



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 16-179772 DZM AD – Derby: NW Portland
PC # 16-115898

REVIEW BY: Design Commission

WHEN: October 6, 2016 @ 1:30pm

WHERE: 1900 SW Fourth Ave., Room 2500A
Portland, OR 97201

Please note: Areas of proposal that do not meet the Approval Criteria are in boxed text.

Bureau of Development Services Staff: Benjamin Nielsen /
Benjamin.Nielsen@portlandoregon.gov

GENERAL INFORMATION

**Applicant/
Representative:**

Joshua Scott, Koz Development
1208 10th St, Suite 201
Snohomish, WA 98290

Owner:

Cathy Reines, Amstar / Koz Portland LLC
C/O Koz Development
1208 Tenth Street, Suite 201
Snohomish, WA 98290

Owner on Record:

Amstar/Koz Portland LLC
1401 17th St, 12th Floor
Denver, CO 80202

Site Address:

1015 & 1033-1039 NW 16TH AVE

Legal Description:

BLOCK 181 LOT 4 EXC S 16.5' OF E 75', COUCHS ADD; BLOCK 181 LOT 5, COUCHS ADD; BLOCK 181 LOT 8, COUCHS ADD

Tax Account No.:

R180216770, R180216810, R180216830, R180216830

State ID No.:

1N1E33AB 02000, 1N1E33AB 01900, 1N1E33AB 01800, 1N1E33AB 01800

Quarter Section:

2928

Neighborhood:

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

Business District:

Nob Hill, contact Nob Hill at nobhillportland@gmail.com. Pearl District Business Association, contact Carolyn Ciolkosz at 503-227-8519.

District Coalition:

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

Plan District: Northwest
Other Designations: Northwest Pedestrian District
Zoning: EXd – Central Employment with Design Overlay

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

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

Proposal:

The applicant requests Design Review for a new, 72'-10" tall, seven-story residential mixed-use building in the Northwest Plan District. The proposed building includes ground floor retail at the intersection of NW 16th Ave and NW Marshall St, a live/work loft facing NW Marshall Street, a residential lobby and amenity space facing NW 16th Ave, and residential dwelling units facing an interior courtyard. The six stories above the ground floor include additional residential dwelling units, for a total of 128 proposed residential dwelling units, most of which are studio-sized units.

The applicant intends to utilize the “Floor area ratio bonus option for small site residential proposals” in Portland Zoning Code section 33.562.230.C.2 to allow for a bonus FAR of 1:1 to be added to the site. The total proposed FAR for the project will be 4.9:1.

The applicant requests two Modifications to the zoning code development standards:

1. 33.266.220.C.3 – Standards for all bicycle parking. The Modification is requested to allow the long-term bicycle racks to provide bicycle parking spaces that are as narrow as 16" instead of the 2' required by 33.266.220.C.3.b.
2. 33.140.215.C. – Maximum building setbacks. The Modification is requested to allow 92% of the street-facing portion of building to lie within the maximum building setback (which is 10'-0") along NW 16th Ave instead of placing 100% of the building within the maximum setback, as required by 33.140.215.C.1.e.(5).

The applicant requests one Adjustment to the zoning code development standards:

1. 33.266.310.C.1.c – Number of loading spaces. The Adjustment is requested to allow the number of required loading spaces that must be provided on-site to be reduced from one “Standard A” loading space to zero loading spaces.

The proposal has changed since the “Request for Response” was mailed to the recognized neighborhood organizations and service bureaus: the façade designs have been revised, the proposed FAR has been adjusted up to 4.9:1 due to right-of-way dedications, and a Modification request to the maximum setback along NW 16th Ave has been added.

Design Review is required for new development in the design overlay zone of the Northwest Plan District and for requested modifications to zoning code development standards. The concurrent Adjustment Review is required for requested adjustments to zoning code development standards.

Relevant Approval Criteria:

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

- 33.825 Design Review
- 33.805 Adjustments
- 33.805.040 Adjustments Approval Criteria
- Community Design Guidelines
- 33.825.040 Modifications That Will Better Meet Design Review Requirements

ANALYSIS

Site and Vicinity: The subject site lies at the southwest corner of the intersection of NW 16th Avenue [*Major City Traffic Street, Community Corridor, Community Transit Street, City Bikeway, Local Service Walkway, Major Emergency Response Street, Main Truck Street*] and NW Marshall Street [*local service for all modes*] on the eastern edge of the Northwest Plan District and Northwest Pedestrian District, and it occupies more than half of the block face along NW 16th Ave. Nearby development consists primarily of single-story warehouse structures—typically composed of concrete—intermixed with multi-story low-rise multidwelling structures—typically clad in brick—and surface parking lots. A narrow, single-story retail structure lies immediately south of the site and sits next to a three-story masonry residential mixed-use structure. A parking lot for Radio Cab lies to the immediate west of the site and acts as a kind of alley that bisects the block along a north-south direction. The elevated Interstate 405 freeway looms over the site to the east, and rail facilities for the Portland Streetcar lie underneath it. The Portland Streetcar itself runs eastward along NW Lovejoy St, one block to the south, and westward along NW Northrup St, one block to the north. The nearest streetcar stops to the site are located at NW 18th Ave.

