



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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Date: March 22, 2013
To: Interested Person
From: Chris Caruso, 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 the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 12-193619 DZM – NEW MIXED USE GENERAL INFORMATION

Contact: Megan Coyle/Works Partnership Architecture
524 E Burnside St., Ste 320/Portland, OR 97214

Applicant: William Neburka/Works Partnership Architecture
524 E Burnside St., Ste 320/Portland, OR 97214

Owner: Overton Corner LLC
2951 NW Quimby St./Portland, OR 97210-1927

Site Address: 1255 NW 19TH AVE

Legal Description: BLOCK 266 LOT 1&2 TL 8900, COUCHS ADD
Tax Account No.: R180224450
State ID No.: 1N1E33AB 08900
Quarter Section: 2928
Neighborhood: Northwest District, contact John Bradley at 503-313-7574.
Business District: Nob Hill, contact Mike Conklin at 503-226-6126.
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 Modifications
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant seeks design review and modification approval for a new two and three-story mixed-use building at the corner of NW 19th and Overton in the Northwest Plan District. The proposal includes 5 live/work units, 2 dwelling units, and 1 retail space. Exterior materials are a combination of custom glazed ground floor windows, metal clad wood windows, cement board panels and vertical planks, painted solid core and aluminum doors, skylights, roof top mechanical units, and on-site stormwater facilities. There is also a projecting corner oriel feature. Exceptions are requested to:

1. Window Projection into Public Right-of-Way (IBC/32/#1) – To increase the maximum 12 foot projection width to 31'-3" and 35'-8" (criterion F). To reduce the minimum 12 foot separation between projections to zero, allowing them to connect at one corner (criterion G).

Modifications are requested to:

1. 33.562.240.D Ground floor active use standard – To reduce the minimum 12 foot required interior height of the ground floor units to 10'-5", 11'-0 ¾", and 11'-4" as measured the bottom of the supporting structure, and to 11'-5" to the bottom of the ceiling of two of the units.
2. 33.140.240.B.4 Pedestrian Standards & 33.248.020.A.2a Landscaping and screening - Request to not provide the required L1 trees in the landscaping between the building and the streets.

Design review is required for new development in the Northwest Plan District that is over a valuation/size threshold and exception approval is required for standards that are not met in a proposal. Note that a second Modification request for perimeter landscaping was added to the proposal since the Notice of Proposal was mailed, the roof deck was removed, and the site was expanded to include the adjacent building to the west.

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:

- 33.825 Design Review
- 33.825.040 Modifications thru Design Review
- Community Design Standards

ANALYSIS

Site and Vicinity: The site is located at the corner of NW 19th Avenue and NW Overton Street in the Northwest Plan District. The 3,003 square-foot site is vacant as the former gas station has been demolished. The adjacent lot contains a recently renovated 1938 warehouse building. 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 19th 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 is one prior land use reviews for this site.

- LU 08-119693 DZ - Approval for a new three story mixed use residential building that was never built. This decision is now void.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **November 20, 2012**. The following Bureaus have responded with no issues or concerns:

- Bureau of Parks-Forestry Division
- Water Bureau (Exhibit E-1)
- Fire Bureau (Exhibit E-2)
- Site Development Section of BDS (Exhibit E-3)
- Life Safety Review Section of BDS (Exhibit E-4)

The Bureau of Transportation Engineering responded with the following comment: Please see Exhibit E-5 for additional details. *The Bureau first responded that the original proposal did not meet the requirements for approval of the oriel window exception. The applicant has since changed the site boundaries to include the adjacent building so the oriel windows now meet all the approval criteria except for F & G which can be modified through this Design Review process.*

The Bureau of Environmental Services responded with the following comment: Please see Exhibits E-6 & E-7 for additional details. *The Bureau first responded that the original proposal's stormwater treatment system was not approvable as designed. The applicant has worked with the Bureau to come to a design solution as shown in the approved design review drawings.*

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 20, 2012. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. John Bradley, NWDA Planning Committee, December 10, 2013 – in support of the project. Several people expressed that it is nice to see a design a little out of the box.

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. 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.

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

Findings for P1 & D7: The 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 of 50 to 100 foot wide buildings. The use of vertical fiber cement planks that create trapezoidal window openings and areas of butt-glazing will create variety and division within the building façades, which 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 glazing will contribute to a vibrant, pedestrian-oriented environment. In addition, the streetscapes at both frontages will be upgraded, further contributing to the safety and comfort of the pedestrian system in this area.

