



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

Chloe Eudaly, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Revised STAFF REPORT AND RECOMMENDATION
TO THE DESIGN COMMISSION - APPROVAL

CASE FILE: LU 16-279595 DZM (PC # 16-242935)
1825 NW 23rd
REVIEW BY: Design Commission
WHEN: February 16, 2017, 1:30pm
WHERE: 1900 SW Fourth Ave., Room 2500A
Portland, OR 97201

Bureau of Development Services Staff: Grace Jeffreys 503-823-7840 /
Grace.Jeffreys@portlandoregon.gov

Note: Changes in this report from the February 2, 2017 Staff Report are boxed.

GENERAL INFORMATION

Applicant: Dave Mojica, Works Partnership Architecture
524 E Burnside St, Suite 320, Portland, OR 97214

Owner: Parker McNulty, Ent Ventures V, LLC
1825 NW 23rd Ave., Portland, OR 97210

Site Address: **1825 NW 23RD AVE**

Legal Description: BLOCK 3 LOT 5 EXC PT IN ST, WILSONS ADD; BLOCK 3 LOT 8 EXC PT IN ST, WILSONS ADD; BLOCK 3 LOT 9 EXC PT IN ST E 5' OF LOT 10, WILSONS ADD; BLOCK 3 LOT 12 EXC PT IN ST, WILSONS ADD

Tax Account No.: R919500470, R919500490, R919500510, R919500530
State ID No.: 1N1E28CC 06300, 1N1E28CC 06400, 1N1E28CC 06500, 1N1E28CC 06600

Quarter Section: 2827

Neighborhood: Northwest District, contact John Bradley at 503-313-7574.

Business District: Nob Hill, contact Nob Hill at nobhillportland@gmail.com.

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

Plan District: Northwest

Zoning: **CSd**, Storefront Commercial "CS", with a design "d" overlay.

Case Type: **DZM**, Design Review with a Modification Review request.

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 new five-story, mixed-use building providing 64 residential units, ground floor retail, structured parking for 22 vehicles

and one standard B loading space in the Northwest Plan District. The shared loading and garage entry is accessed off of NW 23rd. Three existing buildings are proposed to be demolished, 2 of which are on the Historic Resource Inventory. Exterior materials include brick, stucco, and metal panel siding with aluminum storefront assemblies and metal canopies with wood soffits.

The following Modification is requested:

1. *Height* - To increase the height from 45 feet to 49 feet (PZC Section 33.130.210).

Design review is necessary because the project proposes new development within a design overlay zone, per Section 33.825.

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 That Will Better |
| ▪ 33.420, Design Overlay | Meet Design Review Requirements |
| ▪ 33.825, Design Review | |

ANALYSIS

Site and Vicinity: The 17,539 square foot site is comprised of 4 adjacent lots along the west side of Northwest 23rd Avenue between NW Thurman and NW Vaughn Streets in the Northwest Plan District. The site is located at mid-block with its only frontage along NW 23rd Ave.

There are three existing structures on the site which will be demolished, a one-story commercial structure with adjacent surface parking and two early twentieth century residential structures that are listed on the City of Portland's Historic Resource Inventory (HRI): 1841 NW 23rd Avenue was constructed in the Shingle Style in 1906, and 1901 NW 23rd Avenue, which is a rank III listing, and was constructed in the American Basic style in 1915.

NW 23rd Avenue is a pedestrian oriented, commercial "backbone" of the Northwest Plan District and is designated a Streetcar Main Street. The northern portion of NW 23rd Avenue, where the project is located, has a greater emphasis on residential uses and neighborhood oriented services. The immediate area is developed with a mix of industrial warehouses and manufacturing facilities and single- and multi-family buildings, while to the south are streetcar-era as well as new mixed-use commercial structures. NW 23rd Avenue is the main street for the Northwest neighborhood with small shops, offices, cafes and restaurants to serve the area as well this popular city destination.

At the urban scale of the street grid and City block, the site and immediate vicinity derives its character from nearby NW Thurman Street and NW 23rd Ave which is lined with a variety of eateries and shops and residences above the ground level. The intersection of NW 23rd and NW Thurman is just south of the site. This is an active intersection which ties the commercial storefront character of the two retail districts together. The intersection to the north of the site at NW Vaughn and 23rd is a gateway into the NW Industrial district to the north and a gateway to NW 23rd from the Highway 30 / I-405 off ramp. NW Vaughn Street extends a mix of commercial, residential and industrial uses to the west from the intersection. The site exists at an opportunity to

extend active uses from NW Thurman to NW Vaughn and connect the gateway to the NW neighborhood.

The site is in the Northwest Pedestrian District. NW 23rd Avenue is designated a Community Main Street, a Major Transit Priority Street, Neighborhood Collector Street, and a Local Service Walkway and Bikeway.

Zoning: The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominately built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

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

The 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.

