



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

Dan Saltzman, Commissioner  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**FINAL FINDINGS AND DECISION BY THE HISTORIC  
LANDMARKS COMMISSION RENDERED ON November  
16, 2015**

**CASE FILE NUMBER: LU 15-182060 HRM AD  
PC # 15-137440**

**NW 21<sup>st</sup> & Irving Apartments**

**BUREAU OF DEVELOPMENT SERVICES STAFF:** Hillary Adam 503-823-3581 /  
[Hillary.Adam@portlandoregon.gov](mailto:Hillary.Adam@portlandoregon.gov)

The Historic Landmarks Commission has **approved** a proposal in your neighborhood. 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 decision.

**GENERAL INFORMATION**

**Applicant:** Brian Emerick, Architect  
Anne Marie Kuban  
Emerick Architects  
321 SW 4th Ave #200  
Portland, OR 97204  
  
625 NW 21st LLC, Owner  
116 NE 6th Ave #400  
Portland, OR 97232  
  
Mike Rennick, Surveyor  
Baseline Surveying LLC  
2505 Portland Rd Suite 206  
Newberg, OR 97132

**Site Address:** 625-635 NW 21ST AVE

**Legal Description:** BLOCK 11 LOT 1-3, KINGS 2ND ADD; LOT 2, PARTITION PLAT 1992-112; LOT 3, PARTITION PLAT 1992-112  
**Tax Account No.:** R452301770, R649726700, R649726720  
**State ID No.:** 1N1E33BD 08700, 1N1E33BD 08900, 1N1E33BD 08800  
**Quarter Section:** 2927

**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

**Other Designations:** Non-contributing resource in the Alphabet Historic District, listed in the National Register of Historic Places on November 16, 2000.

**Zoning:** CS – Storefront Commercial  
RH – High-Density Residential

**Case Type:** HRMAD – Historic Resource Review with Modifications and Adjustment and Cobble Deployment Request

**Procedure:** Type III, with a public hearing before the Historic Landmarks Commission. The decision of the Historic Landmarks Commission can be appealed to City Council.

**Proposal:**

The applicant proposes a new 4-story mixed use building to include 10,722sf of ground floor commercial space, 57 residential units, and a below-grade garage for 60 vehicles. Exterior materials include brick, cement plaster, concrete, glass reinforced concrete, wood and steel balconies and canopies, and aluminum-clad wood storefronts, windows and doors. A transfer of floor area ratio (FAR) is proposed from 2133 NW Hoyt and 2123 Hoyt, for additional FAR on the RH-zoned portion of the building per 33.120.205.E.5.b.

Modifications are requested for the following:

1. (33.130.210) – To increase the allowed height in the CS-zoned portion of the building from 45'-0" to 50'-4";
2. (33.130.215.B) – To reduce the required setbacks from 14'-0" to 10'-8" at the western property line in the CS-zoned portion of the site AND to reduce the required 5'-0" of landscaping at the L3 standard to 4'-6" along the western property line in the CS-zoned portion of the site;
3. (33.120.220.B) – To reduce the required setbacks from 13'-0" to 10'-8" at the southern property line and from 14'-0" to 10'-8" at the western property line in the RH-zoned portion of the site AND to allow a garage entrance 10'-0" back from the street lot line;
4. (33.130.240) – To reduce the required width of the pedestrian path from 6'-0" to 5'-6" along the western outdoor area and to 4'-0" along the southern outdoor area in the CS-zoned portion of the site;
5. (33.266.130.F.2) – To reduce the parking space dimensions from 8'-6" x 16'-0" to as much as 7'-9" x 12'-6" for compact spaces and 6'-8" x 12'-0" for smart-car spaces, and to reduce aisle dimensions from 20'-0" to 19'-0"; and
6. (33.266.220.C) – To reduce the width of bicycle parking spaces from 2'-0" to 1'-6".

An Adjustment is requested for the following:

1. (33.266.310.C) – To not provide an on-site loading space.

The applicant also requests deployment of salvaged cobblestones within the outdoor patio area at the corner of NW 21<sup>st</sup> and NW Irving.

Also proposed are multiple blade and wall signs. One corner projecting sign, measuring 3'-2" (w) x 16'-0" (h) x 2'-0" (d), for a total of 51 square feet is also proposed.

Historic Resource Review is required because the proposal is for new development in a historic district.

**Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33,

Portland Zoning Code. The applicable approval criteria are:

- Community Design Guidelines
- Historic Alphabet District: Community Design Guidelines Addendum
- 33.846.070 Modifications Considered During Historic Resource Review
- 33.805.040 Approval Criteria
- Cobblestone Deployment Criteria, per Ordinance No. 139670

## ANALYSIS

**Site and Vicinity:** The subject property is located at the southwest corner of NW 21<sup>st</sup> Avenue and NW Irving Street. The site is currently occupied by a 1-story building constructed in 1963 which was previously used as a restaurant/bar. A surface parking lot surrounds the building on the west and south sides. Two unimproved parcels to the west are also included within the site. The property is located within the Historic Alphabet District. Directly across NW Irving to the north are a 1907 3-story wood courtyard apartment building and a 1910 4-story brick courtyard apartment building. Across NW 21<sup>st</sup> to the northeast and east are 1- and 2-story commercial buildings built between the 1920s and 1970s. Directly to the south are 1-½ and 2 ½-story wood framed residential buildings constructed between 1895 and 1908. The block also contains a couple of 3-story brick apartment buildings and other wood-framed and brick residences.

The Historic Alphabet District is located at the base of the West Hills, roughly bounded by W Burnside Street to the South, NW 17<sup>th</sup> Avenue to the East, NW Marshall Street to the North and NW 24<sup>th</sup> Avenue to the West. The district is predominantly residential in character but also has two main commercial corridors along NW 21<sup>st</sup> and NW 23<sup>rd</sup> Avenues, as well as institutional properties. Originally platted as a residential district for the upper class, the Lewis and Clark Exposition of 1905 prompted the construction of several apartment buildings by notable Portland architects. The neighborhood is still one of the city's more densely populated historic neighborhoods.

The City's Transportation Plan designates NW 21<sup>st</sup> Avenue as a Transit Access Street, Neighborhood Collector, and Community Main Street. The site is located within the Northwest Pedestrian District.

**Zoning:** The High Density Residential (RH) is a high density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high-rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services. Newly created lots in the RH zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot area for development with detached or attached houses or for development with duplexes. Minimum lot width and depth standards may apply.

