



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

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**Date:** January 27, 2022  
**To:** Interested Person  
**From:** Benjamin Nielsen, 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 21-080279 DZM AD**  
**28THURMAN TOWNHOMES**

**GENERAL INFORMATION**

**Applicants/  
Representatives:** Nicholas Hemmer & Robin Wilcox, Skylab Architecture  
413 SW 13th Avenue #200, Portland, OR 97205  
(503) 525-9315, [nick.h@skylabarchitecture.com](mailto:nick.h@skylabarchitecture.com),  
[robin@skylabarchitecture.com](mailto:robin@skylabarchitecture.com)

**Owner:** David Davies, Alta Urban Projects  
4027 N Colonial Ave, Portland, OR 97227

**Owner on Record:** NW 28<sup>th</sup> & Thurman LLC  
4027 N Colonial Ave, Portland, OR 97227

**Site Address:** 2771 NW THURMAN ST

**Legal Description:** BLOCK 1 LOT 1, EXPOSITION ROW  
**Tax Account No.:** R263500020  
**State ID No.:** 1N1E29DC 05500  
**Quarter Section:** 2826

**Neighborhood:** Northwest District, contact Greg Theisen at 503-227-5430.  
**Business District:** None  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Plan District:** Northwest  
**Zoning:** CM2d (MU-N) – Commercial/Mixed Use 2 with Design Overlay (Mixed Use – Neighborhood Comprehensive Plan Land Use Designation)

**Case Type:** DZM AD – Design Review with Modifications and concurrent Adjustment Review

**Procedure:** Type II – an administrative decision with appeal to the Design Commission.

**Proposal:**

The applicants request Design Review approval for a new 45'-0" tall, six-unit multifamily development comprising five (5) three-level townhouse-style units, each with garage and a roof deck above the third floor, and one (1) ground-level flat unit in the Northwest Plan District. The proposed new building will be clad primarily in vertical tongue-and-groove stained cedar siding and dark metal panels. An alternate design option replaces most of the cedar siding with a cement plaster (stucco) siding system.

Two (2) Adjustments are requested to zoning code development standards:

- 1) 33.130.240.B.2, Pedestrian Standards, Materials. An internal pedestrian circulation system is required to connect all main entrances on the site and provide connections to other areas of the site used by building occupants. For sites where all the floor area is in a Household Living use, the pedestrian circulation system may be located within an auto travel lane if the auto travel lane provides access to 16 or fewer parking spaces and the entire lane is surfaced with paving blocks or bricks. An Adjustment to this standard is requested to allow the auto travel lane of the site's parking area, which will provide pedestrian circulation to the site's common garden, to be paved with asphalt.
- 2) 33.562.240.D.2 & E.2, Ground Floor Active Use Standard and Location of Parking. The Ground Floor Active Use standard requires the area meeting the standard to be at least 25 feet deep, measured from the street-facing façade of NW Thurman St. The area meeting this standard is approximately 18'-1" deep. Structured parking is allowed only if the parking area is at least 25 feet from the street-facing façade of NW Thurman St. Proposed individual structured parking garages are located within approximately 18'-8" from the street-facing façade.

Seven (7) Modifications are also requested to zoning code development standards:

- 1) 33.130.215.B.2, Required setbacks from a lot line that is not a street lot line. The required minimum setback from an interior lot line abutting the RM3 zone is 10 feet. The required setback area must be landscaped to the L3 standard. An existing common garden, shared via an easement with adjacent properties to the north and west, lies within this required setback area, with no landscaping meeting the standard on those lot lines. The portion of the lot line abutting the RM3 zoned lot to the east meets the tree and ground cover requirements of the L3 standard, but it does not have the required evergreen shrubs or masonry wall. The applicants request to leave the common garden developed as-is, including the existing wooden fence on the east lot line of the area requiring the setback.
- 2) 33.130.215.D, Improvements in the setback area between a building and a street lot line. This standard requires the area between any building and the street lot line to be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians. The applicants propose a 2-foot deep landscape area between the street lot line along NW Thurman St and the building, but they request a modification to not plant the trees required to meet the L1 standard, due to the narrow planting area and overhanging building.
- 3) 33.130.228, Required Outdoor Areas. This standard requires a minimum amount of outdoor area for each dwelling unit, designed either as individual unit outdoor area or common outdoor area. Where provided, outdoor common areas must be located within 20 feet of a building entrance providing access to residential units. While the five townhouse units each have individual outdoor area, the ground floor studio unit does not. The existing common garden at the northeast corner of the site can provide the required outdoor common area; however, it is located approximately 27'-0" from the studio unit's rear entry door.
- 4) 33.130.230.B.2, Ground floor windows that are not part of a dwelling unit. The standard requires ground floor windows to cover at least 25% of the non-residential

portion of the ground level wall area along the NW 28<sup>th</sup> Ave façade—in this case, the structured parking garage. Qualifying windows must be windows that allow views into working areas, lobbies, common areas, pedestrian entrances, or display windows. The applicants request a reduction to 0% of the non-residential wall area, since there is no qualifying interior space that will meet the standard.

- 5) 33.130.230.B.4.a.(2) – Ground floor window and frontage standards for dwelling units, Flexible ground floor design (NW Thurman St façade). This portion of the standard requires dwelling units at the ground floor to be at least 25 feet deep as measured from the street-facing façade. The portions of the four westernmost townhouse units have a ground floor depth of approximately 18'-1" from the NW Thurman St façade.
- 6) 33.130.230.B.4.a.(2) – Ground floor window and frontage standards for dwelling units, Flexible ground floor design (NW 28<sup>th</sup> Ave façade). This portion of the standard requires dwelling units at the ground floor to be at least 25 feet deep as measured from the street-facing façade. The westernmost unit must also provide the required 25-foot depth from the NW 28<sup>th</sup> Ave façade. The depth of the dwelling unit here from that façade is approximately 11'-1".
- 7) 33.266.130.F.2, Parking space and aisle dimensions. Two-way parking aisle width must be at least 20'-0" wide. The applicants request a reduction to 18'-0" for a portion of the parking aisle, and 19'-0" for most of the remainder of the aisle.

One design exception is also requested to the Window Projections Into Public Right-of-Way Code Guide standards to allow for window projections on the west elevation to exceed the maximum width of 12 feet. One projection on the second floor is approximately 18'-4 ½" long, and one projection on the third floor is approximately 15'-4 ½" long.

Design Review is required for new development that does not meet the Design Overlay Design Standards of PZC 33.420.050. Adjustment Review is required for new development that does not meet zoning code development standards. Modifications through Design Review may be requested for development that does not meet site-related zoning code development standards in lieu of requesting Adjustments.

#### **Relevant Approval Criteria:**

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

- Portland Citywide Design Guidelines
- PZC 33.825.040, Modifications That Will Better Meet Design Review Requirements
- PZC 33.805.040, [Adjustments] Approval Criteria

## **ANALYSIS**

**Site and Vicinity:** The subject site is a mostly-undeveloped lot located in the Northwest Plan District; the site has an existing garden located on its northern portion, with vacant land on its southern half fronting NW Thurman St and NW 28<sup>th</sup> Ave. Nearby development includes a mixture of uses, architectural styles, and building scales. A condominium complex to the immediate north is four stories tall as is a new residential development that is under construction across NW 28<sup>th</sup> Ave from the subject site. Single-story commercial buildings lie across NW Thurman St on both sides of the intersection. A two-story brick residential building lies to the east. Development varies from being setback behind varying levels of landscaping to fronting up to the street lot lines and sidewalk edges.

Townhouse or rowhouse style development is a common development type in this area of the Northwest Plan District. Many have individual unit driveways that open onto the street and have their main entry doors located at their second floors. Some incorporate porches, though most have stoop-style entries at the top of their stairs.

The city's Transportation System Plan classifies the site's adjacent streets as follows:

- NW Thurman St is classified as a Neighborhood Collector, Neighborhood Corridor, Transit Access Street, City Bikeway, Major City Walkway, and Secondary Emergency Response Street, with local service for all other transportation modes.
- NW 28<sup>th</sup> Ave is classified as local service for all transportation modes.

**Zoning:**

The Commercial/Mixed Use 2 (CM2) 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 Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people's daily experience; and

Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

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

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

- LUR 92-00540 AD: Adjustment Review approval to increase the height on Lot 1 (the subject site) to 35 feet, to increase the height limit on Lots 2, 3, and a portion of Lot 4 (adjacent lots to the subject site) to 42 feet in the first 10 feet, and to increase the height limit on Lot 5 and a portion of Lot 4 to 42 feet in the first 10 feet of the site.

*Staff note: zoning code height limits have since increased to 45 feet for the site's CM2 zoning with the 2018 rezoning under the Mixed Use Zones Project, which implemented the 2035 Comprehensive Plan.*

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **October 26, 2021**.

The following Bureaus have responded with no issues or concerns:

- Water Bureau

The Bureau of Environmental Services responded with no objections and with information about available sanitary service and stormwater management requirements. Please see Exhibit E.1 for additional details.

The Fire Bureau responded with a comment saying that all applicable Fire Code requirements shall apply at the time of permit review and development. Please see Exhibit E.2 for additional details.

The Site Development Section of BDS responded with no objections and information about site conditions and erosion control requirements. Please see Exhibit E.3 for additional details.

The Life Safety Review Section of BDS responded with general life safety comments. Please see Exhibit E.4 for details.

The Bureau of Transportation Engineering responded with a preliminary comment on 11/17/2021 noting that a necessary Driveway Design Exception (DDE) had not been applied for or approved. Please see Exhibit E.5 for additional details.