The project is located in a transitional area between single family residential buildings and commercial warehouses. The proposal seeks to compliment both building typologies by incorporating existing industrial and new residential components as well as elements seen on the adjacent and recently remodeled structure to the west. The building proposed for the site incorporates a number of elements from buildings in the surrounding area. The use of vertical planks, concrete, and glass—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. *These guidelines are therefore 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 & E5: The proposal will create an efficient, pleasant, and safe pedestrian network in this area by providing new residential and commercial entrances on both streets that have direct access to the public sidewalks and then to surrounding areas of the neighborhood. Street trees along both frontages and the 4-foot street furnishing zone will help buffer pedestrians from vehicles and will also define the movement zone within the sidewalk area.

The proposed new building acknowledges its varying uses through the application of materials and glazing. For example, the large expanses of butt-glazing at the ground floor and the painted entry doors help to differentiate this level from the upper stories which have more consistently placed windows. In addition, this storefront glazing wraps the corner at 19th and Overton, helping to create an active intersection that is further enhanced by the projecting wall elements above. Additional visual interest is provided over the entire façade by the application of small-scaled fiber cement planks at varying angles, by angling the walls back at each entry, and locating the stormwater plantings between the building and the street. The angled walls also provide small gathering places in front of each entry.

The building walls, which remain close to the sidewalks, and the street trees around the site, will provide a strong sense of enclosure to the pedestrian environment in this area. Additionally, the building projections at the northeast corner reinforce this sense of enclosure and will provide some pedestrian protection from the elements. *These guidelines are therefore 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 building is angled back from the property lines at each ground level entrance, creating small outdoor areas along both frontages that are connected to the circulation system. Landscape features along the street include street trees and on-site stormwater planters between the building and the sidewalks. All of these elements add visual interest to the pedestrian realm. *These guidelines are therefore 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 with direct connections to sidewalks and surrounding transit options. The live/work, retail and upper level residential entries on NW 19th and NW Overton are set back from the sidewalk by angled walls that draw the eye to them. The entry doors are ganged together so that they become visually prominent features in the façade, occurring between banks of windows and angled fiber cement planks. *This guideline is therefore 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: Storefront glazing, windows 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”, thus creating a safer pedestrian environment. Interior and exterior lighting will add to the safety and security of the pedestrian system at night. *This guideline is therefore 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 of vertical and angled planks over a regular placement of window openings. The materials proposed are complimentary and durable, consisting of glass, concrete and fiber cement. The proposed design juxtaposes various levels of opacity at its upper levels, including the oriel windows, through the use of fiber cement planks

overlaid in a pattern, and with a more fully glazed ground level that creates a visually dynamic composition. The oriel windows are located and sized to have a direct proportional relationship with other elements on the façade for a balanced and cohesive design. 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. *This guideline is therefore met.*

[2] Exception for Window Projection into Public Right-of-Way IBC/32/#1 - Standards for windows allowed to project into public right-of-way: To Increase the maximum 12 foot projection width to 31'-3" on NW 19th Avenue and 35'-8" on NW Overton Street; and reduce the minimum 12 foot separation between projections to zero, allowing them to connect at the corner of NW 19th and NW Overton.

A. Projection. Maximum projection of 4 feet into the right-of-way including trim, eaves and ornament.

Findings: The maximum projection for any element of the projecting volumes is 2'-0". *This Criterion is met.*

B. Clearance. Clearance above grade as defined in Chapter 32, Section 3202.3.2 of the current Oregon Structural Specialty Code. (The 2004 edition of the Oregon Structural Specialty Code states that no projection is allowed for clearances less than 8 feet above grade. For clearances above grade greater than 8 feet, 1 inch of projection is allowed for each additional inch of clearance, provided that no such projection shall exceed a distance of 4 feet.)

Findings: Minimum clearance above grade is 10'-3" and the maximum projection is 2'-0". *This Criterion is met.*

C. Area. Maximum wall area of all windows which project into public right-of-way on a wall is 40% of the wall's area.

Findings: The maximum wall area of all windows on NW 19th Avenue is 27.4%, and the maximum wall area of all windows on NW 19th Avenue is 28.3% and on NW Overton Street is 36.4%. *This Criterion is met.*

D. Wall Length. Maximum width of any single window which projects into public right-of-way is 50% of its building wall length.

Findings: The length of projecting windows on NW 19th Avenue is 30.8% and on NW Overton Street is 35%. *This Criterion is met.*

E. Window Area. Minimum of 30% window area at the face of the projecting window element. Projections greater than 2 feet 6 inches must have windows at all sides. Required side windows must be a minimum of 10% of side walls.

