



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

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Date: April 22, 2010
To: Interested Person
From: Tim Heron, Land Use Services
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Notice of a Type II Decision of an Appeal to REVISE the original decision of approval and APPROVE a Proposal in Your Neighborhood

PROCEDURAL PROCESS: On December 28, 2009 staff issued a decision of approval on the proposal. On January 11, 2010 the decision was appealed by the Northwest District Association and heard before the Portland Design Commission on February 18, 2010 and April 1, 2010 to review design changes. At the April 1, 2010 hearing, additional information was requested and the hearing was continued to April 15, 2010, where it was approved.

The Portland Design Commission has revised a staff decision of approval, requiring several additional changes to the original proposal, and ultimately approved a proposal in your neighborhood. The reasons for the decision are included in this notice. The decision of the Portland Design Commission is final.

**CASE FILE NUMBER: LU 09-168251 DZM –
6-STORY RESIDENTIAL BUILDING**

GENERAL INFORMATION

Applicant: Chris Rogers, Phase Two Development
131 N State St.
Lake Oswego, OR 97034

Pettygrove LLC
35530 Sunny Hill Ln
Pleasant Hill, OR 97455-9643

Representative: Robert Mosier, William Wilson Architects, 503-223-6693
1010 SW 11th Avenue
Portland OR 97204

Site Address: 1984 NW PETTYGROVE ST
Legal Description: LOT 14 BLOCK 265, COUCHS ADD; LOT 15&16 BLOCK 265, COUCHS ADD
Tax Account No.: R180224310, R180224330
State ID No.: 1N1E33AB 10400, 1N1E33AB 10500
Quarter Section: 2928

Neighborhood: NW/NW, Northwest District, contact John Bradley at 503-313-7574.
Business District: Nob Hill, contact Kay Wolfe at 503-227-0898.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Northwest
Zoning: EXd, Central Employment with design overlay

Case Type: DZM, Design Review with Modification Request
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The 20th & NW Pettygrove Street project is a six story apartment building consisting of five stories of dwelling units over ground floor parking and building support spaces. The project site is located at the old “Dove Lewis Animal Hospital” site. This site is at the edge of a transition area between the light industrial / commercial uses to the north and east and the residential uses to the south and west. It is also adjacent to the Conway Master Plan site. NW Pettygrove Street is listed as a future “Green Street” in the Northwest District Plan.

The project site is 15,000 square feet or approximately .344 acres. This low rise high density housing project provides a housing density of approximately 260 units per acre. With a moderate slope to the site there are approximately forty seven inches of elevation difference across the site.

The building will consist of 90 units of work force housing consisting primarily of a mix of studio and one bedroom units and ten two bedroom units. These are generally small market rate units intended for the entry level workforce traditionally living in the Northwest District neighborhood. These residents traditionally commute by mass transit or walk to jobs in the urban core. With the gentrification of this neighborhood most of the affordable workforce housing has been converted to condominiums and are unavailable to this group of residents.

The building is designed to accommodate eighteen vehicle parking spaces and 27 bicycle parking spaces in the parking garage. The main building entry is placed on the NW Pettygrove street face of the building. The parking garage entry is located on NW 20th Avenue. The majority of the active uses like the manager’s office and lobby have been placed on the Pettygrove side of the building.

The building materials include:

- ground floor cast-in-place concrete with black-finished aluminum and clear glass storefront system;
- Upper-stories are finished with brick and stucco exterior; metal wrapped belt, water table and cornice line banding; and high-quality vinyl window with black paintable finish.

Because the proposal is for new development in a Design Overlay zone, Design Review is required.

Requested Modifications to the Zoning Code through Design Review:

1. Size of loading spaces, 33.266.310.D: The one required loading space must be at least 35 feet long, 10 feet wide and have a clearance of 13 feet. The project proposes one loading space in the parking garage, 10 feet wide by 21 feet long by 9’-6” high. Clearance into the parking area is limited to 9’-6” at the NW 20th Avenue garage opening.

