



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 June 01, 2023**

CASE FILE NUMBER: LU 22-163683 DZM

[DAR # 22-119814; PC # 21-117524]

PROJECT TITLE: 701 & 777 NE 7TH AVE DEVELOPMENT

BUREAU OF DEVELOPMENT SERVICES STAFF: Arthur Graves 503.865.6517 |
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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

Consultant: Brian Varricchione | Mackenzie
1515 SE Water Ave #100 | Portland OR 97214
971.346.3742 | bvaricchione@mcknze.com

Owner/Applicant: Steve Master | Master Development, LLC
520 Conger St | Eugene, OR 97402

Owner: Philip & Dianne Dougherty Liv Tr
520 Conger St | Eugene, OR 97402

Site Address: 701 & 777 NE 7th Ave

Legal Description: BLOCK 84 LOT 5 S 16.9' OF LOT 6, HOLLADAYS ADD; BLOCK 84 N 33.1' OF LOT 6 LOT 7&8, HOLLADAYS ADD

Tax Account No.: R396204310, R396204320

State ID No.: 1N1E35BC 02200, 1N1E35BC 02100

Quarter Section: 2931

Neighborhood: Lloyd District Community, contact at info@necoalition.org

Business District: Lloyd District Community Association, contact at admin@lloyddistrict.org

District Coalition: Northeast Coalition of Neighborhoods, contact at info@necoalition.org

Plan District: Central City (Plan District), Lloyd District (Sub-District)

Zoning: CXd: Central Commercial (Base Zone), Design "d" (Overlay Zone)

Case Type: DZM: Design Review with Modification

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

Proposal:

Type III **Design Review** for a proposed 15-story residential apartment building with 240 dwelling units on a half-block site in the Lloyd Subdistrict of the Central City Plan District. The ground floor of the building will provide resident amenities. The rooftop will have an amenity deck and an ecoroof. Below grade parking for 164 vehicles is proposed with access from NE Irving St.

A **Modification** is requested for:

- Parking Dimensions - 33.266.130.F.2 – To reduce the parking space width from the standard 8'-6" x 16'-0" dimension for 91 spaces (55% of the parking spaces). The proposed width reduction is approximately 9-inches and is due to the locations of structural columns and shear walls.

Note: The site fronts the **Green Loop** alignment, which will be on either NE 7th Ave (the site's east frontage) or on NE Irving (the site's south frontage). While the City (the Portland Bureau of Transportation - PBOT) has not landed on an approved alignment, early analysis suggests it may be on NE 7th. However, NE Irving is not "off the table" for consideration. This Final Decision therefore is based on a proposed Green Loop alignment of NE 7th Ave or NE Irving.

Design Review is required for proposed non-exempt development in the "d" overlay.

Relevant Approval Criteria:

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

- 33.420, Design Overlay
- 33.825, Design Review
- The Central City Fundamental Design Guidelines
- Lloyd District Design Guidelines
- 33.825.040 Modification Criteria

ANALYSIS

Site and Vicinity:

The site is located within the Central City Plan District, more specifically, the Lloyd Sub-district. The site is a half-block composed of NE Oregon St (Local Service Traffic, Major Transit Priority Transit St, Major City Walkway, Local Service Bikeway) to the north, NE 7th Ave St (Local Service Traffic and Transit St, Major City Walkway, Major City Bikeway) to the east, NE Irving St. (Local Service Traffic, Transit St, Pedestrian Walkway, and Bikeway) to the south. The site is currently a single-story brick office building to the north, and a surface parking lot to the south.

The site lies at the southern edge of the Lloyd District and is within close proximity to I-84. The Oregon Square Blocks, for which the Design Commission approved a new two building office complex in 2021, lies kitty-corner to the northeast of the subject site.

The new Earl Blumenauer Bicycle and Pedestrian Bridge crossing Sullivan's Gulch and I-84 is located one block to the south of the subject site.

The Portland Streetcar A Loop line runs south along NE 7th Ave and turns west at NE Oregon St, passing the subject site. The closest stop is 1.5 blocks to the west of the site. A parking garage structure for the Metro government building lies to the immediate south of the site. Another parking garage for the 600 Holladay building lies to the immediate north of

the site. A third parking structure, this one for the State of Oregon office building, lies to the immediate east of the site. A surface parking lot currently abuts the subject site to the immediate west.

As stated in the Proposal description above, the site fronts the Green Loop alignment, which will be on either NE 7th Ave (the site's east frontage) or on NE Irving (the site's south frontage). While the City has not landed on an approved alignment, early analysis suggests it may be more likely to be on NE 7th. However, NE Irving is not "off the table" for consideration. This Final Decision therefore is based on a proposed Green Loop alignment of NE 7th Ave or NE Irving.

Zoning:

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 Lloyd Sub-District of this plan district.

