



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

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Date: December 23, 2015
To: Interested Person
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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 15-184171 DZ AD **CARBON 12 MIXED-USE**

GENERAL INFORMATION

Applicant: Kristin Slavin, Path Architecture
3530 N Vancouver Ave Suite 330, Portland OR, 97227

Owner: Back Bridge Lofts LLC
5229 NE M L King Blvd #101, Portland, OR 97211-3281

Site Address: **SE Corner of N Williams Avenue and NE Fremont Street**

Legal Description: LOT 11, ALBINA HMSTD ADD; LOT 12 LOT 13 EXC PT IN ST, ALBINA HMSTD ADD

Tax Account No.: R010800230, R010800250

State ID No.: 1N1E27AA 02300, 1N1E27AA 02400

Quarter Section: 2730

Neighborhood: Eliot, contact Mike Warwick at 503-284-7010.

Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032.

District Coalition: Northeast Coalition of Neighborhoods, contact Lokyee Au at 503-388-9030.

Plan District: Albina Community

Zoning: **RXd**, Central Residential (RX) with a Design (d) Overlay

Case Type: **DZ, AD**, Design Review (DZ) with an Adjustment Request (AD)

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

Proposal:

The applicant proposes a new eight-story, 85' tall, mixed-use building with 14 residential units, ground floor retail and lobby, and 22 below-grade parking spaces accessed from NE Fremont Street via a new one-story, 12' tall, garage building, located in the Albina Plan District. Short- and long-term bicycle parking will be provided on site. No loading is proposed or required. Both buildings will be clad with window wall, metal paneling and limestone plaster systems.

Because the proposal is for new construction in a design zone, Design Review is required.

Adjustment Request [PZC 33.805]:

- **33.120.205, Minimum Density.** To reduce the minimum density for the site from the required 17 dwelling units to 14 dwelling units, with the remainder of the units (3) to be transferred to the minimum density of the site to the south which is under the same ownership.

Relevant Approval Criteria:

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

- Chapter 33.825, Design Review
- Chapter 33.805, Adjustments
- Community Design Guidelines

ANALYSIS

Site and Vicinity: The Site is 8,170 square feet in size and is located at the southeast corner at the intersection of on N Williams Avenue and NE Fremont Street. The site is currently vacant. The proposed development site has been defined as the northwest portion of three lots, which are part of a larger collection of also owned lots.

As defined under PZC 33.910, under the definition of “Site”, “if a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.” In this case, the applicant has chosen to define the site as a portion of the ownership. Refer to Exhibit B.1.

The property lies within the Eliot Pedestrian District and fronts N Williams Avenue and NE Fremont Street. At this location, N Williams Ave is classified as a Neighborhood Collector, Transit Access Street, City Bikeway and a Community Corridor. N Fremont St is classified as a Transit Access street, a City Bikeway and a Local Service street for all other modes in the City’s Transportation System Plan (TSP). Both streets are improved, with sidewalks on both sides. N Williams Avenue is a one-way, northbound street, with N Vancouver Avenue located one block west being the one-way southbound portion of this couplet. A bike lane is located within the N Williams Avenue and N Vancouver Avenue roadways. N Williams Avenue has two through-lanes and a right turn lane along the site’s frontage. NE Fremont Street provides two-way traffic within two lanes. TriMet bus stops are located along the site’s NE Fremont Street and N Williams Avenue frontages. The on and off-ramps to Interstate-405 are located approximately two blocks from the Site, just west of the N Vancouver Avenue/N Cook Street intersection.

Overall, the Williams-Vancouver corridor, from N Cook Street to the south to N Skidmore Street to the north, is in the midst of significant redevelopment. Whereas some existing buildings have been demolished to accommodate new development, other existing buildings have been rehabilitated and adapted for new uses. Redevelopment has also been occurring on land that has been vacant for many years. The corridor is increasingly characterized by new restaurants, bars, specialty retail shops, and apartments targeted to young middle-class singles and small families. The area surrounding the Williams-Vancouver corridor is characterized by single-family houses, many constructed in the early 1900s.

