



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

FROM CONCEPT TO CONSTRUCTION

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Date: December 20, 2016
To: Interested Person
From: Jeff Mitchem, Land Use Services
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**NOTICE OF A TYPE II DECISION ON A PROPOSAL IN
YOUR NEIGHBORHOOD – APPROVAL**

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 16-247927 DZM
4018 N WILLIAMS APARTMENTS

GENERAL INFORMATION

Applicant: Vic Remmers, VWR Development LLC
3330 NW Yeon Avenue, Suite 100
Portland, OR 97210

Michael Perso, William Kaven Architecture
4080 N Williams Avenue, Studio 100
Portland, OR 97227

TEL Industry LLC
4080 N Williams Avenue, #100
Portland, OR 97222

Site Address: 4018 N WILLIAMS AVE

Legal Description: BLOCK 22 LOT 9&10, ALBINA HMSTD; BLOCK 22 LOT 11, ALBINA HMSTD

Tax Account No.: R010504650, R010504680
State ID No.: 1N1E22DA 20300, 1N1E22DA 20400
Quarter Section: 2630
Neighborhood: Boise, contact boiselanduse@gmail.com
Business District: North-Northeast Business Assoc, contact at chair@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Zena Rockowitz at 503-388-5070.

Zoning: EXd, Central Employment with design overlay
Case Type: DZM, Design Review with Modification
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The proposed project is a new five-story (59' high) market rate apartment (66 units) housing building with ground-level retail (3,419 square feet), tuck-under parking (18 spaces) and long-term bicycle parking (81 spaces). The allowable Floor Area Ratio (FAR) is 3:1, or 44,389 SF for 14,796 SF site. The proposed FAR is 44,113 SF. A rooftop terrace at the southeast corner is

proposed on level five. Exterior cladding materials are proposed to be concrete and aluminum storefront at the ground-level, Norman brick veneer with metal panel accents at levels 2-5.

One Modification to standards is requested:

1. **33.266.220 – Bicycle Parking Standards.** Standard requirement: 24” space separation; Proposed: 18” vertical staggered rack separation.

Design Review is necessary because the proposal is for new construction in a design overlay zone.

Relevant Approval Criteria:

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

- Community Design Guidelines
- 33.825 Design Review

ANALYSIS

Site and Vicinity: The 14,796 SF site is located at the northeast corner of the intersection of N Williams Avenue [*Neighborhood Collector Street, Community Corridor, Transit Access Street, City Bikeway, City Walkway, Minor Emergency Response Street*] and N Shaver Street [*local service all transportation modes*] in the Albina Community Plan Area. The site is currently occupied by a single-story concrete warehouse supporting a mural entitled “Machine” (Tom Cramer, circa 1989) on the south-facing wall, to be demolished to make way for the proposed project. In response to the Public Notice for this case (November 9, 2016), public comment (Exhibit F.2) was received regarding destruction of the mural as a potential violation of the Visual Artists Rights Act (VARA) of 1990. Staff notes that this issue concerns a potential claim under VARA between the building owner and muralist, and isn’t relevant to the applicable design guidelines or this design review.

The immediate vicinity has seen much recent redevelopment at the intersection of N Williams and N Mason, including a large mixed-use complex directly across N Mason St. Lower-scale multifamily residential redevelopment has occurred on a couple parcels to the west and north of the site. Single-dwelling residential buildings abut the site to the east. Smaller-scale commercial buildings and single-dwelling residential buildings lie to the east across N Williams. The entire N Williams corridor has seen much redevelopment in recent years, at varying scales and with a mixture of commercial and residential uses.

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

Land Use History: City records indicate that there are no prior land use reviews.

