



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

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FINAL FINDINGS AND DECISION BY THE DESIGN COMMISSION RENDERED ON September 19, 2019

CASE FILE NUMBER: LU 19-183735 DZM AD
PC # 18-180700
Pepsi Planned Development – Phase One

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

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GENERAL INFORMATION

Applicant: Heidi Oien | Mithun
1201 Alaskan Way #200
Seattle, WA 98101
(206) 971-5583

Owner: Michael Nanney | SP Jade II LLC | Security Properties
701 Fifth Ave, Suite 5700
Seattle, WA 98104

Site Address: **2505 NE PACIFIC ST**

Legal Description: BLOCK 44&45 TL 12000, SULLIVANS ADD; W 100' OF BLOCK 46, SULLIVANS ADD

Tax Account No.: R806101960, R806103450

State ID No.: 1N1E36BC 12000, 1N1E36BC 12300

Quarter Section: 2933

Neighborhood: Kerns, contact Kerns, contact Jay Harris at rhythmmon@mindspring.com

Business District: None

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

Plan District: Sandy Boulevard

Other Designations: None

Zoning: CM3 (MU-U)d- Commercial Mixed-Use 3 with Design Overlay

Case Type: DZM AD – Design Review with Modifications and Adjustment

Procedure: Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

Proposal:

The applicant requests Type III Design Review for a proposed first phase of the previously approved Sandy Boulevard Planned Development (LU 18-248691 PDBM). The first phase will include the renovation of the existing Pepsi Pavilion building; one new mixed-income, mixed-use building with 219 units; two levels of below-grade parking; a new publicly-dedicated woonerf-style street (NE Pacific between NE 25th & NE 27th), a new publicly accessible plaza with landscaping, seating and art, and a new publicly accessible pedestrian path (Mews) to the west and north of the Pavilion, connecting the plaza with NE Pacific Street.

Modifications requests [PZC 33.825.040]:

1. Standards for all Bicycle Parking [33.266.220.C.3.b] Reduced spacing of wall-mounted long-term bike racks from 24 inches to 18 inches,
2. Transit Street Main Entrance [33.130.242.C.1] - Increased distance of transit street main entrances from Sandy Boulevard to be more than 25 feet from the transit street for many of the entrances at the mixed-use building and the Pavilion.
3. Transit Street Main Entrance [33.130.242.C.3.b] - Increase the angle of transit street main entrances (more than 45 degrees from the diagonal Sandy Boulevard frontage),
4. Pedestrian Standards [33.130.240.B.2.a] - Reduce the width of a 105' long residential-access pedestrian path from 6' to 5' wide along the west side of the Mews wing.

Adjustment request [PZC 33.805]:

1. Number of Loading Spaces [33.266.310.C.1.c] - Reduce the required on-site loading spaces from 1 Type A to zero Type A spaces provided on-site, and 1 Type A provided in the adjacent (off-site) NE 27th Avenue right-of-way.

Relevant Approval Criteria:

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

- *Community Design Guidelines*
- *33.805.040 Adjustment Approval Criteria*
- *33.825.040 Modifications That Will Better Meet Design Review Requirements*

ANALYSIS

Site and Vicinity: Located in the Kerns Neighborhood Center, between the I-84 freeway and NE Sandy Boulevard, the four and a half block site is approximately 224,908 square feet. The surrounding neighborhood is an evolving mix of high-density and single-dwelling residential, intermixed with historic one- and two-story warehouses, some of which have been converted to retail, office and restaurants. It is located within the Inner Pattern Area, as identified by the Comprehensive Plan.

The current site is occupied by the Pepsi Bottling Plant warehouses, office and surface parking. The site includes a vacated section of NE Pacific Street between NE 25th Avenue and NE 27th Avenue, as well as a vacated portion of NE 26th Avenue between NE Pacific Street and NE Holladay Street. The existing buildings include an iconic 1962 bow-truss structure designed by architects Scott & Payne.

Planned public transportation investment in the vicinity includes a divided bike lane on NE 28th Avenue, across the bridge over I-84, as part of the larger '20s Bikeway'. This Bikeway will create continual bike infrastructure from NE Lombard to SE Crystal Springs. Additionally, NE

Sandy Boulevard is one of two possible alignments for a new extension to the Portland Streetcar system.

The site is bounded by NE 25th Avenue to the west; NE Oregon Street and NE Sandy Boulevard to the south; NE Holladay Street, beside the I-84 freeway, to the north; NE 27th Avenue to the east. One half-block parcel to the east of NE 27th Ave. is included in the site. That parcel is within the Sandy Boulevard Plan District and is the only parcel on the site with the Main Street Overlay.

- NE 25th Avenue is a Local Service Bikeway; a Local Service Walkway, and a Minor Emergency Response Street.
- NE Holladay Street is a Local Service Bikeway; a Local Service Walkway, and a Minor Emergency Response Street.
- NE 27th Avenue is a Local Service Bikeway; a Local Service Walkway, and a Minor Emergency Response Street.
- NE Oregon Street is a Local Service Bikeway; a Local Service Walkway, and a Minor Emergency Response Street.
- NE Sandy Boulevard is a Civic Corridor; a City Bikeway; a City Walkway; a Major Emergency Response Street; a Main Truck Street; a Major City Traffic Street and a Major Transit Priority Street.

Zoning: The Commercial/Mixed Use 3 (CM3) zone is a large-scale zone intended for sites in high-capacity transit station areas, in town centers, along streetcar alignments, along civic corridors, and in locations close to the Central City. It is intended to be an intensely urban zone and is not appropriate for sites where adjacent properties have single-dwelling residential zoning. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to six stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, with buildings that contribute to an urban environment with a strong street edge of buildings. The scale of development is intended to be larger than what is allowed in lower intensity commercial/mixed use and residential zones. Design review is typically required in this zone.

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

The Centers Main Street “m” overlay zone encourages a mix of commercial, residential and employment uses on the key main streets within town centers and neighborhood centers identified in the Comprehensive Plan. The regulations are intended to encourage a continuous area of shops and services, create a safe and pleasant pedestrian environment, minimize conflicts between vehicles and pedestrians, support hubs of community activity, and foster a dense, urban environment with development intensities that are supportive of transit.

The Sandy Boulevard Plan District implements the Sandy Boulevard elements of the Hollywood and Sandy Plan through special height transitions and unique setback treatments. While this phase is not within the Plan District boundaries, other parts of the site are within the Plan District.

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

- LU 11-203911 – Design Review approval for a new sign.
- LU 18-248691 PDBM – Planned Development Review approval for a new 4.5 block master plan for the former Pepsi Bottling Plant.

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed **August 14, 2019**. The following Bureaus have responded with no issue or concerns:

- Life Safety (exhibit E-3)
- Fire Bureau (exhibit E-4)
- Bureau of Parks-Forestry Division (exhibit E-5)
- Site Development Section of BDS (exhibit E-6)

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

Please see Exhibits E-1 and Exhibit E-8 for additional details.

