



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

Date: Thursday, August 7, 2014
To: Interested Person
From: Kate Marcello, Land Use Services
503-823-7538 | kate.marcello@portlandoregon.gov

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

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website, via this link: <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the district coalition and 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.

CASE FILE NUMBER: LU 13-239517 DZM AD **New Mixed-Use Development**

GENERAL INFORMATION

Applicant: Brett Schulz, Brett Schulz Architect | 503-222-9099
1111 E Burnside St, Suite 303 | Portland OR 97214

Developer: Kevin Cavanaugh, Guerrilla Development
111 E Burnside St Suite 303 | Portland OR 97214

Owner: City of Portland | 1120 SW 5th Ave #1000 | Portland, OR 97204-1912

Site Address: N Lombard St at N Baltimore Ave

Legal Description: LOT 8 TL 7600, DEPOT ADD; LOT 9&10 TL 7900, DEPOT ADD; TL 19000 0.14 ACRES, SECTION 01 1N 1W

Tax Account No.: R206000230, R206000260, R961010070

State ID No.: 1N1W12BA 07600, 1N1W12BA 07900, 1N1W01CD 19000

Quarter Section: 2021, 2121

Neighborhood: St. Johns; contact David Green at davidgreen7373@gmail.com

Business District: St. Johns Business Boosters; contact John Englund at 503-247-9113

District Coalition: North Portland Neighborhood Services; contact Mary Jaron Kelley at 503-823-4099

Plan District: St. Johns Plan District

Zoning: Storefront Commercial (CS) base zone; Design (d) overlay zone

Case Type: Design Review with Modifications and an Adjustment (DZM AD)

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

PROPOSAL: The applicant requests Design Review approval for a new mixed-use development at a site that is currently vacant on N Lombard Street in the St Johns neighborhood. The development is comprised of three buildings. Building A contains ground-floor retail/restaurant space and office space, with additional office space at the second floor; Building B is one story tall and contains a retail/restaurant space; and Building C, which is two stories tall, is entirely residential (with a total of six housing units). Building A is situated at the front of the site, along N Lombard Street. Building B is set back from Lombard, with an outdoor dining/gathering area between the

building and the public sidewalk. Building C is located at the rear of the site. The proposal includes three on-site pedestrian paths, providing access through and within the site from the sidewalk on Lombard. All three of the buildings will have wood lap siding, wood windows and doors, wood trim, and a concrete base. Because the proposal is for non-exempt exterior alterations at a site with Design (d) overlay zoning, Design Review is required prior to the issuance of building permits.

Modifications

The applicant requests approval for three Modifications to Zoning Code standards:

1. Modification #1
The applicant requests a Modification to 33.266.220.A.2.b.(3), which requires that short-term bicycle parking must be located within 50 feet of each main entrance on the site. The applicant proposes to locate all of the short-term bicycle parking in two locations which are not within 50 feet of a main entrance for each use on the site. One location is located on the southeast façade of Building A, and the other location is at the edge of the pergola structure, adjacent to the public sidewalk on Lombard.
2. Modification #2
33.215.C.1.b, *Setbacks* (Table 130-3), states that the maximum building setback is 10 feet for sites located on designated Transit Streets. Building B and Building C are located farther than 10 feet from the street-property line on N Lombard Street, which is a designated Transit Street.
3. Modification #3
33.130.242, *Transit Street Main Entrance*, states that main entrances on designated Transit Streets must face the street or be at an angle of up to 45 degrees from the Transit Street, measured from the street-property line. Two of the tenant entry doors at Building A are proposed at a 90-degree angle from N Lombard Street, which is a designated Transit Street.

Adjustment

The applicant requests approval for an Adjustment to 33.130.230, Ground-floor Windows, in the Zoning Code. 33.130.230.D states that an Adjustment is required if an applicant would like to install art approved by the Regional Arts and Culture Council (RACC) in lieu of providing the required amount of ground-floor windows. The applicant proposes to install a RACC-approved mural on the street-facing façade of Building A.

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:

- The *Community Design Guidelines*;
- 33.825.040.A-B: Approval Criteria for Modification through Design Review; and
- 33.805.040.A-F: Approval Criteria (in 33.805: Adjustments).

ANALYSIS

- I. **Site and Vicinity:** The site is irregularly shaped and it is located on an irregularly shaped block. The block is bounded by N Lombard Street, N Chicago Avenue, N Leonard Street, and N Burlington Avenue, in the heart of the “Main Street” commercial corridor of the St Johns neighborhood. The site is the only vacant parcel abutting along the corridor. N Lombard Street in this area is characterized by storefront commercial buildings constructed over several time periods. For example, there are commercial buildings from the 1920s as well as buildings from the 1950s. Businesses along Lombard include restaurants, a book store, second-hand clothing shops, a movie theater, a bank, taverns, specialty grocery stores, coffee shops, a bakery, a barber shop, and other similar establishments. The vast majority of these are locally owned and independent.

The vicinity includes two public elementary schools. James John Elementary is located nearby on N Charleston Avenue, and Sitton Elementary is located nearby on N Smith Street. The St Johns neighborhood boasts three public parks: Pier Park, Cathedral Park, and St Johns Park (which includes the St Johns Community Center). Other public

amenities include the St Johns branch of Multnomah County Library, which is located on N Charleston Avenue.

The St Johns Racquet Center, which is operated by a non-profit organization, abuts the subject site to the northeast. The two-story Jower's building, home to a shoe store until around 2006, abuts the site to the northwest. The southeasterly abutting site is home to a one-story building occupied by Marie's, a bar and restaurant.

II. Zoning:

Base Zone: The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone allows a full range of retail, service and business uses with a local and regional market area. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

Overlay Zone: The Design (d) overlay zone 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.

III. Land Use History: City records indicate no prior land use reviews for the subject site.

IV. Public Notice: A *Notice of Proposal in Your Neighborhood* was mailed on May 20, 2014.

Neighborhood Review: The St Johns Neighborhood Association did not provide a response. One written response to the proposal has been received from a notified property owner. Sam and Sharon Miller sent a letter via the US Postal Service. The letter is dated May 28, 2014 and was received on May 29, 2014. The letter asks where off-street parking will be located for the proposed development. The letter also states that not everyone travels by bike, so off-street parking for cars should be provided.