Agency Review: A *Notice of Proposal in Your Neighborhood* was mailed **November 9, 2016**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E.1)
- Portland Bureau of Transportation (Exhibit E.2)

- Life Safety (Exhibit E.3)
- Fire Bureau (Exhibit E.4)
- Water Bureau (Exhibit E.5)

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed **on November 9, 2016**. Two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- David de la Rocha, Boise Neighborhood Assn, November 10, 2016. Comments in support of the proposed project. (Exhibit F.1)
- Forest Parson, November 25, 2016. Comments in opposition to the project citing the removal of the “Machine” mural and excess building height not in keeping with context, and shadow impacts to existing solar. (Exhibit F.2)

Staff Response: The comment addressing protection of the mural under the Visual Artists Rights Act of 1990 identifies a potential civil dispute between the building owner and muralist, and isn’t relevant to the applicable design guidelines or this design review. At 59’-6”, the proposed project complies with maximum allowed height standards for the base zone of Central Employment (65’) and is responsive to lower height context through increased set-back and elimination of the upper floor nearest abutting single-dwelling residential. While the Portland Zoning Code does not regulate shadowing of rooftop solar panels, the Applicant has been advised by BDS Staff to conduct a shadow study to model the potential impact of the project’s height on the existing solar panels.

ZONING CODE APPROVAL CRITERIA

I. Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

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

Section 33.825.055 Design Review Approval Criteria

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

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

Community Design Guidelines

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

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

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

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

Findings for P1 & D7: The proposed building orients active floor area (retail uses and the residential lobby entry) along the entire N Williams Ave frontage, establishing an active ground floor for the full length of this facade. The retail tenant space wraps the corner of N Williams Ave the N Shaver by approximately 30'. The parking entry and back-of-house uses (secondary residential entry, electrical, water riser room) are oriented to the east half of the site abutting the gated driveway entrance to the tuck-under parking which is well buffered from abutting homes and pedestrian realm with a 5' landscaped setback and 8' masonry wall. This massing configuration and ground floor arrangement complements the rapidly developing verticality of the Vancouver-Williams corridor while reinforcing the pedestrian character of the pedestrian realm evident in the immediate vicinity.

The building has a fairly simple, straightforward massing expression and ground floor distinction that reflects both its interior program and existing streetcar-era commercial buildings along N Williams Ave. The proposed material palette is simple and restrained, incorporating high-quality materials, with layers of opacity, transparency and subtle color variation. These, again, respond to the best of developing context within the immediate neighborhood while simultaneously reflecting the character of exiting single-story commercial development that remains on the street.

The upper-level of the southeast corner of the building steps down by a floor to the abutting R2.5 zoned development (single-dwelling context). The stepped-down component of the building features a roof-top amenity deck with integrated seating and raised planters along its eastern edge which will help reduce visual impacts associated with direct downward views from the deck to abutting residential units and yards. In addition, the building is set-back from the R2.5 boundary by 15', 5' of which is landscaped to the L3 Standard (6' high screening material) which will help screen views of tuck-under parking from abutting residential development and the sidewalk on NE Shaver St.

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.

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 E1 & E2: The proposed building incorporates deep, ground level canopies (approximately 8' deep) and over-story projections (approximately 2.5', levels 2-5) along N Williams Ave and N Shaver St. These minor projections and a continuation of the sidewalk frontage zone scoring pattern (including integrated landscaping planters), will help to extend the pedestrian environment and allow potential for covered outdoor seating and spill-out at the retail spaces.

Therefore, these guidelines are 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.

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.

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.

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

Findings for E3, E4, E5 & D2: As described above in Findings for E1 & E2, the ground floor of the building is set back (approximately 2.5') from the street lot line along both street frontages. The upper stories project over this sidewalk extension, creating a sense of enclosure along both sidewalks. In addition, the 8' deep canopy provides rain protection and shade for pedestrians.

The ground floor facing both streets is defined by continuous full-height storefront windows. Between the lobby and the abutting retail bay of windows, a cast-in-place bulkhead extends the full storefront height in front of which are planters set into the sidewalk extension. This helps to set the well-glazed ground level apart from the brick upper stories. The full-height storefront windows provide views into the active retail spaces at the ground level which help to activate the intersection of N Williams & N Shaver St.

The building presents simply detailed corner expressions at both ends of the N Williams frontage in the form of full-height butt-glazed corner windows at levels 2-5. The building's frequent retail entries and the residential lobby are all oriented directly to the sidewalk on N Williams Ave, which is the more heavily-trafficked street (for all modes). The building's primary retail tenant space is oriented to the corner of N Williams and N Shaver with a full-height glazed window return (similar to corner windows above) and an entry approximately 20' from the corner. This combination of ground level programming and glazing expression will serve to identify and unify the building's only intersection while making entrances prominent, easily accessible, and transit-oriented.

