



City of Portland  
**Bureau of Development Services**  
Land Use Services Division

1900 SW Fourth Ave., Suite 5000  
Portland, Oregon 97201  
Telephone: (503) 823-7300  
TDD: (503) 823-6868  
FAX: (503) 823-5630  
[www.bds.ci.portland.or.us](http://www.bds.ci.portland.or.us)

**NOTICE OF FINAL FINDINGS, CONCLUSIONS AND DECISION  
OF THE CITY OF PORTLAND DESIGN COMMISSION  
ON AN APPEALED ADMINISTRATIVE DECISION  
(Type II Process)**

**CASE FILE: LU 12-116432 DZ  
LOCATION: 3707 N Williams**

The administrative decision for this case, published on June 26, 2012 was appealed to the Portland Design Commission by Boise Neighborhood Association. A public hearing was held on September 6, 2012. The original administrative analysis, findings and conclusions were adopted by the Design Commission. The administrative decision can be found online at: <http://www.portlandonline.com/bds/index.cfm?c=36652>

**I. 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

**Appellant:** Boise Neighborhood Association (Theodore J Buehler, 105 NE Beech St, Portland, OR 97212-2005 & James Weter, Boise NA, 66 NE Failing St, Portland, OR 97212)

**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, Joice Taylor at 503-445-1321. North Portland Business Assoc, Jim Schaller at 503-517-9915.  
**District Coalition:** Northeast Coalition of Neighborhoods, Chris Lopez 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
- Community Design Guidelines
- 33.825.040 Modifications

## **II. PORTLAND DESIGN COMMISSION DECISION**

**Deny the appeal and uphold the administrative decision of approval**, subject to the following conditions:

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**

**The original staff findings, conclusions and decision were adopted by the Design Commission on September 6, 2012**



By \_\_\_\_\_  
**Design Commission**  
**Gwen Millius**

**Date Final Decision Effective/Mailed:** September 14, 2012  
**120<sup>th</sup> day date:** October 28, 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 extended the 120-day review period by 60 days until **October 28, 2012**.

**Appeal of this decision.** This decision is final and becomes effective the day the notice of decision is mailed (noted above). This decision may not be appealed to City Council; however, it may be challenged by filing a "Notice of Intent to Appeal" with the State Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed, pursuant to ORS 197.620 and 197.830. A fee is required, and the issue being appealed must have been raised by the close of the record and with sufficient specificity to afford the review body an opportunity to respond to the issue. For further information, contact LUBA at the Public Utility Commission Building, 550 Capitol Street NE, Salem, OR 97310 [Telephone: (503) 373-1265].

**Recording the final decision.**

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **September 14, 2012**.

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.** This decision expires three years from the date the final decision is rendered unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.