The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominately built-up, with buildings close to and oriented towards

the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

The Northwest Plan District implements the Northwest District Plan, providing for an urban level of mixed-use development including commercial, office, housing, and employment. Objectives of the plan district include strengthening the area's role as a commercial and residential center. The regulations of this chapter: promote housing and mixed-use development; address the area's parking scarcity while discouraging auto-oriented developments; enhance the pedestrian experience; encourage a mixed-use environment, with transit supportive levels of development and a concentration of commercial uses, along main streets and the streetcar alignment; and minimize conflicts between the mixed-uses of the plan district and the industrial uses of the adjacent Guild's Lake Industrial Sanctuary.

**Land Use History:** City records indicate the following relevant land use reviews for this site:

- EA 15-137440 PC – Pre-Application Conference for the current proposal.

**Agency Review:** A "Request for Response" was mailed **August 7, 2015**.

The **Bureau of Transportation Engineering** responded on September 9<sup>th</sup>, noting concerns with the applicant's request to not provide loading, as well as the proposal to have a garage entrance 10 feet back from the street lot line, and the applicant's proposal for a below-grade encroachment into the right-of-way and requested additional information. Please see Exhibit E-1 for additional details.

PBOT's initial response was revised on September 30, 2015 based on a revised proposal by the applicant as well as variances granted through the Design Exception process. On October 1, 2015, PBOT submitted a revised response indicating support for the requested Adjustment to not provide a loading space on-site. PBOT indicated that the requested Encroachment Permit for a below grade garage extending into the right-of-way has been denied as it does not meet the required minimum clearance of 5 feet below gutter grade. PBOT noted that no Building Permit or Public works Permit will be issued until the applicant procures an approved Revocable Encroachment Permit for the below grade parking garage or the project is redesigned to remove the encroachment. Please see Exhibit E-1b for additional details.

The applicant has since revised the garage to provide the minimum clearance and an Encroachment Permit request has been approved.

The **Bureau of Parks-Forestry Division** responded, noting that an arborist report detailing a tree preservation plan will be required at time of permit. Please see Exhibit E-2 for additional details.

The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS

- Life Safety Division of BDS

*Staff Response:* Staff notes that an arborist report was submitted with the original application. The applicant has resubmitted their request for an Encroachment Permit for the below grade garage extending into the right-of-way and it is currently under review by PBOT staff. If a determination is made prior to the October 12, 2015 hearing, staff will update the Commission at the hearing.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on September 14, 2015. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

**Procedural History:** The first land use review hearing was held on October 12, 2015. At that time, staff recommended Denial of the proposal, based on a lack of information, a need for additional clarity, and because Guideline D8 was not shown to be met with regard to the quality of the proposed metal cornice and parapet coping and the lack of signage information. The applicant clarified the Modifications requested and provided additional information regarding the proposed signage. Staff recommended Approval for the building as proposed, the Modifications and Adjustment requested, and the majority of signage newly described, but recommended Denial of the 51 square foot corner projecting sign, finding it to be too large and therefore incompatible with the district, and in need of a Modification to allow more than 30 square feet to project into the right-of-way. Following issuance of the November 2, 2015 staff report, the applicant provided revised drawings showing the sign to be oriented perpendicular to the west façade and no longer projecting into the right-of-way; these drawings were distributed to the Commission at the hearing. The applicant appeared at the November 9, 2015 hearing with again revised drawings showing a sign reduced to approximately 30 square feet. At that hearing, the Commission disagreed with staff's finding that the 51 square foot sign was incompatible and requested staff to return with findings in favor of the larger sign. The hearing was continued to November 16, 2015.

## **ZONING CODE APPROVAL CRITERIA**

### **(1) Chapter 33.846.060 - Historic Resource Review**

#### **Purpose of Historic Resource Review**

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

#### **Historic Resource Review Approval Criteria**

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

**Findings:** The site is located within the Alphabet Historic District and the proposal is for a non-exempt treatment. Therefore Historic Resource Review approval is required. The approval criteria are the *Community Design Guidelines* and the *Historic Alphabet District Community Design Guidelines Addendum*.

*Staff has considered all guidelines and addressed only those applicable to this proposal.*

#### **Historic Alphabet District - Community Design Guidelines Addendum**

**1. Historic Changes.** Most properties change over time; those changes that have acquired historic significance will be preserved.

**Findings:** The existing building on the subject property was constructed in 1963 and is

not designated historic, nor has it gained historic significance. This guideline is not applicable.

**2. Differentiate New from Old.** New additions, exterior alterations, or related new construction will retain historic materials that characterize a property to the extent practicable. Replacement materials should be reasonable facsimiles of the historic materials they replace. The design of new construction will be compatible with the historic qualities of the district as identified in the Historic Context Statement.

**3. Hierarchy of Compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a historic or conservation district, with the rest of the District. Where practical, compatibility will be pursued on all three levels. New development will seek to incorporate design themes characteristic of similar buildings in the Historic Alphabet District.

**Findings for 2 and 3:** The proposed building is designed to be compatible with the historic district. While the site is rather large, the building is broken into smaller volumes, in keeping with the historic pattern of the district. The proposed building is also designed to respect the historic landscape by setting back from the street lot line at the northeast corner in order to preserve a Heritage Elm tree at that location. The corner volume is proposed to be faced with brick in complement to the historic residential building directly across NW Irving Street to the north. The other two volumes are proposed to be clad with Portland cement plaster, which will be differentiated from historic plaster cement through the incorporation of expansion joints. Windows, doors, and storefront systems will also be differentiated in that they are proposed to be aluminum-clad wood rather than wood.

Because the existing building will be demolished, the new building is not required to be compatible with this non-contributing resource. As noted above, the new building is proposed to include architectural features that exist within the district on nearby contributing resources. In general, the building is highly detailed to complement the historic character of the district, including articulated brick lintels and sills, brick and tile detailing, and articulated cornice. The proposed building will blend in with the neighborhood rather than drawing attention to itself as a new building. *These guidelines are met.*

### **Community Design Guidelines**

**P1. Plan Area Character.** Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and 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 proposed building responds to the area's desired characteristics and traditions by establishing three distinct volumes for the building measuring 62' to 78' wide, integrating retail at the ground floor with residences above, and featuring large storefront windows, awnings, outdoor areas for dining, and balconies at the upper level residences. In addition, the building is setback both along NW Irving, the more residential street, featuring stormwater planters as landscaping, and at NW 21<sup>st</sup> in order to preserve the Heritage elm in the right-of-way. Preserving this tree and providing outdoor space directly adjacent where diners can appreciate this tree and watch passersby will add to the vitality of the district. *This guideline is 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.