*Staff forwarded this information to the applicant and requested that they apply for the DDE as soon as possible. The DDE (case number 21-112948 TR) was applied for on 12/07/2021 and approved on 12/30/2021.*

The Bureau of Transportation Engineering responded with formal comments on 01/25/2022 with no objections to the Design Review proposal, Adjustments, or Modifications. See Exhibit E.6 for details.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on October 26, 2021. A total of two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- 1) Barbara Dugan, 11/17/2021. Letter citing existing CC&R restrictions that limit development to 35 feet on the subject site. Follow-up letter includes references to the CC&R pages.

*Staff response: Community covenants & restrictions are a civil issue outside the scope of city authority. The developer of the project has also corresponded with the adjacent Homeowners Association, with which the CC&Rs were first established for the subject site, and they do not agree that the CC&R restricts development on the subject site to 35 feet. Zoning code sets the height limit for the site at 45 feet, and the proposal meets this height limit standard.*

- 2) Steven Moskowitz, 2776 NW Upshur St, 12/11/2021. Request for all documents related to the case, and request to receive a copy of the administrative decision.

*Staff sent the respondent the requested documents via email link.*

## ZONING CODE APPROVAL CRITERIA

### Chapter 33.825 Design Review

#### Section 33.825.010 Purpose of Design Review

Design review implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces.

#### 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 Portland Citywide Design Guidelines.

#### Portland Citywide Design Guidelines

The Portland Citywide Design Guidelines consist of a set of guidelines for design cases in community planning areas outside of the Central City. The Portland Community Design

Guidelines focus on three tenets: **Context**, balancing the aspirations of the future desired character with today's setting; **Public Realm**, strengthening a building and site's relationship with the public rights-of-way and open spaces; and **Quality And Resilience**, underscoring holistic site and building designs that benefit people and climate.

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

**01: Build on the character, local identity, and aspiration of the place.**

Possible design approaches may include, but are not limited to:

- Community - Relating to the local community's identity, history, and cultural values and places.
- Architecture - Taking cues from desired character of existing architecture.
- Nature - Reflecting and enhancing local natural resources such as rivers, streams, buttes and vegetation.

**Findings:** The proposal meets this guideline in the following ways:

- The site's Urban Design Framework places it within the Inner Neighborhoods Pattern Area along a Neighborhood Corridor (NW Thurman St). Development in the Inner Neighborhoods should be street-oriented with multiple connections and entries, consider historic mixed use urban patterns, and complement the form and texture of older buildings and street patterns. Neighborhood Corridors are narrower main streets that connect neighborhoods, support business districts and provide housing close to local services, and include a mix of commercial and higher-density housing.
  - The proposal orients development to NW Thurman St with multiple entries to individual units facing the street. The scale of the overall development complements and integrates with other similar mixed-use and higher-density residential development along NW Thurman St. The building is divided into a regular pattern reflecting its townhouse style units, and this too complements the texture of other similarly-scaled development along NW Thurman St. The addition of new dwelling units to the site and space at the ground floor designed for live/work-type offices (or possibly future conversion to retail spaces) further contributes to the neighborhood's overall development pattern.
- The adopted *Northwest District Plan* identifies the desired character of development along this portion of NW Thurman St, which it identifies as being within the Streetcar Main Streets urban character area. Desired characteristics and traditions for new development include "architectural features that characterize the district's main streets, such as large storefront windows, awnings and upper-story residences, and should continue the pattern of continuous frontage of buildings and active uses located close to sidewalks... Disruptions to the continuity of the main street pedestrian environment by curb cuts, driveways, garage fronts and surface parking areas should be avoided."
  - The proposed development incorporates large windows and storefront-style glazed entries and flexible-use spaces on its ground level while providing typical residential dwelling spaces on the second and third floors. The building is located within two feet of the sidewalk edge along NW Thurman St and abuts the street lot line along NW 28<sup>th</sup> Ave, placing flexible use spaces in close proximity to both streets. Only one curb cut is proposed, and this is located towards the northern end of the lot off NW 28<sup>th</sup> Ave, which helps to maintain the continuous building frontage along the main street—NW Thurman St. Garages doors face the northern property line rather than the street frontages, and no surface parking is proposed.
- The site is more-or-less flat, though the West Hills rise above the neighborhood only a few blocks away from the subject site. Since the immediate vicinity is more urban in character, with the site being located at the last mixed-use node on NW Thurman St, the proposal's urban response is appropriate for its location rather than providing a more landscaped site design.

*Therefore, this guideline is met.*

**02: Create Positive Relationship with surroundings.**

Possible design approaches may include, but are not limited to:

- Building Massing - Developing effective placement and proportion of building massing toward adjacent lower-scale development and residential uses.
- Street Wall - Maintaining a vibrant street wall with continuous storefronts along historic main streets.
- Connectivity - Creating visual and physical links to adjacent pedestrian pathways and neighboring open spaces.
- Adjacent Historic Landmarks - Deferring to the neighboring historic landmark through massing and urban form.

**Findings:** The proposal meets this guideline in the following ways:

- Three-story residential rowhouses are a common residential building typology in this area of the Northwest Plan District on NW Thurman St, and the site immediately to the north of the subject site also incorporates this typology along NW 28<sup>th</sup> Ave. The proposal is similarly-scaled to those buildings and reinforces the pattern found in this area of the neighborhood.
- The proposed project takes characteristics from both its commercial neighbors and its multi-family ones to create a cohesive architectural expression that reacts to the transitional nature of its context as the last Commercial/Mixed Use-zoned node along NW Thurman St. While retail uses are not required, the proposed building includes flexible “office” workspaces at the ground level of four of the six dwelling units proposed. Each has large windows facing NW Thurman St (and also facing NW 28<sup>th</sup> Ave for the unit at the southwest corner), which will help to both extend the pattern of storefront-style development at the intersection of NW 28<sup>th</sup> & Thurman.
- The large windows and doors facing NW Thurman provide entry to the dwelling units and separate entries to the workspaces and will increase visual links and physical links from the adjacent sidewalk to the proposed building. Balconies on the second and third floors and large windows throughout the remainder of the building create additional visual connectivity to the street. Angled window projections at the intersection of NW 28<sup>th</sup> & Thurman windows on the upper floors build on the tradition of similar building articulation found throughout the Northwest Plan District.

*Therefore, this guideline is met.*

**03: Integrate and enhance on-site features and opportunities to contribute to a location’s uniqueness.**

Possible design approaches may include, but are not limited to:

- Natural Resources - Minimizing site disturbance and integrating topography and natural resources found on-site.
- Viewpoints - Integrating views to community points of interest.
- On-site Older Buildings and Historic Resources - Retaining existing older buildings and historic resources.
- Social and Cultural Significance - Incorporating a site’s significant cultural or social history.

**Findings:** The proposal meets this guideline in the following ways:

- The existing common garden on the northern portion of the site, shared with the adjacent condominium development, will remain and be integrated into the new development. Access to the garden will be provided via a set of stairs at the northeast corner of the new building. Large windows on the north side of the building will provide views from the new residences to that shared common green space.
- The proposal includes a large bay of windows on the upper floors of the building’s west façade which will provide views to the West Hills from the westernmost dwelling unit. Similar views are afforded to five of the six dwelling units (all except the ground floor

flat) from the roof decks provided to each. Third floor windows on the south façade in each unit also angle towards the southwest, responding to and taking advantage of views to the West Hills.

- The proposal occupies an undeveloped parcel at the westernmost commercial node at the intersection of NW Thurman & 28<sup>th</sup> Ave. Large windows placed on both sides of the southwest corner help to emphasize this prominent corner of the building in addition to taking advantage of views to the west, southwest, and south.

*Therefore, this guideline is met.*

**04: Design the sidewalk level of buildings to be active and human-scaled.**

Possible design approaches may include, but are not limited to:

- Ground Floor Heights - Designing buildings with taller, more adaptable ground floors.
- Multiple Entries and Windows - Offering more than one entrance along the ground floors of buildings to provide “eyes on the street” and avoid blank expanses of walls.
- Weather Protection - Providing protection from wind, rain, and sun.
- Lighting - Enhancing safety and visibility for pedestrians and highlighting special building features.
- Residential Setbacks - Creating soft transitions while separating private spaces from public spaces.

**Findings:** The proposal meets this guideline in the following ways:

- The ground floor of this work-live rowhouse-style residential building has a 13’-6” floor-to-floor height, which helps to make the ground floor’s flexible workspaces more adaptable to a variety of active uses.
- The configuration of the four westernmost rowhouse units places the dwelling units’ private living spaces on the second and third floors, leaving the ground floor for more public-facing flexible workspaces facing NW Thurman St.
- Entries to each individual dwelling unit are provided along NW Thurman St. Additionally, separate ground level entries are provided into four flexible office workspaces along NW Thurman St.
- Large areas of glazing are located at the ground floor office workspaces and the ground floor flat along the NW Thurman St frontage, affording many opportunities to provide “eyes on the street”. A large bay of windows also faces NW 28<sup>th</sup> Ave at the ground floor office workspace, providing for eyes on this street and the intersection of both NW Thurman & 28<sup>th</sup>.
- Individual entries into the dwelling units and flexible workspaces are provided in recessed areas of the ground floor, which defines the entries into each, creates a sense of human scale, and provides for weather protection for people entering and exiting these spaces.
- The building’s private living spaces—particularly bedrooms and bathrooms—are generally located on the upper floors of the building. The one exception to this is the ground level flat at the building’s eastern end. Here, however, these private spaces are set deep into the unit, with the more public/semi-private living room and kitchen spaces facing the street. Additional privacy is provided by a landscape planting strip between the building and the sidewalk edge, planted with tall grasses and ground covers, the additional buffering from which will help to encourage occupants of this space to keep curtains and blinds open to the street.
- Recessed lighting is provided at each entry recess facing NW Thurman St and at the soffits above each garage entry on the rear side of the subject site. These light fixtures will help to improve safety in these areas and provide for additional ambient lighting along nearby sidewalks.
- The building’s south facade is subdivided into five repeating bays, and each is further divided at the ground floor into a bay of windows looking into the flexible office



workspaces and a recessed entry space. The combination of these divisions articulates the larger mass of the building helps to create human scale at the sidewalk level.

