



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

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## **STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION**

CASE FILE: LU 16-266376 DZM  
PC # 16-199771  
17<sup>th</sup> & Pettygrove  
REVIEW BY: Design Commission  
WHEN: February 2, 2017 at 1:30 PM  
WHERE: 1900 SW Fourth Avenue, Room 2500A  
Portland, OR 97201

**Bureau of Development Services Staff:** Hannah Bryant 503-823-5353 /  
[Hannah.Bryant@portlandoregon.gov](mailto:Hannah.Bryant@portlandoregon.gov)

***Please note this report does not recommend approval. Aspects of the proposal that do not meet the approval criteria are in boxed text, and a Summary of the Issues and Approval Criteria not met are in the "Conclusions" section on page 11.***

### **GENERAL INFORMATION**

**Applicant:** Marcus Lima | GBD Architects  
1120 NW Couch Street, Suite 300  
Portland, OR 97209

**Owner:** Doug Burges | Keller Holland Pettygrove Investors, LLC  
111 Main St, Suite 700  
Vancouver, WA 98660

**Site Address:** **1331 NW 17TH AVE**

**Legal Description:** BLOCK 232 LOT 5&8, COUCHS ADD; BLOCK 232 LOT 2, COUCHS ADD; BLOCK 232 LOT 3 LAND & IMPS SEE R141042 (R180221011) FOR BILLBOARD, COUCHS ADD; BLOCK 232 LOT 6&7, COUCHS ADD

**Tax Account No.:** R180220970, R180220990, R180221010, R180221030  
**State ID No.:** 1N1E33AB 04100, 1N1E33AB 03800, 1N1E33AB 03900, 1N1E33AB 04000

**Quarter Section:** 2928

**Neighborhood:** Northwest District, contact John Bradley at 503-313-7574.  
**Business District:** Pearl District Business Association, contact Carolyn Ciolkosz at 503-227-8519.; Nob Hill, contact Nob Hill at nobhillportland@gmail.com.

**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Plan District:** Northwest  
**Other Designations:** None  
**Zoning:** **EXd**, Central Employment with a design overlay  
**Case Type:** **DZM**, Design Review with Modifications  
**Procedure:** **Type III**, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

**Proposal:**

The applicant seeks Design Review approval for a ¾ block, seven-story mixed-use building, with six floors of residential units over a ground level that includes retail, parking, service, residential amenity space and one live-work unit. The 196 residential units are a mix of one-, two-, and three-bedrooms, with one third of each unit type dedicated to affordable housing. There are 22 surface-level parking spaces and one level of underground parking for an additional 97 cars and 180 long-term bicycle spaces.

The applicant further seeks Design Review approval for the following Modifications to the zoning code. Because the proposal is for new development in the design overlay zone, with additional modifications, Design Review is required.

The following Design Exceptions are requested:

1. Oriel Window Standards –
  - The width of proposed oriels is greater than the maximum (max. width = 34’).
  - The separation between oriels is less than the minimum (min separation = 6’-8”).
2. Garage Door Design/Location (Permit 16-273520-TR)–
  - The garage doors are proposed to be located closer to the curb than PBOT requires. A queuing analysis has been prepared, and the exception is approved by PBOT with conditions (see Agency Review).

The following Modification is requested:

33.266.220.C.3.b, Bike Parking Standards – Bike Parking standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

- Modification request for 18” staggered bike spacing.

**Relevant Approval Criteria:**

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

- *Community Design Guidelines*
- *33.825.040 - Modifications*

## ANALYSIS

**Site and Vicinity:** Located within the Eastern Edge subdistrict of the Northwest Plan District, the 30,000 SF, ¾ block site is located at the southwest corner of NW 17<sup>th</sup> Avenue and NW Pettygrove. The L-shaped site has full block frontages on NW 18<sup>th</sup> Avenue (*Transit Street, City Bikeway*) and NW Pettygrove Street. It has half block frontages on both NW Overton Street (*City Bikeway, Major Emergency Response Street*) and NW 17<sup>th</sup> Avenue. The site is located in a pedestrian district, one block from the street car stop at NW 18<sup>th</sup> and NW Northrup. It is one block west from the I-405 overpass. The highway is approximately 95’ high at the point nearest this site.