**Findings:** The sidewalks will be improved, as required by the Bureau of Transportation. All commercial entrances are recessed from the street, protected with a canopies featuring downlighting, and connect directly to the sidewalk. The residential entrance at the northwest corner volume is pulled back from the street and enhanced with Ipé decking to add warmth and a sense of homecoming. The garage entrance is located at the furthest point west, away from the corner and the majority of pedestrian traffic. The garage gate is also set back 10 feet from the street lot line which will allow drivers exiting the garage better visibility of passing pedestrians. *This guideline is met.*

**E2. Stopping Places.** New large-scale projects should provide comfortable places along pedestrian circulation routes where people may stop, visit, meet, and rest.

**Findings:** Outdoor seating is shown to be proposed at the northeast corner where the building is pulled back from the street. It is intended that the adjacent retail space would be used for a restaurant where the activity inside could spill outside. While this seating would be for the use of customers of the associated business, their presence at the corner may inspire passing pedestrians to stop and rest awhile. *This guideline is met.*

**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 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.

**Findings for E3 and E4:** The sidewalk level of the building is differentiated from the upper floors through the use of storefront systems distinguishing the commercial areas from the private upper floors. The vast amount of glazing at the ground level will allow views to the active interior spaces, encouraging engagement between the interior and exterior. The pedestrian realm will be framed by the building and the proposed street trees with an enhanced gathering or potential display area at the northeast corner where the building is setback to preserve the Heritage Elm as well as provide an area to further activate this corner with outdoor activity. Canopies are proposed primarily at ground level entrances, but also at the northeast corner generally, to reinforce the pedestrian scale of the building at the ground level. Storefront and other façade detailing is proposed at the ground level of the building to add visual interest and enrich the pedestrian experience. *This guideline is met.*

**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:** As is noted above, the building is pulled back from the street lot line at the northeast corner in order to preserve the Heritage Elm in the right-of-way. Preserving this tree at its current scale will help protect pedestrians from the negative effects of sun, wind, rain, and glare. In addition, several new street trees are proposed to provide additional protection along the frontages. Canopies are also provided at the entrances and at the northeast corner, which will help protect pedestrians and visitors to the building from rain. *This guideline is 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 & D3:** The building is organized into three major volumes. The southeast volume is pulled to the street lot line in response to the commercial nature of NW 21<sup>st</sup>. The northeast volume would also be located at the street lot line but is pulled back in order to preserve the Heritage Elm in the right-of-way. The northwest volume is recessed in response to the Code requirements, but results in a placement that responds to the adjacent residential buildings immediately to the west. Along the side and rear lot lines, the yard is landscaped to provide a buffer between the new building and the adjacent smaller-scaled residential properties; however, paved outdoor areas are also accommodated at the three ground level units, the commercial area, and at the second floor central deck. In addition, nearly all of the units feature a recessed balcony for private outdoor space. The commercial outdoor areas are connected to the sidewalk via a side yard path to NW 21<sup>st</sup> Avenue while the ground level units are connected to NW Irving via a side yard path that is expected to be a secondary means of egress rather than a frequently used path. *These guidelines are met.*

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

**Findings:** The commercial entrances to the building face NW 21<sup>st</sup> Avenue which is one of two main commercial thoroughfares in the neighborhood. Bus stops are located at the northwest and southeast corners of the adjacent intersection. The entrances are highlighted with overhead lighted canopies. The residential entrance is located on NW Irving Street, which is the quieter more residential street. This entrance is pulled back from the street lot line, more or less in line with adjacent residential properties. It is also highlighted with an overhead lighted canopy and Ipé decking as a threshold. *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:** Parking is proposed beneath the building. The applicant proposes 40 standard parking spaces, 6 “smartcar” spaces, 15 compact spaces at various sizes, and 2 motorcycle spaces to serve 57 residential units. The “smartcar” and compact spaces require a Modification to reduce the standard vehicle parking space dimensions; this is addressed below under Modifications. No parking spaces are required. The parking access is located at the westernmost point of the building which will help to reduce conflicts between vehicles and pedestrians. As noted above, the garage is also pulled back from the street, allowing extra space for a driver exiting the garage to pause and wait for pedestrians to pass. The proposed garage gate is to be constructed of steel with glazed panels and additional detailing, similar to a carriage door, for added interest. *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:** The proposed building features an abundance of lighting and visibility between the interior and exterior which will help prevent instances of crime. Nearly the entire ground floor commercial space is glazed with storefront windows with exterior lighting. Nearly all units feature outdoor balconies with lighting in addition to plentiful windows to establish eyes on the street as well as on the side and rear yard courtyards. In addition, a gate is proposed at the rear yard between the subject property and the private residence of the developer, which will allow the property owner immediate access to his interests. *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 proposed building complements the neighborhood in its program, siting, height, materiality, and detailing. The mixed-use character of the building respects and continues the historic character and traditions of the neighborhood. The façade of the building is broken into distinct volumetric forms with each corner of the building responding to immediately adjacent characteristics of the neighborhood – the commercial street edge at the east frontage, the Heritage Elm at the northeast, and the recessed residential nature at the west. The building’s height and massing respects that of its neighbors. While slightly taller than the 4-story brick apartment building to the north, the additional height of the proposed building is a result of the ground level retail height, which adds versatility to these spaces and adds emphasis to the pedestrian level, as well as the elongated parapet which enhances the architectural character of the building. The proposed materials are brick and cement plaster which are materials commonly found in the district, particularly on buildings on this scale. The windows, doors, and storefront systems are proposed to be aluminum-clad wood, which will offer the desired character of traditional wood but the added protection of the cladding. The extra detailing proposed at the lintels and sills, belly bands, and cornice, as well as the rustication and brick and tile detailing at the corner piers are reminiscent of traditional architectural detailing, helping the building to blend in with its historic neighbors. *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:** As noted elsewhere, the building is composed of three distinct volumes – one primarily brick and two primarily cement plaster. These volumes are tied together through a common language of detailing and fenestration patterns and linked via recessed glazed corridors. Compositionally, the building is very successful and features plenty of traditional details to add interest. The proposed building materials – brick, cement plaster, aluminum-clad wood are all quality permanent materials.

The proposed pre-finished metal cornice is noted to be a 22-gauge metal which the applicant indicates is sufficient to prevent oilcanning with the curve profile. Other metal detailing is described to be 22-gauge metal with backing to prevent oilcanning.

