



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

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**FINAL FINDINGS AND DECISION BY THE DESIGN
COMMISSION RENDERED ON December 19, 2019**

**CASE FILE NUMBER: LU 19-242381 DZM
PC # 19-166258**

Division 28 Homes

BUREAU OF DEVELOPMENT SERVICES STAFF: Megan Sita Walker 503-823-7294 /
MeganSita.Walker@portlandoregon.gov

The Design 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: Vijayeta Davda | Hacker Architects
615 SE 3rd Ave, 5th Floor
Portland, OR 97214
(503) 227-1254 x308

Owner: Division 28 LLC
Po Box 492268
Los Angeles, CA 90049

Owner's Representative: Urban Development Partners
116 NE 6th Ave, Ste 400
Portland OR 97232

Site Address: 2865 SE DIVISION ST

Legal Description: BLOCK 1 LOT 4, SELDON PL; BLOCK 1 LOT 5 S 1/2 OF LOT 6, SELDON PL; BLOCK 1 N 1/2 OF LOT 6, SELDON PL

Tax Account No.: R752200090, R752200110, R752200150

State ID No.: 1S1E01CC 04400, 1S1E01CC 04500, 1S1E01CC 04600

Quarter Section: 3233

Neighborhood: Richmond, contact at richmond.pdx.lutc@gmail.com

Business District: Division-Clinton Business Association, contact at info@divisionclinton.com

District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010 x313.

Plan District: Division Street

Zoning: CM2(MU-U)d – Commercial/ Mixed-Use 2 with the Design Overlay

Case Type: DZM – Design Review with Modifications

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

Proposal:

The applicant is seeking Design Review approval for a new 4-story mixed-use apartment building with ten (10) units and structured below-grade parking (approximately 14 stalls and 1 loading space) accessed via SE 28th Place. The design includes prominent upper-story terraces, rooftop amenities and eco-roof, with ground floor retail oriented to the corner of SE Division Street and SE 28th Place, and retail and a residential lobby along SE Division. The primary building materials include a terra cotta rainscreen system with “Ceraclad” composite cladding for a portion of the north elevation, fiberglass windows and storefront, aluminum doors, and steel planters and railings.

Two (2) **Modifications** are requested as follows:

Modification 1 – Request to modify Setbacks, PZC, 33.130.215.B.2 to extend the area paved for pedestrian use to the lot line abutting an R zone and reducing the required 5’ of L3 landscaping to 0’ for approximately 10’ adjacent to SE Division Street and approximately 20’ adjacent to SE 28th Place, and allowing benches within the 5’ setback.

Modification 2 – Request to modify Pedestrian Standards, PZC, 33.130.240.B.2.a to reduce the width of the pedestrian circulation path at the north and east of the property from 6’ to 5’.

Design review is necessary because the project proposes new development within a 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 criteria are:

- *Community Design Guidelines*
- *33.825.040 Modifications That Will Better Meet Design Review Requirements*

ANALYSIS

Site and Vicinity: The project site is a 15,000 lot with approximately 150 feet of south facing frontage along SE Division Street, at the northeast corner of SE Division and SE 28th Pl. The site is located on SE Division within the Richmond Neighborhood boundary, and a block away from the Hosford-Abernethy Neighborhood District (HAND) association. The physical character of SE Division Street has changed tremendously over time, beginning with the more pedestrian oriented street-car era commercial street of the turn of the century. Division hosts a diverse array of retail, housing, and industrial uses. The site is located within The Division Green Street/Main Street Project study area, a collaborative effort between the City of Portland and the community to improve the livability and economic vitality of the SE Division Street corridor. Focusing on the area between SE 11th and SE Goth, the plan contains goals, objectives, and implementation strategies to create a pedestrian friendly commercial district that reflects and reinforces community values, including a focus on sustainable and "green" development. The Plan calls for medium density infill development that is pedestrian oriented and serves as a positive contribution to neighborhood context. SE Division is also classified as a Neighborhood Corridor in the Urban Design Framework. Neighborhood Corridors are smaller and more common than civic corridors, featuring smaller buildings, good bus service and active

intersections. New development along neighborhood corridors is typically adjacent to the main street and does not extend out multiple blocks from the main artery. Portland's Transportation System Plan classifies SE Division as a City Walkway, Major Transit Priority Street, City Bikeway, and a Neighborhood Collector Street. SE 28th Place is classified as a City Bikeway.

Zoning: The Commercial/Mixed Use 2 zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed-use areas that have frequent transit service. 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 four 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, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.

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.

The Division Street Plan District promotes development that fosters a pedestrian- and transit-oriented main street. The plan district provisions ensure that development:

- Activates Division Street corners and enhances the pedestrian environment; and
- Is constructed with high quality materials in combinations that are visually interesting.

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

- EA 19-166258 PC – For a Pre-Application Conference held on June 11, 2019 regarding the subject proposal.
- EA 19-186030 DA – For a Design Advice Request meeting with the Design Commission held on August 15, 2019 regarding the subject proposal.

Agency Review: A "Notice of proposal in Your Neighborhood" was mailed **November 26, 2019**. The following Bureaus have responded with no issues or concerns with the approval of the Design Review:

1. Bureau of Transportation Engineering (See Exhibit E-1)
2. Bureau of Environmental Services (See Exhibit E-4)
3. Life safety Division of BDS (See Exhibit E-2)
4. Site Development Section of BDS (See Exhibit E-3)
5. Fire Bureau (See Exhibit E-5)
6. Urban Forestry (See Exhibit E-6)
7. Water (See Exhibit E-7)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **November 26, 2019**. Two (2) written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal to date. One written response was received from Doug Klotz (Exhibit F-1) on December 18, 2019, and one written response from Heather Flint Chatto (Exhibit F-2), Land Use Chair of the Richmond Neighborhood Association, along with public testimony was received at the hearing on December 19, 2019. See Exhibits F-1 and F-2 for additional information.