Current conditions include two single-story commercial buildings and a surface parking lot. The remaining ¼ block is developed with a 1.5 story building housing Dynasport – an auto-mechanic shop- and Huser Integrated Technologies – a software/cyber security company. To the east is Floor Factors, a two-story flooring showroom and warehouse. Parr Lumber’s materials storage lot is across the street to the west. One- and two-story warehouses occupy much of the rest of the neighborhood. There is a smattering of both old and contemporary three- to five-story buildings scattered around the nearby area, and there are numerous pending Design Review applications for new 6-8 story buildings in the immediate vicinity. Predominant uses in the neighborhood include housing office/creative space, light industrial uses, and some retail.

There are many surface parking lots and vehicle areas throughout the neighborhood. Most are fairly small and are often located between the building they serve and the street. Many also have a long, continuous curb-cut with pull-in parking – a common pattern in industrial urban areas. Some parking lots lie to the side of buildings and are likely to occupy areas where other buildings once stood. Newer, higher-intensity development in the neighborhood provides structured parking.

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

The Northwest Plan District implements the Northwest District Plan, providing for an urban level of mixed-use development including commercial, office, housing, and employment. Objectives of the plan district include strengthening the area’s role as a commercial and residential center. The regulations of this chapter: promote housing and mixed-use development; address the area’s parking scarcity while discouraging auto-oriented developments; enhance the pedestrian experience; encourage a mixed-use environment, with transit supportive levels of development and a concentration of commercial uses, along main streets and the streetcar alignment; and minimize conflicts between the mixed-uses of the plan district and the industrial uses of the adjacent Guild’s Lake Industrial Sanctuary.

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

**Agency Review:** A “Notice of proposal in Your Neighborhood” was mailed January 10, 2017. The following Bureaus have responded with no issue or concerns:

The Bureau of Environmental Services responded with the following comments: Based on the submitted infiltration testing, showing zero inches per hour at 2 ft bgs, BES will allow stormwater from the proposed project to discharge offsite to the combined sewer. However, the stormwater flows must be split approximately equally between the combined sewer in NW Pettygrove and the combined sewer in NW Overton, due to capacity issues in this location. Please see Exhibit E-1 for additional details.

The Bureau of Transportation responded with the following comments:

Garage doors are proposed to be located closer to the curb than PBOT requires. However, with the prepared queuing analysis, the exception is approved with the following conditions:

- Security gates must fully open/close in 5 second or less;
- Security gates and drive aisles must be a minimum of 20 feet wide;
- Overton security gate and drive aisle must have a minimum vertical clearance of 10 feet;
- Parking spaces must be reserved for residential use only;
- Gates must be activated by remote control with a 50-foot minimum radius, issued to all residents allowed access to the car and bicycle parking;
- Security gate details and specifications must be added to the door schedule sheet of building permit plan set;
- Any changes in the development parameters of this Design Exception, including number and location of driveways, number of parking spaces, and/or users of the garage will require a revised queuing analysis and approval of a new Driveway Design Exception.

Due to concerns about below grade utilities and sewer lines, Staff has not yet issued the below-grade encroachment permit requested by the applicant (Permit 16-278449-TR). The below-grade encroachment permit is necessary to allow for the proposed parking layout to extend beyond the property line. Until the location of the below-grade utilities is verified, and a plan is approved for protecting or moving them, PBOT cannot recommend approval of the Design Review. Please see Exhibit E-2 for additional details.

The Water Bureau responded with the following comments:

The Water Bureau has no issues with the proposed development and design review request. Please see Exhibit E-3 for additional details.

The Fire Bureau responded with the following comment:

The Fire Bureau has no issues with the proposed development and design review request. Please see Exhibit E-4 for additional details.

The Site Development Section of BDS responded with the following comment:

The Site Development Section of BDS has no issues with the proposed development and design review request. Please see Exhibit E-5 for additional details.

The Life Safety Section of BDS responded with the following comments:

The Life Safety Section of BDS has no issues with the proposed development and design review request. Please see Exhibit E-6 for additional details.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on January 10, 2017.

At the time this report was written, no written responses had been received from either the Neighborhood Association or notified property owners in response to the proposal.

