigation Center project was held on May 16, 2018. The proposed application responds to the EA comments from City staff.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **December 19, 2018**. The following Bureaus have responded with no issues or concerns:

The Bureau of Environmental Services responded with no objections and with comments about stormwater management requirements, available sanitary sewer services, and permitting requirements. Please see Exhibit E-1 for additional details.

The Bureau of Transportation Engineering responded with no objections to the proposal and with comments regarding a proposed person gate at the southeastern end of the site and regarding access to the surface parking lot. Please see Exhibit E-2 for additional details.

The Water Bureau responded with no objections to the proposal and with comments about available water lines and permitting requirements. Please see Exhibit E-3 for additional details.

The Fire Bureau responded with a comment stating that all applicable Fire Code requirements shall apply at the time of permit review and development. Please see Exhibit E-4 for additional details.

The Site Development Section of BDS responded with no objections to the proposal and with information about existing site conditions, erosion control requirements, and building permit requirements. Please see Exhibit E-5 for additional details.

The Life Safety Section of BDS responded with a comment stating that a building permit has already been applied for and is under review. Please see Exhibit E-6 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on December 19, 2018. A total of 25 written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- 1) Daniel G. Martinez Tovar, 12/25/2018, letter in opposition to the proposal: Issues raised include objection to the location proposed for the use, lack of adequate planning, danger from railroad and bridge, contamination on site, access issues due to trains, concerns about structure materials, and safety of nearby residents. See Exhibit F-1 for details.
- 2) Jason Reynolds, owner at McCormick Pier Condominiums, 12/29/2018, letter in opposition to the proposal (received twice): Issues raised include concerns about livability and safety issues currently faced by residents from the homeless population, including garbage, excrement, assault, drugs, trespassing, and other crimes. States that the densely populated residential area is already under stress from the homeless population. See Exhibit F-2 for details.
- 3) Marilyn Hoffman, McCormick Pier HOA vice-chair, 12/30/2018, letter in opposition to the proposal: Issues raised include number of existing homeless services already in the area, livability and safety issues, lack of city response to existing camping issues, existing crime and safety issues at the Yards, contamination issues on the site, and lack of access to the site during train crossings. See Exhibit F-3 for details.
- 4) Steven L. Ferdinand, resident at McCormick Pier Condos, 12/31/2018, letter in opposition to the proposal: Issues raised include proximity to trains and bridge, and existing crime at the Yards. Recommends locating the proposal at Wapato facility. See Exhibit F-4 for details.
- 5) Kathryn Ferdinand, resident at McCormick Pier Condos, 12/31/2018, letter in opposition to the proposal: Issues raised include proximity to trains and bridge, and existing crime at the Yards. Recommends locating the proposal at Wapato facility. See Exhibit F-5 for details.
- 6) Michael Ward and Jutta Guadagnoli, McCormick Pier residents, 12/31/2018, letter in opposition to the proposal: Issues raised include concerns about impact to property value, way of life, and increase in crime. See Exhibit F-6 for details.
- 7) Geoff Guilfooy, 1260 NW Naito Parkway, Portland, OR 97209, 01/02/2019, letter in opposition: Issues raised include environmental issues on the site, proximity to Broadway Bridge during a seismic event, lack of sewer or sanitary service, traffic on NW Naito Parkway, insufficient storm drainage on site, insufficient structure for weather and wear and tear, and security, operational, and financial issues regarding the long-term viability of the proposal. The letter contends that the proposal does not meet zoning code requirements or design review approval criteria. See Exhibit F-7 for details.
- 8) Phyllis J Taylor, Taylor McCormick Pier LLC, 267 Neptune Way, Oceanside, CA 92054, 01/02/2019, letter in opposition to the proposal: Issues raised include adverse effects to property value, question about security, and question about drug use. Recommends another location for the proposal. See Exhibit F-8 for details.
- 9) James M. Hillas, PC, 4324 NE 26th Ave, Portland, OR 97211, 01/04/2019, letter in opposition to the proposal: Issues raised include issues with “existing panhandlers, drug addicts, and mentally unstable individuals”. States that this is not the appropriate location for the use. See Exhibit F-9 for details.
- 10) Mark and Kathryn Callinsky, 606 NW Naito, Unit A9, Portland, OR 97209, 01/04/2019: Letter in opposition to the proposal. Disagree with Oregon DEQ approval. Raised concerns about calling the project “temporary”, existing illegal activities in the area, existing safety issues. Noted that the existing storage container and trash bin at Tom McCall Park is also “temporary”. Noted concerns raised in “Petition for Reconsideration”. See Exhibit F-10 for details.

- 11) Martha Kinsella, 01/04/2019, letter in opposition (received twice): Concern that there may be fatal traffic crashes due to heavy traffic on NW Naito. See Exhibit F-11 for details.
- 12) Kristopher Largé, owner and HOA board member at McCormick Pier Condos, 01/05/2019, letter in opposition. Noted that proposed development “appears to be a permanent structure built out of temporary materials” which would not “promote the safety, livability and economic vitality” of the area. See Exhibit F-12 for details.
- 13) Nick Lawson, McCormick Pier resident, 01/05/2019, letter of concern: concerns primarily about safety in the area, existing illegal activities, and loss in property value. See Exhibit F-13 for details.
- 14) Lisa Hillas, 01/06/2019, letter in opposition: concern about safety in the area. Against siting additional homeless services in the downtown or Pearl District and would rather see efforts to serve homeless families outside the Central City. See Exhibit F-14 for details.
- 15) Kathleen Bissell, 01/07/2019, letter in opposition due to negative impact on the Pearl District. See Exhibit F-15 for details.
- 16) Ann Colonna, Food Innovation Center, OSU, 1207 NW Naito Parkway, Ste 154, Portland, OR 97209, 01/09/2019, letter in opposition: Issues raised include existing problems with people walking in off the street to participate in taste-testing opportunities at Food Innovation Center, which are not open to the public; safety concerns; and increase in garbage and other wastes. See Exhibit F-16 for details.
- 17) Maddy Cuyler, Food Innovation Center, OSU, 1207 NW Naito Parkway, Portland, OR 97209, 01/09/2019, letter in opposition: Issues raised include toxicity from train tracks; seismic stability of Broadway Bridge; concern about drawing more homeless into the area, exacerbating existing safety issues; and concern that homeless receiving treatment at the proposed Navigation Center will be faced with drug use directly outside the building. See Exhibit F-17 for details.
- 18) Mary Shiang, 720 Naito Parkway, Unit D17, 01/09/2017, letter in opposition: Issues raised include existing illegal activities at The Yards complex adjacent to the site; proximity to train tracks and trains blocking access to the site; and concern about exacerbating existing safety issues in the area. See Exhibit F-18 for details.
- 19) Seth King and Steven L. Pfeiffer, Perkins Coie LLP, on behalf of Madrona Park, LLC, 01/09/2019, letter in opposition: The letter takes issue with defining the Navigation Center as a “mass shelter” use, for which he claims that zoning code section 33.920.420.A limits stays to 30 days or fewer. The letter also raises issues with approval criteria not met: Guidelines A5-1-1, B4, B5, B6, A5-3, and C2. See Exhibit F-19 for details.
- 20) Kurt Sorensen, co-chair PDNA committee on planning and transportation, 01/14/2019, letter in opposition: Request for the application to be reviewed under the Type III Design Review procedure rather than a Type IIx Design Review procedure. Additional comments noting that the housing emergency ordinance does not waive the applicable design guidelines and development standards that apply in the district. See Exhibit F-20 for details.
- 21) Joanna Valencia and Ae-young Lee, Multnomah County, 01/18/2019, letter inquiring about building setback from the Broadway Bridge. See Exhibit F-21 for details.
- 22) Beverly Earle Place & Graham C. Place, Owners D10, McCormick Pier Condos, 01/20/2019, letter in opposition: Letter included comments about existing homeless and issues in the vicinity. Noted reductions in real estate values and increase in HOA rates to address security needs. See Exhibit F-22 for details.

- 23) Ae-young Lee, PE, Multnomah County Transportation Division – Bridges, 01/23/2019, comment about existing fence and gate on the subject site. See Exhibit F-23 for details.
- 24) Sue McCarthy, 60760 Wood Rd, La Grande, OR 97850, dated 12/22/2018, received 01/28/2019, letter in opposition: Raised issue about safety of the neighborhood. Please see Exhibit F-24 for details.
- 25) Kurt Sorensen, 02/13/2019, letter inquiring about status of the proposal.

Staff Response: All comments have been considered, added to the case record, and forwarded to the applicants for consideration. The applicants have not submitted a written response. Though it is clear from both the number of comments received and the nature of the comments that existing residents and occupants in the vicinity of the proposal are worried about the possible negative effects of the proposed use, nearly all comments focus on issues which are unrelated to Design Review approval criteria and which are more-related to either permitting issues or to issues which should be addressed through city policies, goals, and plans.

