



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

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**Date:** June 16, 2008  
**To:** Interested Person  
**From:** Kara Fioravanti, Land Use Services  
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## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

### **CASE FILE NUMBER: LU 08-119693 DZ**

#### **GENERAL INFORMATION**

**Applicant:** Overton Corner, LLC (Owner)  
2951 NW Quimby St.  
Portland, OR 97210-1927

**Representative:** Carrie Schilling, Architect  
Works Partnership Architecture  
1028 SE Water Ave., Ste 210  
Portland, OR 97214

**Site Address:** 1916 NW OVERTON STREET

**Legal Description:** E 50' OF LOT 1&2 BLOCK 266, COUCHS ADD; W 50' OF LOT 1&2  
BLOCK 266, COUCHS ADD

**Tax Account No.:** R180224450, R180224470  
**State ID No.:** 1N1E33AB 8900, 1N1E33AB 9000  
**Quarter Section:** 2928

**Neighborhood:** Northwest District, contact John Bradley at 503-227-7484.  
**Business District:** Nob Hill, contact Peggy Anderson at 503-417-8960.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Plan District:** Northwest

**Zoning:** EXd, Central Employment with Design Overlay  
**Case Type:** DZ, Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

**Proposal:** The applicant seeks Design Review approval to redevelop a 10,000 square-foot site at the corner of NW 19<sup>th</sup> Avenue and NW Overton Street. The site is currently developed with a bowstring truss warehouse building and a decommissioned gas station, both of which were constructed in 1938. The existing bowstring truss warehouse building will be renovated and re-used as a mixed use building with retail on Overton and a private artist's studio in the back. The proposed retail along Overton will feature two 1,375 square-foot spaces with floor-to-ceiling glazed, storefront systems. The decommissioned gas station will be demolished and the lot will

be developed with a three-story, mixed-use, residential and commercial building. The applicants are proposing two ground floor retail spaces at this building: one space at the corner of NW 19<sup>th</sup> and Overton (880 square feet) and one on 19<sup>th</sup> (650 square feet). The building's second and third floors will be dedicated for residential use. A private interior courtyard is also proposed between the existing bowstring truss building and the new mixed-use building.

The applicant also seeks specific approval for an oriel window that extends over the NW Overton Street sidewalk and is longer than the code maximum standard of 12'. The proposed oriel window is 27'-4.5" long and is allowed only if approved through design review.

**Relevant Approval Criteria:**

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

- 33.825 Design Review
- Community Design Guidelines
- Oregon Statewide Planning Goals\*

*\*Note: The Northwest Plan District is a post-acknowledgment Comprehensive Plan amendment under ORS 197.625 and is currently on appeal to Land Use Board of Appeals [LUBA]. Under ORS 197.625(3)(a) prior to acknowledgment, the amendment is effective at the time specified by the local ordinance and is applicable to all land use decisions. Under Subsection (3)(b), approval of land use decisions subject to an unacknowledged amendment must include findings in compliance with the Statewide Planning Goals applicable to the amendment.*

## ANALYSIS

**Site and Vicinity:** The site is located at the corner of NW 19<sup>th</sup> Avenue and NW Overton Street in the Northwest Plan District. The 10,000 square-foot site is currently developed with a bowstring truss warehouse building and a decommissioned gas station, both of which were constructed in 1938. The site is within the "Transition Area" Urban Character Area outlined in the Northwest District Plan. While pockets of the Transition Area include pre-World War II buildings, such as a mix of small apartment buildings and detached houses, much of the area is characterized by large-scale institutional and industrial buildings built since World War II. Portland's Transportation System Plan classifies NW 19<sup>th</sup> Avenue as a Transit Access Street and City Bikeway, and NW Overton is also a City Bikeway. The site is within the Northwest Pedestrian District and the Portland Streetcar alignment is to the south of the site at NW Northrup Street.

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

**Land Use History:** City records indicate there are no prior land use reviews for this site.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **April 28, 2008**. The following Bureaus have responded with no issues or concerns:

- Portland Fire & Rescue;
- Portland Water Bureau;

- Urban Forestry Division of Portland Parks & Recreation.

The Site Development Section of the Bureau of Development Services responded with the following comment:

*“Stormwater facilities designed in accordance with the Stormwater Management Manual that meet required sizing and setback requirements must be integrated into the design of the proposed development. Site Development does not recommend on-site infiltration of stormwater at this location. After pre-treatment and detention, if required, stormwater may be directed to the public sewer system, with BES approval. As noted in the summary dated November 8, 2007 for Early Assistance Appointment EA 07-170302, this site was previously used for a gas station and there may be contamination issues of concern to the Oregon DEQ and/or BES.”* Please see Exhibit E.1 for additional details.

The Life Safety (Building Code) Section of the Bureau of Development Services responded with the following comment:

*“A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances.”* Please see Exhibit E.2 for additional details.

The Bureau of Environmental Services responded with the following comment:

***BES Summary Response:*** *BES has no recommended conditions of approval; however, at this time BES has not had the opportunity to review the applicant’s proposed stormwater management plan. Because stormwater facilities can affect the design and layout of the site, BES recommends the applicant submit additional information about proposed stormwater management for BES review. See additional comments, below.*

### **Sanitary Services**

1. There is an existing public 12” VSP combination sewer main in NW Overton Street (BES job no. 2-0252) that is available to serve the sanitary disposal needs of the proposed development.
2. After researching the two properties that are included in this proposal, it is unclear to this reviewer whether or not the eastern lot currently has a connection to the public sewer. At the time of building permit review, the applicant may be required to provide additional information to BES about the location of a sanitary service lateral. If one does not exist, and the project site remains as two individual lots, a new connection to the sewer will be required to be constructed at the applicant’s or owner’s expense for the proposed structure on the eastern lot.
3. Please be aware that new connections to the public sewer must follow BES's "Rules of Connection" and meet the standards of the City of Portland's Sewer and Drainage Facilities Design Manual. The Design Manual is on the internet at [www.portlandonline.com/bes/](http://www.portlandonline.com/bes/), and contains the “Rules of Connection” in Appendix H.

### **Stormwater Management & Water Resources**

The stormwater runoff generated from the proposed development must meet the requirements of the City of Portland’s Stormwater Management Manual (SWMM) current at the time of building plan review. For all projects, the Stormwater Destination/Disposal Hierarchy (“the Hierarchy”) must be addressed (pages 1-18 and 1-19 of the SWMM). Free CD-ROM discs of the 2004 SWMM are available at the City of Portland Development Services Center, 1900 SW 4<sup>th</sup> Avenue or on the internet at [www.portlandonline.com/bes/](http://www.portlandonline.com/bes/). The applicant may also contact BES with any questions or for additional information.