## **ZONING CODE APPROVAL CRITERIA**

### **(1) DESIGN REVIEW (33.825)**

#### **33.825.010 Purpose**

Design Review ensures:

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

### **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.

It is important to emphasize that design review goes beyond minimal design standards and is viewed as an opportunity for applicants to propose new and innovative designs. The design guidelines are not intended to be inflexible requirements. Their mission is to aid project designers in understanding the principal expectations of the city concerning urban design.

The review body conducting design review may waive individual guidelines for specific projects should they find that one or more fundamental design guidelines is not applicable to the circumstances of the particular project being reviewed.

The review body may also address aspects of a project design which are not covered in the guidelines where the review body finds that such action is necessary to better achieve the goals and objectives of design review in the Central City.

**Findings:** The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because the site is within the Northwest Plan District, the applicable approval criteria are the Community Design Guidelines.

### **Community Design Guidelines**

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

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

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

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

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

**Findings for P1, D7, D8:** The site is located within Urban Character Area C: Eastern Edge, which is an architecturally diverse area in the Northwest Plan District. This area once served as the transitional boundary between the residential and industrial portions of Northwest Portland. The desired characteristics of the Eastern Edge encourage the continuation of the architectural diversity and partial block massing and screened parking behind or below buildings.

*The Eastern Edge Subarea, is one of the most dynamic, multiple-use areas within Northwest Portland. It contains light industrial, multiple dwelling residential, single detached dwellings, service uses, entertainment activities, and offices to international corporations. It works in part because of the scale of development is similar. Industrial and business uses are limited by block and parcel structure. Access to the regional transportation system is to the east, limiting heavy impacts on the residential community to the west. The area provides the local community with housing, services, community uses, and jobs. Residents who move to this subarea know that they are sharing spaces with other uses and are generally not prone to take offense at reasonable impacts from their neighboring non-residential uses.*

The site is at a transition point between both the residential and industrial zones, the newly developed Conway district a few blocks to the north, and the 95' high I-405 overpass one block to the south. Its full-block facades have been broken into a pattern of projections and erosions to reduce the scale and to better incorporate proportions and typologies found elsewhere in the district. In alignment with district goals, the building's height will help to screen the rest of the neighborhood from the freeway, parking has been located underground and deep within the site, and all parking is screened by fast acting garage doors.

The design includes a distinct base that differs in height, window proportions, and materials from the upper floors; topped with six stories of offset, stacked brick modules. The blocks shift and slide to create horizontal and vertical oriel projections, separated with recesses where the building is pulled back from the property line. The rhythm of oriel windows on upper stories and the pattern of façade projections and recesses further serves to reduce the scale of the  $\frac{3}{4}$  block building.

The brick material incorporates fine-grained detailing such as raked coursing around windows and bands of vertical and horizontal norman brick running bond. At the ground level, the vertical wood cladding within all recessed entryways, and the patterning of horizontal board formed concrete continues to add detailing and interest to the pedestrian environment. These smaller details create a visually interesting building when viewed up close. The subtle massing shifts, combined with smaller scale detailing, creates an interesting composition and high quality contribution to the Northwest Plan District. *These guidelines are met.*

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

**Findings:** The main entrance to the building is located at the intersection of NW 18<sup>th</sup> (a transit street and a City Bikeway) and NW Pettygrove. The prominence of the recessed entrance is accentuated by the sheltered front porch feature, lush ground-level plantings, and a deep canopy that is significantly larger than other canopies on the building and clad in wood.

*This guideline is met.*

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

**Findings:** The street level parking is capped, and its roof is developed with a large stormwater planter, trees, five private patios and two large residential common decks. Inside, the residential fitness space and two amenity rooms look out onto the common decks. This shared outdoor space and the adjacent interior amenity spaces will capture east and southern light, and are sheltered from the wind and the hottest summer sunshine. This is an appropriate placement for a shared space that will truly provide year-round benefit to the residents. The proposed plant palette includes drought-tolerant, pollinator-friendly plants that will offer year-round visual interest. *This guideline is met.*

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

**Findings:** The proposal includes curb cuts for two mid-block parking garage entrances. The entrance to the covered, street level parking area is accessed from NW Overton Street. The entrance to the underground parking garage is accessed from NW 17<sup>th</sup> Avenue. Both parking areas are screened from view from the sidewalk, with high-speed garage doors that are minimally recessed from the property line. The garage exhaust louvers are located above the pedestrian level and other service areas have been tucked back into the building to avoid creating long bands of windowless street-level façade.

