



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

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

**FINAL FINDINGS AND DECISION BY THE DESIGN
COMMISSION RENDERED ON November 21, 2019**

**CASE FILE NUMBER: LU 19-208247 DZM AD
PC # 19-131004**

1120 SE Morrison

BUREAU OF DEVELOPMENT SERVICES STAFF: Hillary Adam 503-823-3581 /
Hillary.Adam@portlandoregon.gov

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

GENERAL INFORMATION

Applicant: Kurt Schultz, Architect 503-445-7312/kurts@seradesign.com
Sera Design
338 NW 5th Ave
Portland, OR 97209

Developer: Sam Rodriguez 503-517-2787/srodriguez@mcrtrust.com
Mill Creek Residential Trust LLC
220 NW 2nd Ave
Portland, OR 97209

Owner: Campf Properties Ltd Partnership & AHC Holdings LLC
1120 SE Morrison St
Portland, OR 97214

Site Address: 1120 SE MORRISON ST

Legal Description: BLOCK 245 LOT 1&8 EXC PT IN ST LOT 2-7, LAND & IMPS SEE
R150568 (R226516451) FOR BILLBOARD, EAST PORTLAND

Tax Account No.: R226516450

State ID No.: 1S1E02BA 05100

Quarter Section: 3131

Neighborhood: Buckman, contact Richard Johnson at
buckmanlandusepdx@gmail.com

Business District: Central Eastside Industrial Council, contact ceic@ceic.cc.

District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010 x313.

Plan District: Central City - Central Eastside

Zoning: EXd – Central Employment with Design overlay

Case Type: DZM AD – Design Review with Modification and Adjustment requests

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 proposes a new seven-story mixed-use building with retail and lobby/amenity space at the ground level, 247 residential units above, and two levels of below grade parking for 175 vehicles and two loading spaces. Exterior materials include stucco and metal panel.

The applicant requests the following Modifications

1. 33.266.130.F.2 – to reduce the 8'-6" required width of some parking stalls by 8" due to structural column locations;
2. 33.266.220.C.3.b – to reduce the width of bicycle parking spaces from 24" to 18" wide; and

The applicant requests the following Adjustment:

1. 33.510.263.B.2.a(3) – to allow vehicle access on SE 11th, which is a Major Truck Street.

The posting notice, which was posted on the site November 22, 2019 indicated a Modification to the bird-safe glazing requirements. This Modification is no longer requested and therefore was not included within the mailed notice issued October 31, 2019.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines
- Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan
- 33.825.040 Modifications That Will Better Meet Design Review Requirements
- 33.805.040 [Adjustment] Approval Criteria
- Oregon Statewide Planning Goals

Note: Because this application was submitted after the adopted Central City 2035 (CC2035) plan went into effect but before that plan was acknowledged by the State of Oregon, this application was also reviewed under the Zoning Code in effect prior to July 9, 2018 in addition to being reviewed under the CC2035 plan. Under the prior Code, the Adjustment to allow vehicle access on SE 11th would not be necessary. All other zoning code regulations in effect July 9, 2018 are met by this proposal and would not require Modification or Adjustment.

ANALYSIS

Site and Vicinity: The subject property is located at the eastern boundary of the Central City Plan District and occupies a full block bound by SE Belmont Street on the south, SE 12th Avenue on the east, SE Morrison Street on the north, and SE 11th Avenue on the west. The site is narrower north-south than it is east-west. The property is currently occupied by a 1-story 1/8-block former telephone office built sometime between 1901-1909 and facing Morrison Street, a 1-story 1/4-block reinforced concrete warehouse built in 1923, and various additions and surface parking areas. The 1923 warehouse was originally built as a bakery for the Bradley Pie Company and is an unranked structure listed on the City's Historic Resources Inventory; however, it is not a designated historic resource.

Across SE Belmont are new mixed-use developments with a 4-story building on the west and a 7-story building, currently under construction on the east; the Goat Blocks 6-story mixed-use development is across Belmont and 11th to the southwest. Directly across SE 12th Avenue is a 1-story boxing gym and a 5-story multi-dwelling structure; to its south is a vacant corner parcel with vintage structures dating from the late 19th and early 20th centuries to its east. SE 12th Avenue marks the border between the Central City Plan District and the Buckman residential neighborhood which features a mix of single-dwelling and multi-dwelling structures with small commercial buildings scattered throughout along Belmont, Morrison, and Stark to the north. Across SE Morrison are small commercial structures and some surface parking; across Morrison and 12th is a recently-constructed 4-story residential building. West, across SE 11th is the 2-story Multnomah County Elections office; across 11th and Morrison to the northwest are small commercial structures and a surface parking lot at the corner.

All four streets are City Bikeways, City Walkways, Major Emergency Response Routes, Traffic Access Streets. SE Belmont and SE Morrison are Priority Truck Streets and Major Transit Priority Streets, while SE 11th and 12th are Major Truck Streets and Transit Access Streets.

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 2035 Plan. The regulations address the unique role the Central City plays as the region’s premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river. The site is within the Central Eastside Subdistrict of this plan district.

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

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed on October 31, 2019. The following Bureaus have responded with no issue or concerns:

- Life Safety Division of BDS
- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS

The Bureau of Transportation Engineering responded, noting the following:

- 3.5-ft dedication along the SE Belmont frontage shall be required.

- Reconstruction of all four frontages including corner ADA ramps, ornamental street lights, and street trees to current City standards shall be conditions of building permit approval. At the meeting, the applicant stated that the below grade parking would not extend beyond the property lines.
- The project meets the on-site loading requirements of providing two Type B spaces in the garage.
- A detailed site utility plan has been submitted. The applicant has received concept approval for the location of the UVE under 19-240787 TR.

PBOT supports the Adjustment to locate the garage entrance on SE 11th Ave, a Traffic Access restricted street. The location and operation of the garage gate were reviewed by PBOT Development Review Traffic for a Driveway Design Exception (DDE) Engineer and approved with conditions under 19-231046 TR.

PBOT noted no objections to the requested modifications. Please see Exhibit E-1 for additional details.

