



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

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Date: October 1, 2018
To: Interested Person
From: Hannah Bryant, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The 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 18-182719 DZ – EXTERIOR CLADDING AND VENT REVISIONS

GENERAL INFORMATION

Applicant: Marcus Lima | GBD Architects
1120 NW Couch St Suite 300 | Portland, OR 97209
503.224.9656 | marcusl@gbdarchitects.com

Owner: Doug Burges | Keller Holland Pettygrove
1111 Main Street, Suite #700 | Vancouver, WA 98660-2970

Site Address: **1331 NW 17TH AVE**

Legal Description: BLOCK 232 LOT 2&3&5-8, COUCHS ADD; BLOCK 232, CANCEL INTO R141039 / COUCHS ADD, BLOCK 232, LOT 2; BLOCK 232, CANCEL INTO R141039 / COUCHS ADD, BLOCK 232, LOT 3, LAND & IMPS SEE R141042 (R180221011) FOR BILLBOARD; BLOCK 232, CANCEL INTO R141039 / COUCHS ADD, BLOCK 232, LOT 6&7

Tax Account No.: R180220970, R180220990, R180221010, R180221030
State ID No.: 1N1E33AB 04100, 1N1E33AB 03800, 1N1E33AB 03900, 1N1E33AB 04000

Quarter Section: 2928

Neighborhood: Northwest District, contact John Bradley at 503-313-7574.
Business District: Nob Hill, contact Nob Hill at nobhillportland@gmail.com & Pearl District Business Association, contact at info@explorethepearl.com
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Northwest
Other Designations: None
Zoning: CM3d – *Commercial Mixed-Use 3 with a Design Overlay*
Case Type: DZ – *Design Review*
Procedure: Type II, *an administrative decision with appeal to the Design Commission.*

Proposal:

The applicant seeks Design Review approval for revisions to a design that was previously approved in 2017 through a Type III Design Review. The building is under construction. The proposed revisions include:

- Replacing aluminum louvers at all one-foot deep recesses on all facades with box rib metal panel;
- Louver panels in one-foot deep vertical recesses only where exhaust occurs;
- Replace extruded metal trim around windows on courtyard-facing walls with less deep metal trim;
- Replace extruded metal trim detail around windows at black brick facades with less deep metal trim;
- Reduce depth of metal band and trim in black brick walls by one inch.
- Replace most horizontal louvers at the ground level, above the canopy and transom windows, with metal panel, except where ground floor commercial exhaust occurs.
- Replace Hardie 2.0 siding at the parapet of the white brick corner modules with white brick, to match brick below.

Design Review is required for non-exempt exterior alterations in the Design Overlay zone.

Relevant Approval Criteria:

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

- *Community Design Guidelines*

ANALYSIS

Site and Vicinity: Located within the Eastern Edge subdistrict of the Northwest Plan District, the 30,000 SF, $\frac{3}{4}$ block site is located at the southwest corner of NW 17th Avenue and NW Pettygrove. The L-shaped site has full block frontages on NW 18th Avenue (*Transit Access Street, Major City Bikeway, Secondary Emergency Response, Dedicated Bike Lane*) and NW Pettygrove Street (*City Bikeway*). It has half block frontages on both NW Overton Street (*City Bikeway, Major Emergency Response Street*) and NW 17th Avenue (*Local Service Bikeway*). The site is located in a pedestrian district, one block from the street car stop at NW 18th and NW Northrup. It is one block west from the I-405 overpass. The highway is approximately 95' high at the point nearest this site. Northwest 18th is anticipated to be the future route of the Montgomery Park Streetcar Extension. The streetcar project is not currently scheduled.

The remaining $\frac{1}{4}$ block is developed with a 1.5 story building housing Dynasport – an auto-mechanic shop- and Huser Integrated Technologies – a software/cyber security company. To the east is Floor Factors, a two-story flooring showroom and warehouse. Parr Lumber's materials storage lot is across the street to the west. One- and two-story warehouses occupy much of the rest of the neighborhood. There is a smattering of both old and contemporary three- to five-story buildings scattered around the nearby area, and there are numerous pending and recent Design Review applications for new 6-8 story buildings in the immediate vicinity. Predominant uses in the neighborhood include housing, office/creative space, light industrial uses, and some retail.

