



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

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Date: April 23, 2012
To: Interested Person
From: Chris Caruso, Land Use Services
503-823-5747 / Chris.Caruso@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 12-109795 DZM NW 23RD & SAVIER APARTMENTS - REVISIONS

GENERAL INFORMATION

Applicant: Kurt Schultz/SERA Architects
338 NW 5th Avenue/Portland, OR 97209

Owner: Sam Rodriguez/Savier Venture, LLC
220 NW 2nd Ave, Suite 900/Portland, OR 97209

Site Address: 2270 & 2275 NW Savier

Legal Description: BLOCK 310 LOT 6&7&10&11&14-16, COUCHS ADD; BLOCK 311 LOT 12&13 E 1/2 OF LOT 17&18, COUCHS ADD

Tax Account No.: R180234820, R180235280

State ID No.: 1N1E28CC 14000, 1N1E28CC 07600

Quarter Section: 2827

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

Business District: Nob Hill, contact Patricia Fielder at 503-407-6163.

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

Plan District: Northwest

Zoning: CSd, Commerical Storefront with design overlay

Case Type: DZM, Design Review with Modifications

Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant seeks design review approval for revisions to case LU 11-117524 DZM, approved on June 16, 2011. Revisions proposed include changing the step light fixture at the planters to low bollards on Building A, and changing the wall-mounted porch downlight on Buildings A and B from a silver cylinder style to a black dome style.

Two Modifications are also being requested:

1. 33.266.130.F.2 Parking Area Layouts. To reduce the width of some below-grade parking spaces from the required 8'-6" wide to 8'-4" to accommodate a series of projecting structural columns.
2. 33.266.310 Loading Space Dimensions. To reduce the clear height from 10'-0" to 8'-8" within the parking structure.

Significant revisions to previously approved Design Review cases require follow-up design reviews.

Relevant Approval Criteria:

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

- 33.825 Design Review
- 33.825.040 Modifications thru Design Review
- Community Design Guidelines

ANALYSIS

Site and Vicinity: The previously approved two building development is currently under construction on two former surface parking lots. The site is located within the Transition Area sub-district of the Northwest Plan District which contains a diverse range of uses from commercial, and residential to personal services. This diversity is a product of the Transition Area's location in a spot that, during the first part of the 20th Century, had become the transitional boundary between the residential and industrial portions of Northwest Portland. The area had previously served as the boundary between the upper and working class neighborhoods. The immediate vicinity is developed with an eclectic mix of old and new multifamily buildings, industrial warehouses and manufacturing facilities, and streetcar-era as well as new mixed-use structures. NW 23rd Avenue is the main street for the Northwest Neighborhood as well as a popular city-wide destination with small shops, offices, cafes, and restaurants.

NW 23rd Avenue is designated a Community Main Street, Major Transit Priority Street, Neighborhood Collector Street, City Walkway, and Local Service Bikeway. NW Savier Street is designated a Local Service Bikeway. NW Raleigh Street and NW 24th Avenue are designated City Bikeways, and both sites are within the Northwest Pedestrian District.

Zoning: The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

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

Land Use History: City records indicate that prior land use reviews include:

- LU 11-117524 DZM – Approval for two new mixed-use apartment buildings.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **March 26, 2012**.

The following Bureaus have responded with no issues or concerns:

- Site Development Section of BDS
- Life Safety Review Section of BDS
- Bureau of Environmental Services
- Bureau of Transportation Engineering

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 26, 2012. 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) DESIGN REVIEW (33.825)

33.825.010 Purpose

Design Review ensures:

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

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.

33.825.055 Design Review Approval Criteria

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

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

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

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

Section 33.825.055 Design Review Approval Criteria

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

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

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.

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.

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

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.

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

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

Findings for P1, E1, E3, D2, D5, D7 & D8: The revised light fixtures maintain the pattern of marking residential units and main building entries seen throughout the Northwest Plan District. The scale of the fixtures is small so they will not overwhelm the pedestrian realm but will instead enhance it by providing points of interest and along the street as well as by marking public lobby entry points. The light fixtures at each unit's outdoor area are of a scale and shape appropriate to the buildings' residential natures and traditional design aesthetics. Outdoor fixtures at rear and side doors as well as balconies and porches are a consistent theme in the area that these new fixtures will continue. The materials for both fixtures are high quality, exterior-grade metals and acrylics that will stand up to the rigors of the urban environment. The sites for both buildings will remain illuminated with the new light fixtures as well as by overhead can lights, and rear and side yard light fixtures, all of which will create a safely lit perimeter around each building. *These guidelines are therefore met.*

(2) MODIFICATION REQUESTS (33.825)

33.825.040 Modifications That Will Better Meet Design Review Requirements:

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

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

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

The following Modifications are being requested:

Modification #1: Parking Area Layouts (33.266.130.F.2). To reduce the width of some below-grade parking spaces from the required 8'-6" wide to 8'-4" to accommodate a series of projecting structural columns.