Development on surrounding blocks reflects the mixed zoning pattern of the area. Recent development includes a one-story New Seasons grocery store directly west of the Site, across N Williams Avenue. The Cook Street Apartments, a new six-story, mixed-use building with 206-unit residential units with ground floor retail is under construction on the southern half of this New Season’s block. Other nearby new development along the N Williams Avenue (within a two to three block radius) includes the recently completed Karuna II, north of NE Fremont across N Williams. This multi-story commercial development includes with two new commercial

buildings (west building 5 stories, east building 4 stories), with ground level retail spaces and office uses above. Also nearby is The Albert, a four-story mixed-use building with ground-floor retail and upper-level apartments. Constructed in 2011, it is located at 3632 N Williams Avenue. Development along NE Fremont Street east of N Williams is characterized by one to two story residences.

The Eliot neighborhood is located in the heart of what was originally the sovereign town of Albina, platted in 1872 by George H. Williams and Edwin Russell, incorporated in 1887 as the City of Albina, and consolidated with Portland and East Portland in 1891. Because of its proximity to the river, the lower areas of Albina were developed for industrial and transportation uses, with the higher ground developed as residential subdivisions. Russell Street served as the area's main commercial street, with the Russell/Williams intersection at the center. Growth was further stimulated by the development of an extensive streetcar system. In the first half of the 20th Century, the neighborhood experienced a growth in the Scandinavian, Russian-German and Irish immigrant population. After World War II, the many African Americans called Eliot home. In the 1950s and 1960s, much of the neighborhood was cleared for major projects such as Memorial Coliseum, the Minnesota Freeway (I-5), Emanuel Hospital, and Lloyd Center, forever changing the landscape of this significant neighborhood. Since that time, neighborhood residents have attempted to preserve what remains of their historic past, while working within the City's vision for the neighborhood, as well as Emanuel Hospital's vision for their campus. These struggles continue as the progress attached to development in the commercial, institutional, or employment zones sometimes presents conflicts with the residential scale of other parts of the neighborhood.

Zoning: The Central Residential (RX) zone is a high-density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of housing development will be medium and high-rise apartments and condominiums, often with allowed retail, institutional, or other service oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby. RX zones will usually be applied in combination with the Central City plan district.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The Albina Community Plan District implements the Albina Community Plan. The plan district's provisions are intended to ensure that new higher density commercial and industrial developments do not overwhelm nearby residential areas. Infill housing compatibility and affordability is encouraged by eliminating off-street parking requirements for small multi-dwelling projects. The plan district's provisions also encourage the development of new housing along Martin Luther King Jr. Boulevard by allowing new housing projects to include ground level commercial uses that orient to King Boulevard.

Land Use History: City records indicate that prior land use reviews include two prior land use review for the Site.

- LU 13-109305 CP ZC, Comprehensive Plan Map Zone Change approval to amend the zone from Medium Density Multi-Dwelling (R1) with a design overlay to Central Residential (RX) with a design overlay for a portion of the site. This decision was appealed to the Land Use Board of Appeals and was upheld on Oct. 10, 2013. The CP ZC decision was subject to

Conditions of Approval, including the requirement for a Design Advice Request prior to submission of the Type II design review application; limiting the height in the RXd zoned portion of the site to a combination of 85', 65' and 40'; and requiring RH zone setbacks between development on the site and abutting RH zoned properties.

