



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

Dan Ryan, Commissioner
Rebecca Esau, Director
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www.portland.gov/bds

Date: January 4, 2022
To: Interested Person
From: Andrew Gulizia, Land Use Services
503-865-6714 / Andrew.Gulizia@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 21-104680 AD

GENERAL INFORMATION

Applicant: Nathaniel Rosemeyer
Main Street Development
5331 S Macadam Ave. #258 PMB 208
Portland, OR 97239
(503) 206-9214
nathaniel@msdpdx.com

Property Owner: Willis Apartments LLC
5331 S Macadam Ave. #258 PMB 208
Portland, OR 97239-3871

Site Address: 1575 N Willis Blvd.

Legal Description: BLOCK 44 W 16 2/3' OF LOT 22 LOT 23, E 16 2/3' OF LOT 24, KENTON

Tax Account No.: R445917040
State ID No.: 1N1E09DA 01500
Quarter Section: 2228

Neighborhood: Kenton, contact at knalanduse@gmail.com
Business District: Kenton Business Association, contact at info@kentonbusiness.com
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-8877

Zoning: RM3d – Residential Multi-Dwelling 3 base zone with Design (“d”) overlay zone
Plan District: North Interstate
Other Designation: Kenton Conservation District

Case Type: AD – Adjustment Review

Procedure: Type II, an administrative decision with appeal to the Design Commission

Proposal: The applicant has submitted a building permit application for a 4-story, 44-unit apartment building on this site (building permit # 20-165181 CO). Most of the units would be studio apartments. Zoning Code Section 33.266.310.C.1.a requires one off-street, 9'x18' loading space for buildings with more than 40 dwelling units. In this Adjustment Review, the applicant requests to waive the requirement for an off-street loading space.

Relevant Approval Criteria: To be approved, this proposal must comply with the Adjustment Review approval criteria in Zoning Code Section 33.805.040.A-F.

ANALYSIS

Site and Vicinity: The subject site is located in the Kenton neighborhood in North Portland. The site is a 5,833-square-foot property on the north side of N Willis Boulevard. The site was previously developed with a single-dwelling house which the applicant intends to deconstruct. Neighboring properties are developed with a mix of single-dwelling houses and multi-dwelling residential buildings. A commercial corridor along N Denver Avenue is about two blocks to the west.

Zoning: The RM3 zone is a medium to high density multi-dwelling zone that allows multi-dwelling residential development up to a maximum floor area ratio (FAR) of 2 to 1 and a minimum density of 1 unit per 1,000 square feet of site area.

The Design ("d") overlay zone is intended to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural values.

The Kenton Conservation District is a collection of resources of historical or cultural significance. Because the site is within the Kenton Conservation District, the development is subject to the Community Design Standards in Zoning Code Chapter 33.218.

The North Interstate plan district provides for an urban level of mixed-use development to support the MAX line and the surrounding neighborhoods by increasing economic vitality, amenities, and services and successfully accommodating additional density. The standards implement the urban design concept of the North Interstate Corridor Plan, help ease transitions between high-density development and low-density neighborhoods, and enhance the pedestrian experience.

Land Use Review History: City records indicate there are no prior land use reviews for this site.

Agency Review: A "Notice of Proposal" was sent November 30, 2021 (Exhibit D-2). The following Bureaus responded with no objections to the proposed Adjustment:

- Bureau of Environmental Services (Exhibit E-1);
- Portland Bureau of Transportation (Exhibit E-2);
- Water Bureau (Exhibit E-3);
- Fire Bureau (Exhibit E-4);
- Site Development Section of the Bureau of Development Services (BDS) (Exhibit E-5); and
- Life Safety Review Section of BDS (Exhibit E-6).

Neighborhood Review: In response to the mailed "Notice of Proposal" (Exhibit D-2), three neighbors submitted comments in opposition to the application. The first comment (Exhibit F-1) stated the purpose of the loading requirement would not be equally met since there would be many deliveries and residents moving furniture in and out of the building. The other two comments (Exhibits F-2 and F-3) objected to the lack of off-street parking in the project and stated that street parking in the area is already difficult.