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:

- Chapter 33.825 Design Review
- Chapter 33.825.040 Modifications That Will
- Community Design Guidelines

Better Meet Design Review Requirements

ANALYSIS

Site and Vicinity: The site is comprised of two parcels: one ¼ block site [10,000 SF] and one 50 x 100 foot site [5,000 SF], both are currently vacant. At this location, both NW 20th and NW Pettygrove are classified as City Walkways and Local Streets for all other modes in the City's Transportation System Plan.

The site is also located within the Northwest Plan District, and the Transition area sub-district of the plan district. This area comprises a diversity of uses ranging from commercial, residential and personal services. The diversity is a product of its location in an area that during the first part of the 20th Century had become the transitionally boundary between the residential and industrial portions of Northwest Portland and that had previously served as the boundary between the area's upper and working class neighborhoods. The project is also near the Eastern Edge which includes examples of the residential structures that made up the area's late 19th century middle and working class neighborhoods, as well as many early to mid-20th century light industrial buildings.

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

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

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

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **November 18, 2009**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Site Development Section of BDS
- The Bureau of Transportation Engineering

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **November 18, 2009**. Two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- John Bradley, Chair, Northwest District Association, December 9, 2009 facsimile. The NWDA expressed lack of support for the development based on material quality, overall composition, massing and ground floor activation. Exhibit F.1
- Megan Gibb, Metro Development Center Manager, September 23, 2009 letter of support. Exhibit F.2

Staff Response: Staff initially determined that the development proposal fully met the Design Guidelines, including guidelines calling for high-quality and compatibility with the neighborhood. Therefore, staff approved the proposal on December 28, 2009.

The Northwest District Association appealed the Staff decision of approval and provided additional testimony cited in Exhibit H. In the course of three subsequent appeal hearings with the Portland Design Commission, on February 18, 2010, April 1, 2010 and April 15, 2010, substantive changes and additional information were provided to better meet all the design guidelines as compelled by the NWDA on appeal, and specifically by the Portland Design Commission, in order to support this proposal.

Additional information is provided in the findings below and the attached drawings.

ZONING CODE APPROVAL CRITERIA

1] 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.

PORTLAND PERSONALITY GUIDELINES

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.

Findings:

Continuing the area's established pattern of partial block building massing.

The proposed building massing is modulated to break the façade into lengths of sixty feet or less through the use of setback variations.

Maintaining and re-establishing the area's historic street grid.

This development will maintain the existing street grid recognizing the primary and secondary streets by the placement of vehicle and pedestrian entrances. No changes to the existing grid are proposed.

Orienting the primary entrances, lobbies, and activity areas to the surrounding neighborhood instead of interior streets.

While this goal is intended primarily for large multi-block developments many of the goal's sentiments are appropriate for smaller infill developments. This development places the primary entrance mid-block on the NW Pettygrove face of the building acknowledging the existing street grid. This placement is also consistent with the pattern of existing historic apartment buildings in the neighborhood. The lobby and managers office are placed along the primary street frontage reinforcing the existing pattern of street development. This placement also provides activity along the primary street frontage reinforcing the intended pedestrian nature of NW Pettygrove Street cited in the Northwest District Plan.

Along streets where residential uses predominate, utilizing design elements that serve to distinguish residential streets from hard-scaped main streets and street car alignments. Design elements that characterize the residential side streets from more intensely hard-scaped main streets include: façade articulation created by elements such as entrance treatments, balconies, and vertically divided building volumes.

The proposed building incorporates a generous recess at the entrance with an overhead canopy protecting the entrance. This entrance is placed at a full-height recess within the building mass at the center of the Pettygrove Street façade. Defined by a gently radiused metal canopy and seven foot recess into the face of the building the entrance clearly articulates the main entry's prominence to the building.

