



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

REVISED STAFF REPORT AND RECOMMENDATION TO THE DESIGN COMMISSION

CASE FILE: LU 14-220722 DZ AD
PC # 14-214725
Tess O'Brien Apartments

REVIEW BY: Design Commission
WHEN: December 18, 2014 at 3:30 PM
WHERE: 1900 SW Fourth Ave., Room 2500A
Portland, OR 97201

It is important to submit all evidence to the Design Commission. City Council will not accept additional evidence if there is an appeal of this proposal.

Bureau of Development Services Staff: Staci Monroe 503-823-0624 /
staci.monroe@portlandoregon.gov

GENERAL INFORMATION

Applicant: Phillip Chubb | FFA Architecture & Interiors Inc.
520 SW Yamhill Street, Suite 900 | Portland, OR 97204

Owner: Martin Kehoe | Portland LEEDS Living, LLC
6605 SW Macadam Ave | Portland, OR 97239

Site Address: 1953 NW OVERTON & 1950 NW PETTYGROVE STREETS

Legal Description: BLOCK 265 LOT 12&13, COUCHS ADD and BLOCK 265, W
1/2 OF LOT 10, LOT 11 COUCHS ADD

Tax Account No.: R180224250, R180224130

State ID No.: 1N1E33AB 09500, 1N1E33AB 10300

Quarter Section: 2928

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

Business District: Nob Hill, contact Mike Conklin at 503-226-6126.

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

Plan District: Northwest

Other Designations: Urban Character Area D of the NW Plan District Guidelines

Zoning: EXd: Central Employment (EX) base zone; Design (d) overlay zone

Case Type: DZ AD, Design Review with an Adjustment

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 two, 6-story apartment buildings containing a total of 123 residential units (51 units in the Pettygrove building and 72 units in the Overton building). The ground level of both buildings, facing NW Pettygrove and NW Overton, include lobby and unit entries, overhead doors for trash service and ground floor units with front porches. A series of canopies are also proposed along the base of both buildings. Apartment units will occupy the upper floors. The 67' tall structures will be comprised of red brick, black aluminum and black vinyl windows, steel canopies, and stucco. A large outdoor courtyard is proposed between the buildings that will include landscaping, outdoor seating areas, a pergola, stormwater planters and covered bike storage. The 153 required long-term bike spaces will be dispersed throughout the project both in the buildings and courtyard. The project will pay into the Bike Fund for the 7 short-term bike spaces required.

The following Adjustment is requested:

1. To not provide the two 9' x 18' loading spaces required on the site (Section 33.266.310.C.1.a).

A Type 3 Design Review is required for new development in a Design overlay where the project value exceeds \$2,087,400, per Zoning Code Section 33.825.025.A.1.e.

Relevant Approval Criteria:

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

- Community Design Guidelines
- Adjustment Approval Criteria – Section 33.805.040

ANALYSIS

Site and Vicinity: The site is comprised of two tax lots that share a portion of a rear property line: one 8,000 SF lot with frontage on NW Pettygrove and one 10,000 SF lot with frontage on NW Overton. Both lots are within Block 265 bounded by NW 19th & NW 20th in the Northwest Plan District. The lots are currently developed with a combination of surface parking and a 1-story industrial building. The block and surrounding area contains both older 1- and 2-story industrial /commercial structures, along with older and newer 3- to 6-story residential buildings. The site lies with the Northwest Pedestrian District and both NW Pettygrove and NW Overton are local service streets.

Zoning: The Central Employment (EX) zone allows mixed uses and is intended for areas in the center of the City that have predominantly industrial-type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

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

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 there are no prior land use reviews for this site.

Agency Review: A "Notice of proposal in Your Neighborhood" was mailed **October 16, 2014**. Bureau responses from the building permits (14-177160 CO and 14-177163 CO) were provided, none of which identify any major concerns.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **October 16, 2014**. A total of two written responses have been received from notified property owners in response to the proposal. The first response listed below was from the project when it was noticed on September 10th as two Type 2 Design Reviews, which was later corrected to the current Type 3 Design Review.

1. Ronald H. Forehand, September 23, 2014, stating concerns with the lack of parking for the project (Exhibit F-1).
2. John Acree, October 23, 2014, stating concerns with the lack of parking for the project (Exhibit F-2).