- Many public comments take issue with the proposed Community Services use, of which the mass shelter use is a type, and its appropriateness, or lack thereof, in the neighborhood, generally, and on the site, specifically. The Community Services use is an allowed use, with special limitations, in the EX – Central Employment zone, per Table 140-1 and section 33.140.100.B.10 in the zoning code. The special limitation states that short-term housing and mass shelter uses are regulated by Chapter 33.285, Short Term Housing and Mass Shelters.
 - Chapter 33.285 allows for new mass shelters in the EX zone if the proposed mass shelter meets all the standards of section 33.285.050. These standards restrict maximum occupancy based on building floor area; restrict density to no more than 200 beds within the facility or within 600 feet of the facility; set standards for outdoor activities, hours of operation, on-site supervision, and number of toilets; allow for no on-site parking; and state that development standards for residential development in the base zone, overlay zone, and plan district also apply unless suspended by the standards in zoning code section 33.285.050.B. These standards will be met at the time of building permit.
 - The applicants state in their written narrative that the dormitory area in the Navigation Center will provide “temporary-style sleeping areas for 100 people.”
 - One comment, by Steven Pfeiffer, takes issue with allowing stays of longer than 30 days for the mass shelter use. The language in zoning code section 33.920.420, Community Services defines the characteristics of Community Services uses as “of a public, nonprofit, or charitable nature generally providing a local service to people of the community... The use may provide mass shelter or short term housing where tenancy *may* be arranged for periods of less than one month when operated by a public or non-profit agency,” (emphasis added). “May” is permissive in the zoning code and does not limit stays in mass shelters to 30 days or less. Mass shelters provide housing from one night to many months. The key distinction between mass shelters and residential use categories (household living and group living) is based on how tenancy is arranged. The language in 33.920.420 does not place a maximum limit on the duration of a stay in a mass shelter. Residents in a mass shelter may stay for fewer than or more than 30 days.
- Many public comments also describe existing and potential safety and livability issues caused by existing homeless populations and services in the area. Neither Design Review approval criteria nor the zoning code development standards address

these types of issues. Rather, Design Review approval criteria are focused on development on a site, not the demographic that will inhabit that development. Similarly, the zoning code development standards address specific physical features and characteristics of a site and development on a site.

- Design Review approval criteria do not address potential or existing contamination issues on the site. Should such issues exist, they would be addressed during the permitting process by the Bureau of Environmental Services (BES) and the Oregon Department of Environmental Quality. Furthermore, in their response to BDS staff for this Design Review, BES did not object to approval of the Design Review application and recommended no conditions of approval.
- Design Review approval criteria do not address connections to the sanitary sewer system and do not have requirements for stormwater management. Rather, these issues are addressed at the time of permitting by BES. Regardless, BES provided a written response describing available sanitary sewer service to the site, stated that the applicant's proposed stormwater management plan is acceptable for the purpose of reviewing the design review application, and did not object to the approval of the Design Review application.
- Design Review approval criteria do not address the proximity of development to the existing railroad tracks, nor do they address possible emergency access limitations due to train traffic.
- Design Review approval criteria do not address potential effects on property values.
- Design Review approval criteria do not address the seismic stability of the Broadway Bridge or other structures, though the proposed building will lie nearly 40 feet to the north of the bridge.

Some comments question the long-term durability of the proposed building and its structural system. While the structural engineering of the building will be evaluated during review of the building permit, staff found in the Administrative Decision, and the Design Commission concurred that, with a condition of approval to require the temporary structures to be removed after 5 years, the proposed buildings will meet Design Review approval criteria addressing durability and quality. See Findings for Guideline C2, below.

One comment contends that Guidelines A5-1-1, B4, B5, and B6 are not met. Staff found in the Administrative Decision that these guidelines are sufficiently addressed in the Findings for each, below. The Design Commission concurred in these findings and provided additional findings relating to Guideline A5-1-1.

One comment contends that Guideline A5-3, Incorporate Water Features, is not met. Guideline A5-3 states that a project should incorporate water features or water design themes. The background for this guideline provides that “[w]ater features should be provided in outdoor public spaces *where appropriate*,” (emphasis added). Staff originally found in the Administrative Decision that, when water features have been proposed as part of other, previously-approved Design Review proposals, they most often take the form of a stormwater management planter(s), which the guideline states as one means by which to accomplish this guideline. Staff found that this proposal is unable to capture and infiltrate stormwater on the site, due to the presence of contaminated soils (per Exhibit A.3). Staff also found that, aside from the entry into the proposed building, this proposal also does not include an “outdoor public space”. In addition, the development is temporary and limited in duration to 5 years by a condition of approval. Staff therefore found in the Administrative Decision that a water feature is not appropriate for this proposal and this guideline is not applicable.

Upon presentation of a proposed stormwater feature at the April 18, 2019 appeal hearing before the Design Commission, the Commission found that this stormwater feature was

well-integrated into the entry plaza area of the proposed development and would, therefore, satisfy Guideline A5-3.

Finally, one commenter questioned why this proposal was being reviewed under the Type II procedure, rather than the Type III procedure and noted that the declaration of housing emergency and its extension does not waive the design review or other standards that apply to the district. Since the proposal's valuation is \$1,500,000, Table 825-1 in the zoning code states that the Design Review shall be processed using the Type II review procedure. Staff and the Design Commission agree that the proposal is subject to all applicable Design Review approval criteria and zoning code standards, and the Findings, below, reflect this.

The Design Commission adopts and incorporates the Staff Response above from the Administrative Findings into the Final Findings, Conclusion, and Decision of the Design Commission.

A Notice of Appeal Hearing on a Proposal in Your Neighborhood was mailed on March 14, 2019. A total of 23 written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- 1) Aaron Brown, 03/24/2019, letter in support of the proposal and in opposition to the appeal. See Exhibit H-5 for details.
- 2) Stephen Judkins, 416 N Beech St, 03/25/2019, letter in support of the proposal and in opposition to the appeal. See Exhibit H-6 for details.
- 3) Amanda Judkins, 416 N Beech St, 03/25/2019, letter in support of the proposal and in opposition to the appeal. See Exhibit H-7 for details.
- 4) Steve Bozzone, 1001 SE Water Ave, 03/25/2019, letter in support of the proposal. See Exhibit H-8 for details.
- 5) Gabriele Hayden, 03/31/2019, letter in support of the proposal. See Exhibit H-9 for details.
- 6) Brandon Narramore, 04/02/2019, letter in support of the proposal. See Exhibit H-10 for details.
- 7) Emily Kemper, 04/05/2019, letter in support of the proposal and in opposition to the appellant. See Exhibit H-12 for details.
- 8) Farid Birang, resident at McCormick Pier, 04/10/2019, letter in opposition to the proposal and citing concerns with homeless populations already living in the vicinity. See Exhibit H-13 for details.
- 9) Jim and Joan Neice, 1260 NW Naito Parkway, #1005, 04/16/2019, letter in opposition to the proposal and requesting that the design review process be honored. See Exhibit H-17 for details.
- 10) Jane Emrick, 04/16/2019, letter in opposition to the proposal. See Exhibit H-19 for details.
- 11) Diane Williams, resident of Waterfront Pearl, 04/16/2019, letter in opposition to the proposal. See Exhibit H-20 for details.
- 12) Sheila Blackford, 1310 NW Naito Pkwy, Unit #1004, 04/16/2019, letter in opposition to the proposal. See Exhibit H-21 for details.
- 13) Leon Porter, 1822 NE Wasco St, 04/16/2019, letter in support of the proposal and in opposition to the appeal. See Exhibit H-23 for details.
- 14) Stewart Chang, 1260 NW Naito Pkwy, #509, letter in opposition to the proposal and citing potential increase in homeless traffic to the area and raising multiple questions regarding the Good Neighbor Agreement. See Exhibit H-24 for details.

- 15) Lianne and Rollin Bannow, 1260 NW Naito Pkwy, Unit 806, letter in opposition to the proposal submitted on behalf of The Bannows by Kurt Sorensen. See Exhibit H-25 for details.
- 16) Susan Dimitman, 1310 NW Naito Parkway, Apt 904, 04/17/2019, letter in opposition to the proposal. See Exhibit H-26 for details.
- 17) Bob Shotland and Cele Stauduhar, 1260 NW Naito Pkwy, Unit 1002, letter in opposition to the proposal and citing lack of transparency. See Exhibit H-27 for details.
- 18) Anthony (Tom) Maiuro, 1310 NW Naito Pkwy, 04/17/2019, letter in opposition to the proposal. See Exhibit H-28 for details.
- 19) Mary Vogel, 04/17/2019, letter in support of the proposal and in opposition to the appellant and citing several guidelines as being met. See Exhibit H-29 for details.
- 20) Iain Mackenzie, 04/18/2019, 915 SE 35th Ave, #207, 04/18/2019, letter in support of proposal and in opposition to the appeal and citing which portions of the proposal meet guidelines well. See Exhibit H-30 for details.
- 21) Alberto Santaballa, 1310 NW Naito Pkwy, #1003, 04/18/2019, letter in opposition to the proposal. See Exhibit H-31 for details.
- 22) Thomas & Priscilla Levy, 1260 NW Naito Pkwy, 04/18/2019, letter in opposition to the proposal. See Exhibit H-32 for details.
- 23) Vickie Greenwood, 04/18/2019, letter in opposition to the proposal. See Exhibit H-33 for details.