Findings: Windows on NW 19th Avenue comprise 31.4% of projecting wall area. Windows on NW Overton Street comprise 35.8% of projecting wall area. The projections are less than 2'-6" in depth and therefore do not need side windows. *This Criterion is met.*

F. Width. Maximum width of 12 feet for each projecting window element. When approved through Design Review, the width may vary provided the area of all windows on a wall which project into public right of way does not exceed 40% of the wall's area and the width of any single projecting window element does not exceed 50% of its building wall's length.

Findings: Proposed projections are 31'-3" on NW 19th Avenue and 35'-6" on NW Overton Street. The proportions of the projecting bays add variety to the two public façades of the building, and help unify the overall rectilinear design while also providing a distinct

architectural element at the street intersection. Architectural features that highlight an important building corner is a common element seen throughout the district. The bottom of each projecting wall plane is quite high above the sidewalks so they will not feel heavy nor will they encroach into the pedestrian realm. The window areas and widths are met. *This criterion is not met for the width of the two projecting bays but is approvable through a Design Review Exception.*

G. Separation. Minimum separation of 12 feet measured from other projecting window elements on the same elevation or plane of wall. When approved through Design Review, required separation may vary provided the area of all projecting window elements on a wall does not exceed 40% of the wall's area and the width of any single projecting window element over the right-of-way does not exceed 50% of its building wall's length.

Findings: There is one projection on each street facing façade and they meet at the northeast corner to form a distinctive architectural feature that highlights this prominent location. The widths of the projections do not exceed 50% of the width of any single elevation or wall. The window areas and widths are met. *This criterion is not met for the width of the two projecting bays but is approvable through a Design Review Exception.*

[3] MODIFICATION REQUESTS (33.825)

33.825.040 Modifications That Will Better Meet Design Review Requirements:

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

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

The following Modifications are being requested:

Modification #1: Ground Floor Active Uses (33.563.240.D). To reduce the minimum 12 foot required interior height of the ground floor units to 10'-5", 11'-0 ¾", and 11'-4" as measured the bottom of the supporting structure, and to 11'-5" to the bottom of the ceiling of two of the units.

Purpose: These regulations reinforce the continuity of the pedestrian-oriented environment, limit the visual impact of parking facilities, and foster development with transit-supportive levels of activity along main streets and the streetcar alignment. The standards also help to maintain a healthy urban district with architectural elements and active ground-floor uses that provide visual interest and interrelate with the pedestrian environment.

Standard: In order to accommodate active uses, such as residential, retail, or office, the ground floor of buildings must be designed and constructed as follows. This standard must be met along at least 50 percent of the ground floor of wall that front onto a main street pf streetcar alignment (shown on Map 562-7). The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams.

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines E3 The Sidewalk Level of Buildings, E4 Corners that Build Active Intersections, D2 Main Entrances, and D8 Interest, Quality and Composition; and*

Findings: The functionally active building edges along NW 19th Avenue and NW Overton Street incorporate 29'-6" and 30'-0" deep live/work and retail spaces. These spaces have clear visibility and accessibility from the street through large glazed window areas, good pedestrian connections to the sidewalks, an active corner at the intersection, and a visually dynamic and cohesive design that provides interest at the ground level.

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

Findings: The purpose of the standard is intended to reinforce the continuity of active ground-level uses, as well as helping to support the healthy urban interrelationship of ground floor building occupancy and street level accessible public uses and activities. The proposal supports the purpose of the standard, by providing interior spaces that have the structural flexibility to become increasingly "active" in the future, and by activating the majority of the ground floor façade along both NW 19th Ave and NW Overton St with visually and functionally accessible spaces. The building supports the pedestrian environment with an active street corner, a distinctive sidewalk level design that is visually engaging, and clear connections between entries and sidewalks to recessed areas that allow people to step out of the pedestrian movement zone. All of the ground level units meet the 25 foot minimum interior depth. They also all have taller than average interior heights that can accommodate a variety of uses over time.

Modification #2: Pedestrian Standards and Landscaping (33.130.240.B.4 and

33.248.020.A.2a). Request to not provide required trees in the stormwater planters between the building frontages along NW 19th Avenue and NW Overton Street and the sidewalk.

Purposes: The pedestrian standards encourage a safe, attractive, and useable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.

The City recognizes the aesthetic, ecological, and economic value of landscaping and requires its use to:

- Preserve and enhance Portland's urban forest;
- Promote the reestablishment of vegetation in urban areas for aesthetic, health, and urban wildlife reasons;
- Reduce stormwater runoff pollution, temperature, and rate and volume of flow;
- Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
- Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses;
- Unify development, and enhance and define public and private spaces;
- Promote the retention and use of existing non-invasive vegetation;
- Aid in energy conservation by providing shade from the sun and shelter from the wind;
- Restore natural communities and provide habitat through removal of nuisance plants and reestablishment of native plants; and
- Mitigate for loss of natural resource values.

