



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

Dan Ryan, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portland.gov/bds

Date: March 31, 2022
To: Interested Person
From: Arthur Graves, Land Use Services
503.865.6517 | Arthur.Graves@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 21-082636 DZM: THREE-STORY BUILDING WITH UNDERGROUND PARKING

GENERAL INFORMATION

Consultant: Lee Leighton | Mackenzie
1515 SE Water Ave, Ste 100 | Portland OR 97214
lleighton@mcknze.com | 971.346.3727

Owner: P & S LLC
805 Broadway St Ste 1000 | Vancouver, WA 98660

Applicant: Roy Pyatt | Landerholm
PO Box 1086 | Vancouver, WA 98666

Payor: Julie Greenfield | Inverness, LLC
101 S Main Avenue, Suite 301 | Sioux Falls, SD 57104

Site Address: 1947 NW OVERTON STREET

Legal Description: BLOCK 265 W 1/2 OF LOT 6 LOT 7-9, COUCHS ADD
Tax Account No.: R180224110
State ID No.: 1N1E33AB 10100
Quarter Section: 2928
Neighborhood: Northwest District, contact Greg Theisen at 503-227-5430.
Business District: Nob Hill, contact Nob Hill at nobhillportland@gmail.com.
District Coalition: Neighbors West/Northwest, contact Darlene Urban Garrett at darlene@nwnw.org.

Plan District: Northwest
Zoning: CM3 (MU-U)d: Commercial/Mixed Use 3 (Base Zone), d (Design Overlay)
Case Type: DZM: Design Review with Modification
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant requests Type II **Design Review** approval for a new three-story building with underground parking in the Northwest Plan District. The building will have frontages on both NW Pettygrove Street and NW Overton Street. Materials proposed include: Terra cotta wall cladding, metal panel, aluminum windows, and faux wood fiber cement soffits.

The following **Modification** to the Portland Zoning Code (PZC) is requested:

33.226.130.C.2.b: *Loading Standards, (Number of loading spaces); One loading space meeting Standard A is required for buildings with at least 20,000 and up to 50,000 square feet of net building area in uses other than Household Living.*

Because the proposed building has a net building area of 48,252 square feet one Standard A loading space measuring at least 35 feet long, 10 feet wide, and with a clearance of 13 feet is required. The applicant requests a Modification to the Planning and Zoning Code (Title 33) to provide two Standard B loading spaces (each measuring at least 18 feet long, 9 feet wide, and have a clearance of 10 feet) rather than the required single Standard A. Note: The proposed loading areas will be located in the below grade parking.

Design Review is required for proposed non-exempt alterations to development and proposed **Modifications** in the “d” Design overlay zone of the Northwest Plan District.

Relevant Approval Criteria:

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

- *Citywide Design Guidelines*
- Modifications Section [33.825.040](#)

ANALYSIS**Site and Vicinity:**

The site is comprised of an 18,500 square foot through lot with frontages on NW Pettygrove Street and NW Overton Street. Both lots are within Block 265 bounded by NW 19th & NW 20th in the Northwest Plan District. The area is currently partially developed with a combination of surface parking, a 1-story industrial building (both fronting Overton), and an undeveloped (fronting Pettygrove). The block and surrounding area contains both older 1- and 2-story industrial /commercial structures, along with older and newer 3- to 6-story residential buildings. The site lies with the Northwest Pedestrian District and both NW Pettygrove and NW Overton are local service streets.

Zoning:

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

The 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 there are no prior land use reviews for this site.

- EA 21-066780 DA: A Design Advice Request for a new 3-story building with below grade parking. Withdrawn.
- EA 21-005305 PC: A Pre-Application Conference to discuss a 3-story building with parking as an expansion for Dove Lewis's existing main facility to the north. There are several options for the location of the building and for both surface and structured parking with access from NW Overton and/or NW Pettygrove.
- LU 06-171395 DZM: Design Review approval with Modifications for a 7-story, mixed-use condominium development with 61 parking space at and below grade.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **December 14, 2021**.