1. There is no public storm-only sewer available to this development.

2. Currently the street and surrounding area is served by a public combination sewer. The combined nature of flow in this system – i.e. both stormwater and sanitary discharge in the same pipes – is a primary contributing factor to combined sewer overflows (CSOs). Therefore, the SWMM requires that stormwater be managed on-site through surface infiltration facilities to the maximum extent practicable. Where approved by BDS Site Development, roof runoff may be managed in drywells or soakage trenches, and surface (i.e. parking lot, driveway and other ground-level impervious area) runoff must be managed in surface infiltration facilities. Pollution reduction is required for all non-rooftop runoff, and all runoff that is not infiltrated on site. Flow control requirements must be met for most runoff that is disposed off-site. A disposal location for stormwater must be identified for any size development, and any proposed new connections or additional stormwater disposal to the combination system will be restricted through requirements of the SWMM.
3. BDS Site Development has recommended against on-site infiltration at this site, therefore off-site disposal of stormwater to the combination sewer in NW Overton is conceptually acceptable to BES. However on-site pollution reduction and flow control per SWMM requirements will be required prior to off-site disposal. The SWMM requires surface vegetated retention facilities to the maximum extent practicable, and additional flow control will apply due to capacity issues in the sewer. BES currently has not received information detailing the applicant's stormwater proposal. **Because such facilities take up space and may affect the site layout, BES strongly recommends that the applicant submit additional information about proposed stormwater management during this design review.**
4. BDS has stated infiltration is not feasible on this site; however, if infiltration were to become feasible somehow, please be aware that BES has additional requirements for contaminated sites that propose to infiltrate stormwater. Please contact the BES Source Control Reviewer listed above if you have further questions regarding these requirements.
5. Please note that the SWMM is currently being revised, and the 2008 version of the SWMM is expected to be adopted on July 1, 2008. For more information, please refer to the following link: <http://www.portlandonline.com/bes/index.cfm?c=44146&>.

#### **Additional Information**

1. BES sewage system connection fees are assessed at the time of building plans review and change every fiscal year beginning July 1st. For additional information on these fees, please call Development Assistance at 503-823-7761.
2. If commercial tenants have food prep activity areas, BES Pollution Prevention highly recommends the removal of all food/garbage disposals and the installation of grease management devices where appropriate. These steps will help reduce the extra strength sewer charges this facility may incur in the future. Additionally, by reducing the amount of food wastes, grease, and solids that are rinsed down the drain, this facility's potential to cause an obstruction in the sewer will be reduced, thereby reducing the chance for temporary business closures and repair costs.

#### **Future Building Permit Application Requirements**

1. This proposed area for development is located on property that was found to contain contaminants in the soils and ground water. In some cases site remediation and clean-up are required and must be completed before development can proceed. To inquire if site remediation for this property will be necessary prior to development, contact DEQ's Northwest Region at 503-229-5263. Ask for the Leaking Underground Storage Tank (LUST) Department. The DEQ log numbers for the site are 26-01-0040 and 26-91-0217.\_

2. During construction, any groundwater or precipitation water removed from the construction area and will be disposed of through a City sewer requires pre-authorization through our batch discharge program. All batch discharge applications will go through an evaluation process and approval before a discharge to the City sewer system can be approved.

At the time of building plan review a dewatering plan must be shown on the building plans and must show the dewatering system, proposed discharge location, volume, and duration of the discharge. Please consult with your construction contractor on obtaining their protocol for dewatering. Fees are assessed for temporary construction discharges to the City's sewer system; for current rates, see <http://www.portlandonline.com/shared/cfm/image.cfm?id=161719>. Construction discharges to the combined sewer will incur the sanitary sewer rate.

For more information regarding our program for construction and groundwater discharges, please refer to

<http://www.portlandonline.com/shared/cfm/image.cfm?id=121072>.

3. Erosion control measures must be employed and catch basins, roadways, and waterways all must be protected from any sediment erosion from the site. Stockpiles of soil must have a barrier on all four sides, and covered to protect from stormwater/rainwater contact. Contaminated soil piles must also have an impervious layer underneath the stockpile to inhibit contaminants from leaching back into the soil, this is in addition to the above stockpile requirements.
4. To comply with the City's Extra Strength Sewerage Charge (ESSC) Program, a sampling manhole or 6" plumbing clean-out on the waste line will be required. The sample location must be downstream of any treatment devices and are placed in the sanitary waste line at a location that accounts for all discharge flows. The location of the clean-out needs to be out of the way of traffic or standard operations of the facility, and in a space that measures 3' W X 3' L X 3' H. If this does not suit your development, alternatives can be discussed.
5. Design requirements from Chapter 4 of the SWMM that may be pertinent to this project are briefly described as follows. BES also recommends the applicant review Chapter 4 to help recognize other requirements that may apply to this project at the building permit stage.
  - Solid waste (including, grease bins/drums/boxes) and recycling (cardboard, plastic, paper, glass, etc) areas require pavement underneath the receptacles, protection from stormwater/rainwater through berming or grading (hydraulic isolation), a structural cover that is relative in size to the perimeter of the trash/recycling area, and a sanitary (waste line) drain inside the bermed/graded area. Depending on where the area is located, a planning/design review may be required. If the covered area is large, a structural engineering review may be required for the structural cover.
  - Stormwater and groundwater management on contaminated sites require additional erosion controls, special construction dewatering controls, laboratory analysis reports, and possible design restrictions as related to disposal methods."

Please see Exhibit E.3 for additional details.

The Transportation Office responded with the following comment:

Portland Transportation/Development Review (Portland Transportation) has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.

### ***Street Classification***

The following classifications for each of the site's streets are taken from the City's Transportation System Plan:

#### NW Overton

City Bikeway and Local Service street for all other modes.

#### NW 19<sup>th</sup>

Transit Access street, City Bikeway and Local Service street for all other modes.

The site is also within the Northwest Pedestrian District.

### **Design Review Approval Criteria**

There are no transportation related approval criteria related to the requested Design Review request that need to be addressed. However, the applicant is seeking approval for an oriel window that extends over the NW Overton Street sidewalk and is longer than the code maximum standard of 12-ft. The proposed oriel window is 27'-4.5" long and is allowed only if approved through Design Review.