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

- Bureau of Transportation Engineering (Exhibit E.1)
- Water Bureau (Exhibit E.2)
- Fire Bureau (Exhibit E.3)
- Site Development Section of BDS (Exhibit E.4)
- Life Safety Section of BDS (Exhibit E.5)

The Bureau of Environmental Services responded with the following comment, letter dated 1/9/17 (Exhibit E.6):

BES does not recommend approval of the design review application. Although there are no BES-specific approval criteria, the applicant should submit a plan that shows approvable stormwater management facilities. Because required stormwater

facilities can affect the design and layout of the site, the applicant must account for them in their application.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **January 10, 2017**. Four written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Letter from Frank Susak, 1/31/17, concerns regarding the modification to the height allowance (Exhibit H.3).
Staff response: Refer to the findings below regarding the height modification.
2. Letter from Michael Licurse, 2/1/17, concerns regarding the stormwater planter location on the property line, as well as asking for restricted access to the rear area for security reasons (Exhibit H.4).
Staff response: The stormwater planters have been moved from this location.
3. Letter from Greg Theisen, NWDA, 2/2/17, 2:57pm, stating support of proposal (Exhibit H.6).
Staff response: Handed to Design Commission at the February 2, 2017 hearing.
4. Letter from Greg Theisen, NWDA, 2/2/17, 3:29pm, stating NA support would be stronger if the dormers were set back a meaningful distance (Exhibit H.7).
Staff response: This letter was received after the February 2, 2017 hearing.

Procedural History:

The first Design Review (DZ) hearing was held on February 2, 2017. The Staff Report recommended denial based on the following:

1. BES concerns about the stormwater management facilities (Exhibit E.1).
2. Design Review Staff concerns with the proposal meeting the following design guidelines:

- *P1. Plan Area Character:* Concerns with the flush dormer faces, the large horizontal massing of the building frontage, the vertical five-story massing, and the lack of a strong cornice.
- *E1. The Pedestrian Network and E3. The Sidewalk Level of Buildings:* Concerns with the approximately 50' of inactive frontage dedicated to service areas which dominates the southern end of the building.
- *D1. Outdoor Areas and D3. Landscape Features:* Concerns with access not provided to the rear landscape areas, and the setbacks at the side property lines appear as leftover spaces
- *D4. Parking Areas and Garages and D5. Crime Prevention:* Concerns with the approximately 50' of inactive frontage dedicated to service areas which dominates the southern end of the building and the minimal lighting proposed there.
- *D7. Blending into the Neighborhood:* Concerns with the residential rather than the streetcar commercial, character of the proposal created by the pitched roofs.

The DZ hearing was continued to February 16, 2017. Since the February 2, 2017 hearing, the applicant has responded to the Design Commission's concerns as follows:

- Continuing to work towards finalizing BES approval prior to the next hearing;
- Better articulation of the inactive use area at the south end of the frontage;
- Provided additional information and details of the stucco assembly;
- Mitigated lighting from parking garage to the exterior on the west side of the building through raised sills; and

- Revised exterior cladding at level 1 to brick on East, South, and West sides.

ZONING CODE APPROVAL CRITERIA

(1) DESIGN REVIEW (33.825)

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

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

Section 33.825.055 Design Review Approval Criteria

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

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Community Design Guidelines.

Community Design Guidelines

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

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

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.

Findings: The site is within the designated "Streetcar Main Streets - Urban Character Area" (Community Design Guidelines Appendix "J"). The italicized sections below describe the urban character of this special area. Specific findings follow each urban character statement.

Urban Character: District-wide Considerations *Development throughout the Northwest District should contribute to maintaining the district's architectural scale and its fine-grain pattern of development. New buildings and additions that are taller than the two to four-story building height that is predominant in the district should have upper stories stepped back in order to contribute to more consistent streetscape and to maintain neighborhood scale. Also, the street frontage of large*

projects should be divided into distinct components that reflect the district's established pattern of partial block massing.

The proposal includes a fifth story in the form of "dormer" roof elements above the four-story mass below. This upper-story has not been stepped back from the frontage; however, the dormers have been stepped back from the sides and are broken up along the length of the frontage. Additionally, the space between the two most northerly dormers aligns with a step back at the fourth floor, creating a large break in the mass along the length of the building. Additionally, the two two-story recessed elements help break up the mass of the 200' frontage into distinct components, reflecting the district's established pattern of partial block massing. *This aspect of the guideline is met.*

Urban Character Area: Streetcar Main Streets: Architecture: *Main streets like NW 23rd Avenue, located along the original streetcar routes, have historically served as the primary focus for commercial activity in the Northwest District. Characteristic architectural elements of commercial buildings along the main streets include: buildings located up against sidewalks, large storefront windows, often with transom lights; awnings; entrances typically at sidewalk level; flat roofs and cornices or ornamented parapets; masonry construction, and building heights of one to four stories (upper floors were usually designed for residences). The main streets also include block, split-block, and courtyard apartment buildings; as well as some early twentieth century wood frame houses, mostly located along northern portions of NW 23rd Avenue and converted to commercial uses.*