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 “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 that prior relevant land use reviews include the following:

1. EA 15-146420 – Early assistance memo for proposed retail and self-storage building.
2. EA 16-106113 – Early assistance memo for proposed 153-unit studio housing with ground floor retail.
3. EA 16-115898 PC – Pre-application conference for proposed 6-story, 133-unit residential mixed-use building with ground floor retail and studio units above.

Agency Review: A “Request for Response” was mailed **August 26, 2016**. The following Bureaus have responded with no issues or concerns:

The Bureau of Environmental Services responded with comments stating that the required stormwater report, infiltration testing report, and utility plan showing stormwater facilities had **not** been submitted. Please see Exhibit E-1 for additional details.

The Bureau of Transportation Engineering (PBOT) responded with comments about the proposed adjustment, required street improvements, and the transformer vault location. Specifically, PBOT recommends approval to the requested loading adjustment—and provided findings in support of it—and noted that no transformer is indicated in the site plan or utility plan. PBOT further states that the transformer should be located on private property since there are exterior on-site where this could be placed. PBOT also notes that a 3'-0" dedication is required along NW 16th Ave in order to have a 15'-0" wide sidewalk corridor. A 12'-0" wide sidewalk corridor is required along NW Marshall St. Please see Exhibit E-2 for additional details.

Staff notes that the proposed site plan, Exhibit C.1, and the ground floor plan, Exhibit C.2, do not show a 15'-0" wide sidewalk corridor along NW 16th Ave. Rather, a 12'-6" wide (Exh. C.2) to 13'-0" wide (Exh. C.1) sidewalk corridor is shown. The utility plan, Exhibit C.35, shows the required 15'-0" wide sidewalk corridor; however, door swings and architectural features encroach into the right-of-way beyond what is allowed by PBOT and the building code. Additionally, the upper stories of the building appear to encroach by up to 12" over the NW 16th Ave right-of-way for the length of the building (though the utility plan appears to suggest a 3'-0" encroachment), which is considered a Major Encroachment that would require City Council approval. PBOT would not support a Major Encroachment here.

Ultimately, it appears that the building cannot be constructed as proposed. Staff, therefore, cannot recommend approval until this issue is resolved.

The Fire Bureau responded with comments stating that all applicable fire code requirements shall apply at the time of permit. Please see Exhibit E-3 for additional details.

The Site Development Section of BDS responded with comments about the site, requirements for geotechnical reports at the time of permit, and erosion control requirements. Please see Exhibit E-4 for additional details.

The Bureau of Parks-Forestry Division responded with comments about existing site and street trees, street tree planting and mitigation, and requirements at the time of permitting. Please see Exhibit E-5 for additional details.

The Life Safety Review Section of BDS responded with general life safety comments. Please see Exhibit E-6 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on September 15, 2016. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

(1) 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.

Please note: The following areas of the proposal meet aspects of the Design Guidelines as noted below.

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 for E1 & E3: The proposal creates a safe, efficient, and pleasant pedestrian network and a sense of enclosure and visual interest along sidewalks and pedestrian areas in the following ways:

- The ground floor is recessed from the upper stories by approximately 3'-9" on the east façade and approximately 2'-0" on the north façade. The sidewalk is continuous into this recessed area, extending the pedestrian network and, along with the nearly-continuous canopy, creating a greater sense of enclosure along the sidewalk.
- A nearly-continuous canopy wraps around the building along the east and north facades, sheltering part of the sidewalk and the large storefront windows that also wrap both street-facing facades. Together, these two elements provide clear differentiation between the base and upper portion of the building from the street.
- The rest of the ground floor along the interior portions of the site is also differentiated from the upper floors through the use of cast-in-place concrete, tall windows, and metal canopies over ground-level residential entries that face the interior courtyard.
- Active indoor uses, including the residential lobby, residential common/amenity space, and a large restaurant/retail space at the northeast corner of the building, are located along the active street edges, adding visual interest to the street. The more-private ground-floor residential open to the interior courtyard. Long-term bicycle parking is pushed towards the western edge of the site, away from the active sidewalk edge.

Therefore, these guidelines are 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: The proposed building helps to create an active intersection at the corner of NW 16th & Marshall by locating a large retail/restaurant space at the northeast corner of the building. This space extends west along NW Marshall and south along NW 16th Ave and has four entry doors along these frontages. Storefront glazing extends, uninterrupted, along both frontages at this corner; structural columns and sheer walls are located on the building's interior.

This corner is further defined by the upper-story façade design of the east and north facades. These upper-story elevations are unified by the white Equitone panel façade expression that is biased towards the northeast corner of the building, and which turns this corner, tying the two facades together. Additionally, the windows at this corner butt up against one another, further helping to unify the corner.

Therefore, 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 proposal includes a long, 7'-0" deep steel canopy that covers the entire length of the storefront and entries along the east façade on NW 16th Ave and wraps the corner, continuing the canopy along the north façade along NW Marshall St (though along the north façade, the canopy is shown as being approximately 8'-0" deep in the building section on Exhibit C.17 and the east elevation on Exhibit C.12). These deep canopies, in addition to providing weather protection for pedestrians, also help to limit reflection of light from the storefront windows while simultaneously helping to limit glare on the storefronts' interiors. Excessive shadow is mitigated at night by proposed surface-mounted lighting hanging from the canopies (see also Findings for D8) which cast light onto the sidewalk surface.