- EA 13-195611 DA, Design Advice Requests were held to meet one of the conditions of the Comprehensive Zone Map Change, that a Design Advice Request is held prior to submission of the Type II design review application. Two DAR's were held, the first on October 24, 2013 and the second on May 7, 2015. (See Exhibits G.3 and G.4)
- LU 05-139802 DZM, Design Review with Modifications approval to allow the construction of a 39-unit, three to four story multi-dwelling residential development. The modifications allowed a 10 foot increase in the maximum allowed height (for the portion of the building within 10 feet of N Williams Avenue), and an increase in the maximum allowed residential density from 38 dwelling units to 39 dwelling units. This approved development was never constructed.
- PR 247946, Public registry for first two Property Line Adjustments to reconfigure 2 lots, under review.
- PR 247954, Public registry for second two Property Line Adjustments to reconfigure 2 lots, under review.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **August 13, 2015**. The following Bureaus have responded with no issues or concerns:

The **Water Bureau** responded with no issues with the requested Design Review and proposed Adjustments to applicable zoning code standards as depicted in this LUR, and indicated that while there are currently no existing water services to this property location, water service is available from NE Fremont Street and N Williams Avenue. Refer to Exhibit E.1 for additional details.

The **Fire Bureau** responded with no concerns regarding the requested Design Review, and noted that a separate building permit is required for this proposal. All applicable Fire Code requirements shall apply at the time of permit review and development. Please contact the Fire Marshal's Office with any specific questions. Refer to Exhibit E.2 for additional details.

The **Bureau of Environmental Services (BES)** responded that BES does not object to approval of the Design Review with Adjustment application. Approval of this application does not alter BES requirements as identified under building permit application 15-211308-CO. Refer to Exhibit E.3 for additional details.

The **BDS Site Development Section** responded with no concerns with the requested amendments, but noted that at the time of permit application, the applicant must submit a geotechnical report to provide design recommendations for foundation support, retaining/basement wall design, and earthwork. Refer to Exhibit E.4 for additional details.

The **Portland Bureau of Transportation (PBOT)** provided written comments noting they had reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services. The following dedications and frontage improvements per the requirements of the City Engineer shall be conditions of building permit approval (Refer to Exhibit E.5 for additional details):

- Along N Williams Ave, as a condition of an eventual Building Permit for the project, the applicant will be required to reconstruct the existing sidewalk corridor to the satisfaction of the City Engineer. The applicant is advised that to accommodate the required sidewalk corridor reconstruction, a 5-ft minimum dedication of property for r.o.w. purposes will be required.
- Along N Fremont St, the existing sidewalk corridor along this site frontage is therefore sufficient. As a condition of an eventual Building Permit for the project, the applicant will be required to reconstruct the existing sidewalk corridor to the satisfaction of the City

Engineer including the closure of existing curb cuts/driveways, street trees and lighting, as required. (No property dedication is required along this site frontage).

The **BDS Life Safety Plans Examiner** responded, noting that a separate building permit will be required for any proposed building activity on the Site and all building code and ordinances must be met. It is recommended the applicant contact the project Process Manager to arrange a Preliminary Fire and Life Safety Meeting. Please see Exhibit E.6 for additional details.

The **Bureau of Planning and Sustainability** responded, noting concerns regarding the requested Adjustment to Minimum Density. BPS noted they did not support an Adjustment to the minimum density. Refer to Exhibit E.7 for additional details.

Staff response: Although the Adjustment is still part of this review, the applicant has proposed to meet the minimum density requirements through a covenant on the adjacent lot, which is part of their also-owned property. Refer to the findings below including those for the Adjustment, as well as Condition B.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 13, 2015. A total of four written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Ted Maceiko, adjacent property owner, responded with concerns regarding the height of the proposal, the Adjustment to standards, and the use of the also-owned property south of this site as a parking lot, in violation of city codes. (Exhibit F.1)

Staff response: The proposed building height of 85' to top of parapet complies with LU 13-109305 CP ZC, the Comprehensive Plan Map Zone Change approval condition limiting the height in the RXd zoned portion of the site to a combination of 85', 65' and 40. (See Exhibit G.2) Additionally, the Portland Zoning Standards for this base zone, Central Residential, PZC 33.120.215.C.2, allows for standard exceptions to the maximum building height for rooftop mechanical equipment, stairwell enclosures and elevator mechanical equipment. The Adjustment to standards is addressed below under Adjustment Approval Criteria and findings. Finally, the parking violation has been corrected, as confirmed with site re-inspection dated December 10, 2015, as noted in Code Compliance file CC 14-200211. Refer to Exhibit G.6 for an aerial and diagram indicating extent of parking and lot ownership.