However, the proposal for two vehicle entries not only reduces ground floor windows and active storefront opportunities, but also negatively impacts 180 required long term bike parking stalls for bicyclists. The majority of the vehicle parking, and all long-term residential bike parking are proposed to be located in the underground parking garage. Therefore, residents who commute by bike will have to navigate the garage door, a steep garage entry, auto traffic within the garage, and circuitous drive aisles to the designated bike parking at the furthest corner of the garage.

As stated in the Purpose Statement for Bike Parking in the Portland Zoning Code (33.266.200):

*Bicycle parking is required for most use categories to **encourage the use of bicycles by providing safe and convenient** places to park bicycles. Long-term bicycle parking provides employees, students, residents, commuters and others who generally stay at a site for several hours, **a secure and weather-protected** place to park bicycles.*

Since the proposal includes two parking areas: a surface parking area for 22 cars, and the underground parking area for 97 cars and 180 bicycles, Staff encourages the relocation of some, or all, of the bike parking to the street level parking accessed from NW Overton. Doing so will allow bike users a more convenient, easily accessible parking area with significantly fewer cars to navigate. It will allow for a more direct path, with greater visibility and safety, between the street and the bike parking.

Additionally, The Bureau of Transportation has outstanding issues regarding the below grade encroachment permit. Until these issues are resolved, PBOT is unable to give approval for design review.

*This guideline is not yet met.*

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

**Findings:** The proposed design includes several features that reduce the likelihood of crime. These include secured auto and bicycle parking, a spacious and central residential entry, and transparent glazing and active uses on the ground floor that provide “eyes on the street”.

Both parking garage entries will be operable with a remote issued to residents. Bicyclists are likely to need to stop their bikes outside the garage while they locate their remotes in pockets or bags, or to wait for exiting cars to leave the garage. These obstacles to entering the underground garage, particularly at night, can be an inconvenient and potentially dangerous condition.

In consideration of the different urban conditions on NW 17<sup>th</sup> Avenue and NW Overton, Staff encourages the applicant to consider moving the long-term bicycle parking to the street-level parking area, accessed off NW Overton, rather than locating it in the below-ground parking garage accessed from NW 17<sup>th</sup> Avenue. While the NW 17<sup>th</sup> Street frontage has no nearby ground level units, and has office/warehouse uses across the street, the NW Overton garage entrance is visible from residential units across the street and the commercial space in this building that is intended to be a restaurant. There are no likely hiding spaces beside it, and since it is at grade and has fewer parking spaces, it will be easier for bikers to ride in without dismounting from their bicycles.

*This guideline is not yet met.*

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

**Findings:** The proposed mixed-use building will abut the street lot lines, and will provide direct pedestrian access from the building to the sidewalk. The ground floor façade includes recesses for a landscaped residential lobby “front porch” and covered short-term bicycle storage. Both are easily visible and accessible from the residential lobby.

Due to a sloped site, the building’s interior floor level is 3’ above the sidewalk along NW 17<sup>th</sup> Avenue. However, the residential workshop amenity space will have transparent roll-up garage doors that facilitate views into and out of the space, allowing pedestrians to observe the activities within.

The two high-speed garage doors screen the pedestrians from surface and below-grade parking. Both doors are placed within 3’ of the building façade, to minimize the impact of recessed garage entries on the pedestrian experience.

*This guideline has been met.*



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

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

**Findings for E2, E5:** The proposed design incorporates ten recessed entry/egress doors, all of which have similar steel canopies to provide shelter, shade and a sense of enclosure. The steel canopies above each commercial entrance on the ground level, and the recessed, wood-clad entrance to the residential lobby at NW 18<sup>th</sup> & NW Pettygrove, provide sufficient cover to ease transition into, and out of, interior spaces. They allow for residents, pedestrians and commercial tenants to stand under cover, sit and rest. *These guidelines are met.*

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

**Findings:** The ground floor level of the proposed new building is distinguished from the upper floors by large storefront windows, horizontal board formed concrete stem walls, steel and wood canopies, and the patterns of recesses and projections of stories 2 through 6. The new building wall and projecting canopies create a strong sense of enclosure along the sidewalk.