Zoning: The Commercial/Mixed Use 3 (CM3) zone is a large-scale zone intended for sites in high-capacity transit station areas, in town centers, along streetcar alignments, along civic corridors, and in locations close to the Central City. It is intended to be an intensely urban zone and is not appropriate for sites where adjacent properties have single-dwelling residential zoning. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to six stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, with buildings that contribute to an urban environment with a strong street edge of buildings. The scale of

development is intended to be larger than what is allowed in lower intensity commercial/mixed use and residential zones. Design review is typically required in this zone.

The “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. 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 that prior land use reviews include the following:

- LU16-266376 DZM – Design Review approval for a ¾ block, seven-story mixed-use building with 196 units, 22 surface-level parking spaces, and one level of underground parking for vehicles and bicycles.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **June 28, 2018**. The following Bureaus have responded with no issues or concerns:

- Life Safety (exhibit E.1)
- Site Development Section of BDS
- Fire Bureau

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 28, 2018. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site’s location, the applicable design guidelines are the Community Design Guidelines.

Community Design Guidelines

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

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

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

Findings: The site is located within Urban Character Area C: Eastern Edge, which is an architecturally diverse area in the Northwest Plan District. This area once served as the transitional boundary between the residential and industrial portions of Northwest Portland. The desired characteristics of the Eastern Edge encourage the continuation of the architectural diversity and partial block massing and screened parking behind or below buildings.

The site is at a transition point between both the residential and industrial zones, the newly developed Conway district a few blocks to the north, and the 95' high I-405 overpass one block to the south. Its full-block facades have been broken into a pattern of projections and erosions to reduce the scale and to better incorporate proportions and typologies found elsewhere in the district.

The proposal to replace smooth cementitious panels facing the courtyard with a textured cementitious panel will add additional fine-grain detail on exterior walls that are already highly articulated. The horizontal ribbed texture facing the mid-block courtyard will echo the horizontal texture of the brick courses on the street-facing facades.

On the street facing facades, the previous approval was for a fiber cement panel parapet above the white brick corner modules. The proposal is to eliminate the fiber cement at this element, and to continue the white brick up to the top of the parapet. This will further accentuate the dramatic corner modules, which are highly detailed with brake metal trim and brick coursing and serve to reduce the overall scale of the building. The highly articulated facades, and contrasting brick color at the corners, provides variety and fine-grain scale more consistent with the area's partial-block massing.

Replacing the previously approved six-story louver panels at the back of the one-foot deep recesses between projecting bays with horizontal black metal box rib siding will maintain the original design intent while providing for smaller louver panels to facilitate access and cleaning of vents. While two venting options are approved in this option, the mechanical louver without an exposed dryer backdraft creates a more integrated façade that better responds to the simple material palettes and unfussy architecture that is characteristic of this area. *Therefore, with Condition of Approval C, that the dryer exhaust backdrafts will not be exposed unless all Building Code Appeals to provide for an integrated external louver in front of the dryer backdraft have been denied, 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.

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

Findings for E1 and E3: The proposal includes the pre-approval of numerous future mechanical louvers located above the storefront level canopies, and metal panel infill where louvers are not required, in a bay that was previously approved as entirely louvers. The locations of the mechanical louvers are intended to facilitate multiple tenant uses and configurations to support a wide range of commercial uses at the ground level. The proposed locations ensure that venting and exhaust are exclusively located in areas where canopies will prevent any negative impact on the pedestrian. *Therefore, these guidelines are met.*

D6. Architectural Integrity. Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

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 D6 and D8: The proposed material changes maintain consistency with the original design in scale, color, details, material proportion and character. The ventilation and exhaust requirements dictate a need for smaller louver panels that may be opened and cleaned individually in the vertical recesses, as well as the dispersed ground level vents to support diverse commercial uses. With the Condition of Approval D, the additional ventilation will be painted to match the adjacent material, which will ensure that the modifications remain compatible with the original design in color.

The original design approved black brake metal trim around all windows that projects two inches beyond the face of the brick. This contrasting detail is critical to the success of the white brick corner modules, where the black trim, and the dramatic shadow lines cast by the deep trim are highly visible. On the black, mid-block brick walls and the black courtyard-facing walls, the black trim does not provide a significant contrast to the primary building material, nor are the dark shadows apparent on the black cladding. Therefore, the proposal is to reduce the depth of the brake metal trim on the black brick building walls and the courtyard facing walls, while maintaining the originally approved depth and detailing of the brake metal trim on the white brick corner modules.