The entry is bracketed at the ground level pedestrian zone by five foot deep "water quality" landscape planters which are between eighteen to twenty four inches high. These planters activate the pedestrian zone by providing visually interesting landscaping and serving as informal pedestrian seating along the building frontage.

The building envelope is articulated by a series of elements that provide a level of subtle planar richness to the façade. "Eyebrow" canopies paired with French balconies provide a pattern of projections along the façade. The two foot deep canopies provide shade and protection to the large living room openings and articulate the living spaces within the building.

Setbacks of the building massing along the façade vertically divide the building's volumes. Additionally, the windows are recessed within the depth of the wall framing providing a five inch recess from the face of brick veneer and stucco skin. These recesses emulates the "punched" opening typical of traditional masonry buildings common to this neighborhood.

This guideline is therefore met.

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

Findings: This guideline does not apply to this project since it is not in a Historic or Conservation District.

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

Findings: This site is not adjacent to an identified gateway location, therefore this guideline does not apply.

THE PEDESTRIAN NETWORK

E1: 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:

Providing safe, attractive, and convenient pedestrian connections and transitions from sidewalks to building entrances.

The proposed design provides a direct connection from the building lobby to the sidewalk with a generous building recess at the entrance. Further, this area is protected by an overhead canopy that extends above the sidewalk level to enhance this important part of the ground floor to pedestrians. This generous entry clearly separates the pedestrian entry from the vehicular entrances.

Providing space for different activities that take place along sidewalks and walkways.

The walkways along 20th and NW Pettygrove will be twelve feet wide with water quality planters along the building face. The generous width of the sidewalk will allow a variety of future uses along the sidewalk. The water quality planters reinforce the “Green Street” theme of the street and provide informal pedestrian seating to occur along the bench height planter enhancing the pedestrian experience.

This guideline is therefore met.

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

Findings:

Incorporating seating opportunities in the design of planters and walls.

The proposed design provides a seating opportunity by incorporating a bench height water quality planter along the edge of the sidewalk which incorporates an eighteen to twenty four inch high wall which can serve as a convenient place for informal seating to stop, rest, visit and observe the neighborhood activity. This planter occurs along both street faces of the building providing approximately 75 feet of planter on N.W. 20th Avenue and 85 feet of planter along N.W. Pettygrove Street.

This guideline is therefore met.

E3: 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 the street level facades.

Findings:

Differentiating between the building façade at the sidewalk level and the floors above.

The project design utilizes several elements to create a differentiation from the street level of the building and the residential floors above. The north elevation is composed of aluminum storefront providing views into the building entry, lobby, office and bike room. The scale and detail of the storefront system add interest to the pedestrian zone and emphasize the active ground floor uses of the building. Reveals in the cast in place concrete walls reinforce the storefront window composition providing a level of subtle human scale details along the pedestrian zone of the building.

The building materials clearly differentiate the ground level of the building from the upper floors. The cast in place concrete walls and storefront windows illustrate the public nature of the ground floor uses. The materials and scale of details above indicate the residential use above. Smaller residential windows, brick and stucco siding and finer scale of detailing of the materials demonstrate the residential use of the upper stories.

Placing building walls, columns and trees to create a sense of enclosure within the pedestrian path.

Set between the sidewalk and the building façade the water quality planter with its seat height wall and four to six foot deep planting area creates an intimate pedestrian scale along the sidewalk. Minor reveals in the concrete walls reinforce the connection to the building design and give a level of detail to these walls. The seasonal changes in the planter's native plantings provide visual interest throughout the year.

The first story of the building also incorporates a series of screen trellis's at the west parking garage elevation that support evergreen vines. These screens will create a rhythm of activity along the wall with seasonal changes as the plants grow throughout the year. These screens will double as the security grilles for the parking garage beyond. The screens will be mounted to project approximately 6" from the face of the wall to create an undulating surface between the screens and the building face.

Locating active indoor uses in areas with ground floor windows adjacent to sidewalks and public places.