Appellant Statement: The administrative decision of approval with conditions has been appealed by Kurt Sorensen. According to the appellant’s statement, the appeal is based on arguments that:

- The proposed use is not exempt from development standards or design review as a temporary measure under the emergency housing declaration.
- The proposal should be subject to a Type III design review rather than a Type II design review.
- The proposal does not meet the definition of “mass shelter” in the zoning code.
- The proposal fails to comply with the following design review approval criteria:
 - A2 - Emphasize Portland Themes
 - A4 - Use Unifying Elements
 - A5-1-1 - Reinforce the identity of the Pearl District Neighborhood
 - A5-1-4 - Reinforce the identity of Union Station
 - A5-1-5 - Reinforce the identity of the Waterfront Area
 - A5-3 - Incorporate water features
 - A5-4 - Incorporate works of art
 - B4 - Provide Stopping and Viewing Areas
 - B5 - Make Plazas, Parks, and Open Spaces Successful
 - B6 - Provide Weather Protection
 - C2 - Promote Quality and Permanence in Development
 - C3 - Respect Architectural Integrity
 - C4 - Complement the Context of Existing Buildings

Public Hearing: On April 18, 2019, the Design Commission held a public hearing to consider an appeal of the Administrative Decision on this case. The appeal challenged staff findings in the Administrative Decision of approval (with conditions for C2) for Guidelines A2, A4, A5-1-1, A5-1-4, A5-1-5, A5-3, B4, B5, B6, C2, C3, and C4. The appeal also challenged the review procedure type, the proposal’s use of the “mass shelter” term to define the proposed use, that

the proposal cannot be defined as a “temporary activity”, and that the proposal does not fall under the authority of the City’s housing emergency declaration.

Benjamin Nielsen, the case planner and representative of the Bureau of Development Services (BDS)/Land Use Services Division, made a PowerPoint presentation (Exhibit H.34) that included a brief summary of the proposal, slides of the subject site and surrounding neighborhood, a summary of BDS’ findings related to the approval criteria, and a summary of key issues raised in the appellant’s statement. The case planner also provided a staff memo to the Design Commission (Exhibit H.15) that addressed each element of the appeal.

Following BDS’ presentation, the appellant, Kurt Sorensen, testified and submitted several exhibits into the record (Exhibits H.35-H.38). Public testimony in support of the appeal was then heard by the Design Commission. Following the appellant testimony, and testimony in support of the appellant, the applicant provided testimony and submitted a presentation into the record (Exhibit H.39) Public testimony in opposition to the appeal was then heard by the Design Commission. After the applicant testified, the appellant was allowed an opportunity to rebut any testimony. The Design Commission then closed the record and deliberated on the evidence and testimony that was submitted into the record. The Design Commission opted to continue the hearing to June 27, 2019.

At the June 27, 2019 continued hearing, the Design Commission continued deliberations on the evidence presented. At the hearing, the appellant also requested that the record be reopened to submit additional evidence. The Design Commission considered the request and declined to reopen the record. After deliberation, the Design Commission tentatively voted 5-0 to deny the appeal and directed staff to prepare findings supporting its decision for consideration. Consideration of the revised findings occurred at the Design Commission meeting on August 15, 2019. The Commission adopted the findings with a vote of 4-0, thereby denying the appeal and upholding the Administrative Decision of approval with conditions.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

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

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. This regulation is met as discussed in the approval criteria below.

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 below frame the urban design direction for Central City and River District development. They do not constitute

approval criteria, except in circumstances where the Design Commission waives one or more of the guidelines as part of the design review procedure, as permitted by Portland zoning code section 33.825.065.C.

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.

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

The Design Commission has considered all guidelines and has addressed only those guidelines considered applicable to this project. The Design Commission 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 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.

Findings for A1 & A1-1: The Design Commission finds that the proposed Navigation

Center entrance faces Naito Parkway and orients towards the Albers Mill building and the Willamette River to the east of the site. A large bank of windows opens onto Naito Parkway, linking the entry, interior lobby and common area with the Naito streetscape. These particular characteristics help to articulate the roadway and sidewalk along NW Naito, extending the urban character of the street towards the Greenway Trail connection to the northwest of the subject site. Residents and staff will have direct access to the river and the Willamette River Greenway Trail across the street via this Greenway Trail access point, which is located on the north side of the Albers Mill building.

The proposed building and outdoor patio are slightly elevated and oriented to the east and northeast, affording filtered views to the river and riverside trees north of Albers Mill. Groves of deciduous trees and other plantings are proposed along Naito Parkway, extending the greenspace near the river.

Therefore, this guideline is met.

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

Findings: The Design Commission finds that sustainability is an important Portland theme. Sustainability is incorporated into the proposed project and site redevelopment. The project has a goal to maximize the use of energy efficient systems and to potentially offset some the building's energy usage with local generation.

The Navigation Center is registered for the Energy Trust of Oregon (ETO). The project intends to take advantage of readily available commercial building incentives for energy efficient appliances, lighting, and mechanical systems. The project team has set a project goal to align with the objectives set forth in the Architecture 2030 Challenge to the extent possible. The primary contributing elements to the building's performance can be summarized as: highly insulative building envelope (R-27), high performance LED lighting fixtures with occupancy sensors and daylight controls and mechanical systems, efficient windows, glazing systems and doors, and Energy Star appliances including refrigerators and washers. Additionally, the building is designed with low water use fixtures to minimize the use of potable water on site.

Providing housing and transitional services to address Portland's increasing homeless population will support the community's investments in the design and development of the Central City's burgeoning River District. The Design Commission finds that providing such housing and services is becoming an increasingly important theme in development in Portland.

Historically, River District structures have responded to their functional, industrial and utilitarian requirements, constituting a theme for the district. Similarly, the Navigation Center responds to a critical community need with a simple, yet graceful, utilitarian design. The simple dark green structure nestles unobtrusively beneath the Broadway Bridge's iconic industrial design.

Therefore, this guideline is met.

A3. Respect the Portland Block Structures. Maintain and extend the traditional 200-foot block pattern to preserve the Central City's ratio of open space to built space. Where 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.

Findings for A3 & A3-1: The building fronts on Naito Parkway and is set near the Broadway Bridge to the south, making efficient use of the block on a site restricted from east-west access due to the railyard to the west. The proposal incorporates flexibility in block design, allowing future access to the site immediately south of the Broadway Bridge via the parking lot drive if needed (site access off Naito Parkway south of the bridge is limited due to visibility challenges for entering and exiting the site). A possible future access road to that southern portion of the site would be approximately 200 feet to the southwest of NW Naito Pkwy, maintaining the Central City’s traditional 200-foot block pattern in that direction. Similarly, the proposed driveway is located approximately directly across NW Naito Pkwy from the existing Greenway Trail connection and driveway to the north of Albers Mill. This helps to continue the approximate 200-foot block pattern established along the Willamette River by the mill building, starting at the Broadway Bridge.

The building entry faces Naito Parkway right-of-way, providing direct pedestrian access to points north and south along Naito Parkway, and to the river and Greenway Trail across the street and immediately north of the Albers Mill building. Stair access to the Broadway Bridge is located immediately outside the site’s main entrance, allowing convenient pedestrian access into the River District and across the river. River District access is also available via Naito Parkway at NW 9th Avenue and the Union Station pedestrian bridge, located approximately 700 feet south of the site. There is no opportunity to provide an at-grade crossing of the railroad tracks from the subject site to the rest of the River District.

The front entry has steps and an accessible walkway leading to a recessed covered entryway. The entry has a clear “Navigation Center” sign (lettering cut into steel panels) facing the street. The sign is lit from within and light spills from the base of each panel providing a warm glow to signify the building’s main entry. Interior signage will guide residents to the outdoor patio, bike parking, pet relief areas, and planned garden on the site.

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.

A5-1. Reinforce Special Areas. Enhance the qualities that make each area distinctive within the River District, using the following “Special Area Design Guidelines” (A5-1-1 – A5-1-5).

A5-1-1. Reinforce the Identity of the Pearl District Neighborhood. This guideline may be accomplished by:

- 1) Recognizing the urban warehouse character of the Pearl District when altering existing buildings and when designing new ones.

- 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.

A5-1-4. Reinforce the Identity of the Union Station Area. This guideline may be accomplished by:

- 1) Designing the massing of new development surrounding the station to highlight it as the area's centerpiece.
- 2) Reflecting a high quality of materials, architectural detail, and texture in new development.

A5-1-5. Reinforce the Identity of the Waterfront Area. Reinforce the identity of the Waterfront Area with design solutions that contribute to the character of the waterfront and acknowledge its heritage. This guideline may be accomplished by:

- 1) Recognizing the area's industrial history by incorporating remnants of maritime and rail infrastructure and/or providing docking facilities for a cruise line.
- 2) Orienting buildings toward the waterfront and adjacent parks and trails.
- 3) Integrating an active mix of uses along the waterfront and making development open and accessible in order to maintain the publicness of the gateway.

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, A5-1, A5-1-1, A5-1-4, A5-1-5, & C4: The Design Commission finds that the proposed temporary structures diversify the architectural language and palette of materials in the area and include a tensioned membrane structure and adjoining pedestrian patio area and a low-slung CMU and metal roof trash enclosure. The low-lying nature of both structures also helps to reinforce the identity of the Union Station area by retaining views to Union Station from Naito Parkway, ensuring it remains the centerpiece of the area.