The Bureau of Parks-Forestry Division responded (see Exhibit E-2), noting the following:

- “The 16” hornbeam street tree located on SE 12th Ave must be preserved and protected; if evidence is provided the tree cannot be retained, this must be reviewed by Urban Forestry who must approve the tree removal before the Public Works Permit is issued.”

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 31, 2019.

One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Brian Belica, on November 2, 2019, wrote with comments regarding the proposal’s responsibility to respond positively to the existing neighborhood and limit its impacts.

Staff Response: staff has responded to the proposal’s response to the surrounding neighborhood in the findings below. The proposal will meet City standards related to elements in the right-of-way, stormwater management, and low carbon building standards.

Procedural History: This application was submitted on August 12, 2019 and deemed incomplete on August 29, 2019. The application was deemed complete on October 7, 2019 and a hearing was set for November 21, 2019. The site was posted on October 21, 2019 and public notice was mailed on October 31, 2019. The first and only hearing was held on November 21, 2019 at which time the project was approved 4-0 by the Design Commission.

ZONING CODE APPROVAL CRITERIA

(1) DESIGN REVIEW (33.825)

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

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

Section 33.825.055, Design Review Approval Criteria

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

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because the site is located generally within the Central City Plan District, the applicable design guidelines are the Central City Plan Fundamental Design Guidelines. As the site is also specifically located within the Design Zone of the Central Eastside District, the Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan also apply.

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

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

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

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

Central Eastside Design Goals

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

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

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within all of the Central City policy areas. The nine goals for design review within the Central City are as follows:

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

desired character of its setting and the Central City as a whole.

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

CONTEXT

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

Findings: The proposed building includes a communal rooftop deck on the west side of the building which will provide views toward the Willamette River. The residential lobby is also located at the northwest corner of the building at the corner of SE 11th and Morrison which provide a direct connection for tenants to the Morrison Bridge and the Willamette River. *This guideline is met.*

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

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

Findings for A2 and A2-1: The proposed building will locate many tenants at the hub of four well-connected transit streets. Because of its location within the Central City and twelve blocks to the river, bicycle or pedestrian transportation will also be a practical option, in addition to transit, for many of the users of this building. The applicant is providing 384 bicycle parking spaces which will help encourage bicycle travel as an option for users of the building. In addition, parking is provided in a below grade garage to accommodate users with vehicles as well as consolidating the loading areas away from the public realm. The ground floor is wrapped with a significant amount of retail space to continue the commercial aspect of the Central Eastside. *These guidelines are met.*

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

Findings: The proposed building is designed to meet or come close to all four street lot lines, filling nearly the entire block with an at-grade courtyard facing east. While the block is smaller in area than most city blocks which are typically 200' x 200' this building will help define the street pattern above grade. The proposal does include small recessed areas at the ground floor for door swings and the occasional spill-out area. *This guideline is 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.

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

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

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

Findings for A5, A5-3, A5-4, and A5-5: The right-of-way will be built to city standards, thus ensuring that adequate sidewalk width, street trees, lighting standards, and ADA access will be provided. The applicant is proposing an underground utility vault at the northeast corner within the right-of-way. The applicant has indicated that art will be integrated into the east facing courtyard, incorporated into the entirety of the eastern fence of the courtyard, which will be artist-designed, based on information provided at the November 21, 2019 hearing. Because the design presented at the hearing was conceptual rather than representative of the actual proposed design, the Commission included a condition to ensure the proposal would meet the intent at the time of permit; this condition requires that the east courtyard fence shall be designed by an artist in collaboration with the architect and to the extent that was shown at the November 21st hearing. This will ensure that the artistic elements of the fence will extend across its entire width. Water features will be incorporated through the exposure of stormwater management features including water downspout spigots and runnels in the courtyard.

With the condition that the east courtyard fence shall be designed by an artist in collaboration with the architect and to the extent shown at the November 21, 2019 hearing, this guideline is met. (See Exhibit C-54)

A6. Reuse/Rehabilitate/Restore Buildings. Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

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

C3-2. Respect Adjacent Residential Neighborhoods. Respect the architectural character and development patterns of adjacent residential neighborhoods.

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

Findings for A6, C3-1, C3-2 and C4: Retaining the existing non-designated building is not practical in this instance because the existing building cannot support the uses desired for the site and because the current building does not provide a significant benefit to the public realm. For the proposed building, the applicant looked to historic and contemporary precedents in the neighborhood; as such, the proposed building is inspired by the historic warehouse character of the Central Eastside but designed for a residential purpose, accommodating ground floor retail. The proposed stucco finish is akin to the exterior of building like the Grand Central Public Market building three blocks west and the Olympic Cereal Mill building several blocks further west. The form, window patterning, incorporation of balconies, and use of metal cladding on the building is more reflective of newer mixed-use developments like the Goat Blocks. The building's massing on the west responds to the larger blockier building pattern of the Central Eastside while the building's massing is broken down into two bars flanking a courtyard on the east to genuflect to the smaller scale developments east of 12th Avenue. *These guidelines are met.*

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

Findings: Abundant windows are provided on all sides of the building. Balconies are integrated into narrow vertical slots between building volumes on the south, west, and north street-facing elevations and Juliet balconies are shown on the east façade on levels 3-6. A rooftop terrace is located at level 6 facing the Willamette River and the west hills. A portion of the building opens up on SE 12th Avenue to create an outdoor courtyard with a portion dedicated to public use as spill-out space for the adjacent tenant spaces. The

ground level of the building features substantial amounts of storefront glazing looking into active uses on all four sides as well as at the publicly-accessible courtyard area. With the exception of canopy projections, the building does not extend into the right-of-way above grade, thus preserving views up and down the streets. *This guideline is met.*

C1-1. Integrate Parking.

Integrate parking in a manner that is attractive and complementary to the site and its surroundings.

- a. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

Findings: All parking is proposed below grade and will be accessed via SE 11th Avenue. The applicant is proposing a high-speed coiling garage door to mask views into the garage area; however, this requires that the garage be ventilated with louver vents immediately above the garage door. Given that the back-of-house uses for this building are limited to a constrained area on SE 11th Avenue, the commission was satisfied with the proposed treatment at the garage bay. *This guideline is met.*

PUBLIC REALM

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

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.

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.

B3-1. Reduce width of Pedestrian Crossings.