ZONING CODE APPROVAL CRITERIA

(1) 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 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. Additionally, findings have been organized under three tenets, "Context", "Public Realm", and "Quality and Permanence".

Context

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.

Findings for P1 and D7: The site is located on SE Division, within the Richmond Neighborhood boundary, and a block away from the Hosford-Abernethy Neighborhood District (HAND) association. The physical character of SE Division Street has changed tremendously over time, beginning with the more pedestrian and streetcar-oriented commercial street of the turn of the century. Today, Division hosts a diverse array of retail, housing, and industrial uses. The site also falls within the Division Green Street/Main Street project study area. Focusing on the area between SE 11th and SE 60th, the plan contains goals, objectives, and implementation strategies to create a pedestrian friendly commercial district that reflects and reinforces community values. The plan calls for medium density infill development that is pedestrian oriented and serves as a positive contribution to neighborhood context.

These adopted plan objectives are reinforced by SE Division Street's classification as a "neighborhood corridor" in the urban design framework. Neighborhood corridors are smaller and more common than civic corridors, featuring smaller buildings, good bus service and active intersections. New development along neighborhood corridors is typically adjacent to the main street and does not extend out multiple blocks from the main artery.

With consideration to the referenced adopted plans to help inform neighborhood context, the following aspects of the proposal successfully address the guidelines above:

- The proposal is design as mixed-use multi-family development with aspects of single-family home design. The building form, with terraces stepping back to provide occupiable outdoor spaces at upper stories, encourages connectivity between building occupants at all upper story levels with that activity at the street level while allowing light and air to meet the street. The stepped terraces also allow for interaction between these "yards", where neighbors can see each other and connect.
- An activated corner with a framed outdoor patio is enhanced by the terraced massing above and relates to the massing breaks found along SE Division created by older neighborhood fabric buildings. The creation of this outdoor room brings energy and opportunity for gathering to the street. In response to Commission feedback at the Design Advice Request on August 15, 2019, the team explored options to increase the presence of the frame to better hold the corner (See Exhibits A-6 through A-9). These changes include: an integrated canopy that projects pedestrian coverage into the right-of-way, an increase the presence of the frame with 4"x6" frame columns, and the addition of a bench integrated into the planter. Staff notes, that the 4"x8" columns shown on Exhibit A-7, not currently proposed, may better respond to Commission feedback. Staff suggests Condition of Approval 'C', that requires 4"x8" columns at the corner frame element.
- The proposed massing helps to blend the larger-scale mass of the building into the finer-scale massing of adjacent single-dwelling and multi-dwelling residential properties.
- The north and east walls are set back 10' or more from shared property lines to create a generous planting area with ground cover and medium trees that soften the transition between new and existing development.
- The proposed massing and placement of windows on north and east elevations work to respond to the neighboring context by reducing negative impacts on by orienting windows away from the private areas of nearby houses, stepping back building bulk from property lines to allow more sunlight to surrounding lots, and using building

forms and materials that respect the established and desired character of the surrounding area.

- The large storefront windows, canopies, flexible outdoor space for dining and other activities, and a primary building frontage that successfully integrates with the public realm, enhances the variety seen in how buildings engage the street in the area.
- The scale and detailing expressed in the terra cotta rainscreen system, the color, and the proportions and placement of windows (and doors) further break down the mass of the building and relate it to older masonry buildings seen in the area.
- Additionally, the simple material palette, massing shifts, setbacks, and use of landscaping between the proposed building and existing development respect and enhance the existing context while taking advantage of views toward downtown, the river, and the west hills.
- The detailing of quality materials, such as the terra cotta rainscreen system and the limited application of the Ceraclad rainscreen system (on the north), with punched windows recessed into the wall plane, successfully incorporate elements of nearby, quality buildings and provide a sense of scale and texture that responds to the richness of the material palette of the area.

With Condition of Approval, 'C', that the columns of the corner frame element shall have a profile of 4"x8", these criteria are met.

Public Realm

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.

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

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.

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.

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.

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

D3. Landscape Features. Enhance site and building design through appropriate placement, scale, and variety of landscape features.

Findings for E1, E2, E3, E4, E5, D1, and D3: The proposal enhances the vicinity's pedestrian network as follows:

- The sidewalk level of the proposed building is designed to be a vibrant, comfortable, and functionally rich pedestrian-oriented space for pedestrians, residents, and visitors. The proposed ground level retail spaces and integrated plantings help to create this vibrant and comfortable pedestrian experience.
- The street level facade is highly glazed with areas of durable terracotta, interspersed as the building returns between the three (3) entrances along SE Division (two retail and a central residential lobby entrance).

- The three retail spaces and an adjacent corner patio space intended for use by restaurant tenants, continue the pattern of ground floor activation in the area.
- Canopies at the two (2) retail entrances toward the east, and integrated with the corner trellis structure provide pedestrian weather protection that extends 4' and 3'-6" over the public right-of-way.
- Small scale signage and lighting elements at entries differentiate the street level of the building. While outdoor terraces facing SE Division successfully activate the facade above ground level and bring additional energy to the street.
- All mechanical units and vents will be located on the roof or along internal lot lines to eliminate the impact of necessary building services on the pedestrian realm and all services have been located in the basement to the extent practicable to further enhance the pedestrian realm.

