



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

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FINAL FINDINGS AND DECISION BY THE DESIGN COMMISSION RENDERED ON June 16, 2016

**CASE FILE NUMBER: LU 15-281978 DZM
PC # 15-236747**

23rd & Savier Apartments

BUREAU OF DEVELOPMENT SERVICES STAFF: Grace Jeffreys 503-823-7840 /
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The Design Commission has **approved** a proposal in your neighborhood. This document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

GENERAL INFORMATION

Applicant: Richard Dobrot, GBD Architects
1120 NW Couch Suite 300, Portland OR 97209

Owner: C E John Properties 65 LLC
1701 SE Columbia River Dr, Vancouver, WA 98661-8078

Site Address: **2301 NW SAVIER ST**

Legal Description: BLOCK 312 LOT 3-5 TL 14506, COUCHS ADD; BLOCK 312 LOT 2&6 TL 8000, COUCHS ADD

Tax Account No.: R180235330, R180235360, R180235330, R180235330, R180235330, R180235330

State ID No.: 1N1E28CC 07800, 1N1E28CC 08000, 1N1E28CC 07800, 1N1E28CC 07800, 1N1E28CC 07800, 1N1E28CC 07800

Quarter Section: 2827

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

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

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

Plan District: Northwest Plan District

Zoning: **CSd**, Storefront Commercial with Design Overlay

Case Type: **DZM**, Design Review with Modifications

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

Proposal:

The applicant seeks Design Review approval for a new four-story mixed-use building on a partial-block site fronting NW 23rd and NW Savier in the Northwest Plan District. The existing 17,374 square foot lot contains four small wood-framed structures which will be demolished, including the original Besaw's building at the corner. The proposed new 49'-6" tall building will provide 51 residential units over ground floor retail, lobby and services. 24 parking spaces (23 mechanically stacked) and one 9'x18' loading space will be accessed off of NW 23rd via an existing shared access drive. 59 long-term bicycle parking spaces will be provided at the ground floor. Because all short term spaces cannot be accommodated on-site (Exhibit H.4), short term bike parking will be met by paying into the bike parking fund.

Approximately 6,000 square feet of ground floor retail fronts NW 23rd Avenue and the residential lobby fronts NW Savier Street. There is no shared amenity space for the residents, but there will be a second floor roof deck for the use of the adjacent units. The rooftop includes an elevator overrun and mechanical units set back from the street frontages, as well as exhaust vents for the units below. Ground floor mechanical and services are oriented towards the north shared access drive.

The predominant building materials will be brick in three colors (dark grey, blended red and blended beige) with metal panels (0.080 thick, about 14 gauge), custom metal louvers, aluminum storefront systems, painted concrete bulkheads, steel canopies, fiberglass windows (with a vinyl option), and painted cement board for the elevator overrun. Painted CMU's and fiber cement lap siding are proposed for parts of the side and rear elevations. Additional details which apply to one of the three main building forms include wood stained entry cladding with precast concrete base, painted wood cladding with wood entry doors and fiber cement soffits, and folding door systems.

The following 2 Modifications are requested:

1. *Height* - To increase the height from 45 feet to 49'-6" feet (PZC Section 33.130.210).
2. *Bicycle Parking Standards* - To reduce the width of bike parking spaces from 24" to 18" (PZC Section 33.266.200.C.3.b).

Design Review is required for new development proposals within a design overlay zone, per Section 33.825.

Relevant Approval Criteria:

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

- Community Design Guidelines
- 33.825.040, Modifications Considered During Design Review

ANALYSIS

Site and Vicinity: The 17,374 square foot site is located in the Northwest Plan District, at the corner of Northwest 23rd Avenue and Northwest Savier Street, on a 145 foot by 120 foot site. The site contains four existing small wood-framed buildings which will be demolished, three early twentieth century residences and the original Besaw's building on the corner of NW 23rd and NW Savier. The site is on the south-east portion of the block immediately south of the Public Library. There is approximately five feet of grade change from the highest point of the site at the SW corner to the low northeast corner of the lot. The northern portion of the site has an existing shared driveway with access points from NW 23rd Avenue and NW Thurman Street.

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

NW 23rd Avenue is designated a Community Main Street, Major Transit Priority Street, Neighborhood Collector Street, City Walkway, and Local Service Bikeway. NW Xavier Street is designated a Local Service Bikeway. The site is located 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. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominately built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

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

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

Land Use History: City records indicate that prior land use reviews include the following: EA 15-236747 PC – Pre-Application Conference for the proposal.

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

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

The **Water Bureau** responded with the following comments: Please see Exhibit E-6 for additional details.

“The Water Bureau has no concerns with the requested Design Review and proposed Modifications to zoning code standards for the construction of a new four story mixed use building as depicted in this LUR, but does have comment to be included in the Water Bureau portion of the BDS response, for the property located at 2301 NW Savier St.

There are five (5) services which provide water to this location and they are as follows:

- 1. 2301-03 NW Savier St - 3/4” meter (Serial #99048759, Account #2948384300)*
- 2. 2305-09 NW Savier St - 3/4” meter (Serial #99048881, Account #2959307200)*
- 3. 2311 NW Savier St - 5/8” meter (Serial #21304143, Account #2959307200)*
- 4. 2319 NW Savier St - 5/8” meter (Serial #21304149, Account #2959307600)*

There is water available to the above listed four properties from the 8” CI water main in NW Savier St.

- 5. 1715 NE 23rd Ave - 5/8” meter (Serial #92033731, Account #2959306900)*

There is water available to the above listed property from the 8” CI water main in NW 23rd Ave.

All new and existing water services must meet City Title 21 requirements for location and sizing. Any existing water services not retained for use will be killed at the applicant’s expense.

For this property development, where water services are to be shared between multiple properties, City Title 21.12.070 will apply and a Tax Lot Account consolidation will be required prior to the Water Bureau approval of any building permits and or selling any water services to this property. Tax account consolidation is a simple process and can be done at Multnomah County Records Management Division. For more information, please call 503-988-3326 or visit <https://multco.us/assessment-taxation/changes>.

State of Oregon OAR 333 Rules apply for a minimum of 5’ horizontal spacing between water service lines and all sanitary laterals in the public right of way.

The estimated static water pressure range for this location is 51 psi to 64 psi at the existing service elevation of 80 ft.

Conditions of Approval: None”

The **Urban Forestry Division** responded with the following comment: Please see Exhibit E-7 for additional details.

“Urban Forestry has reviewed the proposal for its impact on existing street trees and heritage trees, street tree planting requirements and related mitigation, in accordance with Title 11, Trees.

PLEASE NOTE THERE MAY BE OTHER APPLICABLE TREE REQUIREMENTS AS PER TITLE 33 PLANNING & ZONING.

A. Response

2. Right-of-Way Improvements

NW Savier: The site has approximately (140) feet of street frontage. The right-of-way is improved with pavement, curbs, planting strip, sidewalks. There are (5) street trees. The Hornbeam, Red Oak, and Red Maple trees are 8” to 10” diameter and are in fair condition.

NW 23rd: The site has approximately (100) feet of street frontage. The right-of-way is improved with pavement, curbs, planting strip, sidewalks. There are overhead power lines.

There are (3) street trees. Two red Maples exist in the ROW and are 8” to 10” diameter respectively. One Northern red Oak, 36” diameter is in fair condition and has been repeatedly through pruned for line clearance.

3. Proposed Street Tree Removal and Required Mitigation (11.50.040)

The applicant proposes to remove the following:

This removal is allowed. Due to the species, size, and condition of trees removed, (10) trees are required to be planted to mitigate the loss as a result of this project. Tree replacement for trees removed shall occur in the street planter strip, on site, or in the same watershed either by planting or by paying a fee in lieu of planting of \$600.00 for each tree not planted. Street tree planting standards must also be met in accordance with 11.50.060.C. Trees will be required to be planted through the public works permit.

B. Conditions of Approval

Urban Forestry has no objections to the proposal subject to the following conditions of approval:

- 1. Street Tree Planting prior to final plat approval*
- 2. Street trees must be included in all proposed public works and building permit applications.”*

Staff response: *No final plat approval is required for this proposal; therefore Condition of Approval 1 noted above does not apply.*

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on May 24, 2016. A total of two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Chris Noski, June 3, 2016, stating support of proposal.
2. Greg Theisen, Co-Chair, NWDA Planning Committee, June 8, 2016, stating concerns with the proposal, including the demolition of the original Besaw’s building, the removal of a mid-block oak tree, the retention of the vehicular drive off NW 23rd, vehicle storage planning on ground floor, lack of fine grain, building height, lack of design cohesion, and concerns about materials and patterning.