*Therefore, this guideline is met.*

**05: Provide opportunities to pause, sit, and interact.**

Possible design approaches may include, but are not limited to:

- Seating - Providing a variety of seating types for passersby and building users.
- Integrate Bicycles - Designing open spaces that accommodate parking for bicycles.
- Art/Water - Designing spaces that can integrate opportunities for art, stormwater or water features.
- Enclosure - Offering a comfortable buffer and distinction from the public realm.
- Trees and Landscaping - Promoting health and wellness by helping to mitigate the effects of urban heat island.

**Findings:** The proposal meets this guideline in the following ways:

- The subject site's existing common garden area on the northern portion of the site will remain and be incorporated into this new development. This area provides for multiple opportunities for building residents and their guests to pause, sit, and interact.
- Landscape planting strips are proposed between the ground floors of the dwelling units and the public sidewalks. Tall grasses and ground covers here help to buffer the semi-private office workspaces at the ground floor (and living room and kitchen area in the flat at the eastern end of the site) from passersby. Breaks in this landscape provide for entry into individual units and/or their flexible ground level workspaces. Pathways leading from the sidewalk to these doors allow for brief areas to pause and interact with people passing on the public sidewalk. Finally, these landscape planters, combined with street trees along both street frontages, will help in mitigating the effects of the urban heat island by providing for cooling evapotranspiration and shade (from the trees).
- The partially covered entries to the individual dwelling unit garages should not be discounted as potential spaces to pause, sit, and interact. In a small development such as this, with only six dwelling units, the driveway and covered space in front of the garages will afford unique opportunities for residents and their guests to interact and enjoy outdoor activities that benefit from a solid paved surface.

*Therefore, this guideline is met.*

**06: Integrate and minimize the impact of parking and building services.**

Possible design approaches may include, but are not limited to:

- Vehicles and Parking - Screening and buffering vehicle areas from pedestrians and integrating parking into the building design.
- Utilities, Trash and Recycling - Siting and screening utilities, trash, and recycling enclosures away from public realm.
- Vaults - Integrating and concealing vaults within open areas.
- Stormwater Planters - Integrating stormwater with multiple uses, such as buffering, placemaking, and seating opportunities.
- Long-Term Bicycle Parking - Designing bicycle parking to encourage use by adding bike lobbies and bike repair amenities.

**Findings:** The proposal meets this guideline in the following ways:

- The subject site's structured parking areas are designed as well-integrated, individual unit garages that are fully enclosed, screening parking and associated storage activities from pedestrians (and other nearby residents). Trash and recycling areas are also provided for in these spaces. The parking area itself is located at the rear side of the property and accessed from a single driveway opening onto NW 28<sup>th</sup> Ave, which will help to minimize the presence of these spaces from both street frontages.
- Long-term bicycle parking spaces are integrated into unit garages, facilitating easy use and providing space for repairs.

- Dwelling units are heated and cooled via heat pump units which are placed on top of the stairwell roofs of each unit, well away from the pedestrian realm. These rooftop areas also have space designated for future installation of solar panels.
- Site stormwater is managed via a concealed drywell system below the driveway along the north side of the site. This system allows for the development to be more urban in character, which is appropriate for the site's location at a commercial node at NW Thurman & 28<sup>th</sup> Ave.

*Therefore, this guideline is met.*

**07: Support the comfort, safety, and dignity of residents, workers, and visitors through thoughtful site and building design.**

Possible design approaches may include, but are not limited to:

- Internal Open Spaces - Offering a variety of multi-functional spaces such as balconies, stoops, plazas, play areas, and passive sitting areas.
- Internal Connections - Creating safe and visible pedestrian circulation through sites.
- Vehicles Areas - Ensuring that vehicle areas do not impair the usability and enjoyment of the site.
- Solar Access - Providing solar access to open areas.
- Windows and Entries - Orienting windows and entries toward on-site circulation and open areas.

**Findings:** The proposal meets this guideline in the following ways:

- Large, operable windows on all levels of the building allow dwelling units to receive natural sunlight and ventilation, which will help to increase the comfort of residents and their visitors.
- Large balconies and roof decks are provided for five of the six dwelling units, giving residents of each of these units several different personal outdoor spaces to use.
- The common garden at the north end of the property provides a shared outdoor space for residents to use to socialize and relax in and use for a variety of activities. The height and location of the proposed building will preserve solar access to the common garden for the majority of the year.
- Windows and entries to the dwelling units and flexible workspaces on the ground floor open onto NW Thurman St, helping to increase safety of both the residents and passing pedestrians along that street.
- The bedroom and bathroom spaces in the one-bedroom flat unit on the ground floor is located far from the street frontage and behind more public living areas like the unit's kitchen and living room. Residents in this unit will likely desire more privacy in these spaces, and this layout will help to achieve that.
- Total vehicle area on the site is minimized as much as possible while still providing space for residents to park off the street. The parking area is well-illuminated to increase safety and comfort in this space, but the parking area does not dominate the site or impede the enjoyment of other areas in the proposed development.

*Therefore, this guideline is met.*

**08: Design for quality, using enduring materials and strategies with a coherent approach.**

Possible design approaches may include, but are not limited to:

- Unity - Expressing a clear and coherent design approach to unify building.
- Articulation - Highlighting function, hierarchy, or spaces through small breaks in form.
- Application of Exterior Materials - Expressing the building design with hierarchy, shifts or repetition.
- Quality of Materials - Providing quality, resilience, and durability in construction and execution of details.
- Building Openings - Offering permeability, depth, and texture.

**Findings:** The proposal meets this guideline in the following ways:

- The proposed building has a clear and cohesive design that incorporates a regular rowhouse rhythm across the building’s south façade. Each of the five vertical bays incorporates the same series of large windows extending up each bay. The south façade also includes compositional elements which help to unify the façade horizontally with a series of sawtooth-like angles at the second and third floors, with windows at the second floors angling slightly to face southeast and those at the third floor angling slightly to face the southwest. Glass guardrails at the balconies on the second and third floors also help to tie each of the rowhouses together horizontally.

The building’s north façade incorporates a similar, regular rowhouse rhythm as the south façade, though it is quieter and more traditional in its expression, reflecting less of the commercial character of NW Thurman St and more of the residential character of the neighborhood to the site’s immediate north. The building’s east wall is functionally an end wall; however, the horizontal features of the south façade wrap around partially to this east façade to create additional visual interest. In a similar way, the large windows of the south façade, including the angles at the second and third floors, also wrap around to the west façade before transitioning to the quieter language of the building’s north elevation, providing a physical expression of the transition from the commercial main street corridor to the residential neighborhood behind it.

- The proposal incorporates high quality, enduring materials across its exterior, including aluminum composite metal panels, tongue & groove cedar siding with sealed, solid stain, and fiberglass-clad wood windows as the primary exterior materials. Clear-stained and sealed tongue & groove cedar is proposed in recessed portions of the building where rain is less likely to weather the wood, which will provide some visual contrast to the other materials. All of these materials are detailed in ways that will help to ensure their resilience. This stucco alternate also integrates its control joints in a way that complements the overall building composition, maintaining the building’s cohesive design despite the change in material.
- Cement plaster (stucco) siding is proposed as a design alternate to replace the solid-stained cedar siding. The proposed stucco system incorporates a three-coat plaster and detailed to be built using a rainscreen cladding method, both of which will help to ensure the material’s resilience in Portland’s wet climate.

*Therefore, this guideline is met.*

**09: Design for resilience, health, and stewardship of the environment, ensuring adaptability to climate change and the evolving needs of the city.**

Possible design approaches may include, but are not limited to:

- Adaptable Buildings - Providing flexibility in building programming, floor.
- Resource Conservation - Prioritizing the use of existing structures or reclaimed and recycled materials.
- Native Landscaping - Integrating native landscaping and large canopy trees to address heat island and provide for pollinators.
- Ecoroofs - Providing and integrating ecoroofs for pollinators and people.
- Bird-Safe - Reducing bird strikes through careful design.
- Daylight and Air - Providing daylight and ventilation and improving indoor air quality.
- On-Site Stormwater - Allowing rain to soak into the ground and filter through lush vegetation and landscaping.

**Findings:** The proposal meets this guideline in the following ways:

- Large, operable windows on all levels of the building afford many daylighting and passive heating opportunities, which will help to conserve electricity for lighting and heating, and will allow for passive ventilation, affording further opportunities for reduction in energy use during many months of the year. Operable windows will also help to provide fresh air to each dwelling unit, which will help to ensure healthy indoor environments for residents.