These criteria are therefore 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: While no minimum parking or loading is required for this site, the proposal includes fifteen below grade parking spaces accessed from the west along SE 28th Place, a low volume street, to prevent potential conflicts between bikes and pedestrians. A Driveway Design Exception has been requested to locate the vehicle access door close to the property line to create a continuous street edge.

This criterion is therefore met.

D5. Crime Prevention. Use site design and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground level uses, and outdoor areas.

Findings: The following building and site design attributes will serve to minimize the potential for crime:

- The building edges includes residential units with individual outdoor space above the ground floor. These terraces are designed to encourage outdoor living, providing eyes on the street during hours when the otherwise active ground floor is unoccupied. Outdoor spaces created at the lobby, retail, and restaurant entry are a continuation of the sidewalk, adjacent to large expanses of storefront glazing to encourage activation by the adjacent uses.
- The proposal will create a well-lit sidewalk for pedestrians, creating a safe and activated environment at the street edge. Additionally, the large areas of glass at the base of the building that will be lit from within, allow for additional illumination and opportunities to see and be seen at the pedestrian realm.

This criterion is therefore met.

Quality and Permanence

D8. Interest, Quality, and Composition. All parts of a building should be interesting to view, of long-lasting quality, and designed to form a cohesive composition.

Findings: The proposal achieves a cohesive composition of quality materials and interesting features as follows:

- The proposed building is appropriately scaled for the site and the surrounding mixed commercial and residential neighborhood.
- Changes in wall planes bring variety to the building form. The terraced form creates a coherent composition of varied wall planes with primary facade features - regular pattern of windows and individual unit terraces – the reinforce the legibility of the terraced massing.
- The offset building walls on the south and west elevations are dynamic and interesting, creating staggered active edges that respond the activity on SE Division. While the more reserved eastern and northern walls respond to the existing development with limited shifts in plane (one continuous step back) and careful window placement.
- The material palette of primarily glass and terra cotta is intended to be durable and timeless, utilizing simple, high quality materials.
- The design draws on the quality of nearby, streetcar era buildings with the reflection of their simple, articulated massing and use of masonry material.
- Profiled terra cotta is proposed as a long-lasting quality cladding material that brings interesting textures and pattern to the simple, coherent facades. Shallow corrugations result in a material profile that successfully reflects the fine-scale detailing of adjacent single-dwelling residential buildings and smaller scale streetcar era buildings.
- Each balcony is framed by a simple metal structure that relates to the proportion of glazed openings.
- Floor lines are marked by a simple break in the primary cladding material, creating a consistent banded datum at each level. The terra cotta material is capped by a metal plate extension, to which the guardrail is welded, defining the offsetting masses at each level. Thus, the scale, detailing, and quality of materials strengthens the dynamic massing to form a cohesive composition.

This criterion is therefore met.

(2) 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.

Modification #1: Request to modify Setbacks, PZC, 33.130.215.B.2 to extend the area paved for pedestrian use to the lot line abutting an R zone and reducing the required 5' of L3 landscaping to 0' for approximately 10' adjacent to SE Division Street and approximately 20' adjacent to SE 28th Place, and allowing benches within the 5' setback.

Purpose Statement for 33.130.215 Setbacks: “The required building setbacks promote streetscapes that are consistent with the desired character of the different commercial/ mixed use zones. The 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/mixed use development that will maintain light, air, and the potential for privacy for adjacent residential zones.

The front setback requirements for Civic Corridors in Eastern and Western pattern areas provide opportunities for additional pedestrian space and separation from the vehicle traffic along these major streets to create an environment for building users and pedestrians that is less impacted by close proximity to traffic, and provide opportunities for front landscaping reflective of the vegetated characteristics of these neighborhood pattern areas.

The minimum building setbacks along local service streets adjacent to residential zones work together with requirements for step downs in building height (33.130.210.B.2.b.) to ensure that there is a transition in street frontage characteristics to lower scale residential zones. In these situations, the building setback regulations promote street frontages with landscaping and residential uses to provide a transition and a cohesive street environment with similar street frontage characteristics on both sides of the street, and limit exterior display and storage to minimize impacts to nearby residentially-zoned areas.”

Standard: 33.130.215.B.2.b: “The required minimum setback from a lot line that abuts an RF through RH, RMP, or IR zone is 10 feet. The required setback area must be landscaped to the L3 standard. Areas paved for pedestrian or bicycle use can be located in the required building setback area, but may not extend closer than 5 feet to a lot line abutting an RF through RH or RMP zone.”

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

Findings: A corner patio space is created by the terraced massing, similar to the spaces created by older neighborhood fabric buildings along SE Division. This space is intended to bring energy and opportunity for gathering to the street. This hardscape is repeated as the pathway meets SE Division and SE 28th Place, where landscaping is proposed to be removed along shared property lines to create a more urban condition at site entry points. Paving at the site entry adjacent to SE Division allows flexible spill out space for a retail tenant and contributes to a more urban edge condition in keeping with the desired character of the area, better meeting Guidelines: P1 - *Community Plan Area Character*, and D7 - *Blending into the Neighborhood*.

Additionally, the north and east walls are set back a minimum of 10' from shared property lines. The building recesses at entries to the ground level apartments along these property lines provide additional separation from adjacent uses at points of greatest activity. The ground level material changes at these nodes serve to define space and create interest to the walking surfaces. Landscape is used intentionally to bring variety along the pathway and designed to extend above the masonry wall to bring interest to shared property lines. The creation of these outdoor areas that extend closer than 5' to the property line better

meet Guidelines: D1- *Outdoor Areas*, and D3 - *Landscape Features*, which encourage sizable, usable outdoor areas, designed to be accessible, pleasant, and safe. Further, it helps to connect outdoor areas to the circulation system used by pedestrians and enhances site design through appropriate placement, scale, and variety of landscape features.