L1, general landscaping. Intent. The L1 standard is a landscape treatment for open areas. It is intended to be applied in situations where distance is used as the principle means of separating uses or development, and landscaping is required to enhance the area in-between. While primarily consisting of ground cover plants, it also includes a mixture of trees, high shrubs, and low shrubs.

Standards: The land between a building and a street lot line must be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians. Where the area to be landscaped is less than 30 feet deep, the standard is one large tree per 30 linear feet, one medium tree per 22 linear feet, or one small tree per 15 linear feet. Trees of different sizes may be combined to meet the standard. Trees may be grouped.

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines D3 Landscape Features, D7 Blending into the Neighborhood, and D8 Interest, Quality, and Compositions; and*

Findings: The front setback landscaped stormwater planters around the building provide a consistent design element across the façades which softens their impact on the pedestrian environment. The plants are selected to thrive in these types of planters while not overwhelming the building design, therefore creating a landscaped highlight along both street edges. The stormwater planters will be constructed of long-lasting architectural concrete, adding an additional sense of quality and permanence to the building. Landscape planters are a common design element seen on buildings in the area, allowing this new building to fit in with this neighborhood pattern.

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

Findings: The proposed front setback landscaped stormwater planters promote the reestablishment of vegetation in urban areas by providing new landscaping along the street edge which creates a pleasant visual experience for pedestrians and residents. The pedestrian circulation system from both sidewalks is maintained in front of each entry. The planters create a unified front façade around the building and define the change from public rights-of-way to semi-public entries. Selected plants are non-invasive and can provide a moderate amount of habitat for local animals and insects.

These Modifications meet the approval criteria and therefore merit approval.

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposed new building will be a visually interesting and dynamic addition to this area of the neighborhood and will feature quality materials as part of a coherent architectural composition. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of design review for a new two and three-story residential mixed-use building at the corner of NW 19th and Overton in the Northwest Plan District for 5 live/work units, 2 dwelling units, and 1 retail unit with exterior features that include:

- A combination of custom glazed ground floor windows
- Metal clad wood windows

- Cement board panels and vertical planks
- Painted solid core and aluminum doors
- Skylights
- Roof top mechanical units, and
- On-site stormwater facilities;

Approval of the following Exception:

1. Window Projection into Public Right-of-Way (IBC/32/#1) - Standards for windows allowed to project into public right-of-way. Increase the maximum 12 foot projection width to 31'-3" on NW 19th Avenue and 35'-8" on NW Overton Street; and reduce the minimum 12 foot separation between projections to zero, allowing them to connect at the corner of NW 19th and NW Overton.

Approval of the following Modification requests:

1. 33.562.240.D Ground floor active use standard – To reduce the minimum 12 foot required interior height of the ground floor units to 10'-5", 11'-0 3/4", and 11'-4" as measured the bottom of the supporting structure, and to 11'-5" to the bottom of the ceiling of two of the units.
2. 33.130.240.B.4 Pedestrian Standards & 33.248.020.A.2a Landscaping and Screening. Request to not provide required L1 trees in the landscaping between the building and the streets.

Approved per the approved plans, Exhibits C-1 through C-14 signed and dated March 20, 2013, 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.14. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-193619 DZM. No field changes allowed."

Staff Planner: Chris Caruso

Decision rendered by:  **on March 20, 2013.**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 22, 2013

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 12, 2012, and was determined to be complete on **November 16, 2012.**

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 12, 2012.

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 requested that the 120-day review period be extended (60 days) as stated with Exhibit (A-2). Unless further extended by the applicant, **the 120 days will expire on: May 14, 2013.**

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 April 5, 2013** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 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 8, 2013**.
- 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 Information
 1. Design Review Narrative
 2. 120-Day Waiver
 3. Modification request to L1 standards
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Ground Floor Plan (attached)
 3. Exterior Elevations (attached)
 4. Second Floor Plan
 5. Third Floor + Roof Plan
 6. Exterior Elevations (attached)
 7. Projecting Bay Window
 8. Exterior Renderings
 9. Wall Sections
 10. Building Sections
 11. Additional Wall Sections
 12. Additional Exterior Details
 13. Wall Details
 14. Window Information
- D. Notification information:

1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Water Bureau
 2. Fire Bureau
 3. Site Development Review Section of BDS
 4. Life Safety Review Section of BDS
 5. Bureau of Transportation Engineering and Development Review
 6. Bureau of Environmental Services
 7. Bureau of Environmental Services
- F. Correspondence:
1. John Bradley, NWDA Planning Committee, December 10, 2013 – in support of the project.
- G. Other:
1. Original LU Application
 2. Incomplete Letter