Staff response: The Zoning Code does not require off-street parking for this project (Zoning Code Section 33.266.110.D.1). If the Adjustment to the loading requirement were denied, off-street parking would still not be required. The consistency of the proposal with the purpose of the loading requirement is discussed in the findings for approval criterion A, below.

ZONING CODE APPROVAL CRITERIA

33.805.040 Approval Criteria

Adjustment requests will be approved if the applicant has demonstrated that approval criteria A through F, below, have been met.

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

Findings: The purpose of the requirement for an off-street loading space is stated in Zoning Code Section 33.266.310.A:

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

No off-street loading space is required for buildings with up to 40 dwelling units (Zoning Code Section 33.266.310.C). With 44 units, the proposed building will have 10% more units than allowed outright without a loading space. A 44-unit building requires a 9'x18', off-street loading space (Zoning Code Section 33.266.310.D.2), and the applicant requests to waive this requirement. A loading space that size would not accommodate moving trucks or delivery trucks, but it would accommodate cars, pick-up trucks, or vans. The Portland Bureau of Transportation (PBOT) reviewed this proposal and responded with support for approval (Exhibit E-2). PBOT noted that an off-street loading space would remove 22 feet of curb space on the street for the new driveway and driveway wings, making that space unavailable for on-street parking. Since the building will have only slightly more units than allowed without an off-street loading area, staff finds that keeping that curb space continuously available for public parking is a better use of the right-of-way. Loading needs for the building can be accommodated on the street, as is typical in urban neighborhoods, and residents moving in or out can request to temporarily reserve a street parking space from PBOT (Exhibit E-2). Furthermore, most of the units will be small, studio apartments (Exhibit A-3), and the time and space needed to load and unload furniture for moving will be somewhat less for small units. For all these reasons, staff finds the purpose of the loading requirement is equally met, and that approval criterion A is met.

- B.** If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: Since this site is in the RM3 residential zone, the proposed Adjustment must not significantly detract from the livability or appearance of the residential area. As discussed above, providing an off-street, van-sized loading space would require 22 feet of curb space to be lost. Since the number of units is only slightly more than allowed without a loading space, and since most of the units would be studios, staff finds that keeping that curb space available for public parking as well as intermittent loading needs is a better use of the right-of-way. Also, providing an off-street vehicle area that would only be used for intermittent loading and unloading would detract somewhat from the appearance of the

site. For these reasons, staff finds the Adjustment will not significantly detract from the livability or appearance of the area, and that approval criterion B is met.

- C. If more than one Adjustment is being requested, the cumulative effect of the Adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Since only one Adjustment is requested, this criterion is not applicable.

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

Findings: City-designated scenic resources are identified on the official zoning maps with a lower case “s,” and historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. As there are no scenic resources or historic resources mapped on the subject site, this criterion is not applicable.

- E. Any impacts resulting from the Adjustment are mitigated to the extent practical; and

Findings: As discussed above, removing curb space for an intermittent loading use would reduce the space available for street parking, and loading needs for the apartments, most of which are small, can be accommodated on the street. Therefore, staff finds no significant, negative impacts specifically resulting from the Adjustment request which require mitigation. Approval criterion E is met.

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

Findings: Environmental overlay zones are designated on the official zoning maps with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). As there are no environmental overlay zones mapped on the site, this criterion is not applicable.

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

Staff finds the proposed Adjustment to be consistent with the purpose of the loading requirement, and staff does not find the lack of an off-street, van-sized loading space for this project will significantly detract from neighborhood livability. Since the approval criteria for the Adjustment are found to be met, the Adjustment must be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to waive the requirement for an off-street loading space for a 44-unit apartment building (Zoning Code Section 33.266.310.C.1.a) per the approved site plan, Exhibit C-1, signed and dated December 29, 2021, subject to the following condition:

- A. As part of the building permit application submittal, each of the required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 21-104680 AD."

Staff Planner: Andrew Gulizia

Decision rendered by:  **on December 29, 2021**
By authority of the Director of the Bureau of Development Services

Decision mailed: January 4, 2022

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 November 9, 2021 and was determined to be complete on November 23, 2021.

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 November 9, 2021.

