



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

Chloe Eudaly, Commissioner  
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**Date:** August 11, 2017  
**To:** Interested Person  
**From:** Jeff Mitchem, Land Use Services  
503-823-7011 / [Jeffrey.Mitchem@portlandoregon.gov](mailto: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 are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

**CASE FILE NUMBER: LU 17-186245 DZM**  
**FOLLOW-UP REVIEW TO PREVIOUS TYPE III APPROVAL (LU15-178260 DZM)**

**GENERAL INFORMATION**

**Applicant:** Rebecca Grace | SERA Architects  
338 NW 5th Ave  
Portland, OR 97209

**Owner:** P7 Jantzen LLC  
810 NW Marshall St #300  
Portland, OR 97209-3359

**Site Address:** 518 NE 20TH AVE

**Legal Description:** BLOCK 8 LOT 1&7&8, SULLIVANS ADD; BLOCK 8 LOT 2, SULLIVANS ADD; BLOCK 8 LOT 3 LOT 4 EXC PT IN ST, SULLIVANS ADD; BLOCK 8 LOT 5 EXC PT IN ST LOT 6, SULLIVANS ADD

**Tax Account No.:** R806100590, R806100600, R806100620, R806100640, R806100600,  
**State ID No.:** 1N1E35AD 08800, 1N1E35AD 08900, 1N1E35AD 09000, 1N1E35AD 08700, 1N1E35AD 08900,

**Quarter Section:** 2932

**Neighborhood:** Kerns, contact Steve Russell at 503-784-8785.  
**Business District:** None  
**District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010.

**Plan District:** None  
**Zoning:** EXd, Central Employment with a Design Overlay  
**Case Type:** DZM, Design Review with Modifications  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

**Proposal:**

The proposal is for changes to a previously approved Land Use Review (LU15-178260 DZM) to allow an increase in building height by 3' to accommodate a roof-top amenity deck. The following Modification to zoning code standards is therefore requested: Modification to **33.140.210, Table 140-3 – Maximum height in EX: 65'**; Proposed: 6' to 71' at amenity deck railing and 18' to elevator overrun (2' higher than excepted per 33.140.210.B.2). The previous land use review approval by the Design Commission featured a roof deck (removed during the course of review), for which a 3' height Modification was required. The subject of this follow-up review is, in part, to allow a 3' increase in height for the re-introduction of that roof deck.

Design Review is necessary because the proposal is for new construction in 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
- 33.825.040 Modifications
- 33.825 Design Review

**ANALYSIS**

**Site and Vicinity:** The quarter-block site is bounded by NE 20<sup>th</sup> Ave to the west, NE 21<sup>st</sup> to the east, NE Hoyt St to the north and NE Glisan to the south. Two single-family dwellings currently occupy the site which will be demolished for the proposed project. The subject site lies between two neighbor commercial nodes along Sandy, at NE 20<sup>th</sup> and NE 28<sup>th</sup> Avenue. Noteworthy context across NE 20<sup>th</sup> Ave is the Jantzen Knitting Mills Company Building, a National Register Landmark, constructed in three phases between 1929 and 1946. The reinforced concrete building was designed by Richard Sundleaf, in the Art Deco style. Remaining context is primarily auto-oriented clad in masonry, concrete and stucco. Good transit service serves the residential neighborhood to the south. NE Sandy Boulevard is designated a Regional Main Street, a Major City Traffic Street, a Major Transit Priority Street, a City Walkway, and a City Bikeway.

**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 Overlay Zone [d] 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 one prior land use review for this site:

- LU16-178260 DZM, Approval of a 6-story apartment building, including Modifications for height.

**Agency Review:** A *Notice of Proposal in Your Neighborhood* was mailed **July 12, 2017**. The following Bureaus have responded with no issues or concerns:

- Fire Bureau (Exhibit E.1)
- Life-Safety (Exhibit E.2)

**Neighborhood Review:** A *Notice of Proposal in Your Neighborhood* was mailed on **July 12, 2017**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### I. DESIGN REVIEW (33.825)

#### 33.825.010 Purpose

Design Review ensures:

- That development conserves and enhances the recognized special design values of a site or area;
- The conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district;
- That certain types of infill development will be compatible with the neighborhood and enhance the area; and
- High design quality of public and private projects.

#### 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.

It is important to emphasize that design review goes beyond minimal design standards and is viewed as an opportunity for applicants to propose new and innovative designs. The design guidelines are not intended to be inflexible requirements. Their mission is to aid project designers in understanding the principal expectations of the city concerning urban design. The review body conducting design review may waive individual guidelines for specific projects should they find that one or more fundamental design guidelines is not applicable to the circumstances of the particular project being reviewed.