All of the public "active" uses of the building are located along the street faces of the building. The building entry, lobby, managers office and retail uses reinforce the public nature of the ground floor.

This guideline is therefore met.

E4: Create corners that are active, unified, and have a clear identity through careful scaling detail and location of buildings, outdoor areas and entrances.

Findings:

Providing access to the interior of the building at the corner.

The entrance to the manager's office is placed at the corner of the building. This entry provides access to the portion of the building where business is conducted and where all new tenants will be introduced to the building.

Reinforcing the intersection by placing the highest or most interesting portion of the building near the corner.

The corner of the building is emphasized in the design by wrapping the French balcony element around the corner. This pair of glazed openings at each floor extend from the second to sixth floor creating a strong vertical element that is unique to this portion of the building. These elements mark the corner as one of the more prominent features of the building. See the building rendering on the application cover for illustration of this feature.

Locating parking to the side or to the rear of the site and bring the building up to the corner.

The vehicle parking has been placed at the south end of the building's ground floor and is located at the interior of the building. The building has been placed at the corner of the property providing definition to the corner of the block.

Extending curbs to shorten the distance across the street and create a larger sidewalk area.

Curb extensions at the corner of 20th and NW Pettygrove create a stronger definition of the corner at pedestrian level, provide a more generous sidewalk area and create a safer pedestrian crossing at the intersection.

This guideline is therefore met.

E5: 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: The proposed project is a dense development with very few outdoor areas. The major features enhancing the pedestrian experiences are the landscaping and the entry canopy. Street trees along the street edge and trees in the water quality planters will grow to provide shade around the base of the building in the sidewalk zone cooling the building and protecting pedestrians from the glare of the sun. The entrance canopy at the north side of the building will provide protection from the sun and rain for pedestrians entering or leaving the building. The canopy will serve as a transition area between the sidewalk and building providing a covered bike parking area and a spot to dry off from the rain before entering the building.

This guideline is therefore met.

PROJECT DESIGN GUIDELINES

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

Findings: The zoning for this Central Employment zone allows 100% site coverage. The use of the building, as well as design guidelines, have required the building to be set back from property lines for window openings, light and air, as well as an improved massing response. As such, areas that have been made available to the ground level, have been landscaped and treated to improve both the required egress circulation, but also landscaped to improve the experience. The main entrance to the building is recessed to improve the entry sequence, but also allows a small area for pedestrians to step out of the sidewalk travel path.

This guideline is therefore met.

Main Entrances

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

Findings:

Providing a front porch to shelter the front entrance and provide a transition from outdoor to indoor space.

The proposed design provides a ten foot deep covered area at the entry canopy providing protection for pedestrians as they enter and exit the building. Nestled between two planters and recessed seven feet into the building the entry area provides covered bicycle parking and a generous protected exterior transition area between the street and the building lobby.

This guideline is therefore met.

Landscape Features

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

Findings:

Protecting and Planting street trees

The proposed project will replace the existing street trees to accommodate required right of way improvements. Additional trees will be planted as possible to reinforce the existing definition of the pedestrian sidewalk enclosure.

Using plant materials to soften and screen parking lots.

The proposed design uses a series of screen trellises to screen the openings in the wall between the interior parking areas and the exterior street face of the building. These

screens soften the hard surfaces of the cast in place concrete walls and work with the water quality planters to buffer the pedestrian experience from the vehicle parking portions of the building. The four to six foot deep planters will provide a depth of landscaping sufficient to cultivate a variety of hardy native plants. The combination of the screen trellis's and planters provide a lush plant buffer around the parking garage portion of the building.

This guideline is therefore met.

Parking Areas and Garages

D4: Integrate parking in a manner that is attractive and complimentary to the site and it's surroundings. Locate parking in a manner that minimizes negative impacts on the community and it's pedestrians. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

Findings:

Screening parking with landscaping, fences, walls or a combination. Screening indoor parking from pedestrians.