The Portland Bureau of Transportation recommends approval based on several Conditions of Approval. Please see Exhibits E-2 and Exhibit E-7 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **August 14, 2019**. One written response was received from the Sullivan’s Gulch Neighborhood Association, which provided “strong support for the proposal and associated Modifications and Adjustment.” See Exhibit F-1 for additional details.

PROCEDURAL HISTORY

The application was deemed complete on July 18, 2019 and a hearing was scheduled within 51 days on September 5, 2019. At the first hearing on 9-5-19, the Staff Report found that all design approval criteria were met. However, unresolved issues with PBOT resulted in a Staff Report recommending denial. The Design Commission commented on the proposal’s response to the Community Design Guidelines and found that the guidelines were all met or exceeded. Commissioners noted that the Public Realm and Context guidelines were particularly strong. The applicant requested to continue the hearing to September 19, 2019 to allow time to work toward resolution of PBOT criterion in order to achieve a Staff Report recommending approval at a second hearing. PBOT submitted a response on 9-19-19 recommending approval with Conditions of Approval (noted below).

ZONING CODE APPROVAL CRITERIA

(1) DESIGN REVIEW (33.825)

Design Review ensures:

- That development conserves and enhances the recognized special design values of a site or area;
- The conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district;
- That certain types of infill development will be compatible with the neighborhood and enhance the area; and
- High design quality of public and private projects.

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 Community Design Guidelines.

Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other movement systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project. To enhance clarity, Staff has grouped Guidelines under three design tenets: Context, Public Realm and Quality + Permanence.

CONTEXT

P1. Plan Area Character. Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.

D7. Blending into the Neighborhood. Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

Findings for P1 and D7: While the portion of this site included in this first phase of development is outside the boundaries of the Sandy Boulevard Plan District, the portion of the site east of NE 27th Avenue is within the Plan District boundary. Despite its location just outside the Plan District, the development response for this phase is a strong response to the desired Plan Area Character.

Located within the Hollywood and Sandy Plan, the site is surrounded by historic warehouses, light industrial buildings, office buildings, and beverage bottling plants, including the Pepsi warehouses. There is limited residential development within the immediate surrounding neighborhood. The project proposes to introduce a much-needed compliment to the existing uses, with new ground-level retail spaces, mixed-income housing and public amenities including a two-block woonerf-style street connecting existing NE Pacific, and a new publicly accessible plaza with a north-south pedestrian path connecting the Plaza with the new NE Pacific Street woonerf.

The project will retain and renovate the iconic mid-century bow truss Pepsi warehouse (Pavilion) to retain a historic sense of place and neighborhood character along this stretch of Sandy Boulevard.

New development on the site will utilize a material palette that was approved through the Planned Development review. This palette is derived from an extensive material study of the surrounding context. For this phase, in addition to the Pavilion renovation, the new L-shaped mixed-use building is designed with two primary materials: ribbed metal for the Mews wing and stucco for the Plaza wing. Both materials will be punctuated by punched windows, inset by approximately 5 ½” from the face of the exterior wall. Deeply inset windows are typical in this neighborhood, where structural masonry buildings often housed light-industrial uses that benefited from ample natural light.

The new Plaza will pick up on the spill-out energy already present at the nearby Zipper. With enhanced landscaping, a water feature, lighting and the addition of art, the Plaza will provide a new, publicly accessible landmark for the neighborhood along Sandy Boulevard. Its design elements highlight the curves of the Pavilion roof forms, while contributing both occupiable spaces and much-needed layered landscaping in the form of sloped planters and plantings to provide a buffer from the vehicular impacts of Sandy Boulevard.

With the inclusion of numerous publicly accessible spaces and ground level retail that enhance and serve the existing neighborhood, as well as significant new landscaped areas and a new street to make it more enjoyable to walk and bicycle in the area, this proposal is a strong response to the concept plan features for this area that are outlined in the Hollywood and Sandy Plan. The architecture utilizes building materials and details derived from contextual analysis of the surrounding area, while intending to serve as a backdrop to the existing Pavilion. This celebration of Sandy Boulevard’s architectural history with a large development that seeks to play a secondary role to existing context is a respectful approach. *Therefore, these guidelines are met.*

PUBLIC REALM

E1. The Pedestrian Network. Create an efficient, pleasant, and safe network of sidewalks and paths for pedestrians that link destination points and nearby residential areas while visually and physically buffering pedestrians from vehicle areas.

Findings for E1: The project will develop a new two-block section of NE Pacific Street, which does not currently exist through this site. This new stretch of NE Pacific Street will be developed as a multimodal woonerf linking the east and west portions of the site providing bicycle access, pedestrian paths, and one-way vehicle access. A north-south pedestrian connection is also provided through the pedestrian Mews between the new mixed-use building and the existing Pavilion. Condition of Approval C requires a 7am to 9pm public access easement to ensure that this north-south connection serves as a publicly accessible pedestrian path to facilitate connection between the plaza and park, and to reinforce the Portland block structure.

The proposed publicly-accessible plaza between NE Sandy Boulevard, NE 27th Avenue and the existing Pavilion carefully locates planting areas at varying heights to buffer the street noise and create a comfortable environment for pedestrians. Lighting and mature height of plant material has been considered in the design of these connections to ensure the spaces feel safe year-round, day and night. A Mews with activating uses on both sides provides for north-south connections from the Plaza to the Woonerf between the mixed-use building and the Pavilion—a connection that will be open to public access during the hours of the Park.

With the creation of these new publicly accessible paths and plaza, and the new publicly dedicated woonerf street, this site will introduce numerous opportunities for safe and attractive pedestrian, bicycle and vehicle connectivity where none currently exists. *Therefore, with Condition of Approval C that a Public Access Easement allowing unrestricted public access from 7am to 9pm every day shall be recorded over the Mews from NE Oregon Street to the NE Pacific Street woonerf and shall be recorded over the east-west pedestrian path to the north of the Pavilion, connecting the plaza with the north-south Mews, and shall be recorded over the plaza, and no gates, fences or other barriers that prevent ADA, pedestrian and bicycle access shall be utilized during these hours, this guideline is met.*

E2. Stopping Places. New large-scale projects should provide comfortable places along pedestrian circulation routes where people may stop, visit, meet, and rest.

E4. Corners that Build Active Intersections. Create intersections that are active, unified, and have a clear identity through careful scaling detail and location of buildings, outdoor areas, and entrances.

Findings for E2 and E4: Both the 12,000 square foot new publicly accessible plaza at the corner of NE 27th and NE Sandy Boulevard, and the new woonerf that connects NE 25th Avenue and NE 27th Avenue provide numerous places for people to stop, visit, meet and rest. The plaza is differentiated into a series of outdoor ‘rooms’, separated from one another and the adjacent streets by raised planters, fixed benches and the visual and acoustic separation provided by water features. Within the ‘rooms’, space has been provided for individual ground level tenants to provide additional flexible seating. This flexible seating may further activate the plaza, and contribute more human-scale elements, but is not necessary to the success of the space.