Purpose: The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones. Together with the transit street building setback requirements in the base zone chapters, the vehicle area restrictions for sites on transit streets and in Pedestrian Districts:

- *Provide a safe pedestrian access that is protected from auto traffic; and*
- *Create an environment that is inviting to pedestrians and transit users.*
The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:
- *Improve and soften the appearance of parking areas;*
- *Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;*
- *Provide flexibility to reduce the visual impacts of small residential parking lots;*
- *Direct traffic in parking areas;*
- *Shade and cool parking areas;*
- *Reduce the amount and rate of stormwater runoff from vehicle areas;*
- *Reduce pollution and temperature of stormwater runoff from vehicle areas; and*
Decrease airborne and waterborne pollution.

Standard: Parking space and aisle dimensions. Parking spaces and aisles must meet the minimum dimensions contained in Table 266-4.

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines P1 Plan Area Character, D7 Blending into the Neighborhood, and D4 Parking Areas and Garages.*

Findings: The below-grade parking area will be able to hold more vehicles with the slightly narrower parking stalls at each structural column. This will allow existing on-street parking to continue in the neighborhood which in turn allows the neighborhood to remain a destination commercial center.

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 Office of Transportation has no concerns with the modification request. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested. The narrower parking spaces will still allow standard passenger vehicles to park in the underground garage. The parking area will remain behind an overhead door that completely shields views from the sidewalks and adjacent structures. The interior of the parking area is logically laid out for safe maneuvering and easy access to all parking spaces.

Modification #2: Loading Standards (33.266.310.D). To reduce the clear height above the loading spaces from 10'-0" to 8'-8" within the parking structure.

Purpose: 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.

Standard: Size of loading spaces. The loading space must be at least 18 feet long, 9 feet wide and have a clearance of 10 feet.

A. *Better meets design guidelines.* *The resulting development will better meet the applicable design guidelines P1 Plan Area Character, D7 Blending into the Neighborhood, and D4 Parking Areas and Garages.*

Findings: The shorter below-grade loading space clear height will still allow a van or small rental truck to load and unload inside the building. This will allow the existing on-street parking to remain in place around the development which in turn allows the neighborhood to remain a destination commercial center.

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 Office of Transportation has no concern with the modification request. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested. The applicant is proposing a loading area that provides adequate on-site space to park smaller moving trucks and vans which is the expected size of these types of vehicles for this development. The loading area will remain below grade, inside the building, consistent with the below-grade parking area. Safe pedestrian access is maintained along the public sidewalk by allowing trucks to load and unload inside the building. The parking area is behind an overhead door that also blocks views of the loading area. In contrast to the frequent entering and exiting associated with nonresidential uses, vehicle movement will be only an occasional occurrence as the building has a small number of units, and the truck movement will not interfere with street traffic.

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 new light fixtures, narrower parking spaces and shorter loading space maintain the overall building design and composition as well as fit into existing neighborhood patterns. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of design review for revisions to case LU 11-117524 DZM that include:

- Installing eight bollards in place of twelve front planter step lights on Building A; and
- Changing the wall-mounted porch downlight on Buildings A and B from a silver cylinder style to a black dome style.

Approval of two Modifications:

1. 33.266.130.F.2 Parking Area Layouts. To reduce the width of some below-grade parking spaces from the required 8'-6" wide to 8'-4" to accommodate a series of projecting structural columns.
2. 33.266.310 Loading Space Dimensions. To reduce the clear height above the loading space from 10'-0" to 8'-8" within the parking structure.

Approved per the approved site plans, Exhibits C-1 through C-6 signed and dated April 18, 2012, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-109795 DZM. No field changes allowed."

Staff Planner: Chris Caruso

Decision rendered by:  **on April 18, 2012**
By authority of the Director of the Bureau of Development Services

Decision mailed: April 23, 2012

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

Procedural Information. The application for this land use review was submitted on February 2, 2012, and was determined to be complete on **March 20, 2012**.

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 February 2, 2012.

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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: July 19, 2012.**

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 decision 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.

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on May 7, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

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.

