



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Ave. Suite 5000
Portland, Oregon 97201
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Date: April 22, 2008
To: Interested Person
From: Kristen Minor, Land Use Services: 503-823-7972 / kminor@ci.portland.or.us

FINAL DECISION BY THE DESIGN COMMISSION
RENDERED ON April 17, 2008

CASE FILE NUMBER: LU 07-186023 DZ,
BROADWAY HEIGHTS CONDOMINIUMS PC # 07-137246

GENERAL INFORMATION

Applicant: Brooks Bromley, Contact
Broadway Drive Heights, LLC, Owner
2000 NE 42nd, #215
Portland, OR 97213

Representative: Robert Evenson, Architect 503-221-0890
6249 SW Canyon Ct
Portland, OR 97221

Site Address: SW BROADWAY DRIVE **Tax Account No.:** R991090150
Legal Description: TL 3400 1.70 ACRES, SECTION 09 1S 1E
State ID No.: 1S1E09AB 03400 **Quarter Section:** 3328

Neighborhood: SWN, Southwest Hills Residential League, contact Nancy Seton at 503-224-3840.

Business District: None **Plan District:** None
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

Zoning: R10cd, Residential 10,000 with Environmental Zone Overlay and Design Overlay Zone; R1cd, Residential 1,000 with Environmental Zone Overlay and Design Overlay Zone; CGcd, General Commercial with Environmental Zone Overlay and Design Overlay Zone; and CGd, General Commercial with Design Overlay Zone.

Design District: Terwilliger
Case Type: DZ, Design Review
Procedure: Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

Proposal: The Broadway Drive Heights Condominiums proposal is for 42 living units and 49 parking spaces in one multi-dwelling structure. From the uphill side, the development will appear as three separate 2.5-story buildings. Parking occurs on the lower level, and is accessed from a driveway at the low point of Broadway Drive. The building materials include painted cementitious lapped siding, wood-composite panels, concrete base and planters, aluminum storefront with clear glazing, and composition shingle roofing. Between the three building segments, two paved plaza areas with benches and planters will be directly accessible from the sidewalk grade.

Modifications are requested through the EN review. These are part of a concurrent Type III procedure heard by the Hearings Officer under case LU 07-137246 ENM PD. The Modifications would allow for development to stay as compact as possible along the northern edge of the site. Requests include increasing heights on the R1 and R10 portions of the site, increasing building coverage only on the R10 area, and increasing building length on the R1 area. Another two Modifications are also being added to that EN review: to allow the project to not meet the maximum transit street setback (SW Sam Jackson Park Road has a higher transit classification than SW Broadway Drive, so the project technically must be constructed close to that street) and to pedestrian standards, requiring a straight line connection to Sam Jackson.

A pedestrian connection and open stair tower are also proposed between Broadway Drive and Sam Jackson Park Road. From the units, the connection is entirely on site, but to connect with Broadway Drive the pathway would need to extend eastward onto the adjacent property (City of Portland Parks Department ownership). The applicant is pursuing an agreement to allow that segment to be constructed.

Finally, street improvements along SW Broadway will allow for a sidewalk, on-street parking, street trees, and a stormwater swale at the east end of the frontage.

Projects on sites with a "d" overlay that will be or are visible from SW Terwilliger Boulevard are required to go through design review.

Relevant Approval Criteria:

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

- 33.420, Design Overlay Zone
- 33.825, Design Review
- Terwilliger Parkway Design Guidelines

DESIGN COMMISSION DECISION

It is the decision of the Design Commission to approve Design Review for a new condominium building containing 42 living units and 49 parking spaces in one structure. From the uphill side, the development will appear as three separate 2.5-story buildings. Parking, on the lower level, is accessed from a driveway at the low point of Broadway Drive. Between the three building segments, two paved plaza areas with benches and planters will be directly accessible from the sidewalk grade. South of the building, a pathway and stair tower will allow pedestrian access down to SW Sam Jackson Parkway.

