



Date: September 2, 2015
To: Interested Person
From: Jeff Mitchem, Land Use Services
 503-823-7011 / Jeffrey.Mitchem@portlandoregon.gov

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 mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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 document.

CASE FILE NUMBER: LU 15-207512 DZ
ART INSTALLATION

GENERAL INFORMATION

Applicant: Agustin Enriquez | GBD Architects
 1120 NW Couch #300
 Portland, OR 97209

Owner: Jill Sherman | NW 19th, LLC
 1477 NW Everett St
 Portland, OR 97209

Site Address: 1313 NW 19TH AVE

Legal Description: BLOCK 265 LOT 3&4, COUCHS ADD
Tax Account No.: R180224050, R180224050, R180224050, R180224050
State ID No.: 1N1E33AB 09700, 1N1E33AB 09700, 1N1E33AB 09700, 1N1E33AB 09700
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 a Design Overlay

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

PROPOSAL:

A new art installation and landscaping along west side of previously approved 6-story, 58-unit apartment building as part of a negotiated good neighbor agreement. The west elevation of the previously approved 19th + Overton Apartments (LU14-229920 DZM) is a metal-clad blank end wall approximately 100' deep by 74' tall to be built at the property line approximately 13' from an existing two-story live-work building. The proposed art installation is for a linear series aluminum poles (8"-4" vertically tapered diameter) supporting intermittent glass "beads" to be clustered in groupings of three spaced approximately 10' on center parallel to the west property line. Design review is required because the proposal is for exterior alterations/new construction within a Design Overlay zone.

RELEVANT APPROVAL CRITERIA:

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

- Community Design Guidelines
- 33.562 Northwest Plan District

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 site is developed with a single-story 2,884 square-foot commercial structure that will be demolished. The balance of the site is paved for surface parking with curb cuts on both NW Overton St and 19th Ave. The site is bordered by two developed parcels: to the west is a two-story commercial building with surface parking, and to the north are two single-story, single family residences.

NW 19th Ave is a boundary street at the transition from the commercially mixed Northwest Triangle to the east and the residentially based Alphabet District to the west. NW Overton St is predominately residential in character with a number of historic single-family residences, three-story walk up brick town homes, and for rent multi-resident dwellings.

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 are no relevant prior land use reviews for this site.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed on **August 7, 2015**. No written responses have been received in response to the proposal.

Neighborhood Review: A “Notice of Proposal in Your Neighborhood” was mailed on **August 7, 2015**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

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.

THE PEDESTRIAN NETWORK

E3: Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small scale building design features, creating effective gathering places, and differentiating the street level facades.

Findings:

The west elevation of the previously approved 19th + Overton Apartments (LU14-229920 DZM) is a metal-clad blank end wall approximately 100’ deep by 74’ tall to be built at the property line approximately 13’ from an existing two-story live-work building. Though complying with guidelines encouraging urban enclosure, the apartment building’s blank end-wall will present an imposing presence to the existing live-work building. Extending to a height of approximately 35’, the proposed aluminum/art glass poles will serve to partially mitigate this visual impact by incorporating a whimsical and colorful design feature at the building’s edge.

This guideline is therefore met.

PROJECT DESIGN GUIDELINES

Landscape Features

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

The proposed aluminum poles (8”-4” vertically tapered diameter) supporting intermittent glass “beads” will be clustered in groupings of three spaced approximately 10’ on center. The visual effect is intended to be an interpretation of an existing bamboo grove adjacent to the installation and will serve to enhance neighboring outdoor space most proximate to the blank end-wall.

This guideline is therefore met.

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

The proposed design of the art installation embraces the character of a glass art wall installation previously approved with LU14-229920 DZM. In combination, the installations will serve to unify key aspects of the building’s exterior and reduce the building’s overall visual impact on adjacent ground level environments.

This guideline is therefore met.

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

A finer scale of interesting design detail is provided at the west elevation with intervening art installation – the interplay between metal poles, glass “beads” and the metal end-wall backdrop. The verticality of the installation with intermittent glass parts will offer the potential for visually interesting light and shadow interplay from the nearby public right-of-way.

This guideline is therefore met.

