



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

FROM CONCEPT TO CONSTRUCTION

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**Date:** June 26, 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 12-116432 DZM - PAYNE APARTMENTS**

#### **GENERAL INFORMATION**

**Applicant:** Agustin Enriquez/GBD Architects  
1120 NW Couch Street, #300/Portland, OR 97209

**Owner:** Payne Apartments LLC  
851 SW 6th Ave #1500/Portland, OR 97204

**Site Address:** 3703-3709 N WILLIAMS AVE

**Tax Account No.:** R010505990  
**State ID No.:** 1N1E22DC 12800  
**Quarter Section:** 2630  
**Neighborhood:** Boise, contact James Weter at 503-358-3571.  
**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.  
North Portland Business Assoc, contact Jim Schaller at 503-517-9915.  
**District Coalition:** Northeast Coalition of Neighborhoods, Shoshana Cohen at 503-823-4575.

**Plan District:** None  
**Other Designations:** Albina Community Plan Area  
**Zoning:** EXd, Central Employment with design overlay  
**Case Type:** DZ, Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

#### **Proposal:**

The applicant seeks design review approval for a new 4 and 5 story, 17,921 SF, mixed-use retail and apartment building with 19 units and 2 live/work units in the Albina Community Plan Area, built using Passive House construction techniques. Exterior materials include cedar siding, Cera-Clad brand cement panels, an exposed timber trellis on the roof deck, glazed translucent overhead garage doors, and fiberglass windows. There will be alley access to a workshop/storage building but no on-site vehicle parking. A bicycle corral and sidewalk extension, which is not part of this review, will be provided along N Beech.

Two Modifications are being requested:

1. 33.140.240 Pedestrian Connections – to allow the interior pedestrian connections to be reduced from 6 feet wide to 4 feet and 5 feet wide.
2. 33.140.242 Transit Street Main Entrances – to allow the main entries of the two N Williams-facing ground-floor units to be rotated 90 degrees from the street, not facing the main transit street.

Because the proposal is in a design overlay zone and the valuation is above the exemption trigger, design review is required.

**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
- Community Design Guidelines

**ANALYSIS**

**Site and Vicinity:** The 6,000 SF corner site is bounded by NE Beech Street and N Williams Avenue and is within the Albina Community Plan Area. The vicinity around the subject site is a mix of commercial, retail, light industrial and residential uses. Redevelopment of vacant and underutilized lots as well as renovation and rehabilitation of existing buildings along the N Williams-N Vancouver couplet has been happening for several years and is revitalizing the area. North Williams Avenue is characterized primarily by light industrial and commercial buildings that are interspersed with older single-family homes and new multi-story residential mixed-use buildings.

The Albina Community Plan is intended to combat the loss of employment base, disinvestment and dilapidation in the Albina Area. This district action plan provides a policy framework and long-term certainty to those that own property or that may wish to invest in Albina. Rezoning was consciously done to make investment and site assembly more viable so that the area becomes more attractive for residential, commercial, industrial and institutional investments.

North Williams Avenue is designated a Community Corridor, Transit Access Street, Neighborhood Collector Street, City Bikeway, and City Walkway in the Portland Transportation System Plan. Traffic runs northbound on N Williams and southbound on N Vancouver, creating a couplet in this area. North Williams is also a major bicycle commuter route. NE Beech Street is designated a Local Service Bikeway and Local Service Walkway.

**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 by right, 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.

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

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **May 3 & May 29, 2012**. The following Bureaus have responded with no issues or concerns:

- Bureau of Parks-Forestry Division
- Site Development Section of BDS (Exhibit E-1)
- Life Safety Review Section of BDS (Exhibit E-2)
- Water Bureau (Exhibit E-3)
- Fire Bureau (Exhibit E-4)
- Bureau of Transportation Engineering (Exhibits E-5)
- Bureau of Environmental Services (Exhibits E-6 & E-7)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on May 3 & May 29, 2012. A total of three written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Jonathan Shapiro and Anne McGuire, May 21, 2012 – against the proposal and one of the modifications. Do not believe the project fits into the neighborhood due to its height and potential impacts on nearby single-family homes and historical development patterns. Do not think that a completely residential development meets the intent of the EX zone. Do not support the rotation of the live/work unit doors. Do not feel that the project meets a number of the design guidelines.
2. James Weter, Boise Neighborhood Association, June 14, 2012 – Against the building's height and mass. Is too large and out of character with the neighborhood. Also concerned about the lack of retail at the ground level. The live/work spaces are not committed to retail or employment and can be strictly residential. The EX zone should provide employment opportunities and not be predominately housing.
3. Ted Buehler, June 19, 2012 – Against the proposal as the EX zoning is out of conformity with the neighborhood and the Community Design guidelines. Would like the City to present the rationale for this zoning to the neighborhood and resolve this compatibility issue so developers can have certainty on what is appropriate in this area.

*Staff Response: The EX zone was applied as part of the Albina Community Plan almost 20 years ago with the hope that it would redevelop with a mix of building types and uses all along the Vancouver-Williams Corridor. There has been strong redevelopment through the renovation of existing commercial buildings and through the construction of new multi-story structures.*

*Residential uses are allowed in the Employment Zones by-right and the zoning code does not provide any maximum limitations on number of dwelling units or square footage for housing in this area so the entire building can be residential. This area, zoned EXd between Vancouver and Williams Streets, has a height limit of 65 feet that completely surrounds this site, allowing for other even taller buildings to be developed over time.*

*Since the “d” overlay in this area is outside the Central City and Gateway, developments are able to go through either the formal design review process or the Community Design Standards process which would not have a public notice or comment period. Under the Community Design Standards chapter 33.218 of the Zoning Code, the maximum building height could be 55 feet, only 10 feet less than what is allowed with design review. See the findings below for additional analysis.*

## **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.*

**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 site lies within the Albina Community Plan Area and is supportive of the Plan Area's goals for creating new rental units, new commercial spaces, and locating density along major commercial streets such as N Williams. The building design relates to the industrial/commercial and single-family residential character of the Vancouver-Williams corridor through its careful composition and material selection. The combination of ground floor live-work fronting N Williams, a major traffic and transit street, and locating the taller building massing at the corner of both streets creates a defined urban edge and reinforces the desired density in this area. Commercial spaces are appropriately located on N Williams while residential entries are located on the less commercial NE Beech Street, again reinforcing the street hierarchy.