Due to inactive floor area on the building's skin at the southeast corner of the building (stair core, electrical and water riser room), blank concrete walls are oriented to the pedestrian realm abutting the NE Shaver St ROW. If left unmitigated, such a condition would not comply with approval criteria requiring visual interest along sidewalks. As mitigation to this blank wall condition, painted wall art is proposed at these locations (per Exhibits C-17 and C-18).

Therefore, these guidelines are met.

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

Findings: The proposed building occupies most of the ground level of the subject site. However, small in-ground landscape planters are placed intermittently along the sidewalk edges of the building, serve as a threshold transition between the full-height commercial storefront glazing and the abutting pedestrian realm. Landscape planters are also incorporated on the site's eastern edge and southeast corner, providing some softness and visual buffer between the tuck-under parking and abutting existing single-story homes. Landscaping here also helps to provide screening at the enclosed service areas that face the N Shaver St pedestrian realm.

Landscape features extend up onto the building itself at the level-five terrace, helping to tie the building into its site and helping to ease the transition in building scale from the residential property immediately to the east. Landscaping on the eastern edge of the terrace helps to provide screening of this outdoor area that would otherwise directly overlook the adjacent property.

Therefore, this guideline is met.

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

Findings: The proposal includes a fully-enclosed (8' high exposed concrete wall and 5' landscaped setback) tuck-under parking garage along the east edge of the site with access from N Shaver St. Orienting access from N Shaver St limits ground level active space disruptions along the N Williams street front. The parking entry is framed on either side by the architectural concrete building base (vertical formed, smooth finish, sealed joints) the 8' high exposed concrete wall, which is consistent with material used elsewhere on the building base and screens the parking area from view. The sliding door into the parking area is recessed approximately 24' from the south side of the building and buffered by a 20' long x 6' deep landscape planter, further minimizing the visual impact of the parking area. Finally, the proposed painted wall art on the exterior wall facing the parking access aisle will enliven the garage entry sequence and serve to improve the attractiveness of the pedestrian realm abutting this portion of the project.

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: The proposed building prominently addresses both streets with large amounts of glazing and active ground floor uses providing ample opportunity for "eyes on the street." Frequent entries into the retail spaces and the residential lobby are provided to sidewalks on both frontages. Pedestrian-oriented lighting within the continuous canopy and down-lighting over the tuck-under parking will minimize off-site glare while helping to reduce the likelihood of crime.

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: The building's basic form is expressed as a single masonry clad block atop a well-glazed storefront base. It is a holistically derived composition considering each facade's relationship to its frontage and context – active N William front; passive N Shaver side; and, eroded rear-lot. The restrained and high-quality materials palette creates a visually interesting and cohesive composition. The primary attributes contributing to the success of the building's overall design include:

- The use of cast-in-place architectural concrete (vertical formed, smooth finish, sealed joints) intermittently at the ground level as a compliment to the glazed storefront.
- Painted art wall at the building's southeast corner.
- Full-height aluminum storefront windows with dark-colored framing line the ground floors along the street-facing facades.
- Planar shift between the ground floor and the upper stories, accented by a dark metal canopy providing clear delineation between the ground floor and upper stories. The canopy is composed of pre-finished 18-gauge metal, which helps to ensure the quality of this very visible element. This element also matches the color used on the storefront windows, and accents elsewhere on the building – fascia and coping details, metal planters, etc.

- The upper floors are clad primarily in dark brick masonry (stack-bond pattern). Precast concrete mullions separate the vertically staggered window alignment while window heads and jambs are resolved as metal panel apertures. Together, these details help the upper street-facing and south-facing stories to read with a well-refined and unified expression.
- A roof terrace at the southeast corner of the building is accessed from a level 5 amenity room on the south side of the building. This wing is clad primarily in storefront glazing and dark-colored brick intended to match the metal used throughout the exterior.
- A well-unified fenestration system consisting of VPI Commercial Grade Vinyl Windows on the upper floors and aluminum storefront base with common mullion color and proportion.
- Upper-level (floors 2-5) metal window jamb return panels expressed in a spectrum of 6 shades of blue.
- At all upper-level window jamb and head (top-floor only) returns and corner window spandrel, a 22-gauge metal is specified. The flat metal panel proposed in these applications, though, may be large and long enough to pillow or oil-can at 22-gauge thickness. An 18-gauge thickness or foam-backed 22-gauge metal would more suitably address these concerns and ensure quality in these important details.