1. Portland Water Bureau: Michael Puckett: December 29, 2021. With no objections to the proposal. (Exhibit E-1).
2. Fire Bureaus: Dawn Krantz, January 03, 2022. With no objections to the proposal. (Exhibit E-2).
3. Bureau of Development Services Site Development: Kevin Wells: January 03, 2022. With no concerns. (Exhibit E-3).
4. Bureau of Environmental Services: Emma Kohlsmith: January 04, 2022. With no objections to the proposal. (Exhibit E-4).
5. Bureau of Development Services Life Safety / Building Code Section: Sloan Shelton: January 11, 2022. With no objections to the proposal. (Exhibit E-5).
6. Portland Bureau of Transportation: Fabio de Freitas: March 15, 2022. With no objections to the proposal. (Exhibit E-6).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on December 14, 2021. A total of six written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Steve Pinger, with the NW District Association Planning Committee, 12.14.2021. Wrote to inform staff that due to the holidays and COVID the committee's notes would be sent as-soon-as-possible, but possibly after the end date mentioned in the Notice.
2. Daniel O'Neill, Manager, PDX Apartments LLC (1942 NW Pettygrove Street), January 03, 2022, with concerns regarding the proposal, specifically if the proposed development would be crossing over the property line onto his property.

Staff Response:

Staff reached out the applicant who responded with confirmation that their proposal would not cross the property line – see Exhibit A-10

3. John Spencer, on behalf of the Overton Townhome Homeowner's Association, January 04, 2022, wrote with general support for the proposal.
4. Steve Pinger, with the NW District Association Planning Committee, 1.10.2021. Wrote with general support for the proposal.
5. John Spencer, resident of Overton Townhome, March 07, 2022, wrote with concerns regarding a letter his HOA had received from Roy Pyatt (from the applicant team) regarding being asked to sign an encroachment consent form.

Staff Response:

Staff reached out the applicant who responded with confirmation that their proposal would not cross the property line – see Exhibit A-14

6. John Spencer, on behalf of the Overton Townhome Homeowner's Association, March 12, 2022, declining to endorse Roy Pyatt's (from the applicant team) previous request to sign an encroachment consent form.

Staff Response:

This issue will be handled during the building permit by PBOT, the neighbors and the development team.

Procedural Summary:

- **Early Assistance Pre-Application Conference (PC): EA 21-005305 PC: February 16, 2021:**
Issues included: Discussion of onsite parking, loading, materials, ground floor windows, frontages: Pettygrove and Overton.
- **Design Advice Request (DAR): EA 21-066780 DA: WITHDRAWN**
A DAR for this project was submitted on 7.15.2021 but was withdrawn when it was realized that it was not required.
- **Land Use Application LU 21-082636 DZM: Submitted on August 31, 2021:**
Deemed complete on December 08, 2021. PBOT required parking and loading information had not been submitted or provided and so PBOT was not able to provide comments on the project and to the proposed Modification request to loading until March 15, 2022.

ZONING CODE APPROVAL CRITERIA

[1] 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.

Findings for 01, 02 and 03:

The site is located within Urban Character Area D: Transition Area, identified in the Northwest District Plan. The site is also two blocks north of the Alphabet Historic District. The proposed project incorporates elements that contribute to the desired characteristics of the Transition Area, which are also features found in the nearby historic district and surrounding area. In addition, the site is a through lot traversing the block with frontages on NW Pettygrove St (to the north), and NW Overton St (to the south). To this end, through subtle design moves, the building's Pettygrove façade effectively addresses the Medical Care Center use to the north, and the Overton façade effectively addresses the townhomes to the south, while overall the building reads as a coherent design through consistent architectural language, massing, material use, planar shifts, and architectural features and amenities. Collectively, the proposed project incorporates elements that contribute to the desired characteristics of the Transition Area, which are also features found in the nearby historic district and surrounding area. These elements include:

- In-fill development: The proposal maintains the district's desired development pattern of 50 to 100 foot wide buildings. Both street facing façades, NW Pettygrove St to the north and NW Overton St façade to the south, are articulated through planar shifts, and material transitions helping to visually reduce the mass of each elevation while providing visual interest and continuity to an overall cohesive design. Planar shifts

include the recessed covered balconies at the levels above the ground floor, the areas of vertical circulation, and the architectural cornice feature found on both façades and used to frame the second and third levels. Material transitions include the use of terra cotta at the ground floor, and metal panel and significant glazing at the upper levels which are further surrounded by the previously mentioned architectural cornice element. Both façade wall planes reinforce the partial block building massing that is prevalent in the Northwest District Plan area, nearby Alphabet Historic District and the immediate neighborhood.