The building massing is also stepped down toward both the alley and the property to the north which is an appropriate response to the existing shorter buildings on either side of this project. The exterior materials take cues from both the industrial/commercial and residential properties around the site. Cedar siding, a traditional residential material, is mixed with cement panels, metal sunshades, and metal canopies which are materials often used on commercial buildings. The building's design successfully incorporates aspects and proportions of the simple industrial/commercial styles, the residential styles, and the emerging, more modern commercial and mixed-use styles. This reflects the desired characteristics of the Vancouver-Williams Corridor that has begun to transform with new higher density projects that are taking advantage of long-standing zoning entitlements. *This guideline is therefore met.*

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

**Findings:** The proposed development abuts N Williams Avenue on the eastern edge, NE Beech Street on the southern edge, and an alley on the western edge of the site. The live/work entries will face N Williams while several residential entries will face NE Beech, all of which will provide direct and efficient access to the public sidewalks and nearby

areas. Each street-level entry is recessed from the sidewalk, providing covered areas for pedestrians and visitors that are set back from the active public walkways. Additionally, a 2 foot dedication along N Williams will widen the sidewalk to further buffer pedestrians from vehicles. A bicycle corral is being voluntarily provided in an expanded paved area alongside NE Beech Street to allow for less conflict between pedestrians and parked bicycles. The alley will be improved, allowing vehicles to access the workshop/storage building and buffering pedestrians from additional traffic on the main streets. New street trees and planting strips with concrete stepping stones and landscaping will also create a visually more distinct separation between the sidewalk and vehicle zones.

On-site pedestrian walkways are proposed from N Williams to internal residential entries and the workshop/storage building and out to the alley so that all areas of the site are accessible. Building lights will provide illumination for on-site walkways and outdoor spaces, creating a safe nighttime environment, while street lights and recessed entry lights will illuminate the public sidewalks. *This guideline is therefore met.*

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

**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.

**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 for E2, E3 & E4:** Along the ground floor level of the N Williams façade, a recessed area in front of the two live/work unit entries will provide a stopping place where pedestrians and customers may visit, meet and rest. Similar areas are provided in front of each NE Beech residential entry as well as in front of the main residential lobby entry so that guests and unit residents may interact with the street activity. Street-level facades are differentiated from the upper floors by the use of metal canopies above the ground floor window heads, the consistent metal base skirting at the sidewalk edge, and the multiple entry doors in place of windows as seen on the upper floors. The building's design creates an active and unified identity at the corner of N Williams and NE Beech by using large expanses of clear glazing that allow views into the live-work areas, and by providing deep metal canopies on both sides of this prominent building corner. The building's massing also reinforces this corner by angling the parapet walls to reach their tallest point right above the intersection. *These guidelines are therefore 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 ground floor level of both the N Williams and NE Beech facades provide a combination of recessed entry areas that are enlarged through the rotation of the doors, and by projecting metal canopies that will protect tenants, customers, and passersby from the weather. Additionally, the site incorporates new street trees and planting strips along both frontages to help reduce the adverse effects of sun, glare and reflection on pedestrians. *This guideline is therefore met.*

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

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

**Findings for D1 and D3:** One 420sf shared outdoor deck is provided on top of the 3<sup>rd</sup> floor roof along NE Beech Street for use by all the building tenants and their guests. This deck is surrounded by a parapet wall that varies in height from 3.5 feet to 4.5 feet that will provide some privacy between this use and the neighboring properties. A second private deck topped with an exposed timber-frame trellis is provided for the top floor unit. No permanent furnishings are shown on the shared deck so that the space can be configured for a variety of uses. As the site is almost fully built out, no on-grade outdoor space beyond the pedestrian walkways from N Williams to the alley and the workshop/storage building are being provided but the pedestrian walkways are directly connected to the public circulation system along both streets. Landscaping occurs on the site in the form of an integral stormwater planter along two sides of the workshop/storage building. This planter reduces the amount of on-site paving and will provide a landscaped focal point. *These guidelines are therefore met.*

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

**Findings:** Ground floor entrances are defined by prominent projecting canopies as well as by recessed porch areas. These elements create visually interesting and differentiated zones along the street that are readily identifiable as main entries. The two live/work doors are rotated from the street to create a larger recessed and protected entry area. The wall between the doors is highlighted with accent panels and will provide space for integrated signage, making this portion of the street façade more visually dynamic. *This guideline is therefore met.*

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

**Findings:** The proposed development helps to discourage neighborhood crime through a strong visual and physical connection between interior building spaces and the street. Street-facing facades are designed with extensive glazing at the ground floor and upper floors that will allow surveillance of the streetscape. The street-facing decks along the upper floors provide additional active areas that will further provide “eyes on the street.” In addition, lighting from the units and entryways will spill out onto the sidewalk, creating a well-lit and safe pedestrian environment in the evening. Additional building lighting will provide nighttime security for internal portions of the site. *This guideline is therefore met.*

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

**Findings:** The building is divided into multiple vertical and horizontal elements. These elements step up toward the more active street intersection and down toward the less active residential and lower scale areas around the site. The wall surfaces are broken up into a sub-pattern of rectangular window openings infilled with colored accent panels, and strong horizontal lines of metal sunshades that follow a clear rhythm across each façade. This multi-layered pattern treatment continues around the entire building with variations based on solar orientation and window size. A strong vertical band of accent panels runs up the eastern and western ends of the building, highlighting the division in massing and height. The use of a consistent architectural vocabulary across all frontages and floors promotes a strong building identity and creates a compelling presence along the street. The workshop/storage building follows the same faced treatment and exterior materials palette so it fits into the overall architectural composition.