The proposed design reinforces some of the desired architectural characteristics of commercial buildings along Northwest 23rd Avenue. The building is located up against the sidewalk and contains large storefront windows with small canopies over the sidewalk level entrances. Additionally, the proposed cladding is primarily the desired masonry - white brick at the base with three levels of stucco above. *This aspect of the guideline is met.*

Urban Character Area: Streetcar Main Streets: Urban Pattern: *Commercial buildings typically abut each other, with little or no side setbacks, providing a continuous building frontage that provides a sense of urban enclosure along the main streets. Each main street block is typically lined by several small storefronts or tenant spaces, providing a diversity of activities and visual experiences.*

The facade at the ground level is continuous to the side property lines, providing a continuous building frontage that provides a sense of urban enclosure along NW 23rd Avenue. Additionally, the ground level is broken up into three individual retail units with setbacks at each entry, providing the opportunity for a diversity of activities and visual experiences to occur. *This aspect of the guideline is met.*

Urban Character Area: Streetcar Main Streets: Desired Characteristics and Traditions: *The Streetcar Era structures that define the character of the main streets should be preserved or adaptively reused. New development should incorporate architectural features that characterize the district's main streets, such as large storefront windows, awnings and upper story residences, and should continue the historic pattern of a continuous frontage of buildings and active uses located close to sidewalks. Large retail developments should be integrated into the main streets' fine-grain urban pattern and mix of uses through strategies such as including spaces suitable for small tenants along street frontages or by including upper-floor residences. Where appropriate, development should include outdoor*

space for dining and other activities that contribute to a vibrant urban environment. Disruptions to the continuity of the main street pedestrian environment by curb cuts, driveways, garage fronts and surface parking areas should be avoided.

All three of the existing structures that will be replaced by this proposal, the one-story commercial structure with surface parking and the two early twentieth century residential structures, are relatively small, detached structures which are not of sufficient scale to truly contribute to the Streetcar era character desired for the main street, NW 23rd Avenue. The proposal incorporates numerous architectural features that characterize the district's main streets, such as large storefront windows, canopies, and upper story residences, as well as a continuous building frontage with active uses located close to sidewalks. The three separate proposed retail spaces with residential units above will provide the desired mix of fine-grained uses. Additionally, the proposed shared driveway entry for parking and loading will minimize disruptions to the continuity of the main street pedestrian environment by curb cuts and driveways. *This aspect of the guideline is met.*

This guideline is therefore 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.
- 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 development of the site requires a six foot property dedication to the Public Right of Way increasing the existing sidewalk width to twelve feet. The new twelve foot sidewalk extends activities that occur south of the site on NW 23rd to the commercial district of NW 23rd. This particular pedestrian walkway is important as it connects NW Thurman Avenue to the NW Wilson Street Bridge which spans across Highway 30. The sidewalk is designed to receive several new tree plantings, creating a buffer between pedestrians and street traffic.

At the sidewalk level, the new building facade contains storefront windows that activate the ground level along NW 23rd. Several canopies are incorporated at the building entries to provide coverage and enclosure along the pedestrian walkway. The canopies, along with the new street trees, will to create a pleasant feeling of enclosure for pedestrians. The outdoor spaces located on the 2nd and 4th floor of the building, also add a human scale to the street. A visual connection can be made between residents and pedestrians. The white brick cladding used at the base of the building differentiates the street level façade from the stucco clad volume above.

In response to the Design Commission's comments at the February 2, 2017 hearing, the inactive use area at the south end of the frontage has been better articulated and the blank service areas have been minimized to provide more active frontage at the pedestrian level. Better lighting has also been added (Exhibit C.12, pages 49-52). *This guideline is met.*

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

Findings:

The project provides a pedestrian-friendly scale to a site that is adjacent to a number of scale-less and bare warehouse type buildings. Its storefront quality on the ground level allows a safe and pleasant place to linger or pause while traversing the neighborhood. In addition to the six feet of sidewalk dedication along Northwest 23rd, the retail entrances are setback an additional six feet to provide room for retail patrons and passers-by to stop and visit. The canopies at the entries provide additional protective cover. At night, this site becomes lit to allow for a secure and safe walking and stopping place for any passers-by. *This guideline is met.*

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:

The project incorporates four canopies, one at each building entry along NW 23rd, which along with the recessed entry spaces, act as guards from weather elements. The street trees also provide a buffer and protection from sun, wind and rain. *This guideline is met.*

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

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

Findings for D1 and D3:

The project utilizes the majority of the site. Several trees will be planted on the sizable sidewalk, which will gain six feet with the new PBOT dedication to be implemented with the construction of the building.