- While the site's Overton frontage is flanked by new residential development to the east and west that is much taller and more massive (both the *Thornton* to the west and the *Muse* to the east are 6-stories), the proposed three-story building height and massing are consistent and complimentary to surrounding development: both the residential townhomes directly south of NW Overton and the existing Dove Lewis facility directly north of Pettygrove are three-story buildings.
- Strong north and south façades with lobby entrances and activities located directly facing the NW Overton and Pettygrove street frontages and sidewalks.
- Building façade canopies, light fixtures, distinct terra cotta, the main entries on the ground floors that provide pedestrian scale and visual interest at the NW Overton and Pettygrove street frontages and sidewalks.
- Use of terra cotta as the predominant exterior building material at the ground floor and metal panel at the upper levels reinforce the plan district's building traditions for both historic residential, commercial, and industrial buildings. Architectural façade and fenestration proportions that echo historic apartment and industrial buildings.
- Proposed balconies on both frontages will allow covered outdoor access and views to surrounding areas. Note: On the north (Pettygrove) frontage which faces the existing Dove Lewis clinic building the project proposes balconies at the second and third levels, however, to the south (Overton), as the building transitions to lower scale residential development, the building includes only a balcony at the second level.

The project is located in a transitional area between single family residential buildings and commercial warehouses. The proposal seeks to compliment both building typologies by incorporating existing industrial and new residential components as well as elements seen on the adjacent and recently remodeled structures in the area. The proposed building incorporates a number of elements from buildings in the surrounding area. The use of terra cotta, metal panel, and glass—while used in a modern manner—remains consistent with the material composition of industrial buildings found within the district. In addition, the simple form, modest scale, and massing of the building are consistent with development in the surrounding neighborhood, as well as the character area's desired development pattern.

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.

Findings for 04 and 05:

Both frontages successfully address the sidewalk level to be active and human-scaled. This is accomplished through:

- The proposed building extends to the sidewalk edge on both public frontages, matching the topography of the sidewalk and locating main entries at the sidewalk level. This provides street-level activity, interest, and interior-exterior visual connections at the pedestrian level.
- The ground floor heights of each frontage are 14’;
- Fully glazed main entrances into adjacent tenant lobby areas are prominently located on each elevation;
- 4’ deep canopies providing weather protection are provided along both frontages;
- Lighting is provided by a consistent rhythm of glazed storefronts along each frontage, as well as in down lighting provided in proposed canopies.
- Laser cut aluminum metal panels located on both frontages provide additional visual interest and building continuity.
- Green roof plantings encompassing the entire roof, street trees along both frontages, and container plantings on all balconies provides landscaping to visually soften and integrate the building with the surrounding community while also reducing radiant heat from the building.

Therefore, these guidelines are 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.

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 06 and 07:

To ensure a minimal visual and physical impact to the surrounding community, on-site parking for 22 vehicles and two Standard B loading spaces are integrated into the site within the building's proposed below grade parking area. Below grade parking is accessed via a transparent aluminum garage door (in dark bronze) located at the west edge of the Overton St frontage. Also in the below grade parking area are: long-term bicycle parking, trash and recycling, and transformer vaults.

Both frontages have significant glazing at the street level providing clear, prominent, and well-articulated views and wayfinding into the building. Building entries on each frontage are fully glazed and under canopies providing weather protections and clear site lines into adjacent tenant lobby areas.

Therefore, these guidelines are 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 design of the building is influenced by the façade rhythm, proportions, and projecting bays found in the Northwest Plan District. Both street facing façades utilize a restrained material palette (terra cotta, insulated metal panel, and clear glazing) organized into a clear base, middle, and top, and including planar shifts, to provide a complimentary building which draws from both the residential and warehouse building typologies in the district. The building's base is distinguished from the upper floors, and the top of the building is further demarked with the strong architectural cornice that is also used to frame the upper levels. This design treatment is consistent on both building frontages.