Cladding materials are complimentary and durable, combining fiberglass-framed windows, metal skirting, cement siding panels, cedar siding, metal railings, and metal

canopies and sunshades. Neighboring industrial/commercial and residential buildings have cement, metal and wood exteriors. Recently developed mixed-use projects in the Vancouver-Williams corridor are also a combination of wood, metal, and various panel systems, allowing this new building to fit into the emerging architectural pattern of the area. The proposed buildings are appropriately scaled for the site and are architecturally proportioned to complement this mixed industrial/commercial and residential neighborhood. *These guidelines are therefore 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: 33.140.240 Pedestrian Connections – Allow the interior pedestrian connections to be reduced from 6 feet wide to 4 feet and 5 feet wide.**

Pedestrian Standards, 33.140.240. The internal circulation system on the site must provide connections to recreational areas, common outdoor areas, and any pedestrian amenities. The system must be hard-surfaced, at least 6'-0" wide, and be lit to be used at night.

**Findings for A & B:** The building as a whole is well connected with the street network through hard-surfaced transitions between entrances and the surrounding sidewalk and via the internal walkway that runs east and west through the entire site. The reduced widths of the internal pathways to 4'-0" and 5'-0" still provide adequate space for residents and their guests to remove their trash, take their bicycles into their units, and pass each other. The pathways will be illuminated by wall lights along all sides of the building. All ADA required dimensions will be met as required by the building code and the applicable design guideline *E1. The Pedestrian Network* is satisfied. *Therefore, this modification merits approval.*

**Modification #2: 33.140.242 Transit Street Main Entrances – Allow the main entries of the two N Williams-facing ground-floor units to be rotated 90 degrees from the street, not facing the main transit street.**

Purpose Statement: Locating the main entrance to a use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.

Standard: For portions of buildings that conform to the maximum building setback, at least one main entrance for each tenant space facing the transit street must: Face the transit street; or be at an angle of up to 45 degrees from the transit street, measured from the street property line.

**Findings for A & B:** The two live/work tenant entries will be set back no more than 5 feet from the street lot line along N Williams Avenue and the area between the entry doors and the lot line will be paved as a continuation of the sidewalk. This modest setback and continuous paving to both doors along N Williams, a major transit street, will still provide accessible and convenient access between the live/work uses, the adjacent sidewalks, and

nearby transit facilities, thereby promoting walking and the use of transit to these two tenant entries. Rotating the two tenant entries 90 degrees from the street lot line provides an additional protected area for residents and customers to step out of the public sidewalk movement zone to enter the tenant spaces. This also creates a semi-private zone between the sidewalk and the live/work unit, allowing it to act as both a business and residence that would otherwise have private spaces right on a major street. The wall between the rotated entries will be highlighted with different colored exterior panels and tenant signage that is integrated into the panel system. This creates a visually interesting wall area along the streetscape that activates this portion of the building in place of entry doors. The purpose of the standard has been met and the applicable design guidelines *E2. Stopping Places*, *E3. Sidewalk Level of Buildings*, *E5. Light Wind and Rain*, *B7. Integrate Barrier-Free Design*, *D2. Main Entrances*, and *D8. Interest Quality and Composition* are satisfied. *Therefore, this modification merits approval.*

## DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The four and five-story mixed-use building at the corner of N Williams Avenue and NE Beech Street fulfills many of the Albina Community Plan Area objectives and is a positive contribution to the Vancouver-Williams corridor. The proposal's cohesive architectural composition blends well with existing and new commercial and residential development. The building addresses the street with multiple ground level entries, protective canopies, appropriate massing toward the streets, and a pedestrian-scaled sidewalk edge. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of design review for a new 4 and 5 story, 17,921 SF, mixed-use retail and apartment building with 19 units and 2 live/work units in the Albina Community Plan Area, built using Passive House construction techniques, and a workshop/storage building off of the alley, all with exterior materials of cedar siding, Cera-Clad brand cement panels, metal canopies, an exposed upper roof deck timber trellis, glazed translucent overhead garage doors, and fiberglass windows; and

Approval of the following Modification requests:

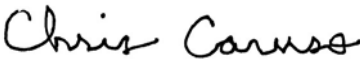
1. 33.140.240 Pedestrian Connections – Allow the interior pedestrian connections to be reduced from 6 feet wide to 4 feet and 5 feet wide; and
2. 33.140.242 Transit Street Main Entrances – Allow the main entries of the two N Williams-facing ground-floor units to be rotated 90 degrees from the street, not facing the main transit street; and

Approved per the approved site plans Exhibits C-1 through C-33 signed and dated June 21, 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.33. The sheets on which this information appears

must be labeled, "Proposal and design as approved in Case File # LU 12-116432 DZM. No field changes allowed."