The reduced window detailing is offset by the benefit of replacing the cementitious panel parapets at the corner with extended white brick. The increased height of the white brick walls utilizes a high-quality material to enhance the composition. On balance, the increased brick at the prominent corners enhances the building's most visible components, while reducing the trim depth on the black brick elements does not negatively impact the building's integrity or its cohesive composition.

With Condition of Approval D, that all louvers will match the color of the adjacent metal panel, 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: This area is an eclectic mix of architectural styles and materials, with brick and concrete among the most common historic materials. This proposal replaces cementitious panel at the street facing parapet with increased brick, while maintaining the extensive articulation and detailing that were critical to the original approval. Through increasing the use of brick, it eliminates a non-contextual material on the street façade and increases the use of a traditional material in a highly visible location. *Therefore, this guideline is met.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all requirements of Title 11 can be met, and 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

Staff recognizes the challenges of addressing the specific ventilation issues for a large-scale building that achieves the flexibility of tenant uses. The proposal is for minor changes and ensures that the contextually-responsive, high-quality original design is maintained on the $\frac{3}{4}$ block site.

The required design review process for large scale development proposals exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The architect and development team have worked closely with design review Staff to modify this proposal to better meet the guidelines. This proposal successfully responds to the critical areas discussed with Staff.

ADMINISTRATIVE DECISION

Approval of reduced exterior louvers; reduced depth of metal trim in the black brick walls and the courtyard facing walls, and the replacement of cementitious panel at the white corners with an extended white brick parapet, per the approved site plans, Exhibits C-1 through C-24, signed and dated September 28, 2018, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through E) 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 18-182719 DZ." 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. The dryer exhaust backdrafts will not be exposed unless all Building Code Appeals to provide for an integrated external louver in front of the dryer backdraft have been denied.
- D. All louvers will match the color of the adjacent metal panel.
- E. No field changes allowed.

Staff Planner: Hannah Bryant

Decision rendered by:  **on September 28, 2018**
By authority of the Director of the Bureau of Development Services

Decision mailed: October 2, 2018

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 6, 2018 and was determined to be complete on June 26, 2018.

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 6, 2018.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case the applicant requested that the 120-day review period be extended by 65 days (see Exhibit A.2. Unless further extended by the applicant, **the 120 days will expire on: December 28, 2018.**

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 October 15, 2018** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th 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.

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 **October 16, 2018** 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.