**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.

### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

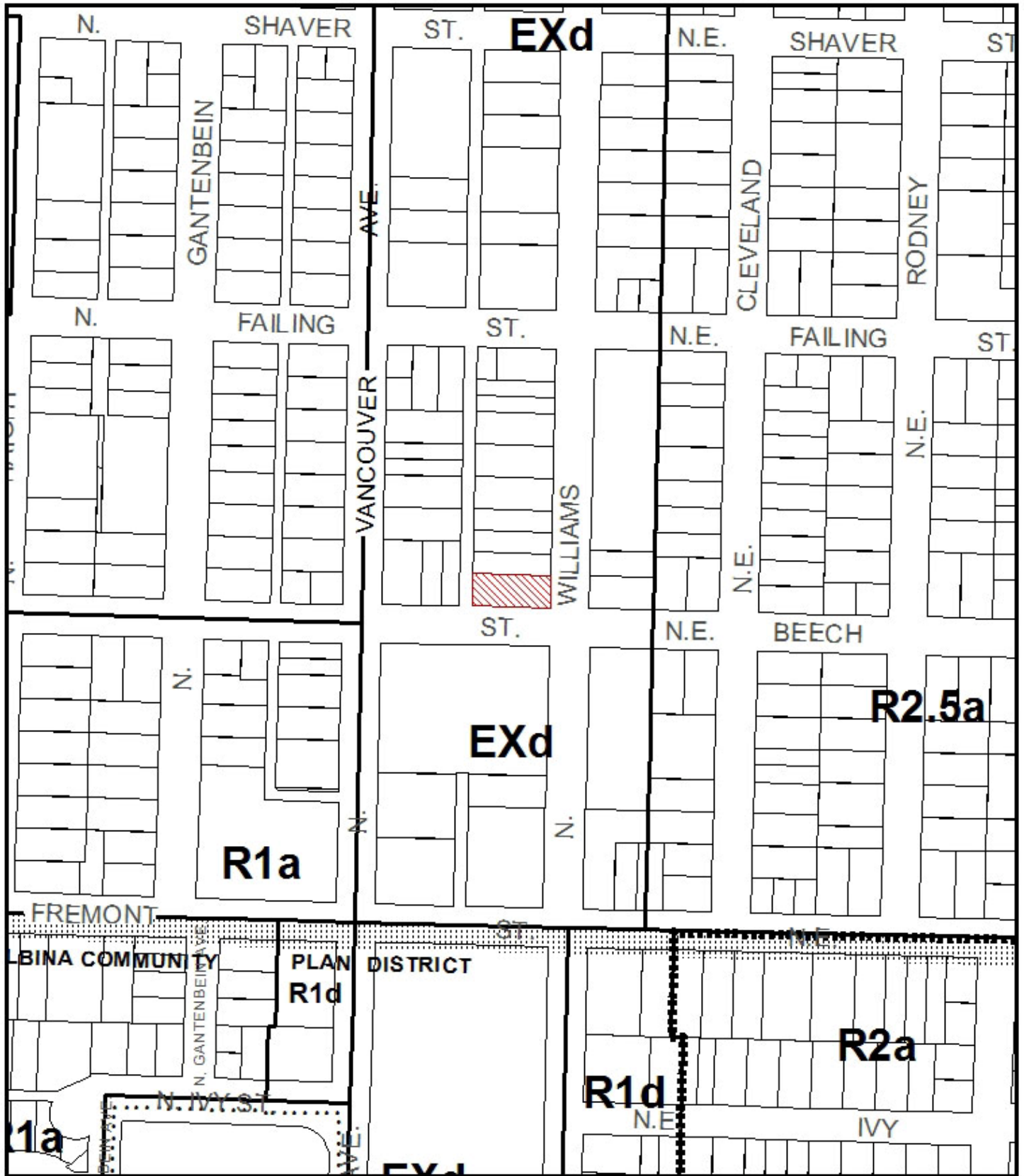
- A. Applicant's Statement
  1. Narrative (April 20, 2012)
  2. New map with ownership (February 28, 2012)
  3. Boise Neighborhood Association letter to applicant (March 9, 2012)
  4. Overview and photos
  5. Design Guidelines and zoning code responses
  6. Applicant memo (June 7, 2012)
  7. 120-Day Extension
- 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
  10. Elevation-South
  11. Elevation-East
  12. Elevation-North
  13. Elevation-West
  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
- H. [Received Before Hearing]
1. Appeal Statement
  2. Appealed Decision & Appeal Mailing List
  3. Notice of Appeal Hearing
  4. Notice of Rescheduled Appeal Hearing  
(Received During Hearing)
  5. PowerPoint presentation

**Copies**

1. Agustin Enriquez, Applicant
2. Payne Apts LLC, Owner
3. Ted Buehler, Appellant
4. James Weter, Appellant

All Parties who Wrote or Submitted Testimony at the Public Hearing  
Neighborhood and/or Business Association(s)  
Auditor's Office  
Planning and Zoning