Staff response: *With reference to demolition of the existing Besaw’s building and removal of the Oak street tree, the project is not required to preserve these elements. With reference to the shared driveway, there is an existing easement agreement with the neighbor to the north. Please refer to findings below for additional discussions regarding the above concerns.*

ZONING CODE APPROVAL CRITERIA

(1) DESIGN REVIEW (33.825)

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

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

Section 33.825.055 Design Review Approval Criteria

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

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

Community Design Guidelines

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

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

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

Findings: The site is within the designated "Streetcar Main Streets Urban Character Area". The italicized sections below describe the urban character of this special area. Findings follow each urban character statement.

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

Findings: The proposed building's size and configuration respond to the district's desired scale and pattern of development. The proposal visually divides the building into three distinct structures that more closely reflect lot and building sizes of the early twentieth century and reinforces the pattern of partial block massing. The Northwest 23rd Avenue frontage is split into a 61 foot wide and a 46 foot wide facade, comparable to the adjacent Library's 50 foot width. In the east-west direction along Northwest Savier Street, blocks and buildings in the neighborhood tend to be longer, so the building is separated into 102 feet and 36'-6" wide facades.

The three "buildings", for ease of reference in this proposal, are called the South Building, the Corner Building, and the North Building.

- The "Corner Building" has the straightforward massing and fenestration of an older industrial structure. Brick pilasters separate large window openings. A raised brick course around the windows provides a frame to accentuate the windows. The strong ground floor storefront surround and a simple cornice at the parapet provide a clear framework for this modest building.
- The "South Building" is reminiscent of an early twentieth century apartment building with a prominent central entrance and symmetrical design. Vertical proportioned windows with a matching color bottom panel accentuate the facade. A slight setback in the plane of the Corner Building to the east affords a glimpse of this building as a volume and not just a facade. Similarly, at the west, the brick wraps around the

corner 15 feet to where it returns into a vertical recess in the facade. This slot visually provides a point of transition in exterior materials. While this facade is difficult to see due to the adjacent building's close proximity, it has a clear composition in form, proportion and material.

- The “North Building's” street facade typifies the classic residential-above-retail look with a tall retail storefront and regular pattern of residential windows above, and this pattern continues around the corner to the first part of the north side. Beyond this point at the north side, brick pilasters march along the ground floor with shallow recesses in between. A vertical picket metal railing caps the ground level wall at the edge of the second floor terrace. Set well back from this wall are the upper floors overlooking the terrace with large windows that punctuate lap siding. A 12” tall horizontal trim board near the top carries the line of the brick detailing around the building, subtly threading together the disparate parts. At the western edge, a portion of this facade is pulled forward to create a thoughtful termination to the view from Northwest Thurman Street. The ground floor at the west elevation is the most obscured part of the building, and as such is the most utilitarian with painted structural CMU, chosen for durability and ease of maintenance.

Each of these three building blocks portrays the district's preferred architectural scale and fine-grain pattern of development. Each is detailed in a slightly different manner and provides interest and variety, while maintaining a familiar 'NW Portland' feel to the cohesive composition. Additionally, retail spaces are delineated to accommodate a variety of tenant sizes, with a larger tenant space anchoring the corner of 23rd and Savier, a smaller specialty tenant at the center, and a medium size space at the north, each with a unique but complementary storefront character. The residential entrance is placed on the quieter Northwest Savier Street, and utility services and parking garage access occur at the north side, set well away from the public right of way. *This guideline is met.*

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

Findings: The proposed design reinforces the desired architectural characteristics of commercial buildings along Northwest 23rd Avenue in numerous ways. The four-story predominately brick clad building is articulated in a split-block massing, with tall storefront windows, generous canopies to protect outdoor dining opportunities, transom windows, entrances at sidewalk level, and flat roofs with unique cornice details. Along NW Savier Street, traditionally a more residential side street, the frontage maintains the qualities of an early twentieth century apartment building, with its symmetrically composed façade, 2:1 proportion, and red brick detailing. *This guideline is met.*

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

Findings: Along Northwest 23rd Avenue, the facade is delineated into two distinct buildings that abut one another to create a continuous urban enclosure. The North Building extends further north than a previous structure on the site and in doing so it helps to minimize the visual gap in the urban enclosure created by the Library's parking lot. This main street frontage is articulated with a variety of storefronts that provide for a rich visual experience. Large operable sections of the storefront will provide visual interaction with the interior spaces. At the middle of the frontage, a contemporary all glass infill with beveled metal outside frame is inserted into the traditional paneled surround to create a unique front for a small boutique space that doesn't interrupt the overall continuity of the façade. *This guideline is met.*

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

Findings: The four small existing wooden structures on the site were built in the early 1900's with later additions and changes in use occurring through the years. The three structures originally built as residences are one-and-one half story buildings typical of the era. The fourth structure is a commercial building on the corner of NW 23rd and NW Savier, and is referred to as the original Besaw's building. This building has stood at the corner of 23rd & Savier since the late 1890's. The project team fully explored preserving the building and incorporating it into the new development, and in fact, the initial Design Review Application for this project had it still in place. However, after closer examination on-site, it was determined by the applicant that the condition of the structure, the failing foundations, and the shear amount of work that would be needed to make the building code compliant would not be financially feasible nor would it result in marketable retail space. With this in mind, the applicant decided to propose its removal.

The proposed new NW 23rd Avenue frontage will continue the existing pattern of ground floor retail uses with large storefront windows, canopies, transom windows, active uses, and outdoor dining spaces along the sidewalk. Covered outdoor areas intended specifically for outside dining activities will contribute to a vibrant urban environment.

The residential parking garage entrance is located at the north side of the building, utilizing an existing driveway that connects to Northwest Thurman and Northwest 23rd, and shared with two other properties. The only non-main street frontage where a new driveway could be introduced is Northwest Savier Street – however this would not eliminate the existing driveway and would have simply added further disruptions to the pedestrian environment at this quieter residential street. *This guideline is 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 will replace sidewalks that have buckled and cracked over the years and replace street trees in accordance with City requirements,

unifying the pedestrian experience with adjacent blocks. The project will comply with the 3 foot sidewalk dedication on Northwest 23rd to provide a 15 foot wide sidewalk for greater pedestrian circulation. New curb extensions at the corner of Northwest 23rd Avenue and Northwest Savier Street will also be installed to provide safer street crossings. Windows placed immediately around the north corner will help provide visibility of the driveway to minimize pedestrian/vehicular conflicts. *This guideline is met.*

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

Findings: In addition to the three foot sidewalk dedication along Northwest 23rd, the retail storefront is setback an additional three feet to provide ample room for retail patrons, outdoor dining opportunities, and passers-by to stop and visit. The generous canopy coverage along NW 23rd and wrapping the corner of NW Savier provides ample protected areas for retail patrons and passers-by to circulate and stop and visit. The sidewalk extensions also provide a more generous area for retail patrons to visit outside the corner retail entrance. *This guideline is met.*

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

Findings: At the sidewalk level, the new building facade is primarily comprised of storefront windows that vary from 12 to 15 feet tall. Each of the “buildings” has a distinctive storefront treatment to add vitality to the pedestrian experience.

The “South Building” storefront has a traditional appearance with narrow transom windows above wide retail display windows. The ground floor uses a transition from retail to residential as one moves further away from the activity of NW 23rd Avenue along NW Savier. The residential lobby entrance on NW Savier is defined with a slightly protruding brick bay that rests on precast concrete column bases and is protected from the elements with a canopy. Accent lighting punctuates the wood front door and two metal wall plaques on either side of the entrance will describe the history of the site and of its namesake, George Besaw.

The ground level of the “Corner Building” is differentiated from the upper floors with a painted wood surround that features recessed panels, painted concrete column bases, and a continuous canopy structure. Large operable portions of the storefront open up and connect the inside retail experience with the pedestrian realm. Wall sconces at the columns accentuate the rhythm of the architecture.

At the second floor, large corner brackets are proposed for a future diagonal corner sign. At the Design Commission hearing on June 16, 2016, the Commission found that that the scale of these brackets was oversized in relationship to the scale of the development and the retail space it signifies. Rather than providing such large exposed brackets for a possible future corner sign, the majority portion of the structural anchors of the brackets should be hidden underneath rather than fixed above the brick. This detail better integrates future corner signage with the building. *Therefore, a condition of approval was added that the substance of brackets for a future corner sign (subject to future review) should be hidden underneath rather than fixed above the brick.*

Finally, the “North Building” has a very wide aluminum and glass storefront with a portion that is operable and recessed within the brick facade, with a continuous canopy providing a generous area for outdoor dining/seating. Illuminated banner signs provide

additional scale and vitality to the pedestrian environment. Lights and support brackets are included with this proposal.