The ground level outdoor area at the rear of the building incorporates landscaped areas with several varieties of trees, shrubs, and grasses intended to add color throughout the year. Private outdoor spaces are provided for some of the residents on the western side of the second floor of the building, which will allow for outdoor dining and recreation, and incorporate several new planting and landscaped areas. Two upper decks cut into the building which are oriented towards NW 23rd Avenue will incorporate plantings which will add visible interest from pedestrians across the street or approaching the building. *This guideline is met.*

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

Findings:

The project expresses its lobby entrance by use of an awning with integrated linear LED lighting (Exhibit C.12, page 42, cutsheet page 13). The material of the wood soffit of the awning will create a warm and inviting entryway. The building main entrance is delineated from the retail entrances by an increased width. The three narrower entries into the retail storefronts are also expressed by wood-soffited awnings lit with integrated linear LED lighting. These entries will embrace

and enhance the activity and street-life inherent with this main street, NW 23rd Avenue. The applicant states that the design and implementation of small metal blade signage to the storefronts will allow for clear way-finding for pedestrians. However, no details or dimensions of this signage have been provided. If the signage proposal exceeds the allowance available for signage, a further review will be required. *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 project includes vehicular parking at the ground floor level, behind the retail spaces that front NW 23rd. Since there is no other frontage, the access and curb cut to the parking area desired for the development must be off of NW 23rd Avenue. The proposed design is to utilize the smallest garage door entryway allowed by code, 20 ft wide clear, intended to not dominate the overall facade or street presence of the building.

As noted in the findings above, in response to the Design Commission's comments the February 2, 2017 hearing, the inactive use area at the south end of the frontage has been better articulated, the blank service areas have been minimized to provide more active frontage at the pedestrian level, and better lighting has been added.

The garage entry materials are sympathetic to other metal assemblies at the ground level in material and color and perforations in the material minimize views into the garage. *This guideline is 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 project will provide integrated LED lighting strips under the four canopies at the building entrances, and a small wall mounted sconce to the south of the transformer room (Exhibit C8 on page 23, and Cutsheet pages 13 and 18). At the northern 3/4th of the street frontage, the storefront awnings incorporate lighting, and the glass facades allow for the lit interiors to add additional light to the sidewalk. This active ground floor paired with generously glazed residential units above oriented towards the street will create a safe and therefore more used environment and walkway.

Since the February 2, 2017 hearing, the southern 1/4 of the street frontage has been revised and better lighting has been added (Exhibit C.12, pages 49-52). *This guideline is met.*

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

Findings: The project deliberately utilizes traditional building materials and

proportions in a contemporary way. The use of stucco and brick is common in the surrounding neighborhood in both commercial and residential structures. The storefront on the ground floor of the project with residential floors above is a traditional building type, found in the northwest neighborhood, and elsewhere in Portland. The human scale is apparent on the residential floors, as many smaller windows make up the building's facade.

In response to the Design Commission's comments the February 2, 2017 hearing, the applicant has proposed brick cladding to all four frontages at the ground level. *This guideline is met.*

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

Findings: The project incorporates quality materials and will enrich the block in which it resides. It provides interest with a vibrant storefront along NW 23rd. The residential units on the upper floors add a human scale to the project, with its variety of window sizes and balconies facing the street. Two outdoor areas in the building are also oriented towards the street. These areas will provide light, plants, and liveliness, as well as a visual interest and landmark to those approaching the building. The project cohesively addresses the surrounding context with quality materials such as stucco and brick. *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 modification is requested:

Modification #1: Building Height (PZC 33.130.210) Request to increase the height from 45 feet to 49 feet.

Purpose: The height standards are intended to control the overall scale of buildings. The height limits in the CN1, CN2, and CO1 discourage buildings which visually dominate adjacent residential areas. The height limits in the CO2, CM, CS, and CG zones allow for a greater building height at a scale that generally reflects Portland's commercial areas. Light, air, and the potential for privacy are intended to be preserved in adjacent residential zones. The CX zone allows the tallest buildings, consistent with its desired character.

Standard: The height standards for all structures are stated in Table 130-3. CS zone maximum height is 45 feet.

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

Findings: The applicant states that this proposal seeks a modification to the building height requirement to provide a higher floor to ceiling height at ground level to create a more desirable active zone. Per 33.562.240.D active use ground floor standards require a minimum 12' clearance which was accommodated in the original design. Per the request of the neighborhood, the applicant would like to increase the ground floor height to a maximum of 16'. In turn, the Modification is to increase the height of the building by 4' over the base zone height of 45', for a maximum total height of 49'.

With this Modification, the proposal will better meet the design guidelines *P1 Plan Area Character* and *D7 Blending into the Neighborhood*, which encourage higher ground floor levels to provide active ground floor retail spaces. *Therefore, this criterion is met.*

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

Findings: The purpose of the regulation is to control the overall scale of buildings to remain consistent with the scale of existing structures and reflect the pedestrian oriented streetscape. The additional overall building height requested allows an increase in the height of the ground floor level, consistent with other recent developments in the immediate area along NW 23rd Avenue. *Therefore, this criterion is met.*

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 proposed design will contribute to the sense of place along NW 23rd Avenue with an active ground level, spaces for small-scaled ground level retail uses, and residential units above. The pedestrian experience will be enhanced with highly glazed ground floors, active uses, recessed entrances, and canopy coverage. The proposed cladding materials are durable and long lasting. The proposal meets the applicable design guidelines and Modification criteria and therefore does not yet warrant approval.