The proposed design incorporates two methods for screening and minimizing the impact of the parking garage. The Pettygrove façade will incorporate storefront glazing matching the public areas of the building at the north parking garage wall. This portion of the garage will be dedicated to tenant bicycle parking which will buffer the vehicular parking from the sidewalk. At the NW 20th Avenue elevation a series of metal screen/trellis's mounted on the outside face of the building will serve as buffers between the sidewalk and the garage. These screens serve the multiple purposes of providing a structure for climbing plants to grow on, securing the garage ventilation openings and providing articulation, scale, texture and a rhythm of pedestrian scaled elements along the ground floor of the building. The proposed plantings will include flowering evergreen plants to maintain color and screening along the walls throughout the year.

This guideline is therefore met.

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

Findings:

Providing a lighting system that includes pedestrian scale lights along walkways, energy efficient porch and backyard lights that can be left on over time.

Overhead down lighting in the canopy and down light wall sconces will be placed at all of the exterior entries and exit ways. These lights will be operated by a photo cell and are intended to provide sufficient security light without introducing glare on adjacent properties. A street light will be added at the existing power pole mid block on NW Pettygrove to provide additional lighting to the street and sidewalk areas.

Locating windows in active rooms to promote “eyes” on the street.

The active ground floor use areas are positioned along NW Pettygrove street to keep eyes on the street. The managers office and tenant lobby in particular have views of the building frontage and entry areas throughout the day. The units above also have views of the entire streetscape into the surrounding neighborhood to observe activities on the street.

Low growing shrubs and other landscaping will be used in the planters on the north face of the building allowing for uninterrupted views from the entry, lobby and managers office.

Orienting entrances to Public streets.

The proposed design incorporates a mid block entry to the building that opens to the street and is visible from the public spaces of the building. This visibility protects the tenants entering the building and allows the tenants to observe street activities as they enter or leave the building or wait for a friend in the lobby. The manager's office location allows the manager to monitor activities along the sidewalk, in the building entry and lobby.

This guideline is therefore met.

D6: Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

Findings: This guideline refers to building modifications and additions and is not applicable to this project.

D7: 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:

Incorporating elements and details found in nearby structures.

The proposed design embraces the character of the traditional workforce apartment buildings characteristic of this neighborhood since the turn of the century. Its solid massing with simple form and details are reminiscent of the many apartment buildings in Northwest Portland.

The basic composition is tripartite with a distinct base zone, middle and top. The public activities including lobby, office and garage uses are placed in the cast in place concrete base. The primary residential floors are defined by the large windows and French balconies and smaller scaled bedroom windows and brick and stucco siding. The top is defined by the use of stucco cladding, a water table trim band and modestly scaled cornice at the roof.

The use of brick and stucco recalls the residential character of the adjacent neighborhood. The warm red and light brown color palette used in the project finishes picks up the colors of new buildings on adjacent lots.

Divide large wall areas into distinct smaller planes that are more in keeping with the scale of surrounding elements.

The building massing is clear and simple with minor steps in the plane at the entry on the north side of the building, a step on the east and west faces and simple vertical planes along the south property line faces of the building.

This guideline is therefore met.

D8: All Parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

Findings:

Using cast stone, brick, terracotta and other long lasting materials

The building envelope consists of the cast in place concrete base, brick mid section and stucco top. These materials are common to the neighborhood and proven durable building finishes. The applicant has specified a set of conditions to ensure a high-quality of the cast-in-place concrete finish is maintained. The Architectural Concrete Wall Specifications will include: 1) Architectural concrete mix; 2) Minimum ¾ inch smooth face plywood formwork; 3) Structural rigid foam reveals attached to forms; 4) Poured form concrete will be "aggressively" mechanically vibrated more than minimum

specification; and 5) Upon formwork removal, edges will be ground and pockets sacked and smooth-finished.

Using a variety of textures and colors in exterior finish materials.