**Staff Planner: Chris Caruso**

**Decision rendered by:**  **on June 21, 2012.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: June 26, 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 28, 2012, and was determined to be complete on **April 30, 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 28, 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: August 29, 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 July 10, 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](http://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 **July 11, 2012**.
- 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**

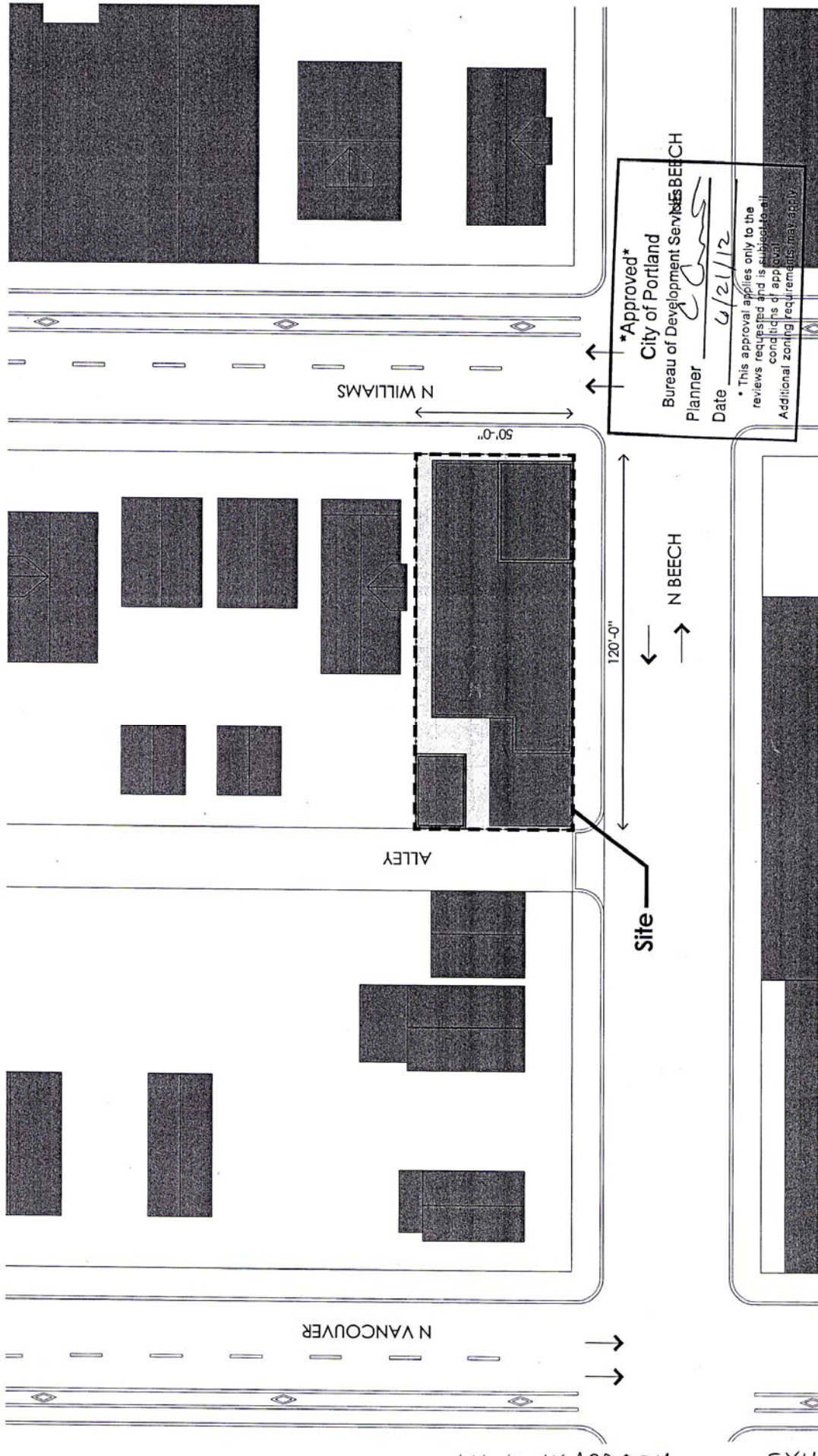
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Narrative (April 20, 2012)
  - 2. New map with ownership (February 28, 2012)
  - 3. Boise Neighborhood Association letter to applicant (March 9, 2012)
  - 4. Overview and photos
  - 5. Design Guidelines and zoning code responses
  - 6. Applicant memo (June 7, 2012)
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Northwest View
  - 3. Northwest Dusk View
  - 4. Ground Level Floor Plan
  - 5. Second and Third Level Floor Plans
  - 6. Fourth Level Floor Plan
  - 7. Fifth Level Floor Plan
  - 8. Roof Level Floor Plan
  - 9. Landscape Plan (attached)
  - 10. Elevation-South (attached)
  - 11. Elevation-East (attached)
  - 12. Elevation-North (attached)
  - 13. Elevation-West (attached)
  - 14. Transverse Building Sections
  - 15. Building Materials
  - 16. View to the South
  - 17. View to the East
  - 18. Skin Details
  - 19. Skin Details
  - 20. Skin Details
  - 21. Skin Details
  - 22. Skin Details
  - 23. Storage Building
  - 24. Skin Details
  - 25. Skin Details
  - 26. Canopy Details
  - 27. Trellis Details
  - 28. Parapet Details
  - 29. Garage Details
  - 30. Ground Floor Reflected Ceiling Plan
  - 31. Fence/Gate Details
  - 32. Street Furnishing Plan
  - 33. Street Furnishings Details
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
  - 3. Second mailing list, May 29, 2012
  - 4. Second mailed notice, May 29, 2012
- E. Agency Responses:

1. Site Development Review Section of BDS
  2. Life Safety Review Section of BDS
  3. Water Bureau
  4. Fire Bureau
  5. Bureau of Transportation Engineering and Development Review
  6. Bureau of Environmental Services, May 24, 2012
  7. Bureau of Environmental Services, June 19, 2012
- F. Correspondence:
1. Jonathan Shapiro and Anne McGuire, May 21, 2012 – against the proposal.
  2. James Weter, Boise Neighborhood Association, June 14, 2012 – against the proposal.
  3. Ted Buehler, June 19, 2012 – against the proposal.
- G. Other:
1. Original LU Application
  2. Site History Research
  3. Incomplete Letter