With Condition of Approval C, that the majority portion of the structural anchors of the brackets for a future corner sign (subject to future review) should be hidden underneath rather than fixed above the brick, this guideline is 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 design contributes to an active intersection with a primary retail entrance located in the first bay at the corner of Northwest 23rd and Northwest Savier. The corner is accented by differentiating it as a unique “building” with a change in brick color, a lowered parapet height, and massing setbacks, as well as larger corner windows above the ground floor with lowered sills. There is a strong emphasis at the ground floor storefront and generous outdoor dining areas are provided. These design moves all create a strong visual identity at the corner and provide an active and inviting intersection. Additionally, the new curb extensions of the sidewalks give greater emphasis to the corner and allow for more sidewalk activity and circulation. *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: Generous metal canopies along Northwest 23rd and wrapping part of NW Savier potentially provide weather protection for outdoor dining areas and retail entrances. Additionally, the residential lobby entrance has a generous metal canopy and a recessed door alcove.

The canopy at the corner as it wraps around to the south side does not have a solid roof though, but rather an open framework for potential retractable canopy shades to be installed at a later date, which can be adjusted to provide shading of the interior retail space as needed. At the Design Commission hearing on June 16, 2016, the Commission found that since these open frames provide little protection for pedestrians, a more permanent solution is needed to meet this guideline. *Therefore, a condition of approval was added that all the canopies are to have a solid metal or glass cover, per Exhibit C.35.*

With Condition of Approval D, that all the canopies are to have a solid metal or glass cover, per Exhibit C.35, this guideline is met.

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

Findings for D1: The proposed development will cover approximately three-quarters of the site area. A large portion of the remaining site area is not available for development as it is in the private driveway easement at the north side of the building. Along NW 23rd Street, the building is set back and hardscaped, extending the sidewalk and creating useable outdoor public space that will be covered and lit at night.

No outdoor amenity space will be provided for the general use of the residents, but private patios for some residents will be provided on the second floor roof terrace where the building steps back from the north easement. These private patios will be set back from the edge to screen views of the Library parking area and provide additional privacy. These will be finished with precast concrete pavers and metal planters that provide soft

vegetation screening. Areas of variegated river rocks and gravel provide restful spaces with visual interest. *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 entries into the retail storefronts are oriented along NW 23rd to embrace the activity and street-life inherent with a main street. The residential lobby entrance is accessed directly from the sidewalk along NW Savier Street, and is defined with a protruding brick bay that rests on precast concrete column bases and rises up nearly full height of the building. The recessed metal panel inset frames the upper floor windows and provides further distinction of the main entrance. The dark stained wood front door and surrounding frame are protected with a generous metal canopy with wood soffits. Recessed, wall-grazing accent lighting provides punctuation at the entrance. Two metal wall plaques on either side of the entrance will describe the history of the site and of its namesake, George Besaw. *This guideline is met.*

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

Findings: Two new street trees with tree well plantings will be installed on NW 23rd at locations where utilities allow, replacing the three existing street trees, including two smaller Maples and a large Oak (38" diameter) mid-block. The roots of the Oak have buckled the existing sidewalk, and the new sidewalks will require the roots to be removed. Five new street trees with tree well plantings will be installed on NW Savier, replacing the five existing street trees (6-16" diameter). 14 existing on-site trees will be removed, including a 22" Cherry Tree along the NW Savier property line. Two new in-ground planters will be installed flanking the residential garage entrance which faces the shared driveway access, enhancing the vehicle entrance.

The private second floor roof terrace will have Kousa Dogwood, Sweet Box evergreen shrub, Hellebore, and Japanese Spurge plantings in raised metal planters. The roof terrace ground cover materials feature a combination of colors and grades of river rock, roughly 10'x10' patios comprised of 18" square concrete patio pavers. Metal planters between patios (see roof terrace planting plan) and larger metal planters towards the north edge of the roof provide scale and sense of enclosure. *This guideline is met.*

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

Findings: The residential parking garage entrance is located at the north side of the building, utilizing an existing driveway that connects to Northwest Thurman and Northwest 23rd, and shared with two other properties. The only non-main street frontage where a new driveway could be introduced is Northwest Savier Street – however this would not eliminate the existing driveway and would have simply added further disruptions to the pedestrian environment at this quieter residential street. Twenty-four (24) off-street parking spaces are provided in an enclosed ground-level garage. The garage vertical-lift door has perforated metal panels of varying openness to screen views into the garage at eye level and above, while maintaining air circulation at the bottom of the door. The garage entry is framed with brick and is accented with two cypress trees. By locating the garage entry at the north side accessed off the existing shared drive and well away from the street frontages, the negative effects of the parking are minimized. *This guideline is met.*

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

Findings: A number of features of the development will contribute to making this a safe and active addition to the Northwest Plan District. Active ground floor uses occupy most of the street facing spaces, building entrances orient towards public streets, and new dwelling units above with windows will make for a more active 24-hour presence.

In addition to active uses, entries, and windows on the streets, exterior illumination is thoughtfully placed to illuminate the south, east and north perimeters of the site, creating a safely lit building perimeter.

- Along NW Savier, recessed can lights at the recessed bay soffits will provide general lighting. At the residential entrance, recessed linear wall-grazing fixtures located above the brick columns and down-lighting at the canopy will highlight the lobby entrance.
- Large, well-lit storefront glazing along NW Savier and NW 23rd will help create a safe nighttime environment. Additionally, wall-mounted down-lights below the canopies will provide general accent lighting, and canopy mounted down-lights above doorways will provide an additional pool of light to mark the tenant entrances. Sign lights at the corner bays above the windows will provide wayfaring information
- Along the north side of the building facing the private driveway easement, wall mounted down-light sconces will provide a sense of security in an architecturally manner that doesn't shout "security lighting". Existing wall mounted lights on the adjacent Library building will provide additional general illumination at the shared drive.

The design and placement of windows, entries, active ground level uses, and exterior illumination will contribute towards making this development a safe and active contribution to the neighborhood. *This guideline is met.*

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

Findings: The proposed design is intended to fit well within the genre of the early 20th century buildings, turn of the century apartment buildings and industrial buildings commonly found in and around the Northwest neighborhood, all of which share simple building massing, proportions and scale. A combination of distinct cornices, brick and horizontal siding, and a concrete base all continue the architectural vocabulary of the neighborhood. Large clear-glazed storefront windows allow views into and out of the various uses, promoting an active and passively secure streetscape environment that also enriches the inherent pedestrian character of the Northwest Plan District.

At the ground floor, all the entrances are directly connected to the sidewalk, making them accessible by pedestrians and transit users. The retail spaces of the building are oriented along NW 23rd to embrace the activity and street-life inherent with a main street. Appropriately scaled retail storefronts, highlighted by projecting metal canopies and large glazed storefront systems, each provide a unique character, further enhancing the Main Street character of NW 23rd Avenue. The residential lobby is located on NW Savier Street, a more residential side street, and is easily identified by a large metal canopy, as well as a

unique treatment of adjacent piers, special lighting, and a wood and glass entry door. *This guideline is met.*

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

Findings: As described above, each of the three building blocks is detailed in a slightly different manner to provide interest and variety, yet as a whole create a cohesive composition. The proposed exterior materials have been selected to be durable and of quality. The primary material of the exterior facade is brick, with three colors and two sizes used to emphasize each separate building massing. The aluminum storefronts with clear glazing and the variety of door types at the ground floor are of a high quality, and provide a variety of storefront expressions.

The proposed windows for the upper floors are fiberglass, but a vinyl option is also proposed. The fiberglass windows provide narrower sight lines, which in turn provide generous glass area proportional to the window size. Additionally, the fiberglass window frames provide greater depth to the windows than the vinyl option.