- a. Where possible, extend sidewalk curbs at street intersections to narrow pedestrian crossings for a safer pedestrian environment.
- b. Maintain large service vehicle turning radii where necessary.

Findings for A4, B1, B3 and B3-1: As part of the construction, the sidewalks will be rebuilt to current standards, including corner sidewalk ramps, light fixtures, and street trees. The Bureau of Transportation did not require reduced pedestrian crossings, through the incorporation of curb extensions, at this site. *These guidelines are met.*

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

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

Findings for A7 and C10: The proposed building is designed to meet the sidewalk at each of the street lot lines and does not propose above-grade encroachments other than canopy projections, thus clearly defining the public right-of-way. *These guidelines are met.*

A8. Contribute to a Vibrant Streetscape. Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural

elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

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

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

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.

C6. Develop Transitions between Buildings and Public Spaces. Develop transitions between private development and public open space. Use site design features such as movement zones, landscape elements, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

Findings for A8, B2, B4, B5, and C6: The ground floor of the proposed building is primarily located at the street lot line with recesses for doors at most of the retail locations, slightly expanded recesses at the two smallest retail locations, and more significant recesses at the southwest corner retail and northwest corner lobby. Additionally, a publicly-accessible courtyard opens onto SE 12th Avenue providing some retail spill-out space away from the sidewalk, plantings, lighting, and bench seating. A decorative fence with integrated artwork separates the public portion of the courtyard from the private portion beyond. The interior courtyard, while restricted from public use, will be visible to the public and utilized by residents. The courtyard includes various planting areas between the central walkway and ground level residential patios, bench seating, lighting, and a fire pit. The interior courtyard is anticipated to be heavily used by residents coming from the east and south as the courtyard entrance leads directly to the residents' mail room and elevators. The main lobby entrance is located at the northwest corner and will likely greet residents coming from the west and north. Both entrances are oriented to receive transit users while also preserving the highest-level intensity corners and frontages for retail use. *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.

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

Findings for B6 and B6-1: Canopies are proposed on all four frontages, to be located at entrances as well as wrapping the northwest and southwest corners of the building. These canopies will provide pedestrian protection from rain, sun, and glare. *These guidelines are met.*

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

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

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

Findings for B7, C7, and C9: The proposal will provide barrier-free access at all levels. The building is designed so that retail can occupy three of the four corners of the building, with spaces of varying sizes fronting on each street. The residential lobby was intentionally located at the northwest corner to reduce uphill travel from the Belmont and SE 11th Avenue bus stops. While not clearly shown in the plans, the two elevators will provide access to the lower lobby, as is required by building code. The upper lobby is accessed through the interior courtyard and provides access directly to the mail room. Each retail space provides access to the street, with each space along SE Belmont rising with the increasing grade of the sidewalk. The retail spaces, however, are designed so that they can be divided into larger or smaller, as is desired by the tenants. The ground level façade is broken into varying patterns as one circumscribes the building, with the northwest and southwest corners featuring the largest areas of storefront glazing at the residential lobby and what is likely to be the most prominent retail space on the site with smaller areas of storefront glazing at the east end, closer to the residential neighborhood. Canopies are proposed at all building entrances, helping to highlight these entries. Signage is not proposed as part of this application. *These guidelines are met.*

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

Findings: The building generally carries design elements across the base, middle, and top of the building but does so in a gradual and logical way. The ground level generally features more continuous glazing than the upper level, exposing the more public portions of the building to the public realm, but reduces the area of this glazing as the building approaches the quieter neighborhood to the east. Canopies are deployed at building entrances and wrap the northwest and southwest corners, providing more human scale at these corners where larger and taller areas of storefront glazing are proposed. While stucco is a primary material for the whole building, its prevalence is less felt at the ground level where columns are reduced in number and horizontal belly bands are held high above the sidewalk. Signage is not included as part of this proposal but will likely be added to the ground level as tenants move into ground level spaces. *This guideline is met.*

C11. Integrate Roofs and Use Rooftops. Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective storm water management tools.

Findings: The majority of the rooftop, with the exception of elevator overruns, mechanical equipment, and service paths, is ecoroof which will aid stormwater management. A rooftop terrace is also proposed at the 6th floor, facing west, and features some landscaped area as part of the design. The landscaping at the ground level courtyard will also be integrated with the building's stormwater management system. *This guideline is met.*

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

Findings: A substantial amount of lighting is proposed, consisting of downlights at each canopy around the perimeter sidewalk including downlights at canopies and sconces where there are no canopies, as well as LED tap lighting, step lighting, and catenary lighting within the courtyard. All lighting is proposed at the ground level and therefore

will not negatively impact the skyline. While sconce fixtures are not overly abundant in the neighborhood, sconce fixtures are in the areas that do not feature canopies such as the middle stretches of SE Morrison and SE 11th. *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.

C1-2. Integrate Signs.

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

Findings for C13 and C1-2: No signage is proposed as part of this application. Therefore, any signage that is ultimately proposed must be under 32 square feet in area or will require a separate review. *These guidelines are not applicable.*

QUALITY AND PERMANENCE

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

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

Findings for C2 and C5: The proposed building features quality materials such as concrete, stucco, box-ribbed metal panel, standing seam metal panel, aluminum storefront systems, and vinyl windows. The design is orderly with a clear base, middle, and top that changes in a gradual and logical way around the building in an effort to respond to the varying architectural scales of the surrounding neighborhood; this progression and change in scale occurs as one moves west to east as well. The result is a logically-designed building that breaks down the mass of a 7-story U-shaped full block building in a meaningful way so that it may better fit within its context. Significant efforts to consolidate back-of-house uses have allowed the building edges to be almost entirely active.

PTAC grills and condensing dryer vents are hidden behind perforated box-ribbed panels integrated within the window fenestration pattern; however, several bathroom and kitchen louver vents are proposed within the stucco wall plane. While staff had proposed a condition to relocate vents out of the stucco bands, the Commission found that the smaller round vents that the applicant presented at the November 21, 2019 hearing were inoffensive due to their size and shape, noting that rectangular vents would have been distracting within the highly rectangular building while the round vents appear to float.