In the first staff report, dated October 2, 2015, staff noted that no details had been provided for the proposed “Tenant” sign at the northeast corner for staff to determine its quality or compliance with the Sign Code. Information was provided showing a 51 square foot corner projecting sign, which staff believed was too large and therefore incompatible with the district. Staff also noted that a Modification is necessary to allow more than 30 square feet to project into the right-of-way. Following issuance of the November 2, 2015 staff report, the applicant provided revised drawings showing the sign to be oriented perpendicular to the west façade and no longer projecting into the

right-of-way; these drawings were distributed to the Commission at the November 9, 2015 hearing. The applicant appeared at the November 9, 2015 hearing with again revised drawings showing a sign reduced to approximately 30 square feet. At that hearing, the Commission disagreed with staff's finding that the 51 square foot sign was incompatible, stating that the sign is high quality and the scale seems appropriate with the scale of the building, particularly with the trees helping to obscure the relative visibility of the sign.

*This guideline is met.*

**(2) 33.846.070 Modifications Considered During Historic Resource Review**

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 historic resource review process. These modifications are done as part of historic resource 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 historic resource 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 historic resource review approval criteria.** The resulting development will better meet the approval criteria for historic resource review than would a design that meets the standard being modified; and
- B. **Purpose of the standard.**
  - 1. The resulting development will meet the purpose of the standard being modified; or
  - 2. The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.

The following Modifications are requested:

1. (33.130.210) – To increase the allowed height in the CS-zoned portion of the building from 45'-0" to 50'-4";

*Purpose Statement:* The height limits are intended to control the overall scale of buildings. The height limits in the CN1, CN2, and CO1 discourage buildings which visually dominate adjacent residential areas. The height limits in the CO2, CM, CS, and CG zones allow for a greater building height at a scale that generally reflects Portland's commercial areas. Light, air, and the potential for privacy are intended to be preserved in adjacent residential zones. The CX zone allows the tallest buildings, consistent with its desired character.

*Standard:* Per Table 130-3, the maximum height in the CS zone is 45 feet.

**Findings:** While the maximum height in the CS zone is limited to 45 feet, the maximum height in the RH zone is 65 feet except within the first 10 feet of the street lot line where the height is limited to 25 feet. It seems counterintuitive for a main street condition in a historic district to limit the height of buildings along the commercial thoroughfare while allowing larger structures mid-block, closer to the existing smaller residential properties. Prior to application, the applicant met with the neighborhood association who encouraged the applicant request a height Modification so that taller commercial spaces could be incorporated on the ground floor along NW 21<sup>st</sup> Avenue. Taller ground floor commercial spaces are typical of the historic district, allowing the building to better meet Guideline D7 *Blending into the Neighborhood*. The building will

be the same height across the expanse of the building, which is approximately 15 feet below the height limit adjacent to residential areas.

*Therefore this Modification merits approval.*

2. (33.130.215.B) – To reduce the required setbacks from 14'-0" to 10'-8" at the western property line in the CS-zoned portion of the site AND to reduce the required 5'-0" of landscaping at the L3 standard to 4'-6" along the western property line in the CS-zoned portion of the site;

*Purpose Statement:* The required building setbacks promote streetscapes that are consistent with the desired character of the different commercial zones. The CN1, CM, CS, and CX setbacks promote buildings close to the sidewalk to reinforce a pedestrian orientation and built-up streetscape. The setback requirements for areas that abut residential zones promote commercial development that will maintain light, air, and the potential for privacy for adjacent residential zones. The setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users.

*Standard:* Based on the proposed building height, Table 130-4 requires a 14' setback with 5'-0" of L3 landscaping along the western property line in the CS-zoned portion of the site.

**Findings:** The majority of the buildings in the Alphabet Historic District were built before the adoption of Building Codes, thus side and rear setbacks are typically minimal, often as little as 3 to 6 feet from a side lot line even when windows or projecting bays are present. Multi-dwelling structures, in particular, featured the most minimal setbacks in both the commercial main street areas as well as the internal residential areas. Therefore a 3'-4" reduction of the required setback is more in keeping with the character of the district and better meets Guideline D7 *Blending into the Neighborhood*.

The proposed reduction in the width of the landscaping is minimal and is supplemented with a wooden fence which will help provide additional privacy between properties. Guidelines D1 *Outdoor Areas* and D3 *Landscape Features* are better met through this minor reduction in width as it provides slightly more space for users of the immediately adjacent outdoor areas to enjoy the landscaping and the privacy provided by both the landscaping and the fencing.

*Therefore this Modification merits approval.*

3. (33.120.220.B) – To reduce the required setbacks from 13'-0" to 10'-8" at the southern property line and from 14'-0" to 10'-8" at the western property line in the RH-zoned portion of the site AND to allow a garage entrance 10'-0" back from the street lot line;

*Purpose Statement:* The building setback regulations serve several purposes:

- They maintain light, air, separation for fire protection, and access for firefighting;
- They reflect the general building scale and placement of multi-dwelling development in the City's neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for neighboring properties;
- They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity;

- Setback requirements along transit streets create an environment that is inviting to pedestrians and transit users; and
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

*Standard:* Based on the area of the building wall, Table 120-4 requires a setback of 13'-0" and 14'-0" at the southern and western property lines, respectively, in the RH-zoned portion of the site.

**Findings:** As noted above under Modification #1, the majority of the buildings in the Alphabet Historic District were built with minimal side and rear yard setbacks, including larger residential buildings similar to the proposed building. As such, a reduced setback, is more in keeping with the historic character of the neighborhood and better meet Guideline D7 *Blending into the Neighborhood*.

The proposed 10-foot setback for the garage entrance provides room for enhanced visibility as a car exiting the garage will have room to see passing pedestrians without hanging over the sidewalk. This better meets Guideline D4 *Parking Areas and Garages*.

*Therefore this Modification merits approval.*

4. (33.130.240) – To reduce the required width of the pedestrian path from 6'-0" to 5'-6" along the western outdoor area and to 4'-0" along the southern outdoor area in the CS-zoned portion of the site;

*Purpose Statement:* The pedestrian standards encourage a safe, attractive, and usable 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.

*Standard:* 33.130.240.B.2.a requires that the circulation system be hard-surfaced and at least 6 feet wide.

**Findings:** The applicant has provided a drawings (LUR-26) describing their requested Modification to this standard.

The requested Modification is for the length of the path along the western side of the building and for small portions along the southern property line with the CS zone. The applicant has indicated that the proposed reduction meets the required width for egress per Building Code requirements. As the reduced width will not have a significant impact on the safety of the pedestrian path, staff notes that the proposed layout of the ground floor in this portion of the building, with its nooks and crannies, accommodates a variety of spaces for different activities and building necessities. Guideline D1 *Outdoor Areas* is better met by providing a variety of intimate outdoor spaces, including covered and uncovered spaces within these reduced path areas. Guideline D4 *Parking Areas and Garages* is also better met as the garage exhaust is located within this area on the south which minimizes the negative effects of the garage on passing pedestrians by hiding the exhaust in a location minimally visible from the street.