- In the walls that are clad with brick, the fiberglass window frames are set back 2" from the face of the brick. Additionally, because these windows also contain an inner frame, the depth from the face of brick to the face of glass is 5-5/8", as illustrated in Exhibits C.24 and C.28. The optional vinyl window frames are set back 3" from the face of the brick, but since these windows do not contain the additional inner frame element, the depth from the face of brick to the face of glass is only 4-1/2".
- In the walls that are clad with fiber cement lap siding, the fiberglass window frames are set back 1/4" from the face of the trim. With the inner frame, the depth from the face of trim to the face of glass is 4", as illustrated in Exhibit C.32. The optional vinyl window frames are set back 1/8" from the face of the trim, but without the inner frame the fiberglass has, the depth from the face of trim to the face of glass is only 1-3/4".

At the Design Commission hearing on June 16, 2016, the Commission found that that the fiberglass windows (typical detail on C.28) are more interesting to view and help the development better fit into the traditional architecture of the neighborhood by providing better punch and depth than the proposed vinyl windows. *Therefore, a condition of approval was added that the windows above the ground floor are to be fiberglass, not vinyl, per Exhibit C.47.*

Along parts of the north and west facing elevations, painted structural CMU walls are proposed. Although a durable and easy to maintain material, at the Design Commission hearing on June 16, 2016, the Commission found that because this elevation at the alley will remain very visible, brick is a more appropriate material for these locations. *Therefore, a condition of approval was added that brick should be used rather than painted CMU on the north and partial west elevations, as indicated on Exhibits C.13 and C.16.*

Above these walls light colored horizontal, fiber cement lap siding with exposed metal rain water pipes is proposed. A 12" tall horizontal trim board near the top carries the line of the brick detailing around the building, intending to thread together the disparate parts. Standard painted fiber cement lap siding proposed (5/16" thick). While these are not street frontages, the north elevation will be a very visible from NW Thurman Street via the north access drive. While some nearby recent developments have incorporated large amounts of fiber cement siding, the Commission has since consistently supported minimal use of fiber cement, especially lap siding, in urban settings. It is appropriate and contextual for the rear and side end walls to be clad in a more simple material, and stucco is recommended as a more appropriate material for a brick building in an urban

setting. At the Design Commission hearing on June 16, 2016, the Commission found that that a stucco finish to the north and west elevations where lap siding was proposed would ensure that these facades would remain long lasting quality and the development would remain interesting to view. *Therefore, a condition of approval was added that a stucco finish should be used rather than lap siding on the north and west elevations, per Exhibits C.13-16.*

The rooftop mechanical units are set back from the street frontages, reducing the chance of any visual impact on the pedestrian realm and nearby upper-story residential units. The proposal also contains an Alternate Combined Roof Exhaust Vent Box at the roof (Exhibits C.44 and C.45) as an option to consolidate the effect of the individual venting on the roof. At the Design Commission hearing on June 16, 2016, the Commission found that this consolidated Vent Box would ensure that the roof treatment would be remain ordered and form a cohesive composition. *Therefore, a condition of approval was added that the roof exhaust vents should be consolidated and covered in Combined Roof Exhaust Vent Boxes, per Exhibit C.45.*

Hanging below the canopies, future patio heaters are proposed (Exhibits C.20, C.21, C.35, C.36 & C.49). The drawings indicate the gas lines would be exposed underneath the canopies. At the Design Commission hearing on June 16, 2016, the Commission found that these utilitarian elements should be blended in with the underside of the canopies in order to form a cohesive composition. *Therefore, a condition of approval was added that the gas lines and other feeds from the building should either be above the canopies, or if below the canopies, inconspicuous and integrated with canopy structure. Additionally, all elements visible under the canopies including the heaters should be painted black.*

The storefront designs are generally consistent with each “building” except for the center storefront on the East Elevation. At the Design Commission hearing on June 16, 2016, the Commission found that this storefront was inconsistent with the rest of the design and did not contribute to a cohesive composition. *Therefore, a condition of approval was added that the center storefront on the East Elevation should match the color of the storefronts to the south.*

At the upper levels, to screen HVAC systems for the units, custom louvers with perforated panels are proposed below the windows. At the Design Commission hearing on June 16, 2016, the Commission found that the perforated panels were not consistent with the remaining detailing of the building, and did not contribute to a cohesive composition. *Therefore, a condition of approval was added that the custom louvers panels below the upper windows (in front of HVAC units) should be lowered instead of perforated panels, and have surrounding framing to match the framing of the window system above.*

With the following conditions of approval, this guideline will be met:

- *Condition of Approval E, that the windows above the ground floor are to be fiberglass, not vinyl, per Exhibit C.47.*
- *Condition of Approval F, that brick should be used rather than painted CMU on the north and partial west elevations, as indicated on Exhibits C.13 and C.16.*
- *Condition of Approval G, that a stucco finish should be used rather than lap siding on the north and west elevations, per Exhibits C.13-16.*
- *Condition of Approval H, that the roof exhaust vents should be consolidated and covered in Combined Roof Exhaust Vent Boxes, per Exhibit C.45.*
- *Condition of Approval I, that the gas lines and other feeds from the building should either be above the canopies, or if below the canopies, inconspicuous and integrated*

with canopy structure. Additionally, all elements visible under the canopies including the heaters should be painted black.

- *Condition of Approval J, that the center storefront on the East Elevation should match the color of the storefronts to the south.*
- *Condition of Approval K, that the custom louvers panels below the upper windows (in front of HVAC units) should be lowered instead of perforated panels, and have surrounding framing to match the framing of the window system above.*

(2) MODIFICATION REQUESTS (33.825)

33.825.040 Modifications That Will Better Meet Design Review Requirements:

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

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

The following modifications are requested:

Modification #1: Height (33.130.210). Request to increase the height from 45 feet to 49 feet, 6 inches.

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

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

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

Findings: The proposed four-story project is appropriately scaled with the neighborhood. There are two key factors that contribute to the request for additional height. First, a taller retail space along NW 23rd would contribute to a more vibrant urban environment. Second, the mechanized parking system being proposed for the residential parking requires additional height to accommodate a variety of vehicle sizes. This parking system is fully supported by that fact that it minimizes the area required for parking by almost 5,500 square feet when compared to a traditional surface parking solution for 24 vehicles, allowing for better use of the site area with active uses, such as retail, that are more in line with the Desired Urban Character. In addition to the ground floor height, three levels of housing are proposed at 10 feet floor to floor with 12 inch thick structural concrete slabs,

plus a flat ($\frac{1}{4}$ " per foot slope) roof and minimal parapet, bringing the total height to approximately 49'-3". Reducing the ground floor height will result in lower retail spaces along NW 23rd, a main street, as well as hinder the operation of the parking system. Aspects of the design (such as canopies and ground floor setbacks) provide an appropriate pedestrian scale. The additional height requested is consistent with the similar development across NW 23rd. For these reasons, this project is found to be consistent with the purpose statement and better meet Design Guidelines P1 and D7. *The criteria are met.*

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

Findings: The increased height will allow this portion of the building to better reflect the scale of commercial development along NW 23rd Avenue. Light, air, and privacy are preserved by the placement of the retail spaces along the major commercial corridor. There are no adjacent residential zones around this proposal and NW 23rd's historic development encourages residential units above retail spaces.

The purpose of the regulation is to control the overall scale of buildings to remain consistent with the scale of existing structures and reflect the pedestrian oriented streetscape. The additional height requested maintains a four-story structure and is consistent with other recent developments in the immediate area along NW 23rd and Savier Streets. *The criteria are met.*

Modification #2: Bicycle Parking Standards – Stall Width (33.266.200.C.3.b). Request to reduce the width of bike parking spaces from 24" to 18".

Purpose: Bicycle parking is required for most use categories to encourage the use of bicycles by providing safe and convenient places to park bicycles. These regulations ensure adequate short and long-term bicycle parking based on the demand generated by the different use categories and on the level of security necessary to encourage the use of bicycles for short and long stays. These regulations will help meet the City's goal that 10 percent of all trips be made by bicycle. A 5' circulation aisle must be provided behind each space.

Standard: 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.