TENTATIVE STAFF RECOMMENDATION

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

This recommendation is pending BES recommendation of approval, which is expected by the time of the February 16, 2017 hearing. If BES cannot recommend full approval by February 16, 2017, then staff must recommend denial until all outstanding issues are addressed.

Staff recommends **approval** of a new five-story, mixed-use building providing 64 residential units, ground floor retail, structured parking for 22 vehicles and one standard B loading space in the Northwest Plan District. The shared loading and garage entry is accessed off of NW 23rd. Three existing buildings are proposed to be demolished, 2 of which are on the Historic Resource Inventory. Exterior materials include brick, stucco, and metal panel siding with aluminum storefront assemblies and metal canopies with wood soffits.

Staff recommends **approval** of the following Modification:

1. Building Height (PZC 33.130.210) Request to increase the height from 45 feet to 49 feet.

This recommendation of approval is per Exhibits C.1 through C.12 (pages 1-57) and per the conditions A-C below:

- A. As part of the building permit application submittal, the following development-related conditions (B through 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 16-144846 DZM, AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

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Procedural Information. The application for this land use review was submitted on November 30, 2016, and was determined to be complete on **November 30, 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 **November 30, 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.3. Unless further extended by the applicant, **the 120 days will expire on: October 28, 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.

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

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

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 \$5,000.00 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.

Appeal Fee Waivers: 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.

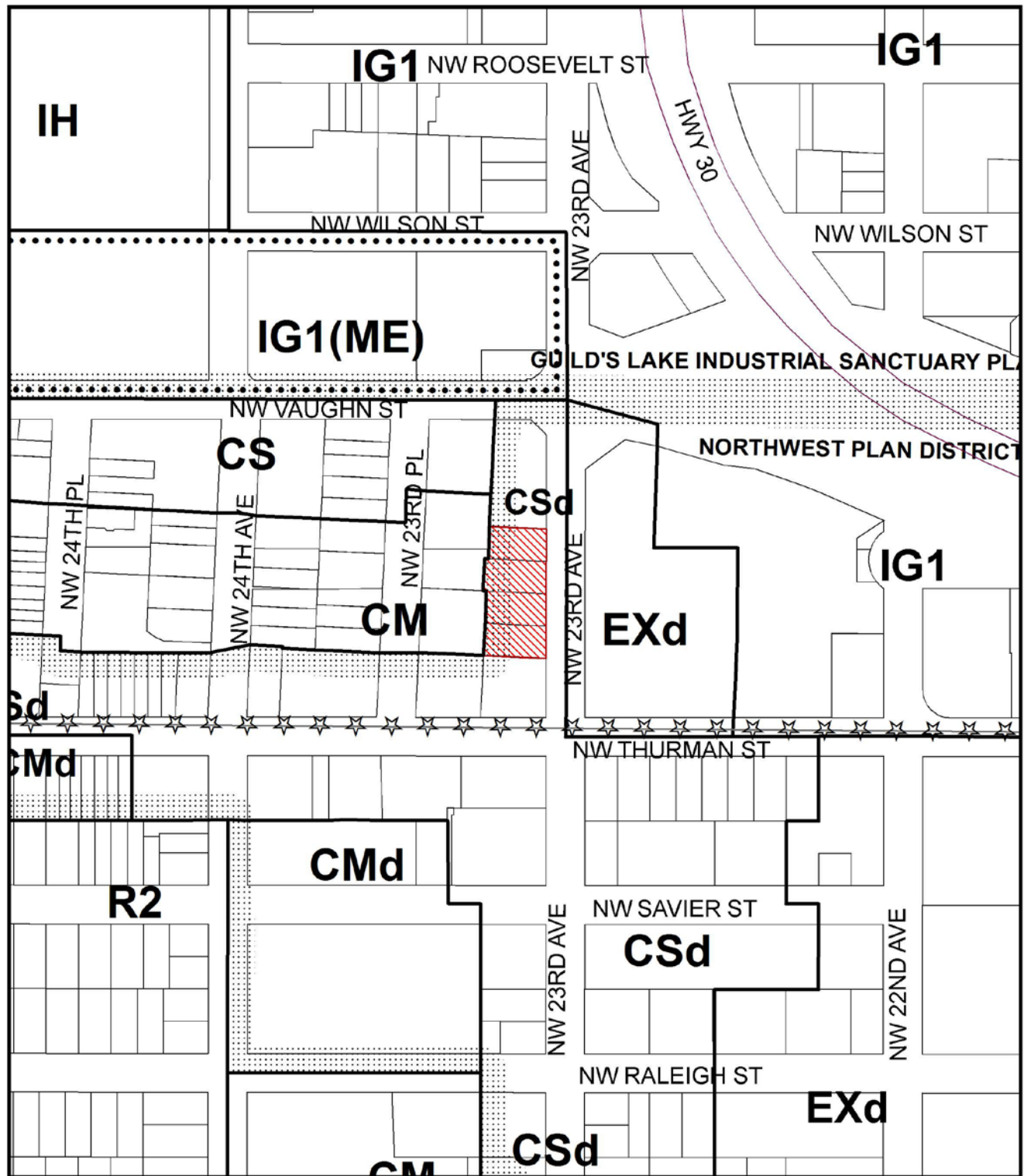
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