Approval per Exhibits C.1-C-21, signed, stamped, and dated April 17, 2008, subject to the following conditions:

- A.** As part of the building permit application submittal, the following development-related condition (B) must be noted on each of the 4 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 07-186023 DZ. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B.** No field changes allowed.

By:  _____
Lloyd Lindley, Design Commission Chair

Application Filed: June 1, 2007
Decision Rendered: April 17, 2008

Decision Filed: April 18, 2008

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 June 1, 2007, and was determined to be complete on November 28, 2007.

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 June 1, 2007.

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 waived the 120-day review period, as stated with Exhibit A-2.

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. This report is the final decision of the Design Commission with input from other City and public agencies.

Conditions of Approval. This approval 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.

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. Appeals must be filed by 4:30 pm on May 6, 2008 at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case by appointment at, 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201.

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 City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

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 City Council on that issue. Also, if you do not raise an issue with enough specificity to give City Council an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$6,548.50 will be charged (one-half of the application fee for this case).**

Neighborhood associations and low-income individuals may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Fee waivers for low income individuals must be approved prior to filing your appeal; please allow three working days for fee waiver approval. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

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 **May 7, 2008 – (the day following the last day to appeal). In this case the concurrent Environmental Review and Planned Development Review must also be approved prior to issuance of any building or zoning permits.**
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