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 12-193619 DZM
 1/4 Section 2928
 Scale 1 inch = 200 feet
 State_Id 1N1E33AB 9000
 Exhibit B (Mar 05, 2013)

REVISED

PROJECT INFORMATION:

Owner:
Overton Corner LLC
2951 NW Quimby Street
Portland, Oregon 97210

Architect:
Works Partnership Architecture
524 E Burnside Street, Suite 320
Portland, Oregon 97214

Lot Coverage:
Site Area: 3,600 sf
Building: 3,600 sf (100%)

Adjacent Building (1916 Overton St.):
Site Area: 6400 sf
Building: 5000 sf (78%)
Courtyard: 1400 sf

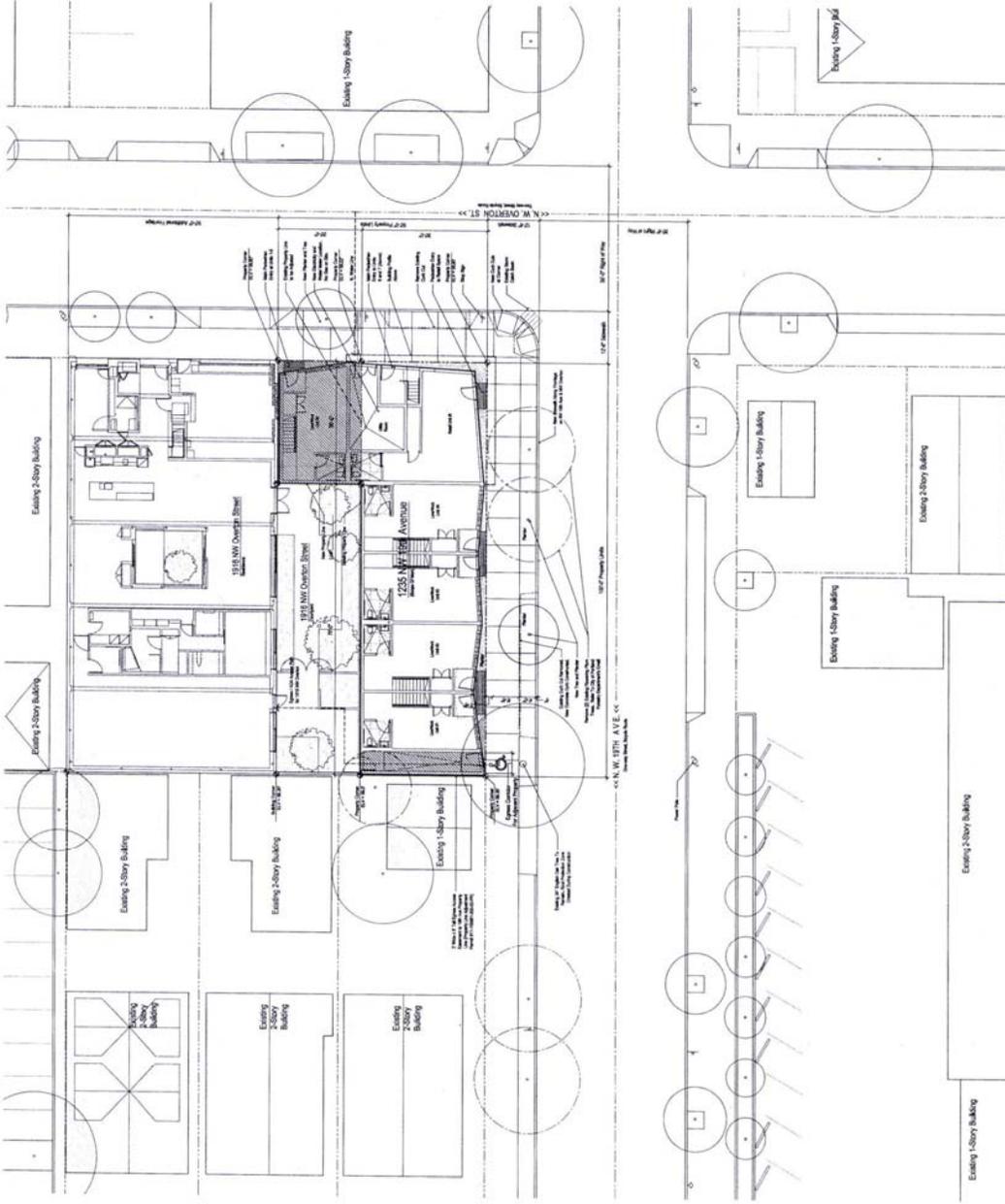
Transit:
The closest transit stop is at NW 18th Avenue and Northrup St. (.05miles). The stop includes bus and streetcar service.