ORS 227.178 states the City must issue a final decision on land use review applications within 120 days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on March 23, 2022.**

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, and if appealed a hearing will be held. The appeal application form can be accessed at https://www.portland.gov/sites/default/files/2020/lu_type2_2x_appeal_form_071116.pdf. Appeals must be received **by 4:30 PM on January 18, 2022. The completed appeal application form must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to email, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II decisions on

property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

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 **January 18, 2022** 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 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.

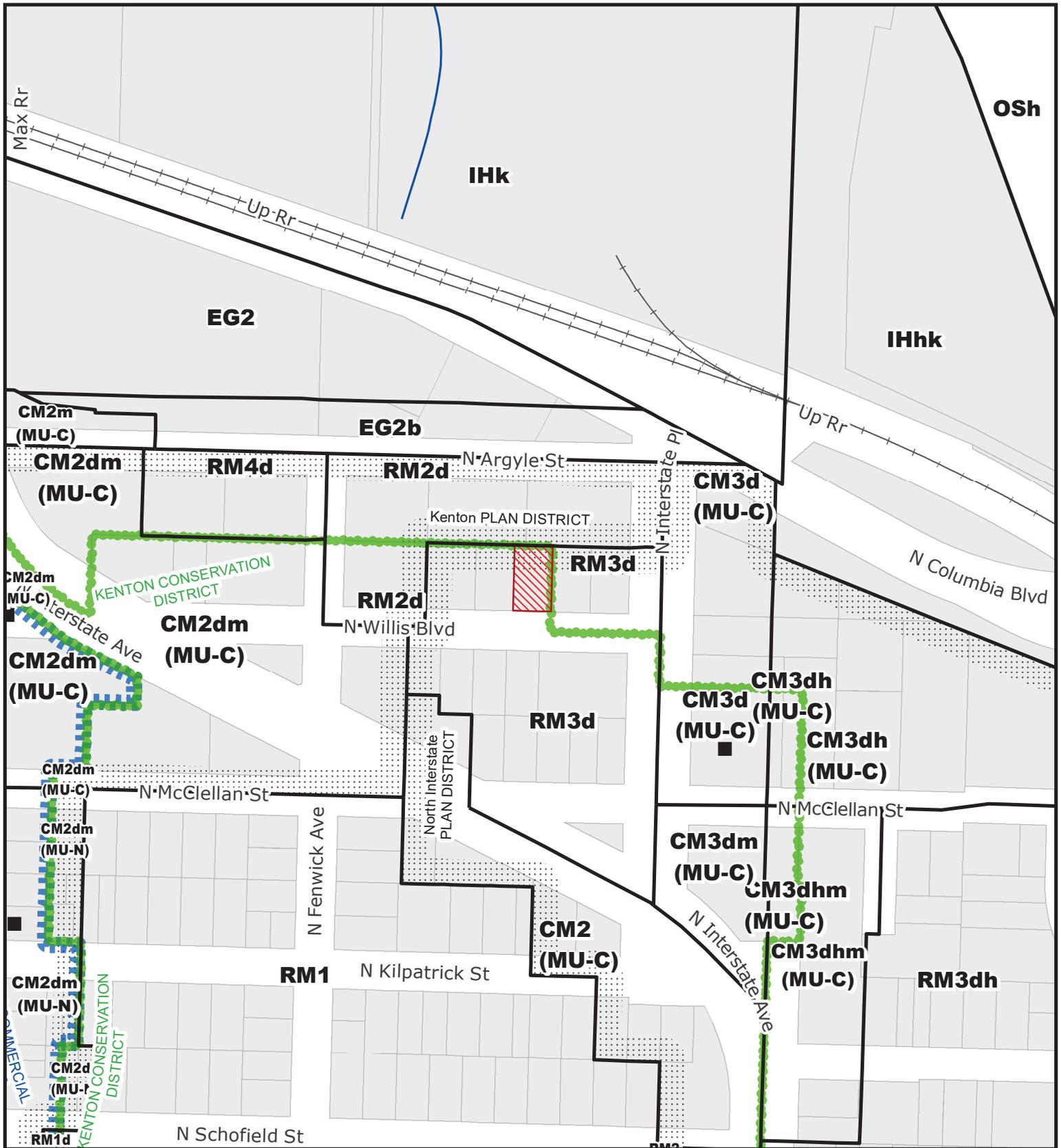
Applying for permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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:
 - 1. Narrative
 - 2. Elevation drawings
 - 3. Floor plans
 - 4. Full plan set
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Proposed site plan (attached)
- D. Notification Information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Portland Bureau of Transportation
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Life Safety Review Section of BDS
- F. Correspondence:
 - 1. Email from Jody Greenberg, dated December 10, 2021
 - 2. Email from CJ Caner, dated December 19, 2021
 - 3. Email from Taylor Tremain, dated December 19, 2021
- G. Other:
 - 1. Land use application form
 - 2. Incompleteness determination letter, dated November 23, 2021