Therefore, this guideline is 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 residential lobby is located along NW 16th Ave. The entrance is prominently identified by a pair of orange-colored columns and an orange header piece that together form a kind of portal. These columns sit in front of a cast-in-place concrete wall into which the entry doors are set. A building sign above the doors also helps to identify this entrance as the main entry to the building. The overall composition lends interest to the ground floor in this area on what is otherwise a simple glazed storefront system.

The four entrances into the retail/restaurant space are less prominent than the residential entry, and these are set directly into the plane of the storefront window system. Another entrance, similar to those into the retail space, is placed into the commercial live/work loft at the west end of the north façade.

All together, these six entrances are all placed at the edge of an extension of the sidewalk, and three of them face directly onto the transit street, though by dint of their placement, all are transit-oriented. Additionally, all are also accessible to pedestrians at the sidewalk edge.

Yet another entrance—or rather egress—door is placed on the north façade, along the NW Marshall St frontage between the retail and work/live unit. Like the main residential lobby entrance on the east side of the building, this opaque egress door—which is probably composed of steel, though this is not indicated—is prominently identified by a pair of orange-colored columns and an orange header piece forming a distinct and prominent entry portal over this door. Also like the main lobby entrance, this door is set into a cast-in-place concrete wall. Unlike the main lobby entrance, however, the canopy does not continue over the door, making this entrance stand out even more prominently. Since this door serves primarily as an egress door, it is incongruous to detail it similarly to the primary entrance to the residential portion of the building and to give it such prominence. The portal should be removed to reduce the door’s prominence and establish a clearer hierarchy of entrances on the ground floor.

With the condition of approval that the orange columns and header, forming a portal around the egress stair on the north façade, shall be removed, this guideline will be met.

Please note: The following Design Guidelines that are not yet fully met are detailed in the “boxed text” findings below:

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

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

Findings for P1 & D7: The proposal successfully enhances the sense of place and identity of the Northwest Plan District by incorporating the following site and building design features:

- The proposed new 7-story building helps to fulfill the desired plan area character by screening of the neighborhood to the west from I-405 and establishing an active ground floor retail space, which will help to enhance pedestrian linkages to the Pearl District under the freeway along NW Marshall Street.
- The building’s U-shaped massing, though inverted in its relationship to the street relative to more-traditional courtyard residential buildings in the Northwest Plan District, nevertheless establishes an active urban edge along both NW 16th Ave and NW Marshall St.
- Canopies extend for nearly the entire length of the street-facing elevations along the ground floor, and the recessed ground floor provides frontage that is seamlessly integrated with the public sidewalk and allows for interior uses to spill outdoors. This also continues a pattern that is prevalent throughout the neighborhood.
- The primary residential lobby and retail entrances are oriented towards the public streets.
- The proposed building adds active ground-floor retail space to this portion of the neighborhood, continuing the pattern of ground-floor retail established along NW 16th Ave.
- A small work-live unit at the northwest corner of the building allows for a small-scale retail or other commercial use that relates well to other similarly-scaled retail establishments in the immediate vicinity.
- Cast-in-place concrete is used on the ground floor, in addition to the storefront glazing. Together, these materials help to differentiate the ground floor from the upper stories and tie the ground floor of the proposed building into the streetscape

along the rest of the block on NW 16th Ave. Additionally, cast-in-place concrete is a frequently used material throughout the neighborhood.

- Standard brick is used on portions of the upper stories, incorporating a frequently-used material in the neighborhood.

Other aspects of the building, however, do not adequately meet these guidelines:

- The applied patterning on the east and north facades (Exhibits C.12 and C.10, respectively) has a busyness that clouds their underlying, more-organized, and rational patterns and rhythms of these elevations. The interplay of dark gray, light gray, orange, and white Equitone panels, forming groups of horizontal window bays, could be simplified by reducing the number of different material colors to just one accent color. This would help the building better relate to existing, nearby buildings that typically incorporate one material—primarily brick for residential structures or concrete for industrial structures—and utilize one additional, complementary material in more a restrained way.

One nearby example of this is the brick mixed-use building on the same block at the corner of NW 16th & Lovejoy (shown, right). It incorporates stucco bays as the primary accent to simple, regular brick facades. Additional smaller-scale detailing is provided around the windows utilizing the same materials. The storefronts facing NW 16th function as a distinct base, giving the overall building a traditional tripartite design.



- Material transitions between brick and Equitone panels and between different colors of Equitone panels on all of the building's elevations appear to occur within the same relative plane, though the brick on either end likely stands proud of the Equitone panels. However, the white Equitone frame that wraps the east and north elevations reads in tone as if it should be proud of the dark brick portions of the façade to its sides. (This would be separate from the setback penthouse level on the seventh floor.) The horizontality of the white Equitone panels at each floor level also suggests that these panels should be proud of the windows and the accent panels adjacent to the windows. Pulling these white Equitone panels forward from the rest of the façade would also help give the windows set within the Equitone portions of these facades more punch that would help them relate better to the windows set with more punch in the brick and with the character of residential mixed-use buildings in the surrounding neighborhood. (Note that, in the renderings, some of the punch in the Equitone system is shown. However, in the window detail provided in Exhibit C.20, the window sashes appear to protrude out in front of the Equitone panels.)
- The proposed balconies on all facades are only 2'-4" deep, which is much shallower than other balconies on residential buildings in the neighborhood. Aside from lacking the same visual depth on the façade, the spaces created are minimally functional and will likely be used for storage rather than active use. Balconies that are deeper on the

street-facing facades, at the least—deep enough to hold a table and two chairs comfortably—would help to improve this aspect of the building’s character in relation to the neighborhood. Narrower balconies along the interior courtyard facades and side elevations may be more appropriate.