Staff Response: The Zoning Code does not require off-street parking for the proposed development.

Agency Review: The following bureaus/departments responded with comments but with no objections to the proposal:

- Bureau of Environmental Services (Exhibit E-1)
- Development Review Section of the Portland Bureau of Transportation (Exhibit E-2)
- Fire Prevention Division of Portland Fire & Rescue (Exhibit E-3)
- Urban Forestry Division of Portland Parks & Recreation (Exhibit E-4)
- Life Safety/Building Code Section of Bureau of Development Services (Exhibit E-5)
- Site Development Review Section of Bureau of Development Services (Exhibit E-6)
- Portland Water Bureau (Exhibit E-7)

ZONING CODE APPROVAL CRITERIA

1. DESIGN REVIEW

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*.

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

P1. Community Plan Area Character.

Enhance the sense of place and identity of community plan areas by incorporating site and building design features that respond to the area's unique characteristics and neighborhood traditions.

D7. Blending into the Neighborhood.

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

E2. Stopping Places.

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

Findings for P1, D7, and E2: The *Community Design Guidelines* document states that in the St Johns/Lombard Plan District, new development should “incorporate desired architectural and site development features to complement, rather than imitate, existing historic buildings.” The document also states that new development can enhance the area's sense of place and blend into the neighborhood by providing “outdoor space for dining and other activities” and integrating setback areas “with the public realm.” The proposal is successful in accomplishing these goals in the following ways:

- The existing buildings in the heart of the Lombard “Main Street” corridor are one to two stories in height. The proposal includes one two-story structure and two one-story structures, continuing the existing pattern of building scale and height.
- Regardless of date of construction or architectural style, most of the buildings along Lombard have large storefront windows facing the public sidewalk. The proposed Building A has four sets of glazed double doors facing Lombard. For all intents and purposes, these doors act as large storefront windows, offering views of the active retail/restaurant interior. Building B, which also fronts Lombard Street, features a glazed double-door entry directly facing the sidewalk.
- One of the most prominent parts of the development's Lombard frontage is the expansive outdoor dining/gathering area. This area will be highlighted by a pergola structure that extends out from the front façade of Building B and terminates close to the public sidewalk. Additionally, the southeast façade of Building A contains a large horizontal roll-up window with a small counter surface along the lower edge of the window. The counter surface, which extends the entire length of the roll-up window, provides a casual space for patrons to stand, eat, and interact. Lastly, the mural, which will be located on the front façade of Building A, is located directly around the corner from the aforementioned roll-up window and associated counter surface. The mural is yet another feature adjacent to the sidewalk that can add vitality to the pedestrian environment. Cumulatively, the pergola-covered area, the roll-up window with counter surface, and the mural result in an inviting outdoor space that integrates the development with the public realm of Lombard Street.

Therefore these guidelines are 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 for E1: A primary defining characteristic of the proposal is the pedestrian-scaled network of on-site walkways. There are two east-west pathways and one north-south walkway, which all seamlessly connect on the site. The two east-west walkways directly link to the public sidewalk on Lombard Street. Wall sconce lighting on the abutting building facades, special cobblestone paving, and the placement of entry doors at various points along the way help to cultivate a pleasant, interesting, safe walkway network for the proposed development.

The north east-west walkway provides a direct access route through the site from Lombard to the St Johns Racquet Center, located directly behind the subject site. During the last several years while the site has been vacant, neighborhood residents have walked across the site to reach the Racquet Center. Transit users alighting at the bus stop located on Lombard in front of the site have also walked across the site to reach the Racquet Center. The east-west walkway that will run along the north edge of the subject site, from Lombard to the Racquet Center property, maintains the convenience of direct connectivity that neighborhood residents and transit users value and have grown accustomed to.

Therefore 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.

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 E3 and E5: The main entries have canopies and all of the Lombard-facing double doors (that serve as storefront windows) on Building A have canopies. The bicycle parking area located on the southeast façade of Building A is covered by a shed roof structure. The outdoor dining/gathering area in front of Building B is covered by a large pergola structure. All of these characteristics provide weather protection and cultivate a sense of enclosure and visual interest along the Lombard frontage and within the outdoor area between Buildings A and B. *Therefore these guidelines are 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: The proposal includes a balanced mixture of public and private outdoor areas and landscaped areas. There is an expansive outdoor dining/gathering area adjacent to the public sidewalk on Lombard Street. This area is accentuated by a pergola structure that extends out from the front façade of Building B and terminates close to the public sidewalk. Beneath this edge of the pergola structure, there is short-term bicycle parking. Additionally, the southeast façade of Building A contains a large horizontal roll-up window with a small counter surface along the lower edge of the window. The counter surface, which extends the entire length of the roll-up window, provides a casual space for patrons to stand, eat, and interact. Lastly, the mural, which will be located on the front façade of Building A, is located directly around the corner from the aforementioned roll-up window. The mural is yet another feature that contributes to the pleasant atmosphere of this particular area of the development. Cumulatively, the pergola-covered area, the short-term bicycle parking adjacent to the sidewalk, the roll-up

window with counter surface, and the mural result in an inviting, multi-use, dynamic outdoor space that is directly connected to the public sidewalk as well as the on-site network of walkways.

The proposal includes two enclosed courtyard spaces for the tenants of Building A. These courtyards have landscaping and special paving. The proposal also includes courtyard spaces at the entries to all of the residential units, located in Building C. In fact, the residents enter their units by walking through their own entry courtyards. These entry courtyards are large enough to act as patio- or porch-type spaces but also small enough to cultivate a unique sense of outdoor enclosure.

Therefore these guidelines are met.

D2. Main Entrances.

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

Findings for D2: This guideline is met as follows:

- All of the main entrances on the site are at grade with the abutting sidewalks and walkways.
- There is a northbound TriMet bus stop located directly in front of the site. The main entries to both Building A and Building B will be within close proximity to the bus stop. The entrance to Building B directly faces the street. The retail/restaurant entrance to Building A, which is directly adjacent to the public sidewalk, is at a 90-degree angle from the bus stop. Both entries will be easily identifiable by transit users. The office entry for Building A and the entries to the residential units in Building C are all accessed via on-site walkways, which are directly connected to the public sidewalk on Lombard.
- The use of glazed doors and the inclusion of canopies at the retail/restaurant entries of Buildings A and B make these entries prominent and interesting.