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

Findings: The required building setbacks are intended to promote streetscapes that are consistent with the desired character of the commercial/mixed use zone. The Commercial/Mixed Use 2 (CM2) zone is a medium scale zone intended for sites along corridors and in other mixed-use areas that have frequent transit service. The zone allows a wide range and mix of commercial and residential uses with buildings generally up to four (4) stories tall. Development is intended to be pedestrian-oriented, provide a strong relationship between buildings and sidewalks. and complement the scale of surrounding residentially zoned areas.

The building is designed to be pedestrian-oriented, with varied setbacks that creates varied zones of activity and staggered active edges along SE Division. Building elements include large storefront windows, canopies, outdoor space for dining and gathering, and a commercial building frontage that integrates with the public realm, continuing the area's established pattern of frequent entries. The street level facade is highly glazed with areas of durable terracotta, interspersed as the building returns between entrances. New retail spaces contribute to the district's fine-grain mix and pattern of uses by including spaces suitable for small tenants while upper-floor residence increase housing density along a vibrant corridor. The building is four (4) stories tall and massed to prevent the "canyon effect" seen in other high-activity nodes along the corridor.

In addition to being intended to promote streetscapes that are consistent with the desired character of the commercial/mixed use zone and the development of buildings that reinforce a pedestrian orientation the setback requirement is also intended to minimize the impact to nearby residentially zoned areas. The properties immediately north of the project site are residentially zoned and currently occupied by single-dwelling and multi-dwelling development. The building is designed to reduce negative impacts on the neighborhood by orienting windows away from the private areas of nearby houses, stepping back building bulk from property lines to allow more sunlight to surrounding lots, and using building forms and materials that respect the established and desired character of the surrounding area. Further, the slope of the project site places the ground floor of the proposed building well below the first-floor level of the adjacent homes. A masonry wall with a maximum height of 6' will be required to retain the adjacent grade along these shared property lines, placing the path and residential entries below the level of adjacent yards. This condition, combined with the stepped massing above, will maintain light, air, and the potential for privacy for adjacent residential zones.

Therefore, this Modification merits approval.

Modification #2: Request to modify Pedestrian Standards, PZC, 33.130.240.B.2.a to reduce the width of the pedestrian circulation path at the north and east of the property from 6' to 5'.

Purpose Statement for 33.130.240 Pedestrian Standards: "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: “The circulation system must be hard-surfaced and be at least 6 feet wide.”

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

Findings: The north and east walls are set back a minimum of 10' from shared property lines. The pathway treatment varies at each residential entry, marked by ipe decking. The path width reduction better meets Guidelines: D1 - *Outdoor Areas* and D3 - *Landscape Features*, which encourage usable outdoor areas, designed to be accessible, pleasant, and safe. Further, it helps to connect outdoor areas to the circulation system used by pedestrians and enhances site design through appropriate placement, scale, and variety of landscape features. Diverse planting is interspersed with small trees along the property line to create a more interesting landscaped edge. The width of the planting area is necessary for the viability of small trees, allowing space for more verticality adjacent to the masonry retaining wall, and is designed to support trees that will extend above the masonry wall to bring interest to shared property lines.

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

Findings: The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. The pathway along shared property lines will only serve three units and provide enough width for comfortable circulation through the site. The surface features concrete paving, concrete pavers, and ipe wood decking to mark entry points and occupiable spaces. The width maintains a minimum 5' clear movement zone while facilitating customization for the occupants.

The standard is also intended to ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. The path is a continuous connection between SE Division Street and SE 28th Place, meeting the purpose of the standard.

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 proposal as designed meets the Design Guidelines and Modification approval criteria, and therefore warrants approval.

DESIGN COMMISSION DECISION

It is the decision of the Design Commission to approve the Design Review and Modifications for a new 4-story mixed-use apartment building with ten (10) units and structured below-grade parking (approximately 14 stalls and 1 loading space) accessed via SE 28th Place.

Approval of the following Modification requests:

Modification #1: Request to modify Setbacks, PZC, 33.130.215.B.2 to extend the area paved for pedestrian use to the lot line abutting an R zone and reducing the required 5’ of L3 landscaping to 0’ for approximately 10’ adjacent to SE Division Street and approximately 20’ adjacent to SE 28th Place, and allowing benches within the 5’ setback.

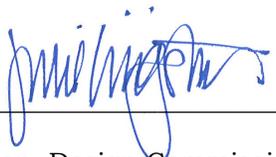
Modification #2: Request to modify Pedestrian Standards, PZC, 33.130.240.B.2.a to reduce the width of the pedestrian circulation path at the north and east of the property from 6’ to 5’.

Approvals per Exhibits C.1-C-47, signed, stamped, and dated December 19, 2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B – 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 19-242381 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.

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By:  _____

Juile Livingston, Design Commission Chair

Application Filed: October 18, 2019
Decision Filed: December 20, 2019

Decision Rendered: December 19, 2019
Decision Mailed: December 24, 2019

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

Procedural Information. The application for this land use review was submitted on October 18, 2019, and was determined to be complete on November 8, 2019.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on October 18, 2019.

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, as stated with Exhibit (Exhibit A-5). The **120 days expire on: November 7, 2020**

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 Design 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 January 7, 2020 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. 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 will be charged.**

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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **January 7, 2020** 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 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.