The highly visible location of this plaza, at the corner of NE 27th and NE Sandy Boulevard, encourages public access and use. The design provides seating, landscaping and solar orientation for guests both within the central plaza area and at its perimeter. The landscape elements sculpt the space without privatizing it or implying that only residents or paying customers of nearby businesses should linger.

The plaza, which includes significant upgrades to existing public right-of-way in the form of Sandy Point, provides immense and much-needed public benefit with a welcoming, accessible, safe and permeable open space in a neighborhood that lacks this resource. *Therefore, these guidelines are met.*

E3. The Sidewalk Level of Buildings. Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small scale building design features, creating effective gathering places, and differentiating street level facades.

E5. Light, Wind, and Rain. Enhance the comfort of pedestrians by locating and designing buildings and outdoor areas to control the adverse effects of sun, shadow, glare, reflection, wind, and rain.

Findings for E3 and E5: While the scope of this phase is extensive, the only new building in this phase is the L-shaped mixed-use building that wraps around the existing Pavilion building. Recessed entries and deep, wide canopies are proposed to be added to the Pavilion building to provide pedestrian scale features and protection from glare, wind and rain. Beyond that, minimal intervention is proposed to the existing one-story building.

At 87’ tall, the seven-story mixed-use building, with its 200’ long facades, necessitates a strong differentiation of its ground level to avoid a monotonous, oppressive impact on the pedestrian realm. This proposal provides a diverse, active program along all ground level

facades including ground-level retail, residential amenity spaces, two-story work-live units and residential rowhouses. This diverse program is translated into the architecture of the building. The ground level program is both differentiated from the residential units above and from the adjacent program elements.

Retail entries and residential amenity spaces such as the fitness room are set back from the primary building wall, with tall, highly glazed ground floors. The deep recesses provide weather protection while maintaining the two-story exterior expression of this large, public space. The adjacent ground level work-live units are not recessed. With at-grade entries and highly glazed walls of a smaller, more residential scale than the retail spaces, the flexible spaces may be converted to either residential or small-scale commercial uses. The work-live units have wide canopies across their frontages. In contrast, the residential-only units along the Mews wing of the mixed-use building have a small canopy over the front door. Raised stoops with deep landscape planters separate the stoops from the ground level pedestrian paths. At approximately 6' deep, the raised stoops create a comfortable, furnishable front porch condition. The canopy provides weather protection for people entering the unit, but the sequencing and scale of these residential elements provide clear differentiation from both the other publicly-accessible ground level programs, and the residential units in the upper floors.

The diversity of the ground floor program and the mechanisms for architecturally expressing successfully breaks down the length of the long building facades, adds visual interest through a variety of pedestrian-scale elements, creates both public and private gathering spaces, provides a variety of weather protection that serves to accentuate the adjacent interior program and *therefore these guidelines are met*.

D1. Outdoor Areas. When sites are not fully built on, place buildings to create sizable, usable outdoor areas. Design these areas to be accessible, pleasant, and safe. Connect outdoor areas to the circulation system used by pedestrians.

D3. Landscape Features. Enhance site and building design through appropriate placement, scale, and variety of landscape features.

Findings for D1 and D3: One of the requirements of the Planned Development, which allows the applicant to earn bonus FAR and bonus height across the site, is that fifteen percent of the site must be designated as publicly accessible parks or plazas. The previous Planned Development approval anticipated that the development of this large site would be broken into numerous phases and constructed over an unknown period. Therefore, while the bonus FAR and height may be allocated throughout the site, it may not be utilized by any phase without demonstration that the phase (and previously completed phases) have allocated proportional site area toward open space (and Inclusionary Housing) to earn the bonus FAR and height.

This phase includes a very significant allocation of these public amenities. The on-site area for this phase is 67,634 square feet, and of this 25 percent will be developed to be publicly accessible open space in the plaza or pedestrian connection (Mews). Additionally, the woonerf and the southern tip of the plaza (Sandy Point) will be developed through this phase but remain public right-of-way and do not count toward the 25 percent open space provided on-site. These elements add an additional 26,229 square feet of public open space. While the open area provided through this first phase significantly exceeds the required fifteen percent, it both justifies the use of bonus height in this phase and serves to frontload the delivery of public benefits for future phases. Due to parcel sizes and locations, future parcels may not all provide 15% percent of their parcel as publicly-accessible on-site open area and may utilize some of the credit earned through this phase.

The plaza, to be located at the corner of NE Sandy Boulevard and NE 27th Avenue, incorporates sloped planting areas and extensive tree canopy along the street frontages and within the plaza, while maintaining a primarily hardscaped area for public visitors, community events, and spill-out space for adjacent commercial uses. It is woven into the public and publicly-accessible pedestrian network, and visually connected to the spill-out space across the street at the Zipper. The plaza is oriented to the south to receive maximum sunlight, with trees to provide some shading and visual interest.

The 'Mews' is a publicly-accessible pedestrian path that serves as a visual and physical connection between the Pavilion, the woonerf, and the future park that will be constructed north of the woonerf, as approved in the Planned Development. Ranging from 20 feet to 30 feet wide, the canted walls along the Mews reinforce the framed views of the woonerf and park to the north, and open to offer glimpses of the Pavilion to pedestrians looking south from the woonerf. Within the Mews, an angled stormwater planter reinforces the geometry of the vertical walls with a human scale element. Open decked bridges provide multiple crossings over the planter and trees within the planter provide visual interest and plant diversity.

The woonerf is a two-block long street, facilitating multimodal connection between NE 25th and NE 27th and providing access to the publicly accessible park to be developed on the northern portion of this site in a future phase. The woonerf style street has a meandering travel lane defined by projecting landscape areas, trees and unique hardscape patterns. The curvilinear street serves as a traffic calming mechanism, while utilizing unique materials, human-scale design elements and curbless transitions to emphasize the pedestrian nature of this street. Site furnishings, including benches and bicycle racks provide places for people of all ages to rest, observe and recreate. To encourage a fully accessible site design, all pathways and furnishings are ADA compliant.

This first phase of the Planned Development includes the two most significant publicly accessible open spaces: the plaza and the woonerf, connected by the Mews pedestrian pathway. These three elements provide pedestrian-oriented, safe, attractive outdoor spaces while facilitating local connectivity. The contribution of such generously proportioned, thoughtfully designed and activated spaces provides an immense public benefit to the city at large, the existing area residents and the thousands of mixed income residents who will live in this emerging neighborhood. *Therefore, these guidelines are met.*

D2. Main Entrances. Make the main entrances to houses and buildings prominent, interesting, pedestrian accessible, and transit-oriented.