Though largely administered and reviewed with the International Building Code, because such projections extend over the public right-of-way, Portland Transportation is typically asked to provide some feedback regarding proposals that include oriel windows. Additional information submitted from the applicant has confirmed that the proposed oriel window meets the established standards for said projections. Oriel windows that meet that meet the applicable Code guide and IBC regulations do not require revocable permits. Portland Transportation has no objections to the proposed oriel window.

### **TITLE 17 REQUIREMENTS**

#### **Transportation System Development Charges (Chapter 17.15)**

System Development Charges (SDCs) may be assessed for this development. The applicant can receive an estimate of the SDC amount prior to submission of building permits by contacting Rich Eisenhauer at (503) 823-6108.

#### **Driveways and Curb Cuts (Section 17.28)**

Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits.

#### **Street Improvements (Section 17.88.010)**

It is typical Portland Transportation procedure to review existing roadway configurations by referring to City GIS database resources in order to determine the necessary dedications and/or improvements related to proposed land use cases. City staff *may* receive different information from the applicant's engineer with regard to the existing condition of the subject roadways based on the actual survey of the site.

At this location, *according to City records*, NW Overton and NW 19<sup>th</sup> Avenue are 60-ft rights-of-ways and are improved with 36-ft of paving. The NW Overton frontage of the site is improved with a varying sidewalk corridor along different segments of site's frontage including 0-10-2, 4-8-0, and 0-12-0. The site's NW 19<sup>th</sup> Avenue frontage is improved with a 4-6-2 sidewalk corridor.

The City's Pedestrian Design Guide recommends a 12-ft sidewalk corridor comprised of a 0.5-ft curb, 4-ft planter, 6-ft sidewalk and 1.5-ft setback to property line, for sites located along a

Local Service street and within a pedestrian district. The site's NW Overton frontage does not satisfy this recommended sidewalk corridor. The applicant is advised, that at the time of Building Permit review, the applicant will be required to reconstruct the existing sidewalk corridor to satisfy the above referenced recommended sidewalk corridor. If the existing curb is in good condition, and is not damaged during the course of construction, an over-the-counter permit can be obtained from Portland Transportation staff located in the Development Services Center of 1900 SW 4<sup>th</sup> Avenue Building.

### **RECOMMENDATION**

Portland Transportation has no objections to the proposed Design Review, including the proposed oriel window.

Please see Exhibit E.4 for additional details.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **April 28, 2008**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## **ZONING CODE APPROVAL CRITERIA**

### **1) 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. 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;

**P2. Historic and Conservation Districts.** 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 for P1 and P2:** The site is located in the “Transition Area” identified in the Northwest District Plan. New development in this area should be designed to follow development patterns found in the wider district, such as partial-block scale development and street frontages lined with buildings rather than parking lots. More specifically, new development should reflect the Northwest District’s established development pattern of 50 to 100 foot-wide increments. In addition, development along the streetcar alignment should contribute to the creation of a pedestrian and transit-oriented streetscape. The proposal responds to the desired characteristics and traditions of the Northwest Plan District:

- The proposal maintains the district’s desired development pattern. The existing bowstring truss building on the site will be renovated and the decommissioned gas station on the site will be demolished. A new, three-story, mixed-use building will be constructed on the 50’ by 100’ lot of the former gas station, therefore reinforcing the 50 to 100 foot wide development pattern. The use of charcoal metal panels at the south half of the NW 19<sup>th</sup> Avenue façade, and weathering steel panels at the north half of this façade, will create variety and division within this façade, and in effect, will reduce its overall visual mass.
- The proposal will support the Northwest Pedestrian District. The development’s close relationship with the street, modest scale, and ground floor storefronts will contribute to a vibrant, pedestrian-oriented environment. In addition, the streetscapes at both frontages will be upgraded and new street trees will be planted, further contributing to the safety and comfort of the pedestrian system in this area.

While the site is not within an historic or conservation district, the Historic Alphabet District is located to the west of the site. The modest scale of the new building, and the renovation of the existing bowstring truss building on the site, will support the character of the nearby historic district. *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.

**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.

**Findings for E1, E3, E4, and E5:** The proposal will create an efficient, interesting, and safe pedestrian network in this area. Residential and retail entrances that provide direct access to the public sidewalks are planned at both NW 19<sup>th</sup> Avenue and NW Overton Street. In addition, new street trees and the 4-foot street furnishing zone will help to buffer pedestrians from vehicle areas and define the movement zone within the sidewalk area. Furthermore, the proposed lighting will add to the safety and security of the pedestrian system at night.

The design of the new three-story building acknowledges its varying uses. For example, the large expanses of storefront glazing at the ground floor add a pedestrian-scaled treatment to the sidewalk environment and differentiate its intended purpose from the private, residential uses planned for the building’s upper floors. In addition, this storefront glazing wraps the corner at 19<sup>th</sup> and Overton, helping to create an active



intersection. Moreover, the active uses planned for the ground floor levels of both buildings on the site will further activate the area.

The building walls, which abut the sidewalk, and the new street trees planned for the site, will provide a strong sense of enclosure to the pedestrian environment in this area. Additionally, the canopies proposed at the bowstring truss building, and the oriel window at the Overton Street façade of the new building, will reinforce this sense of enclosure and will function to protect pedestrians from the elements. *Therefore, these guidelines are met.*

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

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

**Findings for D1 and D3:** The proposed three-story building, as well as the existing bowstring truss building on the site, both extend to the property lines, limiting the available space for outdoor areas connected to the pedestrian circulation system. However, new street trees are planned in the street-furnishing zone at both NW Overton Street and NW 19<sup>th</sup> Avenue. In addition, a third-floor terrace, intended for residential use is planned at the new building along NW 19<sup>th</sup>, bringing visual interest to the top plane of the building. The proposal also includes an interior courtyard. While this courtyard will be reserved for the residents of the building, the glazing at the 19<sup>th</sup> Avenue residential entrance will allow indirect views of this courtyard from the street. *Therefore, these guidelines are met.*