The Commission further finds that the Navigation Center's low-profile, utilitarian design recognizes and complements the industrial, urban warehouse character of the River District and Pearl District Neighborhood without directly imitating these older, more-permanent building typologies (doing so even though the subject site is not located within the boundary of the Pearl District Neighborhood as defined on page 7 of the *River District Design Guidelines*). The dark/lighter green variations integral to the membrane in the single-story Navigation Center nestles unobtrusively beneath yet complements the dark rust-red Broadway Bridge, with its early 20th century industrial design.

The building helps to fill in a void – even if temporarily – in the River District, transforming a vacant lot into a new building, considerably activating the space. The proposed temporary building is unique, building up the design vocabulary in the River District. The Design Commission finds that the River District is an area that does not itself have a single defining style or pattern. Instead, the district has a local design vocabulary comprising a mix of building ages, typologies, scales, and detailing. Each building is clearly designed in a way that reflects its intended use, and each generally provides flexibility that allows for uses to successfully change over time—particularly at

the ground floor. In this vein, the building expresses its temporary nature through its structural design, adding a unique building form to the district. The same structural design, where structural supports are located along the outer walls, affords a large degree of flexibility of internal uses and programmatic arrangements.

The local design vocabulary also includes buildings that generally respond well to and support the public realm. While this is explained more in the Findings under the “Public Realm” heading below, the Commission finds that the proposal responds well to the public realm, with the small entry plaza and porch and with the public areas of the interior program facing the street, which helps to integrate the proposal with the context of existing buildings. Viewed from the upper bridge level, the navigation campus reinforces the tones and colors found within the natural environment, through both the building colors and adjacent supporting landscape elements.

The Commission finds that, even though the subject site is not located within the bounds of the Waterfront Area as defined on page 7 of the *River District Design Guidelines*, the proposed building orients its active uses towards NW Naito and, consequently, the riverfront.

Therefore, these guidelines are met.

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 structures and/or open space.
- 3) Integrating stormwater management into the development.

Findings: In order to better satisfy the criteria, the applicants added a proposal for an integrated stormwater water feature next to the entry steps in their presentation to the Design Commission at the April 18, 2019 appeal hearing (Exhibit H.39) and as exhibited in Exhibits C.19 and C.20. Commissioners deliberated on whether this addition was necessary since the proposed development will be temporary. Ultimately, the Commission found that including the stormwater feature is important, despite the temporary nature of the proposal, and that the stormwater feature as proposed is well-integrated into the entry sequence of the development and the overall design of the site.

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.

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 for C1 & C1-1: The proposed single-story building takes advantage of view opportunities, including prominent views of the Broadway Bridge and filtered views to the Willamette River and riverside vegetation. The main building entrance and large banks of

windows on the east and north building facades orient toward the river, and toward the historic Albers Mill building across Naito Parkway. The Greenway Trail, accessed on the north side of Albers Mill, offers views of Mt. St. Helens, Mt. Hood and long views up and down the Willamette River.

Therefore, these guidelines are 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 Design Commission finds that the front green space and tree groves serve as unifying elements of the public realm, adding a level of vibrancy to the pedestrian space along Naito Parkway. This continues the pattern of the tree-lined boulevard along NW Naito Pkwy and the groves of trees found in the McCormick Pier and Yards at Union Station developments to the south of the Broadway Bridge, connecting this building to those areas.

The large bank of windows on the building façade connects the public and private realms. This continues a pattern of ground floor windows along the sidewalk that connect the public and private realms at the Yards at Union Station, Albers Mill, the Waterfront Pearl condominiums, and the Food Innovation Center along NW Naito Pkwy, helping connect the proposed building to these existing developments.

The two-tone forest green membrane color of the sprung structure provides a complementary contrast with the rust-red of the Broadway Bridge, while forming a connection and blending with the foliage of nearby trees and landscaping. The two shades of green on the sprung structure fabric is designed to blend with the landscape. The darker green color is applied to the longitudinal south and north walls which allows the structure to recede into the landscape. The darker color also reduces the visual impact and build-up of grime/stains resulting from air-borne dirt generated from the Broadway Bridge. In contrast, the transverse east and west walls are a lighter green fabric to visually open up the end elevations and reinforce a more open and inviting entrance. The lighter green color also increases light transmittance through the fabric to enhance daylighting into the commons and sleeping areas within the structure. The color also contrasts well with the brick of the Albers Mill building and responds to its surrounding context of bits of green nearby within the green awnings and signage used at Albers Mill and Union Station.

Therefore, this guideline is met.

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.

Findings: In order to better respond to the approval criteria, the applicants added a proposal for a work of art (Exhibits C.21 and C.22) to be integrated into the fencing facing the sidewalk and open spaces on the site along NW Naito Pkwy in their presentation to the Design Commission at the April 18, 2019 appeal hearing (Exhibit H.39). The applicants indicated that approval for the work of art may be pursued through the Regional Arts & Culture Council (RACC), which would be exempt from Design Review approval, though the Design Commission found that this may not be necessary. Instead,

the Commission finds that the proposed solution of installing a work of art within the fence is a creative approach to integrating art within the existing site components, and that the art proposed for the fences, or some variation on it, would help to increase public enjoyment of the district by providing an art installation along a sidewalk where there was once only undeveloped land.

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.

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.

A8-1. Design Fences, Walls and Gateways to be Seen Over. Design fences, walls and gateways located between a building and the sidewalk to be seen over to allow for social interaction. This guideline may be accomplished by:

- 1) Elevating building entries higher than the public sidewalk or path.
- 2) Creating a low fence or wall to visually separate but not hide semi-private spaces.
- 3) Using a low or stepped-down planting area or terraces to separate private development from a public sidewalk.

Findings for A7, A8, & A8-1: The proposed development site was vacant at the time the design review application was submitted. The Design Commission finds that the proposed sprung structure is set close to the sidewalk and helps to define and articulate the urban edge along Naito Parkway. The single-story structure with a broad bank of windows creates a more welcoming public realm at a human scale.

There is a strong visual and physical connection between the sidewalk and the building and the building's interior spaces. This is accomplished through the ground-level windows along the east and north building façades and the absence of fences between the building and the sidewalk. The streetscape will be enlivened by the open space and tree groves along the site frontage.

The placement of public, active components of the interior program along the public sidewalk along with a well-designed entry sequence and door facing the street all contribute to creating a vibrant streetscape and a successful public realm.

The campus is surrounded by a security fence, designed to allow residents to reorient themselves with minimal interruptions from the outside community. At the patio, the security fence is set back from the sidewalk and partially hidden by landscaping but allows residents and neighbors to see through the fence.

Therefore, 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.

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.

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.

Findings for B1, B1-1, B2, & B3: The Design Commission finds that the low-profile single-story structure with a broad bank of windows creates a welcoming pedestrian realm at a human scale. The building entry faces Naito Parkway, providing direct pedestrian access to points north and south along Naito Parkway, and to the river and Greenway Trail north of the Albers Mill building. Stairs to the Broadway Bridge are located immediately outside the site's main entrance and remain unimpeded by the proposed development, allowing convenient pedestrian access over the barrier of the railroad tracks and into the River District as well as providing access across the river.

The proposed landscaping will add interest along the sidewalk while extending the human scale of the pedestrian space along the entire length of the site.

The proposed driveway and parking area will be gated and fenced off from the patio, improving safety for pedestrians. The parking area is small, consisting of four spaces. The landscape buffer along Naito Parkway will reinforce a generous safe zone for movement. Lighting will be incorporated into the building exterior and along pathways to create a well-lit and safe area for pedestrians. The recessed entry alcove is lit from the soffited area just above the entry doors by exterior lighting, pathways are lit both by adjacent existing ornamental light posts and additional lighting along the pathway leading to the patio. Building systems and services are generally consolidated to the western edge of the site to detract as little as possible from the pedestrian environment along Naito Parkway.

Therefore, these guidelines are 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.

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 for B4: The Design Commission finds that no public parks, plazas, or open spaces abut the site. However, the private outdoor patio is fully integrated with the sprung residential structure. Large windows facing the patio create a strong relationship between the indoor and outdoor spaces. The building is designed to protect outdoor seating areas from noisy traffic on the Broadway Bridge above. Though not intended for public use resident use of the outdoor areas will enliven an otherwise uninviting and under-used area. The Design Commission finds that requiring a public open area or pocket park could create unintended safety issues due both to the relatively undeveloped location next to the railroad and the adjacency of such a pocket park to the proposed use,

The entry into the sprung structure faces a raised porch, and access to this porch is provided by a stairway and ramping system that connect to the sidewalk along Naito Parkway. A paved area at the conjunction of these two systems provides an area for stopping and viewing off the sidewalk adjacent to the main entry to the building. This space off the public sidewalk and the raised entry porch also will help to prevent conflicts between those entering and exiting the building, or those waiting to enter the building, by shifting those uses onto the site itself.