Without additional changes as noted above, this guideline is not yet met.

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

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 E2, D1, & D3: The proposal meets some aspects of these guidelines. Specifically:

- The interior courtyard provides usable space for all residents of the building, in addition to small semi-private outdoor spaces for the ground level, courtyard-facing units. The courtyard is connected to both the public sidewalk along NW Marshall St by a gated entry along the west side of the building and to the residential lobby and indoor common area.
- The landscaping proposed in the courtyard is relatively restrained. The main public area is proposed to be paved with square concrete pavers. The semi-private outdoor spaces for the ground-floor dwelling units are delineated by a change in the paving to an apparently-darker and more-linear type of concrete paver. (Material samples have not yet been provided.) Additional buffer between these spaces and greenery is provided by shrubbery, tall grasses, and a low Corten steel wall.
- The ground floor is recessed approximately 3'-9" from the upper stories on the east façade along NW 16th Ave and approximately 2'-0" from the upper stories on the north façade along NW Marshall St. The sidewalk is continuous into this recessed area, extending the pedestrian realm and, along with the nearly-continuous canopy, creating numerous opportunities to incorporate stopping places in the form of outdoor café seating along the sidewalk.

Other aspects of the proposal, however, do not adequately meet these guidelines:

- The space between the sidewalk on NW Marshall St and the interior courtyard has no paving or landscaping shown in either the site plan, ground floor plan, or landscaping plan (Exh. C.1, C.2, and C.30, respectively).
- The powder-coated metal fence proposed around the northwest side of the property adds visual interest and screening to the west property line, but additional landscape plantings should be placed along this edge—at least at the west end of the courtyard.
- As for the fence itself, a custom, powder-coated steel fence design is shown on the elevations and shown enlarged on Exhibit C.25; however, Exhibit C.37 shows a different metal picket fence product cutsheet, suggesting that this is the preferred design. These discrepancies must be resolved.
- The egress court shown at the southeast corner of the site is a large, deep space that extends off the sidewalk with no landscaping or other detailing. The space is alternatively shown also serving as bike parking (Exhibit C.1) or a small stopping place (Exhibit C.30) hosting a movable table and two chairs. Neither creates a very successful outdoor urban environment. At the very least, the fence at the west end of

the egress court should be moved closer to the sidewalk to better define this outdoor area.

- The enclosed landscaped area along the south edge of the site is proposed to be planted with tall grasses. This space could be utilized for greater purpose by providing private outdoor areas for the ground floor residential units on the south side of the building.

Without additional changes as noted above, 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: Some aspects of the proposal help to reduce the likelihood of crime, such as the following:

- The building is placed up against the sidewalk edge, with public entries and transparent storefront windows along nearly the entire lengths of both NW 16th Ave and NW Marshall St. Active ground floor uses, including a restaurant/retail use, residential lobby, and residential common area will provide activity on the ground floor and help to keep “eyes on the street.” Large windows in the work/live space at the northwest corner will also allow for monitoring of the street.
- Exterior lighting is provided under the wrap-around canopies along both streets, helping to keep the sidewalks well-illuminated at night.
- Access to the interior courtyard is provided through the residential lobby or via a gate on the north side of the site. Ground-floor residential units open onto a private, interior courtyard in the middle of the site, which is enclosed from the west with a steel fence.
- Some upper-story residential units have balconies which overlook the streets and the alley-like parking lot to the west of the site, providing additional opportunities for “eyes on the street.” Residents using the courtyard, and residents whose dwelling units open onto the courtyard, will also provide eyes on the alley-like parking lot to the west of the site.

Other aspects of the proposal, however, do not adequately meet these guidelines:

- The egress court shown at the southeast corner of the site is a large, deep space that extends off the sidewalk with no landscaping or other detailing. The space is alternatively shown also serving as bike parking (Exhibit C.1) or a small stopping place (Exhibit C.30) hosting a movable table and two chairs. Neither creates a very successful outdoor urban environment, and the depth of the space and un-controlled and unsupervised access into this area could facilitate dangerous situations. To remedy this, the fence at the west end of the egress court should be moved closer to the sidewalk to better define and secure this outdoor area.

Without additional changes as noted above, this guideline is not yet 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 proposed new building meets some aspects of this guideline. Specifically:

- The proposed new 7-story building relates to the scale of the elevated portion of I-405 and helps to fulfill the desired plan area character by screening the rest of the neighborhood to the west from the freeway.

- The proposed building adds active ground-floor retail space to this portion of the neighborhood, continuing the pattern of ground-floor retail established along NW 16th Ave.
- A small work-live unit at the northwest corner of the building allows for a small-scale retail or other commercial use that relates well to other similarly-scaled retail establishments in the immediate vicinity.
- A nearly-continuous canopy wraps around the building along the east and north facades, sheltering part of the sidewalk and the large storefront windows that also wrap both facades, continuing a pattern that is prevalent throughout the neighborhood.
- Cast-in-place concrete is used on the ground floor, in addition to the storefront glazing. Together, these materials help to differentiate the ground floor from the upper stories and tie the ground floor of the proposed building into the streetscape along the rest of the block on NW 16th Ave. Additionally, cast-in-place concrete is a frequently used material throughout the neighborhood.
- Standard brick is used on portions of the upper stories, incorporating a frequently-used material in the neighborhood.