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines P1 Plan Area Character and D8 Interest, Quality, and Composition.*

Findings: The project proposes 59 long-term bicycle parking spaces (59 spaces required), of which 36 will be in a dedicated bike parking room on the ground floor accessed just off the residential lobby, 21 will be in the parking garage, and two will be in the retail service corridor. While the majority of the spaces are proposed to be 18" wide, some of the spaces will meet the required width of 24" width. Accommodating all of the long-term bicycle parking spaces at 24" on center within the floor plate would consume more floor area, which in turn would necessitate a reduction in active ground floor spaces. Relying upon a vertical bike rack at 18" on center within units is a more efficient use of space, and is identical to the parking system recently approved in numerous Design Reviews throughout the Central City. The proposed functional and space efficient system eases floor plan demands and results in additional opportunities for active uses at the street, such retail tenant spaces, which contributes to the project better meeting Design Guidelines P1 and D8. *The criteria are met.*

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

Findings: The long term residential bicycle spaces to be provided within the residential building are proposed to be accommodated in vertical bike racks that are to be installed with a 1'-6" spacing instead of 2'-0". The proposed spaces provide for 4'-0" of distance from the wall and an adjacent 5'-0" access aisle. According to the applicant, many bicycle rack manufacturers have a standard 1'-4" spacing that maximizes bike storage. This proposal provides a slightly less compact spacing of 1'-6" for the vertical long term residential bike racks to provide the required amount of bike parking without sacrificing other spatial needs of the building. This spacing accommodates a variety of bikes, and has been routinely approved on other projects. In addition, a number of horizontal staple racks are provided in each area where vertical racks are placed in the event someone has difficulty using the vertical rack. The City's goals for increased bicycle parking and usage are maintained with this proposal, as the proposed 18" spacing has been shown to be useable and efficient on past projects. *The criteria are met.*

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposed mixed-use development supports many of the traditions and desired characteristics stated in the NW Plan – partial block development, 4 stories, ground level retail, residential at the upper floors, pedestrian amenities at the ground level, and on-site parking. The project will be a welcome addition to NW Portland's main street, NW 23rd Avenue. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

DESIGN COMMISSION DECISION

It is the decision of the Design Commission to approve Design Review for **Design Review** for a new four-story mixed-use building on a partial-block site fronting NW 23rd and NW Xavier in the Northwest Plan District. The building contains 51 residential units over approximately 6,000 square feet of ground floor retail, 24 parking spaces (23 mechanically stacked), one 9'x18' loading space, and 59 long-term bicycle parking spaces. Short term bike parking will be met by paying into the bike parking fund.


Approval of the following Modification requests:

1. *Modification to Height* (33.130.210) to increase the height from 45 feet to 49'-6" feet.
2. *Modification to Bicycle Parking Standards* (33.266.200.C.3.b) to reduce the width of bike parking spaces from 24" to 18".

Approvals per Exhibits C.1-C-50, signed, stamped, and dated July 6, 2016, subject to the following conditions:

- A.** As part of the building permit application submittal, the following development-related conditions (B through L) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 15-281978 DZM". All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
 - B.** Street trees must be included in all proposed public works and building permit applications.
 - C.** The majority portion of the structural anchors of the brackets for a future corner sign (subject to future review) should be hidden underneath rather than fixed above the brick
 - D.** All the canopies are to have a solid metal or glass cover, per Exhibit C.35.
 - E.** The windows above ground level are to be fiberglass, not vinyl, per Exhibit C.47.
 - F.** Brick should be used rather than painted CMU on the north and partial west elevations, as indicated on Exhibits C.13 and C.16.
 - G.** A stucco finish should be used rather than lap siding on the north and west elevations, per Exhibits C.13-16.
 - H.** Roof exhaust vents should be consolidated and covered in Combined Roof Exhaust Vent Boxes, per Exhibit C.45.
 - I.** The gas lines and other feeds from the building should either be above the canopies, or if below the canopies, inconspicuous and integrated with canopy structure. Additionally, all elements visible under the canopies including the heaters should be painted black.
 - J.** The center storefront on the East Elevation should match the color of the storefronts to the south.
 - K.** Panels below window units (in front of HVAC units) to be louvers instead of perforated panels, with surrounding framing to match the framing of the window system.
 - L.** No field changes allowed.
-

By:


David Wark, Design Commission Chair

Application Filed: December 28, 2015
Decision Filed: June 17, 2016

Decision Rendered: June 16, 2016
Decision Mailed: July 11, 2016

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 December 28, 2015, and was determined to be complete on **April 27, 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 December 28, 2015.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant waived the 120-day review period, as stated with Exhibit G.4.

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. This report is the final decision of the Design Commission with input from other City and public agencies.

Conditions of Approval. This approval 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.

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. Appeals must be filed by 4:30 pm on July 25, 2016 at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case by appointment at, 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201. Please call the file review line at 503-823-7617 for an appointment.

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 City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

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, one in which new evidence can be submitted to City Council.

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified 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 \$5,000.00 will be charged (one-half of the application fee for this case).**

Neighborhood associations may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

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 26, 2106 – (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 must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

Grace Jeffreys
July 7, 2016

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).

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Initial submittal – drawings & narratives, 12/23/15
 - 2. Revised drawings & narratives, 1/11/16
 - 3. ESA & Addendum, Heating Oil Tank Report and letter, Preliminary Drainage report, 4/27/16
 - 4. Revised drawings & narratives, 4/27/16
 - 5. Revised drawings, narratives and appendix, 5/27/16
- B. Zoning Map (attached)
- C. Plan & Drawings
 - 1. Site Plan (attached)
 - 2. Utility Plan
 - 3. Ground Floor Plan
 - 4. Second Floor Plan
 - 5. Third Floor Plan
 - 6. Fourth Floor Plan
 - 7. Roof Plan
 - 8. Ground Floor Landscape Plan
 - 9. Second Floor Landscape Plan
 - 10. Exterior Lighting Plan
 - 11. Elevation – South (attached)
 - 12. Elevation – East (attached)
 - 13. Elevation – North (attached)
 - 14. Elevation – West (attached)
 - 15. Partial Elevation – North (attached)
 - 16. Partial Elevation – West (attached)
 - 17. East-West Building Section
 - 18. North-South Building Section
 - 19. Enlarged Section at Residential Entrance
 - 20. Enlarged Section at Corner Retail Entry
 - 21. Enlarged Section at East Retail Entry
 - 22. Enlarged Section at Garage Door
 - 23. Enlarged Section at West Wall Recess
 - 24. thru C.33. Skin Composite 01-10
 - 34. thru C.39. Canopy Details
 - 40. Building Materials
 - 41. thru C.50. Cutsheets
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailed notice
 - 6. Mailing list
- E. Agency Responses:
 - 1. Fire Bureau
 - 2. Site Development Review Section of BDS
 - 3. Life Safety Review Section of BDS
 - 4. Bureau of Environmental Services
 - 5. Bureau of Transportation Engineering and Development Review
 - 6. Water Bureau
 - 7. Bureau of Parks, Forestry Division
- F. Letters
 - 1. Chris Noski, June 3, 2016, stating support of proposal.
 - 2. Greg Theisen, Co-Chair, NWDA Planning Committee, June 8, 2016, stating concerns with the proposal.

3. Steve Johnson, June 10, 2016, stating concerns regarding parking and modifications to height and bike parking.
4. Steve Pinger, June 15, 2016, stating concern about the perpetuation of the shared driveway.

G. Other

1. Original LUR Application
2. Pre-Application Conference notes, conference date 11/17/15
3. Request for Completeness and Bureau responses, 1/11/16
4. 120-day waiver signed, 1/18/16
5. Incomplete letter, 2/27/16
6. Staff Memo to the Commission, 6/10/16
7. Community Design Guidelines chart