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

**Findings:** All entrances planned for the project will be visible, inviting, and pedestrian accessible. The residential entrance at 19<sup>th</sup> Avenue is set within the central concrete wall. This entrance will also be recessed, with an angled doorway, further distinguishing it from the retail entrances at this façade. This entrance, as well as the retail entrances, consists of fully glazed doors, allowing views from the sidewalk into both the retail spaces and the residential foyer. The entrances planned for the existing bowstring truss building will also be recessed, giving them prominence and identity along the sidewalk. Glass doors are also planned at these entrances, increasing the visual connection between the building's interior spaces and the public right-of-way. *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 ground floor parking garage for two cars, accessed from NW Overton Street; the garage sits within the interior of the new building. Weathering steel panels will cover the garage door, unifying this area with the cladding treatments proposed at the upper levels of this façade. Because the parking garage is integrated into the building's footprint, and it's exterior treatment is consistent with that used on other areas of the building's façade, any potential negative visual effects of its presence are minimized. *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:** Extensive storefront glazing and entryways placed along the sidewalk level of the buildings, provide a strong visual connection from inside the building out to the street, allowing for “eyes on the street” and, thus creating a safer pedestrian environment. In addition, the third-floor terrace along NW 19<sup>th</sup> will provide additional surveillance of the street. *Therefore, this guideline is met.*

**D6. Architectural Integrity.** 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:** The existing bowstring truss building on the site will be structurally upgraded and a new storefront will be installed in order to create a more active street-facing façade. While the renovation will introduce a new façade design to the building, its essential integrity, scale and proportions will remain unchanged. *Therefore, this guideline is met.*

**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:** The new three-story building proposed for the site incorporates a number of elements from buildings in the surrounding area. The use of metal panels, concrete, and stucco—while used in a modern manner—remains consistent with the material composition of industrial buildings found within the district. In addition, the simple form, modest scale, and massing of the building are consistent with development in the surrounding neighborhood, as well as the character area’s desired development pattern. *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 proposal employs high-quality design and materials to achieve a cohesive composition. The materials proposed are complimentary and durable, consisting of metal, glass, concrete, stucco, and wood. The design of the new building juxtaposes various levels of opacity at its upper levels, including the oriel window, through the use of both solid and perforated metal panels, with a transparent, highly glazed ground level, creating an interesting composition. The oriel window is located and sized to have a direct proportional relationship with other elements on the façade for a balanced and cohesive design. In addition, the use of metal panels and glazed storefront systems at the façades of both the new building and the existing bowstring truss building will unify these two structures. The project has been thoughtfully designed with a consistency of materials and architectural elements, and therefore will introduce a high-quality composition to the district. *Therefore, this guideline is met.*

## 2) Oregon Statewide Planning Goals

(Complete text of the Goals can be found online at: [www.lcd.state.or.us/goalhtml/goals.html](http://www.lcd.state.or.us/goalhtml/goals.html) )

- (1) **Citizen Involvement.** Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.” It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local Governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.
- (2) **Land Use Planning.** Goal 2 outlines the basic procedures of Oregon’s statewide planning program. It ways that land use decisions are to be made in accordance with a comprehensive plan, and that suitable “implementation ordinances” to put the plan’s policies into effect must be adopted. It requires that plans be based on “factual information”; that local plans and ordinances be coordinated with those of other

jurisdictions and agencies; and that plans be reviewed periodically and amended as needed.

**Findings for Goals 1 and 2:** The City of Portland’s land use planning process allows for and seeks the involvement of its citizens in all types of land use processes, whether legislative or quasi-judicial. The Type II Design Review process most closely follows these goals at the City and community level. In the design of individual buildings or the alteration of existing ones, citizen involvement is carried out through mailed public notices, neighborhood association meetings, and an exchange of comments and opportunities for appeal. Projects that address concerns of citizens and community are therefore achieved through the review process. Because the designated zoning on the site were specifically adopted to comply with the Comprehensive Plan, this process implements Portland’s Comprehensive Plan. *These criteria are met.*

- (3) **Agricultural Lands.** Goal 3 defines “agricultural lands.” It then requires counties to inventory such lands and to “preserve and maintain” them through farm zoning.
- (4) **Forest Lands.** This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will “conserve forest lands for forest uses.”

**Findings for Goals 3 and 4:** The site is not agricultural or forested land. It is developed urban land with “Central Employment” zoning, so *these goals are not applicable.*

- (5) **Open Spaces, Scenic and Historic Areas and Natural Resources.** Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands.

**Findings:** The site is contained within the boundaries of the Northwest Plan District, so the proposal must meet specific approval criteria designed to conserve, enhance, the scenic, architectural, or cultural value of the area. No scenic or natural resources are identified on the site. *This criterion is met.*

- (6) **Air, Water, and Land Resources Quality.** This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

**Findings:** The site is in a highly urbanized area of Northwest Portland with a large amount of impervious area. Although the lack of porous surface on developed sites like this creates runoff during storms, the development must meet the requirements of the BES storm water management manual. The development will also include a landscaped courtyard that will help to reduce the amount of impervious area. New street trees and pervious paving in the furniture zone along NW Overton Street and NW 19<sup>th</sup> Avenue will also provide some additional storm water management. *This criterion is met.*

- (7) **Areas Subject to Natural Disasters and Hazards.** Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply “appropriate safeguards” (floodplain zoning, for example) when planning for development there.
- (8) **Recreational Needs.** This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them.

**Findings for Goals 7 and 8:** The site is not mapped to occur within an area subject to natural disasters or hazards; nor is the site designated or zoned as a site which could provide recreational opportunities. *These criteria are therefore not applicable.*

- (9) **Economy of the State.** Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.
- (10) **Housing.** This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing.

**Findings for Goals 9 and 10:** The site’s EX zone allows for residential uses, but also provides opportunities for commercial development. This zoning, in combination with the Design overlay, promotes the re-use and renovation of existing buildings as well as new development. The proposed development includes both retail and residential uses, enhancing and expanding mixed-use development in a close-in, quality neighborhood. *These criteria are met.*

- (11) **Public Facilities and Services.** Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal’s central concept is that public services should be planned in accordance with a community’s needs and capacities rather than be forced to respond to development as it occurs.
- (12) **Transportation.** The goal aims to provide a “safe, convenient, and economic transportation system.” It asks for communities to address the needs of the “transportation disadvantaged.”

**Findings for Goals 11 and 12:** All applicable building and fire codes will be addressed and met in this project. The site’s central location will allow it to continue to take advantage of the existing urban infrastructure, including public services such as utilities, trash and recycling, and police and fire protection. Portland also continues to expand and improve its public transportation system. The site is well served by the Portland Streetcar, running along NW Northrup, a half block to the south of the site. The residents of the building are able to reduce reliance on the automobile due to the location of the site and the services available. *These criteria are met.*

- (13) **Energy.** Goal 13 declares that “land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.”