Megan Sita Walker
December 19, 2019

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. Original Drawing Packet – Not Approved/For Reference Only
 2. Original Stormwater Report
 3. Draft Revised Drawing Packet, Rec'd digitally November 19, 2019 – For Reference Only
 4. Revised Drawing Packet, Rec'd December 2, 2019
 5. 120-Day waiver
- B. Zoning Map
- C. Plan & Drawings:
 1. Civil Utility Plan
 2. Site Plan (attached)
 3. Basement Floor Plan
 4. Level 2 Floor Plan
 5. Level 3 Floor Plan
 6. Level 4 Floor Plan
 7. Roof Plan
 8. South Elevation (attached)
 9. East Elevation (attached)
 10. North Elevation (attached)

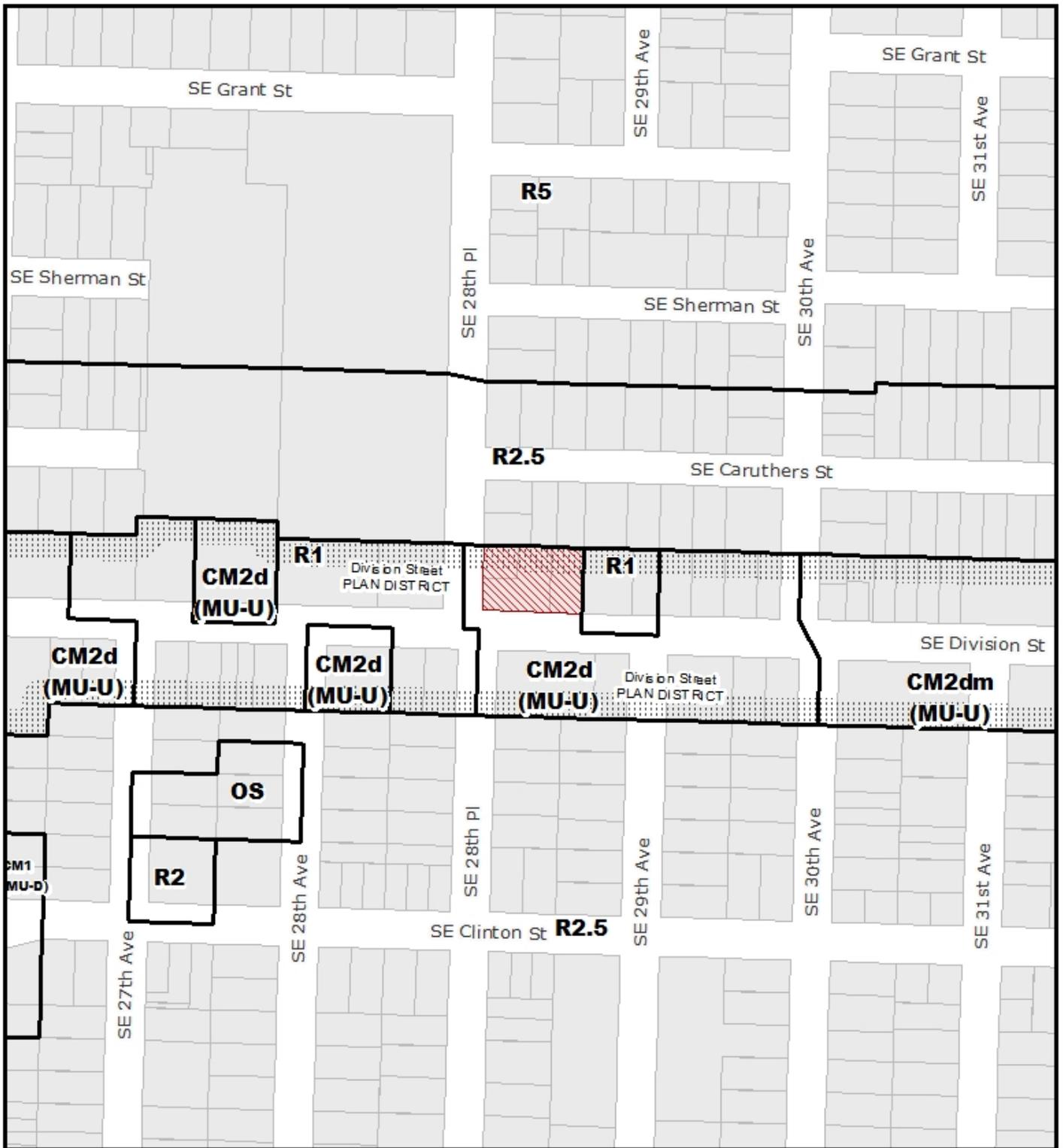
11. West Elevation (attached)
 12. Building Section
 13. Building Section at Ramp
 14. Building Section at Restaurant
 15. Entry Section at Restaurant
 16. Entry Section at Lobby
 17. Entry Section at Retail
 18. Retail Entry
 19. Terracotta
 20. Ceraclad Transition
 21. Typical Building Details
 22. Typical Parapet Details
 23. Typical Terrace Details
 24. Typical Terrace Details
 25. Window Types
 26. Window Types
 27. Window Details
 28. Door Types
 29. Window Cutsheet
 30. Sliding Doors Cut Sheet
 31. Aluminum Storefront Cut Sheet
 32. Ceraclad Cut Sheet
 33. Ipe Deck Tile Cut Sheet
 34. Exhaust Louver Cut Sheet
 35. Parking Garage Door
 36. Exterior Lighting Plan
 37. Exterior Lighting Plan
 38. Lighting Cut Sheets
 39. Lighting Cut Sheets
 40. Lighting Cut Sheets
 41. Site Paving Plan
 42. Site Planting Plan
 43. Level 2 Planting Plan
 44. Level 3 Planting Plan
 45. Level 4 Planting Plan
 46. Landscape Elevations
 47. Ground Floor Trellis Detail
- 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. Mailed notice
 6. Mailing list
- E. Agency Responses:
1. Bureau of Transportation Engineering
 2. Bureau of Environmental Services
 3. Life safety Division of BDS
 4. Site Development Section of BDS
 5. Fire Bureau
 6. Urban Forestry
 7. Water
- F. Correspondence:
1. Doug Klotz, Rec'd 12/18/19
 2. Heather Flint Chatto, Rec'd 12/19/19