In addition, the applicant has provided information that the boxed rib metal panel will be folded at 2" increments and will be 22-gauge metal and indicated that the standing seam metal panel would be 20-gauge, installed in 16" wide "flat pan" panels. A gauge of 22 gauge is sufficient for the boxed rib panels and there is documentation in the file to ensure that this is the gauge to be used. However, because similar documentation was not provided for the flat pan standing seam metal, the Commission retained a portion of

the condition suggested by staff that the “flat pan” standing seam metal panel shall have a minimum gauge of 20.

With the condition that the “flat pan” standing seam metal panel shall have a minimum gauge of 20, these guidelines are met.

(2) MODIFICATION REQUESTS (33.825)

33.825.040 Modifications That Will Better Meet Design Review Requirements:

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

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

The following Modifications are requested:

Modification #1: Section 33.266.130.F.2 – to reduce the 8’-6” required width of some parking stalls by 8” due to structural column locations;

Findings: The purpose of the standard is as follows: *The development standards promote vehicle areas that are safe and attractive for motorists and pedestrians. The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:*

- *Improve and soften the appearance of parking areas;*
- *Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;*
- *Provide flexibility to reduce the visual impacts of small residential parking lots;*
- *Direct traffic in parking areas;*
- *Shade and cool parking areas;*
- *Reduce the amount and rate of stormwater runoff from vehicle areas;*
- *Reduce pollution and temperature of stormwater runoff from vehicle areas; and*
- *Decrease airborne and waterborne pollution.*

Much of the purpose statement relates to protecting against the negative impacts of surface parking areas rather than covered parking areas such as the proposed garage. However, the purpose is to promote safe vehicle areas with safe circulation. The requested Modification does not impact the circulation of vehicles throughout the garage but rather the individual spaces that vehicles will be assigned to on a leased basis. Because the spaces will be assigned, drivers will develop spatial awareness of their spaces and will be familiar with the location of the columns; therefore; this Modification will not impact safety within the parking area.

Guideline B2 *Protect the Pedestrian* is better met by this Modification because it allows more vehicle parking spaces to be located within the garage which thereby reduces the impact that those vehicles would otherwise have on the surrounding neighborhood, parking at the curb, and circling through the neighborhood looking for a place to park. *Therefore, this Modification warrants approval.*

Modification #2: Section 33.266.220.C.3.b – to reduce the width of bicycle parking spaces from 24” to 18” wide.

Findings: The purpose of the standard is as follows: *These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue convenience and will be reasonably safeguarded from intentional or accidental damage.* The proper width of bicycle parking spaces has been under study by the City for several years now with several changes to bicycle parking standards going before City Council for adoption this month. The proposed code changes include a reduction to the width of bicycle parking spaces down to as low as 17” in stacked and staggered parking spaces but down to 18” when not staggered. Over the past several years, the Commission has modified this standard many times as it allows more bicycle parking to be provided within a smaller area, thus allowing more space to be dedicated to other uses including retail and residential uses, thus better meeting Guideline A2 Emphasize Portland Themes – the Portland theme being encouraging cycling as a mode of transportation, and better meeting C9 Develop Flexible Sidewalk Spaces by allowing more areas dedicated to retail. The reduction of width does not impact the bicycles ability to be safely secured without undue convenience, therefore meeting the purpose of the standard. *Therefore, this Modification warrants approval.*

(3) ADJUSTMENT REQUESTS (33.805)

33.805.010 Purpose

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

33.805.040 Approval Criteria

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

The following Adjustments are requested:

Adjustment #1: 33.510.263.B.2.a(3) – to allow vehicle access on SE 11th, which is a Major Truck Street.

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: Per 33.510.263.A, *“the purpose of the parking and loading access regulations is to ensure the safety of pedestrians, bicyclists, and motorists, to avoid significant*

adverse impact on transit operations, and to ensure that the transportation system functions efficiently. The regulations require that the access to parking and loading areas be designed so that motor vehicles can enter and exit the parking facility without being required to cross the tracks of a light rail or streetcar alignment. Parking access shall be designed to avoid adverse impacts on operation and safety of pedestrian, bicycle, or motor vehicle circulation, and shall not preclude the future construction of facilities such as protected bikeways. A driveway is not automatically considered such an impact. On blocks where transit stations are located, the pedestrian environment on both sides of the streets will be considered and protected.”

All four streets surrounding the property have access restrictions in that Belmont and Morrison are Major Transit Priority Streets and SE 11th and 12th are Major Truck Streets. Therefore, any street providing vehicle access to the new development would require an Adjustment. Locating the garage entry on SE 11th Avenue allows the access to be situated at the low point of the site, thereby ensuring ground level areas are maximized for active uses, while also minimizing adverse impacts to higher classification transit streets (Belmont and Morrison). Disallowing vehicle access to the property would result in negative impacts to the surrounding neighborhood regarding on-street parking availability and would result in inefficient transportation circulation as it would increase traffic due to vehicles circling in search of parking spaces. *This approval criterion is met.*

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

Findings: The site is located in the Central Employment zone. Per 33.140.030.B, this 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 proposal is for a commercial building that includes both residential and commercial uses. The proposal is for development that is similar to the Goat Blocks development to the southwest, as well as other larger mixed-use developments that have been constructed on EX-zoned sites which thread through the IG zones of the Central Eastside. No matter the use of any proposed building at this site, vehicle access would likely be required on one of the four frontages, all of which are access restricted. PBOT and BDS staff have determined that SE 11th Avenue is the appropriate location for vehicle access due to the classification of each street as well as the grades around the site. *This approval criterion is met.*

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

Findings: Only one Adjustment is requested. *This approval criterion is met.*

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

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

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

Findings: while vehicle access will be allowed on SE 11th Avenue through this Adjustment, impacts are mitigated by consolidating vehicle and loading access to a

single curbcut that provides access for both types of users. This reduces the number of potential vehicle/pedestrian conflicts and maximizes the amount of building frontage that can be used for more active and pedestrian-friendly uses. *This approval criterion is met.*

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

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

(4) Oregon Statewide Planning Goals

Goal 1: Citizen Involvement

Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.” It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

Findings: The City of Portland maintains an extensive citizen involvement program which complies with all relevant aspects of Goal 1, including specific requirements in Zoning Code Chapter 33.730 for public notice of land use review applications that seek public comment on proposals. There are opportunities for the public to testify at a local hearing on land use proposals for Type III land use review applications, and for Type II and Type IIx land use decisions if appealed. For this application, a written notice seeking comments on the proposal and notifying of the public hearing was mailed to property-owners and tenants within 400 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 1,000 of the site. Additionally, the site was posted with a notice describing the proposal and announcing the public hearing.