Other aspects of the building, however, do not adequately meet this guideline:

- The applied patterning on the east and north facades (Exhibits C.12 and C.10, respectively) has a busyness that clouds their underlying, more-organized, and rational patterns and rhythms of these elevations. The interplay of dark gray, light gray, orange, and white Equitone panels, forming groups of horizontal window bays, could be simplified by reducing the number of different material colors to just one accent color. This would help the building better relate to existing, nearby buildings that typically incorporate one material—primarily brick for residential structures or concrete for industrial structures—and utilize one additional, complementary material in more a restrained way.

One nearby example of this is the brick mixed-use building on the same block at the corner of NW 16th & Lovejoy (shown, right). It incorporates stucco bays as the primary accent to simple, regular brick facades. Additional smaller-scale detailing is provided around the windows utilizing the same materials. The storefronts facing NW 16th function as a distinct base, giving the overall building a traditional tripartite design.
- Material transitions between brick and Equitone panels and between different colors of Equitone panels on all of the building’s elevations appear to occur within the same relative plane, though the brick on either end likely stands proud of the Equitone panels. However, the white Equitone frame that wraps the east and north elevations reads in tone as if it should be proud of the dark brick portions of the façade to its sides. (This would be separate from the setback penthouse level on the seventh floor.) The horizontality of the white Equitone panels at each floor level also suggests that these panels should be proud of the windows and the accent panels adjacent to the windows. Pulling these white Equitone panels forward from the rest of the façade would also help give the windows set within the Equitone portions of these facades more punch that would help them relate better to the windows set with more punch in the brick and with the character of residential mixed-use buildings in the surrounding neighborhood. (Note that, in the renderings, some of the punch in the Equitone system is shown. However, in the window detail provided in Exhibit C.20, the window sashes appear to protrude out in front of the Equitone panels.)
- The proposed balconies on all facades are only 2'-4" deep, which is much shallower than other balconies on residential buildings in the neighborhood. Aside from lacking the same visual depth on the façade, the spaces created are minimally functional and will likely be used for storage rather than active use. Balconies that are deeper on the

street-facing facades, at the least—deep enough to hold a table and two chairs comfortably—would help to improve this aspect of the building’s character in relation to the neighborhood. Narrower balconies along the interior courtyard facades and side elevations may be more appropriate.

Without additional changes as noted above, this guideline is not yet 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: Though the ground floor composition, in general, achieves a level of coherency in its composition, the upper stories have several problems that need to be addressed to satisfy this guideline for the building as a whole.

- As described above, the applied material patterning on the facades clouds the simplicity of the composition and attempts to mask the overall lack of depth on the upper story elevations that would help to give the building—on the street-facing facades, especially—the visual punch that is being attempted through graphic design. Though rather than achieving this punch, the white Equitone panels likely recede behind the brick and, thus, retreat from the northeast corner of the building, which should be its most prominent corner. The composition of the facades could be improved by revising the detailing here to bring the white Equitone panels forward, in front of the brick. This would also permit the windows and adjacent accent panels in this area to be set back deeper into the wall, giving additional depth to the façade and helping to clarify the horizontality that is beginning to be expressed on these elevations.
- The same graphic material shift is used elsewhere on the west, south, and courtyard elevations. The same extrusion of the white Equitone on these elevations would make these changes in material more meaningful and less graphical.
- Alternatively, simplifying the material palette expressed on the upper stories, especially the north and east facades as described above, would also help to further clarify the building’s composition.
- Though the grouping of windows set in the Equitone panels on the north and east facades establishes a horizontal expression on those elevations, windows on the south, west, and the ends of the east and north facades are grouped vertically instead. This change in the established pattern further interrupts the coherency of the building’s composition. Staff believes that the stronger of the two pattern languages used is the horizontal arrangement. The west and south elevations could likely forgo either grouping for a simpler expression.
- The differences in patterning of windows versus sliding doors on the upper stories creates additional compositional conflicts. The vertical mullion in the windows are biased towards one side to allow for a small operable sash, and a horizontal mullion creates transom windows. The sliding doors, on the other hand, are bisected. Both are intermingled on the elevations, and this clashing of patterns further detracts from the coherency of the composition. The windows and doors work most harmoniously when they are grouped vertically, as can be seen at the northeast corner of the building and in the west-facing courtyard elevation. Grouping these two differing elements in this way would also help to arrange the balconies into a more-coherent pattern on the façade.

In addition to some of the compositional issues described above, information about important building components is missing from the submitted drawing set. These components could affect the building's site and floor plans, the composition of the exterior, and the quality of the finished product. These include:

- Earlier drawing submittals indicated that the electrical transformer would be located somewhere near the northwest corner of the site; however, there is no indication on the site plan, ground floor plan, or utility plan of any electrical transformer on the site or in the right-of-way.
- An air conditioner product cutsheet is provided on Exhibit C.47; however, no air conditioner units are shown on any of the plans. If there will be air conditioner units placed on-site or on the roof, these must be indicated and likely will need to be screened.