*Therefore this Modification merits approval.*

5. (33.266.130.F.2) – To reduce the parking space dimensions from 8'-6" x 16'-0" to as

much as 7'-9" x 12'-6" for compact spaces and 6'-8" x 12'-0" for smart-car spaces, and to reduce aisle dimensions from 20'-0" to 19'-0"; and

*Purpose Statement:* The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles.

*Standard:* 33.266.130.F.2 – When oriented 90 degrees to a 2-way drive aisle, parking spaces are required to be 8'-6" wide x 16'-0" deep and the drive aisle is required to be 20'-0".

**Findings:** The applicant is proposing a total of 60 vehicle parking spaces and 3 motorcycle parking spaces for the proposed 57-unit apartment building. In order to provide this number of spaces, within the allowable buildable area, the applicant has proposed reduced aisle widths and reduced parking stall sizes. The Commission acknowledges that vehicles come in many different sizes and that the variety of spaces proposed may require the assignment of spaces to ensure proper management of the parking operations. However, in order to accommodate as many vehicles as possible and reduce pressure for on-street parking spaces, a reasonable reduction of required dimensions is supportable. Along the eastern edge of the garage, eight (8) 12'-0" deep stalls are proposed to accommodate "smartcars" as the garage wall is pulled back at this location in order to preserve the Heritage Elm in the right-of-way. It is noted that 13 of 60 (22%) of the proposed spaces are shown at 12'-6" or less and there are very few cars that can fit within this dimension, including vehicles such as the Smart fortwo, Scion iQ, and Fiat 500. The Commission is not concerned with the proposed reduction to stall widths as most vehicles are between 6 and 7 feet wide, with smart cars generally narrower than 6'-0". The Commission also does not have concerns with the reduced drive aisle width as these reductions are limited and located in areas of reduced conflict such as at the end of the garage parking or behind compact spaces. With proper management, the proposed parking will better meet guideline D4 *Parking Areas and Garages* by reducing the negative effects of parking within the neighborhood through the provision of a greater than 1:1 parking ratio. In addition, guideline D3 *Landscape Features* is better met by the applicant's attempt to preserve the Heritage Elm.

*Therefore this Modification merits approval.*

6. (33.266.220.C) – To reduce the width of bicycle parking spaces from 2'-0" to 1'-6".

*Purpose Statement:* These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

*Standard:* 33.266.220.C.3.b – A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components.

**Findings:** The applicant is proposing 66 long-term bicycle parking spaces at 18" on center with a 6-inch stagger. This Modification request has become relatively common and is approvable in the proposed configuration as the 6-inch stagger provides the space to avoid unnecessary conflicts within projecting bicycle elements. The reduced width compresses the area devoted to bicycle parking so that these areas can be devoted to other more pleasant areas such as a residential lobby or a street-facing dog wash station, as is the case here; therefore Guideline D4 *Parking Areas and Garages* is better met by the proposed reduction.

*Therefore this Modification merits approval.*

**(3) Adjustments**

**33.805.010 Purpose**

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply citywide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

The following adjustment is requested:

1. (33.266.310.C – Number of loading spaces): Requires one (1) Standard B loading space on-site. The applicant proposes zero (0) loading spaces on-site.

**33.805.040 Approval Criteria**

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A through F have been met:

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified.

**Findings:** The purpose statement for 33.266.310 states that: “A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.”

In their response the Portland Bureau of Transportation found that, based on the scale of the project and the existing site constraints that preclude accommodating on-site loading within the parking garage, the request to not provide an on-site space was supportable in this specific instance. PBOT noted that a building with up to 40 residential units would not require a loading space; therefore, the additional 17 units trigger the requirement for one loading space. They also noted they have reviewed the operational characteristics with this type of development as well as the right-of-way operations relative to on-street loading and that residents will have the option to request reservation of on-street parking spaces to accommodate residential move ins/move outs through the Bureau of Transportation. The Commission defers to PBOT’s consideration of this approval criterion.

*For these stated reasons, the approval criterion is met.*

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS C, E, or I zone, the proposal will be consistent with the desired character of the area.

**Findings:** The garage access is located in the residentially-zoned portion of the site. Therefore, if accommodated on-site, the loading space would have to be located in the below-grade garage or elsewhere on the site. The applicant has indicated that the loading space cannot be accommodated below grade due to the limited clearance of the garage. As

an alternative, the applicant suggested that the loading space be located in the side yard west of the building. Locating the loading space west of the building would require a wider curb cut as well as a Modification to perimeter landscaping. This area is located directly adjacent to a neighboring residence which would result in an undesirable situation for the neighbors. In addition, a wider curbcut would result in more pedestrian-vehicle conflicts and reduced landscaping in the right-of-way. As such, not providing a loading space on-site will be more consistent with the desired character of the area and will not detract from the livability.

*For these stated reasons, the approval criterion is met.*

**C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone.

**Findings:** Only one Adjustment is requested.

*This criterion does not apply.*

**D.** City-designated scenic resources and historic resources are preserved.

**Findings:** While the subject property is a non-contributing resource and the proposal is for a new building, staff notes that contributing resources about the site and would potentially be negatively impacted if the required loading space were to be provided on-site and that the streetscape would be negatively impacted if an at-grade loading space were to be provided on-site. The request to not provide an on-site loading space better protects adjacent historic resources and the character of the district as loading activities, in this instance, may be better accommodated in the right-of-way.

*For these stated reasons, the approval criterion is met.*

**E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and

**Findings:** The impacts resulting from the Adjustment are expected to be relatively minimal and primarily mitigated via residents requesting reservations for parking spaces within the right-of-way. Alternatively, staff notes that an existing taxi zone is located adjacent to the site along NW Irving. It is possible that this taxi zone may be revised to a loading zone which could accommodate any loading demand for this building, as well as adjacent buildings.

*For these stated reasons, the approval criterion is met.*

**F.** If in an environmental zone, the proposal has a few significant detrimental environmental impacts on the resource and resource values as is practicable;

**Findings:** The subject property is not located within an environmental zone.

*This criterion does not apply.*

#### **(4) REQUEST FOR THE DEPLOYMENT OF COBBLESTONES**

##### **Cobblestone Request:**

The applicant has requested that cobblestones be released for use as the surface treatment at

the proposed patio area adjacent to the sidewalk at the northeast corner of the site along NW 21<sup>st</sup> Avenue and NW Irving Street.