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

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

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

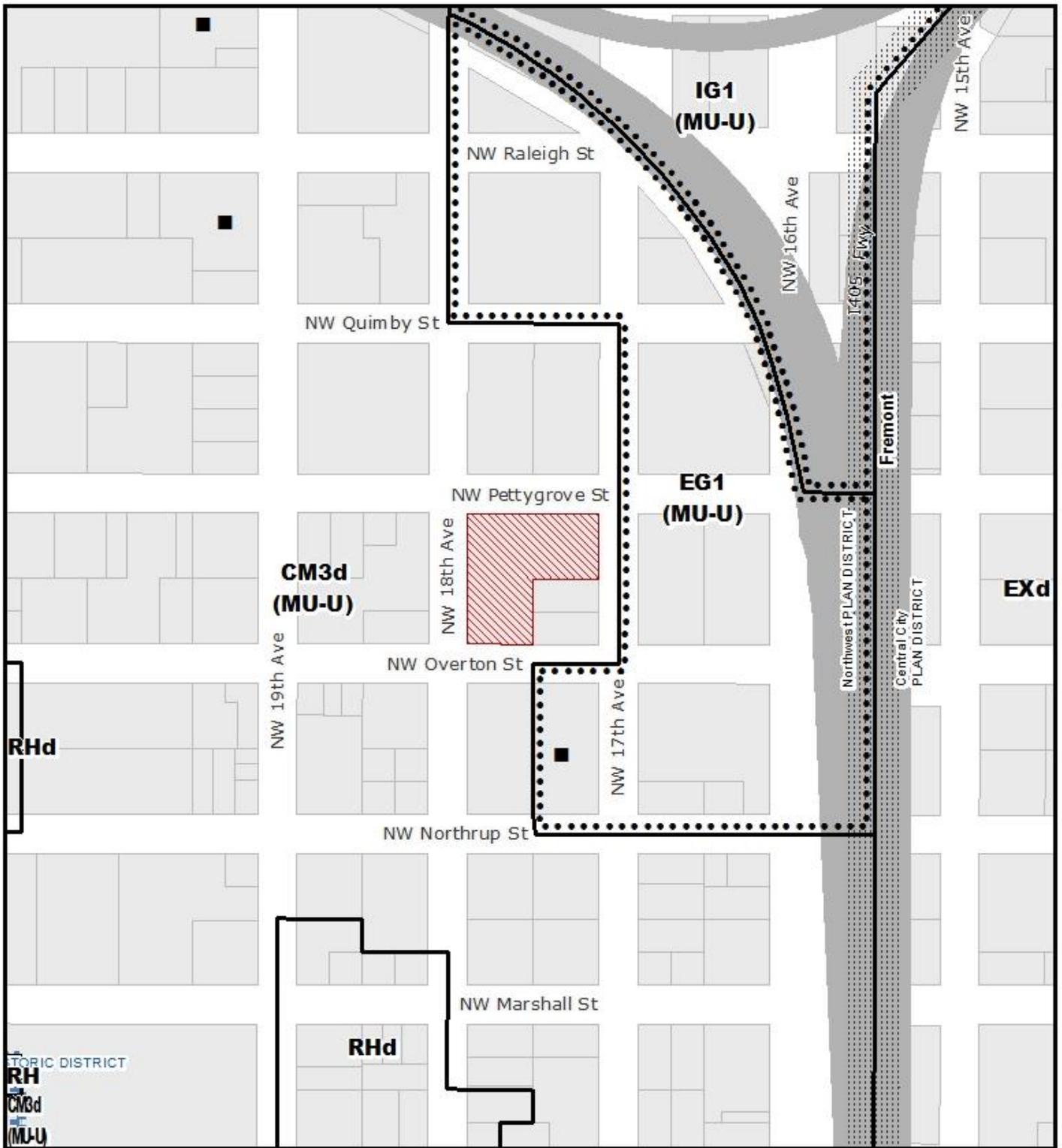
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 1. Original Submittal
 2. Extensions dated July 20, 2018, July 27, 2018 and August 15, 2018
 3. Response to Incomplete, dated June 26, 2018
 4. Additional Submittal, dated July 27, 2018
 5. Memo, dated July 30, 2018
 6. Final Submittal and Memo, dated August 24, 2018
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. North Elevation – Pettygrove Street
 2. North Elevation – Pettygrove Street
 3. East Elevation – 17th Avenue
 4. East Elevation – 17th Avenue
 5. Enlarged East-Facing Courtyard Elevation
 6. Enlarged East-Facing Courtyard Elevation
 7. South Elevation – Overton Street
 8. South Elevation – Overton Street
 9. Enlarged South-Facing Courtyard Elevation

10. Enlarged South-Facing Courtyard Elevation
 11. West Elevation – 18th Avenue
 12. West Elevation – 18th Avenue
 13. Window Surround Type I
 14. Window Surround Type II
 15. Wall Section
 16. Removable Louver Details
 17. Brick Transition Details
 18. Courtyard Typical Details
 19. Courtyard Typical Details
 20. Box Rib Metal Cutsheet
 21. Louver Recess at Brick Detail
 22. Ceraclad Fiber Cement Siding
 23. Skycore Metal Wall Panel
 24. Site Plan (attached)
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Life Safety
- F. Correspondence: None
- G. Other:
1. Original LU Application
 2. Incomplete Letter, dated June 20, 2018

