



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

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**Date:** 9/21/2022  
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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 22-157148 DZM – SW PARK APARTMENTS**

#### **GENERAL INFORMATION**

**Applicants:** Ralph Tahran | Tahran Architecture & Planning LLC  
13741 Knaus Road | Lake Oswego, OR 97034  
[ralphtahran@comcast.net](mailto:ralphtahran@comcast.net)

**Developer:** Nathaniel Rosemeyer | Main Street Development  
4035 S Kelly St | Portland, OR 97239

**Representative:** Rowen Rystadt | Park Ave PSU LLC  
5331 SW Macadam Ave #258 Pmb 208 | Portland, OR 97239

**Owner:** Park Avenue PSU LLC  
5331 S Macadam Ave Ste 258 Pmb 208 | Portland, OR 97239

**Site Address:** 2057 SW PARK AVE

**Legal Description:** BLOCK 234 E 70' OF LOT 1 N 1/2 OF LOT 2, PORTLAND; BLOCK 234 N 1/2 OF LOT 2, PORTLAND

**Tax Account No.:** R667725410, R667725450

**State ID No.:** 1S1E04DA 08800, 1S1E04DB 00700

**Quarter Section:** 3228

**Neighborhood:** Southwest Hills Residential League, contact at [landuse@swhrl.org](mailto:landuse@swhrl.org)

**Business District:** None

**District Coalition:** Neighbors West/Northwest, contact Darlene Urban Garrett at [darlene@nwnw.org](mailto:darlene@nwnw.org)

**Plan District:** None

**Zoning:** **RM4d**, Residential Multi-Dwelling 4 with a Design Overlay

**Case Type:** **DZ**, Design Review

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

**Proposal:**

The applicant seeks design review approval for a proposed 12-story affordable housing apartment building with 98 residential units.

Note: The current proposal is an updated version of a previously approved project that was approved by a Type II design review, LU 20-213946 DZ, that was submitted on 11/9/2020 and approved on 3/18/2021. The previously approved project also went through a voluntary Design Advice Request (DAR) with the Portland Design Commission, EA 20-158166 DA, held on 8/6/2020 prior to submitting the initial land use review. The original Type II approval was appealed on 4/8/2021 on the appellant's claims of a procedural error and the public hearing for the appeal was held in front of the Portland Design Commission on 5/6/2021. After deliberation, the Design Commission voted 6-0 to deny the appeal.

The primary difference between the currently proposed project, and the previously approved one is that the building is one story larger. The previous building was 11-stories, and the current is 12-stories. There are also two new Modification requests to street lot-line setbacks in the current proposal. Finally, the current proposal includes an alternate option which the previous proposal did not include. This is described under "Alternate Option" below.

The majority of the 12-story structure will be prefabricated and the modular units with a stucco panel exterior will be assembled on site. The proposed building will be set into the sloping site with the main entry lobby at existing sidewalk grade on SW Park Avenue with an arcaded entry plaza wrapping the corner of SW Park Avenue and SW Clifton St. The 6,000 SF site located at the southeast corner of SW Clifton St and SW Park Ave is currently developed with two older, two-story single-family homes that will be deconstructed. The building will not exceed 109' in height (zoning code allows 110' maximum; as final details are worked out with mechanical and fire suppression systems, etc., ceilings may be raised a little from approved drawings but will not exceed 109').

Alternate Option (see plan set page C21-30): A 3'-7" strip of land along the western property line is a disputed area of the subject site at the time of this review. The applicant thus also seeks approval for an alternate option of the proposal that mirrors the first in every way but is a slightly smaller building in order to accommodate the smaller alternate lot size.

Modification requests [PZC 33.825.040]:

1. Reduce the required minimum front building setback from the required 5 feet to 0 feet (33.120.220)
2. Reduce the required minimum side building setback for a lot line that is a street lot line for buildings that are more than 55 feet tall from the required 5 feet to 0 feet (33.120.220)

Design review is required because the proposal is for exterior alterations in a Design Overlay zone.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The previous proposal was subject to a different set of approval criteria, the *Community Design Guidelines*. Code changes that were adopted by Portland City Council on 6/30/2021 and went into effect on 8/1/2021 as part of the Design Overlay Zone Amendments project ushered in an updated set of approval criteria, the *Portland Citywide Design Guidelines*. The relevant approval criteria are:

- Portland Citywide Design Guidelines
- PZC 33.825.040, Modifications that will better meet design review requirements

## ANALYSIS

**Site and Vicinity:** The site is located at the northeast corner of SW Park Avenue and SW Clifton Street in the Southwest Community Plan Area. While the site is not located in a city plan district, the Central City Plan District is just across U.S. HWY I-405 to the east of the site. The site area is approximately 6,016 SF, smaller than a typical Portland downtown quarter block. Two older, two-story single-family homes currently exist on the site which sits at the end of a dead-end street that includes five 100-plus year-old houses on the west side of the street (including the 2 which will be deconstructed as part of this project). At the end of the street is the Park Avenue Gardens Apartment Complex.

The site is located in a highly diverse context where several very different areas meet. The proposal is located at the base of the West Hills. The proposed project sits on a small segment of Park Ave that dead ends to the southwest of the site due to steep topography that rises almost vertically to the south and west approximately 100 to 150 feet away to enclose this residential pocket. Surrounding development consists of a mix of older single-family homes and smaller multifamily development, as well as the five story Amy Apartments built approximately 150 feet to the west that has been open for about a year.

The site is directly across U.S. HWY I-405 from Portland State University and the North Park Blocks and is accessed via the Park Avenue Bridge. SW Clifton and SW Park Avenue are designated as Local Service Streets. The Park Avenue Bridge across I-405 connects the site and this district to the Green Loop, the North Park Blocks, and several transit connections. The site is close and convenient to several transit options, served by six different Tri-Met bus lines and three light rail lines, closest is 897 feet away at SW 6th and College Street.

**Zoning:** The RM4 zone is a high density, urban-scale multi-dwelling zone applied near the Central City, and in town centers, station areas, and along civic corridors that are served by frequent transit and are close to commercial services. It is intended to be an intensely urban zone with a high percentage of building coverage and a strong building orientation to the pedestrian environment of streets, with buildings located close to sidewalks with little or no front setback. This is a mid-rise to high-rise zone with buildings of up to seven or more stories. The Design overlay zone is applied to this zone.

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.

**Land Use History:** City records indicate that prior land use reviews include the following:

- LU 20-213946 DZ – Design Review approval of a new eleven-story apartment building with 91 residential units. This building was never built, and the current proposal is an update on this previously approved design.
- LU 90-023814 CU (PC 5574C) – Conditional use approval for a parking facility.
- LU 67-004010 DZ (DZ 008-67) – Approval with Conditions for front porch replacement.
- LU 61-004004 DZ (DZ 004-61) – Approval for front porch replacement.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **August 2, 2022**. The following six Bureaus, Divisions and/or Sections responded with no objections and four of these included comments found in Exhibits E-1 and E-4:

- Fire Bureau (Exhibit E-1)

- Bureau of Environmental Services (Exhibit E-2)
- Life Safety Division of the Bureau of Development Services (Exhibit E-3)
- Portland Bureau of Transportation – original response and follow-up response (Exhibit E-4 & E-5)
- Site Development Section of BDS
- Water Bureau

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on August 2, 2022. No responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### Chapter 33.825 Design Review

#### Section 33.825.010 Purpose of Design Review

Design review 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.

#### **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.

**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.

**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.

**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 heights, and building openings.
- 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 for 1, 2, 3, 8, and 9:** The proposed building will be a 12-story residential structure with modular units utilizing quality and permanent materials. The prefabricated structure will utilize mass plywood panels for the floor and ceiling systems of the modular units. The walls will be light gauge steel framed with a stucco panel exterior.

The proposed 12-story affordable housing building is responding to a diverse context with a location that is adjacent to the Central City Plan District just across I-405 to the east and that is at the base of the west hills. The proposed building will be part of the southern terminus of the Park Blocks and is located in close proximity to the future Green Loop. This project joins the six-mile linear park across the small Park Avenue Bridge that enters the North Park Blocks leg of the Green Loop through Portland State University and on through the Central City.

The site’s placement also functions as a bridgehead location, on the south end of the Park Avenue Bridge across I-405 that connects this area with the Central City Plan District and the Portland State University campus. The site is part of a small dead-end location with steep topography that rises almost vertically to the south and west approximately 100 to 150 feet away to enclose this residential pocket. It is thus a gateway location that must respond to a very liminal context.