Taken altogether, the proposed building is a unified, well-integrated, and well-detailed addition to the neighborhood.

With the condition of approval that the metal spandrel between the northwest and southwest corner windows shall be of 18-gauge thickness or 22-gauge backed with foam or like material, this guideline will be met.

II. 33.825.040 Modifications That Will Better Meet Design Review Requirements:

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

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

Modification #1: 33.266.220.C.3 Standards for all bicycles – to reduce the width of bicycle rack spacing for 15 vertically hung long-term bicycle parking spaces from the required 2'-0" to 1'-6".

Purpose Statement for 33.266.130.C: "These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage."

Standard: 33.266.C.3 Bicycle racks. The Office of Transportation maintains a handbook of racks and citing guidelines that meet the standards of this paragraph. Required bicycle parking may be provided in floor, wall, or ceiling racks. Where required bicycle parking is provided in racks, the racks must meet the following standards:

- a. The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle;
- b. A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components. See Figure 266-11; and
- c. The rack must be securely anchored.

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines; and*

A. Findings: Accommodating all bicycle parking spaces in on-grade horizontal racks would consume considerable floor area. The proposed vertically stacked configuration allows residents to vertically hang and lock their bicycles with 18" staggered clearances to adjacent bikes (6" less than the standard.) The proposed 18" on-center separation may be a narrower dimension, but the stagger and allowance for sliding hangers will help assist hanging and locking a bike. The 5'-0" minimum aisle is provided behind each bicycle rack allowing sufficient maneuvering space. The functional and space-efficient system of the wall-mounted bike racks alleviates floor plan demands, which in turn results in active uses at the street. The proposal better meets design guidelines *E1 The Pedestrian Network, D4 Parking Areas and Garages*, as it contributes to a pleasant, and safe network of sidewalks and allows for accommodation of either a greater number of vehicle spaces and/or bicycle parking spaces. *Therefore, this criterion is met.*

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

Findings: With the reduction in rack width, the applicant will be able to accommodate a greater number of long-term bike parking spaces and ensure that demand for bike parking spaces is met, or reduce the amount of space devoted to bicycle parking overall. The purpose of the standard is met in that many of the bicycles will be stored privately within the units and that a greater number of spaces than required are to be provided, including space for non-traditional bicycles, which will provide extra space for bicycles to spread out if all spaces are not occupied. *Therefore, this criterion is met.*

Therefore, this Modification merits approval.

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposed new five-story commercial mixed-use building has a coherent design with well-integrated and high-quality materials and detailing. The slightly recessed retail uses along the street-facing ground floor will help to activate the street and provide potential stopping places while at the same time providing some measure of weather protection. The proposed building will also fit well within the context of the still-redeveloping N Williams Ave corridor. The proposal meets the applicable design guidelines, modification criteria, and approval criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a new five-story market rate apartment housing building with ground-level retail, tuck-under parking, long-term bicycle parking on the ground level and within units, and painted wall art on the ground level of the building's southeast corner (location identified per Sheets C-17 and C-18) within the Eliot Conservation District, per the approved site plans, Exhibits C-1 through C-40, signed and dated December 16, 2016, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 16-247927 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The metal spandrel between the northwest and southwest corner windows shall be of 18-gauge thickness or 22-gauge backed with foam or like material.