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

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

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

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

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

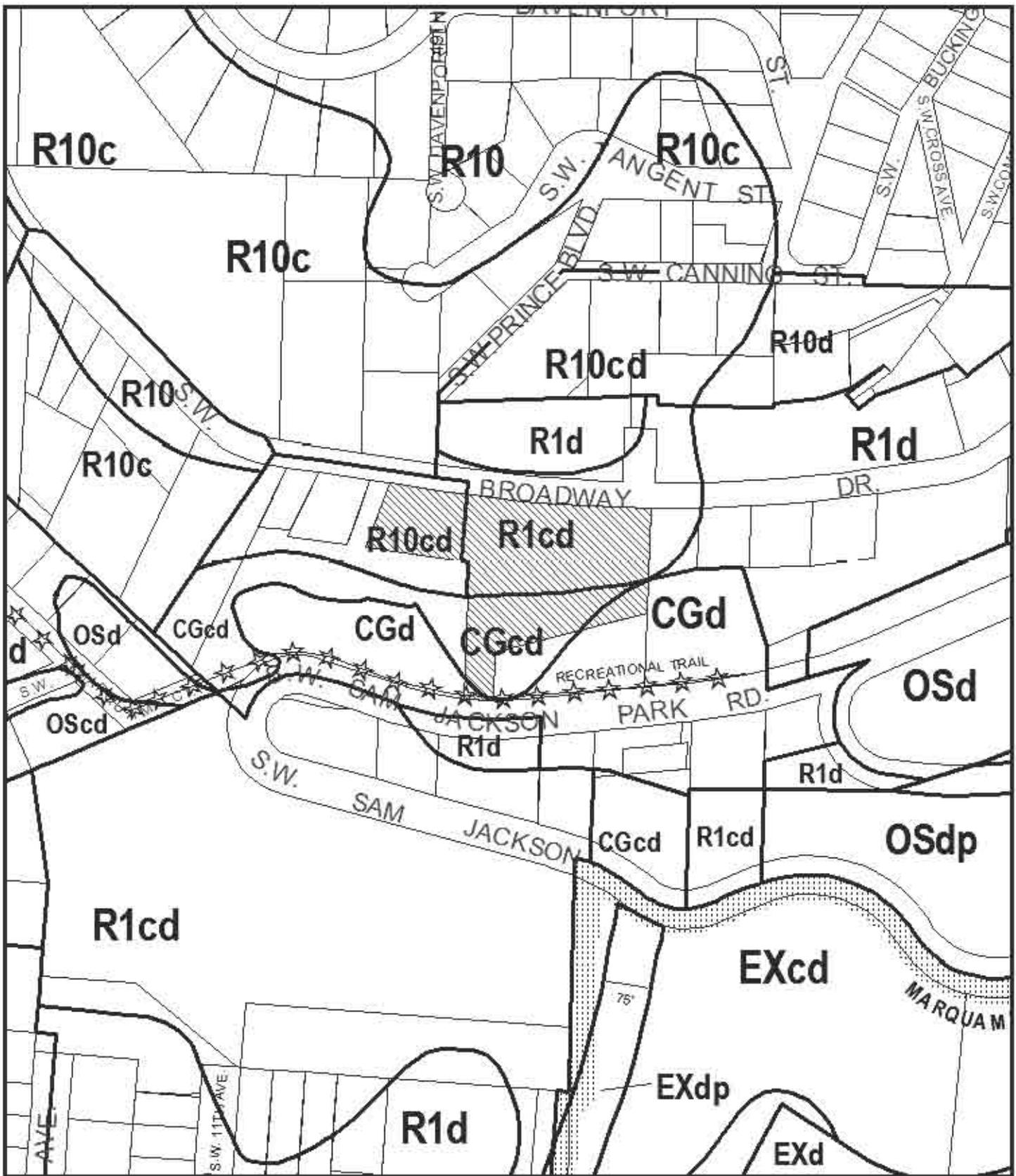
The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Written Materials
 - 1. Original application responses and statement
 - 2. 120-day waiver
- B. Zoning Map (attached)
- C. Plan & Drawings
 - 1. Color Perspectives A5.1
 - 2. Site & Vicinity Plan
 - 3. Lower Level Building Plan and Site Plan A2.0 (attached)
 - 4. Entry level and parking plan A2.1
 - 5. Roof Level and Second Level plans A2.2
 - 6. Enlarged entry level plan A2.4
 - 7. Drainageway reserves A2.6
 - 8. North building elevation and shadow study A3.1
 - 9. South building elevation and shadow study A3.2
 - 10. Partial North and East and West elevations A3.3 (attached)
 - 11. Partial South elevation A3.4 (attached)
 - 12. Diagram of design concepts A4.0
 - 13. Landscape Plan LP-1.0
 - 14. Landscape Restoration Plan LP-2.0
 - 15. Grading & Utility Plan C2.0
 - 16. Stair Tower and Plan A4.3 (attached)
 - 17. Window head and trim detail
 - 18. Color palette (color copy)
 - 19. "Artisan" lapped siding cutsheet
 - 20. Downlight fixture cutsheet
 - 21. Steplight fixture cutsheet
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailed notice
 - 6. Mailing list
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Fire Bureau
 - 4. Site Development Review Section of BDS
 - 5. Life Safety (permitting) Division of BDS
- F. Letters (none)
- G. Other
 - 1. Original LUR Application
 - 2. Site History Research
 - 3. Staff powerpoint, April 14 hearing

cc: Applicants and Representatives
Neighborhood Associations

Those who testified, orally or in writing
Development Services Center



ZONING

 Site



NORTH

File No.	<u>LU 07-186023 DZ</u>
1/4 Section	<u>3328</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E09AB 3400</u>
Exhibit	<u>B</u> (Mar 17, 2008)