Public art, as described above in the Findings for A5-4, will be integrated into fences that face NW Naito Pkwy and the landscaped area between the sidewalk and the enclosed portions of the site. Along with the landscaping, the art will provide additional visual interest facing the public sidewalk and street. A small stormwater feature, as described above in the Findings for A5-3, will be integrated into the steps and paved entry into the site, providing for additional visual and auditory interest that will enhance the entry sequence into the site and building.

Therefore, these guidelines are met.

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

Findings: The Design Commission finds that a covered porch area is provided at the entry to the sprung structure, which will help to mitigate the effects of rain, glare, and sunlight in this area of the pedestrian environment. Extending canopies out over the public sidewalk from the sprung structure is not feasible due to the nature of the structural system, which precludes cantilevering structures over the sidewalk. Additionally, the Commission finds that canopies over the public sidewalks are typically provided only at public ground floor uses, such as commercial or retail uses typical in mixed-use buildings in the Central City, and that canopies are not required here due to the lack of public uses in the building and the population being served by the building.

Therefore, this guideline is met.

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

Findings: The site and building provide a barrier-free design for the public. The main entrance ramp allows barrier-free access up the 15-inch grade change. The building is all on one level, with a wide, at-grade connection to the patio.

Therefore, this guideline is 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.

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

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

Findings for C6, C9, & C12: The building has a prominent main entrance with clear wayfinding and large windows connecting the public and private spaces. The entry stairs and ramp lead to an entry alcove, linking the building entrance to the public sidewalk. Transitions are further developed with the greenspace along the site frontage, which includes landscaped areas with tree groves. These features create a transition between the private interior building and patio areas and the public space along Naito Parkway. In contrast to existing conditions, hooded lighting will be incorporated into the building exterior and pathways to create a well-lit and safe area for pedestrians and to illuminate outdoor seating areas.

A commons area is located along the street edge inside the building, with a bank of storefront windows that allow views in and out of the space. This commons area provides a flexible space that can accommodate a variety of uses at the sidewalk-level of the building.

Therefore, these guidelines are met.

Quality & Permanence

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

Findings: The Design Commission finds that quality and permanence require materials and design details that will enable the building to endure both daily uses and abuses of its occupants, of passersby, and of its environment and that will allow a building to adapt as the city grows and changes. Due to the temporary nature of the Navigation Center, materials such as fabric and aluminum are utilized as opposed to more durable materials such as concrete or brick which suggest a longer period of permanence. While the tensile, clear span fabric structure allows for rapid construction, design flexibility and cost effectiveness, the Commission finds that it is nonetheless made from extremely high-quality materials and individually tested against strict performance measures to withstand most extreme climates. The high strength-to-weight ratio, malleability, and corrosion resistance of the aluminum substructure utilizes an insulated, high-strength rip-stop interior membrane and sophisticated two-way tension system that is built to endure any weather condition and contact from both passersby and building occupants. The very nature of the tension-structure shape provides a graceful form which accommodates weather conditions well. Since the Navigation Center is proposed to stand for no more than 5 years, these materials and construction details will allow the building to successfully endure for the period proposed. Indeed, the Commission finds that it is likely the building will endure well beyond that short period of time. The Commission also notes that the ease with which the proposed sprung structural system may be erected and disassembled contributes further to it being a high-quality system.

Wood is planned to be utilized in protected locations as an accent material only (canopy soffit or visible interior areas of the patio structure, which relate to the warmth of wood used on the interior). The Commission finds that wood used in these locations will be protected from environmental damage and degradation.

All new exterior door/window storefront systems will be thermally broken aluminum storefront with high-performance glazing. Exterior glazing will be clear tempered glass below 18 inches and near openings. The Commission has frequently found these materials to be of high quality and permanence, and they find the same to be true in this proposal.

The trash enclosure and maintenance room are composed of CMU block and a metal roof. Both are durable building materials that will endure for the temporary life of the proposal. The proposal does not indicate the finish of the CMU or if the CMU will be painted or left unpainted. To improve overall quality, if the CMU used is not a split-faced, ground-faced prefinished, or does not have some other finished appearance, it should be painted, and this can be assured through a condition of approval.

As noted above, since the proposal is for temporary structures on the site, intended to be in place for between two to five years, according to the applicant, the proposed materials and design of the structures on the site will express quality and permanence for the life of the proposal. This timeline can be assured through a condition of approval requiring removal of the structures on the site after five years.

With the condition of approval that the proposed CMU on the trash enclosure and maintenance room shall be painted if it is not otherwise decorative or prefinished; and,

With the condition of approval that the proposed structures on the site shall be removed no later than five years after the permit is finalized, this guideline will be met.

C3. Respect Architectural Integrity. Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

Findings: The Design Commission finds that this guideline does not apply to this proposal, since the proposed development is new and not existing.

Therefore, this guideline does not apply.

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 Design Commission finds that the proposed parking area is relatively small and set back deeply on the site. The parking area is screened from the street by bermed landscaping and trees, and it is screened on its north and west sides by additional trees and landscaping. Combined, the parking area's placement and landscaping help to visually integrate the parking area with its surroundings.

Therefore, this guideline is 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: The Design Commission finds that the proposed structures are related to one another in a connected manner through the primary use of fabric and metal. The light, aluminum structure of the tensile system relates to the similar treatment of aluminum storefront system for larger openings within the tensile frame.

Within the site, a variety of metal elements forming monument signage, gates, fencing, and mechanical screening pick up the temporary language of utilizing metal to form the

boundaries and edges of the campus. Site lighting is planned to be integrated similarly at both entry and pedestrian levels with sensitive use within the patio to provide an environment which is inviting for resident needs, but not obtrusive to nearby neighbors.

Taken altogether and for the reasons cited above, the Commission finds that the building and site design components described above are all well-integrated with one another and successfully achieve a coherent composition.

Therefore, 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: The Design Commission finds that building signage will be integrated into the architecture, including a "Navigation Center" sign incorporated into the front entry panel, which is simple, minimal, and unobtrusive with no presence on the skyline.

Therefore, this guideline is met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to demonstrate conformance with all 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 via a land use review prior to the approval of a building or zoning permit.

Two of the appellant's claims of fault are directly related to zoning code development standards and regulations. Although the Development Standards are not approval criteria, the Design Commission responds to the appellant's assertions here.

Mass Shelter Use

Appellant's Claim: The appellant challenges approval of the proposed use as a Mass Shelter. The appellant asserts that, since the proposed Navigation Center intends "to admit residents for stays of 90 to 120 days continuously", it cannot be defined as a Mass Shelter. He argues that it will not be providing shelter "on a daily basis" and "would greatly exceed the allowable term for a temporary use mass shelter." The appellant also argues that a "mass shelter is a 'community service' which can be permitted for 'periods of less than one month when operated by a public or non-profit agency.' PDC 33.920.420A [sic]", and that the "applicant flaunts the rules by promoting the long-term nature of the relationship with homeless men while claiming the shelter still meets the daily admission requirement for mass shelters or the 30-day limit for temporary shelters."

Design Commission Findings: The Commission finds that this particular argument is not germane to the approvability of the proposal through the Design Review process, since the EX zone also allows the Group Living use, in addition to the Mass Shelter use (when meeting standards in PCC 33.285), into which the proposed Navigation Center would presumably fall if not considered a Mass Shelter.

Regardless, as stated above in response to public comments received, the Commission finds that the language in zoning code section 33.920.420, Community Services defines the characteristics of Community Services uses as "of a public, nonprofit, or charitable

nature generally providing a local service to people of the community... The use may provide mass shelter or short-term housing where tenancy may be arranged for periods of less than one month when operated by a public or non-profit agency,” (emphasis added).

The Design Commission further finds that the word “may” is defined as being permissive specifically in PCC section 33.700.070.D.2.d: “May’ is permissive.”

The Design Commission finds that because “may” is permissive in the zoning code and does not limit stays in mass shelters to 30 days or less. Mass shelters provide housing from one night to many months. The key distinction between mass shelters and residential use categories (household living and group living) is based on how tenancy is arranged. The language in 33.920.420 does not place a maximum limit on the duration of a stay in a mass shelter. Residents in a mass shelter may stay for fewer than or more than 30 days.

Regarding the contention that a Mass Shelter cannot offer shelter that is arranged for periods of longer than one day—that is, not for “90 to 120 days continuously”—the Commission finds that the code states in PCC section 33.910.030 that a Mass Shelter is:

A structure that contains one or more open sleeping areas, or is divided only by nonpermanent partitions, furnished with cots, floor mats, or bunks. Individual sleeping rooms are not provided. The shelter may or may not have food preparation or shower facilities. The shelter is managed by a public or non-profit agency to provide shelter, with or without a fee, on a daily basis.

The Design Commission finds that there is no zoning code definition for “daily basis”. Turning to the dictionary meaning for “daily”, Oxford online dictionary states that “daily” is an adjective meaning “done, produced, or occurring every day or every weekday”, and the Merriam-Webster online dictionary defines “daily” as an adjective with a similar meaning, but also adding “of or providing for every day”. The zoning code definition therefore uses the term “daily basis” to mean that the public or non-profit agency is operating and providing shelter “every day”. It does not mean that persons being sheltered may be admitted only on an infrequent or one-day term.