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



For Zoning Code in effect Post August 1, 2021

NORTH INTERSTATE PLAN DISTRICT
KENTON CONSERVATION DISTRICT



Site

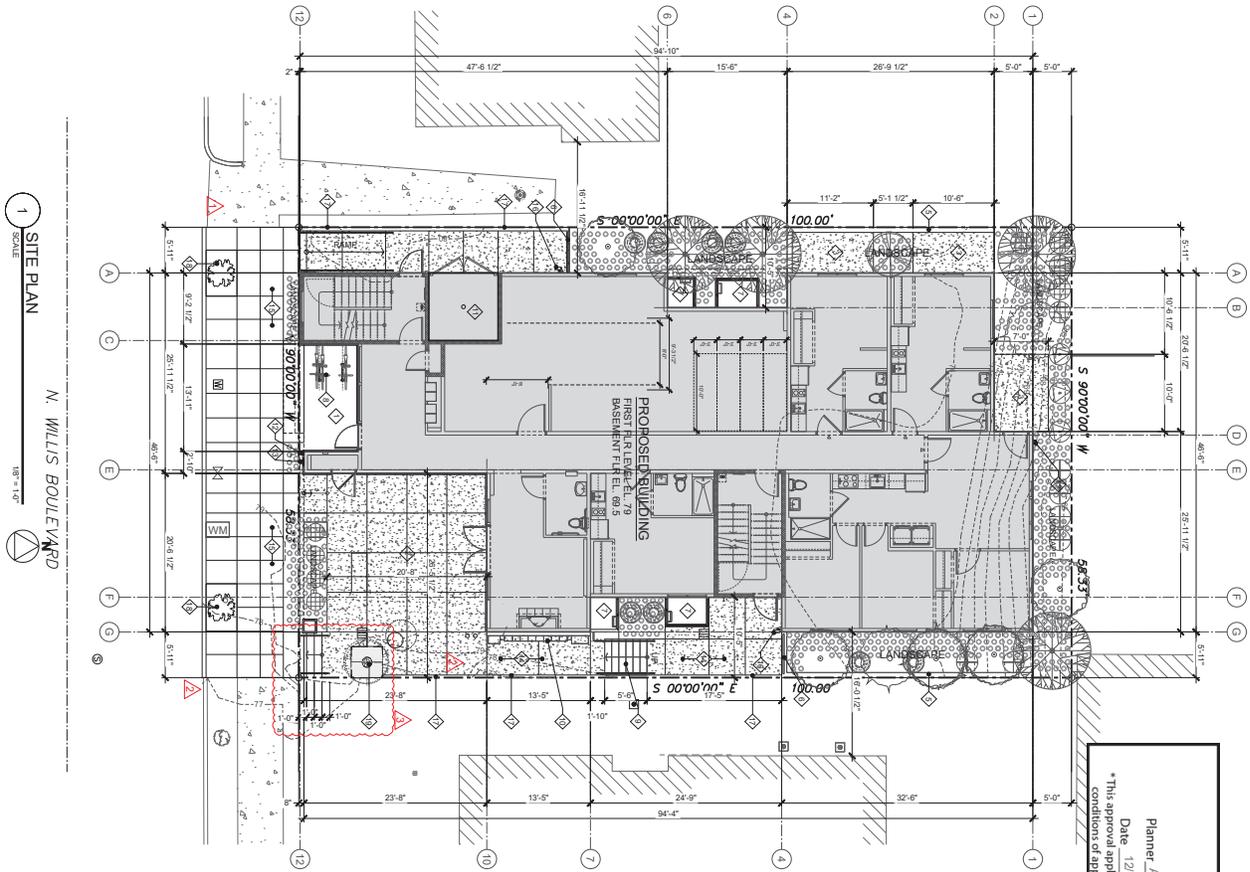


Stream



Historic Landmark

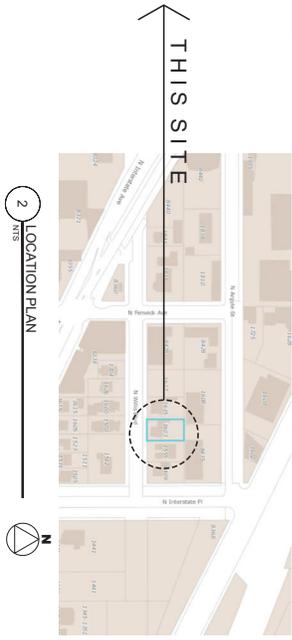
File No.	LU 21 - 104680 AD
1/4 Section	2228
Scale	1 inch = 200 feet
State ID	1N1E09DA 1500
Exhibit	B Nov 09, 2021



1 SITE PLAN
SCALE 1/8" = 1'-0"
N. WILLIS BOULEVARD

Approved
City of Portland
Bureau of Development Services
Planner A. Gullizia
Date 12/29/2021
This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

NOTE:
BIDG LOBBY ADDRESS
1033 N WILLIS BLVD PORTLAND OR 97217



LU 21-104680 AD Exhibit C-1

- LEGEND
- ◆ ENTRY PORCH
 - ◆ COVERED CORRIDOR
 - ◆ PATIO (FOOT BIAS 8.811)
 - ◆ PATIO (FOOT BIAS)
 - ◆ RETAINING WALL SEE STRUCTURAL
 - ◆ 42" HIGH GUARD RAIL SEE DETAIL ZM1.2
 - ◆ WINDOW WELL
 - ◆ FLOOR MOUNTED BIKE MARKING (SHORT TERM)
 - ◆ STAIR
 - ◆ ELECTRICAL POWER METERS SEE ELECTRICAL
 - ◆ TRASH ENCLOSURE
 - ◆ DOWNPOUT
 - ◆ FPC CONNECTION
 - ◆ WALKWAY
 - ◆ SIDEWALK
 - ◆ CAMERA