The review body may also address aspects of a project design which are not covered in the guidelines where the review body finds that such action is necessary to better achieve the goals and objectives of design review in the Central City.

**Findings:** The site is designated with Design Overlay Zone (d). Therefore, the proposal requires Design Review approval unless the applicant can meet the development requirements stated in 33.218 Community Design Standards without requiring adjustments. As the applicant could not meet those standards outright, Design Review is required. The site is located outside the Central City and not within a designated design district. *The Community Design Guidelines are used for design review as the approval criteria in design zones for sites that are outside the Central City plan district, do not have their own, specific design guidelines.*

#### **Community Design Guidelines**

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other movement systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

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

**P1. Plan Area Character.** Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.

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

**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 for P1, D7 and D8:** The proposed railing extending over the height limit – glass guardrail with stainless steel posts – is a visually minimalist intervention and will not compete with the previously approved architectural design – a modern interpretation of traditional pre-war art deco (per the Jantzen Knitting Mills Co building). The glass rail will visually recede from street and neighboring private views and therefore blend well into the neighborhood. Glass and steel are considered to be high quality materials of permanence that will be a lasting positive contribution to the neighborhood. *Therefore, these guidelines are met.*

## II. MODIFICATION REQUEST (33.825)

### 33.825.040 Modifications That Will Better Meet Design Review Requirements:

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

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

The following modification is requested: **Modification to 33.140.210, Table 140-3 – Maximum allowed height in EX:** 65'; Proposed: 71'. A height modification of 3' was already approved per previous land use review LU15-178260 to 68'. This subject land use review approves an additional 3' to accommodate a roof deck railing for a total building height of 71'.

1. **Modification to 33.140.210, Table 140-3 – Maximum height in EX: Purpose:** The height standards work with the FAR, building setback, and building coverage standards to control the overall bulk and intensity of an area. The EX zone height limit reflects its use in intense urban areas and the range of uses that are allowed.

- A. **Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines.*

**Findings.** The height limit in EX is 65'. In the EX zone, increased height may be requested as a modification through Design Review. The proposal requests a height of 71' at roof deck railing height and 2' additional feet for the elevator overrun to 18'.

As designed, these additional features over the height limit will contribute to the project better meeting the following Guideline:

*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.* The building reads as a uniformly massed five-over-one, tripartite composition – a predominate stucco mass capped with an eroded upper level atop a recessed storefront base. The massing is expressed as a “U”-shaped form with erosions at the top level that serve to sufficiently mitigate the full-

block mass within much lower context. Reference to traditional art-deco context is adequately conveyed with subtle details such as decorative window and floor transitions, ground level reveals, horizontal banding, etc. Fundamental to this massing configuration, is the efficient utilization of upper level erosions for outdoor human occupancy – roof decks included. The addition of a roof deck is consistent with this intent – as a well-integrated rooftop feature, the roof deck contributes to the building striking a harmonious balance between innovation and tradition, and is critical to the full and complete realization of a genuinely humane neighborhood. In the previous approval, the Applicant responded to all Design Commission directives to design a well-resolve art-deco expression – detailing, upper floor step-backs on all elevations and numerous terraces. Therefore, as proposed, the addition of the roof deck completes the resolution with a well-integrated feature drawing on the areas desired characteristics and adequately incorporates elements of nearby quality buildings.

Regarding the additional 2' required for the elevator overrun – because the overrun is centrally located on the building oriented toward center-block with limited visual access, the additional incremental height will not visually detract from the building's overall success as a well-resolved art-deco expression. *Therefore, this criterion is met.*

- B. Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.* Height standards work with the FAR, building setback, and building coverage standards to control the overall **bulk** and **intensity** of an area. The EX zone height limit reflects its use in intense urban areas and the range of uses that are allowed. The other zones do not have height limits because tall buildings in these areas have traditionally not been a problem.

**Findings.** The purpose statement indicates that height limits in the EX zone are primarily intended to control a building's *bulk* and *intensity*.

Building **bulk** refers to the mass, scale or magnitude of the structure. The additional height requested will allow for a roof deck railing which will not noticeably increase the building's bulk, but will instead allow for outdoor occupancy of the roof by building residents.