The ability of staff to fully analyze the building composition and quality is also compromised due to inconsistencies among the drawings. Much better coordination is needed throughout the drawing set. Several instances of conflicting drawings were cited in other findings above. Staff has noted additional inconsistencies that need correction; for the sake of brevity only some are listed below:

- On elevations, steel canopy tiebacks and other large connection pieces should be shown.
- The dimensions of proposed canopy need to be coordinated. The canopy is shown as 7'-0" on the detail and for canopy along east façade in plan, but an 8'-0" deep canopy shown along the north façade in plan.
- The lobby archway is shown with Swiss Pearl material for its entire length. This conflicts with the elevations which appear to show a concrete base and with the proposed material palette which does not include Swiss Pearl as a material.
- The vinyl window details at Equitone panel siding place the window sashes and flashing proud of the Equitone panels, but the adjacent rendering suggest that the design intent is for the windows to be recessed into the façade (Exhibit C.20).
- The parapet and penthouse detail shows an undefined flat "exterior panel" where brick is otherwise indicated on the renderings and implied on the elevations (Exhibit C.22).
- The horizontal mullion pattern of the storefronts on the elevations does not match that shown on the storefront detail (Exhibit C.23). Materials on the detail are also not clearly identified.

Regarding the quality of detailing and materials proposed, not enough information has been provided to make a thorough assessment. Staff has the following comments about the details provided:

- The typical balcony section (Exhibit C.19) does not clearly identify all of the major components, such as the connection to the wall through the brick, or the finishes of the materials. A similar typical section should also be provided for the Equitone panel condition.
- Gauges and finishes of exposed flashing and metal fascia are generally not described.
- The connection of the steel canopies to the structure behind the wall is unclear. The proposed under-canopy lighting is also awkwardly detailed. The proposed fixtures are sconces that are mounted to a

hanging metal plate. A can or concealed LED strip fixture mounted to the underside of the canopy Span-Deck would be a more refined detail. Staff also believes that a concrete curb should be utilized at the base of the storefront window sills (Exhibit C.23).

To fully understand the quality of the proposed building components, additional details are still required, such as:

- Brick to storefront windows section detail.
- Brick to Equitone panel details.
- Equitone to Equitone panel details.
- Enlarged detail of Equitone panel clip system.
- Side-wall vent details for both brick and Equitone conditions.
- Lobby entrance archway section.
- Steel canopy tieback details (elevation and section)—at brick condition and at Equitone condition.

Without additional changes as noted above, this guideline is not yet met.

(2) 33.825.040 Modifications That Will Better Meet Design Review

Requirements:

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process.

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

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

Modification #1: 33.266.220.C.3 – Standards for all bicycle parking – Bicycle racks. The Modification is requested to allow the long-term bicycle racks to provide bicycle parking spaces that are as narrow as 16” instead of the 2’ required by 33.266.220.C.3.b.

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

Standard: 33.266.220.C.3.b. Bicycle racks. The Portland Bureau of Transportation maintains a handbook of racks and siting guidelines that meet the standards of this paragraph. Required bicycle parking may be provided in floor, wall, or ceiling racks. Where required bicycle parking is provided in racks, the racks must meet the following standards:

- a. The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle;
- b. A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components. See Figure 266-11; and
- c. The rack must be securely anchored.

- 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.*

Findings: The project includes between 150 and 177 total long-term bicycle parking spaces which are located in a bike parking room at the southwest corner of the site (the number is not more precise because the amount of bike parking indicated on the ground floor plan, Exhibit C.2, does not correspond with the number of parking spaces indicated on a detail sheet about the long-term bike parking, Exhibit C.9). A total of 143 long-term bicycle parking spaces are required by zoning code section 33.266.210.A (141 for residential uses and 2 for retail uses), so this part of the bike parking standards is met. The relatively small size of the subject site, the small size of the dwelling units provided—which limits space within the dwelling units for potential bike parking—and the active uses proposed along NW 16th Ave and NW Marshall St limits the amount of space available in which to place the long-term bicycle parking.

Two bicycle rack systems are proposed: a vertical wall-mounted rack system with a spacing of 16” between bicycles, and a double-decker floor-mounted system with a spacing of 17” between bicycles. For each rack, the height between racks is staggered, though the documents do not say by how much, so that handlebars and pedals do not interfere with one another from rack to rack. The 5’ minimum aisle width required by code is still provided, and indeed exceeded, behind each bicycle rack, leaving plenty of room to maneuver bikes into and out of the racks. Regarding the double-decker system, however, the spacing is slightly too narrow to accommodate easily securing the bicycles. A 17” spacing is the minimum that staff has found workable in the field. Clearance between the upper and lower deck may also be an issue with this system. Additionally, this system does not appear to meet the standard requiring that the bicycle frame and one wheel can be locked to the rack with a high-security U-shaped shackle lock.

As described above, providing slightly less space for bikes allows for additional ground floor area to be devoted to active uses along the streets on the ground floor. The large lobby and common space provided on the ground floor would likely be at least partially-occupied by bike parking were the bike parking spacing provided at the code required 24”. Thus, the proposed modification better meets Community Design Guidelines P1 – Plan Area Character, E3 – The Sidewalk Level of Buildings, E4 – Corners that Build Active Intersections, and D7 – Blending into the Neighborhood, by allowing nearly the full length of ground floor spaces along NW 16th Ave and NW Marshall St to be occupied by active ground floor uses with standard storefront glazing.

Ultimately, this Modification could be approvable if the double-decker system provided one extra inch of spacing between bicycles and if all other standards were met.

With the changes as noted above, the intent of the purpose statement could be better met.