The public notice requirements for this application have been and will continue to be met, and nothing about this proposal affects the City’s ongoing compliance with Goal 1. Therefore, the proposal is consistent with this goal.

Goal 2: Land Use Planning

Goal 2 outlines the basic procedures of Oregon’s statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan, and that suitable “implementation ordinances” to put the plan’s policies into effect must be adopted. It requires that plans be based on “factual information”; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

Findings: Compliance with Goal 2 is achieved, in part, through the City’s comprehensive planning process and land use regulations. For quasi-judicial proposals, Goal 2 requires that the decision be supported by an adequate factual base, which means it must be supported by substantial evidence in the record. As discussed earlier in the findings that respond to the relevant approval criteria contained in the Portland Zoning Code, the proposal complies with the applicable regulations, as supported by substantial evidence in the record. As a result, the proposal meets Goal 2.

Goal 3: Agricultural Lands

Goal 3 defines “agricultural lands,” and requires counties to inventory such lands and to “preserve and maintain” them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

Goal 4: Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will “conserve forest lands for forest uses.”

Findings for Goals 3 and 4: In 1991, as part of Ordinance No. 164517, the City of Portland took an exception to the agriculture and forestry goals in the manner authorized by state law and Goal 2. Since this review does not change any of the facts or analyses upon which the exception was based, the exception is still valid and Goals 3 and 4 do not apply.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 relates to the protection of natural and cultural resources. It establishes a process for inventorying the quality, quantity, and location of 12 categories of natural resources. Additionally, Goal 5 encourages but does not require local governments to maintain inventories of historic resources, open spaces, and scenic views and sites.

Findings: The City complies with Goal 5 by identifying and protecting natural, scenic, and historic resources in the City’s Zoning Map and Zoning Code.

The only Goal 5 natural resources in the Central City plan district are located near the Willamette River. Therefore, natural resource protection in the Central City is carried out by the River overlay zones discussed below in the findings for Statewide Planning Goal 15. Per OAR 660-023-0240(2), Goal 15 supersedes Goal 5 for natural resources that are also subject to Goal 15.

Protection of scenic resources is implemented through the Scenic (“s”) overlay zone on the Zoning Map or by establishing building height limits within view corridors as shown on Map 510-3 and 510-4.

Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts.

The Zoning Code imposes special restrictions on development activities within the River overlay zones, the Scenic overlay zone, view corridors, and designated historic resources.

This site is not within any River overlay zone, Scenic overlay zone, or designated view corridor, and is not part of any designated historic resource. Therefore, Goal 5 is not applicable.

Goal 6: Air, Water and Land Resources Quality

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

Findings: Compliance with Goal 6 is achieved through the implementation of development regulations such as the City’s Stormwater Management Manual at the time of building permit review, and through the City’s continued compliance with Oregon Department of Environmental Quality (DEQ) requirements for cities. The Bureau of Environmental Services reviewed the proposal for conformance with sanitary sewer and stormwater management requirements and expressed no objections to approval of the application, as mentioned earlier in this report. Staff finds the proposal is consistent with Goal 6.

Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 7 requires that jurisdictions adopt development restrictions or safeguards to protect people and property from natural hazards. Under Goal 7, natural hazards include floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires. Goal 7 requires that local governments adopt inventories, policies, and implementing measures to reduce risks from natural hazards to people and property.

Findings: The City complies with Goal 7 by mapping natural hazard areas such as floodplains and potential landslide areas, which can be found in the City's MapWorks geographic information system. The City imposes additional requirements for development in those areas through a variety of regulations in the Zoning Code, such as through special plan districts or land division regulations. The subject site is not within any mapped floodplain or landslide hazard area, so Goal 7 does not apply.

Goal 8: Recreation Needs

Goal 8 calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expediting siting of destination resorts.

Findings: The City maintains compliance with Goal 8 through its comprehensive planning process, which includes long-range planning for parks and recreational facilities. Staff finds the current proposal will not affect existing or proposed parks or recreation facilities in any way that is not anticipated by the zoning for the site, or by the parks and recreation system development charges that are assessed at time of building permit. Furthermore, nothing about the proposal will undermine planning for future facilities. Therefore, the proposal is consistent with Goal 8.

Goal 9: Economy of the State

Goal 9 calls for diversification and improvement of the economy. Goal 9 requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

Findings: Land needs for a variety of industrial and commercial uses are identified in the adopted and acknowledged Economic Opportunity Analysis (EOA) (Ordinance 187831). The EOA analyzed adequate growth capacity for a diverse range of employment uses by distinguishing several geographies and conducting a buildable land inventory and capacity analysis in each. In response to the EOA, the City adopted policies and regulations to ensure an adequate supply of sites of suitable size, type, location and service levels in compliance with Goal 9. The City must consider the EOA and Buildable Lands Inventory when updating the City's Zoning Map and Zoning Code. Because this proposal does not change the supply of industrial or commercial land in the City, the proposal is consistent with Goal 9.

Goal 10: Housing

Goal 10 requires local governments to plan for and accommodate needed housing types. The Goal also requires cities to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Findings: The City complies with Goal 10 through its adopted and acknowledged inventory of buildable residential land (Ordinance 187831), which demonstrates that the City has zoned and designated an adequate supply of housing. For needed housing, the Zoning Code includes clear and objective standards. Since approval of this application will enable an increase in the City's housing supply, the proposal is consistent with Goal 10.

Goal 11: Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

Findings: The City of Portland maintains an adopted and acknowledged public facilities

plan to comply with Goal 11. See Citywide Systems Plan adopted by Ordinance 187831. The public facilities plan is implemented by the City's public services bureaus, and these bureaus review development applications for adequacy of public services. Where existing public services are not adequate for a proposed development, the applicant is required to extend public services at their own expense in a way that conforms to the public facilities plan. In this case, the City's public services bureaus found that existing public services are adequate to serve the proposal, as discussed earlier in this report.