G. Other

1. Original LUR Application
2. Confirmation of Hearing Date
3. Email correspondence between staff and the applicant

H. Hearing

1. Staff Report
2. Commission Memo and Guidelines Cheat sheet
3. Staff Presentation, December 19, 2019
4. Applicant Presentation, December 19, 2019
5. Additional Sheets provided by the Applicant
6. Testifier Sheet

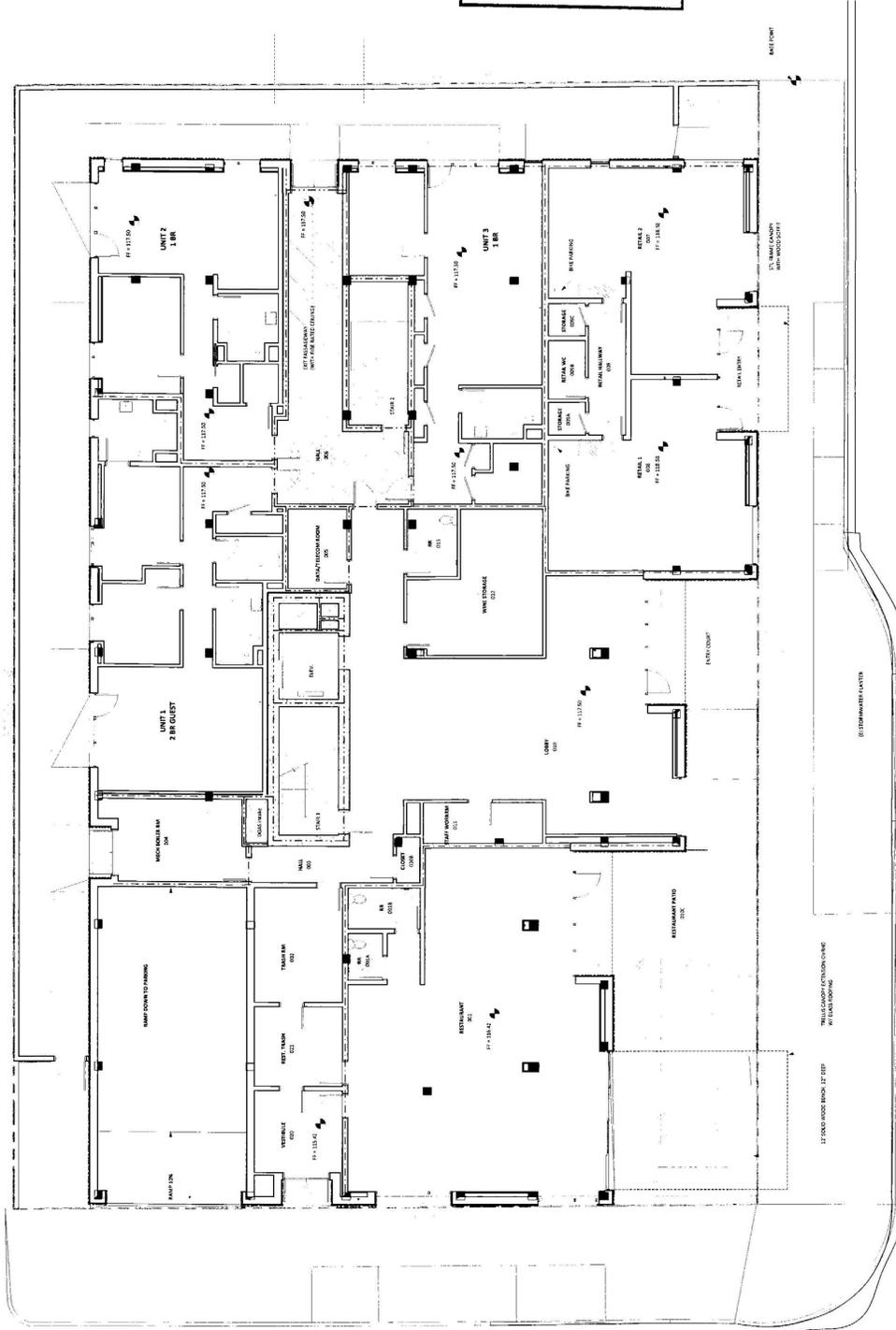


ZONING 
 DIVISION STREET PLAN DISTRICT

 Site

File No.	LU 19 - 242381 DZM
1/4 Section	3233
Scale	1 inch = 200 feet
State ID	1S1E01CC 4500
Exhibit	B Oct 22, 2019

SE 28TH PLACE



Approved
 City of Portland
 Bureau of Development Services
 Planner *MJR*
 Date 12.17.19

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



SITE PLAN
 Exhibit C-2
 LU 19-242381 DZM

SCALE : 1/16" = 1'