- Balconies on south façade of the second and third floors recess into the building’s façade, providing summertime shade for the large windows on floors below each. The building’s roof extends out to the property line here, too, providing for summertime shading of the windows on the third floor.
- Electric charging stations are provided in each dwelling unit’s structured parking garage, which will help to encourage use of electrical vehicles by residents.
- The stairwell roof is structurally ready to accept photovoltaic solar panels in the future.
- Proposed cedar siding is locally sourced, which helps to reduce the overall carbon footprint of the building.
- Stormwater is managed on-site via a drywell system under the driveway. The common garden area at the northern end of the site is landscaped and will absorb rain that falls in that area. Stormwater from the sidewalk along NW Thurman St may partially be filtered into vegetation along the sidewalk’s north side, which lies at grade with the sidewalk.

*Therefore, this guideline is met.*

### **Exception to Window Projections Into Public Right-of-Way Code Guide Standards (OSCC/32/#1)**

One design exception is also requested to the Window Projections Into Public Right-of-Way Code Guide standards—specifically Standard F—to allow for window projections on the west elevation to exceed the maximum width of 12 feet. One projection on the second floor is approximately 18’-4 ½” long, and one projection on the third floor is approximately 15’-4 ½” long.

*Standard: F. Width. Maximum width of 12 feet for each projecting window element. When approved through design review, the width may vary provided the area of all windows on a wall which project into public right of way does not exceed 40% of the wall’s area and the width of any single projecting window element does not exceed 50% of its building wall’s length.*

**Findings:** The proposed window projections are angled projections continuing the pattern of angled windows on the second and third floors of the south façade. These projections continue those same angles on the building’s west façade, with the angled windows on the second floor facing more towards the southwest and those on the third floor facing more towards the northwest. On each floor, windows are large and far exceed the minimum 30% window area required by Standard E of this Code Guide. By wrapping the pattern of the south elevation onto the west façade, the proposed window projections help to create a cohesive composition, meeting Guideline 08: *Design for quality, using enduring materials and strategies with a coherent approach.*

The total depth of the combined windows’ projection is just under 2’-6”, which is a depth of projection that is similar to that found on historic buildings in the Northwest Plan District. Balcony projections over the right-of-way within the district are often deeper, and while balconies are often viewed as being less massive than window projections, the amount of glazing proposed here, and the angling of the walls helps to reduce the overall appearance of the mass of the window projections and limits their impact on the pedestrian realm, meeting Guideline 04: *Design the sidewalk level of buildings to be active and human-scaled.*

Finally, as alluded to in the paragraph above, there are a variety of window and balcony projections used on existing development throughout the district and in the closer vicinity to the subject site. While the angles proposed are unique to this building, the overall pattern is consistent with development in the neighborhood and reinforces the

character of the Northwest Plan District, meeting Guideline 01: *Build on the character, local identity, and aspiration of the place.*

*Therefore, this exception merits approval.*

**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. The review body may not consider modifications to standards for which adjustments are prohibited. 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 other standards that are calculated based upon the size or intensity of the use such as the quantity of parking and loading spaces) 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.
- C. Mitigation of impacts.** Any impacts resulting from the modifications are mitigated to the extent practical.

**Modification #1: 33.130.215.B.2, Required setbacks from a lot line that is not a street lot line.** The required minimum setback from an interior lot line abutting the RM3 zone is 10 feet. The required setback area must be landscaped to the L3 standard. An existing common garden, shared via an easement with adjacent properties to the north and west, lies within this required setback area, with no landscaping meeting the standard on those lot lines. The portion of the lot line abutting the RM3 zoned lot to the east meets the tree and ground cover requirements of the L3 standard, but it does not have the required evergreen shrubs or masonry wall. The applicants request to leave the common garden developed as-is, including the existing wooden fence on the east lot line of the area requiring the setback.

*Purpose Statement:* 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, Required setbacks from a lot line that is not a street lot line:

- a. There is no minimum setback required from a lot line that abuts an OS, RX, C, E or CI zone. And, no setback is required from an internal lot line that is also a zoning line on sites with split zoning.
- b. Except as follows, the required minimum setback from a lot line that abuts an RF through RM4, 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 RM4 or RMP zone.
  - (1) In the Inner Pattern Area on sites that abut a Civic or Neighborhood Corridor shown on Map 130-3 no setback is required from a lot line that abuts a property in the RM2-RM4 zones that also has a lot line on a Civic or Neighborhood Corridor.
  - (2) Buildings that are 15 feet or less in height are exempt from the required setback.
  - (3) For both exceptions, any setback provided that is 5 feet or greater in depth must be landscaped to at least the L3 standard for a distance of up to 10 feet from the lot line. This means that if the building is setback 3 feet, no landscaping is required, but if the building is setback 15 feet, then the first 10 feet measured from the lot line must be landscaped.
- c. Windows in the walls of dwelling units must be setback a minimum of 5 feet from a lot line that abuts a C, E, I, or CI zoned lot. Windows of dwelling units that also have other windows facing a street lot line or facing a dedicated open space that is at least 10 feet in depth, such as a required setback or required outdoor area, are exempt from this standard. The setback area must be a minimum width of 12 feet or the width of the residential window, whichever is greater.

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

**Findings:** The most unique characteristic of the proposed site is that the northern portion has already been developed as a community garden. Designed by Walker Macy Landscape Architects and constructed several years ago, the common garden is intended to be an amenity to be shared by both adjacent properties. The garden is full of beautiful mature trees and plants and the goal of the proposed development is to have as little impact to the existing garden as possible. Both physical and visual connectivity from both the neighboring property and the proposed development are vital to the intent and character of the common garden.

Retaining the existing condition of the common garden area therefore better meets *Guideline 02 – Create positive relationships with the surroundings* and *Guideline 03 – Integrate and enhance on-site features and opportunities to contribute to a location’s uniqueness.*

**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 relevant portion of the purpose of the standard states that “the required building setbacks promote streetscapes that are consistent with the desired character of the different commercial/mixed use zones. ... 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.”

Preserving the existing common garden and locating all new development on the site towards the site’s southern section maintains the existing relationship to the abutting RM3-zoned site, including existing light, air, and potential for privacy. Shifting development to the southern portion of the site also better reflects the desired character of the CM2 zone, which includes development that is “pedestrian-oriented, provide[s] a strong

relationship between buildings and sidewalks, and complement[s] the scale of surrounding residentially zoned areas.”

**C. Mitigation of impacts.** *Any impacts resulting from the modifications are mitigated to the extent practical.*

**Findings:** Impacts from this Modification are minimal, and no additional mitigation is necessary.

*Therefore this Modification merits approval.*

**Modification #2: 33.130.215.D, Improvements in the setback area between a building and a street lot line.** This standard requires the area between any building and the street lot line to be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians. The applicants propose a 2-foot deep landscape area between the street lot line along NW Thurman St and the building, but they request a modification to not plant the trees required to meet the L1 standard, due to the narrow planting area and overhanging building.

*Purpose Statement:* 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.D, Improvements in the setback area between a building and a street lot line.

1. General standard. The land between any building and a street lot line must be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians. This area may be counted towards any minimum landscaped area requirements. Vegetated stormwater management facilities used to meet Bureau of Environmental Services stormwater management requirements, and residential outdoor areas, such as play areas and garden plots, as well as vehicle areas and exterior display, storage, and work activities, if allowed, are exempt from this standard. Bicycle parking may be located in the area between a building and a street lot line when the area is hard surfaced.
2. Improvements within transit street maximum building setbacks. Along transit streets, at least 50 percent of the setback area between the street lot line and the portion of the building that complies with the maximum building setback must be hard surfaced for use by pedestrians. Buildings entirely in a residential use are exempt from this standard.

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

**Findings:** The proposal includes a 2'-0" wide planted area between the building and the street lot line. The code would allow this area to be paved for pedestrian use, but a planting area would be more in keeping with the context of the neighborhood, as many of the adjacent residential developments along NW Thurman Street included setback areas with plants and landscaping. The proposal therefore better meets Guideline 01: *Build on the character, local identity, and aspiration of the place* by continuing this pattern along NW Thurman St. Additionally, a two-foot wide landscape area is not deep enough to plant trees that will survive and thrive, and a deeper landscape area with tree would remove from the pedestrian realm views into the interior office workspaces at the ground level of four of the work-live townhouse units. Therefore, in this balance for landscape area and proximity to the sidewalk, the proposal better meets Guidelines 04: *Design the sidewalk level of buildings to be active and human-scaled* and 09: *Design for resilience, health, and stewardship of the environment, ensuring adaptability to climate change and the evolving needs of the city.*

**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 relevant portion of the purpose of the standard states that "the required building setbacks promote streetscapes that are consistent with the desired character of the different commercial/mixed use zones."

As described above in Findings for A, the proposal works to retain a consistency with the desired character of NW Thurman St while balancing the desire for proximity to the sidewalk edge to activate the pedestrian realm. On balance, therefore, the proposal is consistent with the purpose of the standard.

**C. Mitigation of impacts.** *Any impacts resulting from the modifications are mitigated to the extent practical.*

**Findings:** Impacts from this Modification are likely minimal. Were there trees planted in these setback areas, they would likely need to be small so as not to conflict with larger street trees planted along NW Thurman St.

*Therefore this Modification merits approval.*

**Modification #3: 33.130.228, Required Outdoor Areas.** This standard requires a minimum amount of outdoor area for each dwelling unit, designed either as individual unit outdoor area or common outdoor area. Where provided, outdoor common areas must be located within 20 feet of a building entrance providing access to residential units. While the five townhouse units each have individual outdoor area, the ground floor studio unit does not. The existing common garden at the northeast corner of the site can provide the required outdoor common area; however, it is located approximately 27'-0" from the studio unit's rear entry door.