**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).**

File No.	LU 12-116432 DZM
1/4 Section	2630
Scale	1 inch = 200 feet
State_Id	1N1E22DC 12800
Exhibit	B (Apr 26,2012)



\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner *[Signature]*  
 Date 6/21/12

\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

SITE PLAN  
 1/32" = 1'-0"



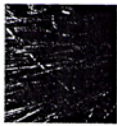
PLANTING PALETTE



Hosta



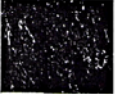
Thyme



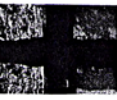
Rush



Euphorbia



Vine Maple



Arbutus at Upper Terrace



Ornamental Grasses



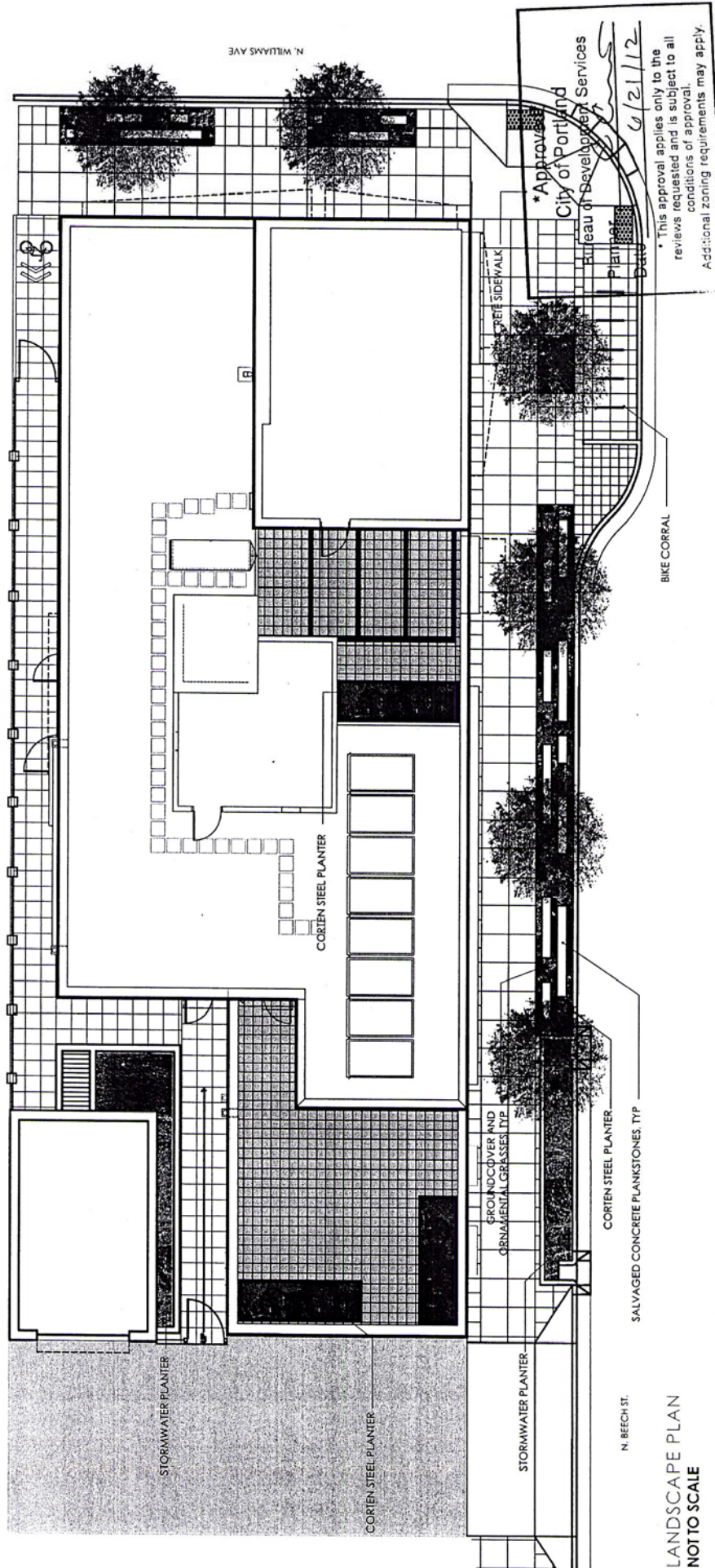
Kinnikinnick



Vine Maple



Golden Desert Ash  
At Street Trees



LANDSCAPE PLAN  
NOT TO SCALE

LU 12-116432 D2M

GSD  
PAYNE APARTMENTS, LLC

N WILLIAMS AND N BEECH, PORTLAND, OREGON

DESIGN REVIEW APPLICATION

EXH. C9

\*Approval  
City of Portland  
Bureau of Development Services  
PLAT 107  
DATE 6/21/12  
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

MATERIAL LEGEND

- 1 METAL SUNSHADE
- 2 STAINED CEDAR - VERTICAL
- 3 STAINED CEDAR - HORIZONTAL
- 4 METAL PANEL SKIRT
- 5 HEAVY TIMBER
- 6 FIBERGLASS WINDOWS (FIXED)
- 7 FIBERGLASS WINDOWS (OPERABLE)
- 8 FIBER CEMENT VERTICAL SIDING
- 9 FIBER CEMENT HORIZONTAL SIDING