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

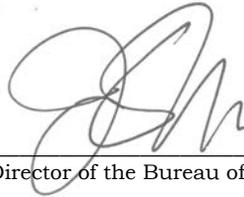
The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposed art installation is a good-neighbor gesture that contributes to a vibrant streetscape, uses high-quality materials, and respects the architectural integrity of the previously approved building and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of an art installation within the Northwest Plan District, per the approved site plans, Exhibits C-1 through C-7, signed and dated August 31, 2015, 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.7. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-207512 DZ. No field changes allowed."

Staff Planner: Jeff Mitchem



Decision rendered by: _____ **on August 31, 2015**
By authority of the Director of the Bureau of Development Services

Decision mailed: September 2, 2105

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 July 27, 2015, and was determined to be complete on **August 4, 2015**.

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 July 27, 2015.

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. Unless further extended by the applicant, **the 120 days will expire on: December 2, 2105**.

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 September 16, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on

Thursdays, appeals must be submitted at the reception desk on the 5th 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 **September 17, 2015**.
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

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

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

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

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

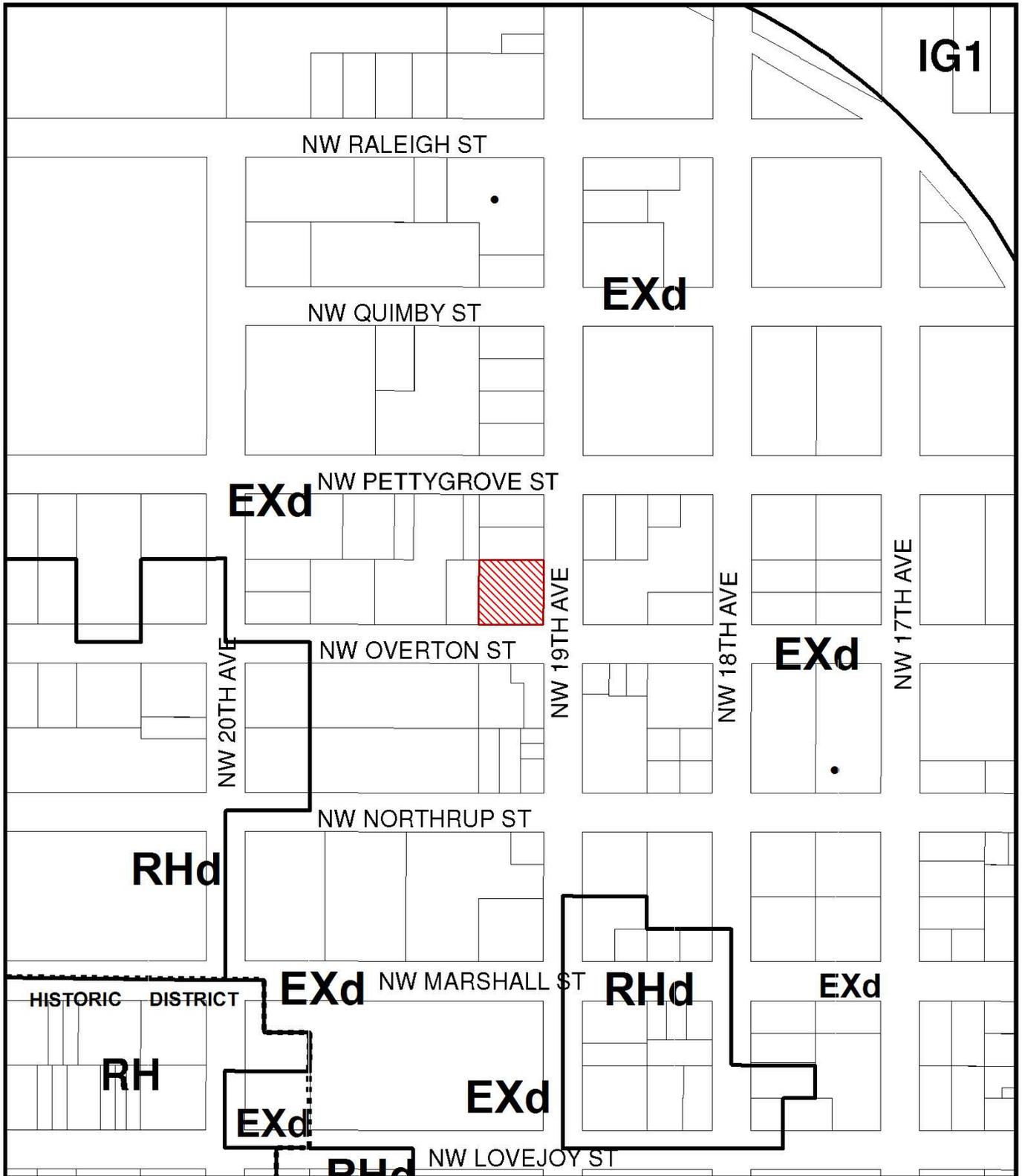
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Ground Floor Plan
 - 3. West Elevation (attached)
 - 4. West Elevation Enlarged (attached)
 - 5. Art Installation Detail
 - 6. Art Installation Detail
 - 7. Material and Finishes
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence: No responses were received.
- G. Other:
 - 1. Original LU Application