 - ◆ 8' HIGH WOOD FENCE
 - △ INSTALL NEW STREET TREE UNDER
 - △ MINOR IMPROVEMENT PUBLIC WORKS PERMIT
 - △ MINOR IMPROVEMENT TREE (ON SITE OR ADJACENT)

PROJECT DESCRIPTION
THE PROPOSED PROJECT IS A STYRY WOOD CONSTRUCTION WITH BASEMENT LOCATED IN 1033 N WILLIS BLVD PORTLAND, OR 97217.
CONSTRUCTION TYPE - VA
TOTAL FLOOR AREA - 18,997 SF
STUDIO APARTMENTS - 38 UNITS
TOTAL NUMBER OF UNITS - 44 UNITS
THE BUILDING IS DESIGNED TO MEET AN APPROVED AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH NFPA 1.3.

GENERAL INFORMATION
PROPERTY ID: R199731
PROJECT NO: 2018-007
STATE ID: INTERMDA 1590
NEW STATE ID: INTERMDA 01500
ALT ACCOUNT #: R445917040
MAP NUMBER: 2228 OLD
LAND TYPE: RESIDENTIAL LAND
TOTAL LAND AREA: 5,833 SF (0.13 ACRES)
SITE INFO
ADDRESS: 1033 N WILLIS BLVD
PORTLAND, OR 97217
NEIGHBORHOOD
JURISDICTION: PORTLAND / MULTNOMAH
ZONING
ZONE: RMS - RESIDENTIAL MULTI-DWELLING 3
DESCRIPTION: HIGH DENSITY RESIDENTIAL
BENEFICIAL MIX / COMBINATION, MRS
COMP PLAN: RH - HIGH DENSITY MULTI-DWELLING
PLAN DISTRICT: N - NORTH INTERSTATE PLANNING DISTRICT
LAND INFORMATION
5,833 SF
RESIDENTIAL LAND