The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people's daily experience; and
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

Land Use History: City records indicate the following prior land use reviews for this site:

- **EA 22-119814 DAR** – A Design Advice Request for a new multi-dwelling residential building with approximately 260 dwelling units.
- **EA 21-117524 PC** – A Pre-Application Conference for a new multi-dwelling residential building with approximately 200 dwelling units. The proposed 10-story building will be approximately 168 feet in height with 180,000 square feet of floor area. The project includes 238 spaces of below grade parking and onsite loading, both will be accessed from NE Irving St.
- **EA 19-215794** – An Early Assistance meeting for two high rise towers including apartments and hotel/condos for a total of 485 units.
- **EA 19-134411 DAR** – CANCELLED - A Design Advice Request for a new 7-story mixed use project including 380 units and 2 levels of parking.
- **EA 19-109896 APPT** – An Early Assistance meeting, zoning only, to follow-up ground floor uses and massing options in relation to EA 18-266517 PC.
- **EA 18-265517 PC** – A Pre-Application Conference to discuss a new 7 story mixed use project across two blocks. Approximately 200 units are proposed in each of the two

buildings. Approximately 170 parking spaces are proposed between the two building. The garage entrances are located off of NE Irving Street.

- **EA 18-192779 APPT** – Proposal for a street vacation for NE 6th Ave between NE Irving St and NE Oregon St. Notes indicate “future street vacation of NE 6th Ave at this location is in direct conflict with the connectivity standards under 33.654 of the Zoning Code that are applicable during the Land Division review process.”
- **EA 16-238877 APPT** – Proposal is to increase parking area for Land Rover Portland.
- **LU 15-122380 DZ** – Proposal for a minor building addition and site improvements; withdrawn.
- **LUR 98-00752** – Approval of Modification to LUR 94-351DZ Conditions of Approval for an auto dealership.
- **LUR 98-00743 DZ** – Approval of additional change to bring the site into conformance with LUR 94-00351 DZ [under enforcement].
- **LUR 98-00351 DZ AD** – Approval minor changes to existing development.
- **LUR 94-00351 DZ** – Approval of revisions to existing development.
- **ADJ 7-89** – Variance to approve a reduced garage setback.
- **DZ 30-89** – Design Review approval for auto dealership.

Agency Review: A “Notice of proposal in Your Neighborhood” was mailed **January 26, 2023**.

- Bureau of Development Services Life Safety / Building Code Section: Chanel Horn: January 17, 2023. (Exhibit E-1). With no objections to the proposal.
- Fire Bureaus: Dawn Krantz, January 23, 2023. (Exhibit E-2). With no concerns.
- Portland Water Bureau: Michael Puckett: January 24, 2023. (Exhibit E-3). With no concerns.
- Parks Bureau, Urban Forestry: Dan Gleason: January 30, 2023. (Exhibit E-4). With objections to approval due to the removal of three red maple street trees – see revised Urban Forestry submittal below (Exhibit E-8).
- Bureau of Environmental Services: Abigail Cermak: January 30, 2023. (Exhibit E-5). With no objections to approval of the Design Review.
- Portland Bureau of Transportation (PBOT): Michael Pina: January 31, 2023. (Exhibit E-6). With no objections to the proposal. BDS staff reached out to Senior staff at PBOT’s Planning and Projects Group to discuss the proposal’s response and interaction with the future Green Loop – the contention is the Green Loop will most likely be located on NE 7th Ave.
- Bureau of Development Services Site Development: Kevin Wells: January 31, 2023. With no concerns. (Exhibit E-7).
- Parks Bureau, Urban Forestry: Dan Gleason: February 06, 2023. (Exhibit E-8). With no objections to approval.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **January 26, 2023**.

No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

PROCEDURAL HISTORY

- **Early Assistance Pre-Application Conference (PC): EA 21-117524 PC: January 20, 2022.**
- **Early Assistance Design Advice Request (DAR): EA 22-119814 DA: April 21, 2022:**
 - Commissioners thought the proposed building was generally contextual, cohesive, and well thought out in its overall design while encouraging further development and revisions at the ground level, particularly with weather protection and the design and programming at the south elevation, to create a more engaging, integrated, and contextually-responsive public realm.
 - The Commission suggested working with RACC.
- **Land Use Application LU 22-163683 DZM: Submitted on July 15, 2022:**

The application was deemed incomplete 21 days after the submittal date, as allowed by Code. The applicant provided a complete application on December 27, 2022. As allowed by Code, a hearing was scheduled within 51 days of receipt of a complete application.
- **Hearing #1 – February 16, 2023 – Staff Report #1:**
 - Commission comments supported staff concerns regarding the following issues requiring further attention and response:
 1. Lack of response to required public Art and Water feature guidelines,
 2. Lack of response to Portland Themes (A2) Guideline,
 3. The blank wall area and inactive interior programming (bike storage and dog wash) at the south ground floor elevation,
 4. Flexibility of the programming along NE 7th Ave,
 5. Lack of continuous canopies along NE 7th Ave,
 6. Lack of proposed balconies,
 7. Likely success of landscaping in the above-ground planters, including the viability of vines growing up the wall,
 8. Details of the northeast corner seating element and likely success of the covered sedums, and
 9. Confirmation of barrier-free design throughout the building.
 - Return hearing scheduled for April 20, 2023.
- **Hearing #2 Re-Scheduled to June 01, 2023:**

On March 30, 2023, at the request of the applicant, hearing #2 for April 20, 2023, was re-scheduled to June 01, 2023, “to provide additional time for coordination on the artwork” [regarding Guidelines A5-3 and A5-4]. See Exhibit G-8 and G-9.

ZONING CODE APPROVAL CRITERIA

[1] DESIGN REVIEW (33.825)

Chapter 33.825, Design Review

Section 33.825.010 Purpose

Design review implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces.

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 district guidelines.