Goal 12: Transportation

Goal 12 seeks to provide and encourage "safe, convenient and economic transportation system." Among other things, Goal 12 requires that transportation plans consider all modes of transportation and be based on an inventory of transportation needs.

Findings: The City of Portland maintains a Transportation System Plan (TSP) to comply with Goal 12, adopted by Ordinances 187832, 188177 and 188957. The City's TSP aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs."

Under the Oregon Transportation Planning Rule (TPR), which helps to implement Goal 12, the Central City is designated as a Multi-Modal Mixed-Use Area (MMA). The MMA designation is intended to foster a mixed-use, pedestrian-friendly center that allows a high intensity of uses. Development proposals are evaluated for their anticipated impacts to the safety of the transportation system.

The extent to which a proposal affects the City's transportation system is evaluated by the Portland Bureau of Transportation (PBOT). As discussed earlier in this report, PBOT evaluated this proposal and found the proposal supportable. Therefore, the proposal is consistent with Goal 12.

Goal 13: Energy

Goal 13 seeks to conserve energy and declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

Findings: With respect to energy use from transportation, as identified above in response to Goal 12, the City maintains a TSP that aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." This is intended to promote energy conservation related to transportation. Additionally, at the time of building permit review and inspection, the City will also implement energy efficiency requirements for the building itself, as required by the current building code. For these reasons, staff finds the proposal is consistent with Goal 13.

Goal 14: Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

Findings: In the Portland region, most of the functions required by Goal 14 are administered by the Metro regional government rather than by individual cities. The desired development pattern for the region is articulated in Metro's Regional 2040 Growth Concept, which emphasizes denser development in designated centers and corridors. The Regional 2040 Growth Concept is carried out by Metro's Urban Growth Management Functional Plan, and the City of Portland is required to conform its zoning regulations to this

functional plan. This land use review proposal does not change the UGB surrounding the Portland region and does not affect the Portland Zoning Code's compliance with Metro's Urban Growth Management Functional Plan. Therefore, Goal 14 is not applicable.

Goal 15: Willamette Greenway

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

Findings: The City of Portland complies with Goal 15 in the Central City by applying River overlay zones to areas near the Willamette River. These overlay zones impose special requirements on development activities.

The subject site for this review is not within a River overlay zone near the Willamette River, so Goal 15 does not apply.

Goal 16: Estuarine Resources

This goal requires local governments to classify Oregon's 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units."

Goal 17: Coastal Shorelands

This goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water-related" uses.

Goal 18: Beaches and Dunes

Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

Goal 19: Ocean Resources

Goal 19 aims "to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf." It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19's main requirements are for state agencies rather than cities and counties.

Findings: Since Portland is not within Oregon's coastal zone, Goals 16-19 do not apply.

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The proposed building will provide 247 residential units and over 10,000 square feet of ground floor retail space in a close-in area at the edge of the Central City Plan District, well served by transit on all four surrounding streets. The proposed building, which occupies the full block breaks down its perceived mass through volumetric changes with a significant massing break at the east courtyard facing the residential portion of the Buckman neighborhood. At the ground level, back-of-house uses are minimized, and active uses surround a substantial majority of the street level which will provide additional retail options for the larger

neighborhood. The Commission found that the project’s strength is in the public realm but also appreciated that the building responds to its context through massing shifts and a finer level of detail than previously presented. The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. With the added conditions, the proposal meets the applicable design guidelines, Modification criteria, and Adjustment criteria and therefore warrants approval.

DESIGN COMMISSION DECISION

It is the decision of the Design Commission to approve Design Review for a new seven-story mixed use building in the Eastside Subdistrict of the Central City Plan District with retail and lobby/amenity space at the ground level, 247 residential units above, and two levels of below grade parking for 175 vehicles and two loading spaces. Exterior materials include stucco and metal panel.

Approval of the following Modification requests:

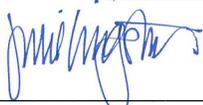
1. 33.266.130.F.2 – to reduce the 8’-6” required width of some parking stalls by 8” due to structural column locations;
2. 33.266.220.C.3.b – to reduce the width of bicycle parking spaces from 24” to 18” wide; and

Approval of the following Adjustment requests:

1. 33.510.263.B.2.a(3) – to allow vehicle access on SE 11th, which is a Major Truck Street.

Approvals per Exhibits C.1-C.55, signed, stamped, and dated November 21, 2019, subject to the following conditions:

- A.** As part of the building permit application submittal, the following development-related conditions (B – F) 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 19-208247 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.** No field changes allowed.
- D.** The east courtyard fence shall be designed by an artist and in collaboration with the architect to the extent shown on November 21st. (see Exhibit C-54)
- E.** The “flat pan” standing seam metal panel shall have a minimum gauge of 20.
- F.** The 16” hornbeam street tree located on SE 12th Ave must be preserved and protected; if evidence is provided the tree cannot be retained, this must be reviewed by Urban Forestry who must approve the tree removal before the Public Works Permit is issued.

By:  _____
Julie Livingston, Design Commission Chair

Application Filed: August 12, 2019
Decision Filed: November 22, 2019

Decision Rendered: November 21, 2019
Decision Mailed: December 4, 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 August 12, 2019 and was determined to be complete on October 7, 2019.

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 August 12, 2019.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period, as stated with Exhibit (A-2). The **120 days expire on: October 6, 2020.**

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 December 18, 2019 at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case by appointment at, 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201. Please call the file review line at 503-823-7617 for an appointment.

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

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

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$5,000.00 will be charged.**

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 **December 19, 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 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.