The project responds to its diverse context in a number of ways. One such way is the design’s acknowledgement of the bridge and Park Blocks by opening towards them with a prominent corner entrance. The proposed building is set into the sloping site to have the

main entry lobby at existing sidewalk grade on SW Park Avenue. The two-story cut-out corner entrance with large entry plaza wraps to both of the building's two street frontages and the building lobby and common amenity spaces are located towards the street frontages and entry courtyard providing greater visibility and activity to the street frontages.

Another contextual response is the exterior cladding which is primarily stucco and glass and features a nine-story glass corner that carries up levels three through eleven facing the Park Blocks that will be very visible from I-405. In addition, the building retains a small footprint as is common in this neighborhood. While the sloped grade limits the amount of glazing that can wrap around the building's base, the sidewalk level is primarily devoted to common use spaces and its predominantly glass street frontages offer visibility into the building and its functions to provide life along SW Clifton St and SW Park Ave.

Yet another response to context is the building's deployment of Juliet balconies on all facades. Given the residential nature of the immediate neighborhood, Juliet balconies are featured on every unit to enhance the building's residential sensibility as well as provide indoor/outdoor connection to residents. The balcony railings are a perforated metal panel, powder coated in four colors, to add detail, color and texture to the building skin, making the building elevations lively and not monolithic. Overall, the building enhances the sense of place and identity with a design that serves as a gateway between this enclosed residential pocket and the neighboring Park Blocks, Portland State University, and central city.

*Therefore, these guidelines are 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.

**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.

**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.

**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 for 4, 5, 6, and 7:** The proposed project addresses the pedestrian realm in a variety of ways that will make it a positive addition to the SW Park and Clifton streetscapes and beyond. The building, due to the highly visible corner location, height, and unique patterning, will assist in wayfinding in the area for pedestrians. The vertical glass component at the corner that faces the City and Park Blocks adds to the placemaking quality of the building.

The building concentrates its common use activities at the ground floor and includes significant amounts of windows which provide views into the activity inside as well as views out, creating eyes on the street to reduce the likelihood of criminal activity. The ground floor program includes multiple active uses for building occupants such as a lobby/lounge at the corner flanked by a large amenity room along the Clifton St frontage, and fitness room along the Park Ave frontage. The slope of the site is utilized to keep back of house functions away from the above grade street frontages. Visible from the sidewalk are exposed CLT panels of wood within the lobby that provide interest by expressing some of the technology used in the prefabricated modular unit construction of the building.

The main entrance to the building is located at the corner of the site's two street frontages, with a 12' deep covered entry plaza at grade with the sidewalk wrapping around the corner of Park Avenue and SW Clifton, providing weather protection, a comfortable place to meet and rest, and a strong sense of entrance. The entrance courtyard opens to the corner which orients the building towards the Park Blocks, University, bridge and central city. The covered plaza also allows indoor activity to extend from inside the building to the exterior with the lobby and amenity room both opening onto the plaza. Charred wood panels are applied to the upper covered entry walls to add texture, warmth, color and another residential quality building material to enhance the pedestrian level.

A spacious outdoor courtyard with bench seating and a large open area for activities is located in the southwest area of the site and is connected by pedestrian paths to Park Avenue and Clifton Streets. The perimeter of the courtyard is landscaped by a variety of plant types and scales. The courtyard will provide a welcome relief to the rear area of the adjoining three properties, now and in the future. At the west end of the building there are 20 units that will provide eyes on the courtyard. Perimeter trees will provide shade and privacy. There is no parking proposed, with the only vehicle area consisting of loading. While still a loading area, the character in the southeast corner of the site contributes to a vibrant streetscape as a human-scale outdoor space with quality paving materials, landscaping and other features that contribute to making it a place that can be appealing to pedestrians and not a space designed exclusively for vehicles.

As a residential building, all floors above the ground level are living spaces. These housing units are highly glazed at their street-facing walls, providing activity and eyes on the street along the street frontages. While all sides of the building include glazing, contributing to their active sensibilities and texture, the west and south elevations have less glazing on to provide privacy for adjoining properties while the street facing east and north elevations feature extensive glazing.