*Purpose Statement:* The required outdoor areas standards ensure opportunities for residents to have on-site access to outdoor space for recreation, relaxation, natural area, or growing food. Required outdoor areas are an important aspect for addressing the livability of a property with residential units by providing residents with opportunities for outdoor activities, some options for outdoor privacy, and a healthy environment. The standards ensure that outdoor areas are located so that residents have convenient access. These standards also allow for outdoor area requirements to be met by indoor community facilities because they provide opportunities for recreation or gathering.



*Standard:* 33.130.228.B.2.b, Requirements; Size, location and configuration; Common areas. There are two types of common area:

- (1) Outdoor common area. Where outdoor areas are common, shared areas, each area must be designed so that it is at least 500 square feet in area and must measure at least 20 feet in all directions. The outdoor common area must be located within 20 feet of a building entrance providing access to residential units.
- (2) Indoor common area. Where an indoor common area is provided, it must be an indoor recreational facility or an indoor tenant community room. Indoor common areas that are not recreational facilities or community rooms, such as lobbies, hallways, laundry facilities, storage rooms, and vehicle or bicycle facilities, cannot be used to meet this requirement.

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

**Findings:** The proposed site has a sizable, fully designed, outdoor area that will be available to the occupants of the proposed development and will remain available for use by residents of the adjoining residential development to the north. By utilizing this common garden for the required outdoor space of the one ground floor flat, despite the extra few feet of walking distance, the proposal is taking advantage of its on-site features, which will also allow the proposed building to more fully engage NW Thurman Street in a way that keeps the active uses prominent along this neighborhood main street. This approach also keeps any would be outdoor space away from the vehicular drive on the north side of the building. The size and usability of the common garden is far greater than the required 36 square feet and provides a private, secure outdoor space with a mature tree canopy and plantings. For all these reasons, the proposal better meets Guidelines 02: *Create Positive Relationship with surroundings* and 03: *Integrate and enhance on-site features and opportunities to contribute to a location's uniqueness.*

**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 purpose of the standard includes ensuring “opportunities for residents to have on-site access to outdoor space for recreation, relaxation, natural area, or growing food” and “providing residents with opportunities for outdoor activities, some options for outdoor privacy, and a healthy environment.” The proposal retains an existing 2,800 SF common garden area that far exceeds the minimum 500 SF required by the standard and which provides opportunities for recreation, relaxation and growing food, among other outdoor activities. Roof decks provided to the other five units allow for private outdoor space for most residents of the proposal. Therefore, the purpose of the standard is met on balance.

**C. *Mitigation of impacts.*** *Any impacts resulting from the modifications are mitigated to the extent practical.*

**Findings:** Impacts from this Modification are minimal. The common garden area's size and design more than compensate for the extra few feet that must be traversed to access it.

*Therefore this Modification merits approval.*

**Modification #4: 33.130.230.B.2, Ground floor windows that are not part of a dwelling unit.** The standard requires ground floor windows to cover at least 25% of the non-residential portion of the ground level wall area along the NW 28<sup>th</sup> Ave façade—in this case, the structured parking garage. Qualifying windows must be windows that allow views into working areas, lobbies, common areas, pedestrian entrances, or display windows. The applicants request a reduction to 0% of the non-residential wall area, since there is no qualifying interior space that will meet the standard.

*Purpose Statement:* In the commercial/mixed use zones, blank walls on the ground level of buildings are limited in order to:

- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, or allowing public art at the ground level;
- Encourage continuity of retail and service uses;
- Encourage surveillance opportunities by restricting fortress-like facades at street level; and
- Avoid a monotonous pedestrian environment.

*Standard:* Ground floor window standard for wall area that is not the wall of a dwelling unit. The following standards apply to the portions of a ground floor wall of a street-facing facade that is not the wall of a dwelling unit: a.

a. General standard.

- (1) Windows must cover at least 40 percent of the ground floor wall area of street-facing facades that are 20 feet or closer to a street lot line or a publicly-accessible plaza. For the purposes of this standard, ground floor wall areas include all exterior wall areas from 2 feet to 10 feet above the finished grade, and include openings in the walls of structured parking. See Figure 130-11.
- (2) If the lot has more than one street frontage, then the ground floor window standard in Subparagraph B.2.a(1). applies to the facade that faces the highest transit street classification. All other ground level street-facing facades that are 20 feet or closer to the street lot line must have windows that cover 25 percent of the ground level wall area. The walls of structured parking along these facades may be set back at least 5 feet and landscaped to the L2 standard instead of providing 25 percent windows. If two or more streets have the same highest transit street classification, then the applicant may choose on which of those streets to meet the higher standard. Transit street classifications are identified in the Transportation Element of the Comprehensive Plan.

b. Exemptions:

- (1) Houses, attached houses, manufactured homes, duplexes, attached duplexes, triplexes, and fourplexes are exempt from this Section;
- (2) Ground floor street-facing walls of dwelling units must meet the standards in Paragraph B.4; and
- (3) One opening for vehicular access to onsite parking area.

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

**C. *Mitigation of impacts.*** *Any impacts resulting from the modifications are mitigated to the extent practical.*

**Findings for A & C:** The structured parking garage of the westernmost work-live dwelling unit has frontage along NW 28<sup>th</sup> Ave, and this is defined as a wall that is “not part of a dwelling unit”; even though a window is proposed into this space, it does not count towards meeting the standard. To mitigate for this inactive wall area, additional window area has been provided facing NW 28<sup>th</sup> Ave at the office portion of the dwelling unit. Rather than providing the minimum 25% of window area required here (and as was shown in the initial proposal for the site), approximately 53% window area is proposed facing NW 28<sup>th</sup> Ave at the office portion of the unit. In addition to providing for more visibility into this most-active part of the dwelling unit—better meeting Guideline 04: *Design the sidewalk level of buildings to be active and human-scaled*—shifting ground floor window and active use areas towards the NW Thurman St portion of the site better reinforces the desired main street character of the area, better meeting Guidelines 01: *Build on the character, local identity, and aspiration of the place* and 02: *Create positive relationship with surroundings*.

**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 purpose of the standard seeks to limit the area of blank walls at the ground level of buildings to avoid creating a monotonous pedestrian environment, encourage surveillance opportunities, and to provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to the adjacent sidewalks outside. The proposal easily meets this purpose statement along NW Thurman St, where large window areas (comprising 65% of the ground level wall area) look into the active office work areas on the ground floor of four of the six work-live dwelling units and into a similar ground floor expression at the fifth—a one-bedroom flat on the ground floor in which the living room and kitchen are located along the street frontage and the bedroom is located towards the back of the unit.

The purpose of the standard is also met along NW 28<sup>th</sup> Ave, where a large window area looks into the office workspace at the southwest corner of the building. The remaining length of the building is not that long—at approximately 29 feet—and has mitigation in the form of an additional window into the garage space and a step back in the wall to provide additional visual interest and, for the former, to help increase surveillance opportunities from the garage space.

With both frontages taken together, the purpose of the standard is met on balance.

*Therefore this Modification merits approval.*

**Modification #5: 33.130.230.B.4.a.(2) – Ground floor window and frontage standards for dwelling units, Flexible ground floor design (NW Thurman St façade).** This portion of the standard requires dwelling units at the ground floor to be at least 25 feet deep as measured from the street-facing façade. The portions of the four westernmost townhouse units have a ground floor depth of approximately 18'-1" from the NW Thurman St façade.

**Modification #6: 33.130.230.B.4.a.(2) – Ground floor window and frontage standards for dwelling units, Flexible ground floor design (NW 28<sup>th</sup> Ave façade).** This portion of the standard requires dwelling units at the ground floor to be at least 25 feet deep as measured from the street-facing façade. The westernmost unit must also provide the required 25-foot depth from the NW 28<sup>th</sup> Ave façade. The depth of the dwelling unit here from that façade is approximately 11'-1".

*Purpose Statement:* In the commercial/mixed use zones, blank walls on the ground level of buildings are limited in order to:

- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, or allowing public art at the ground level;
- Encourage continuity of retail and service uses;
- Encourage surveillance opportunities by restricting fortress-like facades at street level; and
- Avoid a monotonous pedestrian environment.

*Standard:* Flexible ground floor design. The ground floor window standard of Subparagraph B.2.a(1) must be met, and the ground level of the building must be designed and constructed as follows:

- (1) The distance from the finished floor to the bottom of the ceiling structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
- (2) The area meeting this standard must be at least 25 feet deep, measured from the street-facing facade; and
- (3) Each unit must include a front entrance that is located at the level of the finished grade and can be accessed without steps.

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

**Findings:** Development along NW Thurman St is characterized by a mixture of residential uses with regular nodes of commercial or mixed-uses at intersections. Commercial uses are generally smaller in scale than similar uses along the district's more heavily-travelled main streets of NW 23<sup>rd</sup> and NW 21<sup>st</sup> Avenues, and the node at the intersection of NW 28<sup>th</sup> & Thurman is the last before development on the street transitions down to single-dwelling residential scale to the west. The size of the flexible office workspaces complements and reinforces this transition in scale and, combined with the cohesive design created by the expression of five rowhouse units, integrates well with existing development and the character of the neighborhood. For all these reasons, the requested Modifications allow the proposal to better meet Guidelines 01: *Build on the character, local identity, and aspiration of the place* and 08: *Design for quality, using enduring materials and strategies with a coherent approach*.