Grace Jeffreys
February 10, 2017

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Initial submittal- narrative, drawings, cutsheets, 9/19/16 (LU 16-242935 DZ)
 2. Incomplete response letter, 10/28/16
 3. Request for Evidentiary Hearing and 120 day waiver, 12/14/16
 4. Revised Draft Drawings, 1/6/17
 5. Email describing how height was determined, 1/9/17
 6. Revised narrative, drawings, cutsheets, 1/13/17
 7. Email requesting date of hearing change from January 5 to February 2, 2017, 11/21/16
- B. Zoning Map (attached)
- C. Plan & Drawings
 1. PROJECT SUMMARY
 2. VICINITY & CONTEXT - pages 5-9
 3. SITE PLANS - pages 10-11 (Exhibit C.3, page 11 attached)
 4. MASSING / DESIGN CONCEPT- pages 12-16
 5. CIVIL - pages 17-19
 6. LANDSCAPE - pages 20-24
 7. BUILDING DIAGRAMS - pages 25-29
 8. FLOOR PLANS, EXTERIOR LIGHTING PLAN - pages 30-35
 9. ELEVATIONS - pages 36-39 (Exhibit C.9, pages 36-39 attached)
 10. SECTIONS - pages 40-41
 11. PERSPECTIVES & DETAILS - pages 42-56
 12. RENDERINGS - page 57
- D. Notification information:
 1. Request for response, 11/4/16
 2. Revised Request for Response, 12/7/16
 3. Posting letter sent to applicant and 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. Bureau of Parks, Forestry Division
 6. Site Development Review Section of BDS

- F. Letters – None received at time of first staff report. See Exhibits H for letters received after.
- G. Other
 - 1. Original LUR Application
 - 2. Pre-Application Conference Memo, 2/4/16
 - 3. Site Images
 - 4. RFC, 9/22/16
 - 5. Revised RFC, 10/12/16
 - 6. Email to Applicant regarding revised LU Number, 11/30/16
- H. After first Hearing:
 - 1. Staff Report for first hearing, 1/23/17
 - 2. Staff Memo for first hearing, 1/23/17
 - 3. Letter from Frank Susak, 1/31/17, concerns regarding the modification to the height allowance.
 - 4. Letter from Michael Licurse, 2/1/17, concerns regarding the stormwater planter location on the property line, as well as asking for restricted access to the rear area for security reasons.
 - 5. Staff Presentation, 2/2/17
 - 6. Letter from Greg Theisen, NWDA, 2/2/17, 2:57pm, stating support of proposal.
 - 7. Staff Notes from first hearing, 2/2/17
 - 8. Letter from Greg Theisen, NWDA, 2/2/17, 3:29pm, stating support would be stronger if the dormers were set back a meaningful distance.
 - 9. Applicant's notes from DZ hearing, 2/8/17