No parking on site.

Existing curb cuts at sidewalk to be replaced with new concrete curb.

Approved
City of Portland
Bureau of Development Services
Planner CS
Date 3/20/13

* This approval applies only to the reviews requested and is subject to all conditions of approval.
Additional zoning requirements may apply.



PROPOSED SITE PLAN

LU-12-19361932M EXH.C-1

Project is in Compliance With:
 Title 33, Planning and Zoning
 Chapter 33-562 Northwest Plan District
 33-562.270 Minimum Active Floor Area

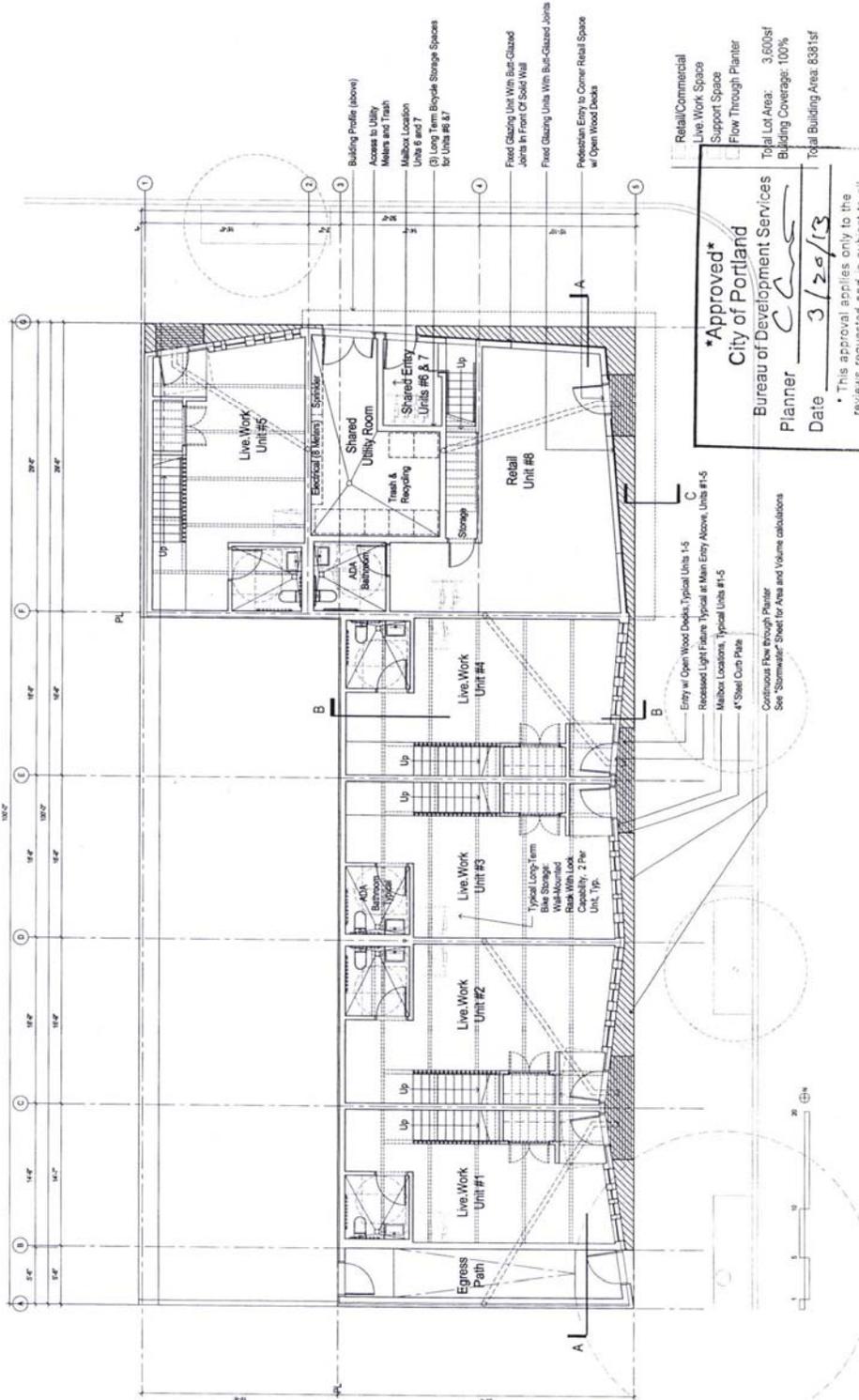
A. Purpose. Requiring a transit-supportive level of activity and intensity near the streetcar alignment helps to decrease reliance on automobile travel and increases opportunities for housing and employment.