However, until changes are made or the standard is met outright, this Modification does not yet merit approval.

Modification #2: 33.140.215.C. – Maximum building setbacks. The Modification is requested to allow 92% of the street-facing portion of building to lie within the maximum building setback (which is 10'-0”) along NW 16th Ave instead of placing 100% of the building within the maximum setback, as required by 33.140.215.C.1.e.(5).

Purpose Statement: The setback standards promote different streetscapes. The EG2 and IG2 zone setbacks promote a spacious style of development. The EG1, IG1, and EX zone setbacks reflect the generally built-up character of these areas. The IH zone requires only a minimal setback to separate uses from the street. The setback standards are also intended to ensure that development will preserve light, air, and privacy for abutting residential zones. In the EG1 and EX zones, the setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users.

Standard: 33.140.215.C.1.e.(5) – One transit street and one intersecting non-transit street. Where the site is adjacent to a transit street and an intersecting non-transit street, the following standards must be met:

- Standard 2 must be met on the frontage of the transit street,
- Standard 1 must be met on the frontage of the intersecting non-transit street.

[From 33.140.215.C.1.c – Standards. There are two standards. Subparagraphs C.1.d. and e. specify where each standard applies:

- (1) Standard 1: At least 50 percent of the length of the ground level street-facing façade on the building must be within the maximum setback;
- (2) Standard 2: 100 percent of the length of the ground level street-facing façade of the building must be within the setback.]

[From Table 140-3: Maximum Building Setback is 10 ft.]

- 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.*

Findings: The standard requires 100% of the building to be within the maximum setback along NW 16th Ave since it is a transit street and because NW Marshall St is not a transit street. Since the building along NW Marshall Street has a deep recess for an “egress court,” the standard is not met. The proposed egress court, which is approximately 11’-6” wide, is shown as being paved with concrete and scored with a simple square pattern. Exhibit C.30 shows a table and two chairs placed next to the window on the north side of the egress court, but Exhibit C.1 (site plan) shows four short-term bicycle parking spaces in this area. No additional landscaping is proposed. The egress court is 31’ deep. Beyond this point, there is a fence and ground cover landscaping, and the southern egress stair opens onto the court here as well. The garbage room also opens onto the court.

The proposed egress court, in its current configuration, does not better meet the design guidelines than would continuing the ground floor building frontage for the full length of the property line, as is required by the standard. The guidelines could be better met if the egress court were designed as a true stopping place (Guideline E2 – Stopping Places) or usable outdoor area (Guideline D1 – Outdoor Areas), possibly with a storefront door(s) connecting the residential lobby to the egress court. Some amount of additional landscape planting, possibly even a tree, should also be provided to make this a more pleasant space for residents to use (Guideline D3 – Landscape Features). Finally, the fence should be moved closer to the sidewalk—either to the west edge of the storefront glazing or to align with the storefront windows along the sidewalk edge. Moving the fence to either location would help to reduce the amount of site area that is unsecured and potentially dangerous (Guideline D5- Crime Prevention). All of these changes would also be consistent with the purpose statement of the maximum setback standard, which is to create an environment that is inviting to pedestrians and transit users.

With the changes as noted above, the intent of the purpose statement could be more

consistently addressed.

However, until changes are made or the Maximum Setback Standard is met outright, this Modification does not yet merit approval.

(3) Chapter 33.805 Adjustments:

33.805.010 Purpose

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

The following adjustment(s) is/are requested:

1. 33.266.310.C.1.c – Number of loading spaces. The standard requires the provision of one (1) “Standard A” or two (2) “Standard B” loading spaces on-site. The Adjustment is requested to allow the number of required loading spaces that must be provided on-site to be reduced from one “Standard A” loading space to zero loading spaces.

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A through F have been met:

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

Findings: The purpose statement for 33.266.310 is: “A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.”

To get a better understanding of the anticipated loading demand generated by the proposed development, PBOT required the applicant to submit a professionally prepared Loading Demand Analysis to include observations of loading activities at similar sites. The Zoning Code requires on-site loading spaces based upon the number of dwelling units proposed and/or the amount of non-residential square footage within a project, irrespective of the specific operation characteristics of the development. In this case, the proposed 128 micro-unit apartment building will trigger the requirement for one Standard A space (35-ft long, 10-ft wide, 13-ft) or two Standard B spaces (18-ft long, 9-ft wide, 10-ft clearance). The applicant’s Loading Demand Analysis, prepared by Nemariam-Engineers & Associates, LLC, included a detailed description of the proposed development as well as move-in/move-out data obtained from managers of similar apartment buildings.

The proposed project will consist of micro-units that will be fully furnished with built-in items such as tables, couches, and beds. Accordingly, the anticipated need to transport large furniture items within a large moving truck will be much less than in a more traditional

unfurnished apartment building. Based upon the data obtained from three similar locations, the proposed development is estimated to have a maximum of 6 of 6 move-ins/move-outs a week and, as discussed above, these moves will likely be conducted in a small moving van due to the unique nature of the proposed development. There is an existing on-street truck loading zone located on NW 16th abutting the subject property.

Given that no on-site parking is proposed with this project, any on-site loading space would require a new curb-cut that would likely permanently remove one on-street parking space in this area where on-street parking is in high demand. Additionally, any new curb-cut creates the potential of conflicts with pedestrians/bikes as vehicles move out of the travel lane on onto the site.