Building **intensity** generally refers to the concentration of gross building area and related human activity within a unit of land area. Because the additional height will not result in additional occupiable floor-area (allowances are limited to parapet detail and additional rooftop units), human activity above the abutting public realm will not be increased. As such, the request will not result in additional noise, light, glare, etc. typically associated with intensity of use. *Therefore, this criterion is met.*

*Therefore, this Modification merits approval.*

## DEVELOPMENT STANDARDS

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

## CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The applicant has addressed most major concerns expressed by Staff and Commission during the previous Type III land use review (LU15-178260 DZM), including Modification to allow increased height for a roof deck and designed a building that embodies the spirit intended by the applicable

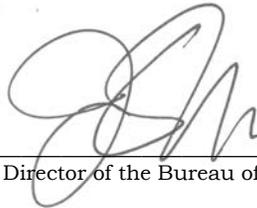
design guidelines, and responds well to the natural, cultural and built context. As described in the preceding findings, the proposal meets all applicable approval criteria and warrants approval.

## ADMINISTRATIVE DECISION

Approval of changes to a previously approved Land Use Review (LU15-178260 DZM) to allow a roof-top amenity deck railing (at 71') and elevator overrun (at 18') as meeting the 33.825.040 Modification approval criteria per the approved site plans, Exhibits C-1 through C-3, signed and dated August 8, 2017, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 17-186245 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

**Staff Planner: Jeff Mitchem**



**Decision rendered by:** \_\_\_\_\_ **on August 8, 2017**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: August 11, 2017**

**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 13, 2017, and was determined to be complete on July 7, 2017.

*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 13, 2017.

*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 extended by the applicant, **the 120 days will expire on: November 4, 2017.**

**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 August 25, 2017** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> Avenue Monday through Friday between 8:00 am and 4:30 pm. **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](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **August 28, 2017** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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

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

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

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

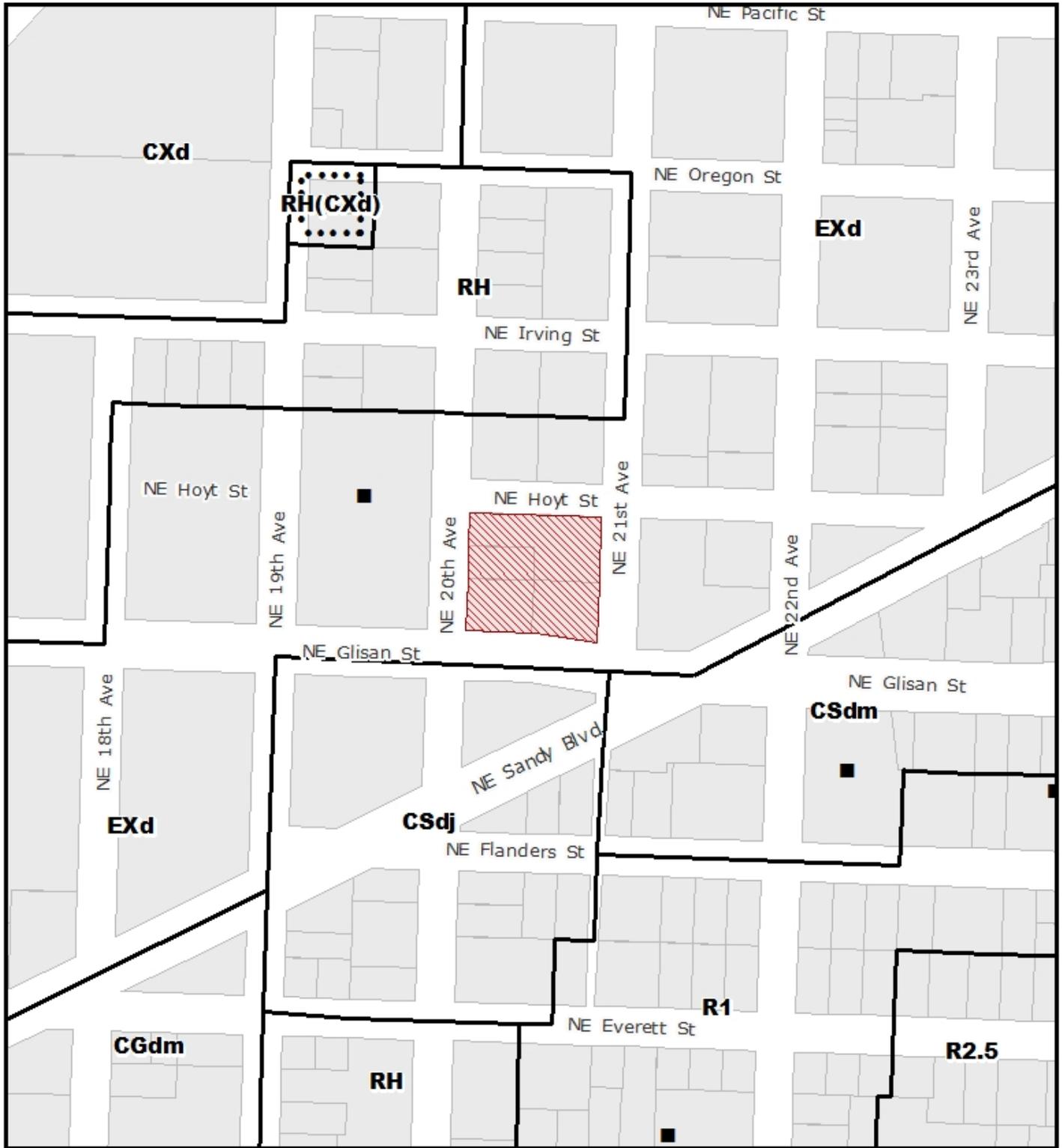
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement: none
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Elevation (attached)
  - 3. Railing Detail
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Fire Bureau
  - 2. Life-Safety
- F. Correspondence: none
- 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**   
NORTH