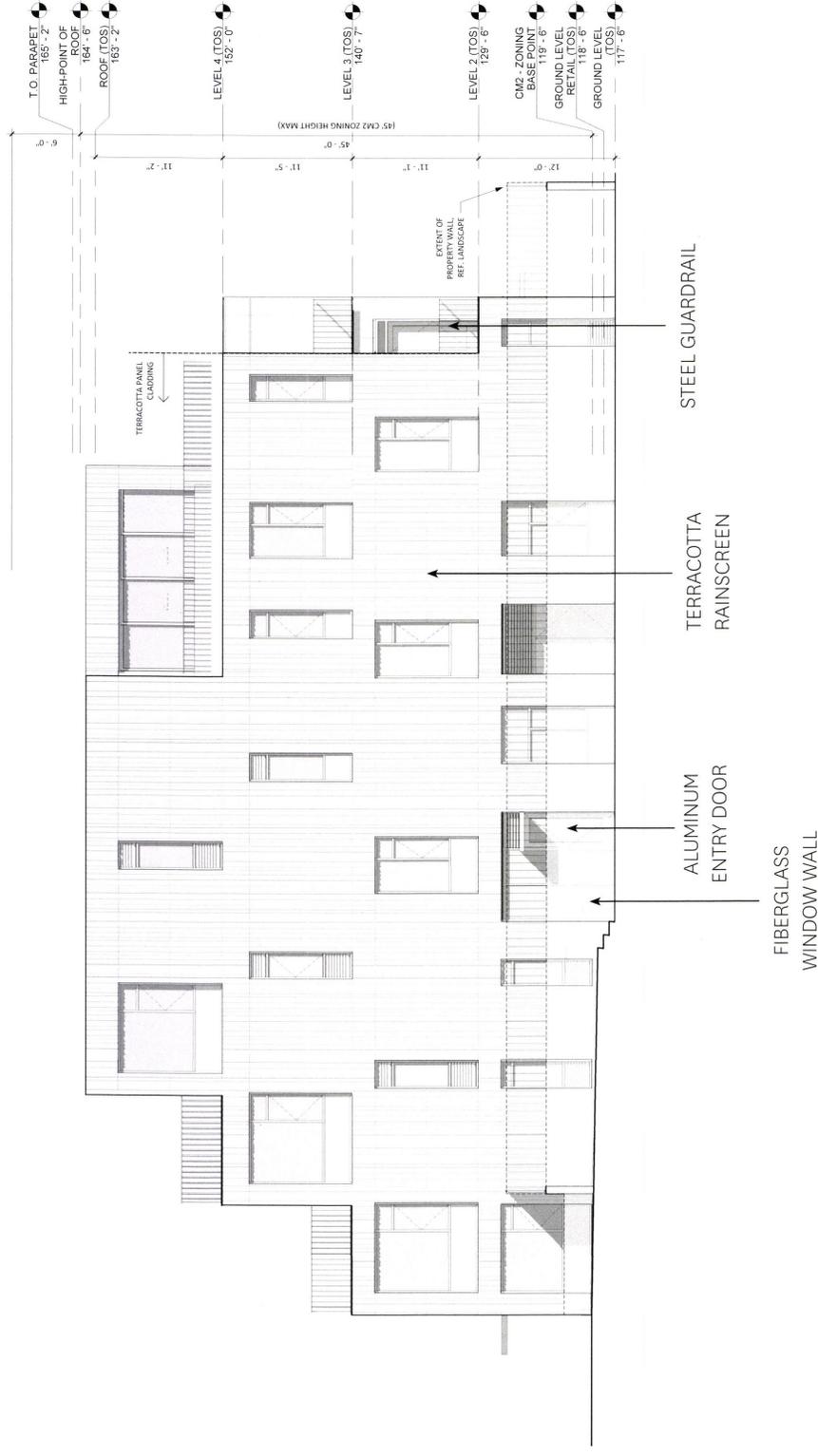


* Approved*
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 12.17.19
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

SOUTH ELEVATION

Exhibit C-8
LU 19-242381 DZM

SCALE : 3/32" = 1'



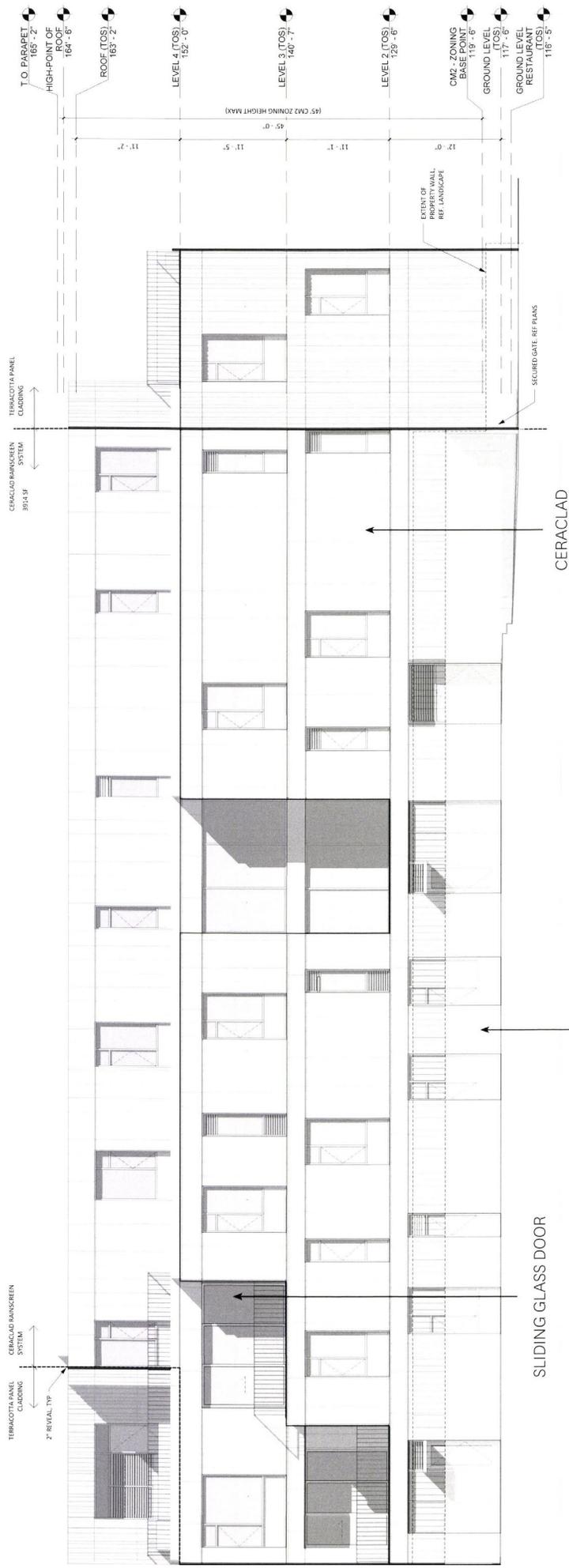
Approved
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 12.17.17