Staff's Response: There is no minimum parking requirement for the project given its location in the Northwest Plan District, per Section 33.562.280 of the Zoning Code. This provision seeks to foster development that contributes to the pedestrian- and transit- oriented character of the district, promotes alternatives to the automobile and encourages a more efficient use of urban land. In addition, there are no design guidelines applicable to providing parking for the project.

After the 1st hearing, Staff received additional written testimony citing procedural concerns and outstanding design items (See H exhibits). Responses to the procedural concerns were addressed via email from BDS's Director and senior Staff to the individuals. Staff's findings below address the project's response to the design guidelines.

Procedural History:

- The first Type 3 hearing was held on November 6, 2014.
- At the first hearing, a tentative vote of denial was noted by the Design Commission and to be completed on November 20, 2014 (the next available hearing date).
- As the tentative vote was non-binding, and the record was held open to allow Staff to revise the original report of approval to denial, the applicant exercised the right to extend the 120-day Land Use timeline for this case (continuing their November 20, 2014 hearing to December 4, 2014) to revise their submittal to respond to Design Commission concerns raised.
- A Staff Report was updated to reflect the project changes since the first hearing for the Commission's consideration on December 4, 2014.
- A second hearing occurred on December 6th. At this hearing, the Commission stated two items were not yet resolved (material palette and ground level transition along the Overton street frontage). The public record was also requested to be held open by a member of the North West District Association (NWDA).

- Revisions have been made to the project in response to the Commission comments on December 4th. This Staff Report has been updated to reflect the changes for the Commission’s consideration on December 18, 2014.

ZONING CODE APPROVAL CRITERIA

(1) DESIGN REVIEW – SECTION 33.825

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 in the Northwest Plan District, 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.

P2. Historic and Conservation Districts. Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area’s historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.

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

Findings for P1, P2 and D7: The site is located within Urban Character Area D: Transition Area, identified in the Northwest District Plan. The site is also three blocks north of the Alphabet Historic District. The proposed project incorporates elements that contribute to the desired characteristics of the Transition Area, which

are also features found in the nearby historic district and surrounding area. These elements include:

- In-fill development: no wider than 100’ (80’ and 100’ building widths proposed); no taller than 75’ (67’ building height proposed); and with distinct wall plans no wider than 50’ to 100’ (20’ to 33’ wall plane widths proposed) that reinforces the partial block building massing that is prevalent in the Northwest District Plan area, nearby Alphabet Historic District and the immediate neighborhood.
- Primary residential lobby entrances and activities located directly facing the NW Overton and Pettygrove street frontages and sidewalks.
- Building façade canopies, light fixtures, distinct precast stone at the main entries on the ground floors and architectural cornices at the second floors provide pedestrian scale and visual interest at the NW Overton and Pettygrove street frontages and sidewalks.
- Use of red brick as the predominant exterior building material on the street frontages to reinforce the plan district’s building traditions for both historic residential, commercial, and industrial buildings. Architectural façade and fenestration proportions that echo historic apartment and industrial buildings.
- The incorporation of the building’s name at the main residential entrance canopies on NW Overton and Pettygrove Streets.

At the hearing on November 6th, the Commission indicated the buildings, each facing different streets and directions, should be differentiated to better respond to the conditions along their frontages. Both street frontages have Bike Boulevard designations with Overton as an existing bikeway and Pettygrove as a future bikeway. The Green Street designation that occurs on Pettygrove to the east is intended to be extended down along this frontage at some point in the future.

Given the similarity of the street designations, the applicant focused on the development conditions along each frontage. After further review, it was concluded that Overton consists of more low rise and town house residential scale and character, while Pettygrove hosts a modest level of retail and commercial active uses. To better respond to these different conditions revisions were made that include: a deeper street setback on the Overton frontage with four individual residential entries with porches; eliminated the street setback for the Pettygrove building and converted two ground floor residential units into one live-work unit with a storefront entry condition; and the larger Overton building street façade was revised to have an “A-B-A” composition of brick bays, in comparison to the “B-B-B” composition of brick bays on the Pettygrove street façade.