**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 purpose of the standard seeks to limit the area of blank walls at the ground level of buildings to avoid creating a monotonous pedestrian environment, encourage surveillance opportunities, and to provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to the adjacent sidewalks outside. The proposal meets these aspects of the purpose of the standard on both street frontages, with large glazing areas looking into "office" workspaces in the work-live townhouse style dwelling units from both NW 28<sup>th</sup> Ave and NW Thurman St. An additional window not meeting the standard allows for surveillance opportunities from within one of the residential garage spaces and provides, at a minimum, a visual break in the otherwise blank portion of the wall. Although the proposed development does not include retail or service uses, the office workspaces proposed at the ground level could be converted at a future date to accommodate such uses, and the garage spaces behind these active work areas could be converted to serve back-of-house uses for an active use such as this, keeping the entire workspace area free for active uses.

**C. Mitigation of impacts.** *Any impacts resulting from the modifications are mitigated to the extent practical.*

**Findings:** The 25-foot depth requirement is intended to provide for ground level spaces that can accommodate a combination of active front-of-house uses with necessary supportive back-of-house areas within a space that has room enough for both. Since the proposed office workspaces are part of a combination of a work-live residential dwelling unit, any back-of-house uses may more likely be accommodated within the living portion of the dwelling unit or the garage attached to it. It is reasonable to presume that these areas will not function as storage or support spaces to the presumed office (or other active working) use and will be entirely used for such endeavors.

*Therefore these Modifications merit approval.*

**Modification #7: 33.266.130.F.2, Parking space and aisle dimensions.** Two-way parking aisle width must be at least 20'-0" wide. The applicants request a reduction to 18'-0" for a portion of the parking aisle, and 19'-0" for most of the remainder of the aisle.

*Purpose Statement:* The development standards promote vehicle areas that are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones. Together with the transit street building setback standards in the base zone chapters, the vehicle area location regulations:

- Provide pedestrian access that is protected from auto traffic;

- Create an environment that is inviting to pedestrians and transit users, especially on transit streets and in Pedestrian Districts;
- Limit the prominence of vehicle areas along street frontages and create a strong relationship between buildings and the sidewalk;
- Create a sense of enclosure on transit and pedestrian street frontages; and
- Limit the size of paved parking area and the type of paving material allowed in order to limit increases in temperature associated with asphalt and reduce impacts from urban heat islands.

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

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Provide flexibility to reduce the visual impacts of small residential parking lots;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

*Standard:* Parking space and aisle dimensions. Parking spaces and aisles must meet the minimum dimensions contained in Table 266-4. For stacked parking areas, see Section 33.266.140 below.

Angle (A)	Width (B)	Curb Length (C)	1 Way Aisle Width (D)	2 Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	8 ft.	22 ft. 6 in.	12 ft.	20 ft.	8 ft.
30°	8 ft. 6 in.	17 ft.	12 ft.	20 ft.	15 ft.
45°	8 ft. 6 in.	12 ft.	12 ft.	20 ft.	17 ft.
60°	8 ft. 6 in.	9 ft. 9 in.	16 ft.	20 ft.	17 ft. 6 in.
90°	8 ft. 6 in.	8 ft. 6 in.	20 ft.	20 ft.	16 ft.

Notes:

[1] See Figure 266-4.

[2] See Section 33.266.130.F.3 for information on parking spaces for the disabled.

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

**Findings:** The proposed reduction in width of the driveway to 18'-0" helps to reduce the visual impacts of the parking area on the surrounding neighborhood and further integrate the parking area into the overall development, better meeting *Guideline 06: Integrate and minimize the impact of parking and necessary building services.*

**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:** Reduction in the parking aisle (driveway) width allows room for some additional landscaped area on the site, which will help to reduce the temperature of the asphalt and reduce the impacts of the urban heat island effect. The proposed landscaped area will also

help to improve the visual appearance of the driveway from the sidewalk along NW 28<sup>th</sup> Ave, allowing vines to grow along an existing retaining wall adjacent to the site.

Since the driveway serves only five parking spaces for long-term tenants/residents of the building, it is unlikely that any significant conflicts will arise when entering or exiting the parking area. All vehicles using the parking area will be able to enter and exit in a forward motion.

- C. Mitigation of impacts.** Any impacts resulting from the modifications are mitigated to the extent practical.

**Findings:** Impacts from this Modification are primarily limited to potential conflicts between the five vehicles that will use the driveway on the subject site. Overhead doors into individual unit garages are 12'-0" wide, which will allow for additional flexibility in entering and exiting the parking spaces and help to limit conflicts when backing out or entering the spaces.

*Therefore this Modification merits approval.*

### **33.805.010 Purpose**

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

### **The following adjustments are requested:**

- 33.130.240.B.2, Pedestrian Standards, Materials. An internal pedestrian circulation system is required to connect all main entrances on the site and provide connections to other areas of the site used by building occupants. For sites where all the floor area is in a Household Living use, the pedestrian circulation system may be located within an auto travel lane if the auto travel lane provides access to 16 or fewer parking spaces and the entire lane is surfaced with paving blocks or bricks. An Adjustment to this standard is requested to allow the auto travel lane of the site's parking area, which will provide pedestrian circulation to the site's common garden, to be paved with asphalt.
- 33.562.240.D.2 & E.2, Ground Floor Active Use Standard and Location of Parking. The Ground Floor Active Use standard requires the area meeting the standard to be at least 25 feet deep, measured from the street-facing façade of NW Thurman St. The area meeting this standard is approximately 18'-1" deep. Structured parking is allowed only if the parking area is at least 25 feet from the street-facing façade of NW Thurman St. Proposed individual structured parking garages are located within approximately 18'-8" from the street-facing façade.

### **33.805.040 Approval Criteria**

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

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

**Findings:** The purpose statement for 33.130.240.B.2, Pedestrian Standards, Materials is: "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.”

Granting the adjustment to this standard will allow the driveway to be paved with asphalt, which will still provide the necessary connection between the building and other activities on the site—specifically the common garden. Since only 5 parking spaces are proposed in total, the number and frequency of cars traversing the area will be low. Additionally, only tenants of the building will be parking in this area, and they will quickly become familiar with the parking area and will likely travel at slow speeds. Pedestrian scale lighting is also proposed in the parking area, which will allow for greater safety at night. The distance that needs to be traversed is relatively short, and the planter along the north edge of the driveway, along with the design of the building itself, will help to ensure the area is attractive. Therefore, the purpose of the standard is equally met.

The purpose statement for 33.562.240.D.2 & E.2, Ground Floor Active Use Standard and Location of Parking is:

“These regulations reinforce the continuity of the pedestrian-oriented environment, limit the visual impact of parking facilities, and foster development with transit-supportive levels of activity along main streets and the streetcar alignment. The standards also help to maintain a healthy urban district with architectural elements and active ground-floor uses that provide visual interest and interrelate with the pedestrian environment.”

The proposed structured parking spaces are “structured parking” only in the strictest definition of the term. These spaces would be colloquially referred to as garages (even though they do not meet the zoning code definition of “garage”) since each space is in a separate compartment accessed by its own overhead door, and the spaces are well-integrated with the overall design of each unit and the building as a whole. These parking spaces are accessed from the rear of the site via a driveway from NW 28<sup>th</sup> Ave. For all these reasons, the proposed structured parking spaces have limited visual impact on the pedestrian environment.

At the NW Thurman St frontage, four of six of the dwelling units have a small “office” space at the street frontage, with large, tall windows facing the street. Doors into these office spaces and separate doors into the living spaces of each unit, located on the floors above, are accessed from NW Thurman St as well. At the eastern end of the site, a long, single-floor one-bedroom flat takes the place of the working office areas of the townhouse style units to the west. Its more public living spaces—the living room and kitchen—are located along the street frontage of NW Thurman, and the bedroom and bathroom are located towards the rear of the unit. The sixth unit lies primarily on the two floors above this flat. Both are accessed from NW Thurman St as well. These architectural elements help to make the units transit-supportive, consistent with and interrelated to the existing pedestrian environment along NW Thurman. The large windows and office spaces—particularly in the “work-from-home/hybrid work” era of the pandemic and beyond—will afford excellent views of people working; said differently, these will be active ground-level uses that will provide visual interest along NW Thurman St. Therefore, the purpose of the standard is equally met.

*For these stated reasons, this approval criterion 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.

**Findings:** The desired character of an area is defined in zoning code chapter 33.910:

Desired Character. The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted area plans or design guidelines for an area.

The characteristics of the “CM2” Central/Mixed-Use 2 zone are defined by zoning code section 33.130.030.C:

“Commercial/Mixed Use 2 zone. The Commercial/Mixed Use 2 (CM2) 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 proposed adjustments still result in development that is in residential use (with “work” components for four of the units), that is three stories tall (plus stairwells to the roofs), which is complementary in scale to surrounding development, and that is pedestrian-oriented with a strong relationship to the sidewalks, being no less than 2 feet behind the sidewalk edge.

The purpose statement of the “d” Design Overlay zone is defined by zoning code section 33.420.010, Purpose:

The Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city’s evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people’s daily experience; and
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

The proposed adjustments result in development that still builds on and complements the existing context of low-rise mixed-use and rowhouse style development in the surrounding area; contributes to the public realm with working areas of the work-live style units at the ground level with large windows providing views to the interiors of these spaces; places doors into the units and working spaces off NW Thurman, which will encourage social interaction along the sidewalk; and promotes quality and long-term resilience with quality materials and detailing and flexibility in the function of the ground level spaces. On this latter point, the ground level working spaces can accommodate a variety of uses, and garages may be converted to other uses or serve as future extensions of the ground level working spaces.