- *Unless appealed*, The final decision may be recorded on or after **May 8, 2012 – (the day following the last day to appeal)**.
- 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:

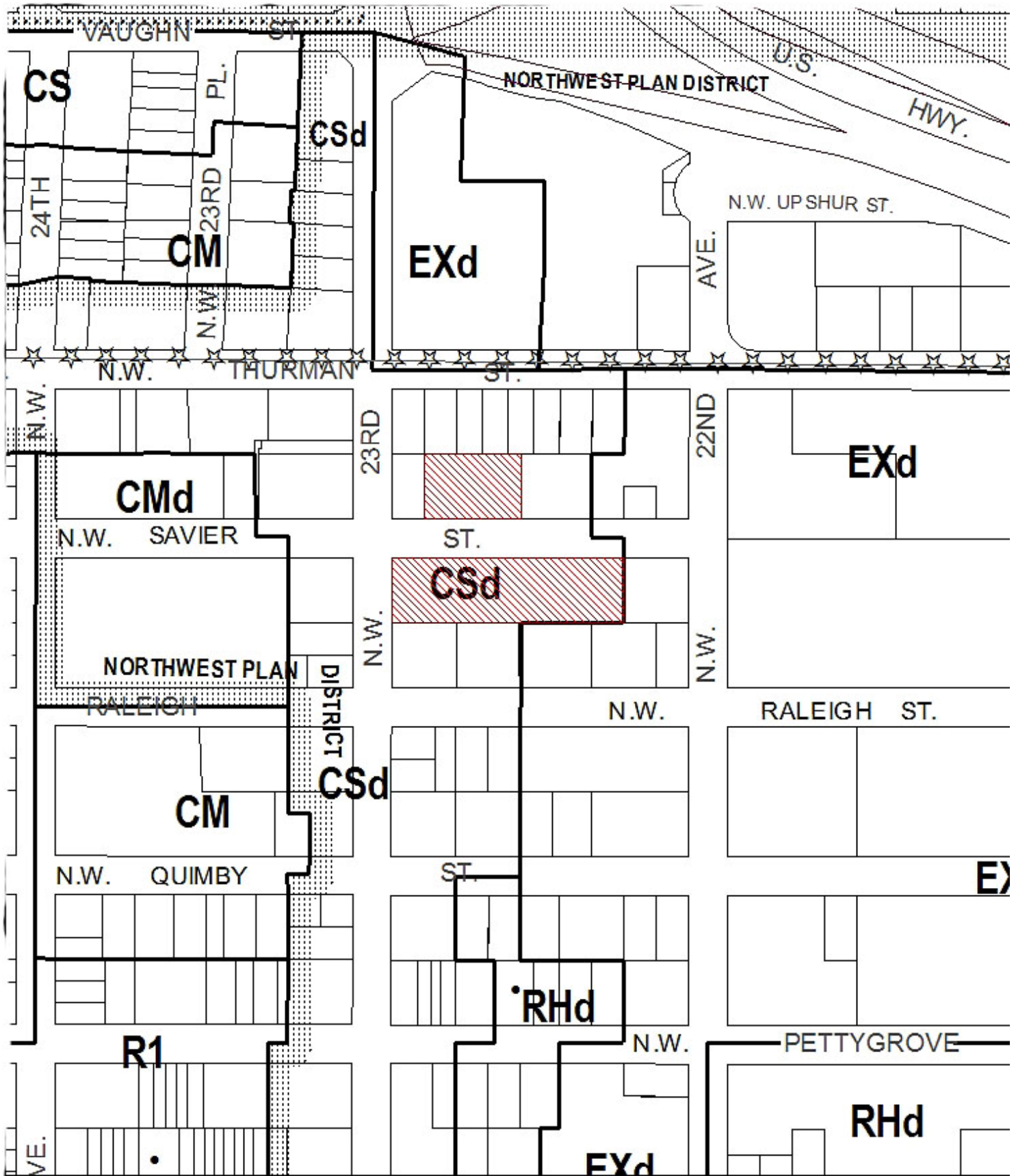
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Light Fixture Information
 - 3. Light Fixture Information
 - 4. Parking Level Plan (attached)
 - 5. Typical Parking Layout
 - 6. Garage at Ramp Section (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: no concerns
- F. Correspondence: none received
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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

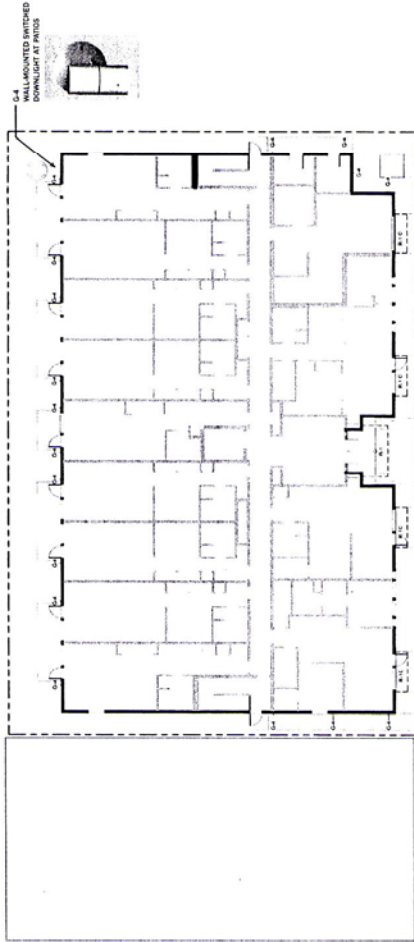
 Site



This site lies within the:
NORTHWEST PLAN DISTRICT

File No. LU 12-109795 DZM
 1/4 Section 2827
 Scale 1 inch = 200 feet
 State_Id 1N1E28CC 14000
 Exhibit B (Feb 07,2012)