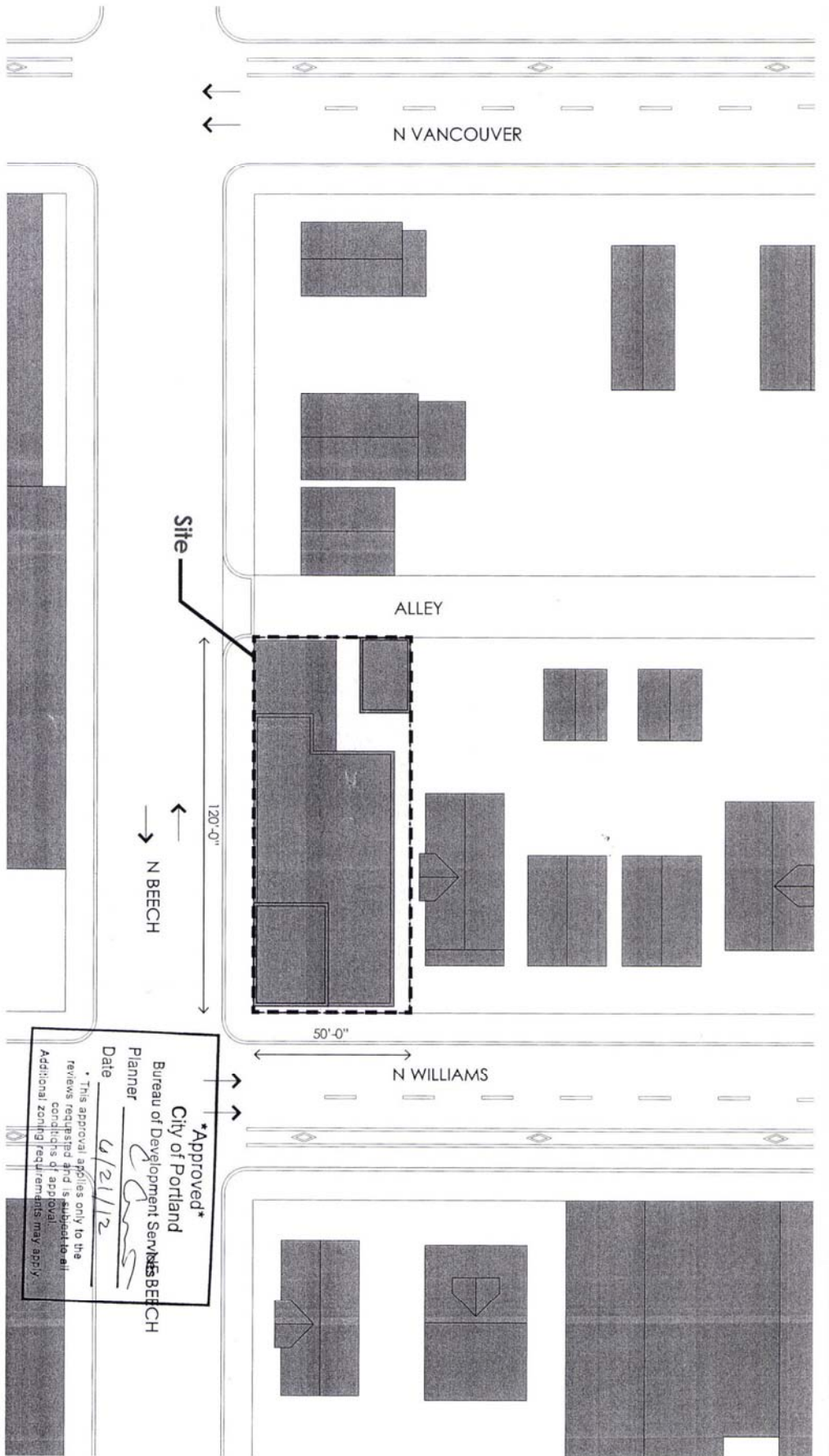


# ZONING

 Site



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



**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner *S. Beech*  
 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"



PAYNE APARTMENTS, LLC

N WILLIAMS AND N BEECH, PORTLAND, OREGON

DESIGN REVIEW APPLICATION

CV 12-110432 D2M

EXH. C-1