Finally, the Design Commission finds that the interpretation of “mass shelter” is consistent with the legislative history for the ordinance under which the Mass Shelter portions of the code were adopted. Ordinance No. 167189 includes Council-adopted commentary that clearly explains the Council’s intent for the “Mass Shelter” Use consistent with this interpretation (Exhibit H.16). The Commentary for the PCC Chapter 33.910 definitions of Mass Shelter and Short Term Housing states:

Both mass shelters and short term housing provide housing for periods from one night to *many months* (emphasis added). Both are managed by a public or non-profit agency. The key difference between the two is that mass shelters house people in large, undivided spaces similar to barracks or dormitories, while short term housing provides rooms that accommodate [sic] one or several people.

The Commission finds this same adopted commentary, as quoted above, also refutes the notion that a Community Service Use may only provide a Mass Shelter for a “30-day limit”.

Therefore, the Design Commission finds that there is no basis for asserting that a Mass Shelter cannot provide shelter for “90 to 120 days continuously”, nor is there basis for asserting that a Mass Shelter cannot provide shelter for more than 30 days.

Temporary Activities

Appellant’s Claim: The appellant asserts that the proposed Navigation Center is “not exempt from Design Review or entitled to an expedited permit.”

Design Commission Findings: The Design Commission finds that this argument is not germane to the Design Review application. The applicants clearly applied for Design Review and received staff level Design Review approval through this case (LU 18-198669 DZ). The applicant makes no claim that the temporary activities chapter applies here. The appellant is likely referring to the approval of the building permit for the proposed Navigation Center, which is filed under permit numbers CO 18-196558 for the primary structure and CO 18-198187 for the accessory structure. That decision approved the mass shelter as a temporary activity and is final.

Appellant’s Claim: The appellant asserts that, as the applicants describe the proposal as a “temporary shelter”, the proposal should be subject to the Temporary Activities standards of the zoning code (PCC 33.296).

Design Commission Findings: The appellant is referring to building permits approved under the standards of PCC 33.296, Temporary Activities, and through Ordinance No. 188627 (described in greater detail below), which extended the housing emergency. The building permits and the housing emergency are separate City decisions and are not relevant to this application. This Design Review application does not rely on the temporary activity standards or the housing emergency.

This is a separate application for Design Review for the Navigation Center. The applicant does not seek approval for a temporary activity but as a longer-term use. This application considers whether the proposal meets the applicable zoning code requirements notwithstanding the Council-declared housing emergency. The Design Commission finds that the Administrative Decision of approval with conditions treats the proposed structures as permanent buildings subject to all applicable development standards and land use review approval criteria.

For these reasons, the Design Commission finds that the standards in PCC 33.296, Temporary Activities, do not apply to this land use review.

Land Use Review Type & Procedure

Appellant’s Claim: The appellant asserts that the Design Review for the proposed Navigation Center should have been conducted under a Type III Design Review procedure, which would have required approval by the Design Commission, and which would have the City Council as the appeal body. The appellant cites PCC sections 33.285.040 and 33.285.050 as requiring a Type III Design Review approval for the proposed Center.

The appellant also states that “the key is the note to Table 285-1... For the standard to apply, the shelter must be on the site of an existing use. The result is that the same rules apply in EX zones as in residential zones.”

The appellant also refers to the Housing Emergency Ordinances adopted by the City Council (187370, Ord. 187371, Ord. 187616, Ord 187973, Ord. 188077, and Ord. 188627). The appellant also erroneously cites Ord. 199077, which is likely a typographical error for Ord. 188077, as Ord. 199077 does not exist. These ordinances

establish the basis of the Housing Emergency. The appellant notes that Ordinance 187616 “changed the design review process from Type III to Type II for certain defined subsidized affordable housing projects”, and that Ordinance 187973 “extended the emergency declaration, including the subsidized affordable housing type II design review.” The appellant further notes that, in preparing the proposal that would be adopted by Council as Ordinance 188077, city staff “recommended applying Type II review procedures to all shelter applications. That was rejected by the [Planning and Sustainability] Commission, which basically left the existing design review process in place... Projects that were subject to Type II review before Ordinance 199077 [sic] remain subject to Type II review; all others remain subject to Type III review.”

Design Commission Findings: As previously described above, the Design Commission finds that the Housing Emergency is not relevant to this application. The applicant has elected to seek approvals for the proposal, notwithstanding the emergency.

Zoning code section 33.285.040.B establishes Use Regulations for the Mass Shelter Use by zone. The building is located on a site that is zoned EXd and is therefore subject to the Use Regulations in PCC paragraph 33.285.040.B.4. This paragraph states that a Mass Shelter is an allowed use if it meets the standards of PCC section 33.285.050. A Conditional Use Review is required if the Mass Shelter Use does not meet those standards.

The standards for Mass Shelters can be found in PCC section 33.285.050.B, and the Commission finds that the applicants demonstrate in their narrative, on pages 34 and 35, that the Navigation Center will comply with these standards.

Therefore, the Design Commission finds that a Conditional Use Review is not required.

Table 285-1 in the zoning code lists the “Maximum Number of Shelter Beds for Mass Shelters” by the “Zone of the Site”. In the EX zone, 200 shelter beds maximum are allowed. The note to which the appellant refers is note “[1]” on Table 825-1. The note specifically states that “The mass shelter must be operated on the site of an existing Institutional Use.” This note is found next to the “R3-R1, RMP, IR” zones and, therefore, applies only to these zones.

Therefore, the Design Commission finds that a proposed Mass Shelter use is not required to operate on the site of an existing Institutional Use.

The Design Commission finds that Design Review is required per zoning code section 33.420.041.A. The proposal is for new development on the site, which is located within the Design Overlay zone of the Central City Plan District. The proposed Navigation Center is located within the River District Subdistrict of the Central City Plan District. Design Review procedures are listed in zoning code section 33.825.025 and Table 825-1. Since the proposed Navigation Center is a development proposal in the EX zone of the River District, and the project valuation is estimated at \$1,500,000, the proposal is subject to the Type II review procedure. The threshold for a Type III Design Review for a development proposal in the EX zone of the River District is a project valuation greater than \$2,297,050, per Table 825-1.

Therefore, the proposed Navigation Center is subject to a Type II Design Review procedure.

Appellant’s Claim: The appellant cites several emergency ordinances passed by City Council in making the claim that the design review procedure for the proposed development should be subject to a Type III rather than a Type II design review.

Design Commission Findings: Regarding the various emergency ordinances cited by the appellant:

- Ordinance No. 187370 amends Title 15, Emergency Code, to authorize Council to declare a housing emergency under specified circumstances and defines the duration and Council powers during a housing emergency.
- Ordinance No. 187371 declared a housing emergency for one year from the date of adoption (10/07/2015) and waived “all applicable provisions of Title 33, other than the temporary activities general regulations...to allow the City to site up to two day storage units at various locations responding to homeless issues.”
- Ordinance No. 187616 allows “City Subsidized Affordable Housing Projects to utilize a Type IIX land use review...for the duration of the Housing Emergency.” The ordinance applies specifically to specific affordable housing proposals that would otherwise require a Type III Design Review or Historic Design Review procedure in the Central City Plan District and the Gateway Plan District.
- Ordinance No. 187973 extended the housing emergency declared by Ord. 187371 by one year, through October 6, 2017, waived all applicable provisions of Title 33, other than the temporary activities general regulations, to allow up to five day storage units, extended the provisions of Ord. 187515 for the duration of the housing emergency, and extended the provisions of Ord. 187371 for the duration of the housing emergency.
- Ordinance No. 188077 amends Title 33 to reduce regulatory restrictions and processes for short-term housing and mass shelters.
- Ordinance No. 188627 further extended the housing emergency for an 18-month duration through April 4, 2019, extended the provisions of Ordinance 187616 authorizing a Type IIX rather than Type III Design Review and Historic Resource Review of certain defined affordable housing projects for the duration of the housing emergency, and waived “applicable provisions to Title 33, other than the temporary general regulations” to allow the city to site up to five day storage units for the duration of the housing emergency. The ordinance also cites a continuing increase in the number of individual experiencing homelessness in the city since 2015, and the Council found that there is an insufficient number of emergency shelters and an immediate need to provide adequate safe and habitable shelter to those persons experiencing homelessness, and further found that the emergency ordinance was needed for the protection of public health, safety, and welfare.

None of these cited ordinances affect the Design Review requirements or land use review procedure type to be used for the proposed Navigation Center, as stated above. The applicant has elected to seek design review approval for the permanent use of the mass shelter. Nothing in the Council-adopted housing emergency ordinances requires that the use be considered temporary.

Therefore, the Design Commission finds that the various ordinances cited are not relevant to the approval of this land use review.

CONCLUSIONS

On August 15, 2019, the Design Commission voted 4-0 to deny the appeal and uphold the Administrative Decision, thereby approving the proposal. The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special

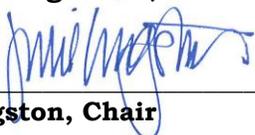
scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and therefore warrants approval.