**Findings:** The close-in location for the residential use will encourage walking and bicycling rather than use of the automobile. Additionally, the development increases density within the city limits, helping to lessen urban sprawl and further reducing the dependence on the automobile. *This criterion is met.*

- (14) **Urbanization.** This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an “Urban growth boundary” to “identify and separate urbanizable land from rural land.”

**Findings:** The City of Portland has established an Urban Growth Boundary; the site is not near the periphery of the boundary. The site’s zoning supports commercial, residential, or mixed uses, in accordance with the urban nature of land uses within the Urban Growth Boundary. *This criterion is therefore met.*

- (15) **Willamette Greenway.** Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.
- (16) **Estuarine Resources.** This goal requires local governments to classify Oregon’s 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those “management units.”
- (17) **Coastal Shorelands.** The goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed.
- (18) **Beaches and Dunes.** Goal 18 sets planning standards for development on various types of dunes.
- (19) **Ocean Resources.** Goal 19 aims to “conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.”

**Findings for Goals 15, 16, 17, 18, and 19:** The site is not located at or near the Willamette River, any estuaries, or any coastal or marine habitat or resources. *These goals are therefore not applicable.*

## DEVELOPMENT STANDARDS

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

## CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and therefore warrants approval.


## ADMINISTRATIVE DECISION

Approval of Design Review to redevelop a 10,000 square-foot site at the corner of NW 19<sup>th</sup> Avenue and NW Overton Street. The existing bowstring truss warehouse building will be renovated and re-used as a mixed use building with retail on Overton and a private artist's studio in the back. The proposed retail along Overton will feature two 1,375 square-foot spaces with floor-to-ceiling glazed, storefront systems. The 5,000 SF corner lot will be redeveloped with a new three-story, mixed-use, residential and commercial building. The applicants are proposing two ground floor retail spaces at this building: one space at the corner of NW 19<sup>th</sup> and Overton (880 square feet) and one on 19<sup>th</sup> (650 square feet). The building's second and third floors will be dedicated for residential use. A private interior courtyard is also proposed between the existing bowstring truss building and the new mixed-use building.

Approval for an oriel window that extends over the NW Overton Street sidewalk and is longer than the code maximum standard of 12'. The proposed oriel window is 27'-4.5" long and is allowed only if approved through design review.

Approval per the approved plans, Exhibits C-1 through C-23, signed and dated June 9, 2008, 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.23. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-119693 DZ. No field changes allowed."

**Decision rendered by:**  **on June 9, 2008**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: June 16, 2008**  
**Staff Planner: Kara Fioravanti**

**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 April 2, 2008, and was determined to be complete on April 16, 2008.

*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 April 2, 2008.

*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.** This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on June 30, 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. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. Recognized neighborhood associations are not subject to the appeal fee. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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](http://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 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 **July 1, 2008 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

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

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

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

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

**EXHIBITS**

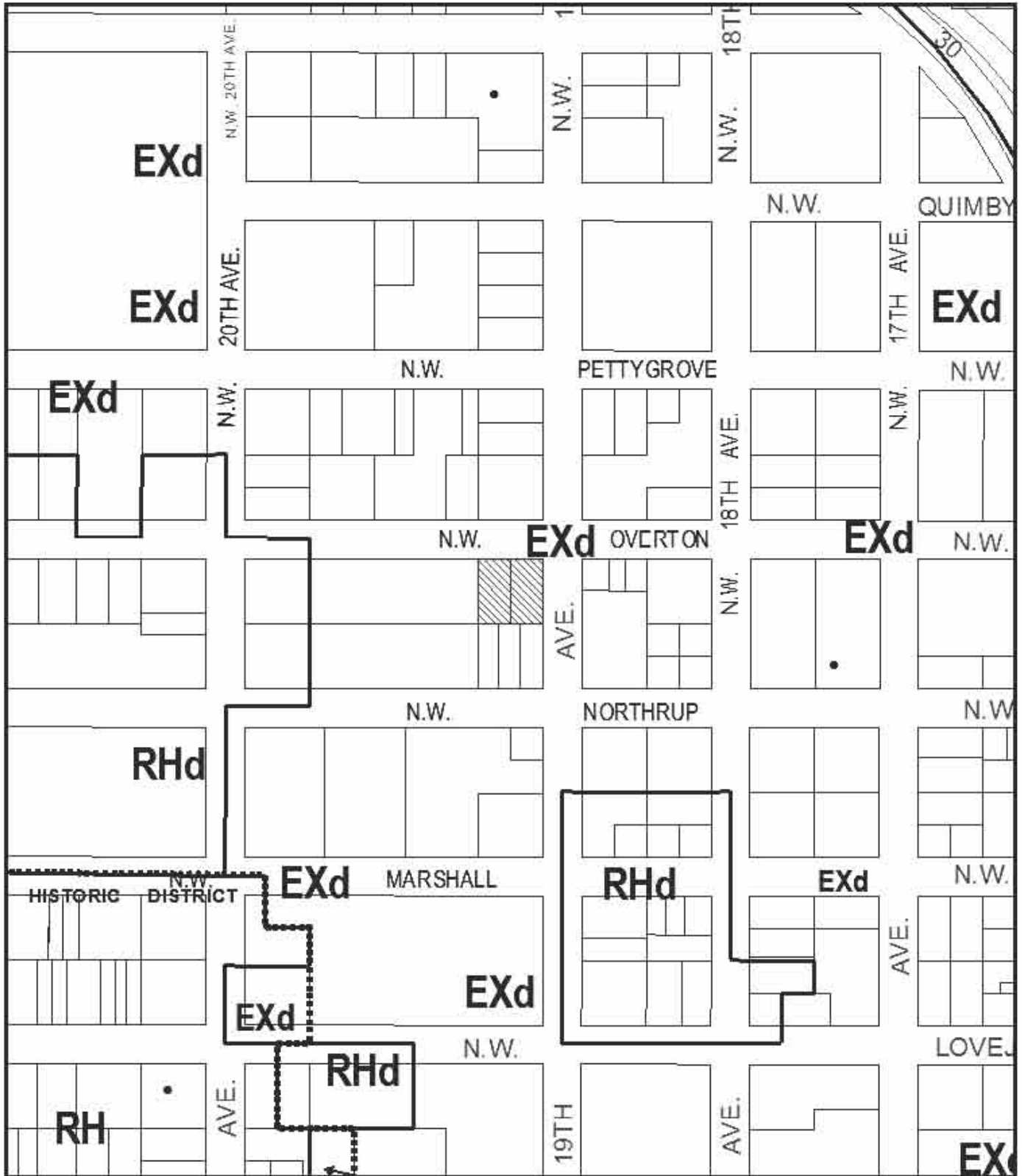
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Urban Context
  2. Existing site plan