ZONING



Site



Recreational Trails



NORTH

This site lies within the:
NORTHWEST PLAN DISTRICT

File No. LU 16-279595 DZM

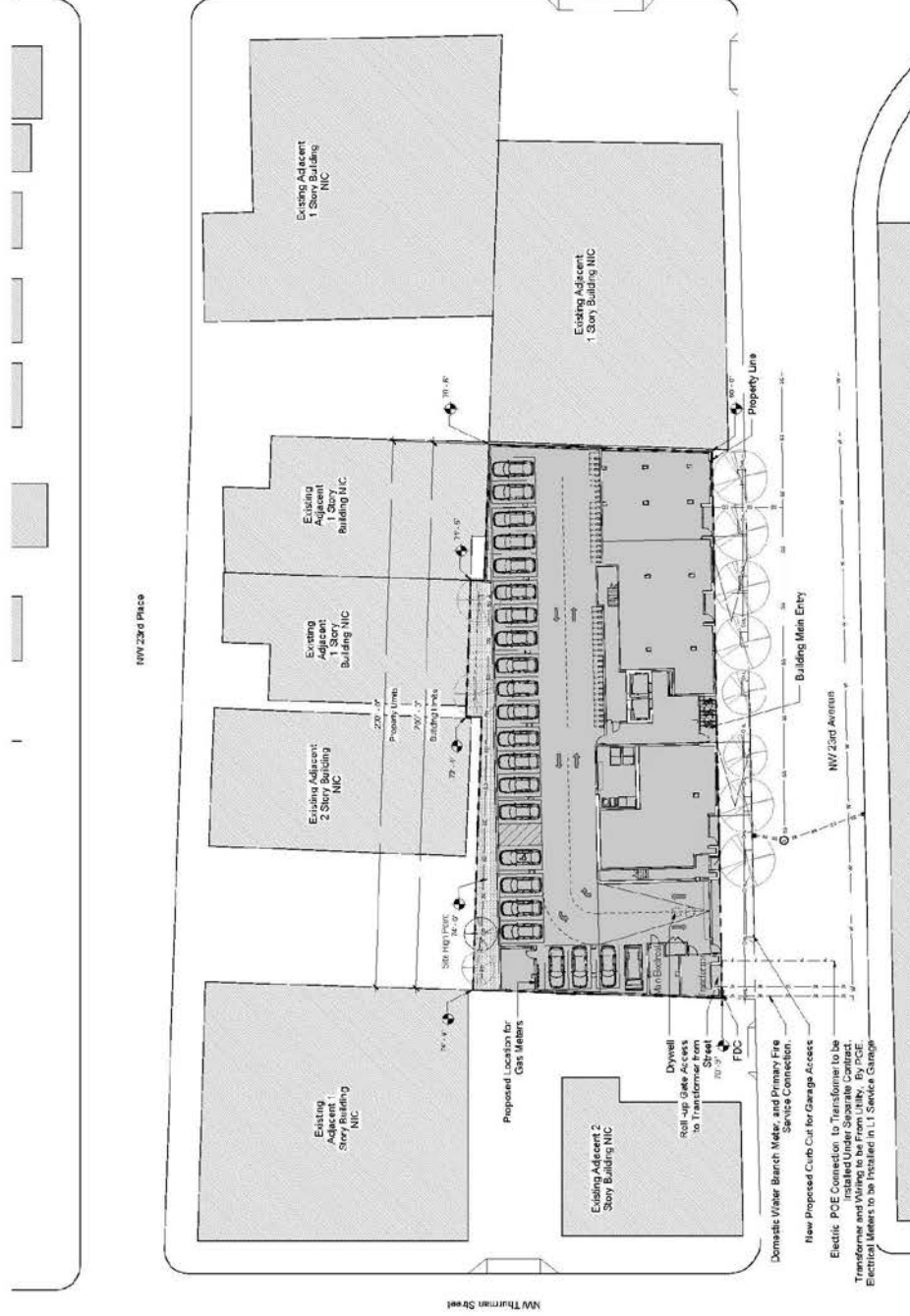
1/4 Section 2827

Scale 1 inch = 200 feet

State_Id 1N1E28CC 6300

Exhibit B (Nov 30, 2016)

C.3 SITE PLAN PROPOSED



Total Site Area	17,539 sf
Roof Area	13,743 sf
Water Quality Paved (Plan)	1,227 sf