The purpose statement for the Northwest Plan District is defined by zoning code section 33.562.010, Purpose:

The Northwest plan district implements the Northwest District Plan, providing for an urban level of mixed-use development including commercial, office, housing, and employment. Objectives of the plan district include strengthening the area’s role as a commercial and residential center. The regulations of this chapter:

- Promote housing and mixed-use development;



- Address the area’s parking scarcity while discouraging auto-oriented developments;
- Enhance the pedestrian experience;
- Encourage a mixed-use environment, with transit supportive levels of development and a concentration of commercial uses, along main streets and the streetcar alignment; and
- Minimize conflicts between the mixed-uses of the plan district and the industrial uses of the adjacent Guild’s Lake Industrial Sanctuary.

The proposed adjustments result in development that adds housing and small-scale working spaces to the district; that provides five off-street parking spaces at the expense of one one-street space in well-integrated individual parking garages that are accessed from a private drive behind the development, rather than off NW Thurman St; and enhances the pedestrian experience with ground level working spaces as part of four of the six dwelling units, each of which has large windows and separate entries into the ground level spaces. While the development itself is not mixed-use, as this is not required by the standards in the Northwest Plan District code, the addition of more residential uses will help to support existing transit, and the new working spaces at the ground level affords opportunities to help support existing commercial uses at this intersection and along NW Thurman St. The area is located well away from the adjacent industrial sanctuary.

The Northwest District Plan identifies the area’s “desired characteristics and traditions” on pages C-13 through C-25. This section of the plan identifies the subject site as being in the “Streetcar Main Streets” urban character area. The plan also states that “for sites located at area edges, Designed Characteristics and Traditions statements from adjoining areas should be consulted, taking into account specific aspects of the site and its context.” To that extent, the subject site lies adjacent to the “Vaugh Corridor” character area.

*District-wide considerations* for the Northwest Plan District state that “New buildings and additions that are taller than the two- to four-story building height that is predominant in the district should have upper stories stepped-back in order to contribute to a more consistent streetscape and to maintain neighborhood scale. Also, the street frontage of large projects should be divided into distinct components that reflect the district’s established pattern of partial block massing.”

The proposed development will be consistent with the desired height of development, at three stories plus a short extension for the stairwell to the roof, and with the desired neighborhood scale. Though not a large project, the proposed building is still divided into distinct components that reflect similarly-scaled townhouse style developments along NW Thurman St.

The *Streetcar Main Streets: Desired Characteristics and Traditions* are identified as the following:

“The Streetcar Era structures that define the character of the main streets, portions of which are located within the Alphabet Historic District, should be preserved or adaptively reused. New development should incorporate architectural features that characterize the district’s main streets, such as large storefront windows, awnings and upper-story residences, and should continue the historic pattern of a continuous frontage of buildings and active uses located close to sidewalks. Large retail developments should be integrated into the main streets’ fine-grain urban pattern and mix of uses through strategies such as including spaces suitable for small tenants along street frontages or by including upper-floor residences. Where appropriate, development should include outdoor space for dining and other activities that contribute to a vibrant urban environment. Disruptions to the continuity of the main street pedestrian

environment by curb cuts, driveways, garage fronts and surface parking areas should be avoided.”

This section identifies architectural characteristics along NW Thurman Street as including “a predominance of residential structures not typical of the other main streets, including Victorian workers cottages in the Queen Anne style (these are remnants, together with similar houses along nearby streets, of the working-class Slabtown neighborhood) and modern rowhouses with architecture derivative of traditional styles. It also identifies the area’s urban pattern along NW Thurman St as “characterized by a less continuous storefront commercial frontage than is the case along the other area main streets. Along NW Thurman Street, storefront commercial buildings tend to be clustered at intersections, with mid-block areas occupied by small lot houses, usually with shallow setbacks, and modern rowhouses with front garages and driveways.”

The proposed development has a residential rowhouse character, with repeating patterns of windows, doors, and balconies, arranged into five columns, across the south/primary façade. The ground floor has large storefront-style windows that face NW Thurman St, giving the development characteristics similar to mixed-use developments along the district’s main streets. The dwelling units’ living spaces are generally located on the upper floors of the building. Curb cuts and driveways are limited to one serving five separate garage entries via an internal alley-like driveway. Most of the garages do not face either of the streets, and the one garage that faces NW 28<sup>th</sup> Ave is set back over 80 feet from the sidewalk, effectively removing this garage door from the pedestrian realm. While this is not considered to be consistent with the desired character of NW Thurman, per the Northwest District Plan, the proposed internal driveway/garage pattern better supports the character components that comprise the desired character for the subject site.

The *Vaughn Corridor: Desired Characteristics and Traditions* are identified as the following:

“Future development along NW Vaughn Street should contribute to a more urban and pedestrian-oriented streetscape, with buildings located close to and oriented to the Vaughn Street frontage. While a more unified street orientation along NW Vaughn Street is desired, new buildings should contribute to the architectural diversity of the area. The Vaughn Corridor’s stock of late-nineteenth and early-twentieth century structures, including remnants of the Slabtown neighborhood, are an important component of the area’s desired character that should be preserved.”

The desired characteristics for the Vaughn Corridor area focus primarily on development along NW Vaugh St itself and do not influence development on the subject site. Additionally, unlike the north-south streets to the east of the subject site, NW 28<sup>th</sup> Ave does not connect to NW Vaugh St.

The city’s Transportation System Plan classifies the site’s adjacent streets as follows:

- NW Thurman St is classified as a Neighborhood Collector, Neighborhood Corridor, Transit Access Street, City Bikeway, Major City Walkway, and Secondary Emergency Response Street, with local service for all other transportation modes.
- NW 28<sup>th</sup> Ave is classified as local service for all transportation modes.

*Major City Walkways* are intended to provide safe, convenient, and attractive pedestrian access along major streets and trails with a high level of pedestrian activity supported by current and planned land uses. These include Civic and Neighborhood Corridors, Civic and Neighborhood Main Streets, frequent transit lines, high-demand off-street trails, and streets in areas with a high density of pedestrian-oriented uses.

*City Bikeways* are intended to establish direct and convenient bicycle access to significant destinations, to provide convenient access to Major City Bikeways and to provide coverage within three city blocks of any given point.

*Transit Access Streets* facilitate movement of transit vehicles connecting town centers, neighborhood centers, and industrial and employment areas with other destinations and other transit service. Transit Access Streets are provided fixed-route service that is commensurate with the level of demand.

*Neighborhood Corridors* primarily serve surrounding neighborhoods and are designed to emphasize multimodal mobility between activity centers

*Secondary Emergency Response Streets* are intended to provide alternatives to Major Emergency Response Streets in cases when traffic congestion, construction, or other events occur that may cause undue delays in response times.

*Neighborhood Collectors* are intended to serve as distributors of traffic from Major City Traffic Streets or District Collectors to Local Service Streets or to serve trips that both start and end within areas bounded by Major City Traffic Streets and District Collectors.

The proposed adjustments will result in impacts to the city's transportation system, and the proposed development remains consistent with the transportation classifications of adjacent streets.

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

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

**Findings:** The purpose of the "CM2" Commercial/Mixed Use 2 zone is defined by zoning code section 33.130.010, which reads as follows:

"The commercial/mixed use zones are intended for commercial and mixed use areas of the City as designated on the Comprehensive Plan map. These zones implement the vision, guiding principles, and goals and policies of the Comprehensive Plan, and encourage economic prosperity, human health, environmental health, equity, and resilience. These zones are primarily distinguished by the uses allowed and the intensity of development allowed. The zones allow a mix of commercial activities, housing, and employment uses that reflect the different types of centers and corridors described in the Urban Design chapter of the Comprehensive Plan, and also accommodate smaller, dispersed commercial and mixed use areas to provide opportunities for services in areas between the centers and corridors.

"The commercial/mixed use zones are intended to serve local neighborhood areas, larger districts, as well as broader citywide or regional markets. The regulations promote uses and development that support healthy complete neighborhoods—places where people of all ages and abilities have safe and convenient access to the goods and services they need in their daily life, and where people have the opportunity to live active lifestyles. The zones encourage quality and innovative design, and facilitate creation of great places and great streets.

"The development standards are designed to allow development flexibility, within parameters, that supports the intended characteristics of the specific zone. In addition, the regulations provide guidance to property owners, developers, and neighbors about the limits of what is allowed."

The proposed development contains allowed uses, including housing and work-live style housing consistent with other development along the NW Thurman St corridor. The proposed development is pedestrian-oriented, affording residents greater opportunity to live active lifestyles. The proposed design of the building is of high quality, as described in more detail in the Design Review findings above, and contributes to the character of development along NW Thurman St, which already has many characteristics of a great street and great place.

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

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

**Findings:** There are no city-designated scenic or historic resources on or near the subject site.

*This criterion does not apply.*

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

**Findings:** The proposed driveway serving as an internal pedestrian connection is relatively narrow—under 20 feet along most of its length—which is slightly below the 20'-0" minimum driveway width requirement of the zoning code. Though a slight difference, this helps to mitigate for the lack of paving blocks.

The private structured parking garages that intrude into the 25'-0" active use area are essentially flexible-use spaces that need not be used to park a car. Active uses may extend beyond the ground level office spaces provided into these garage areas, or, in instances when one of these spaces may be used as a small shopfront, the garage may be used for storage or other back-of-house functions, leaving the front space entirely to active uses.

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

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

**Findings:** The subject site is not located in an environmental zone.

*This criterion does not apply.*

## 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 implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces. The proposal meets the applicable design guidelines, modification criteria, and adjustment approval criteria and therefore warrants approval.

**ADMINISTRATIVE DECISION**

Approval of Design Review for a new 45'-0" tall, six-unit multifamily development comprising five (5) three-level townhouse-style units, each with garage and a roof deck above the third floor, and one (1) ground-level flat unit in the Northwest Plan District.