The building also addresses the pedestrian realm with architectural details including scoring to articulate the facades, add horizontality, and break-down the building's mass. Juliet balconies provide additional human-scale as well as a residential sensibility. The Juliet balconies help create lively and active façades by increasing activity and life on the

building's exterior and providing an indoor/outdoor connection where active uses can take place and signs of occupancy can take root, enriching the pedestrian experience for people passing by. They provide view opportunities both to and from the building for pedestrians, enhancing the visual connection between the building and neighborhood. The Juliet balconies help in breaking down the building's mass and enrichen the facade, adding texture. The patterning of the colorful panels breaks up the façades and creates a visually interesting composition.

*Therefore, these guidelines are met.*

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### **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.

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### **Modification #1: Reduce the required minimum front building setback from the required 5 feet to 0 feet (PZC 33.120.220); and**

*Purpose Statement:* The building setback regulations serve several purposes:

- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of multi-dwelling development in the City's neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for building residents and neighboring properties;
- They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity;
- Setback requirements along transit streets create an environment that is inviting to pedestrians and transit users; and
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

*Standard:* 33.120.220, The required minimum front building setback is 5 feet from a front lot line.



**Modification #2: Reduce the required minimum side building setback for a lot line that is a street lot line for buildings that are more than 55 feet tall from the required 5 feet to 0 feet (PZC 33.120.220)**

*Purpose Statement:* The building setback regulations serve several purposes:

- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of multi-dwelling development in the City's neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for building residents and neighboring properties;
- They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity;
- Setback requirements along transit streets create an environment that is inviting to pedestrians and transit users; and
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

*Standard:* 33.120.220, For buildings more than 55 feet tall, the required minimum side building setback is 5 feet from a side lot line that is a street lot line.

- 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.*

**Findings for Modifications #1 and #2:** Per Portland Zoning Code, 33.120.220, a building in the RM4 zone must be set back 5' from the front lot line, and a building in RM4 that is more than 55' tall must be set back 5' from a side lot line that is a street lot line. The two Modification requests will allow the building to come right up to the site's two street frontages along SW Park Ave and SW Clifton St.

On balance, the Modifications are consistent with the purpose of the standard. Locating the building at the street frontages will not negatively impact the appearance and pedestrian experience of the area and reflects the general building placement of the neighborhood. The ground floor of the proposed building is all community spaces, with no residential units that would require privacy. The two setbacks to be modified are along street lot lines which is a very different situation from setbacks along interior lot lines. The need to maintain light, air, separation for fire protection, and access for fire fighting is much different for an interior lot line where it affects the relationship between a proposed building and neighboring development. The two streets abutting the proposal are wide enough to handle a zero-lot-line building. In addition, there is no development across either street from the proposed building. SW Park is a 60' ROW and the subject site's Park Ave frontage is across the street from a publicly owned triangular open space with five very large elm trees, so the proposed building does not face any building for at least 250' to 350' on the east side. The open space currently lacks adjacent active uses and will benefit from the closer proximity of a building providing eyes on the street and a sense of place provided by a highly glazed street wall. SW Clifton is also a 60' ROW and the building's frontage is across this wide street from a sunken highway, I-405,

so the proposed building does not face any building for at least 250' on the north side.

Generally, the non-conforming front and side street lot-line setbacks will better meet the design review approval criteria than would a design that met the standards being modified which would locate the building further back. The Modifications' allowance of a zero setback on these two sides enables a better, more defined, articulation at the ground level, the pedestrian level, as they allow the building to be recessed at the northeast corner to create an arcade. The Modifications allow the building to provide the positive qualities of a highly glazed street wall to the pedestrian realm along the abutting sidewalks. The corner arcade is located at the key intersection of the building's two adjacent streets and is in close proximity to the pedestrian bridge connecting the neighborhood to the Park Blocks and PSU. The corner arcade area is recessed from 9'-6" to 10'-0" and creates a valuable covered open space for pedestrians to use and also provides a prominent entry to the building.

The ground floor of the proposed building is programmed with active uses along the two street frontages. The project underwent a Design Advice Request with a previous design that had a sunken courtyard on the north side along SW Clifton that would have complied with the minimum 5' setback. The Commission commented that the sunken courtyard posed safety problems and advised the applicants to make the amenity space interior rather exterior, which they did, resulting in the current proposal. The building's frontage along SW Clifton is activated by an indoor amenity space and the frontage along SW Park Ave is activated by a highly glazed fitness room, the lobby, and both frontages are activated by the entry arcade. The building as proposed, provides a better response to context and the pedestrian realm than would a building that was set back 5' on each street frontage.