1.0. PARAPET
0'-3"
MINIMUM OVER ROOF
1'-4"

1.0. PARAPET
15'-3"

1.0. SECOND LEVEL SUPEROOR
2'-0"

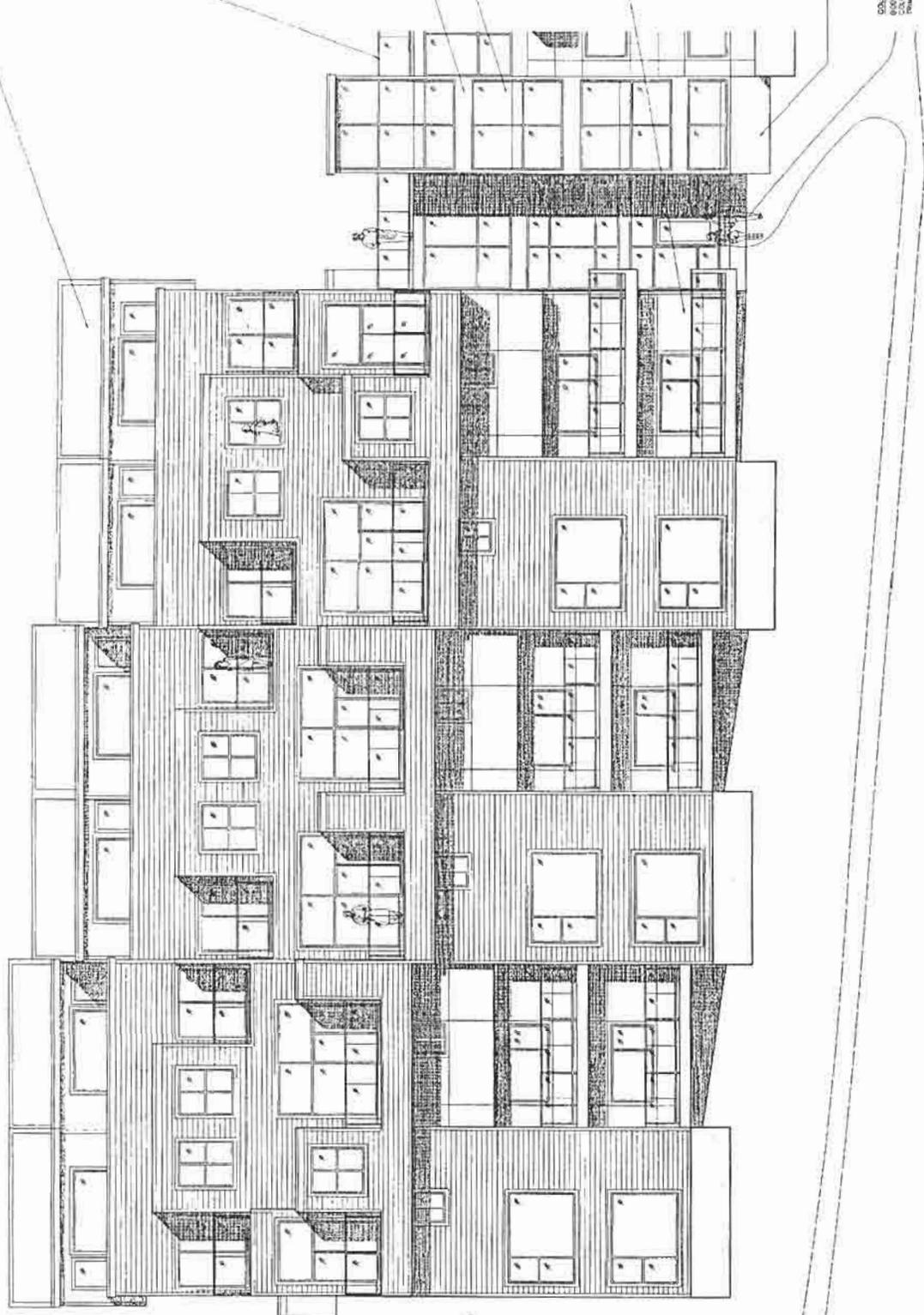
1.0. ENTRY LEVEL SUPERLOOR
1'-0"

1.0. LIVING RM. SUPERLOOR
9'-0"

1.0. GARAGE LEVEL CONC. SLAB
0'-0"

1.0. LOWER LEVEL 1 SUPERLOOR
1'-0"

1.0. LOWER LEVEL 2 SUPERLOOR
1'-0"



GLASS & ALUMINUM CURTAIN
ASSEMBLY

EAST CORNER ANGLES AT ELEVATED
& FLAT ROOF

ALUMINUM SUPPORT ASSEMBLY

WOOD BENDER ACCENT PANEL
(PHOTOS CURTAIN PANEL)