5  
Pg 25

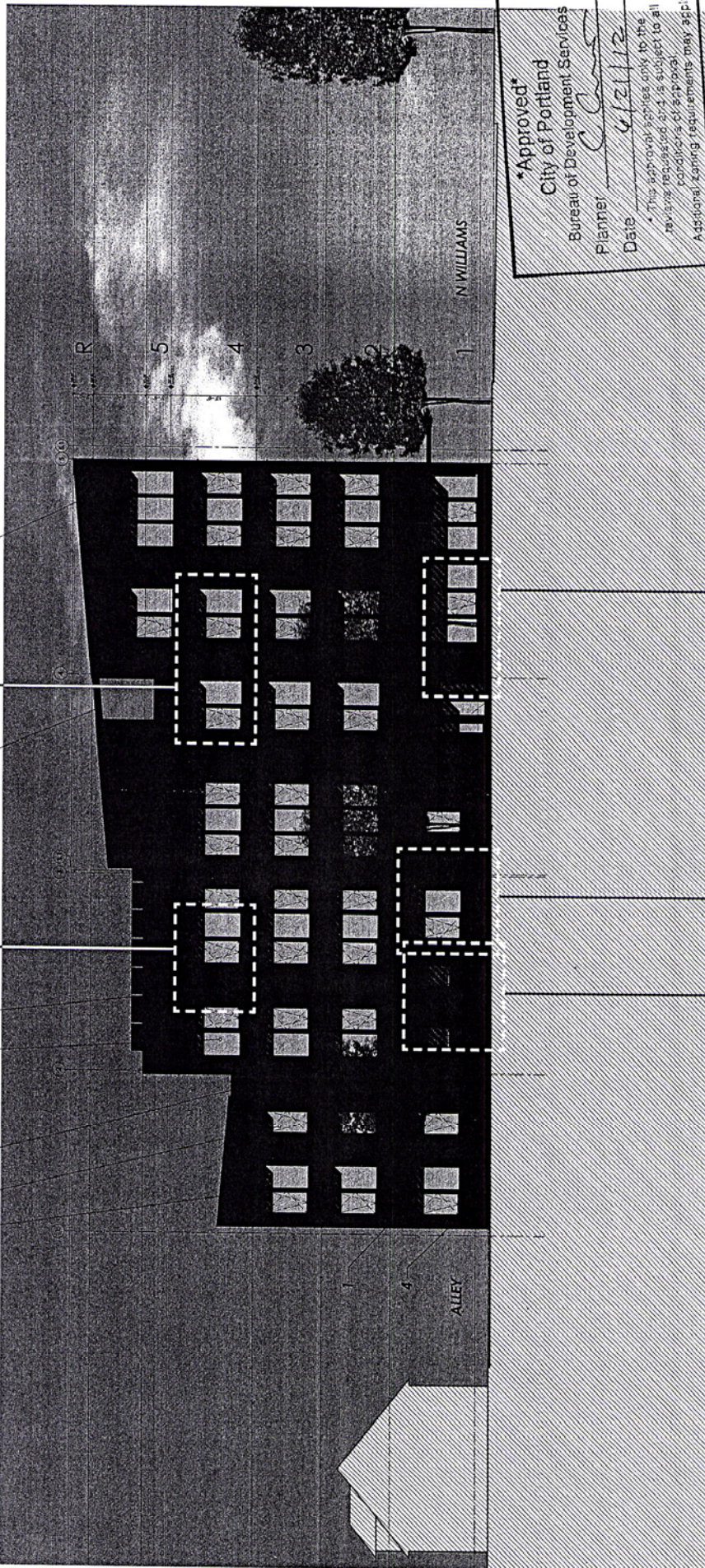
1  
Pg 29

6 8

3 7 9

3

5



\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner *C. [Signature]*  
Date *6/21/12*  
\* This approval applies only to the  
revisions requested and is subject to all  
conditions of approval.  
Additional zoning requirements may apply.

ELEVATION - SOUTH  
1/16" = 1'-0"