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).



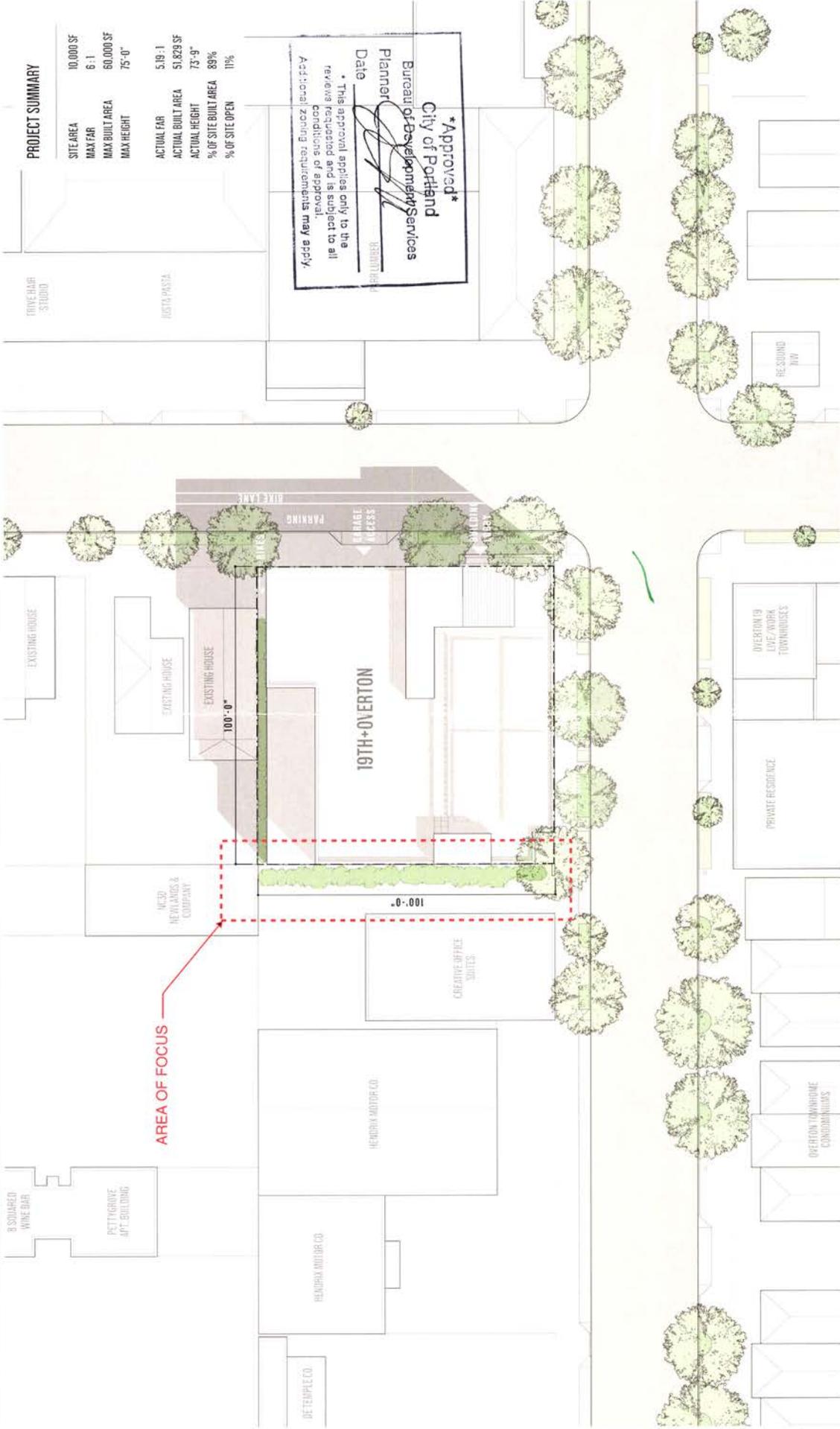
ZONING

-  Site
-  Historical Landmarks



This site lies within the:
NORTHWEST PLAN DISTRICT

File No. LU 15-207512 DZ
 1/4 Section 2928
 Scale 1 inch = 200 feet
 State Id 1N1E33AB 9700