The revised concept is that together the Overton and Pettygrove buildings comprise one cohesive in-fill development, with each building’s street facing façade subtly differentiated. The differences in the façade designs are apparent on the width of the bays, but are really focused at the ground level, where the difference in conditions and uses is most obvious. *As revised, these guidelines have been met*

P3. Gateways. Develop or strengthen the transitional role of gateways identified in adopted community and neighborhood plans

Findings: This project is not located at an identified gateway. It is a mid-block, in-fill development. *This guideline is not applicable.*

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.

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

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

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 for E1, E2, E3 and E4: The proposal includes a number of elements designed with the pedestrian in mind. The predominance of the building facades directly along the NW Overton and Pettygrove street frontages form a strong built edge, and include pedestrian scale fenestration and detailing (canopies, wall scones, architectural cornices) at the sidewalk level. The 5’-deep canopies that extend along the majority of the ground floors provide shelter for those accessing the building or a place to stop along the sidewalk. The project will include sidewalk improvements that conform to PBOT’s standards for sidewalk paving, street lights, and street trees for a consistent frontage treatment that creates a pleasant and safe environment. No vehicle access is proposed to the building and the existing curb cuts along both street frontages will be removed, which will eliminate any vehicle–pedestrian conflicts.

At the hearing on November 6th, the Commission indicated the ground level of both buildings could be improved to strengthen the base and provide more active frontages. The ground level of the project was revised to raise the head height of the windows, doors and canopies, deepen the building setback on Overton and add individual entries to the residential units, and eliminate the building setback along Pettygrove and convert the residential units to one large live-work space.

At the hearing on December 4th, the Commission stated the revisions were an improvement, however, larger porches and more gracious entries were needed to the ground floor units along Overton. In response, the Overton building has been setback an additional 1’ for an overall depth of 5’ from the street lot line. The 4 ground level residential units were combined into 2 larger units each with its own entry on Overton Street. Three options for the design of the residential porches have been proposed, two of which provide a 5’ x 13’ paved usable outdoor space adjacent to each entry with landscaping in a number of configurations for the remainder of the residential frontage. The applicant has stated a preference for Option A (Ex.C2.3). Staff feels that Option C (Ex. C2.4) provides the best opportunity to activate the entire residential frontage with the consideration of a potential condition to improve the entry sequence and alter the landscaping.

The revisions and all three porch options improve the transition from the public sidewalk to the private residential unit. The increased setback and larger porches provide an occupiable space for the tenants and a buffer from the public realm that allows for a sense of privacy within the unit without having to “draw the blinds”. As revised, the project better activates the street frontage, provides a sense of enclosure, and adds interest along the sidewalk level. *As revised, these guidelines have been 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: This project is not located at an intersection (Overton Building is closest at 100' from the corner), and is a mid-block, in-fill development. The main building entries are located at the mid-block of NW Overton and Pettygrove Street. Within the program of the project's residential use, the proposed design is intended to be visually active, distinguished, and visible from the nearby street intersections. *This guideline is met.*

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

Findings: The building entrances are recessed 5' from the sidewalk along NW Overton and Pettygrove and include large windows and doors to the interior. The entries also include prominent, 5'-deep canopies that announce the destination, provide protection for pedestrians, and are directly connected to the public sidewalk. The facades surrounding the entrances will be clad in a gray precast stone, and along with the wall sconces flanking the entries and signage attached to the canopies, the access points of both buildings will be easily identifiable.

As suggested by the Commission at the hearing on November 6th, three points of access to each building along its street frontage was confusing. Consolidating some of the egress doors was recommended to clarify the access points. In response, the location of the egress doors near the main lobby entries of both buildings were relocated to discharge into a deeper main entry alcove, and not placed directly on the street facing façade. Removing one door on each street façade and increasing the depth of the alcove at the lobby increases the prominence of the main building entrance. *As revised, this guideline has been met.*

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

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

Findings for D1 and D3: A diversely landscaped courtyard includes layers of low lying plant materials, medium height plant materials, and taller trees to provide a gradation of scale and visual variety. Plant material will also be used to screen mechanical equipment within the enclosed courtyard. The courtyard is designed to create "rooms" with seating areas, a pergola, and fire table that is accessible to all residents for social gatherings. The courtyard is not directly connected to the sidewalk along either street frontage, however, it is accessible from the lobby of each building.