1  
Pg 26

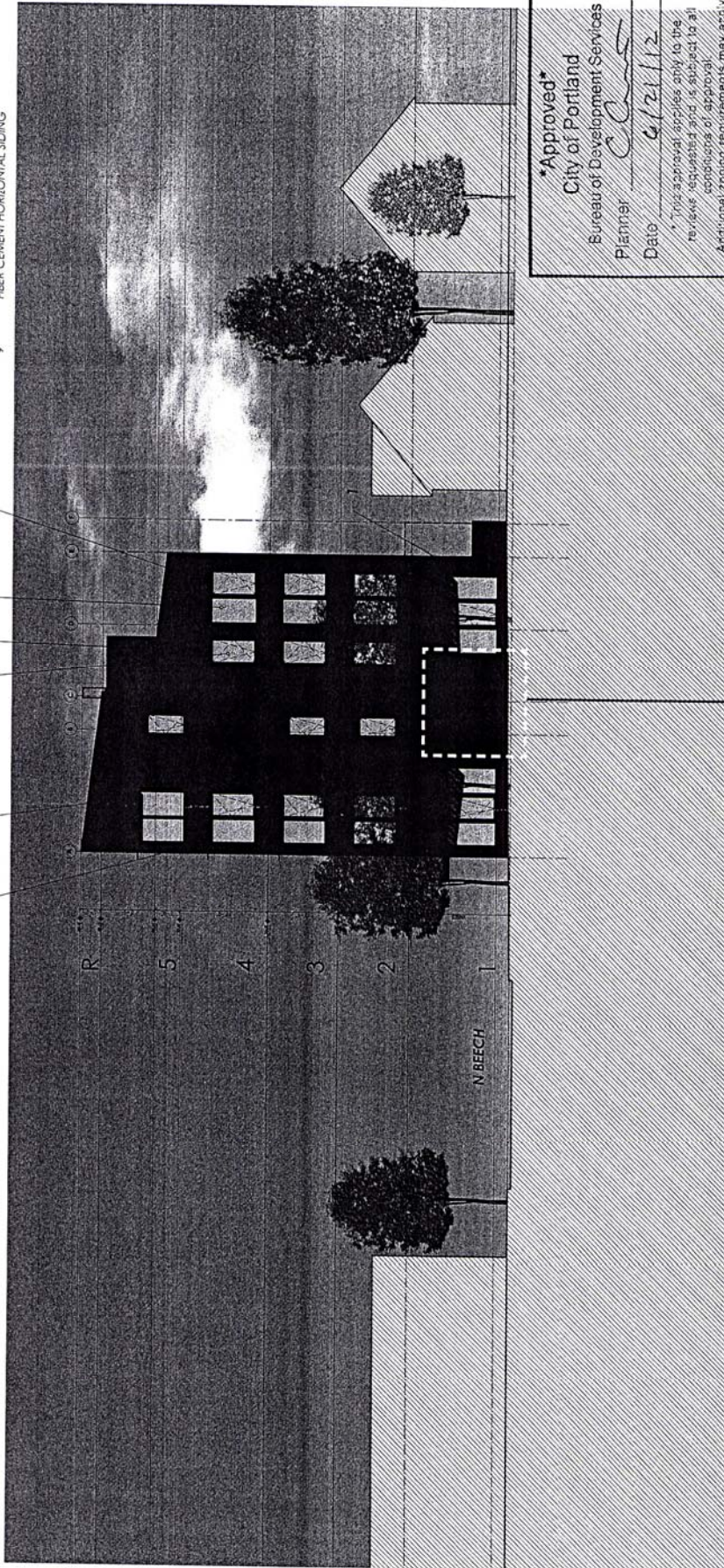
2  
Pg 26

1  
Pg 27

LM 12-116432 D2M

MATERIAL LEGEND

- 1 METAL SUNSHADE
- 2 STAINED CEDAR - VERTICAL
- 3 STAINED CEDAR - HORIZONTAL
- 4 METAL PANEL SKIRT
- 5 HEAVY TIMBER
- 6 FIBERGLASS WINDOWS (FIXED)
- 7 FIBERGLASS WINDOWS (OPERABLE)
- 8 FIBER CEMENT VERTICAL SIDING
- 9 FIBER CEMENT HORIZONTAL SIDING



\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner *[Signature]*  
 Date *6/21/12*  
 \* This approval applies only to the  
 reviews requested and is subject to all  
 conditions of approval.  
 Additional zoning requirements may apply.

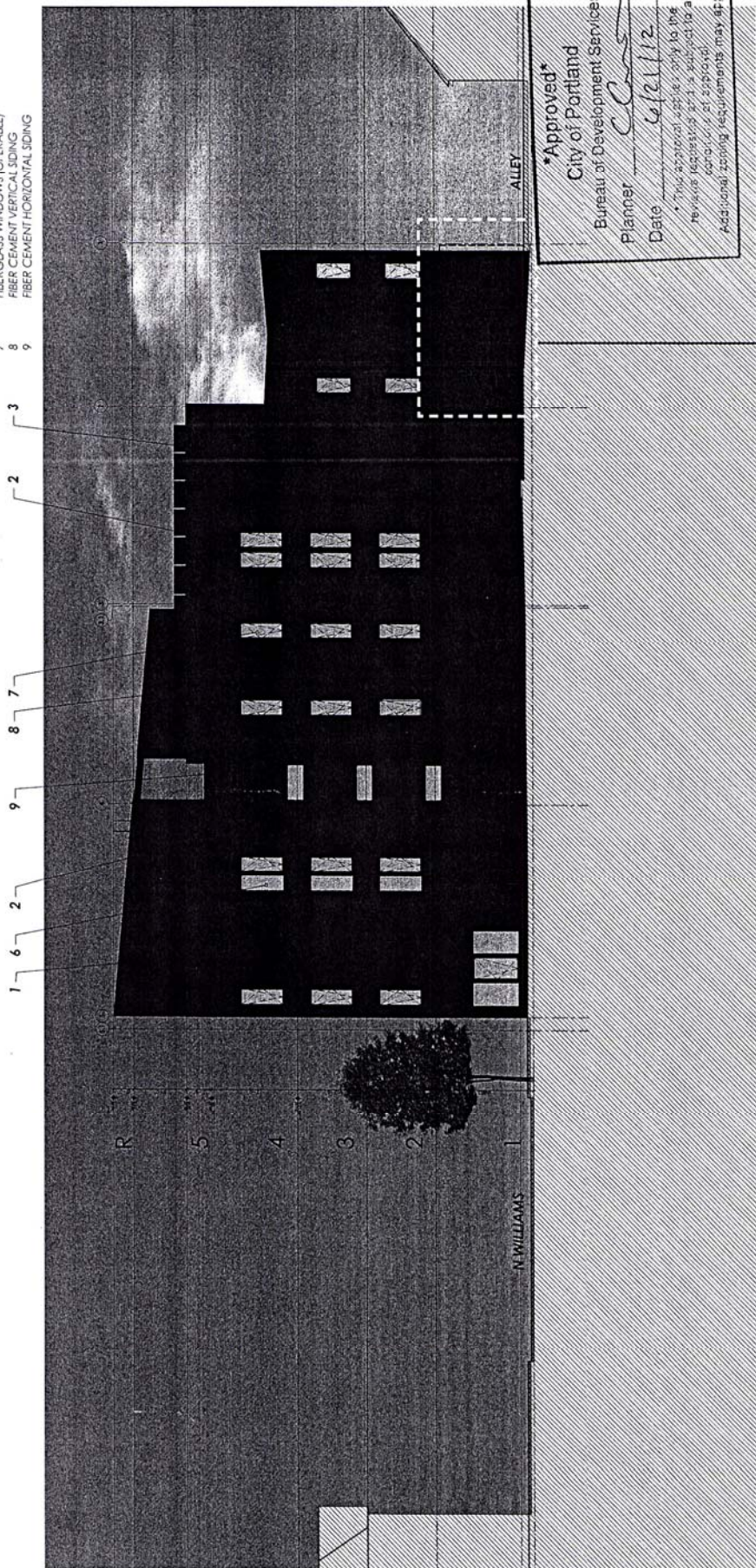
ELEVATION - EAST  
 1/16" = 1'-0"