The welcoming residential lobby area with integrated seating, recessed entries, storefront window bays, canopies, and sporadic upper story projections that create additional cover over the sidewalk, create a visually interesting ground floor wall both day and night. The applicant has proposed a two-story live-work unit with all living functions at the back of the unit and on the second level mezzanine. The storefront systems, canopies and entrances are consistent with others on the building, contributing to a coherent and attractive sidewalk level. *This guideline has been met.*

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

**Findings:** Each of the site's three corners have unique programs at the ground-level, but are articulated through similar stacked oriel projections above. The oriels at the corners are deeper projections than those proposed elsewhere on the building. The oriels provide a sense of enclosure and help to identify the primary entrances for each of the corner entrances. Staff has encouraged the applicant to reduce the projections over the residential ground level unit and parking garage entrances, and to reserve the largest oriel projections for the more significant corners over the residential lobby and the commercial space at the corner of NW 18<sup>th</sup> and NW Overton.

- The primary residential entry is located at the corner of **NW Pettygrove and NW 18<sup>th</sup>**. This corner is articulated with a recessed lobby entrance framed by integrated seating and landscaping. The wood cladding and canopies, the seating, and the plantings serve to soften the space and create a welcoming, residential environment.

- The corner of **NW Overton and NW 18<sup>th</sup>** is most visible as approached via the NW 18<sup>th</sup> transit street. This corner is intended to have a ground-level restaurant, and its simple glass and concrete base presents an elegant plinth for the stacked brick modular architecture above.
- The corner of **NW Pettygrove and NW 17<sup>th</sup>** has a true live-work unit at the ground level, with a large, open commercially-viable space on the main level and an upper mezzanine for sleeping.  
*This guideline is met.*

## **(2) MODIFICATION REQUESTS (33.825)**

### **33.825.040 Modifications That Will Better Meet Design Review Requirements:**

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

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

The following modifications are requested:

1. Standards for all bicycle parking (Section 33.266.220.C.3.b) – Bike Parking standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

**Findings:** The project includes 222 total long-term bicycle parking spaces, which is based on proposed residential and live-work units, and retail floor area. Of these, 45 are proposed to be located in units, with an additional 177 in the below-ground parking garage. Accommodating 177 bicycle parking spaces in a horizontal rack would consume considerable floor area. Relying on a vertical/wall hanging bike rack is a more efficient use of space, and is identical to the parking system recently approved in numerous Design Reviews throughout the City. The proposed functional and space efficient system better meets the design guidelines because it eases floor plan demands and results in additional opportunities for active uses at the street, such as a lobby and commercial tenant spaces.

The proposed bike rack system is engineered to stagger bikes vertically to allow the handle bars to overlap. This allows the proposed racks, within an 18" space, to provide the same level of service that would be provided by a standard 24" on center spacing. A 5' minimum aisle is still provided behind each bicycle rack. The rack system will be located within a secure bike storage room in a below-grade, secure parking area. For these reasons, the bicycle parking system is safe and secure, and designed to avoid any intentional or accidental damage to bicycles; as such, the

proposal is consistent with the purpose statement of the bicycle parking standards.  
*These criteria have been met.*

## **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all 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 proposal provides desired residential density and underground parking, while utilizing the materials, architectural elements and proportions of historic buildings in the neighborhood, and meeting most of the required guidelines.

The required design review process for large scale development proposals exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The architect and development team have worked closely with design review Staff to modify this proposal to better meet the guidelines. This proposal successfully responds to most of the critical areas discussed with Staff.

However, the proposal also does not respond fully to two critical Community Design Guidelines, and an unresolved underground parking encroachment review with PBOT, as addressed in this Staff Report and Recommendation. Staff has identified these two areas of concern:

### Issue 1: Parking Areas and Garages (D.4)

- a. Two curb cuts on two street frontages reduces ground floor windows and active ground level programming;
- b. Locating all bike parking in the underground garage, rather than the surface parking area negatively impacts bicyclists.

### Issue 2: Crime Prevention (D.5)

- a. Accessing the underground parking garage creates real and perceived danger for bicyclists that may be reduced by relocating bike parking.

As indicated in detail above, the Bureau of Transportation has outstanding issues regarding the below grade encroachment permit. Until these issues are resolved, PBOT is unable to give approval for design review. Staff feels the extended timeframe, while the applicant resolves issues with the Encroachment Committee, is an opportunity to also incorporate feedback from the Design Commission and to further strengthen the project.