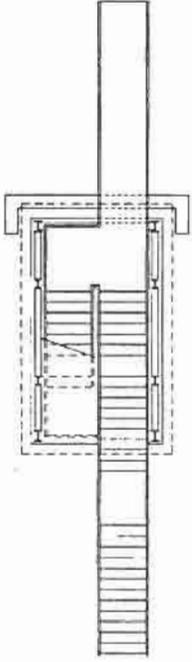
EAST CONCRETE FINITE

COLORS
600" - SIDING - EAST-TIME PAINT
COLORS
700" - BRICK - ARCADE BRICK
800" - BRICK - VESPA BRICK
900" - BRICK - VESPA BRICK
ACCENT PANELS - WHITE WOOD-GLOSS GLAZ

SCALE 1/8" = 1'-0"

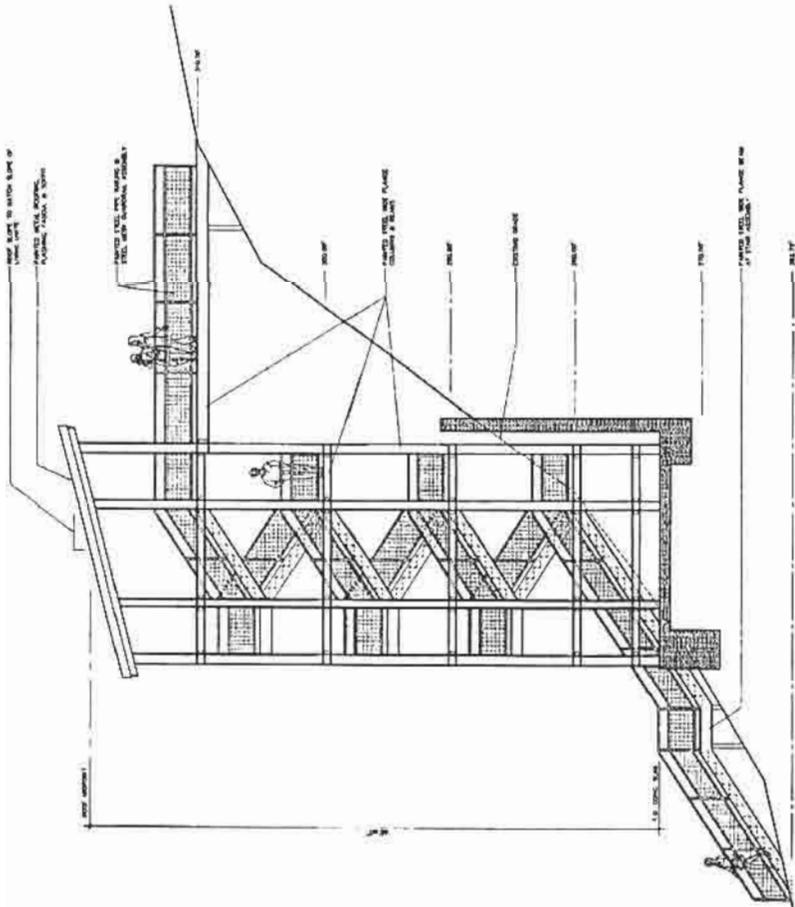
PARTIAL SOUTH ELEVATION

Approved
City of Portland - Bureau of Development Services
Planner: *K. Miron* Date: *APR 17 '08*
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