 Exhibit B (Jul 29, 2015)



PROJECT SUMMARY

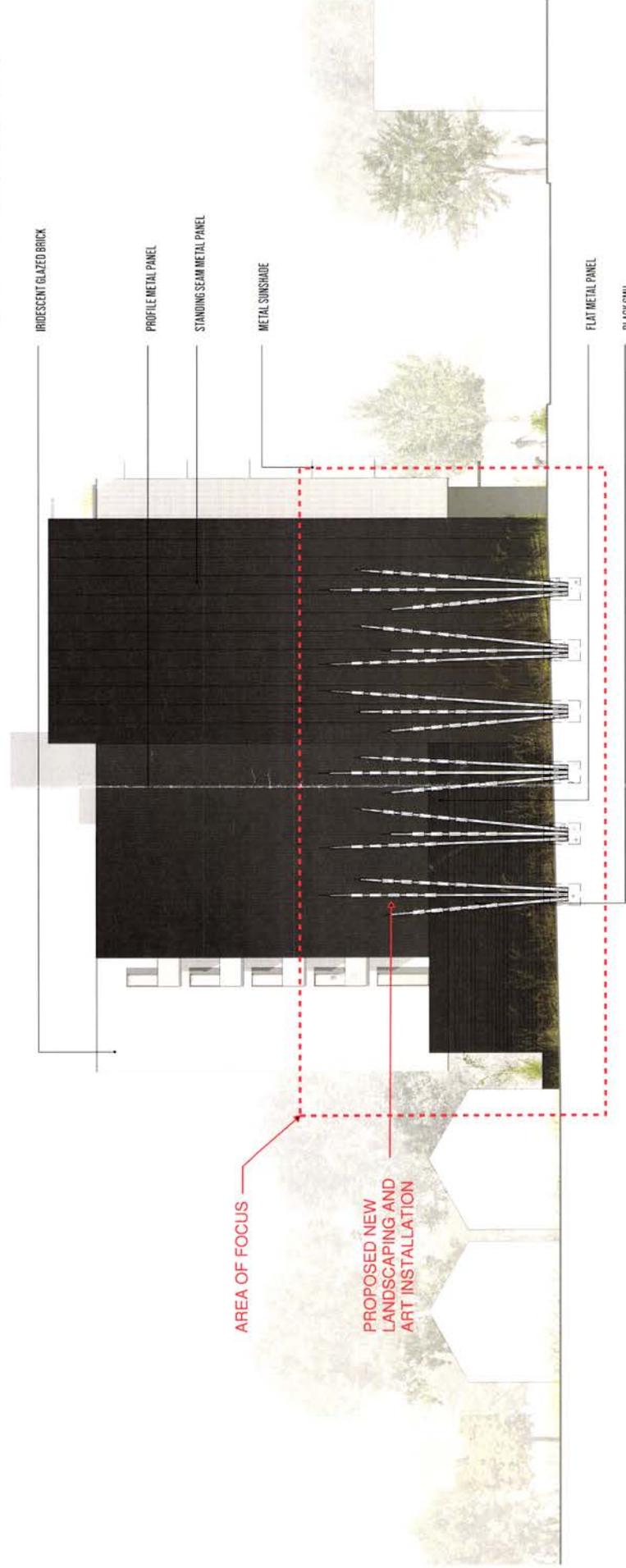
SITE AREA	10,000 SF
MAX FAR	6:1
MAX BUILT AREA	60,000 SF
MAX HEIGHT	75'-0"
ACTUAL FAR	5.09:1
ACTUAL BUILT AREA	51,829 SF
ACTUAL HEIGHT	73'-9"
% OF SITE BUILT AREA	89%
% OF SITE OPEN	11%