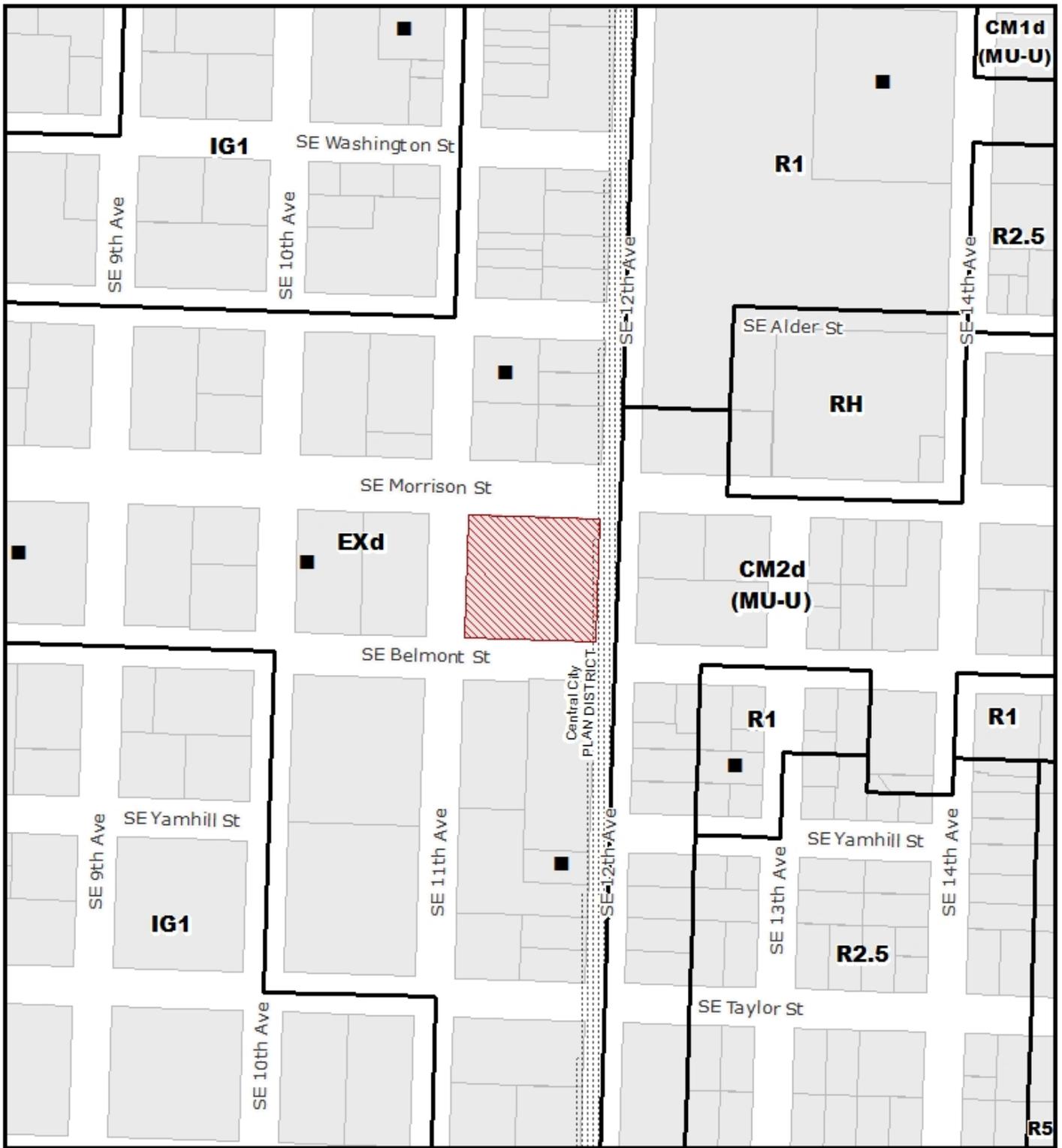
Hillary Adam
November 26, 2019

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. Narrative
 - 2. 120-Day Waiver
 - 3. Original Drawing Submittal
 - 4. Completeness Response Narrative
 - 5. Completeness Response Drawings
 - 6. Ground Floor Active Use Retail Sections
 - 7. Applicant Request for Completeness
 - 8. Revised Ground Floor Plan
 - 9. Packet for Staff Report
- B. Zoning Map (attached)
- C. Plan & Drawings
 - 1. Cover sheet
 - 2. Index
 - 3. Site Plan
 - 4. Floor Plan – Level P2
 - 5. Floor Plan – Level P1
 - 6. Floor Plan – Level 1 (attached)
 - 7. Floor Plan – Levels 2-6
 - 8. Floor Plan – Level 7
 - 9. Roof Plan
 - 10. North Elevation (attached)
 - 11. East Elevation (attached)
 - 12. South Elevation (attached)
 - 13. West Elevation (attached)
 - 14. Courtyard Elevations
 - 15. Courtyard Elevations
 - 16. North Elevation – B/W
 - 17. East Elevation – B/W
 - 18. South Elevation – B/W
 - 19. West Elevation – B/W
 - 20. Courtyard Elevations – B/W
 - 21. Courtyard Elevations – B/W
 - 22. East/West Section
 - 23. North/South Section
 - 24. Enlarged North Elevation
 - 25. Enlarged East Elevation
 - 26. Enlarged South Elevation
 - 27. Exterior Details – Storefront
 - 28. Exterior Details – Vinyl Windows
 - 29. Exterior Details – Cladding
 - 30. Exterior Details – Canopies
 - 31. Exterior Details – Balconies
 - 32. Exterior Details – Roof
 - 33. Materials
 - 34. Landscape – Courtyard Plan
 - 35. Landscape – Plant Schedule
 - 36. Landscape – Courtyard Sections
 - 37. Landscape – Level 7 Plan
 - 38. Exterior Lighting Plan
 - 39. Civil – Existing Conditions
 - 40. Civil – Grading Plan
 - 41. Civil – Utility Plan
 - 42. View from Southwest