Staff Planner: Jeff Mitchem

Decision rendered by:  **on December 16, 2016**
By authority of the Director of the Bureau of Development Services

Decision mailed: December 20, 2016

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on September 23, 2016, and was determined to be complete on **November 7, 2016**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore, this application was reviewed against the Zoning Code in effect on September 23, 2016.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: March 7, 2017.**

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 January 3, 2017** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 **January 4, 2017.**
- 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:

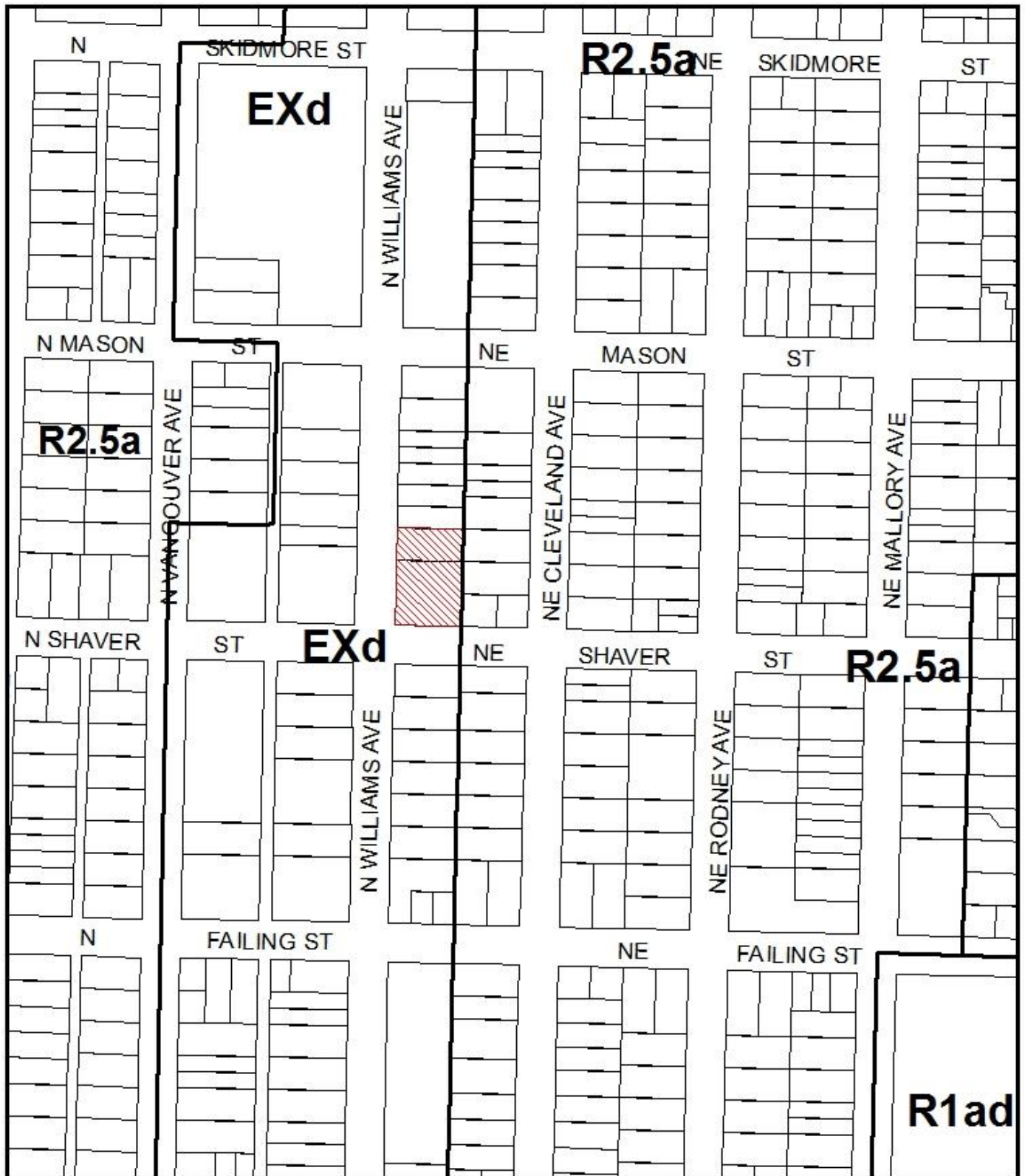
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Manufacturers Cutsheet
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Design Review Drawing Set – Sheet C.1-C.40
 - Sheet C-3, Site Plan (attached)
 - Sheet C-16, West Elevation (attached)
 - Sheet C-17, South Elevation (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Life-Safety
 - 4. Fire Bureau
 - 5. Water Bureau
- F. Correspondence:
 - 1. David de la Rocha, Boise Neighborhood Assn, 11/10/2016, comments in support.
 - 2. Forest Parson, email dated 11/25/2016, opposition to height and mural destruction.
- G. Other:
 - 1. Original LU Application

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).