DESIGN COMMISSION DECISION

Deny the appeal, and uphold the Administrative Decision, thereby approving the proposed Navigation Center by Oregon Harbor of Hope (OHOH) in the River District Subdistrict of the Central City Plan District, per the approved site plans, Exhibits C.1 through C.18, signed and dated 02/21/2019 (Exhibits C.1-C.18) and 08/15/2019 (Exhibits C.19-C.22), subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through E) 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 18-198669 DZ." 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. No field changes allowed.
- D. The proposed CMU on the trash enclosure and maintenance room shall be painted if it is not otherwise decorative or prefinished.
- E. The proposed structures on the site shall be removed no later than five years after the permit is finalized.

These findings, conclusion and decision were adopted by the City of Portland Design Commission on August 15, 2019.

By: 
Julie Livingston, Chair

Decision Rendered: 08/15/2019
Decision Filed: 08/16/2019
Decision Mailed: 08/26/2019

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 **July 6, 2018** and was determined to be complete on **December 13, 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 **July 6, 2018**.

ORS 227.178(1) 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 requested that the 120-day review period be extended by a total of 245 days (see Exhibits H.18 and H.41). Unless further extended by the applicant, **the 120 days will expire on: December 13, 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. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

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

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

Appealing this Decision. This decision is final and becomes effective the day the notice of decision is mailed (noted above). This decision may not be appealed to City Council; however, it may be challenged by filing a “Notice of Intent to Appeal” with the State Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed, pursuant to ORS 197.620 and 197.830. A fee is required, and the issue being appealed must have been raised by the close of the record and with sufficient specificity to afford the review body an opportunity to respond to the issue. For further information, contact LUBA at the 775 Summer Street NE, Suite 330, Salem, OR 97301 [Telephone: (503) 373-1265].

Recording the final decision.

If this Land Use Review is approved, the final decision will be recorded with the Multnomah County Recorder.

- The final decision will be recorded after **August 27, 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.

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

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

EXHIBITS

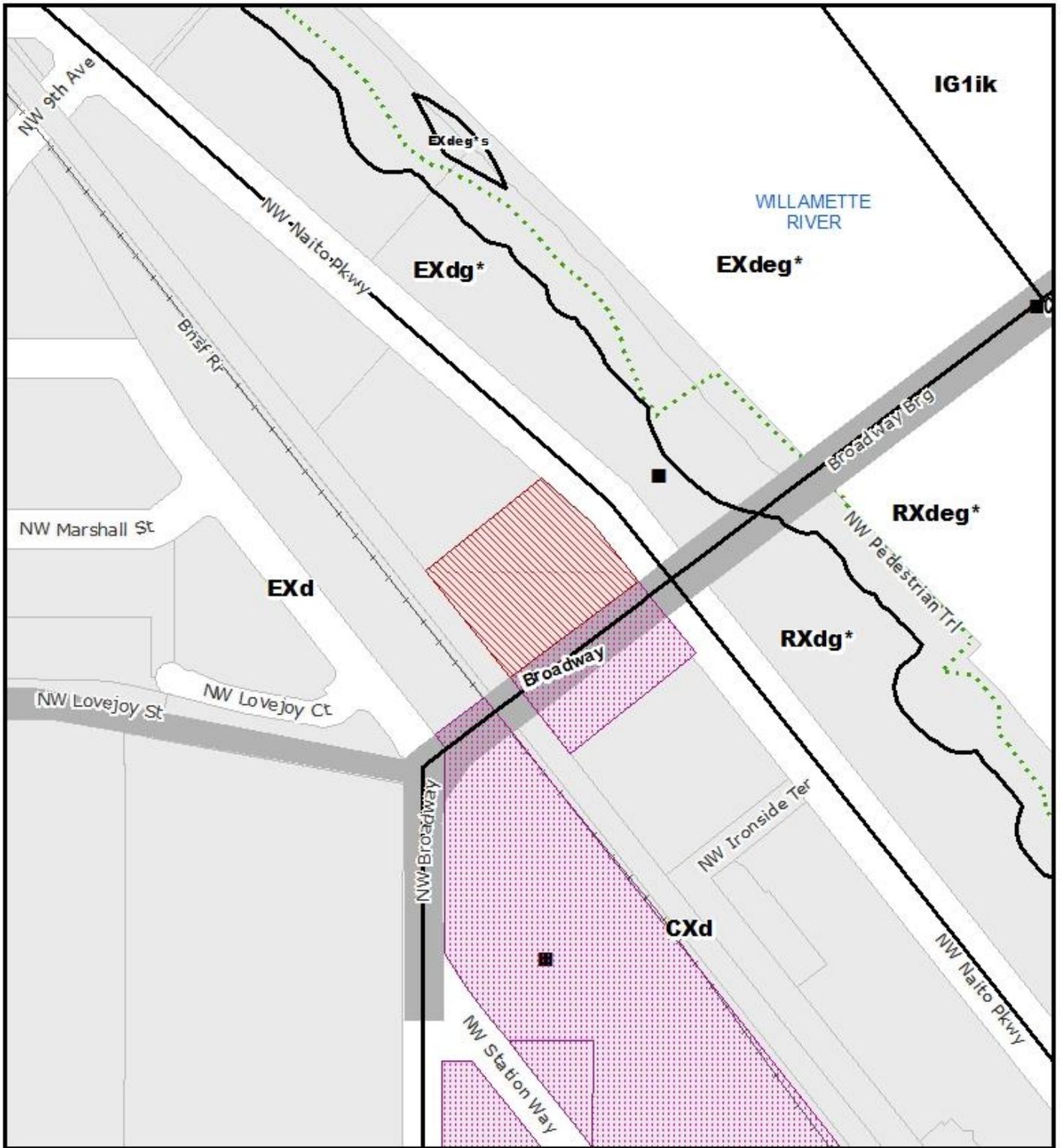
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals:
 - 1. Application for Type II Design Review narrative, dated 07/06/2018
 - 2. Original Drawing Set, dated 07/06/2018
 - 3. Stormwater Report, dated 06/28/2018
 - 4. Grading and Paving Plan, dated 08/10/2018 and received 11/08/2018
 - 5. Meeting Minutes, dated 10/31/2018, received 11/08/201
 - 6. Revised Application for Type II Design Review narrative, dated 12/11/2018
 - 7. Revised Drawing Set, dated 12/12/2018
 - 8. Email from Architect re: transformer location, received 12/17/2018
 - 9. Revised Drawing Set, dated 12/12/2018 and received 12/21/2018
 - 10. Final Drawing Set, dated 12/12/2018 and received 01/17/2019
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Grading and Paving Plan
 - 2. Utility Plan
 - 3. Materials and Grading Plan
 - 4. Planting and Irrigation Plan
 - 5. Site Details
 - 6. Site Details
 - 7. Site Details
 - 8. Architectural Site Plan (attached)
 - 9. Level 01 Floor Plan (attached)
 - 10. Reflected Ceiling Plans
 - 11. Enlarged Floor Plans
 - 12. Exterior Elevations (attached)
 - 13. Building Sections
 - 14. Building Sections
 - 15. Enlarged Entry Plans and Sections
 - 16. Enlarged Trash Enclosure Plans and Elevations
 - 17. Lighting Site Plan
 - 18. Level 1 – Lighting Plan
 - 19. Public Realm – Water Feature
 - 20. Public Realm – Water Feature
 - 21. Public Realm – Art Integration
 - 22. Public Realm – Art Integration
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:

1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of BDS
 6. Life Safety Section of BDS
- F. Correspondence:
1. Daniel G. Martinez Tovar, 12/25/2018, letter in opposition to proposal
 2. Jason Reynolds, 12/29/2018, letter in opposition to proposal
 3. Marilyn Hoffman, 12/30/2018, letter in opposition to proposal
 4. Steven L. Ferdinand, 12/31/2018, letter in opposition to proposal
 5. Kathryn Ferdinand, 12/31/2018, letter in opposition to proposal
 6. Michael Ward and Jutta Guadagnoli, 12/31/2018, letter in opposition to proposal
 7. Geoff Guilfooy, 01/02/2019, letter in opposition to proposal
 8. Phyllis J Taylor, 01/02/2019, letter in opposition to proposal
 9. James M. Hillas, 01/04/2019, letter in opposition to proposal
 10. Mark and Kathryn Callinsky, 01/04/2019, letter in opposition to proposal
 11. Martha Kinsella, 01/04/2019, letters in opposition to proposal
 12. Kristopher Largé, 01/05/2019, letter in opposition to proposal
 13. Nick Lawson, 01/05/2019, letter of concern
 14. Lisa Hillas, 01/06/2019, letter in opposition to proposal
 15. Kathleen Bissell, 01/07/2019, letter in opposition to proposal
 16. Ann Colonna, 01/09/2019, letter in opposition to proposal
 17. Maddy Cuyler, 01/09/2019, letter in opposition to proposal
 18. Mary Shiang, 01/09/2019, letter in opposition to proposal
 19. Seth King and Steven L. Pfeiffer, 01/09/2019, letter in opposition to proposal
 20. Kurt Sorensen, 01/14/2019, letter in opposition to proposal
 21. Joanna Valencia and Ae-young Lee, 01/18/2019, inquiry re: building setback
 22. Beverly Earle Place & Graham C. Place, 01/20/2019, letter in opposition to proposal
 23. Ae-young Lee, PE, 01/23/2019, comment about existing fence and gate
 24. Sue McCarthy, 01/23/2019, letter in opposition to proposal
 25. Kurt Sorensen, 02/13/2019, letter inquiring about status of proposal
- G. Other:
1. Original LU Application
 2. Incomplete Application Letter, sent 07/19/2018
- H. Appeal Hearing Exhibits
1. Administrative Decision of Approval with Conditions, 02/25/2019
 2. Appeal filed by Kurt Sorensen, 03/11/2019
 3. Notice of Appeal Mailing List, 03/14/2019
 4. Mailed Notice of Appeal, 03/14/2019
 5. Written Testimony: Aaron Brown, 03/24/2019, testimony in support of proposal
 6. Written Testimony: Stephen Judkins, 03/25/2019, testimony in support of proposal
 7. Written Testimony: Amanda Judkins, 03/25/2019, testimony in support of proposal
 8. Written Testimony: Steve Bozzone, 03/25/2019, testimony in support of proposal
 9. Written Testimony: Gabriele Hayden, 03/31/2019, testimony in support of proposal
 10. Written Testimony: Brandon Narramore, 04/02/2019, testimony in support of proposal
 11. Design sketches for water feature and art concept, received 04/04/2019
 12. Written Testimony: Emily Kemper, 04/05/2019, testimony in support of proposal
 13. Written Testimony: Farid Birang, 04/10/2019, testimony in opposition to proposal
 14. Design sketches and narrative for water feature and art concept, received 04/11/2019
 15. Staff Memo to Design Commission, 04/11/2019
 16. Legislative History for Ordinance No. 167189, including Council-adopted Commentary
 17. Written Testimony: Jim and Joan Neice, 04/16/2019, testimony in opposition to proposal
 18. Signed Request for Extension of 120-Day Review Period, 04/16/2019