Therefore 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 for D5: This guideline is met as follows:

- The ground floor of the two buildings located at the front portion of the site adjacent to Lombard – Buildings A and B – will contain retail/restaurant uses, which are active uses.
- The front façade (facing Lombard) and southeast façade (facing the outdoor seating/dining area) of Building A contain abundant glazing that allows opportunity for “eyes on the street” to survey the surrounding area.
- All three of the on-site walkways contain ample lighting in the form of wall sconces.
- The seating/dining area in front of Building B provides outdoor space for patrons to congregate, which helps to activate the ground-level environment of Lombard Street and thus reduce the likelihood of street crime.
- The rear façade of Building C contains glazed doors for three of the residential units. There is a wall sconce light fixture directly adjacent to each door. These doors lead to small patio-type areas. These patio-type areas allow for residents to survey and activate the rear area of the site, which is adjacent to the rear façade of the St Johns Racquet Center.

Therefore 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 for D8: The proposal meets this guideline as follows:

- The building employs durable, long-lasting materials: wood doors, wood windows, wood lap siding, wood trim, wood and steel canopies, and industrial-style wall sconces comprised of die-cast aluminum housing and heavy-duty globes. These materials impart a sense of permanence.
- The use of the same materials on all three buildings helps to unify the development into a cohesive composition.
- The proposal includes fine-scaled details that make each building and the outdoor spaces interesting to view, including wall sconce lighting, a pergola structure, abundant glazing that allows views of the buildings' interior spaces, doorways that lead to entry courts for the residential units, canopies, and special cobblestone paving.

Therefore this guideline is met.

2. MODIFICATIONS

33.825.040 Modifications That Will Better Meet Design Review Requirements:

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

A. Better meets design guidelines.

The resulting development will better meet the applicable design guidelines; and

B. Purpose of the standard.

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

MODIFICATION REQUEST #1:

The applicant requests a Modification to 33.266.220.A.2.b.(3), which requires that short-term bicycle parking must be located within 50 feet of each main entrance on the site. The applicant proposes to locate all of the short-term bicycle parking in two locations which are not within 50 feet of a main entrance for each use on the site. One location is located on the southeast façade of Building A, and the other location is at the edge of the pergola structure, adjacent to the public sidewalk on Lombard.

Purpose Statement (cited from Zoning Code) – Bicycle Parking Standards; Short-term bicycle parking (33.266.220.A)

Short-term bicycle parking encourages shoppers, customers, messengers, and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Short-term bicycle parking should serve the main entrance of a building and should be visible to pedestrians and bicyclists.

Findings for Criterion A: Consolidating the short-term bicycle parking in two locations on the site better meets *Community Design Guideline D1: Outdoor Areas*. Both bike-parking locations are situated within the unique outdoor area at the front of the site, where there is a pergola-covered dining/gathering area in front of Building B, a large roll-up window with counter surface on the southeast façade of Building A, and a mural on the front façade of Building A. Placing the bike parking within this area allows it to contribute to the dynamic environment of the space. As visitors bike to the site and leave the site, they can actively and passively interact with other users of the space. Conversely, if the short-term bike parking were dispersed around the site to meet 33.266.220.A, this potential for interaction

and the liveliness of the development's primary outdoor area would be decreased. *Therefore this criterion is met.*

Findings for Criterion B: With the Modification, the proposal remains consistent with the purpose of the standard being modified. The two short-term bike parking locations are very close to the street. One location directly abuts the public sidewalk, and the other location is a few feet beyond the roll-up window on Building A and the pergola-covered outdoor area in front of Building B. Both locations are convenient for visitors biking to and from the site, as they are at-grade with the public sidewalk and there are no obstructions between the sidewalk and the bike parking areas. The bike parking areas' location near the front of the site, within the primary outdoor area of the development, and near entry doors for the retail/restaurant spaces in Buildings A and B, also contribute to their visibility and convenience. *Therefore this criterion is met.*

MODIFICATION REQUEST #2:

The applicant requests a Modification to 33.215.C.1.b, *Setbacks* (Table 130-3), which states that the maximum building setback is 10 feet for sites located on designated Transit Streets. Building B and Building C are located farther than 10 feet from the street-property line on N Lombard Street, which is a designated Transit Street.

Purpose Statement (cited from Zoning Code) – Setbacks (33.215)

The required building setbacks promote streetscapes that are consistent with the desired character of the different commercial zones. The CN1, CM, CS, and CX setbacks promote buildings close to the sidewalk to reinforce a pedestrian orientation and built-up streetscape. The setback requirements for areas that abut residential zones promote commercial development that will maintain light, air, and the potential for privacy for adjacent residential zones. The setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users.

Findings for Criterion A: Allowing Building C to be located farther than 10 feet from the street-property line on N Lombard Street better meets *Community Design Guideline E1: The Pedestrian Network*. A primary defining feature of the proposal is the pedestrian-scaled network of on-site walkways. There are two east-west walkways and one north-south walkway, which all seamlessly connect on the site. Wall sconce lighting on the abutting building façades, special cobblestone paving, and the placement of entry doors at various points along the way help to cultivate visual interest and render an inviting atmosphere. The placement of Building C at the rear of the site – farther than 10 feet from the street-property line – is essential for making this network of pathways interesting and inviting. The southwest façade of Building C, which is the building's front façade, contains a series of doorways that lead to small entry courtyards for the residential units. The placement of Building C along the rear of the site and the design characteristics of its front façade help the proposal to better meet *Guideline E1*.

Allowing Building B to be located farther than 10 feet from the street-property line better meets *Guideline D1: Outdoor Areas*. The location of Building B allows for a sizable pergola-covered outdoor dining/gathering area. This pergola-covered area is part of the larger outdoor area at the front of the site, which includes such design elements as a mural; bicycle parking, and a large roll-up window with a counter surface where patrons can stand, eat, and interact. If Building B were within 10 feet of the street-property line per 33.215, this primary outdoor space on the site would not be possible.