LU 12-116432.D2M

EXH. C11

MATERIAL LEGEND

- 1 METAL PANEL
- 2 STAINED CEDAR - VERTICAL
- 3 STAINED CEDAR - HORIZONTAL
- 4 METAL PANEL SKIRT
- 5 HEAVY TIMBER
- 6 FIBERGLASS WINDOWS (FIXED)
- 7 FIBERGLASS WINDOWS (OPERABLE)
- 8 FIBER CEMENT VERTICAL SIDING
- 9 FIBER CEMENT HORIZONTAL SIDING



ELEVATION - NORTH  
1/16" = 1'-0"

N WILLIAMS AND N BEECH, PORTLAND, OREGON

DESIGN REVIEW APPLICATION

19

CU 12-116432 D2M

PAYNE APARTMENTS, LLC

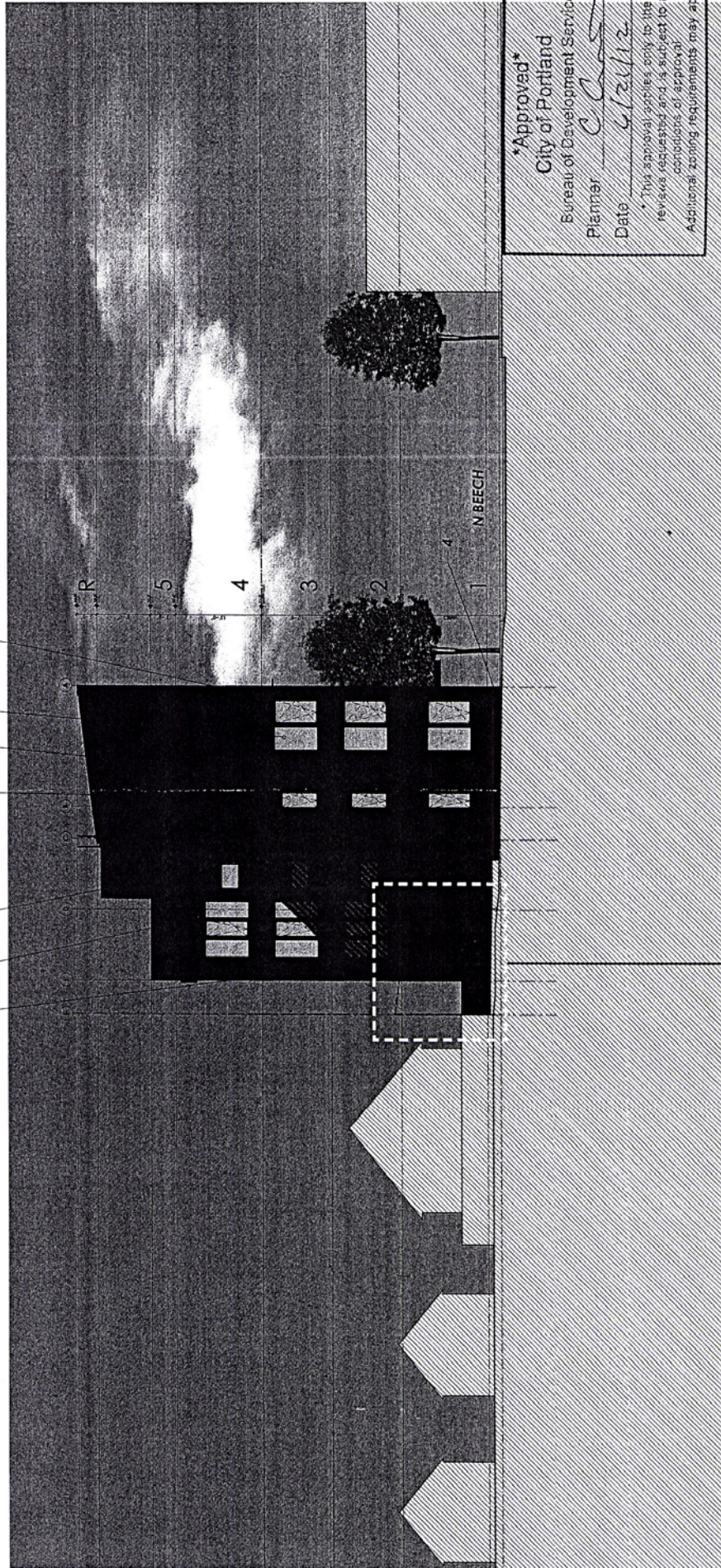
EXH.C12



MATERIAL LEGEND

- 1 METAL SUNSHADE
- 2 STAINED CEDAR - VERTICAL
- 3 STAINED CEDAR - HORIZONTAL
- 4 METAL PANEL SKIRT
- 5 HEAVY TIMBER
- 6 FIBERGLASS WINDOWS (FIXED)
- 7 FIBERGLASS WINDOWS (OPERABLE)
- 8 FIBER CEMENT VERTICAL SIDING
- 9 FIBER CEMENT HORIZONTAL SIDING

8 2 9 7 5 6 3



\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner *C. [Signature]*  
Date *6/24/12*  
\* This approval applies only to the  
revisions requested and is subject to all  
conditions of approval.  
Additional zoning requirements may apply.

ELEVATION - WEST  
1/16" = 1'-0"

UU 12-116432 D2M

EXH. C13