19. Written Testimony: Jane Emrick, 04/16/2019, testimony in opposition to proposal
20. Written Testimony: Diane Williams, 04/16/2019, testimony in opposition to proposal
21. Written Testimony: Sheila Blackford, 04/16/2019, testimony in opposition to proposal
22. Letter from Peggy Kendellen, RACC re: upcoming presentation of proposed public art to RACC Public Art Committee, 04/16/2019
23. Written Testimony: Leon Porter, 04/16/2019, testimony in support of proposal
24. Written Testimony: Stewart Chang, 04/16/2019, testimony in opposition to proposal
25. Written Testimony: Lianne and Rollin Bannow, forwarded by Kurt Sorensen, 04/16/2019, testimony in opposition to proposal
26. Written Testimony: Susan Dimitman, 04/17/2019, testimony in opposition to proposal
27. Written Testimony: Bob Shotland & Cele Stauduhar, 04/17/2019, testimony in opposition to proposal
28. Written Testimony: Tom Maiuro & Anthony Maiuro, 04/17/2019, testimony in opposition to proposal
29. Written Testimony: Mary Vogel, 04/17/2019, testimony in support of proposal
30. Written Testimony: Iain Mackenzie, 04/18/2019, testimony in support of proposal
31. Written Testimony: Alberto Santaballa, 04/18/2019, testimony in opposition to proposal
32. Written Testimony: Thomas Levy, 04/18/2019, testimony in opposition to the proposal
33. Written Testimony: Vickie Greenwood, 04/18/2019, testimony in opposition to proposal
34. Staff Presentation to Design Commission, 04/18/2019
35. Appellant's Supplemental argument in support of appeal, 04/18/2019
36. Log of Appellant's Photo Exhibits (Ex. 1), 04/18/2019
37. Article: "County, Portland welcome collaboration as business [l]eaders announce plans for homeless shelter, service center" (Ex. 2), 04/18/2019
38. Log of Appellant's FOIA Documents from City of Portland (Ex. 3), 04/18/2019
39. Applicants' Presentation to Design Commission, 04/18/2019
40. Type III Land Use Review Testifier Sheet, 04/18/2019
41. Signed Request for Extension of 120-Day Review Period, 06/24/2019
42. Staff Memo to Design Commission, 06/26/2019
43. Tentative Final Findings, Conclusions and Decision of the Design Commission, 08/15/2019

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).



ZONING 
 NORTH

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

-  Site
-  Also Owned Parcels
-  Historic Landmark
-  Bridge
-  Recreational Trails

File No.	LU 18-198669 DZ
1/4 Section	2929
Scale	1 inch = 200 feet
State ID	1N1E34BB 502
Exhibit	B Jul 11, 2018



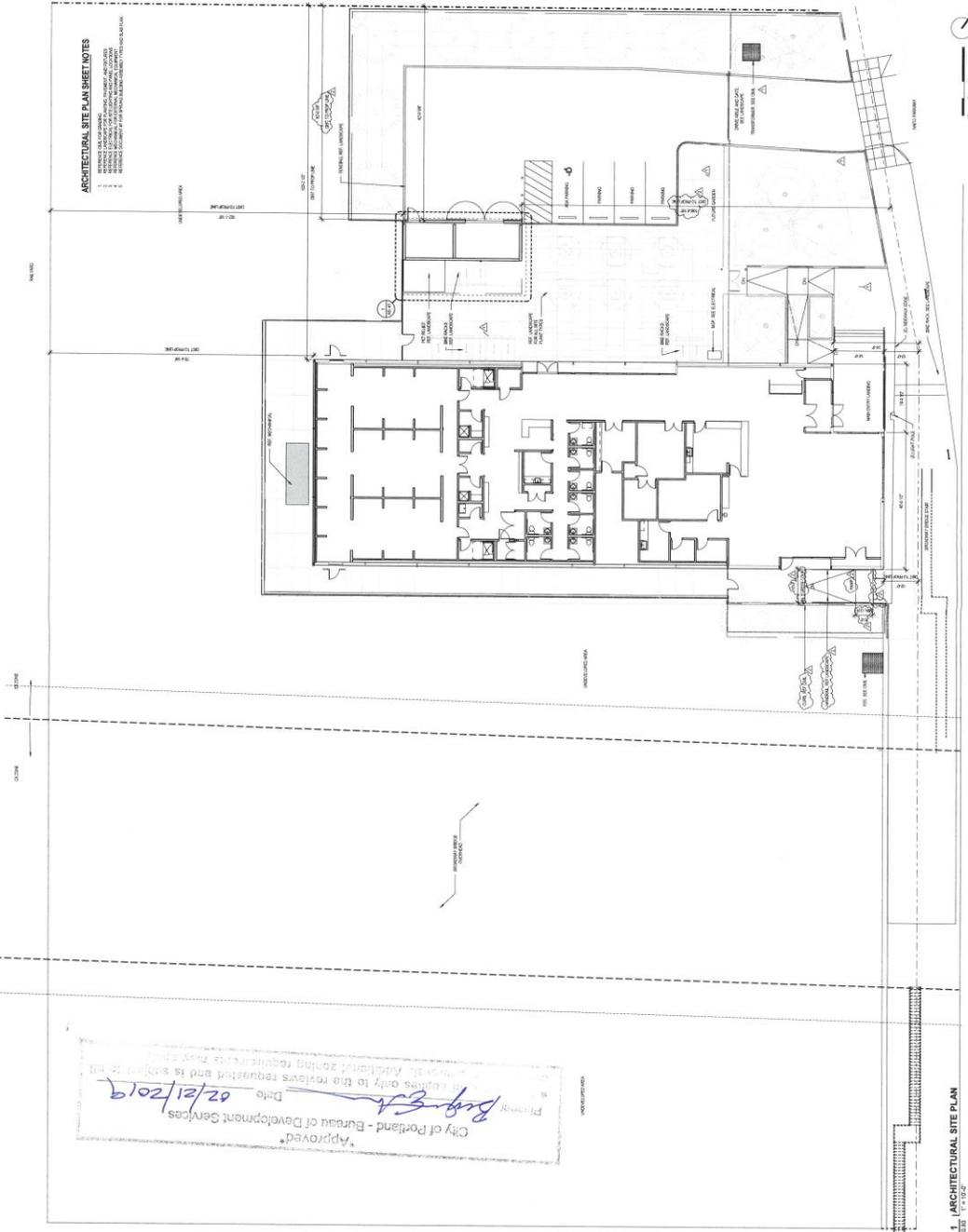
Project Name: **WIDE ADMINISTRATION**
 Project Location: **Wide Administration**
 Main Project File # **4740-01**
 Portland, OR

DATE: 03.13.19
 DRAWING NO: 4740-01
 SHEET NO: 1

ARCHITECTURAL SITE PLAN

Scale: **A0.80**
 Drawing No: **4740-01**

ARCHITECTURAL SITE PLAN SHEET NOTES
 1. REFERENCED DRAWINGS:
 2. REFERENCED SPECIFICATIONS:
 3. REFERENCED SCHEDULES:
 4. REFERENCED NOTES:



Approved by: *Bryce Est*
 City of Portland - Bureau of Development Services
 Date: 02/21/2019
 Planning Department
 This approval is subject to the review and approval of the Bureau of Development Services. This approval is not a guarantee of the accuracy of the information provided and is not a warranty of any kind.

1. ARCHITECTURAL SITE PLAN
 03/13/19

w 18-19 8069 DE

C.8