Therefore this criterion is met.

Findings for Criterion B: With the Modification, the proposal remains consistent with the purpose of the standard being modified. The purpose of the setback standard in the CS zone is to "reinforce a pedestrian orientation and built-up streetscape." The proximity of Building A to the public sidewalk, the inclusion of abundant glazing on the front façade of

Building A, and the location of the development's primary outdoor gathering area directly abutting the public sidewalk ensure strong pedestrian orientation and a built-up streetscape. The larger setback for Building B contributes to these qualities, by accommodating the placement of the pergola-covered outdoor area described in the Findings for Criterion A. *Therefore this criterion is met.*

MODIFICATION REQUEST #3:

The applicant requests a Modification to 33.130.242, *Transit Street Main Entrance*, which states that main entrances on designated Transit Streets must face the street or be at an angle of up to 45 degrees from the Transit Street, measured from the street-property line. Two of the tenant entry doors at Building A are proposed at a 90-degree angle from N Lombard Street, which is a designated Transit Street.

Purpose Statement (cited from Zoning Code) – Transit Street Main Entrance (33.130.242)
Locating the main entrance to a use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.

Findings for Criterion A: Allowing the main entrances for the retail/restaurant spaces in Building A to be situated at a 90-degree angle from Lombard Street better meets *Community Design Guideline D1: Outdoor Areas*. These doors will directly face the primary gathering space on the site, which is located along the set-back portions of Building A and Building B. This space includes a mural; a pergola structure; short-term bike parking; a roll-up window with a counter surface where patrons can stand, eat, and interact; exterior lighting; and special cobblestone paving. The orientation of the main entry doors directly toward this outdoor area increases the potential for passive and active interaction among visitors to the site, contributing to the vitality of the space. *Therefore this criterion is met.*

Findings for Criterion B: With the Modification, the proposal remains consistent with the purpose of the standard being modified. The two entry doors that will be at a 90-degree angle are located at-grade with and adjacent to the public sidewalk. The placement of these entry doors facing the primary outdoor space on the site also contributes to their visibility. These two entries will be easily accessible by pedestrians and transit users on Lombard Street. *Therefore this criterion is met.*

3. ADJUSTMENT

The following Adjustment is requested:

The applicant requests approval for an Adjustment to 33.130.230, Ground-floor Windows, in the Zoning Code. 33.130.230.D states that an Adjustment is required if an applicant would like to install art approved by the Regional Arts and Culture Council (RACC) in lieu of providing the required amount of ground-floor windows. The applicant proposes to install a RACC-approved mural on the street-facing façade of Building A.

33.805.010 Purpose (Adjustments)

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply citywide, 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: Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A through F have been met.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified.

Findings for A: As stated in 33.130.230.A: *Purpose*, the purposes of the Ground Floor Windows standard are as follows:

- *Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;*
- *Encourage continuity of retail and service uses;*
- *Encourage surveillance opportunities by restricting fortress-like façades at street level; and*
- *Avoid a monotonous pedestrian environment.*

The proposed Adjustment equally meets the purposes of the regulation. The proposed mural, which will be approved by the Regional Arts & Culture Council, will imbue the front façade of Building A with pedestrian-scaled visual interest. The mural will work in concert with the abundant glazing provided by the four sets of double doors on the front façade, to foster a fluid relationship between the private sphere of the building and the public sphere of the sidewalk on Lombard Street.

For these stated reasons, the 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.

Findings for B: The desired character of the “Main Street” corridor of Lombard Street, as stated in the Community Design Guidelines document, includes the provision of “outdoor space for dining and other activities” and integrating setback areas “with the public realm.” The mural is an integral part of a sidewalk-adjacent outdoor area that reflects these characteristics. Cumulatively, the proposed pergola-covered area in front of Building B; the roll-up window (at Building A) with counter space for patrons to stand, eat, and interact; and the proposed mural on Building A result in an inviting, human-scaled, pedestrian-oriented, dynamic outdoor space that seamlessly connects the proposed development with the public realm of Lombard Street.

For these stated reasons, the 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.

Findings for C: The applicant is requesting only one Adjustment. *Therefore, this criterion does not apply.*

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

Findings for D: The proposed Adjustment does not affect City-designated scenic resources or historic resources. *Therefore this criterion does not apply.*

- E.** Any impacts resulting from the Adjustment are mitigated to the extent practicable.

Findings for E: The Adjustment allows for a mural to be located on the Lombard Street façade of Building A. No deleterious impacts from the mural are anticipated. The mural, comprised of paint, will be approved by the Regional Arts & Culture Council (RACC). The RACC process stipulates that murals contain original artwork. This original artwork cannot contain commercial/corporate/copyrighted messaging, images, or slogans. By virtue of the mural undergoing the RACC approval process, the mural will not have adverse impacts.

This criterion is therefore met.

- 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 for F: The subject site is not located within an environmental zone. *Therefore 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 proposal is a cohesive architectural composition comprised of high-quality materials and pedestrian-scaled design elements. The proposed development is consistent with the desired pedestrian-oriented character of Lombard Street in the St Johns neighborhood. The proposal meets the applicable design guidelines and therefore warrants approval.

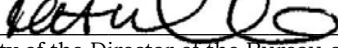
ADMINISTRATIVE DECISION

Approval of a mixed-use development comprised of on-site walkways and three buildings: Building A (two stories tall), Building B (one story tall), and Building C (two stories tall), located in the St Johns Plan District. Approval of a **Modification** to 33.266.220.A.2.b.(3) – Bicycle Parking Standards; Short-term bicycle parking; approval of a **Modification** to 33.215.C.1.b. – Setbacks; approval of a **Modification** to 33.130.242 – Transit Street Main Entrance. Approval of an **Adjustment** to 33.130.230 – Ground Floor Windows (to allow a mural approved by the Regional Arts & Culture Council).

Approval per the approved plans and drawings, Exhibits C-1 through C-25, signed and dated August 5, 2014, subject to the following condition:

- A. As part of the building permit application submittal, each of the four 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 through C-25. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-239517 DZM AD. No field changes allowed."

