



**Bureau of
Development Services
Land Use Services Division**

1900 SW Fourth Ave., Suite 5000
Portland, Oregon 97201
Telephone: (503) 823-7300
TDD: (503) 823-6868
FAX: (503) 823-5630
www.portlandonline.com/bds

**NOTICE OF FINAL
FINDINGS, CONCLUSIONS AND DECISION
OF THE CITY OF
PORTLAND DESIGN COMMISSION**

**ON AN
APPEALED ADMINISTRATIVE DECISION
(Type II Process)**

**CASE FILE: 06-171100 DZM
LOCATION: 2010 NE 39TH**

The administrative decision for this case was appealed to the Portland Design Commission by a neighbor. A public hearing was held on April 19, 2007. The original administrative analysis, findings and conclusions were adopted by the Design Commission and are attached for reference.

I. GENERAL INFORMATION

Appellant(s) John S Rist (contact) 503-823-6188
3935 NE Tillamook St
Portland, OR 97212

Patricia J Elmer
3927 NE Tillamook #5
Portland, OR 97212

Steven Miller
Hollywood Townhome Owners Assn
3941 NE Tillamook
Portland OR 97212

BDS Staff Representative: Justin Fallon Dollard

BDS Administrative Decision: Denied without conditions.

Public Hearing: Hearing was held on April, 2007.

Testified at the Hearing: Justin Fallon Dollard, BDS Staff Representative

Applicant: New Hollywood No 2 LLC
111 SW Columbia St #1380
Portland, OR 97201

Representative: Melynda Retallack, 503.236.6000
Myhre Group Architects
700 SW Taylor St, Ste 400
Portland, OR 97205

Site Address: 2010 NE 39TH AVE

Legal Description: LOT 1 BLOCK 31 N 25' OF LOT 2&15 BLOCK 31 LOT 16 BLOCK 31,
ROSSMERE

Tax Account No.: R729804090

State ID No.: 1N1E25DA 23100
Quarter Section: 2834

Neighborhood: Hollywood, contact Trudi Rahija at 503-281-5504.
Business District: Hollywood Boosters, contact Patrick Donaldson at 503-460-0595.
District Coalition: Central Northeast Neighbors, contact Alison Stoll at 503-823-3156.

Plan District: Hollywood - Subdistrict B
Other Designations: None

Zoning: CSd, Commercial Storefront with Design Overlay Zone

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

Proposal:

The applicant seeks Design Review Approval for a proposed 6-story, 73,105 square feet [sf], mixed-use residential development building as follows:

Housing: 55,250 sf
Ground floor commercial/retail use: 2,555 sf
ATM Drive-thru and passing lane: 2,650 sf
Parking Garage: 12,650 sf

The building would include a drive-through Automatic Teller Machine [ATM], retail spaces, and parking on ground floor, below-grade level parking with 41 parking spaces, and five stories of residential condominium units above the ground floor.

The proposed drive-through facility relocates an existing 24-hour drive up ATM on the site. Relocation of this ATM is allowed by right in Subdistrict B of the Hollywood Plan District if all the regulations of subsection **33.536.210.D. Drive-through facilities** are met.

Development proposals within the Hollywood Plan District, which cannot meet 33.218 Community Design Standards outright, require a discretionary Design Review with approval prior the issuance of building permits.

Additionally the applicant seeks the following modifications:

33.536.235.C. Transition Between Commercial Zones. Maximum building height.

On the portion of the site within 15 feet of the lot line across the street from a site zoned CO1, the maximum allowed building height is 45 feet. On the portion of the site that is more than 15 feet but within 100 feet from the lot line across the street from a site zoned CO1, the maximum allowed building height is 55 feet.

Proposed Modification # 1: Due to required right-of-way street frontage dedications, the available building envelope for development has narrowed from its original available configuration. The applicant proposes the building to be 55 feet height intervals of its street facing perimeter and will feature a setback of 15 feet above the 5th floor level, after which the building will be 65 feet high as allowed through 33.536.250.E. Housing bonus in Commercial Storefront zone for site identified in the Hollywood Plan District.

33.266.310. D. Parking and Loading Size of loading spaces. Required loading spaces must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet.

Proposed Modification #2: Due to restrictions of the site stated above, the applicant proposes a 30 feet long, 10 feet wide, and 10 feet clear loading space and a van sized loading space within the parking garage aisle lane.