 Site  
 Historic Landmark

File No.	LU 17-186245 DZM
1/4 Section	2932 3032
Scale	1 inch = 200 feet
State ID	1N1E35AD 8900
Exhibit	B Jul 10, 2017

1-1

UN 17-186245 DZ



### PROPOSED PLAN

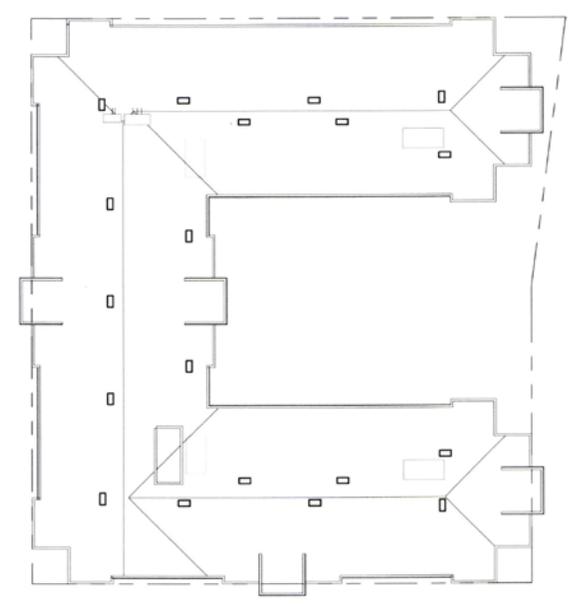
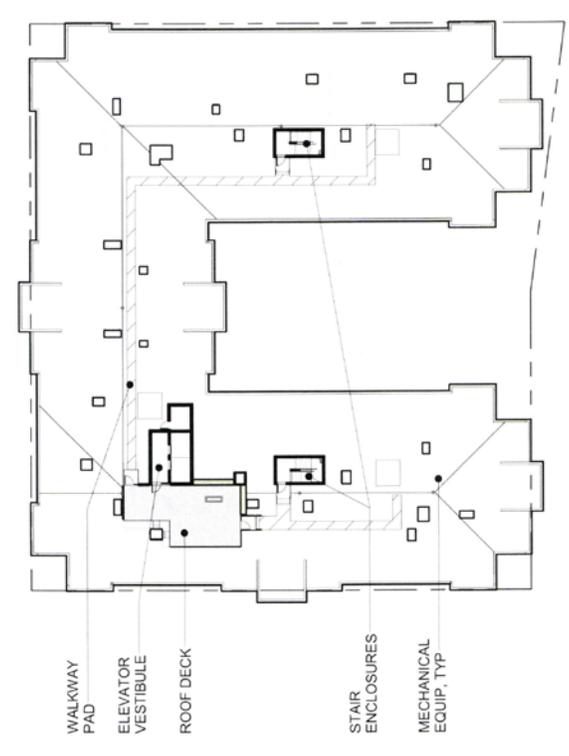
### PREVIOUS PLAN

Planner: *[Signature]* Date: *3/23/17*

City of Portland Bureau of Development Services

Approved: *[Signature]*

\* This approval applies only to the reviews requested and is subject to all other applicable rules. Additional zoning requirements may apply.



\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner *[Signature]* Date *3/2/17*  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



**PREVIOUS ELEVATION**

- STAIR ENCLOSURE
- ELEVATOR OVERRUN
- ELEVATOR VESTIBULE
- STRING LIGHTS AND STEEL SUPPORT POSTS
- GLASS RAILING



**PROPOSED ELEVATION**

*EXAC.2*  
*LA 17-186245 DZ*