The proposed design incorporates a variety of building material textures in the building composition. These materials include the smooth hard surface of the concrete base of the first story, the finer texture of the brick veneer extending from the second floor to the fifth story window sill and the smoothness and detail of the stucco cladding at the fifth and sixth stories. These materials are accented by metal features throughout the exterior of the building. The metal accent features, the cornice, beltline and waterline, will be conditioned at a 22 gauge minimum to ensure clean lines, avoid oil canning, and maintain a rigid appearance over time.

Incorporate details that add interest to buildings.

Metal railings and canopies at the “French” balconies project from the face of the building providing a rhythm of vertical elements along the façade. These features along with the large glazed openings provide human scale elements that break up the length and height of the building face.

The metal entry canopy curves out from the face of the building to embrace the street and welcome tenants to the building.

The metal screen trellis’s at the base of the building provide interest as a lacey green feature that changes character throughout the year.

Using windows that embellish the character of buildings.

The windows form a rhythm along the façade. Large glazed openings with canopies and railings celebrate the living spaces. These windows are coupled to celebrate the main corner of the building. All of the windows use a simple basic geometry to form a consistent family of parts from the larger sliding glass windows to the smaller bedroom and kitchen windows. These windows are black which visually ties them to the ground floor storefront windows, accents the fine lines of their frames and contrasts with the adjacent wall cladding.

The windows selected for this project are the most durable weather resistant vinyl windows manufactured in the Northwest. Manufactured by VPI Quality Windows Inc. of Spokane, Washington the materials and window frame extrusions employed are custom made for VPI. The proposed window will be coated with a black low emissivity solar reflective coating. This coating allows the window color to match the color of the metal components of the buildings color scheme and create a more cohesive overall building composition. This coating enhances the longevity of the vinyl window and allows the recoating of the windows in the future as required to maintain color consistency for the life of the project.

With the Condition of Approval that the Architectural Concrete Wall Specifications to include: 1) Architectural concrete mix; 2) Minimum ¾ inch smooth face plywood formwork; 3) Structural rigid foam reveals attached to forms; 4) Poured form concrete will be “aggressively” mechanically vibrated more than minimum specification; and 5) Upon formwork removal, edges will be ground and pockets sacked and smooth-finished; and with the Condition of Approval that a minimum 22-gauge metal will be used for the metal cornice, watertable trim and belt-line fascia, this guideline is therefore met.

2] MODIFICATIONS THROUGH DESIGN REVIEW

Section 33.825.040, Modifications That Will Better Meet Design Review Requirements: The review body may consider adjustments for site-related development standards 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. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. In order to approve modifications, the review body must find the applicant to have shown that the resulting development will better meet the applicable design guidelines and will, on balance, be consistent with the purpose of the standard for which a modification is requested.

Parking and Loading, 33.266

Purpose Statement. The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

Requested Modifications to the Zoning Code through Design Review:

- Size of loading spaces, 33.266.310.D: The one required loading space must be at least 35 feet long, 10 feet wide and have a clearance of 13 feet. The project proposes one loading space in the parking garage, 10 feet wide by 21 feet long by 9'-6" high. Clearance into the parking area is limited to 9'-6" at the NW 20th Avenue garage opening.

Findings: In order to fulfill the goals of enhancing pedestrian convenience, protecting pedestrians from traffic and vehicle movements, the design intends to provide the required loading space in the most space-efficient manner and at the best location. Consequently, the design creates one interior loading space for residents, located in the at-grade parking garage. This arrangement allows for vehicles used for loading to enter and exit the site in a forward motion.

The loading space provided per plan will meet a majority of the needs of the building tenants. The Bureau of Transportation has commented in support of the reduced loading stall size. The intent of the code is met by providing one reduced size stall loading space that can accommodate most move-in needs, as well as all of the everyday moving needs of the residents.

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.