As suggested by the Commission at the hearing on November 6th, the shallow, at-grade planters that lined both building frontages have been removed for a more urban condition. The Pettygrove building has been pushed up to the street lot line and the Overton building further setback to better reflect the character on each street. Small at-grade planters remain within the recesses along each frontage where deciduous trees with a columnar habit, will provide some texture and interest within the alcove. Raised planters have been introduced at each of the four individual entries along Overton to provide a transition to, and better define, the residential stoop.

The Commission also stated the interior and exterior bike parking needed to be more integrated as did the courtyard and the building. Several improvements have made to the courtyard in response:

- Covered structures have been added above all exterior bike parking spaces in courtyard that complement courtyard pergola design.
- Pergola and bike shelter roof covers have been changed to a higher-quality translucent Pentaglass polycarbonate panel.
- Courtyard-facing ground level walls of both buildings have been revised to include overhead doors, bike parking, canvas canopies and lap siding with larger reveal than upper floors.

As revised, the project incorporates landscaping and other features that enhance both the public (street edge) and private (inner courtyard) areas of the development. *These guidelines have been 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: No parking or loading is proposed. See Adjustment findings below in Section 2 for discussion regarding the loading. *This guideline is not applicable.*

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

Findings: The proposed design includes several features that reduce the likelihood of crime. The street-facing entries with large transparent windows and doors and active (residential) use in the ground level promote more “eyes on the street”. The wall sconces on each side of the main residential building entrances provide additional light at night for residents and visitors. The landscape plant materials within the building setback along the sidewalk are designed at a modest scale to ensure visibility from the sidewalk and prevent “hiding places” in dense opaque hedges. *This guideline has been met.*

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

Findings: The design of the buildings is influenced by the façade rhythm, proportions, and projecting bays typical in the Northwest Plan District. In addition to the distinct vertical regularity of the façade, the design includes a visually defined base, middle, and top composition. The two-story building bases are distinguished from the upper floors above, and the top floor levels are demarked by a cornice band at the sixth floor. This composition is used consistently around the different building facades. Architectural details such as the steel rod suspended canopies at the ground floors, brick soldier course cornice, signage above the main entry canopies, recessed window frames within both the brick and lap siding facades, and the roof parapet cornices embellish the overall design by providing this additional layer of visual interest and quality.

The original material palette consisted of red brick, precast stone, painted fiber cement lap siding, black framed windows, and painted fiber cement accent panel. Brick remains the predominant street-facing exterior material, which provides a sense of permanence and a finer grain texture and visual scale relative to the overall size of the building façades. In response to the Commission concerns stated at the November 6th hearing, revisions were made that increased the amount of brick on the street facades, reduced the amount of fiber cement board and introduced stucco finish on the end walls.

At the hearing on December 4th, the Majority of the Commission felt the material palette needed to be simplified and a number of combinations were discussed. In response to these comments, the fiber cement lap siding was removed completely from project and replaced with a stucco finish. Brick remains the primary material on the street facades and stucco now occurs within the recessed alcoves on the street facades and on the entirety of end and rear walls. The stucco on the rear facades is a lighter tone of the end wall color to express the interior of the “pulled apart” buildings.

The proposed “Senergy 1000” stucco system proposed is a rigid cement board product with a trowelled stucco texture application. It appears durable and appropriate for a non-primary façade finish. Staff is recommending a condition of approval for 2 coats of stucco for a consistent finish.

As revised and conditioned, the project results in coherent composition with high-quality materials on all facades providing texture and interest on all sides of the buildings. *This guideline has been met.*

(2) ADJUSTMENT REQUESTS – SECTION 33.805

33.805.010 Purpose

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

33.805.040 Approval Criteria

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

The following adjustments are requested:

1. To not provide the two 9’ x 18’ loading spaces required on the site (Section 33.266.310.C.1.a).
- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: Based on the number of units within each building, one 9’x18’ loading space is required by code for *each* building. The project requests to not

provide either of these loading spaces and instead seek temporary loading areas along the site’s street frontages on an as-needed basis.