3. Proposed site plan [attached]
  4. Proposed site plan
  5. planting
  6. 1<sup>st</sup> floor
  7. 2<sup>nd</sup> floor
  8. 3<sup>rd</sup> floor
  9. roof plan
  10. Building sections
  11. Building sections
  12. Elevations [attached]
  13. Elevations [attached]
  14. Rendered elevations
  15. Rendered elevations
  16. Exterior materials
  17. Min Active Floor area
  18. Bay window info
  19. Bay window info
  20. Bay window info
  21. Bay window info
  22. Floor plan at garage with elevation points directly below bay window
  23. Partial north elevation showing clearance of bay window above sidewalk
- D. Notification information:
1. Mailing list
  2. Mailed notice
- E. Agency Responses:
1. Site Development Review Section of BDS
  2. Life Safety Review Section of BDS
  3. Bureau of Environmental Services
  4. Bureau of Transportation Engineering and Development Review
- F. Public Correspondence:
- None received
- G. Other:
1. Original LU Application
  2. Site History Research
  3. 4-17-08 Transmittal

**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).**





# ZONING



Site



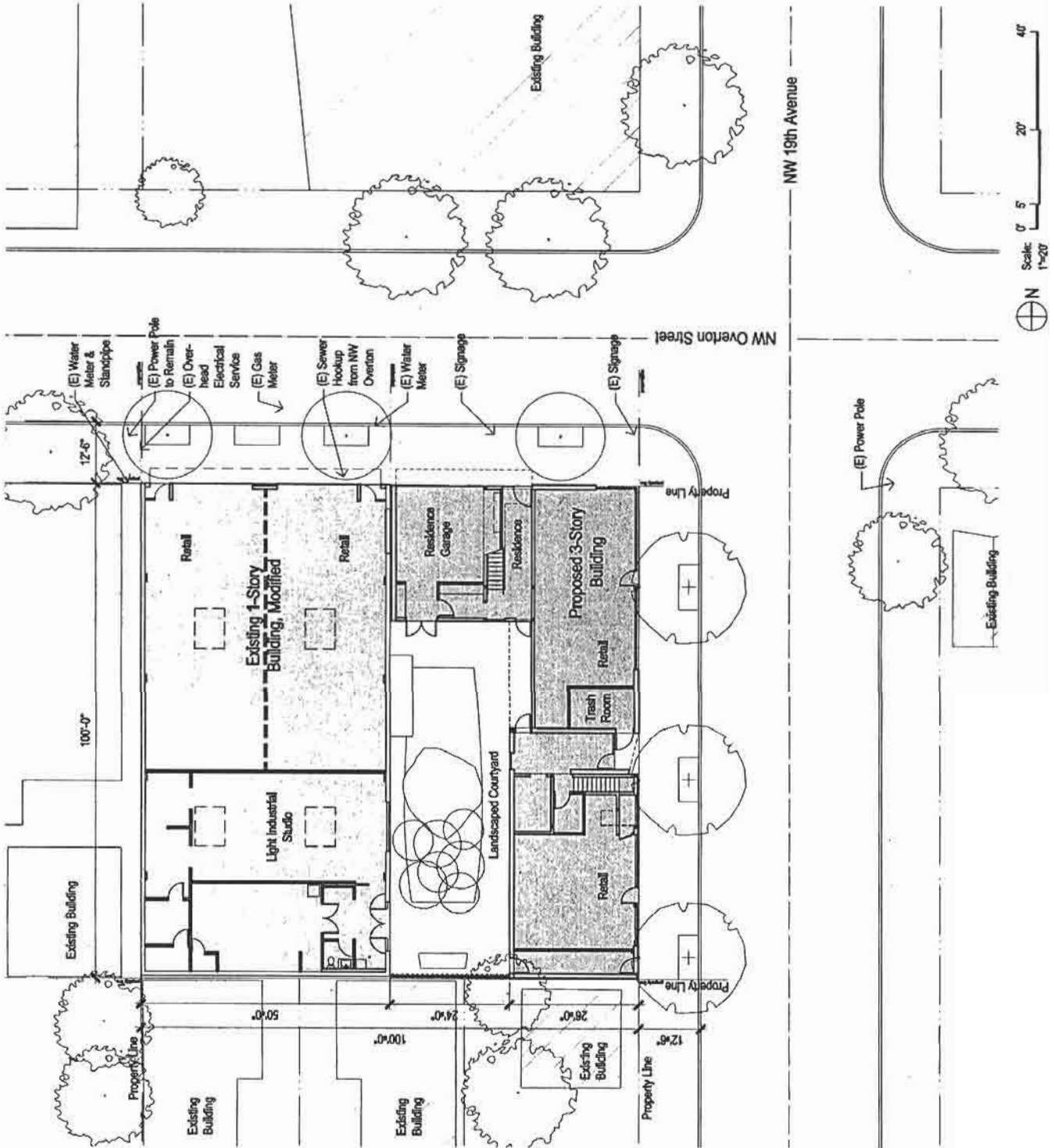
Historic Landmark



NORTH

This site lies within the:  
NORTHWEST PLAN DISTRICT

File No.	LU 08-119693 DZ
1/4 Section	2928
Scale	1 inch = 200 feet
State_Id	NONE
Exhibit	B (Apr 24, 2008)