- Paul van Orden, adjacent property owner, responded with concerns regarding the adequacy of the notification, the height of the proposal and the Adjustment to Minimum Density standards. (Exhibit F.2)

Staff response: Refer to the reply above regarding height and Adjustment request concerns. Regarding the adequacy of the notification, the Notice of a Type II Proposal, dated August 13, 2015, was sent out to all property owners within 150 feet of the site, to recognized organizations in which the lot is located, and to all recognized organizations within 400 feet of the lot, per PZC 33.730.020 Type II Procedure. Refer to Exhibits D.1 for the mailing list and D.2 for the mailed notice. Exhibit G.7 shows a diagram of the required mailing radius for visual reference.

- Allan Rudwick, Land Use Chair, Eliot Neighborhood Association, August 26, 2015, Email discussion regarding possible errors in the Notification. (Exhibit F.3)

Staff response: Refer to the staff response above regarding Notification concerns.

- Allan Rudwick, Land Use Chair, Eliot Neighborhood Association, November 10, 2015, letter sent to the City Council, response received after the notification period. (Exhibit F.4)

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

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 Community Design Guidelines.

Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other movement systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

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

P1. Plan Area Character. Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.

Findings: The immediate context lies in a transition zone between a mix of commercial, industrial, and multi-family residential and nearby single-family residential. Most of the nearby commercial and mixed use buildings are flat-roofed and front the sidewalk while the smaller residential structures are typically set back and raised three to four feet above the street. The two streets bordering the site are major pedestrian, bicycle and vehicle collectors that provided connections from the neighborhoods of North and Northeast Portland to all parts of the city. The Fremont Bridge on-ramp is three blocks away, at N. Cook Street.

The proposed design combines the patterns of surrounding commercial buildings with the character and activity of nearby residential development. Through strong street facades, location of entrances on street frontages, and incorporation of materials such as concrete, wood, and steel, the project echoes the character of neighboring mixed-use amenities along the Williams/Vancouver transition zone. The building responds to the surrounding residential context by locating the major mass of the proposal to the west end of the site along the higher density N. Williams corridor, and setback over 50 feet away from the lower-scaled residential area to the east. A small one-story garage structure which accesses the underground parking is located on the east side of the site, and with the hardscape and planting strips, provides a large buffer zone between the taller main building and the lower density residential neighbors to the east.

Although this will be one of the taller buildings in the area, consolidating the floor area into a smaller floor plate with a taller tower element located tight to the Williams corridor,

along with below-grade parking, allows a larger than expected buffer between the proposal and the residential area to the east. This approach of a taller structure with smaller floor plates located tight to N Williams allows for larger setbacks from the residential area to the east, and was generally supported by the Design Commission at the June 10, 2015 Design Advice Request hearing. (Refer to Exhibit G.4 for the DAR Summary Memo).

The proposal respects influence of streetcars on early commercial development in the area, with massing, active uses and main entrances creating active street frontages along N Williams, and parking concealed from both frontages. As one of the main commercial streets in the area, Williams was historically lined with 3-4 story brick commercial structures even before the streetcar era. And as noted above, the proposal consolidates the majority of the development along the busy Williams corridor, setting substantially back from the residential Eliot Conservation District to the east of the proposal, creating a larger transition area as well as a buffer for the residential areas. *This guideline is therefore met.*

P2. Historic and Conservation Districts. Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area's historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.