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

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

The Lloyd District is a unique, multi-dimensional neighborhood in the Central City, with special features and assets found nowhere else in Oregon.

With the recent completion of the Oregon Convention Center, the District now serves as the "front door for Oregon and our city." The District as a whole is emerging as a special area in the state and the region, and the way it is developed will determine its comfort and continued use.

The purpose of design review is to carry out the urban design vision for the District by emphasizing unique district assets in a manner that is respectful, creative, supportive, and compatible with all its areas. Although the District is a complex urban environment, it can become a cohesive whole with the use of these design principles.

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.

Lloyd District Design Goals

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

- Encourage the special distinction and identity of the Lloyd District;
- Integrate the sub-areas of the District for a visual and functional coherence of the whole; and
- Improve 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. Central City and Lloyd District Guidelines are addressed concurrently.

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

Findings:

The proposal meets this guideline in the following ways;

- The project celebrates several Portland-related themes including a vital pedestrian focused streetscape and an emphasis on bicycle transportation along the east elevation fronting the potential Green Loop route.
- The orientation of the ground-level spaces along the north, east, and south frontages address adjacent streets with lush landscape edges, clear glazing, canopies, and artwork, providing places for people to gather.
- The development incorporates sustainable design principles and tenets of the Lloyd Eco-District program.

Therefore, this guideline has been met.

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

Findings:

The proposed half-block development maintains the existing 200-foot block pattern for the site (the traditional 200' block pattern found in the Central City plan district). In addition, the proposed development responds positively to the concept within the guideline of "contributing to the creation of vibrant pedestrian experiences" through significant glazing along the east and north frontages, canopies along the three building frontages, and through the inclusion of a seating/gathering area at the exterior of the building at the north-east corner.

Therefore, this guideline has been met.

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

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

A5. Enhance, Embellish, and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

A5-1. Develop Identifying Features. Encourage the inclusion of features in the design of projects that give projects identity and a sense of place or significance within the District.

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

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 A1, A4, A5, A5-1, C4, and C5:

The proposed half-block 15-story tower development is located approximately six-blocks to the east of the Willamette River. The building cannot be directly oriented to the river because of its location on the eastern half of the block defined by NE 6th Ave (to the west),

NE Oregon St (to the north), NE 7th Ave (to the east), and NE Irving St (to the south). However, the proposal does include significant glazing for units on the west elevation. In addition, accessible balconies are provided to the five west facing penthouse units on the 14th level, and to the five penthouse units on the 15th level. Further responding to Commission concerns from the February 16, 2023, hearing regarding the lack of balconies, the applicant provided an additional 96 Juliette balconies to units on the west elevation, providing increased access and connection to the Willamette River and borrowed landscapes (Forest Park, Convention Center Spires, Fremont Bridge, west hills, etc.) to the west.

The proposed 15-story residential building is consistent with the prevailing architectural vocabulary of the Lloyd District: tripartite building, tall vertical massing; significant glazing; use of masonry (at the base); contrast and material combinations (base masonry is a dark grey, where the dominant cementitious material (Equitone with concealed fasteners) is closer to white); use of light colors (white Equitone). Additional ground floor and right-of-way features further integrate the building into the sub-district: tall ground floor; large clear glazed storefront systems; recessed entries; canopies; exterior landscaped stepped seating amenity; landscaped right-of-way. Collectively, the building successfully draws from many themes specific to the sub-district. In addition, responding to Commission concerns from the February 16, 2023 hearing regarding the building lacking a clear residential character and identity, the following additional balconies were added to the project: as mentioned, 96 Juliette balconies to units on the west elevation, 88 Juliette balconies added to units on the east elevation, 12 recessed balconies added to units on the north and south elevations, and 15 recessed balconies are located on the 14th and 15th levels. Collectively, the project includes 39 recessed balconies and 184 Juliette balconies for a total of 223 balconies which help to unify the building frontages, provide additional outdoor access for residents, and contribute to the building clearly reading as a residential building in the Lloyd Sub-district.

Therefore, these guidelines have been met.

A5-2. Accommodate or Incorporate Underground Utility Service. Accommodate or incorporate underground utility service to development projects.

Findings:

Utilities for the proposal will be undergrounded or interior to the building.

Therefore, this guideline has been met.

A5-3. Incorporate Works of Art. Incorporate works of art into development projects.

A5-4. Incorporate Water Features. Enhance the quality of major public spaces by incorporating water features.

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

A9-1. Provide a Distinct Sense of Entry and Exit. Design and develop gateways into and within the Lloyd District that are appropriate and relate to the District's and sub-District's emerging characteristics.

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

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

Findings for A5-3, A5-4, A9, A9-1, B4, B5:

Per previous DAR and land use hearing Commission comments staff suggested the applicant work with the Regional Arts and Culture Council (RACC) to ensure features of substance are integrated into the overall development. Staff reached out to RACC and RACC expressed interest in this site/proposed development as a viable location for public art and/or water; the site's proximity to the Earl Blumenauer Bicycle and Pedestrian Bridge and Green Loop frontage are certainly reasons for this being an exciting and viable location for public Art and/or Water.

In the absence of RACC involvement, staff stressed both the proposed art and water features must therefore be reviewed on their merits regarding their associated Guidelines, regarding: the quality of materials, concept, siting, and execution; orientation to pedestrians and the pedestrian environment; and in appropriateness in location, material and scale to the building and area.