Approved
 City of Portland
 Bureau of Development Services
 Planner: *[Signature]*
 Date: _____

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

Approved
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date _____

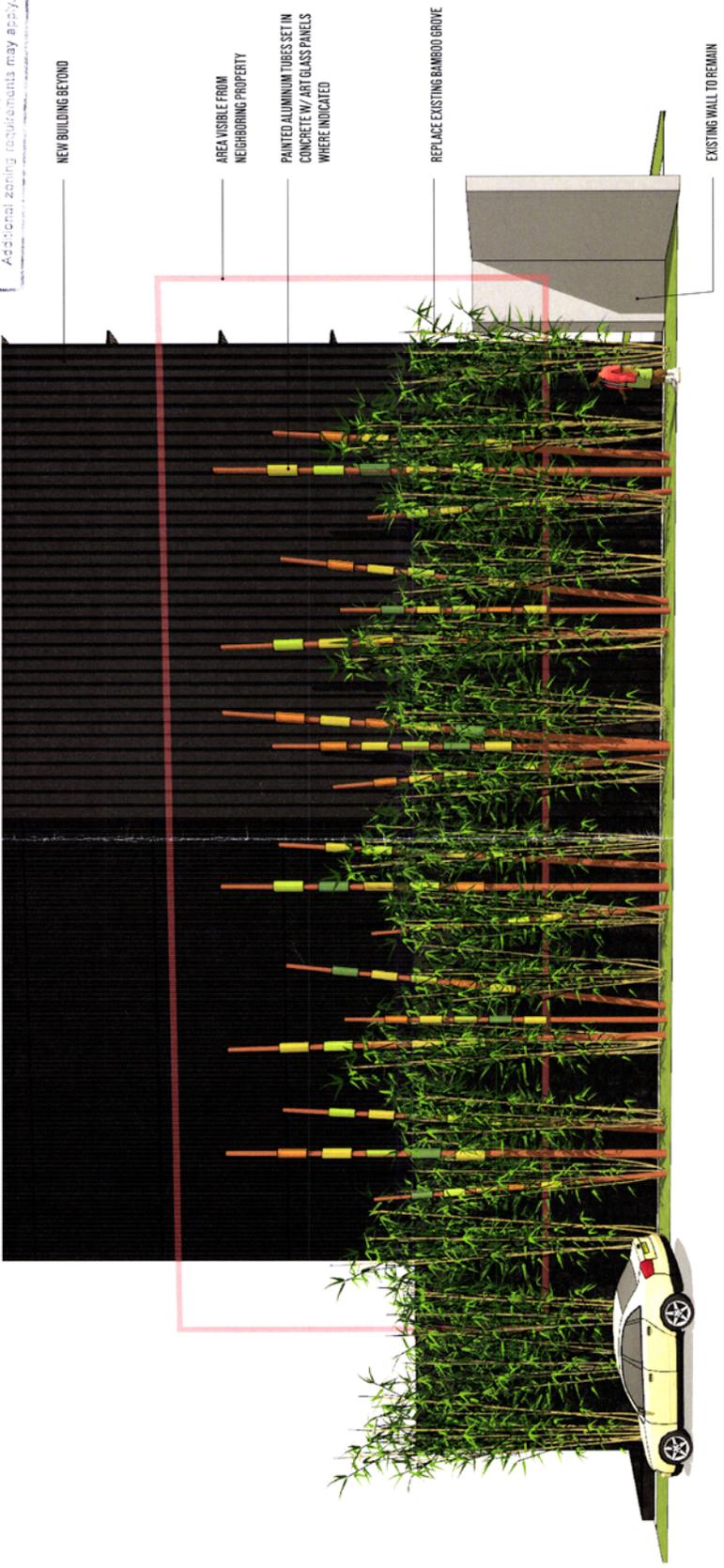
* This approval applies only to the review requested and is subject to all conditions of approval. Additional zoning requirements may apply.



CURRENTLY APPROVED WEST ELEVATION

Approved
 City of Portland
 Bureau of Development Services
 Planner: *[Signature]*
 Date: _____

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



LU 15-207512 DZ

EXH.C.4

PROPOSED NEW LANDSCAPING & ART INSTALLATION @ WEST ELEVATION