The purpose of the loading requirement is to ensure: adequate areas for loading for larger uses and developments; that the appearance of loading areas will be consistent with that of parking areas; and that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way (ROW).

The proposal is for an entirely residential building with relatively small units, and as such, does not have the rate or capacity of loading/delivery needs that a commercial building or tenants would have. The frequency of loading for the proposal would be highest at the initial occupancy of the building and then limited to changes in tenancy. Given the low rate of loading needs, two ground level loading bays with curb cuts that reduce the number of on-street parking spaces is not warranted. As mentioned by the applicant, the on-site management company can secure temporary on-street loading permits from Transportation to handle the occasional loading needs. The location of temporary loading would be in designated on-street parking areas and thus have no adverse impacts on traffic or transportation functions in either street. Not having loading on the site will eliminate the potential for vehicle conflicts with pedestrians on the sidewalk. Lastly, having no on-site loading means curb cuts are not necessary. This will provide up to 2 new on-street parking spaces along Pettygrove street frontage. Along Overton, on-street parking does not currently exist due to the two curb cuts and a loading zone. Without an on-site loading space, the project will restore the entire 100’ frontage along Overton to on-street parking for potentially 5 vehicles. As demonstrated above, the proposal meets the purpose of the loading regulations. *This approval criterion is met.*

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

Findings: The site is located in the EX, Central Employment Zone and within the Urban Character Area D: Transition Area, of the Northwest Plan District. The desired characteristics of the Transition Area include ground floors that contain main entrances, windows and active areas that contribute to the pedestrian-oriented landscape. By not providing loading within the building, more of the ground floor is dedicated to pedestrian uses along the sidewalk. *This approval criterion is met.*

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

Findings: Only one adjustment is requested. *This criterion does not apply.*

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

Findings: There are no city-designated scenic or historic resources on this site. *This criterion does not apply.*

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

Findings: Because there were no impacts identified in the findings, *this criterion does not apply.*

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

Findings: This site is not within an environmental zone. *This criterion does not apply.*

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 project revisions have responsive to the Commission’s concerns at both hearings on November 4th and December 6th. The most recent revisions simplify the material palate in a manner consistent with building’s design concept, and provide more active ground levels along the Overton building frontage. The Adjustment allows for the ground floor to be dedicated to uses that enliven, and do not conflict with, the pedestrian environment, as well as provide for new on-street parking spaces. The proposal meets the applicable design guidelines and Adjustment criteria and therefore warrants approval.

TENTATIVE STAFF RECOMMENDATION

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

Approval of two, 6-story apartment buildings containing 123 residential units (51 units in the Pettygrove building and 72 units in the Overton building) in the Northwest Plan District.

Approval of the following Adjustment:

1. To not provide the two 9’ x 18’ loading spaces required on the site (Section 33.266.310.C.1.a).

If approved, staff recommends 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.29. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-220722 DZ AD. No field changes allowed."
- B. A minimum of two coats of the stucco finish must be applied to the cementitious panels for the “Senenergy 1000” rain screen system.

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Procedural Information. The application for this land use review was submitted on October 2, 2014, and was determined to be complete on October 2, 2014.

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 October 2, 2014.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless extended by the applicant, **the 120 days will expire on January 30, 2015.**

Some of the information contained in this report was provided by the applicant. As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the recommendation of the Bureau of Development Services with input from other City and public agencies.

This report is not a decision. The review body for this proposal is the Design Commission who will make the decision on this case. This report is a recommendation to the Design Commission by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Design Commission will make a decision about this proposal at the hearing or will grant a continuance. Your comments to the Design Commission can be mailed, c/o the Design Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201 or faxed to 503-823-5630.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. You may review the file on this case by appointment at our office at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201. Please call the file review line at 503-823-7617 to schedule an appointment.

Appeal of the decision. The decision of the Design Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the review body, only evidence previously presented to the review body will be considered by the City Council.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/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).**

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. Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder’s office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034. For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit 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.