It should be noted, while not a formal gateway, the site is at a prominent location just one block north of the new Blumenauer Bicycle and Pedestrian Bridge, a southern entry into the sub district, and has frontage on the future Green Loop on NE 7th or NE Irving. This adjacency to major public infrastructure warrants a meaningful response to these guidelines.

The proposed etched glass art piece is significant in size and thoughtfully located at the center of the east façade, immediately south of the main entrance on this elevation. It is clearly visible from all directions including those using the sidewalk, street, or Portland Streetcar north of the site, as well as those using the Earl Blumenauer Bicycle and Pedestrian Bridge, Green Loop, and sidewalk south and east of the site. The etched glass installation is approximately 45-feet in length and approximately 10-feet in height providing an artistic piece significant in scale to the pedestrian environment of the 15-story building. A canopy is located above the entire piece. The artwork is contextually relevant including a landscape image representative of the Oregon experience regarding a strong connection to nature and the environment. To ensure the integrity and longevity of the proposed piece the following *Condition of Approval* has been added: The etched glass artwork located on the east elevation, mid-block, shall be maintained in perpetuity with the current development. Removal or alterations are not allowed without a Design Review. Alternatively, a public art piece shall be installed in its place via the Regional Arts and Culture Council (RACC) approval. A covenant for the public art piece will be required following the regulations of Section 33.700.060, Covenants with the City, to ensure the installation, preservation, maintenance, and replacement of the public art piece. The covenant must document approval by the Regional Arts and Culture Council.

Seating providing an area for people to stop, rest, and socialize adjacent to the Portland Streetcar line to the north and Green Loop to the east is proposed at the north-east corner of the building with a landscaped-stone-stepped feature including four integrated wood benches and sedum plantings. This feature continues along approximately 25-feet of the north building frontage, and approximately 45-feet of the east building frontage. As mentioned, canopies provide weather protection for pedestrians on all street facing frontages.

The addition of 208 balconies to the building from what was presented at the February 16, 2023 hearing (for a total of 223 balconies) contributes to the success of the adjacent plazas (Oregon Convention Center Plaza, and Oregon Convention Center Square), and open space (Green Loop) through increased views and access from residents.

Therefore, with the Condition of Approval that: The etched glass artwork located on the east elevation, mid-block, shall be maintained in perpetuity with the current development. Removal or alterations are not allowed without a Design Review. Alternatively, a public art piece shall

be installed in its place via the Regional Arts and Culture Council (RACC) approval. A covenant for the public art piece will be required following the regulations of Section 33.700.060, Covenants with the City, to ensure the installation, preservation, maintenance, and replacement of the public art piece. The covenant must document approval by the Regional Arts and Culture Council, these guidelines are met.

A5-5. Use Public Right-of-Way Design Criteria Established for the Lloyd District. Use the public right-of-way design criteria as established and administered by the City Engineer especially for the Lloyd District from the adopted Lloyd District Transportation Capital Improvements – District-Wide Design Criteria.

Findings:

The project proposes standard right-of-way design criteria established for the Lloyd District at all three public streets – NE Oregon St, NE 7th Avenue, and Irving Street. In addition, because of the proposed implementation of the Green Loop along NE 7th Ave the project includes significant landscaping within the right-of-way along this frontage.

Therefore, this guideline is met.

A5-6. Incorporate Landscaping as an Integral Element of Design. Incorporate landscaping as an integral element of design which is supportive of both the built and natural environment.

Findings:

Significant landscaping has been added within the right-of-way between the building and adjacent to the Green Loop route along NE 7th Ave. On site, landscaping is proposed predominantly on the roofs via eco-roof. Landscaping has also been included around the building's ground floor with raised planters including evergreen climbing vines on the north and south elevations, and an integrated landscape/bench feature including hardy sedum at the building's north-east corner. All landscaped areas include irrigation.

Therefore, this guideline is met.

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

Findings:

The existing single-story buildings on-site are proposed to be removed for a higher and better use of the site in accordance with the development goals of the Central City Plan District

Therefore, this guideline does not apply.

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

B1-1. Protect Pedestrian Areas from Mechanical Exhaust. Incorporate mechanical exhausting systems in a manner that does not detract from the quality of the pedestrian environment.

B1-2. Incorporate Additional Lighting. Incorporate project lighting in a manner that reinforces the pedestrian environment and which provides design continuity to an area by enhancing the drama and presence of architectural features.

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.

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

Findings for A7, B1-1, B1-2, C8, and C12:

The proposed development provides a strong and continuous façade on all street frontages establishing a sense of urban enclosure to the site that is currently a surface parking lot and single-story office building.

The building's roughly tripartite base/ground floor adjacent to the sidewalk is differentiated from the middle and top primarily through the use of: Tall clear glazed storefront systems as seen on the north and east street facing elevations; Height of the ground floor, which varies with the topography of the site from approximately 25-feet at the south-west corner to 13-feet at the north-east corner, in contrast to the middle floors which are 10-feet in height; Canopies which are located along the three street facing elevations; Signs, which are located only at the building's base; Cladding, the ground floor utilizes a dark split stone veneer and exposed concrete where light colored Equitone fiber cement panels with concealed fasteners are the dominant cladding for the building's base and top.