Staff Planner: Kate Marcello

Decision rendered by:  **on August 5, 2014**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 7, 2014

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 18, 2013, and was determined to be complete on **May 5, 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 December 18, 2013.

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 requested that the 120-day review period be extended until **October 2, 2014** (Exhibit G-7).

Some of the information contained in this report was provided by the applicant.

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

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on Thursday, August 21, 2014** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

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

Recording the final decision.

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

- *Unless appealed*, The final decision may be recorded on or after **Friday, August 22, 2014 (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.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement/Narrative

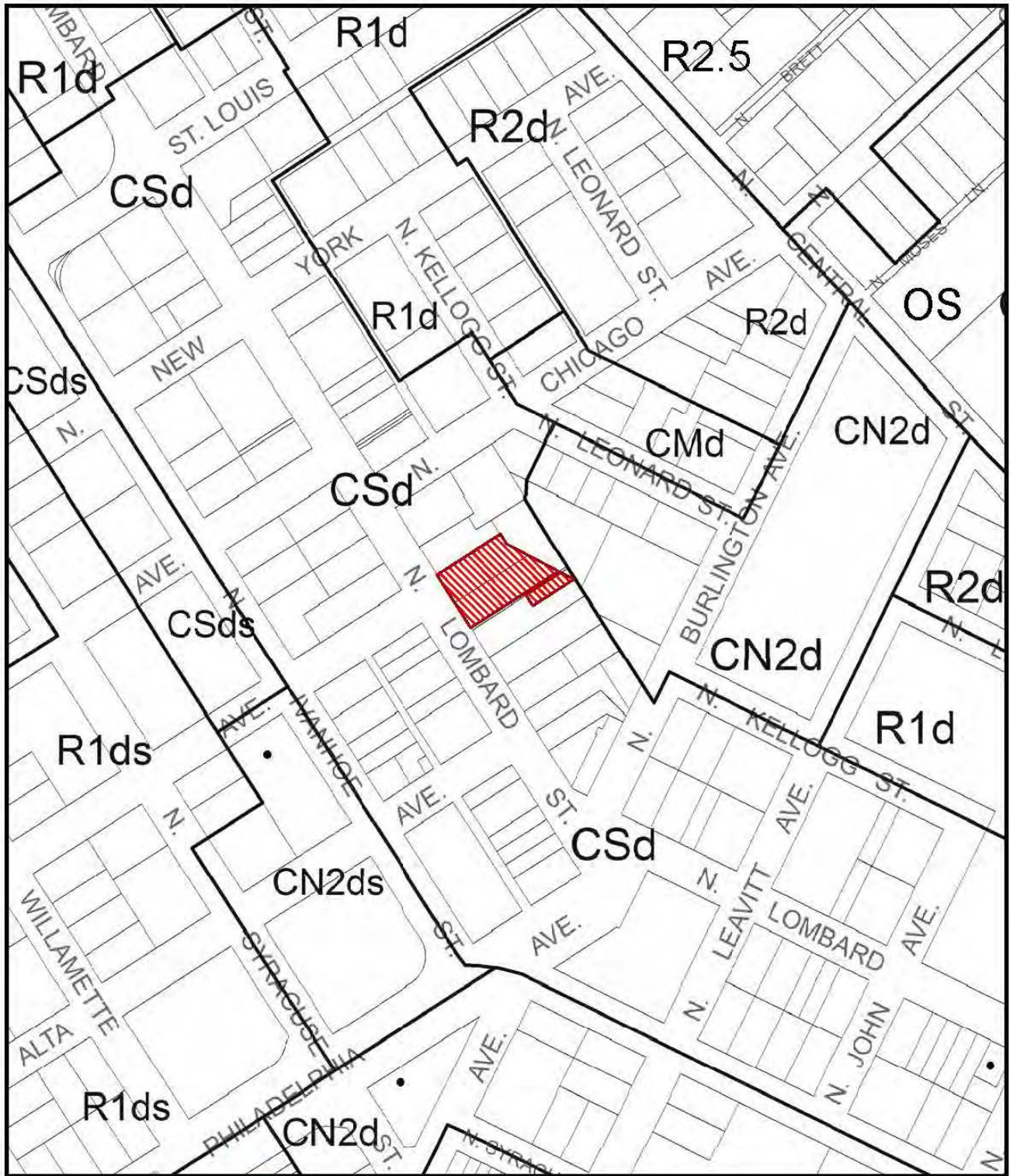
B. Zoning Map (attached)

C. Plans and Drawings:

1. Overall Site Plan (attached)
2. Enlarged Site Plans for Private Courtyards and Enlarged Elevation of Bike Parking on SE Façade of Building A
3. Pergola Section and Detail Drawings, Bike Rack Drawing, Permeable Paver Detail Drawing

4. Building “A” Elevation Drawings (attached)
 5. Building “A” Elevation Drawings
 6. Building “B” Elevation Drawings (including pergola) (attached)
 7. Building “C” Elevation Drawings (attached)
 8. Building “C” Elevation Drawings
 9. Floor Plan – First Floor
 10. Floor Plan – Second Floor
 11. Overall Roof Plan
 12. Reflected Ceiling Plan – First Floor
 13. Reflected Ceiling Plan – Second Floor
 14. Building Section Drawings
 15. Building Section Drawings
 16. Building Section Drawings
 17. Wall Section Drawings (“Eyebrow” Canopy, Cornice and Parapet, 4’-0”-deep Canopy, Secure Bike Parking at SE Elevation of Building “A”)
 18. Wall Section Drawings (Cornice and Parapet, “Eyebrow” Canopy)
 19. Window Schedule and Window Types
 20. Detail Drawings (4’-0”-deep Canopy, “Eyebrow” Canopy, Door Sill, Parapet, Head and Counter at Roll-up Window)
 21. Manufacturer’s Cutsheets for Bicycle Racks (Wall-mounted Rack and “Staple” Rack)
 22. Manufacturer’s Cutsheets for Light Fixtures (Recessed Down-lights and Wall Sconces)
 23. Manufacturer’s Cutsheet for Wood Doors
 24. Manufacturer’s Cutsheet for Mechanical Unit
 25. Manufacturer’s Cutsheet for Cobblestone Pavers
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
 2. Development Review Section of the Portland Bureau of Transportation
 3. Fire Prevention Division of Portland Fire & Rescue
 4. Urban Forestry Division of Portland Parks & Recreation
 5. Life Safety/Building Code Section of Bureau of Development Services
 6. Site Development Review Section of Bureau of Development Services
 7. Portland Water Bureau
- F. Correspondence:
1. Sam and Sharon Miller, notified property owners; letter received 29 May 2014; concerns regarding the lack of off-street vehicular parking for the proposed development
- G. Other
1. Original Land Use Review Application
 2. Letter of Completeness, dated 13 January 2014
 3. Site Visit Photographs
 4. Photographs of The Ocean (similar recent project by same developer)
 5. Regional Arts & Culture Council (RACC) Public Art Murals Program: Guidelines and Process
 6. Aerial Photograph of Site from Google Maps
 7. 120-day Timeline Extension Form, signed by applicant