The building's ground floor is organized with terra cotta, and a consistent rhythm of clear glazed storefronts and metal decorative panels providing clear visual interest and access. Both frontages also include canopies providing weather protection and an organized hierarchy to the ground floors of each façade.

The building's second and third levels include large expanses of clear glazing with organized mullions helping to visually break down the mass of the wall planes. Recessed balconies on each frontage add further visual interest to the façades while provide outdoor amenities for tenants.

The proposal employs high-quality design and materials to achieve a cohesive composition. High quality and durable materials includes: terra cotta at the street level on both facades as well as for the material denoting a portion of the interior circulation (elevator shaft); clear glazing is used along the ground floor and extensively in the upper two floors as well as to distinguish the internal stairway vertical circulation; insulated metal panel is used as a secondary material providing emphasis around the balconies and in the architectural cornices that frame the second and third floors on both street facing façades; nichiha (in "vintage wood") is used at the soffits above the balconies to help provide additional visual texture to the building while also helping to soften the building's upper stories when viewed from below.

The project has been thoughtfully designed with a consistency of materials and architectural elements, and therefore will introduce a high-quality composition to the district.

Therefore, this guideline has been 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 proposed building is resilient in the following ways:

- Materials including insulated metal panel, terra cotta rainscreen panels, Nichiha soffits and aluminum storefront systems are long lasting durable materials.
- Building floor-to-floor height is 14' for each level, providing flexible areas to accommodate a wide range of programming options and tenants.
- Significant glazing at all stories on both frontages provides daylight and views for tenants.
- Balconies along both frontages provide tenant access to views and covered outdoor areas.
- The entirety of the building's roof is proposed to be planted as an eco-roof.

Therefore, this guideline has been met.

[2] 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: Loading Standards, PZC 33.266.130.C.2.b: To provide two Standard B loading spaces (each measuring at least 18 feet long, 9 feet wide, and have a clearance of 10 feet) rather than the required single Standard A loading space (measuring at least 35 feet long, 10 feet wide, and with a clearance of 13 feet).

Purpose Statement:

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

Standard:

33.266.130.C.2.b: Buildings where any of the floor area is in uses other than Household Living must meet the standards of this Paragraph. One loading space meeting Standard A is required for buildings with at least 20,000 and up to 50,000 square feet of net building area in uses other than Household Living.

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

Findings:

The modification to provide two Standard B loading spaces rather than one Standard A loading space provides loading to the site while allowing the proposed loading spaces to be located in the below grade parking. This is because of the site constraints regarding the access height to the below grade parking coupled with the Standard B loading spaces require a clearance of 10' where Standard A spaces require a clearance of 13'. In turn, locating the loading below grade allows for the reduction of dedicated building frontage sole for loading. With the development of below grade parking the proposed vehicle door now, rather than only providing access to a loading space, provides access to an entire level of the building specific to parking, trash and recycling, long-term bike parking, and loading. This allows greater area of the building's frontages to be developed with clear glazing providing physical and visual connections to active interior uses better suited to the adjacent pedestrian realm.

Design guidelines which support a strong ground floor program and pedestrian realm include: 02- *Create positive relationships with surroundings*; 04-*Design the sidewalk level of buildings to be active and human scaled*; 05-*Provide opportunities to pause, sit and interact*; 06-*Interrate and minimize the impact of parking and necessary building services*; 07-*Support the comfort, safety, and dignity of residents, workers, and visitors through thoughtful site and building design.*

- 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 standard is for the development to provide adequate loading in a way does not, "have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way". PBOT has determined the site can be sufficiently accommodated with Standard B size loading (Exhibit E-6), rather than Standard A. This ensures that loading is provided to the site but with the flexibility that allows it to be located in the below grade parking.

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

Findings:

There are no additional impacts that require mitigation.

Therefore, this Modification merits approval.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The proposed three-story building, located in the Northwest Plan District, is a building composed of quality materials that is within the context of the district and contributes to the pedestrian realm of the site and the district at large.