Findings for D2: The main entrances to each building are located to front the most active streets and are highly visible and accessible to pedestrians. The most publicly accessible spaces are located in the most prominent locations and are accentuated through their scale and architecture. Retail entrances into the mixed-use buildings are located at the two ends of the building, where they are accessible by nearby streets, and highly visible to the plaza and NE Sandy Boulevard. Less public spaces are located in less visible locations and are of a smaller scale.

The plaza wing of the mixed-use building includes two apartment entrances – one fronting the plaza and the other accessed from the woonerf - to its interconnecting lobby. Secondary convenience lobbies for the Mews wing apartments are located off in the north-south Mews, along with a separate retail parking lobby entrance. All entrances are highly glazed and differentiated from the live-work units by their scale, storefront glazing and canopy style. Work-live unit entrances are located along the Mews, where the quieter public pedestrian path provides access and visibility for commercial tenants while still buffered from the traffic and public activity of the busy streets and plazas for residential

tenants. These entrances are also transparent, with canopies and integrated locations for individual tenant signage to encourage conversion to small commercial uses. Finally, the ground level residential units along the Mews wing of the mixed-use building have entrances facing the least public accessway of the site – a private path connecting NE Oregon street to the NE Pacific Street woonerf.

Once remodeled, the existing Pavilion will include two to four entrances with prominent canopies and recessed entries, highlighted by integrated downlights. The widest entrances will front the plaza, on the south and east facades of the building.

The ground level program is thoughtfully developed to ensure maximum access and visibility to the commercial spaces while ensuring that ground level residential units are set back and raised above grade, with layered landscaping and generous porches to ensure buffering and privacy. The careful consideration of programming, and the scaled architectural response to each programmatic element, serves to differentiate the public from private spaces to visitors, and to facilitate safe, humane ground level units for residents. *Therefore, this guideline is met.*

D4. Parking Areas and Garages. Integrate parking in a manner that is attractive and complementary to the site and its surroundings. Locate parking in a manner that minimizes negative impacts on the community and its pedestrians. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

D5. Crime Prevention. Use site design and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground level uses, and outdoor areas.

Findings for D4 and D5: The single parking garage entrance proposed in this phase is located off on-site vehicle area accessed from NE Oregon Street. The garage entry leads to two levels of below-grade parking. While parking is not required for this site (due to its proximity to transit), limited on-street parking creates challenges for existing area residents and businesses. The inclusion of on-site, below-grade parking for the businesses and tenants of this site is supported and appreciated by the neighborhood.

This garage entrance location provides easy vehicular access from NE Sandy Boulevard while avoiding and encouraging vehicles on the portions of the site intended for pedestrian activity such as the woonerf and the plaza. The garage location is tucked behind a street- and plaza-facing commercial space, with minimal impact on the ground level program. It facilitates active interior uses at all building facades fronting public streets or publicly accessible open space.

The garage location ensures not only physical safety of people on the site, through separation of vehicles and people, but its location off all street frontages facilitates crime prevention by maximizing highly glazed, active ground level uses adjacent to publicly accessible outdoor areas. *Therefore, these guidelines are met.*

QUALITY + PERMANENCE

D6. Architectural Integrity. Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

Findings for D6: The existing Pavilion building will require extensive overhaul to achieve a weathertight, viable commercial building. However, the design intent is to retain and expand the character-defining geometric pattern of opaque and transparent squares on its walls. The end result is intended to highlight the building's arched roof forms and

Mondrian-inspired walls, while downplaying the extent of the necessary material changes required to create a commercial building. The current exterior is primarily painted white, including over the glazing in some areas. This color is not noted in the original design, nor does it accentuate the architecture. The proposal may utilize an alternative color, to create more distinct contrast between the opaque and transparent areas and to better celebrate the architecture and unique fenestration patterning. A brick veneer base will be removed to expand the geometric patterning to the ground. Deep plywood soffits around the curved roofline will be repaired or replaced to restore the original aesthetic. The applicant noted that on the north and west facades of the Pavilion, the opaque panels may be used for a two-dimensional art piece instead of the solid colored opaque panel included in this proposal. A Condition of Approval D states that a review for an Original Art Mural or participation in Regional Arts and Culture Council public art programs is required for any imagery or patterning on the opaque panels on these facades.

The only changes to the exterior footprint of the building are recesses at the entrances, which serve to enhance the entry and work in conjunction with wide, deep canopies to provide a sense of enclosure for spill-out seating. The proposed changes are compatible with the original architecture of this Pavilion and will restore its strongest design elements without introducing new forms or inappropriate materials. *Therefore, with the Condition of Approval D that if the opaque panels on the north and west facades are patterned or contain imagery, that it shall be approved through an Original Art Mural permit or RACC, these guidelines are met.*

D8. Interest, Quality, and Composition. All parts of a building should be interesting to view, of long-lasting quality, and designed to form a cohesive composition.

Findings for D8: The architectural concept diagram for this phase shows the mixed-use building as a subdued backdrop for the Pavilion as the star. To prevent monotony and to break down the scale of the development, the two wings of the mixed-use building are each clad in a separate primary material. The building is designed to appear as if it is two separate buildings, with only a narrow, open connecting bridge at each level spanning over the Mews pedestrian path to connect the two wings.

Scale and articulation are provided through erosions – deeply punched windows, recessed balconies and a corner roof deck overlooking the plaza. While the Design Commission strongly agrees that dark (black or shades of grey) vinyl windows will enhance the coherency of the building and highlight its other materials, a majority found the approval criteria are met with either dark (black or shades of grey) or white vinyl windows.

The intended design concept appears successful. When viewed from NE Sandy Boulevard, the subdued color and architecture of the 7-story mixed-use building will help it recede behind the bright color, curved roof and vibrancy of the one-story Pavilion. When viewed from the woonerf or the future park, the plaza wing is approximately one city block long, and does not appear to be connected to its perpendicular wing.

The two wings of the mixed-use buildings successfully speak the same design language, and both relate to the existing neighborhood context, without creating a massive, visually dominating presence. Materials proposed are of high quality – stucco panels and box-rib metal – and are designed to achieve not only a long-lasting aesthetic, but to meet rigorous energy efficiency standards that are one of the requirements of the Planned Development height and FAR bonus.

The renovation of the Pavilion will enhance its iconic qualities while improving the quality and permanence of its materials and ensuring its permanence as a symbol of Sandy Boulevard's history. The mixed-use building successfully utilizes material, color and subdued architecture to break down its own scale and serve as a respectful backdrop to the Pavilion. The materials proposed are of high quality and present a cohesive composition on all facades. *Therefore, , this guideline is met.*

(2) MODIFICATION REQUESTS (33.825)

33.825.040 Modifications That Will Better Meet Design Review Requirements:

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

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

Modification #1: Standards for all Bicycle Parking [33.266.220.C.3.b] Reduced spacing of wall-mounted long-term bike racks from 24 inches to 18 inches

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

Standard: 33.266.220.C.3.b - A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components.