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING



Site



Historic Landmark



NORTH

This site lies within the:
ST. JOHNS PLAN DISTRICT

File No. LU 13-239517 DZM AD

1/4 Section 2121

Scale 1 inch = 200 feet

State_Id 1N1W01CD 19000

Exhibit B (May 13, 2014)

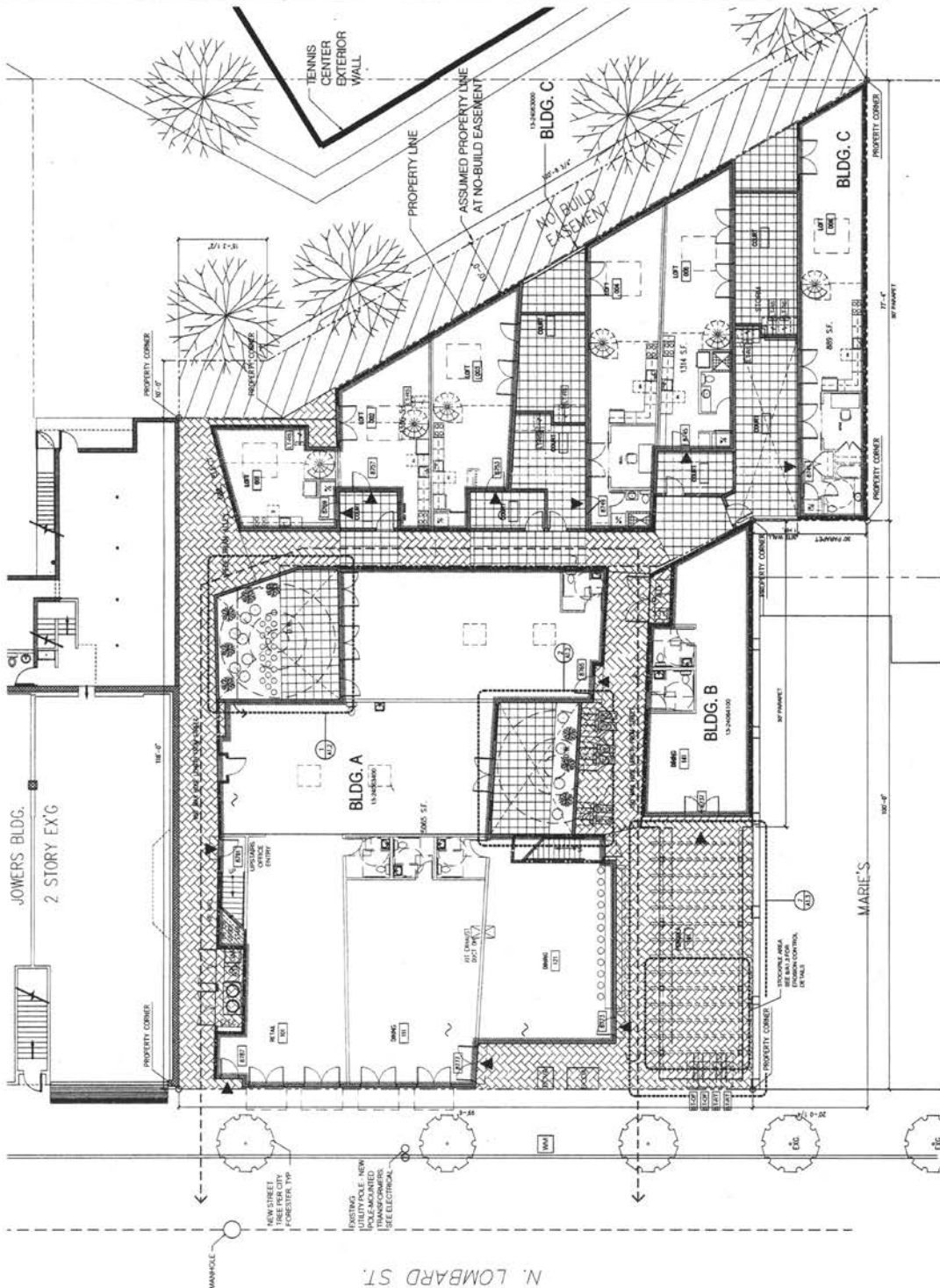
STORMWATER MANAGEMENT

EXHIBIT

527.05.01.01 IMPERVIOUS ROOF AREA
PORTLAND STORMWATER MANAGEMENT MANUAL, EXHIBIT 2-31
4' DIA. 10' DEEP DRYWELL - 5000 S.F.
2' DIA. 10' DEEP DRYWELL - 5000 S.F.
10,000 S.F. > 9.914 S.F. - 15,000 S.F.
10,000 S.F. > 9.914 S.F. - 15,000 S.F.
INfiltration TESTING
TESTING PROCEDURE < 10,000 S.F. - SIMPLIFIED APPROACH
PORTLAND STORMWATER MANAGEMENT PROGRAM
DESIGN AND DOCUMENTATION PROVIDED TO BUREAU OF
DEVELOPMENT SERVICES
PERVIOUS PAVEMENT
2.5" THICK PAVEMENT
PERVIOUS PAVEMENT AND FOR THE FOLLOWING
SPECIFICATIONS
PROT 8007 Standard Specifications (2008.08)
Infiltration Concrete Pavement (BCT) Specifications
ASHTO Guide for Design of Pavement Structures
CONTAMINATED SOIL
STOCKPILE ALL SOIL FOR CONTAMINATION TESTING PRIOR TO REMOVAL
FROM SITE. SEE SOIL CONTAMINATION NOTES ON A-1 FOR MORE
INFORMATION
BACULUS
SEE A-1 AND A-2 FOR ROOM VENT LOCATIONS AND SIZES
BLAZE INSULATION
PROVIDE R-15 INSULATION AT FOUNDATION PERIMETER. SEE A-1.22