## **TENTATIVE STAFF RECOMMENDATION**

(May be revised upon receipt of new information at any time prior to the Design Commission decision)

Denial.

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**Procedural Information.** The application for this land use review was submitted on October 28, 2016, and was determined to be complete on November 23, 2016.

*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 October 28, 2016.

*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.1). Unless further extended by the applicant, **the 120 days will expire on: March 23, 2017.**

**Some of the information contained in this report was provided by the applicant.** As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the recommendation of the Bureau of Development Services with input from other City and public agencies.

**This report is not a decision. The review body for this proposal is the Design Commission who will make the decision on this case.** This report is a recommendation to the Design Commission by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Design Commission will make a decision about this proposal at the hearing or will grant a continuance. Your comments to the Design Commission can be mailed, c/o the Design Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201 or faxed to 503-823-5630.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. You may review the file on this case by appointment at our office at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201. Please call the file review line at 503-823-7617 to schedule an appointment.

**Appeal of the decision.** The decision of the Design Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Design Commission, City Council will hold an evidentiary hearing, one in which new evidence can be submitted to them. 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.

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

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. Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034. For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

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

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

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

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

- All conditions imposed here.

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

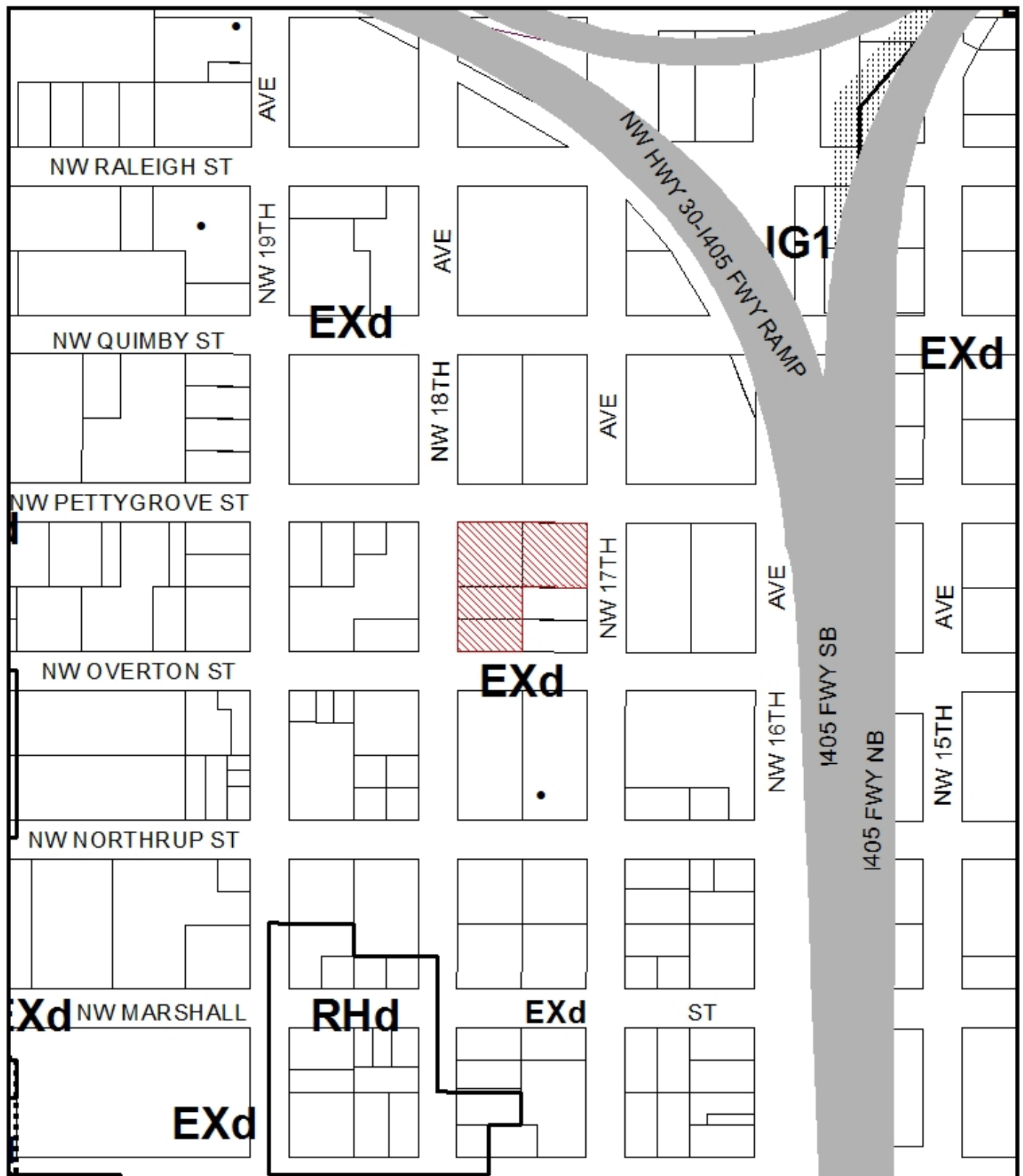
**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**