H. Hearing




1. Staff Report, 6/14/16
2. Staff Presentation, 6/16/16
3. Testifier Sign-in Sheet
4. Short Term bike parking diagram

ZONING

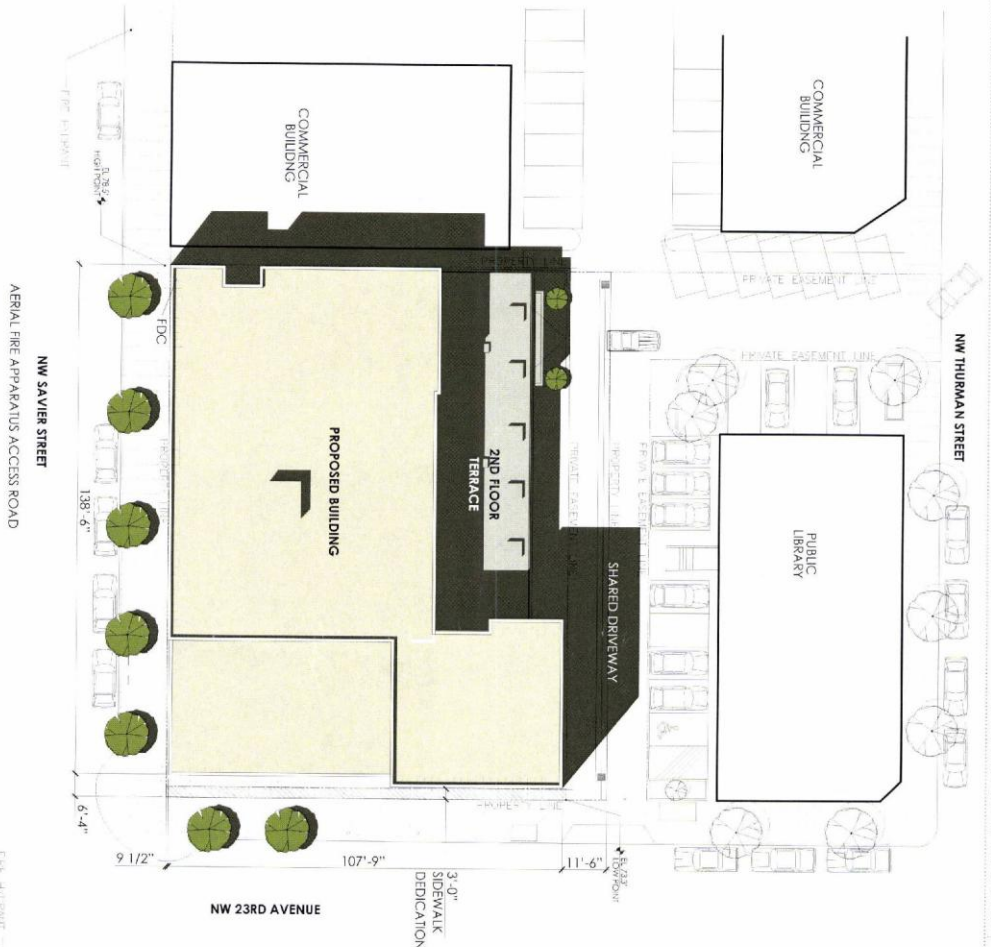


NORTH

This site lies within the:
NORTHWEST PLAN DISTRICT

-  Site
-  Recreational Trails
-  Historic Landmark

File No. LU 15-281978 DZM
1/4 Section 2827
Scale 1 inch = 200 feet
State_Id 1N1E28CC 7800
Exhibit B (Jan 05, 2016)



Conditions of Approval:

- A.** As part of the building permit application submittal, the following development-related conditions (B through L) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 15-281978 DZM". All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B.** Street trees must be included in all proposed public works and building permit applications.
- C.** The majority portion of the structural anchors of the brackets for a future corner sign (subject to future review) should be hidden underneath rather than fixed above the brick
- D.** All the canopies are to have a solid metal or glass cover, per Exhibit C.35.
- E.** The windows above ground level are to be fiberglass, not vinyl, per Exhibit C.47.
- F.** Brick should be used rather than painted CMU on the north and partial west elevations, as indicated on Exhibits C.13 and C.16.
- G.** A stucco finish should be used rather than lap siding on the north and west elevations, per Exhibits C.13-16.
- H.** Roof exhaust vents should be consolidated and covered in Combined Roof Exhaust Vent Boxes, per Exhibit C.45.
- I.** The gas lines and other feeds from the building should either be above the canopies, or if below the canopies, inconspicuous and integrated with canopy structure. Additionally, all elements visible under the canopies including the heaters should be painted black.
- J.** The center storefront on the East Elevation should match the color of the storefronts to the south.
- K.** Panels below window units (in front of HVAC units) to be louvers instead of perforated panels, with surrounding framing to match the framing of the window system.
- L.** No field changes allowed.

Approved
 City of Portland - Bureau of Development Services
 Planner [Signature] Date 7/6/16
 * This approval applies only to the reviews requested and does not extend to all conditions of approval. Additional zoning restrictions may apply.

- MATERIAL LEGEND**
- 1 BRICK VENEER TYPE 1
 - 2 BRICK VENEER TYPE 2
 - 3 BRICK VENEER TYPE 3
 - 4 WOOD STAINED ENTRY
 - 5 FIBER CEMENT LAP Siding
 - 6 FIBER CEMENT BOARD PANEL
 - 7 FIBER CEMENT TRIM BOARD
 - 8 PAINTED WOOD CLADDING
 - 9 PRECAST CONCRETE
 - 10 PAINTED CONCRETE
 - 11 METAL PANEL
 - 12 PAINTED CMU
 - 13 ALUMINUM STOREFRONT
 - 14 CUSTOM LOUVER
 - 15 FIBERGLASS WINDOW
 - 16 FIBERGLASS DOOR
 - 17 WOOD/GLASS DOOR
 - 18 PAINTED METAL DOOR
 - 19 VERTICAL LIFT GARAGE DOOR
 - 20 FOLDING DOOR SYSTEM
 - 21 PAINTED METAL GUARDRAIL
 - 22 PEEL WTL PARAPET CAP
 - 23 STEEL CANOPY
 - 24 BANNER SIGN
 - 25 ALU GLASS STOREFRONT



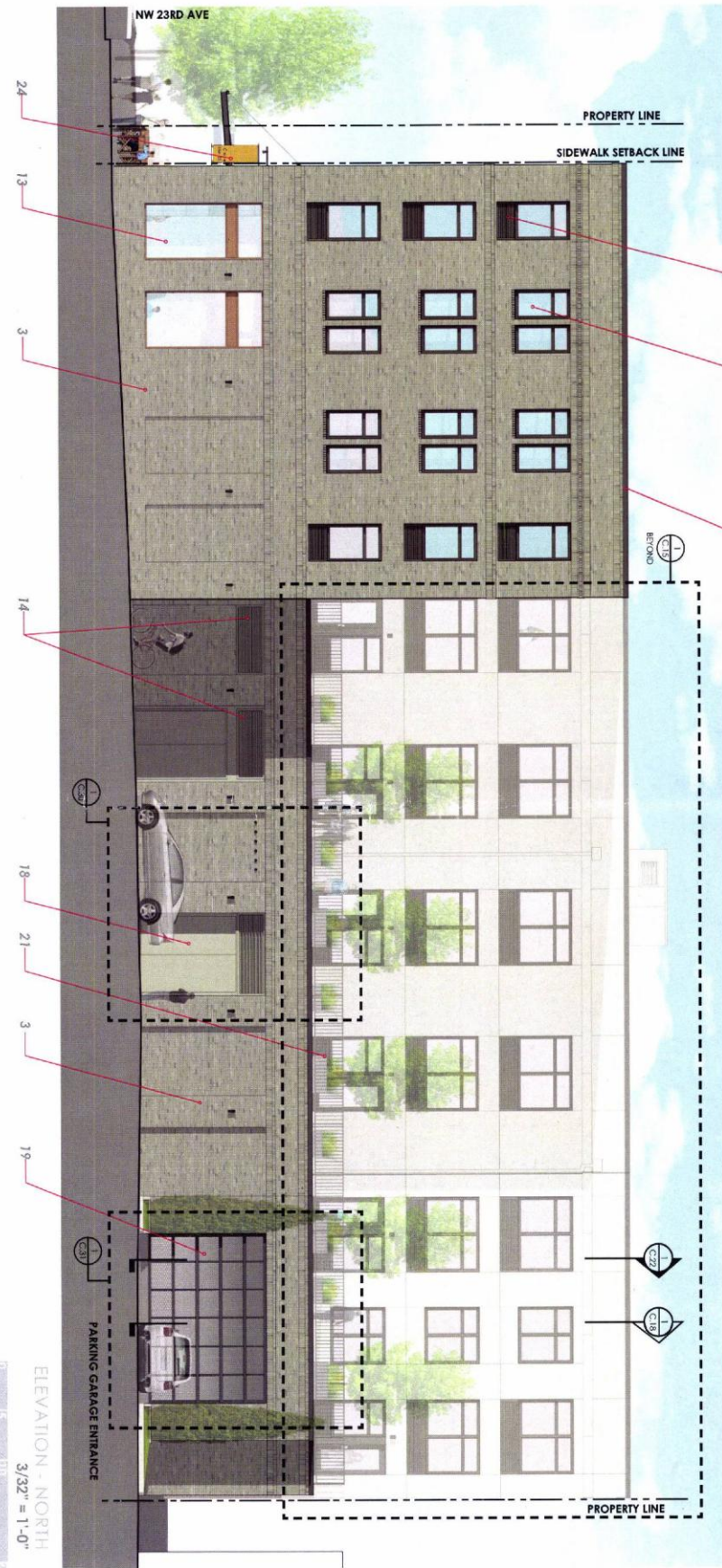
Approved
 City of Portland - Bureau of Development Services
 Planner SD Date 7/6/16
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