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

Findings: The proposed solution meets the intent of providing sufficient space, access and security. This spacing has been approved elsewhere by the City of Portland, and even at 18” there is adequate room for access to locks. These racks are proposed to be used for long-term storage in a centrally controlled-access bike storage room intended for use by residents and tenants of the Pepsi Blocks, and the bike storage room will be monitored by security. Because these racks will be used by residents and tenants, it can be assumed that they will have some familiarity with the rack systems and therefore the more generous 24” spacing required by the City of Portland guidelines is not required – the manufacturer’s recommendation of 18” spacing is sufficient.

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

Findings: The proposed design for the bicycle parking is consistent with intent of the zoning code desire to provide safe and accessible bicycle parking for its long-term bike riders. The primary design strategy is to create a long-term bicycle parking room that is easily accessible, usable and safe for tenants and occupants. The room is located in the garage for convenient access and is locked to keep the tenants and residents safe, while also keeping their equipment safe. The rack system proposed is easy to use and will help keep tenants' bicycles organized and safe. The proposal meets the intent of the zoning code. This proposal better meets *Community Design Guideline D4 - Parking Areas and Garages*. By reducing spacing, the bicycles are able to be efficiently located in a below-grade garage rather than an at-grade bicycle room. This allows more space for active ground-level uses, which enhances the experience for the community and pedestrians.

Therefore, this Modification merits approval.

Modification #2: Transit Street Main Entrance, PZC 33.130.242.C.3.1 - Increased distance of transit street main entrances from Sandy Boulevard to be more than 25 feet from the transit street.

Purpose Statement: Locating the main entrance to a use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.

Standard: 33.130.242.C.3.1 - Location. For portions of a building within the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor, and one main entrance to a multi-dwelling structure must meet the standards of this section. The ground floor is the lowest floor of the building that is within four feet of the adjacent transit street grade. The main entrance must:

1. Be within 25 feet of the transit street;
2. Allow pedestrians to both enter and exit the building; and
3. Meet one of the following:
 - a. Face the transit street;
 - b. Be at an angle of up to 45 degrees from the transit street, measured from the street property line, as shown in Figure 130-13; or
 - c. If it is an entrance to a multi-dwelling structure:
 - (1) Face a courtyard at least 15 feet in width that is adjacent to the transit street and that is landscaped to at least the L1 level, or hard-surfaced for use by pedestrians; and
 - (2) Be within 50 feet of the transit street.

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

Findings: The Maximum Building Setback was modified to 121' during a previous Planned Development review to accommodate a publicly accessible plaza on Sandy Boulevard, therefore, many of the main entrances on the mixed-use building and the Pavilion are within the previously-Modified Maximum Building Setback. The entrances cannot be within 25 feet of the transit street because the building must be set back to allow space for the plaza.

The proposed development will better meet the intent of the applicable design guidelines by creating a significant open space Plaza on Sandy Boulevard and NE 27th Avenue, consistent with *Community Design Guideline D1 – Outdoor Areas*. The plaza area counts toward the park or plaza requirement as approved in the Planned Development. This strategy also allows for retention of a neighborhood character building (Pavilion) which lends a unique backdrop to the

Plaza and maintains a strong street wall and pedestrian-oriented character along NE Oregon St and NE Sandy Boulevard.

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

Findings: The purpose of the standard is to provide convenient pedestrian access between to public sidewalks and transit facilities, and to promote walking and the use of transit. Transit riders can conveniently access the west Pavilion entrance by traveling across the public Plaza and can enter possible future north and west Pavilion entrances by traveling through the publicly-accessible Mews which provide an active and engaging experience.

Therefore, this Modification merits approval.

Modification #3: Transit Street Main Entrance, PZC 33.130.242.C.3.b - Increase the angle of transit street main entrances (more than 45 degrees from the diagonal Sandy Boulevard frontage).

Purpose Statement: Locating the main entrance to a use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.

Standard: 33.130.242.C.3.b - Location. For portions of a building within the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor, and one main entrance to a multi-dwelling structure must meet the standards of this section. The ground floor is the lowest floor of the building that is within four feet of the adjacent transit street grade. The main entrance must:

1. Be within 25 feet of the transit street;
2. Allow pedestrians to both enter and exit the building; and
3. Meet one of the following:
 - a. Face the transit street;
 - b. Be at an angle of up to 45 degrees from the transit street, measured from the street property line, as shown in Figure 130-13; or
 - c. If it is an entrance to a multi-dwelling structure:
 - (1) Face a courtyard at least 15 feet in width that is adjacent to the transit street and that is landscaped to at least the L1 level, or hard-surfaced for use by pedestrians; and
 - (2) Be within 50 feet of the transit street.

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

Findings: The Maximum Building Setback was modified to 121' during a previous Planned Development review to accommodate a publicly accessible plaza on Sandy Boulevard, therefore, many of the main entrances on the mixed-use building and the Pavilion are within the previously-Modified Maximum Building Setback.

The proposed development will better meet the intent of P1- Plan Area Character by retaining the existing Pavilion building and developing new buildings to respond to and highlight its iconic architecture. Due to the curved roof form of this one-story building, entrance opportunities are limited and must be located within existing walls that are more than 45 degrees offset from the angle of Sandy Boulevard. Similarly, to relate to and to fit around the existing Pavilion, the new mixed-use building will have walls that are parallel to the closest

walls of the Pavilion. Therefore, its entrances will also be more than 45 degrees from Sandy Boulevard.

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

Findings: The purpose of the standard is to provide convenient pedestrian access between to public sidewalks and transit facilities, and to promote walking and the use of transit. Transit riders can easily see the multiple main entrances on both the Pavilion and the new mixed-use building, which are framed by Plaza landscaping and highlighted by the architecture of the buildings. Located between the street and main entrances, the Plaza creates a unique, welcoming and attractive environment to walk through.

Therefore, this Modification merits approval.

Modification #4: Pedestrian Standards [33.130.240.B.2.a] - Reduce the width of a 105' long residential-access pedestrian path from 6' to 5' wide along the west side of the Mews wing.

Purpose Statement: The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible

Standard: 33.130.240.B.2.a - Materials. The circulation system must be hard-surfaced and be at least 6 feet wide. On sites where all of the floor area is in Household Living, segments of the circulation system that provide access to no more than 4 units may be 3 feet wide.

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

Findings: The resulting development will better meet the intent of the applicable design guidelines by allowing for deeper stoops along the five townhouse frontages, consistent with *Pedestrian Emphasis Guideline E1 – The Pedestrian Network*. These stoops will be raised from the sidewalk level 2'-4" and will be buffered with planters and plant materials to provide a semi-private outdoor living experience for residents and visual interest for those walking down the sidewalk. The proposal's slightly decreased sidewalk width does not diminish the effectiveness nor the intent of the standard because it is in a residential-access only location that is not open to the public, and only accesses five ground floor townhomes.