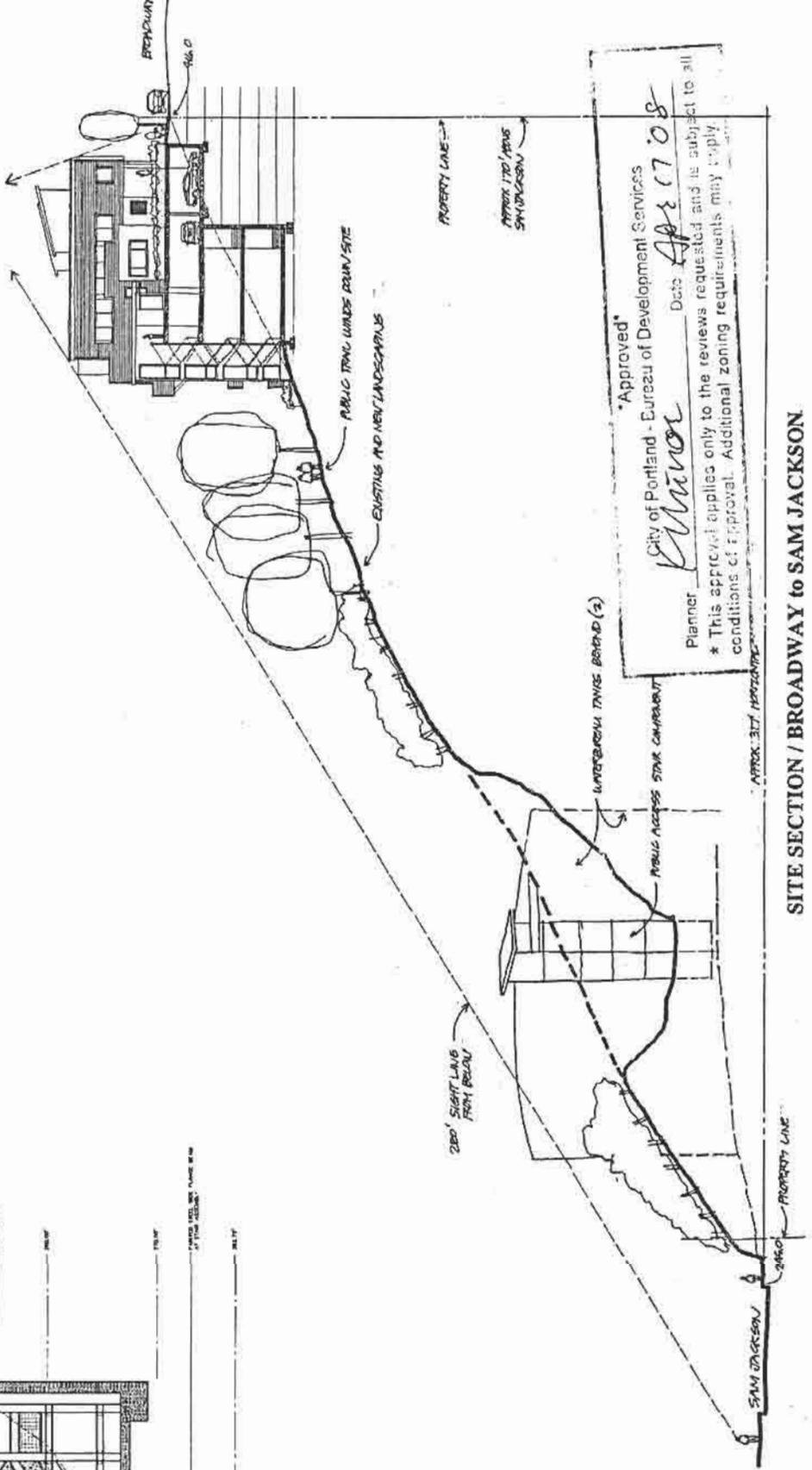
STAIR PORTION OF SITE TRAIL PLAN

SCALE: 3/8" = 1'-0"



STAIR PORTION OF SITE TRAIL SECTION

SCALE: 3/8" = 1'-0"



SITE SECTION / BROADWAY TO SAM JACKSON

Approved
 City of Portland - Bureau of Development Services
 Planner *Chloe* Date *APR 17 08*
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

EXH C-110