43. View from Southeast
 44. View from Northwest
 45. FAR diagrams (App.12)
 46. Ground Floor Windows (App. 13)
 47. Short-Term Bike Parking (App. 14)
 48. Ground Floor Active Use (App. 15)
 49. Ground Floor Active Use (App. 16)
 50. Bird safe Windows (App. 17)
 51. Bird Safe Windows (App. 18)
 52. Bird Safe Windows (App. 19)
 53. Metal Wall Panel Specifications
 54. Landscape – Courtyard Fence
 55. Landscape – Stormwater Feature
- 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
 7. Letter to applicant for revised posting
 8. Revised Posting notice
 9. Certification for revised posting
- E. Agency Responses:
1. Bureau of Transportation Engineering and Development Review
 2. Bureau of Parks, Forestry Division
 3. Life Safety Division of BDS
 4. Bureau of Environmental Services
- F. Letters
1. Brian Belica, on November 2, 2019, wrote with comments.
- G. Other
1. Original LUR Application
 2. Incomplete Letter, dated August 29, 2019
- H. Hearing
1. Staff Report, dated
 2. Staff Memo, dated November 8, 2019
 3. Cheatsheet, dated November 21, 2019
 4. June 6, 2019 DAR Summary Memo
 5. July 18, 2019 DAR Summary Memo
 6. Staff Presentation
 7. Applicant Presentation
- cc: Applicants and Representatives
Neighborhood Associations
Those who testified, orally or in writing
City Auditor’s Office



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

 Site
 Historic Landmark

| | |
|-------------|-------------------|
| File No. | LU 19-208247 DZM |
| 1/4 Section | 3131 |
| Scale | 1 inch = 200 feet |
| State ID | 1S1E02BA 5100 |
| Exhibit | B Aug 13, 2019 |



Approved
 City of Portland
 Bureau of Development Services
 Planner [Signature]
 Date 1/21/19

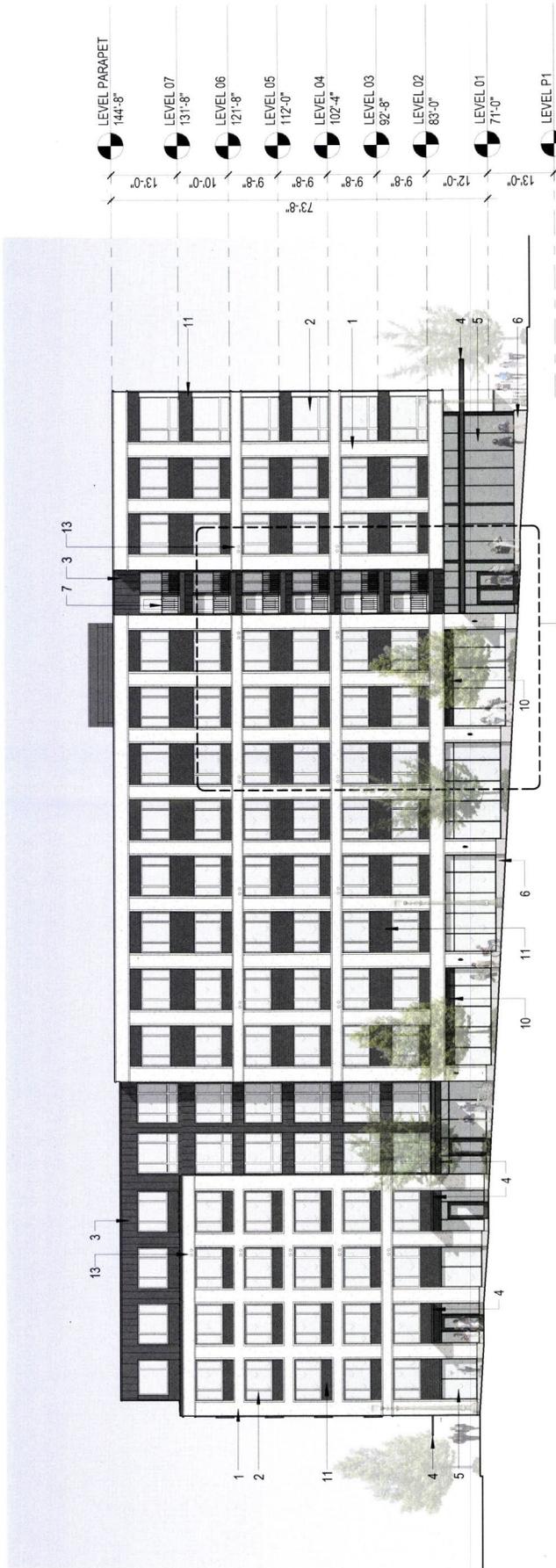
* This approval applies only to the reviews "issue tag" and subject to all other rules of the City of Portland. Any other requirements may apply.



19-208247

FLOOR PLAN - LEVEL 1 C.6





- 1 STUCCO
- 2 VINYL WINDOW UNIT
- 3 TYPE A METAL WALL PANEL
- 4 STEEL CANOPY
- 5 ALUMINUM STOREFRONT
- 6 CONCRETE BASE
- 7 METAL BALCONY
- 8 METAL JULIET BALCONY
- 9 SPANDREL GLAZING
- 10 ARCHITECTURAL LOUVERS
- 11 TYPE B METAL WALL PANEL, PERFORATED
- 12 GARAGE DOOR
- 13 ROUND SIDEWALL VENT

* Approved*
 City of Portland
 Bureau of Development Services
 Planner: *[Signature]*
 Date: *1/21/19*

* This approval applies only to the revision presented and is subject to all provisions of the code of ordinances. This approval may expire.



19-208247





- 1 STUCCO
- 2 VINYL WINDOW UNIT
- 3 TYPE A METAL WALL PANEL
- 4 STEEL CANOPY
- 5 ALUMINUM STOREFRONT
- 6 CONCRETE BASE
- 7 METAL BALCONY
- 8 METAL JULIET BALCONY WITH SLIDING DOORS
- 9 SPANDREL GLAZING
- 10 ARCHITECTURAL LOUVERS
- 11 TYPE B METAL WALL PANEL, PERFORATED
- 12 GARAGE DOOR
- 13 ROUND SIDEWALL VENT

Approved
 City of Portland
 Bureau of Development Services
 Planner Chadler
 Date 11/21/19

* This approval applies only to the reviews requested and is subject to all reviews and conditions of approval.

EAST ELEVATION C.11

19-208247





- 1 STUCCO
- 2 VINYL WINDOW UNIT
- 3 TYPE A METAL WALL PANEL
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* Approved*
 City of Portland
 Bureau of Development Services
 Planner: *[Signature]*
 Date: *1/22/19*

* This approval applies only to the review conditions and is subject to all applicable code requirements that may apply.