B. Where this regulation applies. Sites subject to minimum active floor area standards are shown on Map 552-7.

C. Standard. On the portion of a site within 200 feet of a streetcar alignment, at least 50 percent of floor area in each building must be in one or more of the active uses listed below, where allowed by the base zone. Parking areas, both accessory and commercial, are not included in active floor area. Areas shared among the active uses listed below are included in active floor area. Areas shared by a use not listed below are not included in active floor area. The active uses are:

1. Household or Group Living;
2. Retail Sales And Service;
3. Office;
4. Manufacturing And Production;
6. Community Service;
11. Daycare.

REVISED



Approved
 City of Portland
 Bureau of Development Services
 Planner *C.A.*
 Date *3/20/13*

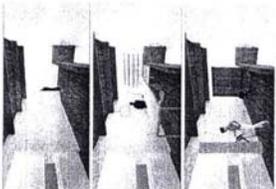
Retail/Commercial
 Live Work Space
 Support Space
 Flow Through Planter

Total Lot Area: 3,600sf
 Building Coverage: 100%
 Total Building Area: 8381sf

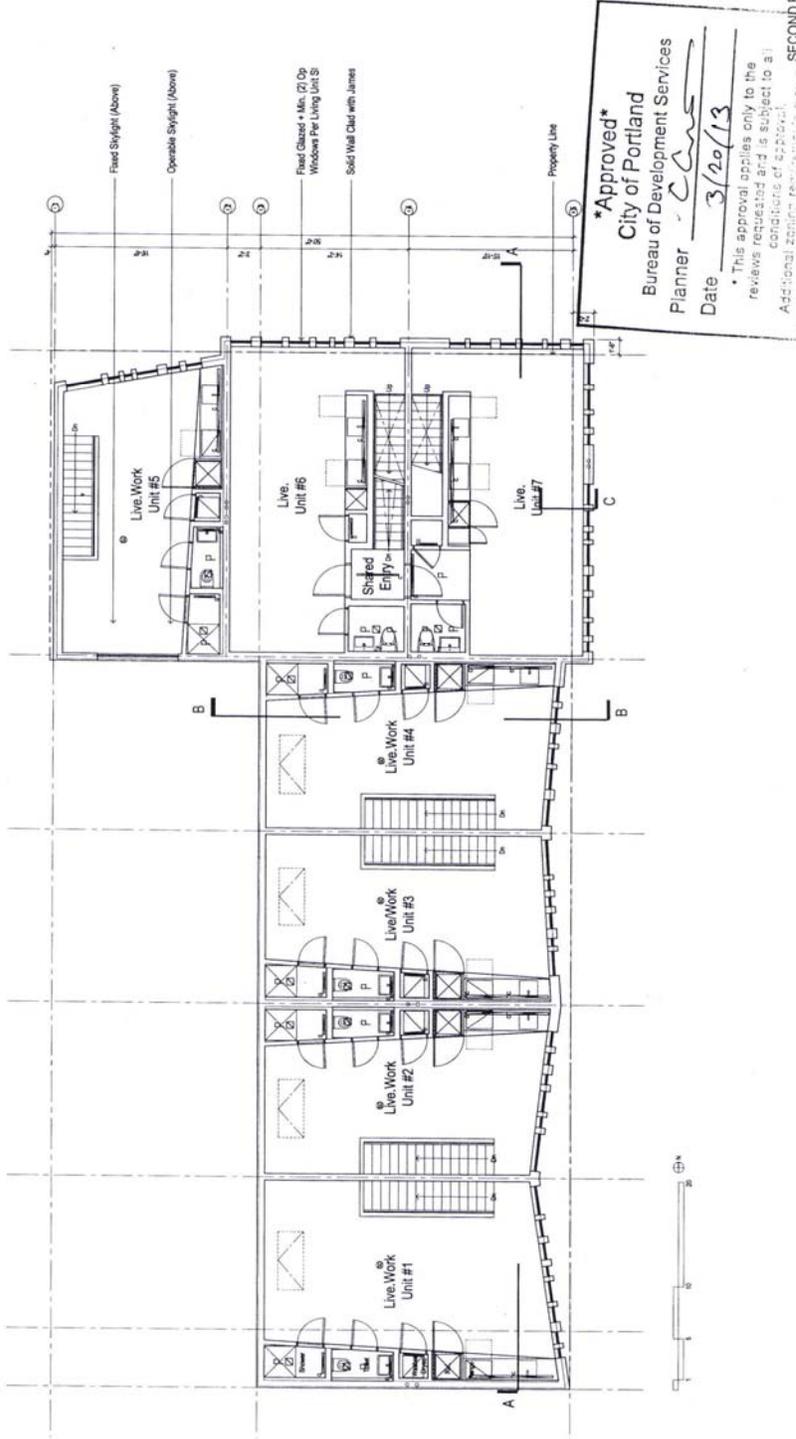
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