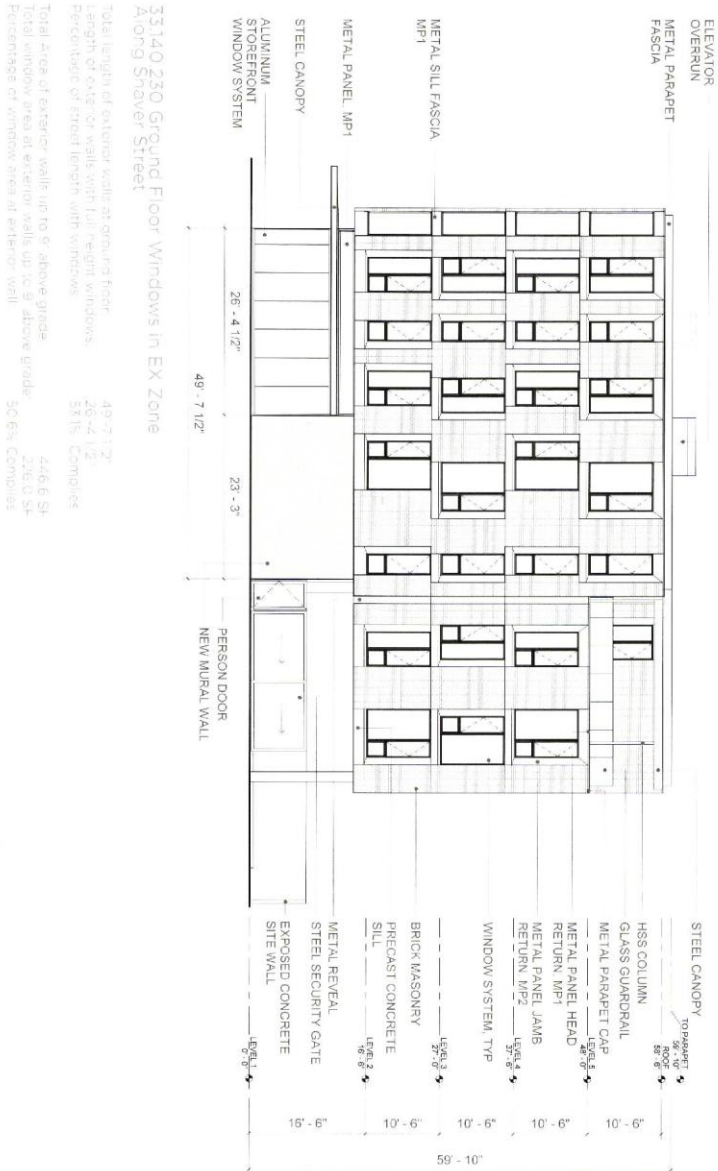
ZONING



 Site

File No.	<u>LU 16-247927 DZM</u>
1/4 Section	<u>2630</u>
Scale	<u>1 inch = 200 feet</u>
State Id	<u>1N1E22DA 20300</u>
Exhibit	<u>B</u> (Sep 27, 2016)

WILLIAM / KAVEN



33140 230 Ground Floor Windows in EX Zone Along Snover Street

Total length of exterior walls at ground floor: 49'-7 1/2"
 Length of walls with full height windows: 26'-4 1/2"
 Percentage of total length with windows: 53.1%
 Total area of exterior walls up to 9' above grade: 446.6 SF
 Total window area at exterior walls up to 9' above grade: 236.0 SF
 Percentage of window area at exterior wall: 52.6%
 Comments

SOUTH ELEVATION

TYPE II DESIGN REVIEW SUBMITTAL 4018 N WILLIAMS

Approved
 City of Portland - Bureau of Development Services
 Planner [Signature] Date 12-16-16
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.