LEGEND

- 2.5" PERMEABLE PAPER - TYPE 1
- 2.5" PERMEABLE PAPER - TYPE 2
- ASSUMED PROPERTY LINE
- UNDERGROUND
- DRY WELL - 4' DIA. BY 10' DEEP - TYPICAL OF 20
PERCOLATION RATE, 5.2" PER HOUR
- DOUBLE CHECK VALVE ASSEMBLY - FIRE
IN UNDERGROUND WALK
- DOUBLE CHECK DETECTOR ASSEMBLY - FIRE
IN UNDERGROUND WALK
- WATER METER - IN UNDERGROUND WALK
- TRANSFORMER - POLE MOUNTED
- GAS METER
- GREASE TRAP - 20" DIA. SANITARY SEWER IN TENANT
SPACES FOR FUTURE CONNECTIONS BY TENANTS



1 OVERALL SITE PLAN
1" = 10' - 0"

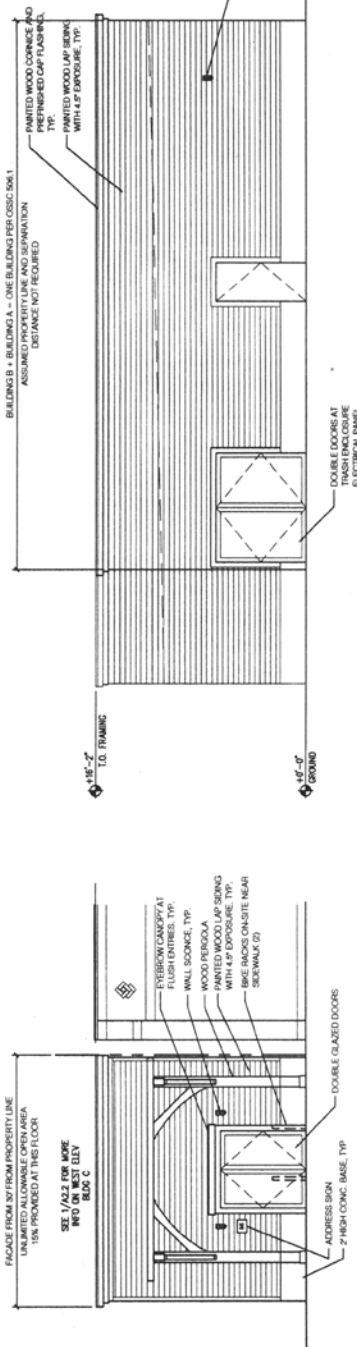
Scale: 1" = 10'-0"

Sheet size has been altered.

City of Portland - Bureau of Development Services
Planner *Kate O*
Date *August 5, 2014*
This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Architectural elevation drawing of a building facade. The drawing includes the following annotations:

- PAINTED WOOD LAP SIDING WITH 1/4" EXPOSURE, TYP.** (Pointing to the left side of the facade)
- 15'-0" F.E. FRAMING** (Pointing to the top edge of the facade)
- 15'-0" GROUND** (Pointing to the bottom edge of the facade)
- 70% ALLOWABLE OPEN AREA PER FLOOR 30% PROVIDED AT THE FLOOR** (Pointing to the upper portion of the facade)
- WALL GROUND, TYP.** (Pointing to the lower portion of the facade)
- INTEGRATED EYEBROW, 1/4" DEEP** (Pointing to a horizontal feature above a window)
- # HIGH DOUBLE GLAZED DOORS** (Pointing to a large double door with a diamond-shaped window)
- (private courtyard)** (Text on the left side of the drawing)

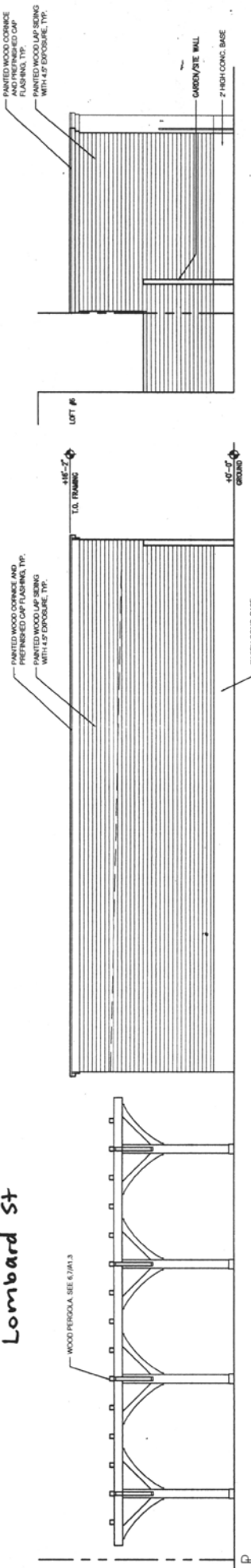


1 SOUTH-WEST ELEVATION - BLDG. B

facing pergola
outdoor area and
Lombard St

2 NORTH-WEST ELEVATION - BLDG. B

facing east-west
facing south east-west walkway and bike pkg



3 SOUTH-EAST ELEVATION - BLDG. B

facing Marie's bar/restaurant (8727 N Lombard)