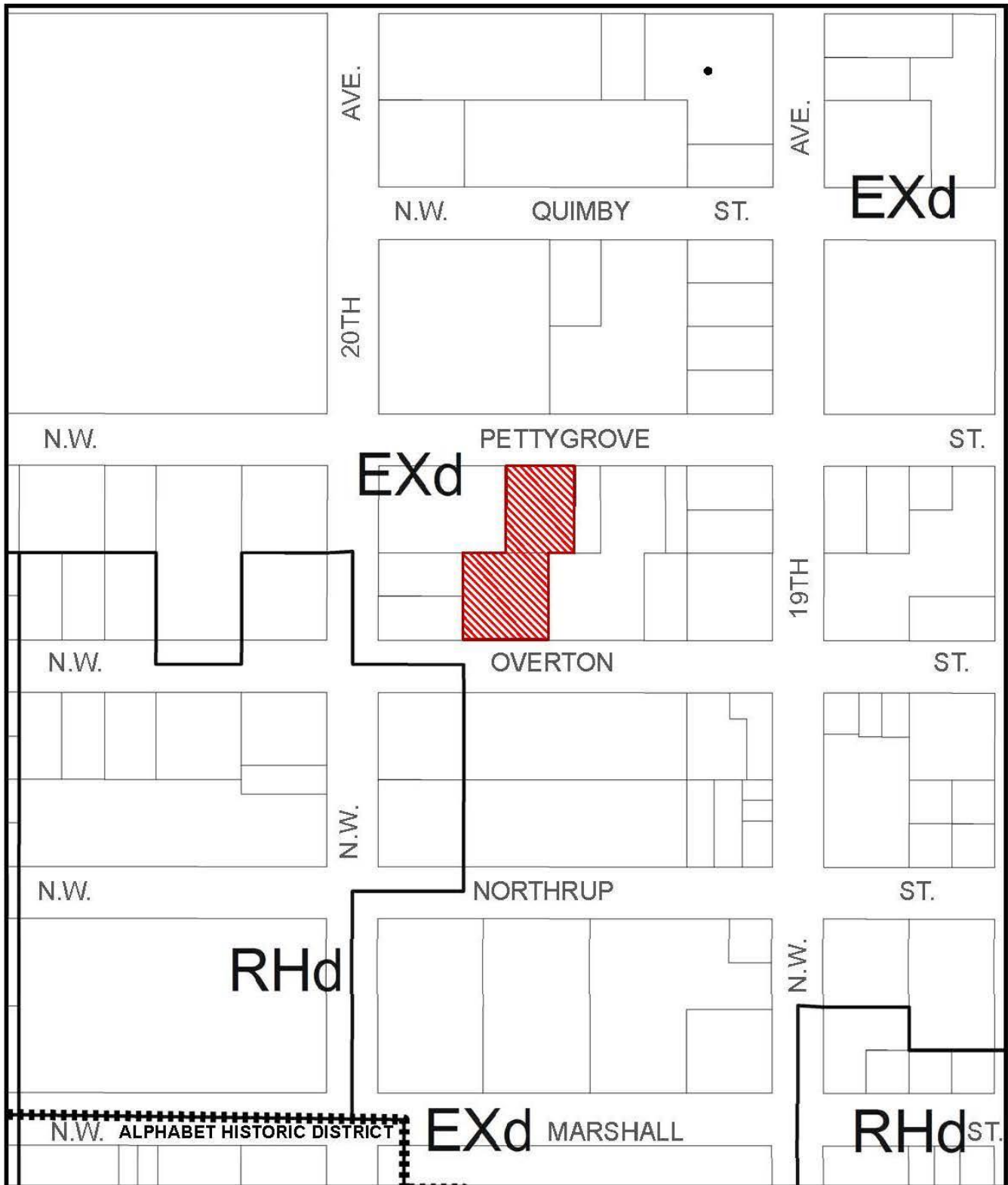
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five