Lighting will be incorporated into exterior canopies and at building entrances to illuminate the pedestrian realm. Entrances (on the north and east frontages) include square flush-mounted fixtures to be mounted within the soffits. Recessed linear ceiling lights are proposed to be embedded within the canopies for their full length. In addition, ornamental street pole lights per the Lloyd District standards are proposed within the sidewalk right-of-way at the north-east and south-east corners. Other than lighting at the ground floor, the rooftop community room is fully transparent and will provide an interior glowing element on the top floor at night.

Mechanical exhaust systems are primarily located on the roof away from the pedestrian environment. Ground floor ventilation louvers for the below grade parking are located on the south elevation above the vehicle access door and dog wash/bike storage room. With the tall floor to ceiling height at the southwest corner of the site, the louvers are high above the pedestrian realm. Louvers are further separated from the sidewalk by proposed canopies along this frontage.

Therefore, these guidelines are met.

B1. Reinforce and Enhance the Pedestrian System. Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

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 B1 and C6:

Existing sidewalks will be improved adjacent to the half-block development, along NE Oregon Street (north), NE Irving Street (south), and NE 7th Avenue (east). Additionally, the sidewalk design has been developed to fit within PBOT's Pedestrian Design Guidelines to include defined building frontage, movement, furnishing, and curb zones.

The proposed building provides varied transitions from private to public: Main entrances on the east and north frontages are recessed approximately 10-feet from the property line with

large canopies unique from other canopies on the building in color (cerulean blue), dimension/thickness (approximately 18-inches), and integrated soffit lighting. The stepped seating feature at the north-east corner of the building provides an additional transition from the building to the right-of-way. In addition, the feature provides a seating and gathering space on the exterior of the building adjacent to the main entrances.

Therefore, these guidelines have been met.

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

Findings:

Proposed improvements to the NE 7th Avenue sidewalk include distinctive paving, street trees, low plantings, and bicycle racks, while the on-street parking and existing bicycle lane further define an edge to the pedestrian space and buffer the sidewalk from traffic. Lighting will be incorporated into the exterior canopies and at building entrances to illuminate pedestrian space. Signs are pedestrian scale and proposed to be located only at the building's ground floor. All venting from the building will be at the roof, with the exception of parking garage ventilation which will be high above the sidewalk elevation and separated from the sidewalk area with proposed canopies along the south elevation.

Therefore, this guideline is met.

B3. Bridge Pedestrian Obstacles. Bridge across barriers and obstacles to pedestrian movement by connecting the pedestrian system with innovative, well-marked crossings and consistent sidewalk designs.

Findings:

Proposed sidewalk design meeting this guideline is demonstrated through: the crossings at the northeast and southeast corners which meet PBOT's design criteria for the Lloyd District; the sidewalks on NE Oregon Street and NE Irving Street, which meet PBOT's criteria for Lloyd District; and the sidewalk design along NE 7th Avenue, which is intended to be differentiated and contribute to the Green Loop character through increased width and landscaping.

Therefore, this guideline is met.

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

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

Findings for B6 & B6-1:

Weather protection is provided for pedestrians through a series of overhead canopies along all three street facing frontages. A canopy projecting approximately 6' from the building face is provided above the building's recessed north entry. Above the landscaped seating feature at the north-east corner are canopies extending approximately 10' from the building face along both the north and east frontages. The canopy above the building's recessed east entry matches the north entry canopy regarding integrated lighting and color. A single canopy approximately 45' in length and projecting approximately 6' from the building face

is located on the east elevation above the proposed location for the integrated public artwork. An additional canopy, approximately 85' in length, continues to provide weather protection along the building's east frontage in front of the building's proposed fitness and sport court areas. Canopies are provided along the south frontage in front the sport court area and the access to below grade parking.

Note: As mentioned, the two proposed canopies over the main entrance on the north and east elevations are differentiated from the other proposed canopies on the building by color (a cerulean blue), enhanced lighting, and thickness (approximately 18-inches).

Therefore, these guidelines are met.

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

Findings:

The applicant states, "Building entrances at NE Oregon Street and NE 7th Avenue provide barrier-free entry for tenants and guests, without the need for ramps or other special accommodations." In addition, all spaces in the buildings and outdoors (rooftop, etc.) have been designed for barrier-free access, including accessible routes to each apartment. Vertical circulation via elevators provides barrier-free routes from below-grade to above-grade areas.

Therefore, this guideline is met.

A8. Contribute to a Vibrant Streetscape. Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

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.

C2-1. Maximize View Opportunities.

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

Findings for A8, C1, C2-1, and C7:

Significant ground floor glazing is provided on the north elevation ground floor for almost the entire frontage allowing views into the lobby, offices, a conference room, and "co-working" area.

Significant ground floor glazing is further provided at the pedestrian level for most of the east elevation of the building providing clear views into the building from the Green Loop route running along the NE 7th Ave (east) frontage. In addition to the clear glazing on this elevation helping to active the frontage (as mentioned previously) an art piece meeting the Art/Water guidelines (A5-3 and A5-4), approximately 45-feet in length and approximately 10-feet in height is proposed mid-block on the building. The proposed etched glass nature-scape installation is significant in scale and will be clearly visible from all directions including the Portland Streetcar north of the site, as well as those using the Earl

Blumenauer Bicycle and Pedestrian Bridge, Green Loop, and sidewalk south and east of the site.