Hannah Bryant  
January 23, 2017

**EXHIBITS – NOT ATTACHED UNLESS INDICATED**

- A. Applicant's Submittals
  - 1. Request for an Evidentiary Hearing and Waiver of 120 Day Decision
  - 2. December 12, 2016 – Meeting Memo
  - 3. October 28, 2016 – Original Submittal
- B. Zoning Map (*attached*)
- C. Plan & Drawings
  - 1. Site Plan (*attached*)
  - 2. Below Grade Parking Plan
  - 3. Ground Floor Plan (*attached*)
  - 4. Second Floor Plan
  - 5. Typical Floor Plan (3-7)
  - 6. Roof Plan
  - 7. North Elevation – NW Pettygrove Street - color
  - 8. North Elevation – NW Pettygrove Street – black and white
  - 9. East Elevation – NW 17<sup>th</sup> Ave. – color
  - 10. East Elevation – NW 17<sup>th</sup> Ave. – black and white
  - 11. East Facing Courtyard Elevation – color
  - 12. South Elevation – NW Overton Street – color
  - 13. South Elevation – NW Overton Street – black and white
  - 14. South Facing Courtyard Elevation – color
  - 15. West Elevation – NW 18<sup>th</sup> Ave. – color
  - 16. West Elevation – NW 18<sup>th</sup> Ave. – black and white
  - 17. West Facing Courtyard Elevation -color
  - 18. Building Section – east-west
  - 19. Wall Sections – key
  - 20. Wall Section and Wood-Clad Canopy Detail
  - 21. Wall Section and Steel Canopy Detail
  - 22. Wall Section at Garage Entry (NW 17<sup>th</sup>)
  - 23. Wall Section at Garage Entry (NW Overton)
  - 24. Wall Section and Storefront Details
  - 25. Wall Section and Window Details
  - 26. Wall Section and Louver Details
  - 27. Brick Details
  - 28. Materials and Colors
  - 29. Landscape Plan – Street
  - 30. Landscape Plan – Residential Entry
  - 31. Landscape Plan – Amenity Deck (2<sup>nd</sup> Floor)
  - 32. Utility Plan
  - 33. Grading Plan

- 34. Site Survey
- 35. Garage Door cut sheet
- 36. VPI Vinyl Window cut sheet
- 37. Morin Metal Panel detail
- 38. Ceraclad Fiber Cement Siding detail
- 39. Projections Over the Right of Way (*labeled App:14*)
- 40. Projections Over the Right of Way – Side Windows (*labeled App:15*)
- 41. Level P1 Bike Parking Diagram
- 42. Short Term Bike Parking Diagram
- 43. In-Unit Bike Parking Diagram
- 44. Ground Floor Unit Detail
- D. Notification information:
  - 1. Request for response
  - 2. Posting letter sent to applicant
  - 3. Notice to be posted
  - 4. Applicant's statement certifying posting
  - 5. Mailed notice
  - 6. Mailing list
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Life Safety
- F. Letters: None Received
- G. Other
  - 1. Original LUR Application
  - 2. Pre-App Conference Notes
  - 3. Request for Completeness
  - 4. November 18, 2016 – Email to Applicant



# ZONING



This site lies within the:  
NORTHWEST PLAN DISTRICT

- Site
- Historic Landmark

File No. LU 16-266376 DZM  
 1/4 Section 2928  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E33AB 4100  
 Exhibit B (Nov 02, 2016)