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 33.536 Hollywood Plan District
- Chapter 33.825 Design Review
- Community Design Guidelines

II. DESIGN COMMISSION DECISION

Deny the appeal and uphold the administrative decision of approval, subject to the original conditions outlined in the Administrative Decision (attached), as follows:

*Design Review Approval of a proposed 6-story, 73,105 square feet, mixed-use residential development building and Modification of **33.536.235.C. Transition Between Commercial Zones. Maximum building height** and **33.266.310. D. Parking and Loading Size of loading spaces**, per the approved site plan, design drawings, materials sample sheet and exterior lighting cut-sheet, Exhibits C-1 through C-21, signed and dated 2/26/07, subject to the following condition.*

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.21. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 06-171100 DZM. No field changes allowed."

The applicants prevailed. Thus, no refund will be issued.

Staff Planner: Justin Fallon Dollard

Date Decision Rendered: April 19, 2007

The original staff findings, conclusions and decision were adopted by the DESIGN COMMISSION on April 19, 2007

By:



Portland Design Commission
Lloyd Lindley, Chair

Final Decision Rendered on April 19, 2007 and mailed on April 23, 2007.

Staff Planner: Justin Fallon Dollard

The original staff findings, conclusions and decision were adopted by the Portland Design Commission on April 19, 2007.

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Project Summary and Design Review Narrative with Modification Requests.
 - 2. Addendum to Project Summary and Design Review Narrative with Modification Requests
 - 3. U.S. Bank Documentation of Existing ATM Drive-Through.
 - 4. Hollywood Neighborhood Association Letter of Support, 10/25/06
 - 5. Bicycle Transportation Alliance Letter of Support, 11/30/06
 - 6. Applicant Request to Extend Review Period 60 Days, 2/07/07
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Perspective (attached)
 - 2. Site Plan / Ground Floor Plan (attached)
 - 3. Parking Garage and Loading Area Plan (attached)
 - 4. Utility Plan
 - 5. 2nd Floor Plan
 - 6. 3rd Floor Plan
 - 7. 4th Floor Plan
 - 8. 5th Floor Plan
 - 9. 6th Floor Loft Plan / Roof Plan
 - 10. North / East / West Elevations (attached)
 - 11. South Elevation (attached)
 - 12. Building Sections
 - 13. Building Sections
 - 14. Wall Sections / Enlarged Elevations
 - 15. Wall Sections/ Enlarged Elevation
 - 16. Material / Windows / Railing / Eco-Roof Details
 - 17. Material Samples Sheet
 - 18. Exterior Lighting Sheet
 - 19. Sun Study Without Height Modification
 - 20. Sun Study With Height Modification
 - 21. Comparison Sun Study of Proposed Building Articulation and Building to Height Standards
- 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. Site Development Review Section of BDS
 - 4. Life Safety Review Section of BDS
 - 5. Fire Bureau
 - 6. Water Bureau
 - 7. Urban Forestry
- F. Correspondence:
 - 1. Steven M. Miller, DMD, 12/06/06, objected to requested modification of 33.536.235.C.
 - 2. Patricia J Elmer, 12/06/06, objected to requested modification of 33.536.235.C.
 - 3. Hollywood Townhouse Owners Association [HTOA] Board of Directors, 12/06/06, objected to requested modification of 33.536.235.C.
 - 4. John and Gretchen Rist, 12/07/06, opposition to requested modifications of 33.536.235.C and 33.266.310. D.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

H. Appeal Hearing

1. Nick Steffanoff, letter, received 4/01/07, opposed to the appeal.
2. Jason and Carrie Thompson, received 4/19/07, opposed to the appeal.
3. Jeff Myhre, Applicant's Representative, Myhre Group Architects, 4/19/07, additional proposal information, opposed to the appeal.
4. John and Gretchen Rist, Appellants, letter, 4/19/07, in favor of the appeal.
5. Hollywood Town Home Owners Association, Appellants, letter, 4/19/07, in favor of the appeal.

Copies

Applicant

Appellant

All Parties whom Wrote or Submitted Testimony at the Public Hearing

Neighborhood and/or Business Association(s)

Auditor's Office

Planning and Zoning

JFD/April 23, 2007

For further information on recording, please call the County Recorder at (503) 988-3034.

Expiration of this approval. This decision expires 3 years from the date it is recorded unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.

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.