Exhibit E
Design Review Approved
Site Lighting Plan



NW SAVIER STREET

R-1
AT MARK CANOPY EDGE
SEE DETAIL

G-3
STEP LIGHT AT PLANTERS

R-1
AT BAY ABOVE SWITCHED
BY UNIT TENANT

G-3
STEP LIGHT AT PLANTERS



R-1
RECESSED DOWNLIGHT AT SUFFITS



R-1
RECESSED DOWNLIGHT
AT CANOPY

NW 23RD AVENUE

EXH. C-1

G-4
LED STRING LIGHTS, 120

proposed modified
future

WALL MOUNTED SWITCHED
DOWNLIGHT AT PATIOS

City of Portland - Bureau of Development Services
Planner [Signature]
Date 4/8/12
* This approval applies only to the conditions requested and is subject to all conditions of approval. Additional zoning requirements may apply.

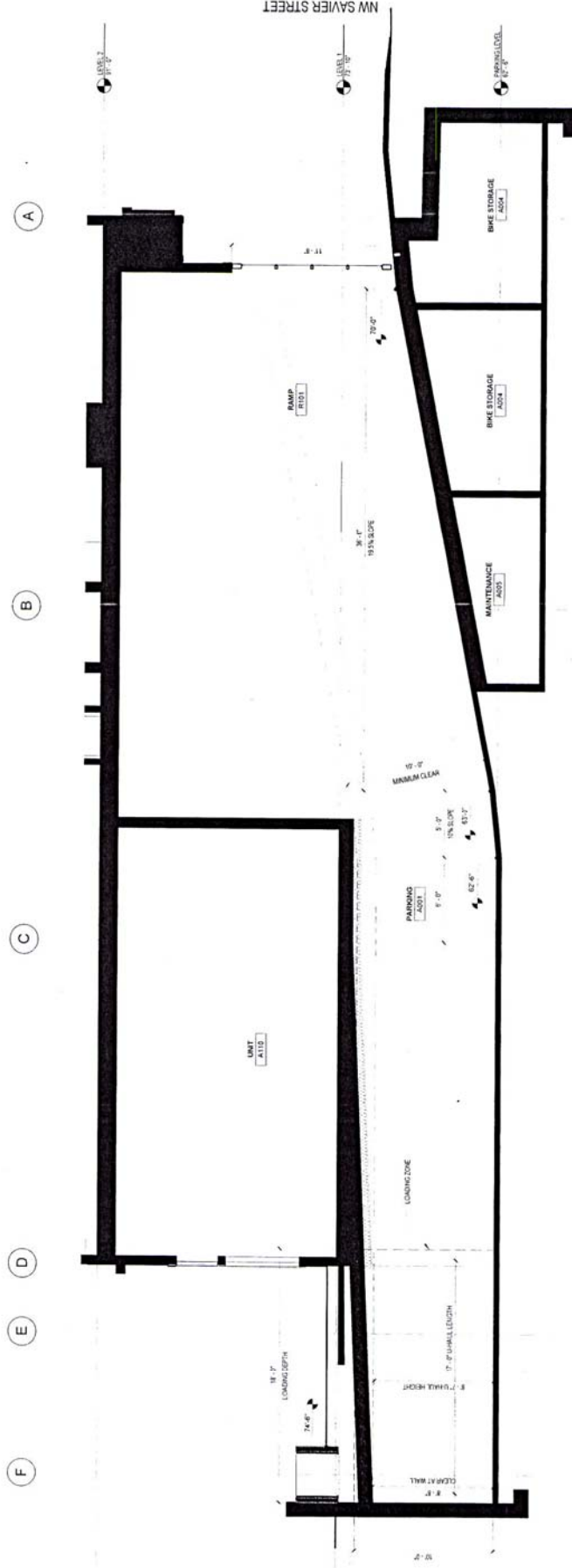


NW 23RD & SAVIER Mill Creek Residential Trust 01.31.2012

DESIGN REVIEW SUBMITTAL

12-109795 D2M

Exhibit I
Item 6: 33.266.310 -
Loading Standards



EXH.C-6

GARAGE AT RAMP SECTION 1

City of Portland - Department of Development Services
 Planner C. [Signature] Date 4/18/12
 * This approval applies only to the conditions of approval. Additional zoning requirements may apply.

12-109795
 DESIGN REVIEW SUBMITTAL LU
 DZM