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

Findings: On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested. The purpose of the standard is to encourage a safe, attractive, and usable pedestrian circulation system in all developments, to ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.

The proposed sidewalk is consistent with its intent to be safe, attractive, and to provide connection to five units from Oregon Street and the Pacific Street Woonerf. The 20' to 30' wide Pedestrian Mews will be the primary circulation route between the streets and through the site for most residents and visitors to the project.

Therefore, this Modification merits approval.

(3) ADJUSTMENT REQUEST (33.805)

33.805.010 Purpose

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

33.805.040 Approval Criteria

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

The following Adjustment is requested:

1. Number of Loading Spaces [33.266.310.C.1.c] - Reduce the required on-site loading spaces from 1 Type A to zero Type A spaces provided on-site, and 1 Type A provided in the adjacent (off-site) right-of-way.

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in a C, E, or I zone, the proposal will be consistent with the desired character of the area; and
- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and
- D. City-designated scenic resources and historic resources are preserved; and
- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and
- F. If in an environmental zone, the proposal has a few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings for A, B and E: As mentioned above, the applicant provided PBOT with a memorandum prepared by a professional traffic consultant (date stamped as received on September 17, 2019). The information provided includes a description why neither of the Zoning Code's loading space dimensions can be accommodated within the proposed below-grade parking garage (garage clearances have not been designed appropriately to accommodate loading vehicles) that will be constructed to serve residential tenants and retail users associated with the apartments and commercial spaces to be provided with Phase 1A development. The memorandum also includes reasons why other site frontages (including along the proposed woonerf) are not practical.

The loading proposal is for all users of the Phase 1A development to utilize a truck loading zone (TLZ) located curb-side along the west side of NE 27th Ave, south of the location of the proposed woonerf (the previously vacated NE Pacific right-of-way). Although no loading demand data or analysis was submitted in relation to the proposed residential and retail uses of the Phase 1A development, the applicant's traffic consultant cites the following reasons why a TLZ can serve the proposed project:

- convenience of location;
- the continuation of a TLZ use along NE 27th Ave site frontage (no new traffic or pedestrian-related impacts expected);
- no additional loss of on-street parking spaces;
- the lack of competing demands to utilize a TLZ by other nearby users – there is nearby curb-length along NE Pacific, west of NE Sandy to serve the multiple restaurants located within the adjacent “Zipper” building.

PBOT support is provided in this specific case, because of the additional measures that the applicant will be required to provide in relation to this request:

- the applicant shall establish a temporary Standard “B” loading space in the vacant portion of the Planned Development site using existing sloped sidewalks for access. The temporary loading space shall be removed upon construction of the next development phase. All permanent loading needs associated with combined development Phase 1A and the next development phase must be addressed in relation to the expected land use application for the next development phase of the overall Pepsi Blocks Planned Development.
- the applicant shall prepare a Loading Management Plan (the Plan) for the project's loading proposal. The Plan shall ensure that all loading spaces are properly managed and can meet the daily needs of Phase 1A tenants. The Plan shall be submitted by the applicant to PBOT for approval prior to issuance of the Building Permit for Phase 1A development.
- should the TLZ proposed to be utilized for the loading activities for the Phase 1A development be repurposed by the City, the applicant must revise the Loading Management Plan consistent with the terms of this Adjustment request and to the satisfaction of PBOT.
- the applicant should contact Darrin Thoreson at darrin.thoreson@portlandoregon.gov with PBOT Parking Control for information on truck loading zone requirements.

The applicant is advised that any TLZ that is proposed to be utilized to serve the Phase 1A development is not an exclusive use zone for the Pepsi Blocks project. This is a curb zone available for anyone to use for loading activities, including users unassociated with the Pepsi Blocks project. This will need to be accounted for in the required Loading Management Plan. Further, the applicant should be aware of the possibility that the City may remove any TLZ in relation to future public right-of-way needs as authorized under City Code Section 17.24.005. The need for the proposed TLZ to serve the loading demands for the Phase 1A development may not be taken into consideration of the potential future removal of the TLZ.

PBOT is supportive of the applicant's Loading Adjustment request subject to the following conditions of approval:

1. The location and appropriate signage for any truck loading zones is subject to review and approval by PBOT Parking Control.

2. The applicant shall establish a temporary Standard “B” loading space in the vacant portion of the Planned Development site using existing sloped sidewalks for access. The temporary loading space shall be removed upon construction of the next development phase. All permanent loading needs associated with combined development Phase 1A and the next development phase must be addressed in relation to the expected land use application for the next development phase of the overall Pepsi Blocks Planned Development. *The temporary space must be shown on Building Permit plans submitted for Phase 1A development for PBOT’s review and approval.*
3. The applicant shall prepare a Loading Management Plan (the Plan) for the project’s loading proposal. The Plan shall ensure that all loading spaces are properly managed and can meet the daily needs of Phase 1A tenants. The Plan shall be submitted by the applicant to PBOT for approval prior to issuance of the Building Permit for Phase 1A development.
4. Should the TLZ proposed to be utilized for the loading activities for the Phase 1A development be repurposed by the City, the applicant must revise the Loading Management Plan consistent with the terms of this Adjustment request and to the satisfaction of PBOT.

As with any Zoning Code development standard, the proposal must comply with applicable development standards or receive the necessary Modifications prior to being permitted. With the newly required temporary Standard “B” loading space not yet evaluated a final Condition of Approval will be added to require the space either meet all relevant Zoning Code development standards or receive approval for any necessary Modifications prior to the issuance of the Building Permit for Phase 1A.

With the suggested Conditions of Approval, all applicable Adjustment criteria are met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all requirements of Title 11 can be met, and that all development standards of Title 33 can be met or have received an Adjustment or Modification via a land use review, prior to the approval of a building or zoning permit.

CONCLUSIONS

The design 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 is an excellent example of the purpose of Design Review. It adds significant publicly-accessible open space, restores an existing mid-century building that is character-defining for this neighborhood and street, and proposes new buildings that are designed to highlight and complement the existing historic Pavilion. The proposal exceeds the applicable design guidelines, and meets the modification and adjustment criteria and therefore warrants approval.

DESIGN COMMISSION DECISION

It is the decision of the Design Commission to approve Design Review for the first phase of the Planned Development, which includes restoration of the existing Pavilion building; a new mixed-use building; a publicly accessible plaza and a new two-block woonerf street.

Approval of the following Modification requests:

1. Standards for all Bicycle Parking [33.266.220.C.3.b] Reduced spacing of wall-mounted long-term bike racks from 24 inches to 18 inches,
2. Transit Street Main Entrance [33.130.242.C.1] - Increased distance of transit street main entrances from Sandy Boulevard to be more than 25 feet from the transit street for many of the entrances at the mixed-use building and the Pavilion.
3. Transit Street Main Entrance [33.130.242.C.3.b] - Increase the angle of transit street main entrances (more than 45 degrees from the diagonal Sandy Boulevard frontage),
4. Pedestrian Standards [33.130.240.B.2.a] - Reduce the width of a 105' long residential-access pedestrian path from 6' to 5' wide along the west side of the Mews wing.