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



THIS SITE LIES WITHIN THE:
NORTHWEST PLAN DISTRICT



Site

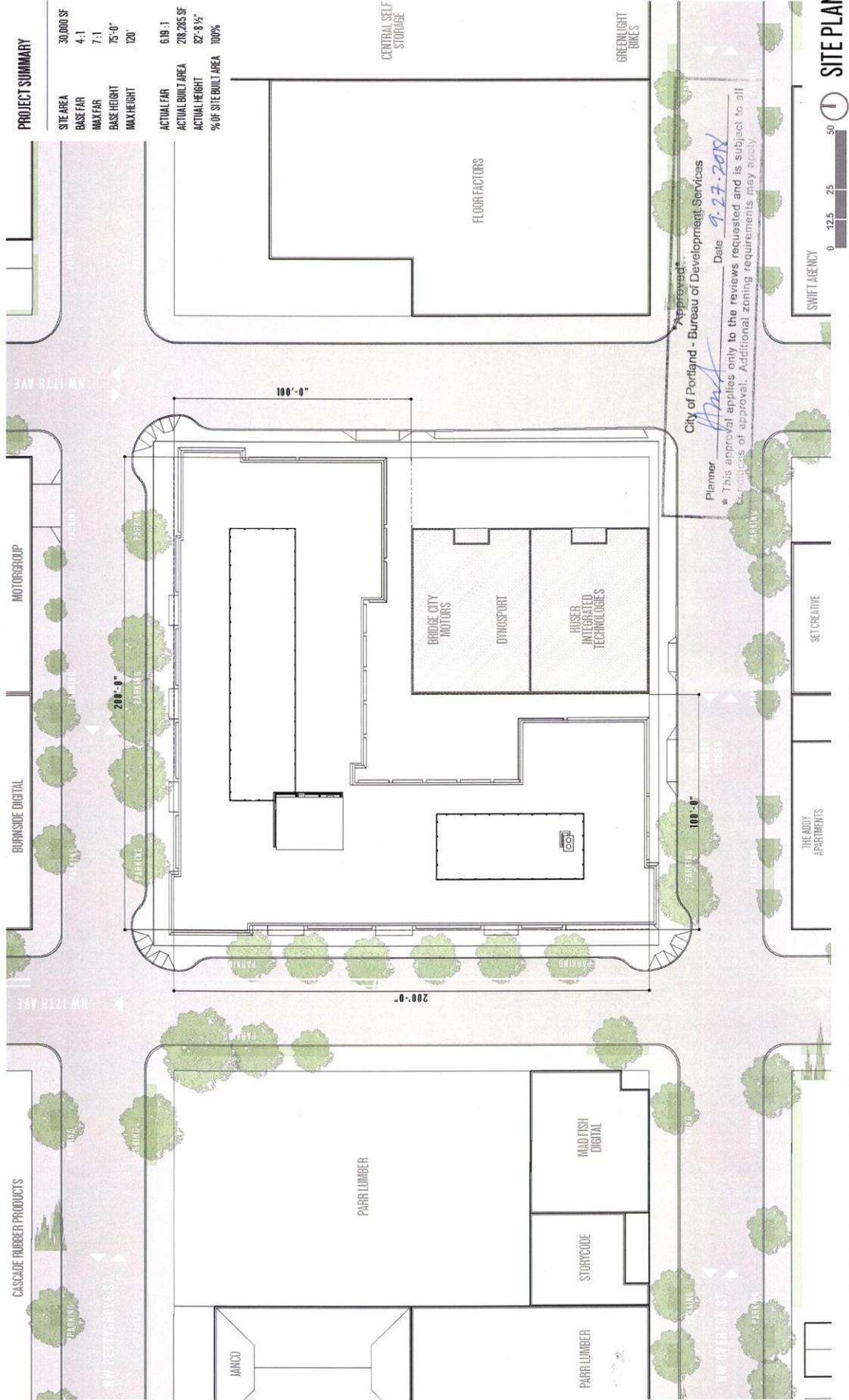


Historic Landmark



Bridge

File No.	LU 18-182719 DZ
1/4 Section	2928
Scale	1 inch = 200 feet
State ID	1N1E33AB 4100
Exhibit	B Jun 11, 2018



PROJECT SUMMARY

SITE AREA	30,000 SF
BASE FAR	4:1
MAX FAR	7:1
BASE HEIGHT	75'-0"
MAX HEIGHT	120'
ACTUAL FAR	6.19 :1
ACTUAL BUILT AREA	208,285 SF
ACTUAL HEIGHT	82'-8 1/2"
% OF SITE BUILT AREA	100%

Prepared by
 City of Portland - Bureau of Development Services
 Planner *[Signature]* Date *9.27.2016*
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



SITE PLAN

C.24