GROUND FLOOR PLAN

CU 12-193619 DZM
 EXH. C-2



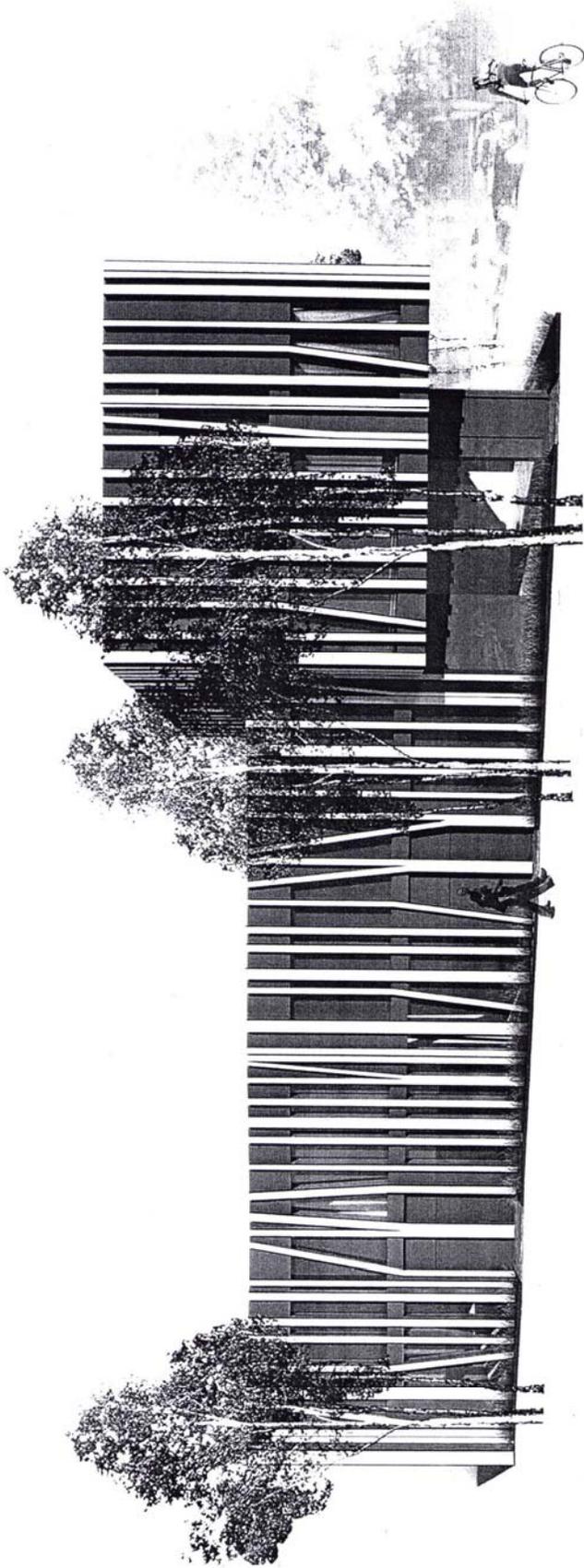
Second Story Interior Views



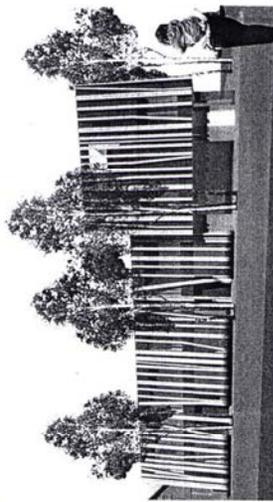
Approved
 City of Portland
 Bureau of Development Services
 Planner: *CAW*
 Date: *3/20/13*

* This approval applies only to the reviews requested and is subject to all conditions of approval.
 Additional zoning requirements apply. See Appendix A.

CU-12-193619 B2M
 EXH.C-3



NW 15th Avenue_Street Facade



Previously Proposed NW 15th Avenue_Street Facade

Approved
 City of Portland
 Bureau of Development Services
 Planner CS
 Date 3/20/13
 * This approval applies only to the
 reviewer requested and is subject to all
 conditions of approval.
 Additional zoning requirements may apply

EXTERIOR RENDERINGS

LU12-193619 DSM
 EXH.C-6