Approval of the following Adjustment request:

1. Loading [33.266.310.C.1.c] - Reduce the required on-site loading spaces from 1 Type A to zero Type A spaces provided on-site, and 1 Type A provided in the adjacent (off-site) right-of-way.

Approvals per Exhibits C.1-C-111, signed, stamped, and dated October 9, 2019, subject to the following conditions of Approval:

- A. As part of the building permit application submittal, the following development-related conditions (B through K) 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 19-183735 DZM AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. A Public Access Easement allowing unrestricted public access from 7am to 9pm every day shall be recorded over the Mews from NE Oregon Street to the NE Pacific Street woonerf and shall be recorded over the east-west pedestrian path to the north of the Pavilion, connecting the plaza with the north-south Mews, and shall be recorded over the plaza. No gates, fences or other barriers that prevent ADA, pedestrian and bicycle access shall be utilized during these hours.
- D. If the opaque panels on the north and west facades of the Pavilion are patterned or contain imagery, that they shall be approved through an Original Art Mural permit or RACC.
- E. In association with the proposed woonerf element of this project, the applicant must submit a Development Agreement (DA) which will include, but not be limited to, maintenance responsibilities, construction timing requirements, performance guarantee specifications and the list of approved materials to be utilized throughout the woonerf. A mutually acceptable DA between the City and the applicant/developer will need to be

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period, as stated with Exhibit (Exhibit A.2). The **120 days expire on: November 15, 2019**

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

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

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

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

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. Appeals must be filed by 4:30 pm on October 28, 2019 at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case by appointment at, 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201. Please call the file review line at 503-823-7617 for an appointment.

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

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

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$5000.00 will be charged.**

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

Recording the final decision.

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

- *Unless appealed*, the final decision will be recorded after **October 29, 2019** by the Bureau of Development Services.

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

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

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

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

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

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

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

Hannah Bryant
October 14, 2019

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

EXHIBITS – NOT ATTACHED UNLESS INDICATED

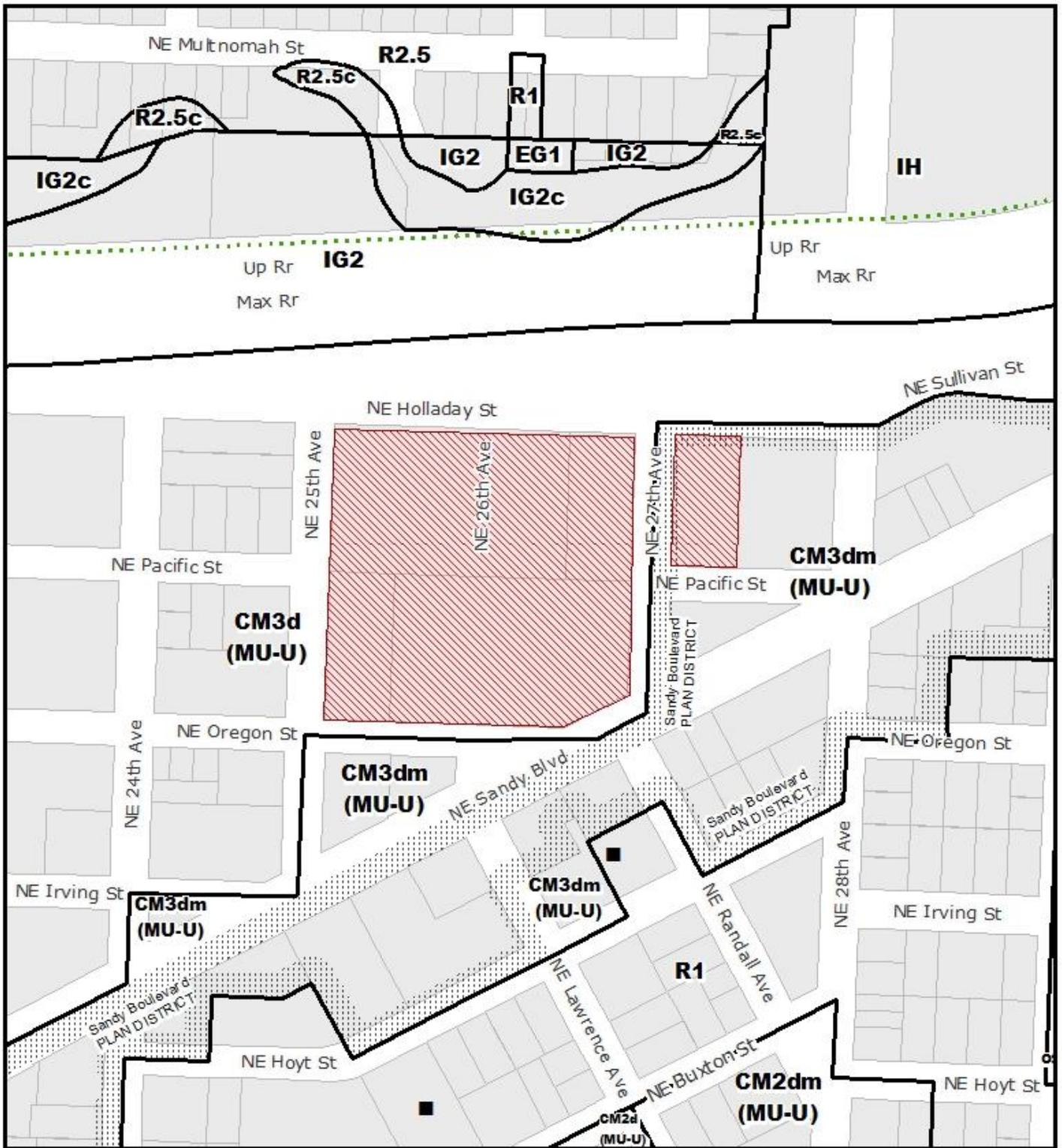
A. Applicant's Statement

1. Email from Heidi Oien, deeming application complete, July 16, 2019
2. Email from Heidi Oien re: site areas, July 19, 2019
3. Email from Heidi Oien re: response to Staff Comments, July 22, 2019
4. Original Submittal + Narrative, June 24, 2019
5. Response to Incomplete – *revised pages to replace those in original submittal*, July 15, 2019
6. Revised Submittal, August 26, 2019 – *Received after Staff Report was published for Hearing One, and therefore not the basis of the Findings of Approval.*
7. Appendices from August 12, 2019 submittal
8. Submittal Letter from John Marasco, Security Properties, 9-4-19
9. Extension, dated June 28, 2019