### **Extent of Request**

The area of the pedestrian-way needing stones is calculated to be approximately 784 square feet. At six stones per square foot, this equals approximately 4,704 stones.

### **Deployment Criteria:**

Ordinance No. 139670 required that the Bureau of Parks pick up, clean, and store cobblestones as they were excavated from City streets. The Ordinance further required that "The deployment of stored cobblestones shall be determined by the Portland Historical Landmarks Commission. Criteria for deployment shall be established by the Commission."

Two deployment criteria were developed by the Commission in 1975, and remain the criteria today:

**Criterion 1: Cobblestones should be reused primarily in districts or areas of the City where they were originally used.** Historic Districts and Historic Landmarks where cobblestones were originally used as the paving material should receive first priority.

**Findings:** NW 21<sup>st</sup> Avenue was developed as a neighborhood commercial corridor and was used as the alignment for the Willamette Heights streetcar line between Glisan and Northrup. It is known that cobblestones were often used for rail beds in the early 20<sup>th</sup> century Portland railway system. Therefore, it can be safely assumed that cobbles were historically used within the street bed of NW 21<sup>st</sup> in front of the project site.

**Criterion 2: As a general policy, cobblestones should be used for large paving areas, primarily in public pedestrian spaces where the special character of cobblestone texture would be meaningful.** The use of cobblestones as small decorative elements in unrelated or isolated projects should be discouraged, as these uses are usually insignificant or inappropriate.

**Findings:** The proposed location of the cobbles is the recessed portion of the site where the building is held back from the street lot line in order to preserve the Heritage Elm tree in the NW 21<sup>st</sup> Avenue right-of-way. While this area is not excessively large, it is large enough to make an impact rather than a small gesture. While the proposed deployment area is located on private property, it is immediately adjacent to the sidewalks on NW 21<sup>st</sup> and NW Irving with no physical barriers between the sidewalk and the cobbles. As such, the cobbles will serve as an embellished extension of the public realm, as perceived by pedestrians, and will help to enhance the character of this frontage, particularly with its proximity to the Heritage Tree.

The incorporation of cobblestones will further enhance the public experience because it will help inform people of the cobble's historical value and widespread use in certain early 20<sup>th</sup> century Portland neighborhoods.

## **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 proposed building is properly scaled with regard to the historic district and will provide a built example of how to design a new building on a larger site to be compatible with the scale of the historic district. The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. As described in the findings above, this proposal meets the applicable Historic Resource Review criteria and Modification, Adjustment, and Cobble Deployment criteria and therefore warrants approval.

**HISTORIC LANDMARKS COMMISSION DECISION**

It is the decision of the Historic Landmarks Commission to approve Historic Resource Review for a new 4-story mixed use building to include 10,722sf of ground floor commercial space, 57 residential units, a below-grade garage for 60 vehicles, and all proposed signage in the Alphabet Historic District in the Northwest Plan District. Exterior materials include brick, cement plaster, concrete, glass reinforced concrete, wood and steel balconies and canopies, and aluminum-clad wood storefronts, windows and doors. A transfer of floor area ratio (FAR) is proposed from 2133 NW Hoyt and 2123 Hoyt, for additional FAR on the RH-zoned portion of the building per 33.120.205.E.5.b.

Approval of the following Modifications:

1. (33.130.210) – To increase the allowed height in the CS-zoned portion of the building from 45'-0" to 50'-4";
2. (33.130.215.B) – To reduce the required setbacks from 14'-0" to 10'-8" at the western property line in the CS-zoned portion of the site AND to reduce the required 5'-0" of landscaping at the L3 standard to 4'-6" along the western property line in the CS-zoned portion of the site;
3. (33.120.220.B) – To reduce the required setbacks from 13'-0" to 10'-8" at the southern property line and from 14'-0" to 10'-8" at the western property line in the RH-zoned portion of the site AND to allow a garage entrance 10'-0" back from the street lot line;
4. (33.130.240) – To reduce the required width of the pedestrian path from 6'-0" to 5'-6" along the western outdoor area and to 4'-0" along the southern outdoor area in the CS-zoned portion of the site;
5. (33.266.130.F.2) – To reduce the parking space dimensions from 8'-6" x 16'-0" to as much as 7'-9" x 12'-6" for compact spaces and 6'-8" x 12'-0" for smart-car spaces, and to reduce aisle dimensions from 20'-0" to 19'-0"; and
6. (33.266.220.C) – To reduce the width of bicycle parking spaces from 2'-0" to 1'-6".

Approval of the following Adjustment:

1. (33.266.310.C) – To not provide an on-site loading space.

Approval of the use of approximately 784 square feet of cobble.

This approval is 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 through C-79. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-182060 HRM AD. No field changes allowed.

=====

By:   
Jessica Engeman, Historic Landmarks Commission Vice Chair

Application Filed: June 8, 2015  
Decision Filed: November 17, 2015

Decision Rendered: November 16, 2015  
Decision Mailed: November 24, 2015

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on June 8, 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 June 8, 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 waived the 120-day review period, per Exhibit A-2. Unless further extended by the applicant, **the 120 days will expire on: August 3, 2016.**

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. This report is the final decision of the Landmarks Commission with input from other City and public agencies.

**Conditions of Approval.** This approval may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appeal of this decision.** This decision is final unless appealed to City Council, who will hold a public hearing. Appeals must be filed by 4:30 pm on December 8, 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 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5<sup>th</sup> floor. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case by appointment at, 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201. Please call the file review line at 503-823-7617 for an appointment.

If this decision is appealed, a hearing will be scheduled and you will be notified of the date and time of the hearing. The decision of City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing, one in which new evidence can be submitted to City Council.