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Design Review approval of a new three-story building with below grade parking and a Modification approval to loading, located in the below grade parking area, to a site in the Northwest Plan District.

Approvals, per the approved site plans, Exhibits C-1 through C-37, signed and dated March 27, 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 21-082636 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: Arthur Graves



Decision rendered by: _____ **on March 27, 2022.**

By authority of the Director of the Bureau of Development Services

Decision mailed: March 31, 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 31, 2021, and was determined to be complete on December 8, 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 31, 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 by 60-days (Exhibits A-9 and A-12). Unless further extended by the applicant, **the 120 days will expire on: June 06, 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 April 14, 2022. The completed appeal application form must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to 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 **April 15, 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. Original Submittal: August 31, 2021 (superseded)
2. Revised Submittal: October 22, 2021
3. Revised Submittal: November 19, 2021
4. Revised Submittal: December 01, 2021
5. Revised Submittal: December 03, 2021
6. Revised Submittal: December 08, 2021
7. Revised Submittal: January 03, 2022
8. Email - Shoring: January 11, 2022
9. Signed Waiver: January 26, 2022
10. Email - Shoring: February 03, 2022

11. Revised Submittal: February 14, 2022
12. Signed Waiver: February 24, 2022
13. Revised Submittal: March 17, 2022
14. Email - Shoring: March 17, 2022
- B. Zoning Map (attached)
- C. Plan & Drawings
 1. Vicinity Map
 2. Site Plan (attached)
 3. Floor Plan – Parking Level
 4. Floor Plan – Enlarged Parking Level - North
 5. Floor Plan – Enlarged Parking Level – South
 6. Parking Ramp
 7. Parking Clearance
 8. Floor Plan – 1st Level
 9. Floor Plan – Enlarged 1st Level - North
 10. Floor Plan – Enlarged 1st Level – South
 11. Floor Plan – 2nd Level
 12. Floor Plan – Enlarged 2nd Level - North
 13. Floor Plan – Enlarged 2nd Level – South
 14. Floor Plan – 3rd Level
 15. Floor Plan – Enlarged 3rd Level - North
 16. Floor Plan – Enlarged 3rd Level – South
 17. Floor Plan – Roof Level
 18. Floor Plan – Enlarged Roof Level - North
 19. Floor Plan – Enlarged Roof Level – South
 20. Elevation – North (attached)
 21. Elevation – South (attached)
 22. Elevation – East (attached)
 23. Elevation – West (attached)
 24. Sections - Building
 25. Sections – Wall
 26. Details
 27. Entry Detail - Pettygrove
 28. Entry Detail – Overton
 29. Landscape - Plants
 30. Landscape – Planting Areas – 1st Level
 31. Landscape – Planting Areas – 2nd Level
 32. Landscape – Planting Areas – 3rd Level
 33. Manufactures Cutsheets
 34. Manufactures Cutsheets
 35. FAR Diagram
 36. Glazing Diagrams
 37. Bike Parking Diagram
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Portland Water Bureau: Michael Puckett: December 29, 2021.
 2. Fire Bureaus: Dawn Krantz, January 03, 2022.
 3. Bureau of Development Services Site Development: Kevin Wells: January 03, 2022.
 4. Bureau of Environmental Services: Emma Kohlsmith: January 04, 2022.
 5. Bureau of Development Services Life Safety / Building Code Section: Sloan Shelton: January 11, 2022.
 6. Portland Bureau of Transportation: Fabio de Freitas: March 15, 2022.
- F. Correspondences:
 1. Steve Pinger, with the NW District Association Planning Committee, 12.14.2021.
 2. Daniel O'Neill, Manager, PDX Apartments LLC (1942 NW Pettygrove Street), January 03, 2022

3. John Spencer, on behalf of the Overton Townhome Homeowner's Association, January 04, 2022
4. Steve Pinger, with the NW District Association Planning Committee, 1.10.2021
5. John Spencer, resident of Overton Townhome, March 07, 2022
6. John Spencer, on behalf of the Overton Townhome Homeowner's Association, March 12, 2022.

G. Other:

1. Original Application
2. Incomplete Letter: September 30, 2021

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).