Generous glazing providing additional activation continue at the ground floor around each of the building's corners (north-east and south-east) providing additional views and connections into the building. Views from the north-east corner are provided into the lobby, conference room, and "co-working" area. At the exterior of the north-east corner adjacent to the building and under canopy is a landscaped seating feature with delicate landscaping, and wood benches, providing further activation at the adjacent sidewalk, Portland Streetcar (to the north along NE Oregon St. and NE 7th Ave.) and potential Green Loop route (to the east along NE 7th Ave).

Clear glazing is provided at the south-east corner of the building allowing views into the "sport court" and "fitness" areas. Views out provide connection to the adjacent pedestrian realm, Green Loop, and Blumenauer Bicycle and Pedestrian Bridge to the south.

Also enhancing viewing opportunities for residents is the significant addition of balconies to all elevations of the building. Collectively, there are 223 balconies (39 recessed, and 184 Juliettes) allowing individual units greater views, access to the outdoors, and potential activation of the streetscape below.

Therefore, these guidelines are met.

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

Findings:

Interior activation along the frontages, in particular the east frontage, is specific to the proposed residential use: pool/spa area, fitness, lobby, and sport court. The combination of the proposed interior program and the existing grade drop from the north to the south concerned Commissioners at the April 21, 2023, DAR (EA 22-119814 DA) regarding the flexibility and the adaptability of use if interior programming were to change in the future. While not addressed prior to the initial land use hearing before the Commission (on February 16, 2023), in response to Commissioner concerns the applicant provided an alternative schematic design for the ground level east frontage (see Exhibits C-20 and C-21) illustrating the potential adaptive reuse of the spaces, if need be, in the future.

Therefore, this guideline is met.

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

C10-1. Use Masonry Materials. Except for window glazing, use masonry types of materials as the predominant exterior material for building walls. Use modular stone or masonry materials on the building base or first floor of buildings whenever possible.

C10-2. Design Exterior Building Walls that are Transparent in Glazed areas and Sculptural in Surface. Design exterior building walls that are transparent or translucent in the glazed areas and which are textural, sculptural and articulated in surface character.

C10-3. Use Light Colors. The use of light color values is preferred for the predominant exterior building materials. Darker value materials should be used to accent or articulate the design.

Findings for C2, C10-1, C10-2, and C10-3:

Stone masonry (Roda Linear Walling split stone veneer) is proposed at the building base. Integral color fiber-reinforced cement panels (Equitone, tectiva in color TE-90 (white)), with concealed fasteners, are proposed on the upper residential mass.

All exterior glazing will be transparent with the exception of the glazing adjacent to the pool/spa area along NE 7th Avenue and spandrel glazing at the residential floor slab edges. All ground floor glazing and masonry is set back from the outside face of the residential levels above, providing depth and shadow. The vertically aligned windows for the residential floors on levels 2 through 15 are composed in a rhythm of alternating widths and spacing that correspond to living and bedroom spaces. The windows are composed as a series of contiguous vertical punched openings for relief with alternating vertical fins providing additional depth and shadow.

The predominant cladding of the exterior is a light integral color fiber-cement panel with concealed fasteners (Equitone, tectiva in color TE-90 (white)), that is treated to resemble pre-cast concrete and is exclusively applied to the massing of the residential floors (levels 2 through 15) with a darker stone masonry at the ground floor for accent and differentiation.

Overall, the building materials meet quality and permanence expectations: Fiber-reinforced cement (Equitone) panels with concealed fasteners that resemble concrete panels; Commercial curtainwall for glazing at ground level, vertical accents, and rooftop community room; Glazing system (Intus uPVC window wall system) for residential units; Masonry (Roda Linear Walling split stone veneer) for opaque exterior walls at ground floor; Natural wood in protected conditions on the underside of canopies, recessed roof deck soffits, and the roof overhang at the community room.

Therefore, this guideline is met.

C1-2. Integrate Signs.

Carefully place signs and sign supports on and for buildings to integrate with the scale, color and articulation of the building design. Avoid large, excessively illuminated or freestanding signs that contribute to visual clutter. 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 every Design Review application. Incorporate signage that compliments and supports the pedestrian scale and use of the Broadway/Weidler Corridor and Holladay Street. While recognizing the dimensional provisions in the Code, size and scale of signs should be moderated in these pedestrian-oriented areas.

C13. Integrate Signs. Integrate signs and their associated structural components with the building's overall design concept. Size, place, design, and light signs to not dominate the skyline. Signs should have only a minimal presence in the Portland skyline.

Findings for C1-2 and C13:

Signs are proposed at the ground floor level on the three street facing elevations. Specifically, a 19 square foot, horizontally oriented, sign is proposed on the east elevation at the south-east corner – located above the canopy. An 8 square foot sign, vertically oriented, is also proposed on the east elevation – located attached to a ground floor column located between the east elevation entrance and the north-east corner of the building. A 12 square foot, horizontally oriented, sign is located below the main entrance canopy on the north elevation. (Note: this treatment is not repeated at the east elevation main entrance.) A 10 square foot sign “crash bar” is located above the entrance to below grade parking on the south elevation. All signs are modest in size and pedestrian oriented when compared to the size of the building. Signs will not affect the Portland Skyline.

Note: All signs less than 32 square feet in size are exempt from design review.

Because the proposed etched glass artwork located on the east elevation is carved (etched) into the building, it is exempt from Design Review, per Title 32 – Sign Code: 32.12.020.C.