Overall, the proposed project better meets the approval criteria, *the Portland Citywide Design Guidelines 2, and 4*, while allowing the building to be located as far from neighboring properties as possible. Placing the building at the north and east property lines moves the building the maximum extent possible from abutting residential properties. No negative impacts are anticipated from the modifications.

*Therefore these Modifications merit approval.*

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## **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 proposed 12-story building will be a gateway building at the south end of the Park Avenue Bridge connecting the Park Blocks across I-405 to the residential pocket in which the building is located. The proposed building reflects the residential context of its immediate neighborhood while also acknowledging its context as part of the southern terminus of the Park Blocks, at the base of the West Hills, in close proximity to the future Green Loop, and as a bridgehead location. The tall glass corner treatment presents a very strong gateway element to the neighborhood, Park Blocks and the central city. The colorful Juliet balconies signal a residential building that is lively and somewhat playful and inviting. The balconies contribute to active façades, more livable units and add human scale and articulation to the building. The base of the building is devoted to active and public uses and the pedestrian experience of the

site includes a prominent corner entry plaza at grade with the sidewalk along SW Clifton St and Park Ave. The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The four new canopies successfully blend high-quality materials within the context of the original building design. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of a new twelve-story apartment building with 98 residential units.

Approval of the following Modification requests:

1. Reduce the required minimum front building setback from the required 5 feet to 0 feet (33.120.220)
2. Reduce the required minimum side building setback for a lot line that is a street lot line for buildings that are more than 55 feet tall from the required 5 feet to 0 feet (33.120.220)

Approvals per Exhibits C-1 through C-30, signed and dated 9/15/2022, 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 22-157148 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

**Staff Planner: Tanya Paglia**



**Decision rendered by:** \_\_\_\_\_ **on 9/15/2022**

By authority of the Director of the Bureau of Development Services

**Decision mailed: 9/21/2022**

**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 June 24, 2022, and was determined to be complete on July 29, 2022.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on June 24, 2022.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be

waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: 11/26/2022.**

**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 10/5/2022. 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 after **10/5/2022** 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 Submittal
  1. Project narrative
  2. Original plan set – NOT APPROVED/reference only, 6/24/2022
  3. Neighborhood contact certification
  4. Site and key notes – NOT APPROVED/reference only, 6/24/2022
  5. Affordable housing developments confirmation letter
  6. Land Use fee waiver
  7. Updated designs – NOT APPROVED/reference only, 7/27/2022
  8. Modification request narrative
  9. Updated designs – NOT APPROVED/reference only, 8/1/2022
  10. Alternative option narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site plan (attached)
  2. Floor plan and zoning overview
  3. Basement floor plan
  4. First floor plan
  5. Second floor plan
  6. Third through sixth floor plan
  7. Twelfth floor plan
  8. Occupied roof plan

9. Roof plan
  10. East and north elevations (attached)
  11. West and south elevations (attached)
  12. Building sections
  13. Building sections
  14. Building sections
  15. Building sections
  16. Building sections
  17. Architectural details
  18. Architectural details
  19. Roof deck plan and elevations
  20. Landscape plan
  21. Alternate option: site plan
  22. Alternate option: basement floor plan
  23. Alternate option: first floor plan
  24. Alternate option: second floor plan
  25. Alternate option: third through sixth floor plan
  26. Alternate option: seventh through eleventh floor plan
  27. Alternate option: twelfth floor plan
  28. Alternate option: roof plan
  29. Alternate option: east and north elevations
  30. Alternate option: west and south elevations
- D. Notification information:
1. Mailing list
  2. Mailed notice
- E. Agency Responses:
1. Fire Bureau
  2. Bureau of Environmental Services
  3. Life Safety Division of the Bureau of Development Services
  - 4&5. Portland Bureau of Transportation – original response and follow-up response
- F. Correspondence: None received
- G. Other:
1. Original LU Application
  2. Incomplete Letter
  3. Previous Type II approval for earlier version of design, LU 20-213946 DZ

**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).**