Findings: The proposed project does not sit within the boundaries of any historic or conservation districts. However, it does sit just west of the Eliot Conservation District, and is located on the Albina Community Plan map. The site design acknowledges the influence of streetcars on residential development of Albina through a generous pedestrian zone and allocation of amenities along its western edge, at N. Williams Ave. and its northern edge, at NE Fremont St. As a close-in neighborhood, the residential occupants of historic Albina would have been well served by commercial edges such as these along major collector streets. The enhanced pedestrian edges of the proposal extend along 55' of street frontage on N. Williams, revealing a commercial entrance at the northwest corner of the site. The enhanced pedestrian edge turns the corner extending 75' east on NE Fremont where the primary residential entrance breaks up the commercial storefront base, transitioning into the predominantly residential street NE Fremont Street between N Williams and NE Martin Luther King Jr. Blvd. Though not located in the Eliot Conservation District, residents of the District will be served by the aforementioned commercial amenities. The Williams/Vancouver corridor is rapidly filling with high-density residential rental projects. The residential condominium use of the project will bring high-density home ownership to the neighborhood, a housing model that is in short supply in the area. In this regard, the proposal is intended not to emulate Eliot's historic residential patterns, but rather to complement them. *This guideline is therefore met.*

P3. Gateways. Develop or strengthen the transitional role of gateways identified in adopted community and neighborhood plans

Findings: The Eliot Neighborhood Plan identifies the N Williams Ave. and NE Fremont St. intersection as a gateway into the Eliot neighborhood. (Exhibit G.) The proposed design highlights this gateway with an enhanced pedestrian edge including canopy-covered sidewalks, exterior lighting, and street trees along both Williams and Fremont. Where the two streets intersect at the corner of the project, a prominent retail storefront entrance breaks from the planes of the building facade to highlight the edge of the Eliot neighborhood, and activates the pedestrian edge of the intersection. Additionally, by placing the building mass at the intersection of N Williams and NE Fremont, the form of the development creates an identifiable gateway at a larger scale, enhancing a sense of arrival into the Eliot neighborhood. *This guideline is therefore met.*

E1. The Pedestrian Network. Create an efficient, pleasant, and safe network of sidewalks and paths for pedestrians that link destination points and nearby residential areas while visually and physically buffering pedestrians from vehicle areas.

Findings: The proposed project seeks to enrich the public right of way along N Williams Ave and NE Fremont St. through the addition of covered walkways at the building's street frontages. Along N Williams, the frontage is tight to the sidewalk corridor, creating a strong urban edge. The main building entries are set back from the sidewalk providing users with a transitional zone between the building interior and the public way. Along N. Fremont St., this covered entry way is coplanar with, but set back from the sidewalk, giving passers by a built edge with a relief softer than is typical of a zero-lot-line commercial building. Open spaces on Williams south of the building and on Fremont east of the building provide space for pedestrians to gather away from street and sidewalk traffic. These spaces are linked by a hardscape that surrounds the building and ties together the entire site. Vehicular access to the site is pushed to the eastern edge of the Fremont frontage, as far from the busy intersection of Fremont and Williams as possible. The planting strip will be planted with trees buffering pedestrians from the street. *This guideline is therefore met.*

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

Findings: As a mid-size commercial building, this proposal offers some amenities to address guideline E2. Out of the way of the sidewalk, the covered entry points along Fremont provide building users weather protection as well as the opportunity to stop, visit, and rest. To the east and south of the building, the hardscape areas provide space for tenants, visitors, and the public to find respite from the busy street edges. *This guideline is therefore met.*

E3. The Sidewalk Level of Buildings. Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small scale building design features, creating effective gathering places, and differentiating street level facades.

Findings: The covered pedestrian edges along Williams and Fremont provided by the proposal add visual breaks in the massing of the building. Below the canopies, two prominent entrances are pulled back from the facade providing transition points between public exterior space and private interior space. Along both facades, these covered areas are highly fenestrated, giving users inside and out a visual link, thereby softening the distinction between interior and exterior spaces. These features scale the appearance of the building down to a pedestrian-appropriate size. *This guideline is therefore met.*

E4. Corners that Build Active Intersections. Create intersections that are active, unified, and have a clear identity through careful scaling detail and location of buildings, outdoor areas, and entrances.