Therefore, these guidelines are met.

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

Findings:

Proposed encroachments include vertical fins located adjacent to windows above the ground level on the north, east, and south facades. Fins on these elevations project 8-inches from the building across the property line. Additional encroachments include canopies which are provided along NE Oregon Street from the north building entry and wrap around the corner along NE 7th Avenue to the NE 7th Avenue entry. A continuous canopy frames the fitness and sport court along NE 7th Avenue, wrapping around the southeast corner onto NE Irving Street. A canopy is also provided along the approximately 45' in front of the proposed art piece on the east frontage. There is also a canopy that provides weather protection at the south bicycle storage and parking garage entrance along NE Irving Street. Canopies are well integrated within the ground floor design concept and project approximately 5-feet into the adjacent right-of-way on the north, east, and south ground level facades.

Therefore, this guideline is met.

C1-1. Integrate Parking. Integrate parking in a manner that is attractive and complementary to the site and its surroundings. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

C8-1. Allow for Loading and Staging Areas on Sidewalks. On local service streets, adjacent businesses may use the sidewalk area for temporary loading and staging as long as pedestrian access through it is maintained.

Findings for C1-1 and C8-1:

Parking for 164 vehicles is proposed for the site. Proposed on site-parking is below grade and accessed at a single location on the south elevation.

Allowing loading on the sidewalk for this development is not necessary because loading is provided in the below grade parking structure accessed on the south elevation, from NE Irving St.

Therefore, these guidelines have been 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 level 2 roof adjacent to the west elevation is entirely planted as an eco-roof. Level 15 includes five units, a community room, covered deck, and an eco-roof. The majority of the level 15 roof is also planted as an eco-roof with screened mechanical equipment along the north portion of the roof. Collectively, the roofs are largely utilized to meet current requirements for stormwater management.

Altogether, the roofs are well-integrated components of the building, housing usable space, eco-roofs, and integrated architectural elements to screen mechanical systems from users on the roof and views from beyond the site.

Therefore, 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. The review body may not consider modifications to standards for which adjustments are prohibited. 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 other standards that are calculated based upon the size or intensity of the use such as the quantity of parking and loading spaces) 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.
- C. **Mitigation of impacts.** Any impacts resulting from the modifications are mitigated to the extent practical.

Modification: Parking Stall Dimensions, PZC 33.266.130.F.2 (Table 266-4): To decrease the minimum stall dimension for 91 parking stalls (of the total 164 stalls proposed) from the required 8'-6" x 16'-0" dimension for vehicles parking at 90 degrees to a reduced width of 7'-9". The 16'-0" length in all cases will not be impacted.

Purpose. The development standards promote vehicle areas that are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones.

Together with the transit street building setback standards in the base zone chapters, the vehicle area location regulations:

- Provide pedestrian access that is protected from auto traffic;
- Create an environment that is inviting to pedestrians and transit users, especially on transit streets and in Pedestrian Districts;
- Limit the prominence of vehicle areas along street frontages and create a strong relationship between buildings and the sidewalk;
- Create a sense of enclosure on transit and pedestrian street frontages; and
- Limit the size of paved parking area and the type of paving material allowed in order to limit increases in temperature associated with asphalt and reduce impacts from urban heat islands.

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.

Standard: 33.266.130.F.2 (Table 266-4): The minimum stall dimension for vehicles parking at 90 degrees is 8'-6" x 16'-0".

- A. **Better meets design guidelines.**

Findings:

Arranging the structural columns requires attention to how it will impact the plan layouts of the many levels of the building: residential units, parking levels, ground floor, and the associated exterior walls of the ground floor. The columns have been arranged to the greatest benefit of the ground floor to have an inset of the exterior wall on the ground floor. This results in having a column inset into the parking space stripe by that same distance. This provides more area between the building and the NE 7th Avenue Right of Way. This meets *Central City Fundamental Design Guideline A8, Contribute to a Vibrant Streetscape*, by integrating building setbacks with adjacent sidewalks, and *Lloyd District Design Guideline C1-1, Integrate Parking* by integrating parking in a manner that is complementary to the site and the surroundings through accommodating resident parking on-site.

B. Purpose of the standard.

Findings:

This modification meets the purpose of the parking space standards, as it accommodates structured parking that provides the required 8'-6" width at the central portion of the parking space where there are car door swings and so "create[s] an environment inviting to pedestrians and transit users," "limit[s] the prominence of vehicle areas along street frontages and create[s] a strong relationship between buildings and the sidewalk," and "promote[s] safe circulation with the parking area" as specified in PZC 33.266.130.A

C. Mitigation of impacts.

Findings:

The impact resulting from this modification has been mitigated as much as possible by locating the columns to be clear of the car door opening area, and by ensuring that shear walls are located only along one side of parking spaces so doors can open freely on the other side.

Therefore, this Modification merits approval.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all 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 meets the applicable design guidelines and modification criteria and therefore, warrants approval.

DESIGN COMMISSION DECISION

It is the decision of the Design Commission to approve Design Review for the proposed 15-story residential apartment building with 240 dwelling units on a half-block site in the Lloyd

Subdistrict of the Central City Plan District. The ground floor of the building will provide resident amenities. The rooftop will have an amenity deck and an ecoroof. Below grade parking for 164 vehicles is proposed with access from NE Irving St.