- MATERIAL LEGEND**
- | | | |
|----------------------------|------------------------|------------------------------|
| 1 BRICK VENEER TYPE 1 | 9 PRECAST CONCRETE | 17 WOOD/GLASS DOOR |
| 2 BRICK VENEER TYPE 2 | 10 PAINTED CONCRETE | 18 PAINTED METAL DOOR |
| 3 BRICK VENEER TYPE 3 | 11 METAL PANEL | 19 VERTICAL LIFT GARAGE DOOR |
| 4 WOOD SHAWED ENTRY | 12 PAINTED CUIV | 20 FOLDING DOOR SYSTEM |
| 5 FIBER CEMENT LAM. SIDING | 13 ALUMINUM STOREFRONT | 21 PAINTED METAL GUARDRAIL |
| 6 FIBER CEMENT BOARD PANEL | 14 CUSTOM LOUVER | 22 FERN. MTL. PARAPET CAP |
| 7 FIBER CEMENT TRIM BOARD | 15 FIBERGLASS WINDOW | 23 STEEL CANOPY |
| 8 PAINTED WOOD CLADDING | 16 FIBERGLASS DOOR | 24 BANNER SIGN |
| | | 25 ALL GLASS STOREFRONT |



Approved
 City of Portland - Bureau of Development Services
 Planner *SD*
 Date *7/6/16*
 * This approval applies to the information provided and is subject to the City of Portland's standard review process.

MATERIAL LEGEND			
1	BRICK VENEER TYPE 1	9	PRECAST CONCRETE
2	BRICK VENEER TYPE 2	10	PAINTED CONCRETE
3	BRICK VENEER TYPE 3	11	METAL PANEL
4	WOOD STAINED ENTRY	12	PAINTED CMU
5	SYNTHETIC STUCCO	13	ALUMINUM STOREFRONT
6	FIBER CEMENT BOARD PANEL	14	CUSTOM LOUVER
7	NOT USED	15	FIBERGLASS WINDOW
8	PAINTED WOOD CLADDING	16	FIBERGLASS DOOR
		17	WOOD/GLASS DOOR
		18	PAINTED METAL DOOR
		19	VERTICAL LIFT GARAGE DOOR
		20	FOLDING DOOR SYSTEM
		21	PAINTED METAL GUARDRAIL
		22	STEEL MITER PARAPET CAP
		23	STEEL CANOPY
		24	BANNER SIGN
		25	ALL GLASS STOREFRONT