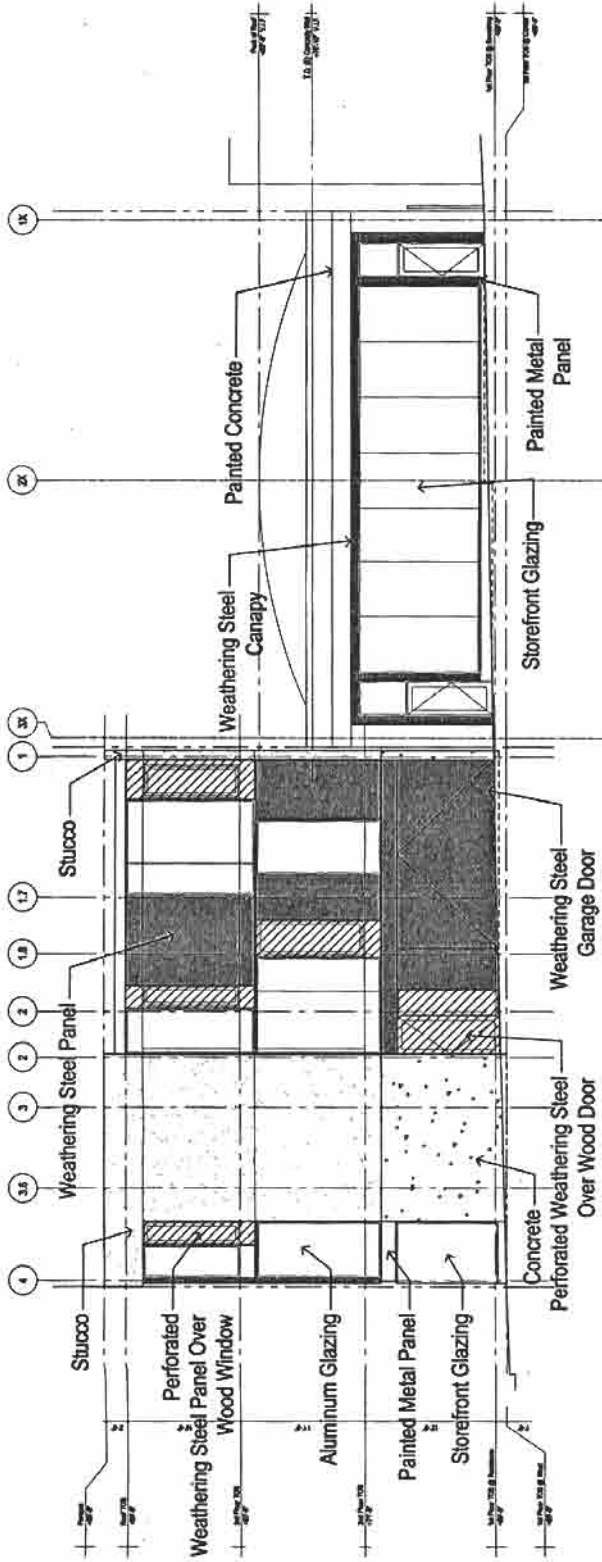


Total Lot Area : 10,000sf  
 Building Coverage : 80%

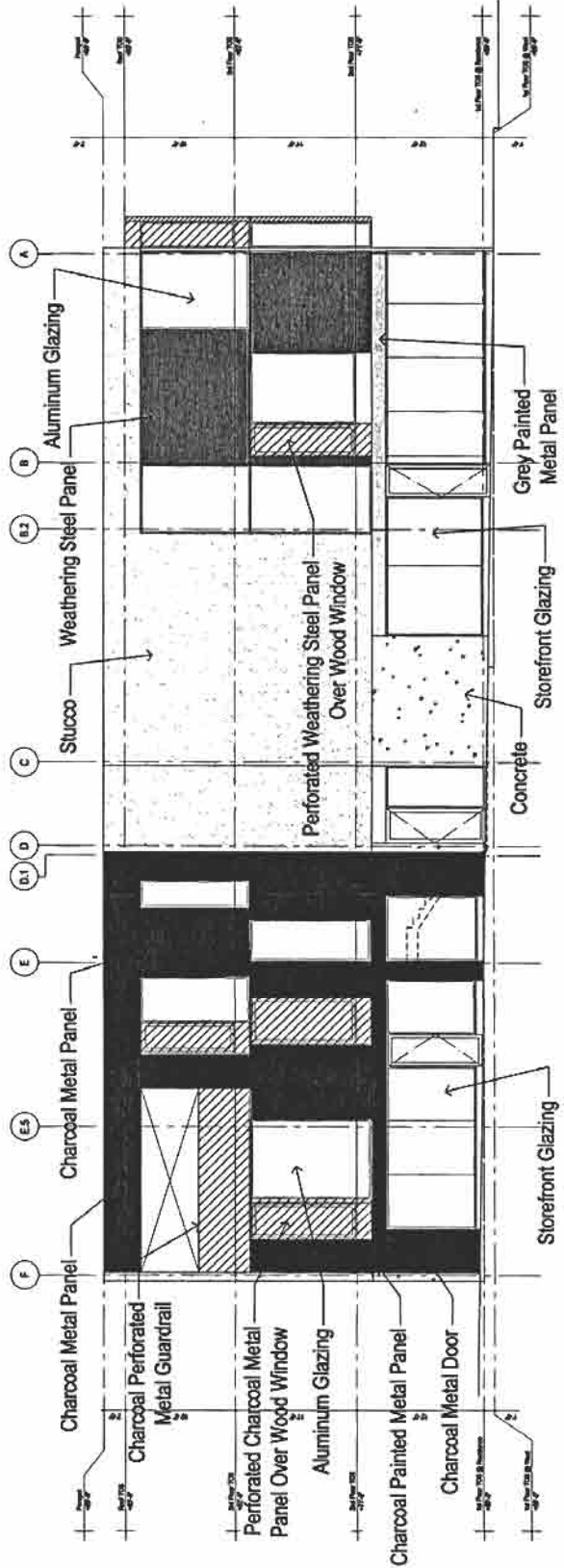
Proposed Site Plan

BNC-3

08-19-93  
 Approved  
 City of Portland  
 Bureau of Development Services  
 Planner [Signature]  
 Date 6-9-09