REV 1



CUT SHEET PAGE
See Material Sample
24
20
19
29
32
41
13
16
45



4. White Brick

REV 1



WILLIAM J. PETERSON

- DOI: 10.1002/for

MATERIAL KEY

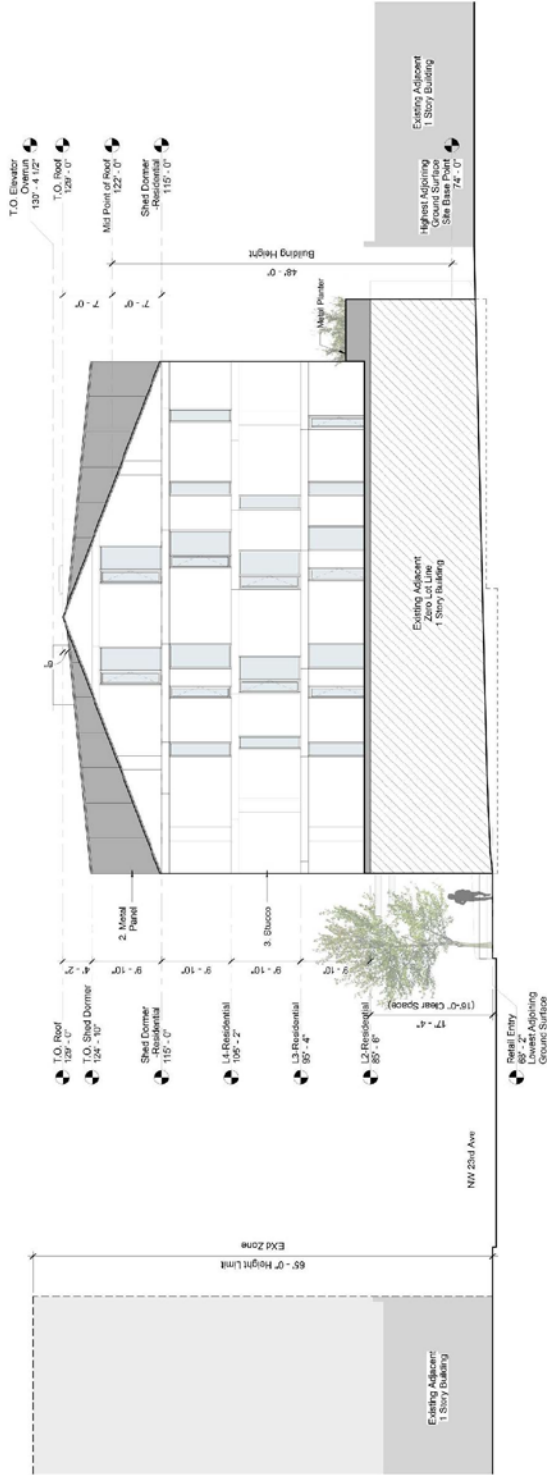
- See Material Sample



02.08.2017 1 Page 37

C.9 ELEVATION
NORTH ELEVATIONS

REV 1

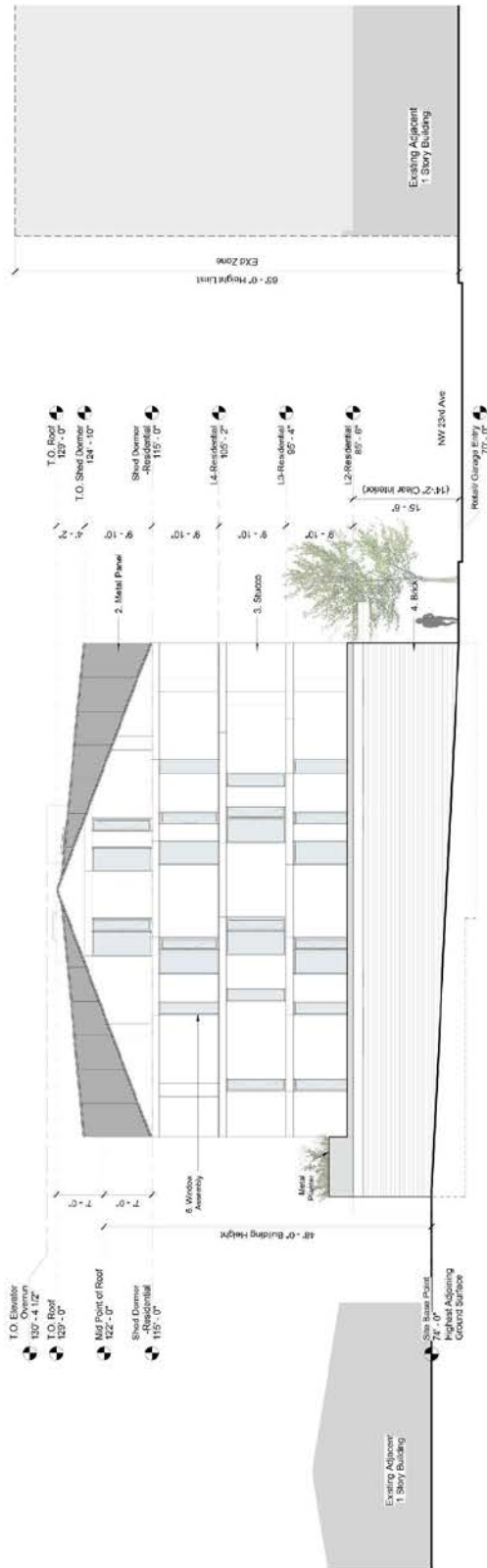


CUT SHEET PAGE	
1. Wood Soffit, T&G Tight-Knot Cedar	See Material Sample
2. Metal Finish, Kynar in Charcoal Gray	24
3. White Stucco, Smooth Finish	20
4. White Standard Brick	19
5. Stonefront Window Assembly	29
6. Window Assembly	32
7. Overhead Door	41
8. Outdoor Linear LED	13
9. Outdoor LED Sconce	18
10. Green Screen	45

MATERIAL KEY	
	1. Wood Soffit
	2. Metal Panel
	3. White Stucco
	4. White Brick

SCALE: 1/16" = 1'-0"

C.9 ELEVATION
SOUTH ELEVATIONS
REV 1



CUT SHEET PAGE

1. Wood Soffit, TAG Tight Knot Cedar	See Material Sample
2. Metal Finish, Kynar, Charcoal Gray	24
3. White Stucco, Smooth Finish	28
4. White Stucco, Rough Finish	19
5. Stucco/Wood Window Assembly	29
6. Window Assembly	32
7. Overhead Door	41
8. Outdoor Linear LED	13
9. Outdoor LED Sconce	18
10. Green Screen	45