PORTLAND DESIGN COMMISSION DECISION on an APPEAL

Portland Design Commission approval per Exhibits C-1 through C-48, signed and date April 15, 2010;

Approval of a 6-story residential building in the Northwest Plan District including 90 residential units, 18 vehicle parking spaces, and 27 bicycle parking spaces, in the parking garage;

Approval of concrete, brick, stucco and clear glazed aluminum storefront windows and clear glazed black coated vinyl windows;

Approval of Modification to Size of loading space, 33.266.310.D, to reduce the required loading spaces 10 feet wide by 21 feet long by 9'-6" high; and

Approval subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.48. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-168251 DZM. No field changes allowed."
- B. Architectural Concrete Wall Specifications to include:
 - 1) Architectural concrete mix;
 - 2) Minimum ¾ inch smooth face plywood formwork;
 - 3) Structural rigid foam reveals attached to forms;
 - 4) Poured form concrete will be "aggressively" mechanically vibrated more than minimum specification; and
 - 5) Upon formwork removal, edges will be ground and pockets sacked and smooth-finished.
- C. Minimum 22-gauge metal will be used for the metal cornice, watertable trim, and belt-coursing fascia features.

By: _____

Jeff Stuhr, Portland Design Commission Chair

Staff Planner: Tim Heron

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 October 29, 2009, and was determined to be complete on **November 6, 2009**.

On December 28, 2009 staff issued a decision of approval on the proposal. On January 11, 2010 the decision was appealed by the Northwest District Association and heard before the Portland Design Commission on February 18, 2010 and continued to April 1, 2010 to review design changes. As additional information was requested, and a Staff Report not available for adoption, the hearing was continued to April 15, 2010. The Portland Design Commission approved the revised

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on October 29, 2009.

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.

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. 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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 **April 16, 2010**.
- A building or zoning permit will be issued only after the final decision is recorded.

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

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.

- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

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

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

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

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

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

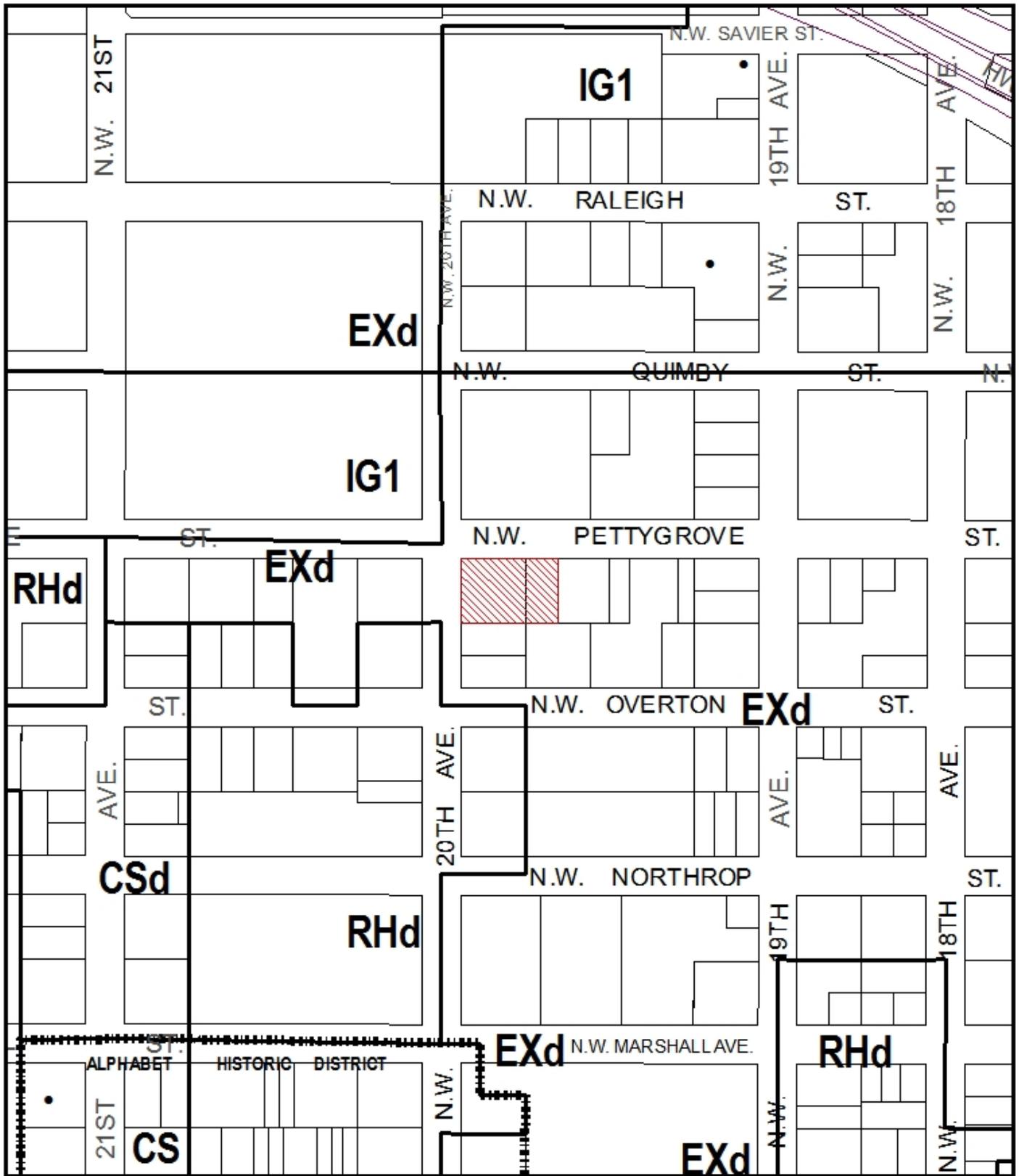
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. December 14, 2009 Response to NWDA December 9, 2009 facsimile
 - 2. Extension request to continue hearing/stop 120-day clock from February 18, 2010 to April 1, 2010
 - 3. April 8, 2010 revised submittal
- B. Zoning Map (attached)
- C. Plans/Drawings – Approved by the Portland Design Commission:
 - 1. - 54. Site Plans, Elevations, Wall and Window Sections, Concrete details and details, lighting and mechanical equipment details, and renderings (some attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Site Development Review Section of BDS
 - 3. Bureau of Transportation Engineering and Development Review
 - 4. Water Bureau
- F. Correspondence:
 - 1. Megan Gibb, Metro Development Center Manager, September 23, 2009 letter of support.
 - 2. John Bradley, Chair, Northwest District Association, December 9, 2009 facsimile. The NWDA expressed lack of support for the developed based on material quality, overall composition, and massing.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. September 20, 2009 Incomplete letter
 - 4. December 12, 2009 Staff Decision of Approval and Staff Approved Exhibits
 - 5. December 12, 2009 Decision Mailing List
- H. Appeal
 - 1. January 11, 2010 Appeal from Ron Walters, Northwest District Association
 - 2. January 15, 2010 Notice of Appeal Mailing List
 - 3. January 15, 2010 Notice of Appeal
 - 4. February 11, 2010 Staff Memo to Design Commission
 - 5. February 18, 2010 Staff Powerpoint
 - 6. February 18, 2010 written testimony, Mary Czarnecki, concerns with the proposal
 - 7. February 18, 2010 written testimony, Greg Theisen, concerns with the proposal
 - 8. February 18, 2010 written testimony, Tim Stroud, support of the proposal
- I. Continued Appeal
 - 1. March 25, 2010 Staff Memo to Design Commission
 - 2. March 31, 2010 written testimony, email, John Bradley, Chair Northwest District Association, support of the revised proposal

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



This site lies within the:
NORTHWEST PLAN DISTRICT

File No. LU 09-168251 DZM
 1/4 Section 2928
 Scale 1 inch = 200 feet
 State_Id 1N1E33AB 10500
 Exhibit B (Oct 29, 2009)