Approval of two (2) Adjustments to zoning code development standards:

- 1) 33.130.240.B.2, Pedestrian Standards, Materials. An internal pedestrian circulation system is required to connect all main entrances on the site and provide connections to other areas of the site used by building occupants. For sites where all the floor area is in a Household Living use, the pedestrian circulation system may be located within an auto travel lane if the auto travel lane provides access to 16 or fewer parking spaces and the entire lane is surfaced with paving blocks or bricks. An Adjustment to this standard is requested to allow the auto travel lane of the site's parking area, which will provide pedestrian circulation to the site's common garden, to be paved with asphalt.
- 2) 33.562.240.D.2 & E.2, Ground Floor Active Use Standard and Location of Parking. The Ground Floor Active Use standard requires the area meeting the standard to be at least 25 feet deep, measured from the street-facing façade of NW Thurman St. The area meeting this standard is approximately 18'-1" deep. Structured parking is allowed only if the parking area is at least 25 feet from the street-facing façade of NW Thurman St. Proposed individual structured parking garages are located within approximately 18'-8" from the street-facing façade.

Approval of seven (7) Modifications to zoning code development standards:

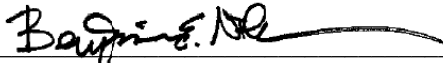
- 1) 33.130.215.B.2, Required setbacks from a lot line that is not a street lot line. The required minimum setback from an interior lot line abutting the RM3 zone is 10 feet. The required setback area must be landscaped to the L3 standard. An existing common garden, shared via an easement with adjacent properties to the north and west, lies within this required setback area, with no landscaping meeting the standard on those lot lines. The portion of the lot line abutting the RM3 zoned lot to the east meets the tree and ground cover requirements of the L3 standard, but it does not have the required evergreen shrubs or masonry wall. The applicants request to leave the common garden developed as-is, including the existing wooden fence on the east lot line of the area requiring the setback.
- 2) 33.130.215.D, Improvements in the setback area between a building and a street lot line. This standard requires the area between any building and the street lot line to be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians. The applicants propose a 2-foot deep landscape area between the street lot line along NW Thurman St and the building, but they request a modification to not plant the trees required to meet the L1 standard, due to the narrow planting area and overhanging building.
- 3) 33.130.228, Required Outdoor Areas. This standard requires a minimum amount of outdoor area for each dwelling unit, designed either as individual unit outdoor area or common outdoor area. Where provided, outdoor common areas must be located within 20 feet of a building entrance providing access to residential units. While the five townhouse units each have individual outdoor area, the ground floor studio unit does not. The existing common garden at the northeast corner of the site can provide the required outdoor common area; however, it is located approximately 27'-0" from the studio unit's rear entry door.
- 4) 33.130.230.B.2, Ground floor windows that are not part of a dwelling unit. The standard requires ground floor windows to cover at least 25% of the non-residential portion of the ground level wall area along the NW 28<sup>th</sup> Ave façade—in this case, the structured parking garage. Qualifying windows must be windows that allow views into working areas, lobbies, common areas, pedestrian entrances, or display windows. The applicants request a reduction to 0% of the non-residential wall area, since there is no qualifying interior space that will meet the standard.

- 5) 33.130.230.B.4.a.(2) – Ground floor window and frontage standards for dwelling units, Flexible ground floor design (NW Thurman St façade). This portion of the standard requires dwelling units at the ground floor to be at least 25 feet deep as measured from the street-facing façade. The portions of the four westernmost townhouse units have a ground floor depth of approximately 18'-1" from the NW Thurman St façade.
- 6) 33.130.230.B.4.a.(2) – Ground floor window and frontage standards for dwelling units, Flexible ground floor design (NW 28<sup>th</sup> Ave façade). This portion of the standard requires dwelling units at the ground floor to be at least 25 feet deep as measured from the street-facing façade. The westernmost unit must also provide the required 25-foot depth from the NW 28<sup>th</sup> Ave façade. The depth of the dwelling unit here from that façade is approximately 11'-1".
- 7) 33.266.130.F.2, Parking space and aisle dimensions. Two-way parking aisle width must be at least 20'-0" wide. The applicants request a reduction to 18'-0" for a portion of the parking aisle, and 19'-0" for most of the remainder of the aisle.

All approvals per the approved site plans, Exhibits C.3 through C.59, signed and dated 01/25/2022, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 21-080279 DZM AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

**Staff Planner: Benjamin Nielsen**

**Decision rendered by:**  **on January 25, 2022.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: January 27, 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 August 23, 2021, and was determined to be complete on October 22, 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 August 23, 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 requested that

the 120-day review period be extended for 45 days—see Exhibit G.10. Unless further extended by the applicant, **the 120 days will expire on: April 5, 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.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on February 10, 2022. The completed appeal application form must be emailed to [LandUseIntake@portlandoregon.gov](mailto:LandUseIntake@portlandoregon.gov) and to the planner listed on the first page of this decision.** If you do not have access to e-mail, 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 and IIX 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 on or after **February 11, 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 your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

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

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

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

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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
  1. Original Drawing Set
  2. Original Narrative
  3. Neighborhood Contact Information
  4. Stormwater Report
  5. Completeness Response, dated and received 10/18/2021
  6. Revised Drawing Set, dated 10/08/2021 and received 10/18/2021
  7. Revised Narrative, dated 10/08/2021 and received 10/18/2021
  8. Revised Neighborhood Contact Information, dated 10/08/2021 and received 10/18/2021 [appears to be duplicate of original]
  9. Revised Stormwater Report, dated 07/26/2021 and received 10/18/2021 [appears to be duplicate of original]
  10. Revised Completeness Response, dated 11/29/2021 and received 12/01/2021
  11. Revised Drawing Set, dated 11/26/2021 and received 12/01/2021
  12. Revised Narrative, dated 11/28/2021 and received 12/01/2021
  13. Revised Neighborhood Contact Information, dated 11/28/2021 and received 12/01/2021 [appears to be duplicate of original]
  14. Revised Stormwater Report, dated 11/19/2021 and received 12/01/2021
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1-2. *Not used.*
  3. Site Plan (attached)
  4. Building Plans – Ground Floor Plan



5. Building Plans – Second Floor Plan
  6. Building Plans – Third Floor Plan
  7. Building Plans – Fourth Floor Plan
  8. Building Plans – Roof Plan
  9. B&W Elevations -South Elevation (attached)
  10. B&W Elevations – West Elevation (attached)
  11. B&W Elevations – North Elevation (attached)
  12. B&W Elevations – East Elevation (attached)
  13. Color Elevations – South Elevation
  14. Color Elevations – West Elevation
  15. Color Elevations – North Elevation
  16. Color Elevations – East Elevation
  17. Alternate B&W Elevations – South Elevation
  18. Alternate B&W Elevations – West Elevation
  19. Alternate B&W Elevations – North Elevation
  20. Alternate B&W Elevations – East Elevation
  21. Alternate Color Elevations – South Elevation
  22. Alternate Color Elevations – West Elevation
  23. Alternate Color Elevations – North Elevation
  24. Alternate Color Elevations – East Elevation
  25. Building Sections – North/South Section
  26. Building Sections – North/South Section
  27. Building Sections – East/West Section
  28. Exterior Wall Assemblies
  29. Section Details
  30. Section Details
  31. Section Details
  32. Plan Details
  33. Materials/Colors
  34. Landscape Plans
  35. Landscape Plans
  36. Landscape Plans
  37. Lighting Plans
  38. Civil Plans – Grading Plan
  39. Civil Plans – Utility Plan
  40. Cut Sheets
  41. Cut Sheets
  42. Cut Sheets
  43. Cut Sheets
  44. Cut Sheets
  45. Cut Sheets
  46. Cut Sheets
  47. Cut Sheets
  48. Cut Sheets
  49. Cut Sheets
  50. Cut Sheets
  51. Building Length & Façade Articulation
  52. Windows In Street-Facing Facades – South
  53. Windows In Street-Facing Facades – West
  54. Ground Floor Windows – South
  55. Ground Floor Windows – West
  56. Windows Above Ground Floor: Main Street – South
  57. Windows Above Ground Floor: Main Street – West
  58. Minimum Landscaping and FAR Diagrams
  59. Required setback from lot line that is not a street lot line
- D. Notification information:
1. Mailing list
  2. Mailed notice

## E. Agency Responses:

1. Bureau of Environmental Services
2. Fire Bureau
3. Site Development Review Section of BDS
4. Life Safety Review Section of BDS
5. Bureau of Transportation
6. Bureau of Transportation

## F. Correspondence:

1. Barbara Dugan, 11/17/2021, letter re: CC&R
2. Steven Moskowitz, 12/11/2021, request for case file

## G. Other:

1. Original LU Application
2. Incomplete Application Letter
3. Email from applicant re: incomplete application letter, 09/27/2021
4. Email thread between applicant and staff re: 10/20/2021 submittals, 10/18 – 10/20/2021
5. Applicant request to deem application as complete, 10/22/2021
6. Email thread among PBOT and BDS staff and applicant re: Driveway Design Exception, 11/17 – 11/18/2021
7. Email thread between owner and staff re: Exhibit F.1, 11/17 – 12/03/2021
8. Email thread between BDS and PBOT staff re: Driveway Design Exception, 12/07 – 12/08/2021
9. Email from owner re: Public Works Permit 30% approval, 12/08/2021
10. Signed Request for Extension of 120-Day Review Period, received 12/13/2021
11. Email from owner re: approved Driveway Design Exception, 01/03/2022

**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).**