business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

Staci Monroe
December 15, 2014

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Project Narrative, Development Standard Compliance & Responses to Approval Criteria.
- B. Zoning Map (attached)
- C. Plan & Drawings
 - 1. Through 29 (C.7, C.10 & C.11 attached)
- D. Notification information:
 - 1. Posting letter sent to applicant
 - 2. Notice to be posted
 - 3. Applicant's statement certifying posting
 - 4. Mailed notice
 - 5. Mailing list
- E. Agency Responses: see interagency comments from building permits 14-177163 CO and 14-177160 CO.
- F. Letters
 - 1. Ronald H. Forehand, September 23, 2014, stating concerns with the lack of parking for the project.
 - 2. John Acree, October 23, 2014, stating concerns with the lack of parking for the project.
 - 3. Sherry Fox, November 5, 2014, stating concerns with the lack of parking for the project.
 - 4. Ron Walters (representing Northwest District Association, NWDA), November 6, 2014, stating concerns with compatibility, building materials and composition, ground level units, and lack of loading and parking for the project.
 - 5. List of four testifiers from the hearing all in opposition of the project stating similar concerns as those from the NWDA.
- G. Other
 - 1. Original LUR Application
 - 2. Copy of Staff Report dated 10/27/14
 - 3. Copy of Staff's PowerPoint Presentation from 11/6 hearing
- H. After First Hearing
 - 1. Signed 120-Day Review Period Extension Form dated 11/13/14
 - 2. Letter from NWDA, dated 11/13/14, stating additional project concerns.
 - 3. Memo from applicant dated 11/21/14, summarizing project changes
 - 4. Revised Staff Report dated 11/24/14
 - 5. Memo to Commission dated 11/24/14
 - 6. Letters from NWDA to BDS Director, dated 12/2/14, stating land use review procedural concerns.
 - 7. Letters from NWDA to Design Commission, dated 12/2/14, stating land use review procedure concerns.
 - 8. Copy of Staff's PowerPoint Presentation from 12/4/14 hearing
 - 9. Signed 120-Day Review Period Extension Form dated 12/4/14
 - 10. Letter from Ron Walters to BDS Director, dated 11/24/14, stating land use review procedure concerns.
 - 11. Memo from applicant, dated 11/25/14 indicating requests to meet with NWDA.
 - 12. Letter from Ron Walters to Design Commission dated 12/4/14, stating land use review procedure concerns.



ZONING



Site



NORTH

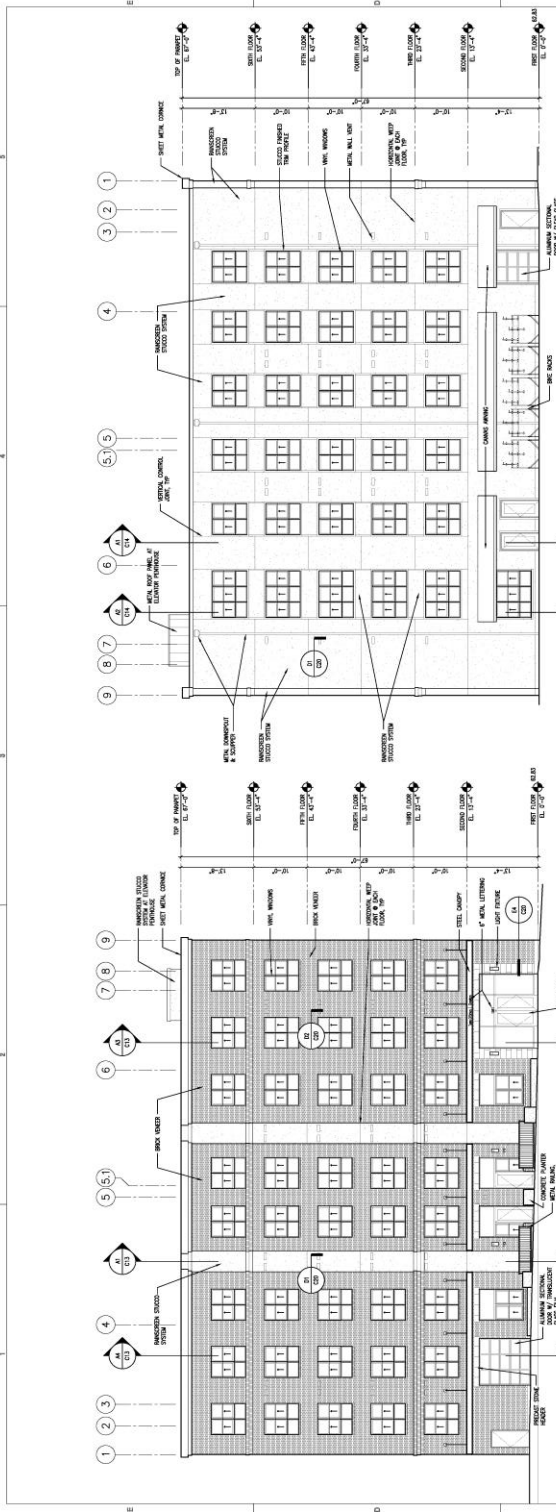
This site lies within the:
NORTHWEST PLAN DISTRICT