**Who can appeal:** You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$5,000.00 will be charged (one-half of the application fee for this case).**

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

#### **Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **December 9, 2015 – (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 must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

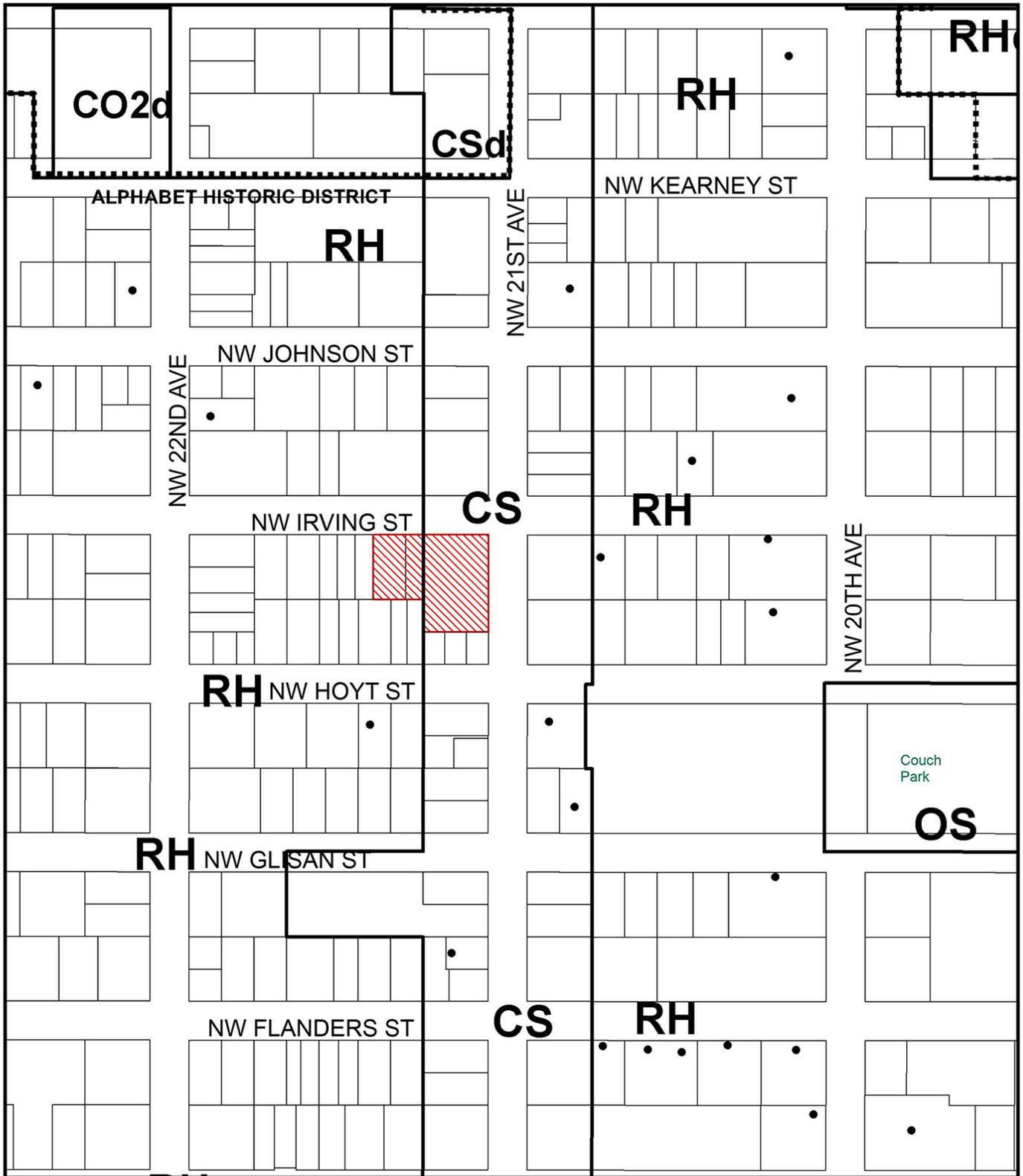
**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**

**EXHIBITS – NOT ATTACHED UNLESS INDICATED**

- A. Applicant's Statement:
  - 1. Narrative
  - 2. 120-day waiver
  - 3. Stormwater Management Information
  - 4. Arborist Report
  - 5. Original Drawing Set
  - 6. Revised FAR Analysis, received June 17, 2015
  - 7. FAR Transfer Covenants
  - 8. PBOT Completeness Response, received August 4, 2015
  - 9. Completeness Response, received August 4, 2015
  - 10. Completeness Response Drawings
  - 11. Revised Drawings, received September 5, 2015
  - 12. Supplemental Stormwater Information, received September 5, 2015
  - 13. Supplemental Window Package Information, received September 5, 2015
  - 14. Supplemental Lighting Package Information, received September 5, 2015
  - 15. Supplemental Finish/Masonry Package Information, received September 5, 2015
  - 16. Supplemental Roll-Up Door Information, received September 5, 2015
- B. Zoning Map (attached):
- C. Plans & Drawings:
  - 1. Sheet Index
  - 2. Neighborhood Context
  - 3. Zoning and Envelope
  - 4. Contributing Buildings
  - 5. Existing Site
  - 6. Historic Context Plan
  - 7. Context Street Elevations
  - 8. Concept
  - 9. Perspective (attached)
  - 10. Perspective
  - 11. Perspective
  - 12. Perspective
  - 13. Perspective
  - 14. Enlarged Elevation
  - 15. SW Corner Perspective
  - 16. Existing and Proposed Site Plan
  - 17. Basement Floor Plan
  - 18. Ground Floor Plan (attached)
  - 19. Typical Residential Floor Plan (2-4)

20. Roof Plan
21. Street Elevations
22. North and East Elevations
23. Partial North Elevation
24. Partial North Elevation
25. West and South Elevations
26. Courtyard Elevations
27. Building Sections
28. Site Plan – PGE Service
29. Pedestrian Diagram – South Property Line
30. Street Sections
31. Street Sections
32. Street Sections
33. Street Sections
34. Ground Floor Patio Sections
35. Precedent Images
36. Detail Key Elevations
37. Details
38. Details
39. Details
40. Details
41. Details
42. Details
43. Details
44. Details
45. Details
46. Details
47. Details
48. Details
49. Details
50. Details
51. Details
52. Details
53. Details
54. Details
55. Lighting Elevations
56. Ground Level Landscape Plan
57. Second Level Landscape Plan
58. Ground Level Planting Plan
59. Plant Legend
60. Second Level Planting Plan
61. Details - Planting
62. Landscape Amenity Images
63. Plant Images
64. Grading Plan
65. Utility Plan
66. Project Information
67. FAR Transfer
68. Parking, Bikes, and Open Space Calculations
69. Long-term Bike Storage
70. Site Coverage/Setbacks
71. Cobble Plaza Plan
72. Cobble History
73. Cobble Rendering
74. Signage Elevations (received November 4, 2015)