- B. Zoning Map (attached)
- C. Plan & Drawings
 - 1. Site Plan (attached)
 - 2. Building Areas
 - 3. FAR and Area
 - 4. South Elevation
 - 5. North Elevation
 - 6. Site Section (east-west)
 - 7. Utility Plan
 - 8. Lighting Plan
 - 9. Phase One Site Plan
 - 10. Woonerf Site Plan – Architecture
 - 11. Woonerf Site Plan – Landscape
 - 12. Woonerf Entry Court Section
 - 13. Woonerf Park Crossing Section
 - 14. Woonerf Exit Court Section
 - 15. Woonerf Furniture + Materials
 - 16. Woonerf North Elevation
 - 17. Woonerf South Elevation
 - 18. Woonerf Entry Enlargements
 - 19. Woonerf Hardscape Material
 - 20. Woonerf Tree Canopy
 - 21. Woonerf Plant Palette
 - 22. Woonerf Interim Site Plan
 - 23. Woonerf Interim Condition
 - 24. Woonerf Interim Section A
 - 25. Woonerf Interim Section B
 - 26. Woonerf Details
 - 27. Plaza Site Plan
 - 28. Plaza Plan Enlargement
 - 29. Plaza Dimensioned Plan
 - 30. Sandy Point Plan
 - 31. Plaza Site Details
 - 32. Plaza Site Details
 - 33. Plaza Material Palette
 - 34. Plaza Plant Palette
 - 35. Plaza Plant Palette
 - 36. Building Edges Mews
 - 37. Building Edges Mews – West Edge
 - 38. Building Edges – Mews West Elevation
 - 39. Building Edges Mews Landscape
 - 40. Building Edges Mews West Edge Landscape
 - 41. Building Edges South Elevation
 - 42. Building Edges East Elevation
 - 43. Building Edges West Elevation
 - 44. Building Edges South Elevation
 - 45. Building Edges NE 27th Elevation
 - 46. Mixed Use Building Site Plan
 - 47. Ground Floor Plan
 - 48. Parking Level 1
 - 49. Parking Level 2
 - 50. Building Level 2
 - 51. Building Levels 3-7
 - 52. Building Level 8
 - 53. Roof Plan

54. South Elevation
55. East Elevation
56. East Elevation w/ Black Windows
57. North Elevation
58. Mews North and South Elevations
59. Mews North and South Elevations Black and White
60. Mews East Elevation
61. Mews East Elevation Black and White
62. Mews West Elevation
63. Mews West Elevation Black and White
64. Plaza North Elevation
65. Plaza North Elevation Black and White
66. Plaza South Elevation
67. Plaza South Elevation Black and White
68. Plaza West/East Elevation
69. Plaza West/East Elevation Black and White
70. Building Section
71. Building Section
72. Mews Wing Details
73. Building Materials
74. Mews Work/Live
75. Storefront Details
76. Mews Wing Storefront
77. Retail Storefront Details
78. Mews Work/Live
79. Mews Townhouses
80. Mews Garage Entry
81. Plaza Entry
82. Stucco Details
83. Plaza Wing Amenity Façade
84. Plaza Wing Work/Live
85. Plaza Wing Work/Live Canopies
86. Plaza Wing Residential Entry
87. Plaza Wing Residential Canopies
88. Plaza Wing Residential Entry and Bridges
89. Plaza Wing Retail Storefront
90. Mews Wing Unit Windows and Decks
91. Mews Wing Unit Windows and Decks
92. Plaza Wing Unit Windows and Decks
93. Plaza Wing Unit Windows and Decks
94. Plaza Wing Corner Decks
95. Pavilion Plan
96. Pavilion Elevations
97. Pavilion Elevations
98. Enlarged Plan and Elevations
99. Enlarged Plan and Elevations
100. Alternative Elevations with Graphic
101. Enlarged Plan and Elevations
102. Enlarged Plan and Elevations
103. Enlarged Plan and Elevations
104. Pavilion Wall Sections
105. Pavilion Canopy Details
106. Pavilion Details
107. Pavilion Details
108. Pavilion Details

109. Pavilion Materials
 110. Landscape Area
 111. Required Outdoor Area
 112. Metal Cladding Cutsheet
 113. Stucco Cutsheet
 114. Prodema Cutsheet
 115. Louver Cutsheet
 116. Insulated Metal Panel Cutsheet
 117. Storefront + Curtainwall Cutsheets
 118. Window Cutsheets
 119. Garage Door Cutsheets (2 pages)
 120. Lighting Cutsheets (5 pages)
 121. Bicycle Rack Cutsheet (2 pages)
 122. Moonstone Seats
 123. Woonerf Planters Cutsheet
 124. Tree Grate Cutsheets (2 pages)
 125. Drain Cover Cutsheets
 126. Bollards Cutsheets
 127. Storefront Glazing Details
 128. Vinyl Window Glazing (2 pages)
 129. Mews Wing – Parking Garage Entry
- D. Notification information:
1. Request for response
 2. Posting letter sent to applicant
 3. Notice to be posted
 4. Applicant’s statement certifying posting
 5. Mailed notice
 6. Mailing list
- E. Agency Responses:
1. Bureau of Environmental Services, *RFC and RFR responses*
 2. Bureau of Transportation Engineering and Development Review, *RFC and RFR response*
 3. Life Safety
 4. Fire Bureau
 5. Bureau of Parks, Forestry Division
 6. Site Development Review Section of BDS
 7. Bureau of Transportation Engineering and Development Review, final approval
 8. Bureau of Environmental Services, final approval
- F. Letters
1. Sullivan’s Gulch Neighborhood Association, August 30, 2019
- G. Other
1. Original LUR Application
 2. Incomplete Letter, dated July 17, 2019
 3. Staff Report, dated September 19, 2019
 4. September 10, 2019 email re: Ground Floor Windows at Plaza
 5. Pre-Application Notes, July 26, 2018
 6. DAR Summary Notes, June 1, 2019
 7. Staff Email to applicant with questions, concerns, August 8, 2019
 8. Decision for
- H. Items Received After First Hearing:
1. Testifier Sheet for September 5, 2019 hearing



ZONING 
 THIS SITE LIES WITHIN THE:
 SANDY BOULEVARD PLAN DISTRICT

-  Site
-  Historic Landmark
-  Recreational Trails

File No.	LU 19-183735 DZM AD
1/4 Section	2933
Scale	1 inch = 200 feet
State ID	1N1E36BC 12000
Exhibit	B Jun 27, 2019

OVERVIEW | TYPE III REVIEW BOUNDARY

LU REVIEW INCLUDES
INTERIM & FINAL WOONERF

- LEGEND**
- REQUIRED PUBLICLY ACCESSIBLE PARK OR PLAZA
 - ADDITIONAL PUBLICLY ACCESSIBLE OPEN SPACE
 - ADDITIONAL OPEN SPACE
 - IMPROVED PUBLIC OPEN SPACE IN ROW
 - - - PHASE IA TYPE III REVIEW BOUNDARY



"Approved"
City of Portland - Bureau of Development Services
Date: 10-10-19
Additional zoning requirements may apply to all