Approval of the following Modification requests:

1. **Parking Stall Dimensions, PZC 33.266.130.F.2 (Table 266-4):** To decrease the minimum stall dimension for 91 parking stalls (of the total 164 stalls proposed) from the required 8'-6" x 16'-0" dimension for vehicles parking at 90 degrees to a reduced width of 7'-9". The 16'-0" length in all cases will not be impacted.

Approvals per Exhibits C.1-C-26, signed, stamped, and dated June 01, 2023, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B – D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 22-163683 DZM. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. The etched glass artwork located on the east elevation, mid-block, shall be maintained in perpetuity with the current development. Removal or alterations are not allowed without a Design Review. Alternatively, a public art piece shall be installed in its place via the Regional Arts and Culture Council (RACC) approval. A covenant for the public art piece will be required following the regulations of Section 33.700.060, Covenants with the City, to ensure the installation, preservation, maintenance, and replacement of the public art piece. The covenant must document approval by the Regional Arts and Culture Council, these guidelines are met.
- D. NO FIELD CHANGES ALLOWED.

By:  _____
 Brian McCarter, Design Commission Chair

Application Filed: July 22, 2022	Decision Rendered: June 01, 2023
Decision Filed: June 02, 2023	Decision Mailed: June 9, 2023

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

Procedural Information. The application for this land use review was submitted on July 15, 2022, and was determined to be complete on December 27, 2022.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the

application is complete at the time of submittal, or complete within 180 days. Therefore, this application was reviewed against the Zoning Code in effect on July 15, 2022.

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 A2). Unless further extended by the applicant, **the 120 days will expire on: December 27, 2023.**

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 June 23, 2023 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 \$5,789 will be charged (one-half of the application fee for this case).**

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 County Recorder. *Unless appealed*, the final decision will be recorded by the Bureau of Development Services.

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.

Arthur Graves
June 07, 2023

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

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 1. 2022.07.15: Initial Submittal
 2. 2022.07.29: Waiver
 3. 2022.11.18: Revised Drawings
 4. 2023.01.13: Revised Drawings
 5. 2023.01.14: Revised Drawings
 6. 2023.01.27: Revised Drawings
 7. 2023.01.31: Revised Drawings
 8. 2023.02.15: Revised Drawings
 9. 2023.03.17: Revised Drawings
 10. 2023.04.28: Revised Drawings
 11. 2023.05.02: Revised Drawings
 12. 2023.05.15: Revised Drawings
- B. Zoning Map (attached)
- C. Plan & Drawings
 1. CONTENTS + PROJECT TEAM
 2. PROJECT DESCRIPTION

3. ZONING SUMMARY
 4. EXISTING SITE + PHOTOS
 5. PROPOSED SITE PLAN (attached)
 6. FLOOR PLANS
 7. BUILDING ELEVATIONS (attached)
 8. SITE SECTIONS
 9. BUILDING SECTIONS
 10. MATERIALS
 11. ENLARGED DETAILS
 12. LANDSCAPE PLANS
 13. GREEN LOOP DESIGN
 14. LANDSCAPE FEATURE
 15. LIGHTING PLAN
 16. SIGNAGE
 17. BALCONIES DIAGRAM
 18. SOUTH ELEVATION DIAGRAM
 19. PUBLIC ART CONCEPT
 20. DESIGN FLEXIBILITY SCHEMATIC CONCEPT - PLAN
 21. DESIGN FLEXIBILITY SCHEMATIC CONCEPT – EAST ELEVATION
 22. FLOOR AREA RATIO
 23. GROUND FLOOR GLAZING AREAS
 24. BIKE PARKING
 25. MODIFICATION
 26. CUTSHEETS
- 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 Development Services Life Safety / Building Code Section: Chanel Horn: January 17, 2023.
 2. Fire Bureau: Dawn Krantz, January 23, 2023.
 3. Portland Water Bureau: Michael Puckett: January 24, 2023.
 4. Parks Bureau, Urban Forestry: Dan Gleason: January 30, 2023
 5. Bureau of Environmental Services: Abigail Cermak: January 30, 2023.
 6. Portland Bureau of Transportation: Michael Pina: January 31, 2023.
 7. Bureau of Development Services Site Development: Kevin Wells: January 31, 2023.
 8. Parks Bureau, Urban Forestry: Dan Gleason: February 06, 2023.
- F. Letters: No responses were received.
- G. Other
1. Original LUR Application
 2. Green Loop Maps: Full Map and Site Map
 3. Incomplete Letter: August 05, 2022.
 4. Email with Applicant: Project to remain Incomplete: 2022.11.18
 5. Email with Applicant: Project to remain Incomplete: 2022.12.02
 6. Email with Applicant: Remaining issues: 2023.01.09
 7. Email with Applicant: Remaining issues: 2023.01.23
 8. Email with Applicant: Reschedule Hearing to June 01, 2023: 2023.03.30
 9. Email with Applicant: Reschedule Hearing to June 01, 2023: 2023.04.17
- H. Hearing #1
1. Staff Report and Recommendation dated 2.06.2023
 2. Staff Memo to Commission dated 2.09.2023

3. Copy of Staff Presentation from 2.16.2023 hearing
Hearing #2
4. Staff Report and Recommendation dated 5.24.2023
5. Staff Memo to Commission dated 5.24.2023
6. Copy of Staff Presentation from 6.01.2023 hearing