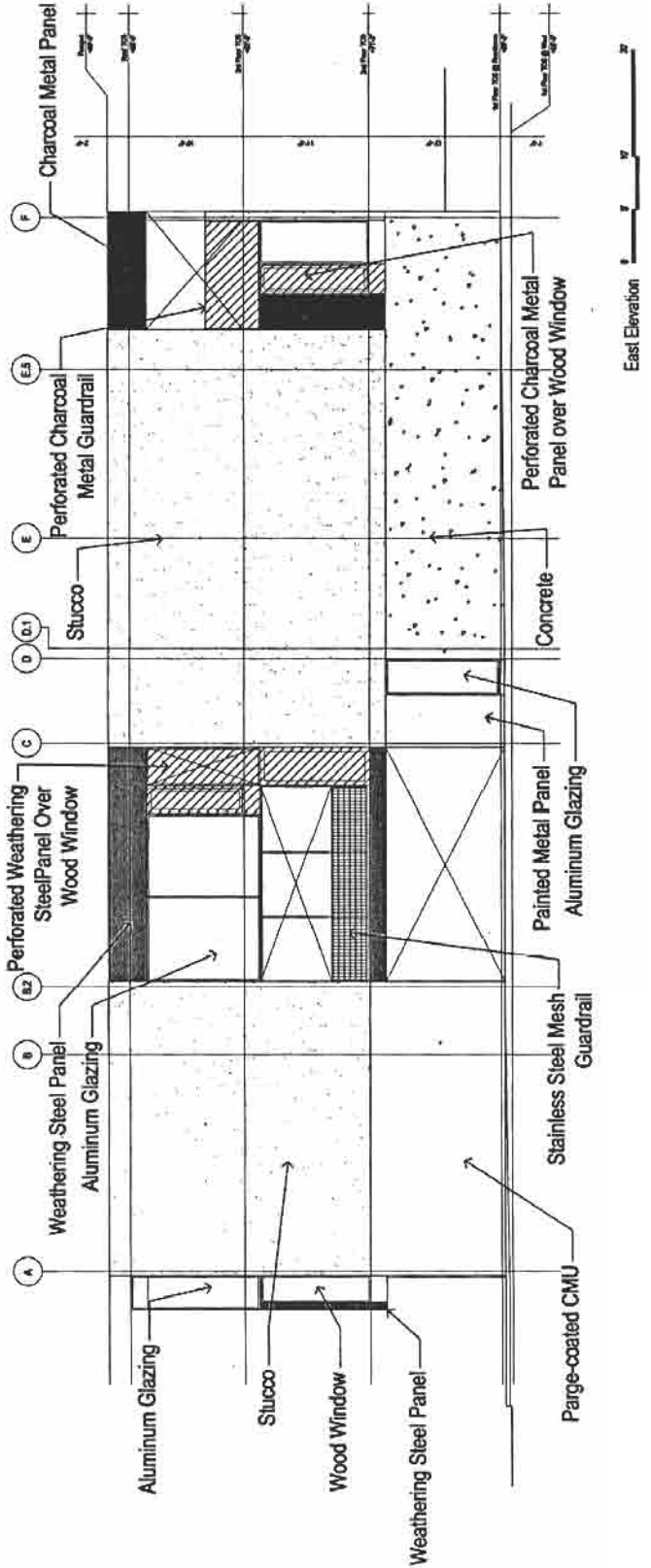
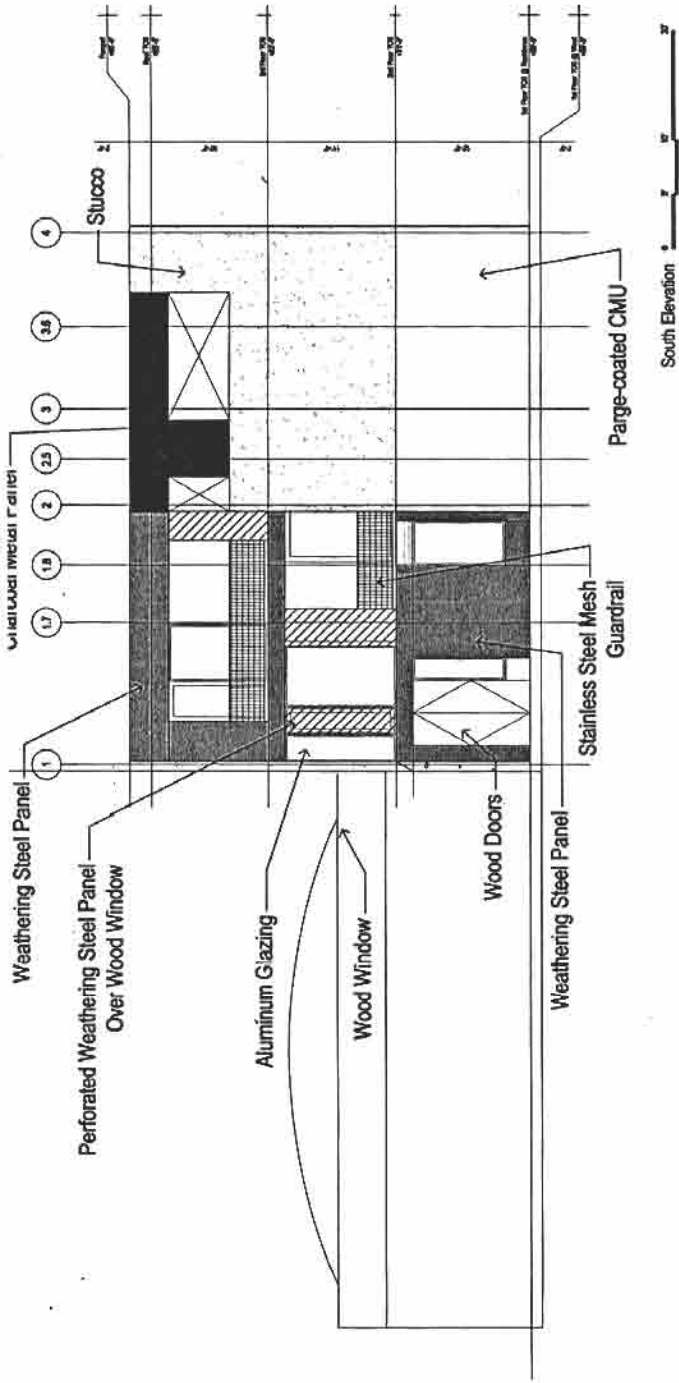
North Elevation



West Elevation

- Concrete
- Stucco
- Perforated Panel
- Weathering Steel Panel
- Charcoal Metal Panel
- Grey Metal Panel
- Stainless Steel Mesh

\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner *[Signature]*  
 Date *08-19-03*  
 This approval is valid only for the project and conditions stated on this permit.  
 08-19-03  
 1916 nw overton street design review works partnership architecture llc 03.31.08



Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner: [Signature]  
 Date: 6-9-03  
 \*This plan is for informational purposes only. It is not intended to be used as a contract document. The City of Portland is not responsible for any errors or omissions.

08-119693

- Concrete
- Stucco
- Perforated Panel
- Weathering Steel Panel
- Charcoal Metal Panel
- Grey Metal Panel
- Stainless Steel Mesh

RHC-13