4 NORTH-EAST ELEVATION - BLDG. B

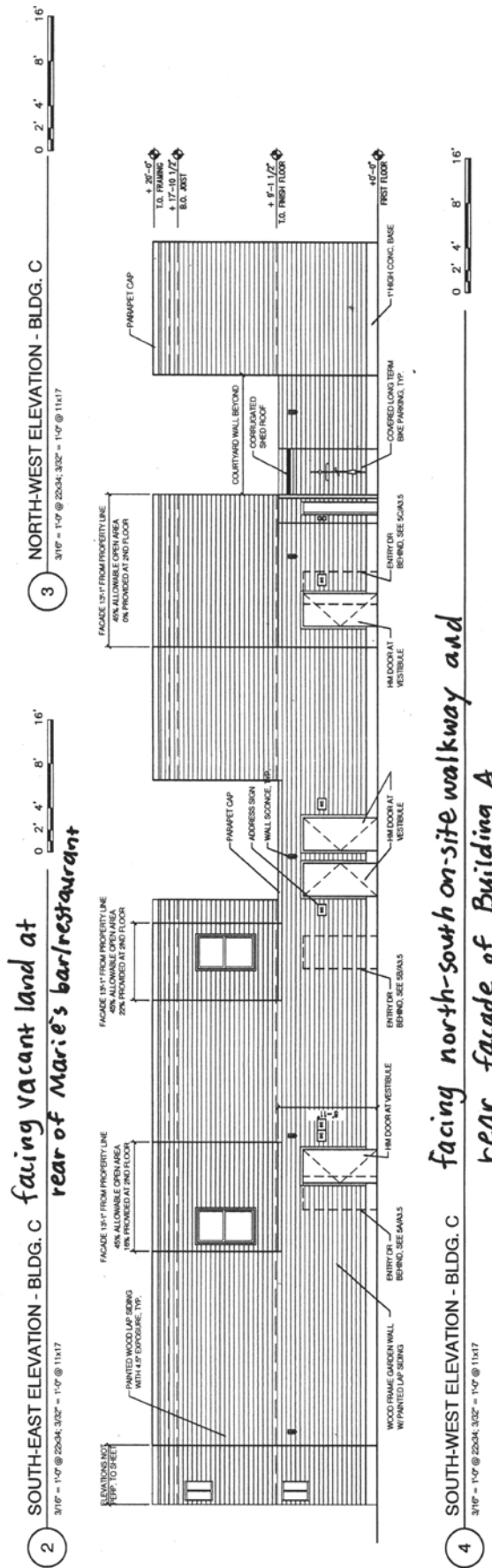
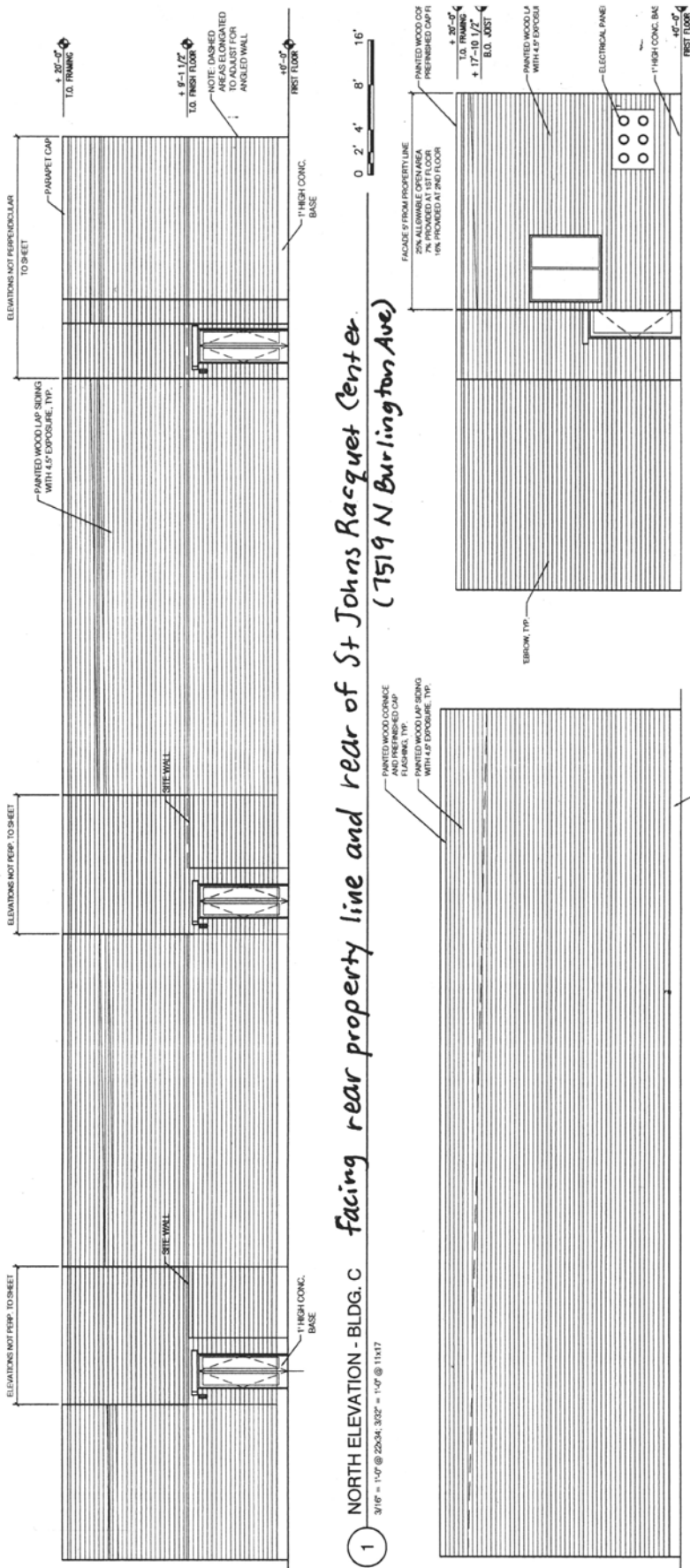
facing south terminus of
north-south on-site
walkway and entry for
Loft unit 5

Lu 13-239517 DZM AD

Exhibit C-6

Approved
City of Portland - Bureau of Development Services
Planner *Kent* Date *August 5, 2014*
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Sheet size has been altered.



LU 13-239517 DZM AD
Exhibit C-7