Based upon the specific nature of the proposed project, the minimal amount of anticipated loading demand as documented by the applicant's analysis, and need to preserve on-street parking opportunities in this area, PBOT can support the Adjustment to eliminate on-site loading in this case.

For these stated reasons, the approval criterion is met.

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

Findings: The Northwest Plan District is a dense urban district with a variety of land use types intermixed together, including retail, residential, commercial, and industrial uses. Loading has typically been provided both on-street and on-site throughout the district. Given the high population density in the area and limited amount of parking spaces available for cars, it is desirable to limit curb cuts for loading when on-street loading spaces already exist that could serve the needs of the building. Additionally, providing loading on-street allows for a better urban edge along the sidewalk with active ground floor uses that would be consistent with the desired character of the neighborhood.

For these stated reasons, the approval criterion is met.

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

Findings: Only one adjustment is being requested.

Therefore, this criterion does not apply.

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

Findings: No city-designated scenic resources or historic resources are present on the site.

Therefore, this criterion does not apply.

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

Findings: As stated above in the findings for part A of this adjustment request, the loading demand anticipated for this development is minimal and can be accommodated in an existing on-street loading space that is adjacent to the site. Consequently, since the loading space is already provided on the street, any additional impacts on adjacent sites should be minimal, as there will be no change in the street function. Indeed, as noted above, the allowance to use the

existing on-street loading space will allow the retention of existing on-street parking spaces since no new curb cut will be required to accommodate loading for this proposal.

For these stated reasons, the approval criterion is met.

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

Findings: The subject site is not located in an environmental zone.

Therefore, this criterion does not apply.

Thus, the requested adjustment 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. While there are several aspects of the proposal that meet the applicable design guidelines and zoning code development standards, staff has identified several areas of concern with the proposed design, as well as issues with the requested Modifications that need resolution.

Issue 1: Architectural Coherency and Contextual Response to the Northwest Plan District

- a. Applied, graphic patterning
- b. Simplifying the material palette
- c. Material transitions
- d. Grouping and patterning of windows
- e. Depth of balconies

Issue 2: Response to Service Bureau Requirements

- a. Right-of-way dedication along NW 16th Ave
- b. Transformer location
- c. Stormwater plan and report

Issue 3: Coordination of Drawings

- a. Missing building components
- b. Inconsistencies among the drawings

Issue 4: Material Quality and Detailing

- a. More information on existing details
- b. Additional details needed

Design Guidelines not yet met:

- E2 – Stopping Places

- D1 – Outdoor Areas
- D3 – Landscape Features
- D5 – Crime Prevention
- D7 – Blending into the Neighborhood
- D8 – Interest, Quality, and Composition

With additional design development and revisions to the proposal, Staff could recommend approval. However, as several design guidelines and both Modification requests are not yet met, Staff recommends denial of the proposal at this time.

TENTATIVE STAFF RECOMMENDATION

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

Staff is *recommending denial* of the Design Review and both Modifications at this time based on the unresolved items and necessary revisions and details stated in the conclusion section and the findings above.

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Procedural Information. The application for this land use review was submitted on May 27, 2016, and was determined to be complete on Aug 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 May 27, 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 requested that the 120-day review period be extended by 245 days as stated with Exhibit G-2. Unless further extended by the applicant, **the 120 days will expire on: August 27, 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. This Staff Report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

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 on hearing or if you testify at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$.00 will be charged (one-half of the BDS application fee, up to a maximum of \$5,000.00).**

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 may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

Planner's Name: Benjamin Nielsen
Date: September 26, 2016

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals:
 - 1. Original Project Narrative – dated 05/27/2016
 - 2. Original Drawing Package – dated 05/27/2016
 - 3. Revised Drawing Package – dated 05/27/2016 and received 08/17/2016
 - 4. Revised Drawing Package – dated 10/06/2016 and received 09/07/2016
 - 5. Final Drawing Package, submitted to the Design Commission – dated 10/06/2016 and received 09/20/2016
 - 6. Revised Project Narrative – dated 09/19/2016 and received 09/20/2016
 - 7. Material Sample Board
- B. Zoning Map (attached):
- C. Plans & Drawings:
 - 1 – 48. Exhibits C.1 (site plan), C.10 (north elevation), C.11 (west elevation), C.12 (east elevation), and C.13 (south elevation) attached
- 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. Mailing list
 - 1. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Fire Bureau
 - 4. Site Development Review Section of Bureau of Development Services
 - 5. Bureau of Parks, Forestry Division
 - 6. Life Safety Review Section of Bureau of Development Services
- F. Letters:

No correspondence was received.
- G. Other:
 - 1. Original LUR Application
 - 2. Signed Request for an Evidentiary Hearing and Waiver of Right to a Decision within 120 Days
 - 3. Incomplete Application Letter
- H.

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).



ZONING

-  Site
-  Historic Landmark

This site lies within the:
NORTHWEST PLAN DISTRICT



File No. LU 16-179772 DZM AD
 1/4 Section 2928
 Scale 1 inch = 200 feet
 State_Id 1N1E33AB 2000
 Exhibit B (Aug 23, 2016)

Project Detail:
North Elevation



Project Detail:
West Elevation



Project Detail:
East Elevation



KÖZ

DERBY: NW Portland

LU 16-179772 DZM

September, 2016

Exhibit C.12

Project Detail:
South Elevation