File No. LU 14-220722 DZ. AD
 1/4 Section 2928
 Scale 1 inch = 150 feet
 State_Id 1N1E33AB 9500
 Exhibit B (Oct 3, 2014)

Tree O'Brien Apartments

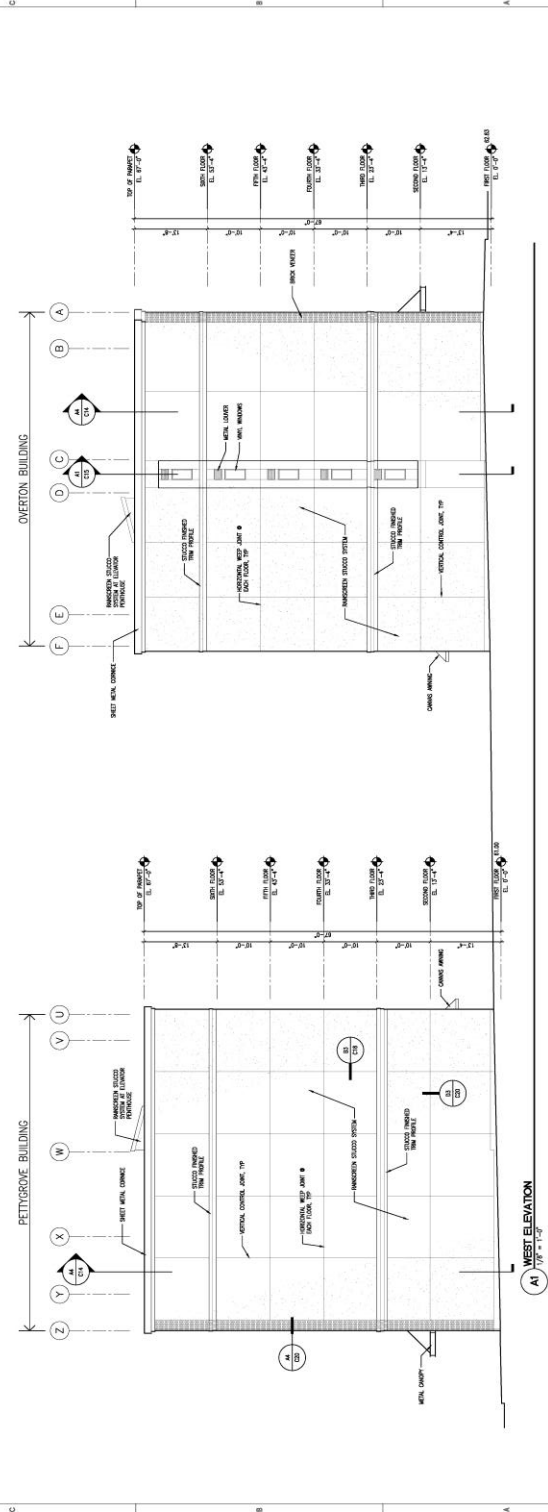
854 HWY. 70 Highway Street
 505 HWY. 70 Highway Street
 FREDERICK, ON N7B 2B8

DATE:	1/11/20
DESIGNER:	FFA
PROJECT NUMBER:	22072DZ
DATE:	1/11/20
DESIGNER:	FFA
PROJECT NUMBER:	22072DZ



(D) NORTH ELEVATION - OVERTON BLDG.
 1/8" = 1'-0"

(D) SOUTH ELEVATION - OVERTON BLDG.
 1/8" = 1'-0"



(A) WEST ELEVATION
 1/8" = 1'-0"

(D) PETTINGROFE BUILDING

(A) WEST ELEVATION