Approved

City of Portland - Bureau of Development Services

Planner *SSB*

Date *7/6/16*

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

- MATERIAL LEGEND
- 1 BRICK VENEER TYPE 1

2 BRICK VENEER TYPE 2

3 BRICK VENEER TYPE 3

4 WOOD STAINED ENTRY

5 SYNTHETIC STUCCO

6 FIBER CEMENT BOARD PANEL

7 NOT USED

8 PAINTED WOOD CLADDING

9 PRECAST CONCRETE

10 PAINTED CONCRETE

11 ALUMINUM

12 PAINTED CHU

13 ALUMINUM STOREFRONT

14 CUSTOM LOUVER

15 FIBERGLASS WINDOW

16 FIBERGLASS DOOR

17 WOOD/GLASS DOOR

18 PAINTED METAL DOOR

19 METAL GLASS DOOR

20 FOLDING DOOR SYSTEM

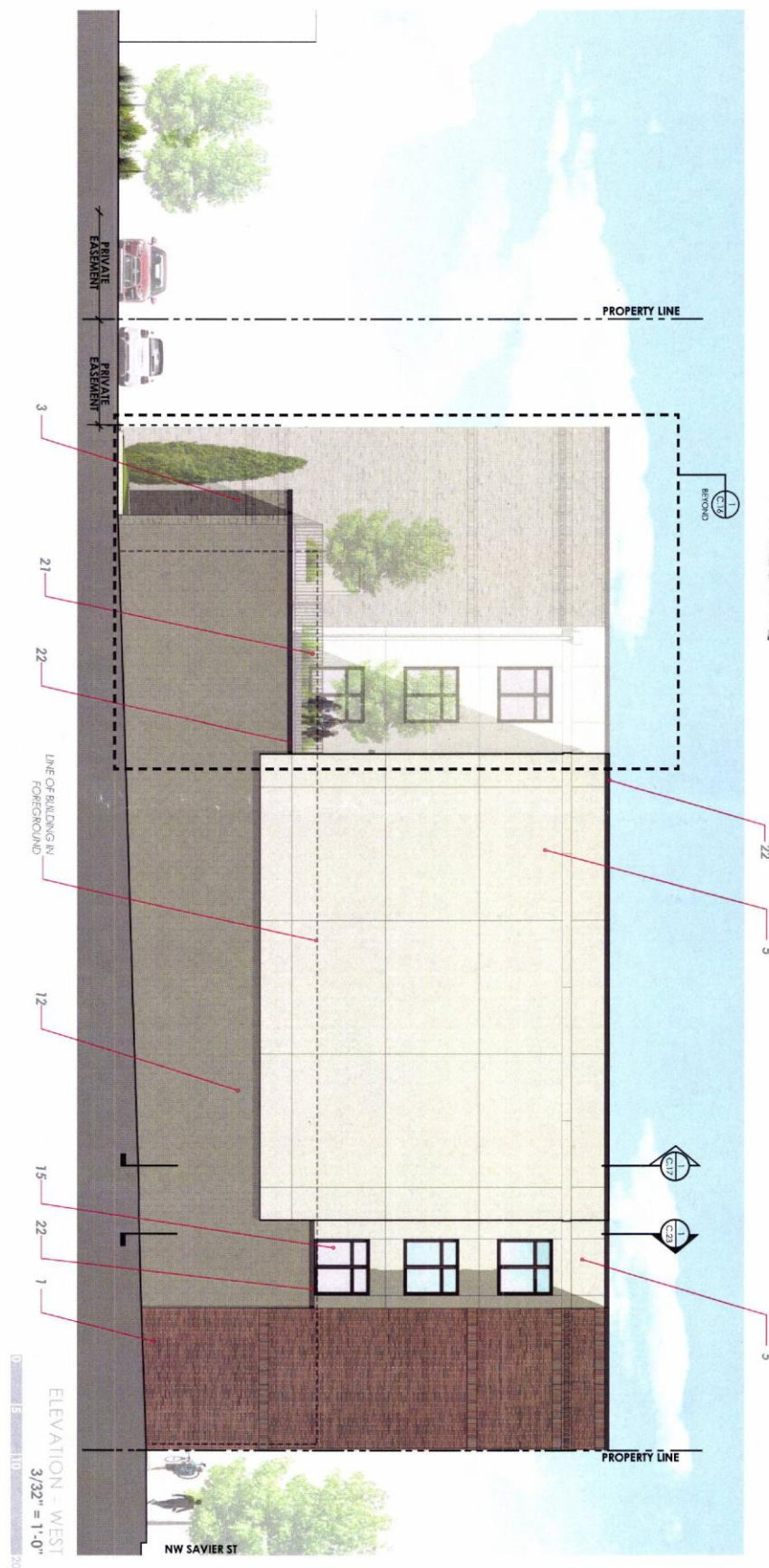
21 PAINTED METAL GUARDRAIL

22 PEEL NITL PARAFET CAP

23 STEEL CANOPY


24 BANNER SIGN

25 ALL GLASS STOREFRONT



Approved*

City of Portland - Bureau of Development Services

Planner 

Date 7/6/16

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- MATERIAL LEGEND
- 1

BRICK VENEER TYPE 1

2

BRICK VENEER TYPE 2

3

BRICK VENEER TYPE 3

4

WOOD STAINED ENTRY

5

SYNTHETIC STUCCO

6

FIBER CEMENT BOARD PANEL

7

NOT TIED

8

PAINTED WOOD GLAZING

9

PRECAST CONCRETE

10

PAINTED CONCRETE

11

METAL PANEL

12

PAINTED CMU

13

ALUMINUM STOREFRONT

14

CUSTOM LEATHER WINDOW

15

PERGOLA WINDOW

16

FIBERGLASS DOOR

17

WOOD/GLASS DOOR

18

PAINTED METAL DOOR

19

VERTICAL LIFT GARAGE DOOR

20

FOLDING DOOR SYSTEM

21

PAINTED METAL GLAZED AL

22

PERGOLA WINDOW

23

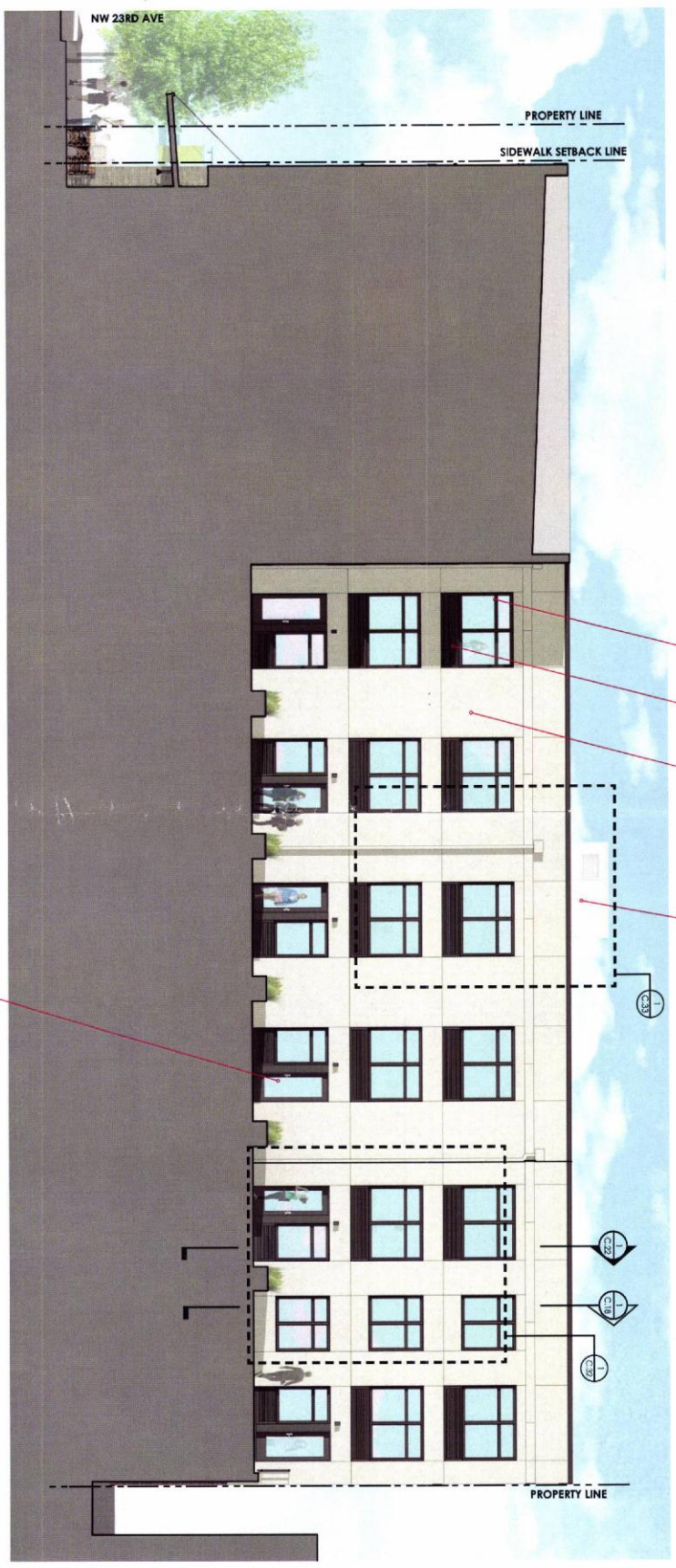
STEEL CHAIR

24

BANNER SIGN

25

ALL GLASS STOREFRONT

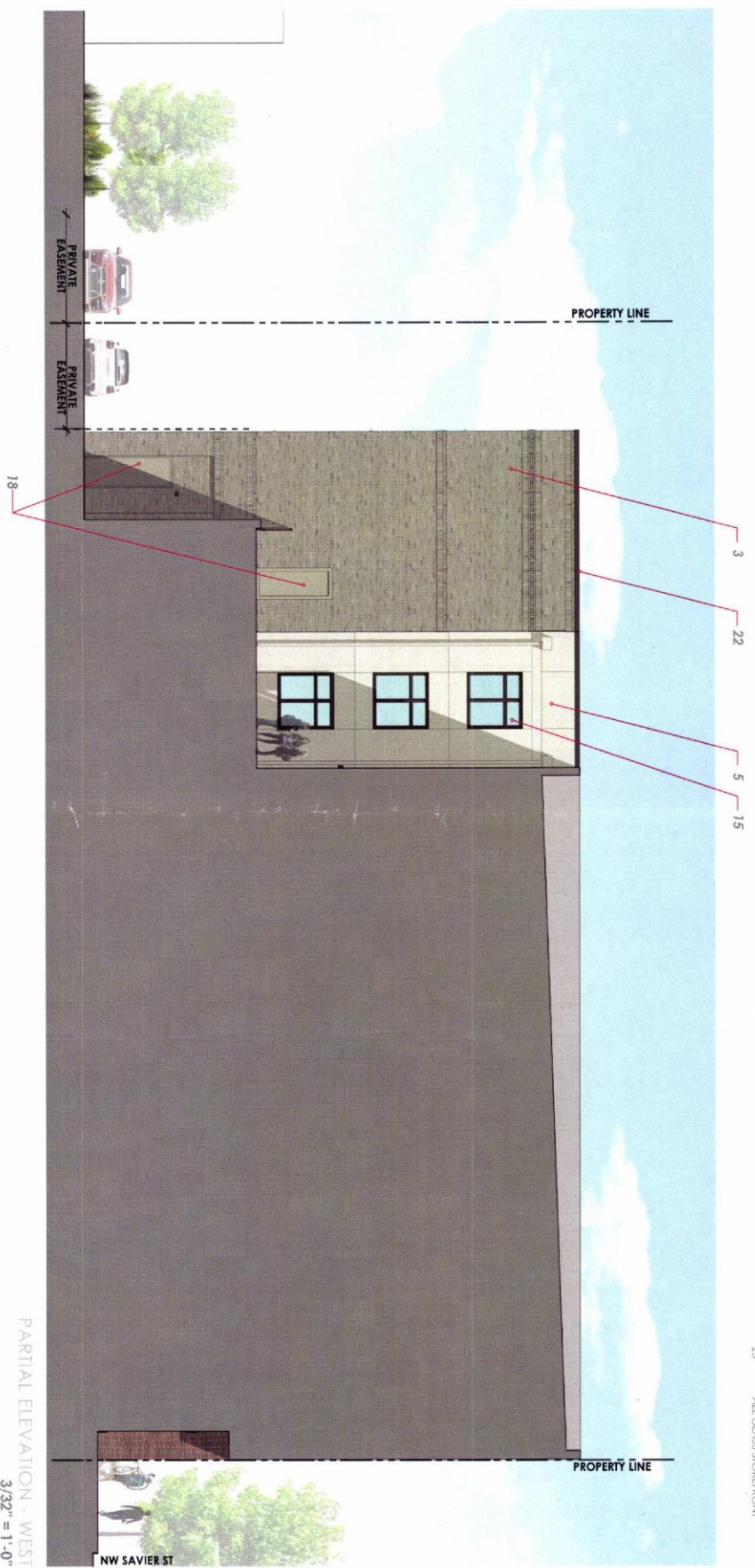


Approved
 City of Portland - Bureau of Development Services
 Planner SD Date 7/6/16
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DESIGN REVIEW APPLICATION JUNE 16, 2016 REVISED ARCHITECTURAL DRAWINGS

MATERIAL LEGEND

1	BRICK VENEER TYPE 1	9	PRECAST CONCRETE	17	WOOD/GLASS DOOR
2	BRICK VENEER TYPE 2	10	PAINTED CONCRETE	18	PAINTED METAL DOOR
3	BRICK VENEER TYPE 3	11	METAL PANEL	19	VERTICAL LIFT GARAGE DOOR
4	WOOD STAINED ENTRY	12	PAINTED CMU	20	FOLDING DOOR SYSTEM
5	SYNTHETIC STUCCO	13	ALUMINUM STOREFRONT	21	PAINTED METAL GUARDSAIL
6	FIBER CEMENT BOARD PANEL	14	CUSTOM LOUVER	22	FERN, WIL, PARNET CAP
7	NOT USED	15	FIBERGLASS WINDOW	23	STEEL CANOPY
8	PAINTED WOOD CLADDING	16	FIBERGLASS DOOR		BANNER SIGN
					ALL GLASS STOREFRONT



PARTIAL ELEVATION - WEST
 3/32" = 1'-0"