75. Signage Details – Corner Projecting (received November 4, 2015)
  76. Signage Rendering – Corner Projecting (received November 4, 2015)
  77. Signage Details - Blade
  78. Signage Details - Band
  79. Signage Details – Wall Mounted
- D. Notification information:
1. Request for response
  2. Posting letter sent to applicant
  3. Notice to be posted
  4. Applicant’s statement certifying posting
  5. Mailing list
  6. Mailed notice
  7. Revised Posting Notice
  8. Mailing list for Revised Notice
  9. Revised Notice
- E. Agency Responses:
1. Bureau of Transportation Engineering and Development Review
  2. Bureau of Parks, Forestry Division
  3. Bureau of Environmental Services
  4. Water Bureau
  5. Fire Bureau
  6. Site Development Review Section of Bureau of Development Services
  7. Life Safety Division of BDS
- F. Letters: none
- G. Other:
1. Original LUR Application
  2. Incomplete Letter, dated July 6, 2015
  3. Staff Memo to the Commission, dated October 2, 2015
  4. Staff Report and Recommendation, dated October 2, 2015
  5. Drawings for October 12, 2015 hearing (64 sheets)
  6. Applicant Response to October 2, 2015 Staff Report
- H. Hearing
1. Staff Presentation, dated October 12, 2015
  2. Applicant Presentation, dated October 12, 2015
  3. Cobblestone Request, received November 2, 2015
  4. Revised Staff Report, dated November 2, 2015
  5. Revised Signage Drawings, received November 4, 2015 (6 sheets)
  6. Applicant Presentation, dated November 9, 2015
  7. Revised Signage Sheets, submitted November 9, 2015 (7 sheets)
  8. Revised Staff Report and Recommendation, dated November 12, 2015



# ZONING



Site



Historic Landmark



NORTH

This site lies with the:  
 NORTHWEST PLAN DISTRICT  
 ALPHABET HISTORIC DISTRICT

File No. LU 15-182060 HRM, AD  
 1/4 Section 2927  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E33BD 8700  
 Exhibit B (Aug 5, 2015)



NW 21ST AVENUE AND IRVING STREET PERSPECTIVE -- LOOKING SOUTHWEST

C-9

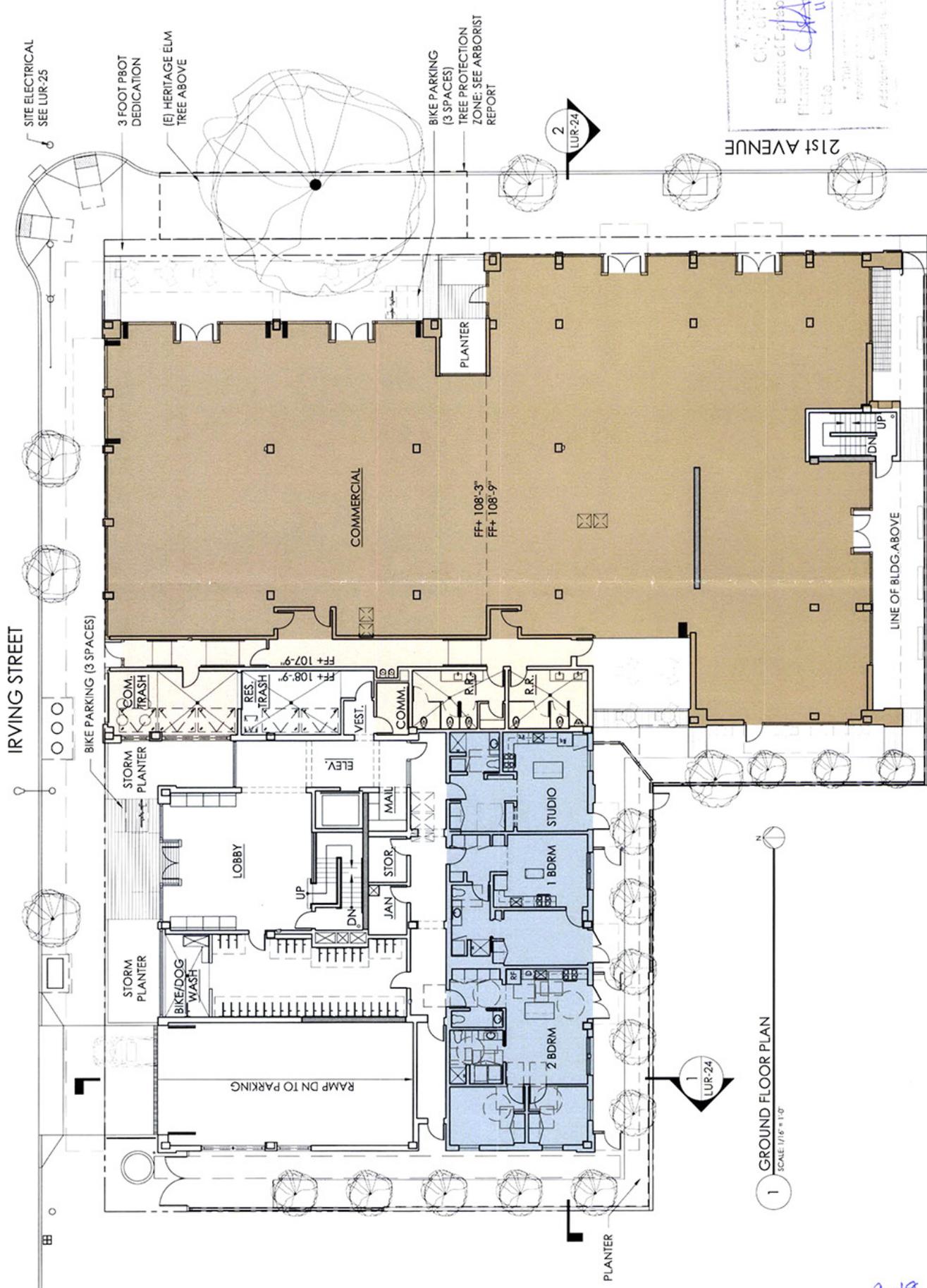
City of Portland  
 Bureau of Development Services  
 Planner: *Cheryl*  
 Date: *11/6/15*  
 • This approval applies only to the reviews requested and is subject to all conditions of approval.  
 Additional zoning requirements may apply.

NW 21ST/IRVING APTS.  
 625-635 NW 21ST AVENUE  
 PORTLAND, OR 97209  
 NOT FOR CONSTRUCTION

EMERICK ARCHITECTS

PROJECT 1456

DATE: 08-03-15  
 LUR-9



1 GROUND FLOOR PLAN  
SCALE: 1/8" = 1'-0"

NOT FOR CONSTRUCTION  
 PORTLAND, OR 97209  
 625-635 NW 21ST AVENUE  
 NW 21ST/IRVING APIS.  
 City of Portland  
 Bureau of Construction  
 Planner: *Chapman*  
 Date: *11/16/15*

EMERICK ARCHITECTS

PROJECT 1456

LUR-16  
 DATE: 10-08-15

2 LUR-24

1 LUR-24