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



SCALE : 3/32" = 1'

EAST ELEVATION

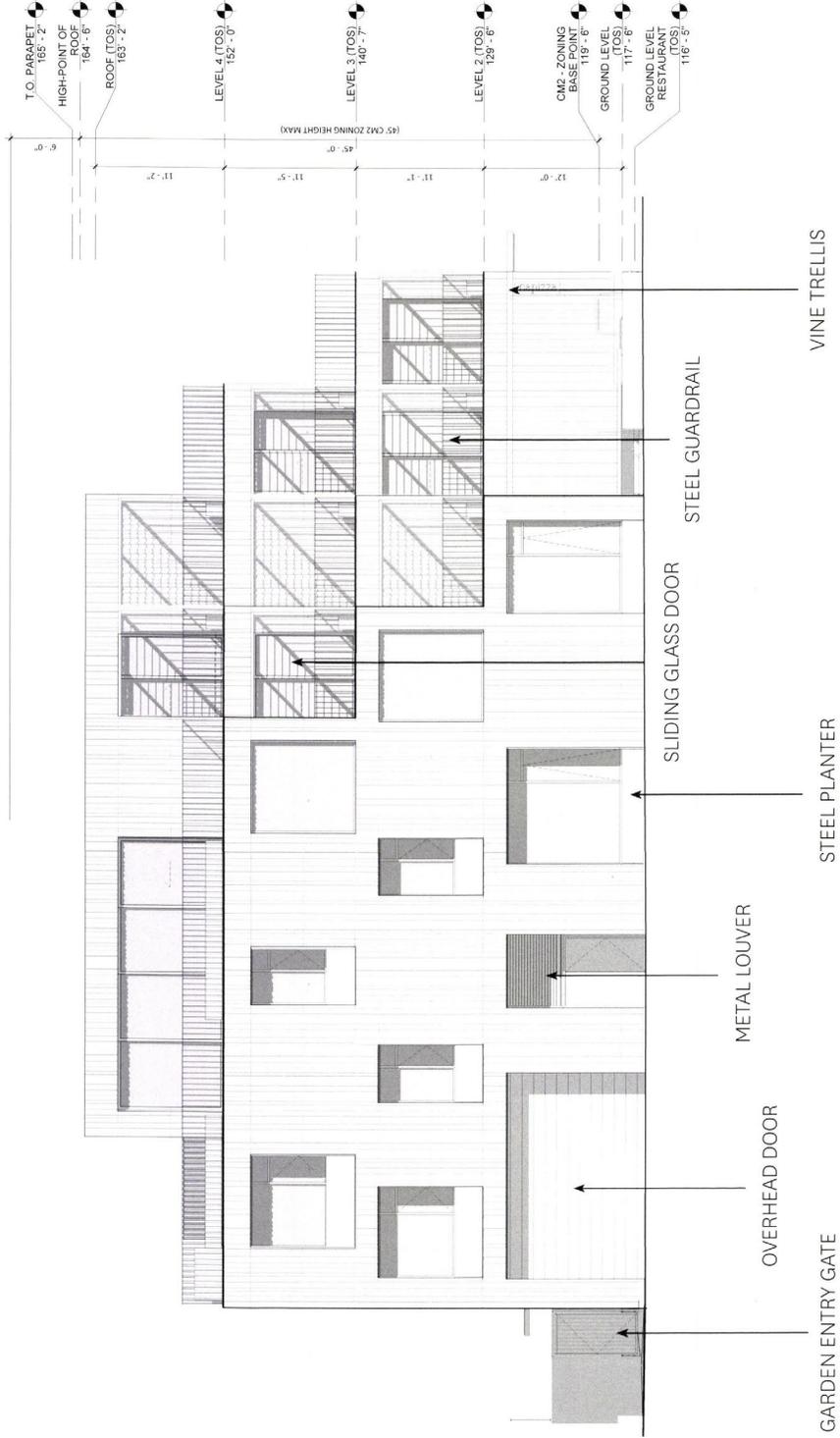


* Approved*
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 12.19.19
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

NORTH ELEVATION

Exhibit C-10
LU 19-242381 DZM

SCALE : 3/32" = 1'



* Approved*
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 12.17.19
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



SCALE : 3/32" = 1'

WEST ELEVATION

Exhibit C-11
 LU 19-242381 DZM