Findings: The proposal is located at the intersection of N Williams Ave and NE Fremont St., a busy intersection in the neighborhood for auto, bike, and pedestrian traffic. The proposed design places a prominent retail entrance on the corner and at the same time pulls the entrance back from the sidewalk. This allows the entrance to both activate the intersection with pedestrian traffic and also provide safe and comfortable gathering space in the pedestrian way. The vehicle access to the site is positioned as far away as possible from the intersection to reduce congestion, and parking is hidden from view below-grade in a basement parking area.

If the proposal utilized the ground floor for 3 dwelling units rather than retail spaces, this proposal could meet the minimum density requirements of code. But in order to provide a more active ground floor and especially corner, the proposal includes retail instead of dwelling units on the ground floor. An Adjustment to the Minimum Density requirements has been requested the minimum density for the site from the required 17 dwelling units to 14 dwelling units, with the remainder of the units (3) to be transferred to the minimum density of the site to the south which is under the same ownership. Condition B of this

approval includes the requirements for the covenant to transfer the required density to the remainder of the site. *This guideline is therefore met.*

E5. Light, Wind, and Rain. Enhance the comfort of pedestrians by locating and designing buildings and outdoor areas to control the adverse effects of sun, shadow, glare, reflection, wind, and rain.

Findings: At the western and northern street frontages, canopies that provide shelter from overhead sun and rain enhance the pedestrian edges by providing shelter from overhead sun and rain. The major building entrances are pulled back from the facade to provide additional covered space where pedestrian traffic will be most concentrated. Street trees are proposed in the planting strip and along the eastern edge of the site provide shade and shelter from wind and rain. *This guideline is therefore met.*

D1. Outdoor Areas. When sites are not fully built on, place buildings to create sizable, usable outdoor areas. Design these areas to be accessible, pleasant, and safe. Connect outdoor areas to the circulation system used by pedestrians;

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

Findings for D1 and D3: The footprint of the two buildings covers 4,602 square feet, leaving 3,568 square feet of uncovered open space on the lot. The south section of the lot is accessible from N Williams Ave. This portion of the site will serve as both a service entrance for the tenants as well as usable outdoor hardscape. The East portion of the lot will be used primarily for access to the mechanical parking entrance; however, a large portion on the space on NE Fremont St. will be left open for use by the east retail space and the public. All of the outdoor areas will be hardscaped to allow for accessibility, connectivity, and circulation around the building and between open spaces. External lighting, clear site-lines, and ample fenestration into the ground floor retail spaces will make this connection between Williams and Vancouver a safe and pleasant space for both tenants and the public. *These guidelines are therefore met.*

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

Findings: The main lobby for the residential portion of the building is located on the more residentially oriented NE Fremont St. It is pulled back from the sidewalk to provide a transitional zone between public and private, but is clearly identified by the inset balconies above and a large awning overhead. The prominent retail entrance is oriented towards the intersection of 2 transit streets, Fremont and Williams in order to increase visibility and access. *This guideline is therefore met.*

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

Findings: Landscape features include planters on either side of the vehicular access drive, bollards with integrated lighting, and hardscaping of permeable pavers that function as extensions of the public sidewalks, providing places for pedestrians to stop and gather. The buildings provide canopies at the edges to provide sheltered spaces, adding further enhancement to these hardscaped spaces. *This guideline is therefore met.*

D4. Parking Areas and Garages. Integrate parking in a manner that is attractive and complementary to the site and its surroundings. Locate parking in a manner that minimizes negative impacts on the community and its pedestrians. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

Findings: The proposal will provide 22 below-grade parking spaces accessed via a simple one-story mechanical parking garage structure at grade. Located in the basement of the

building, the mechanical parking system allows for two levels of parking. The parking garage structure is set back from the NE Fremont frontage to allow queuing space on site. The vehicular access drive is located as far from the busy NE Fremont and N Williams intersection as possible. A 5 foot planting strip with trees is proposed along the eastern site edge to buffer adjacent residential from the vehicular access drive, and an additional planting strip is proposed between the vehicular access drive and the building to soften the impact of the drive from the west. *This guideline is therefore met.*

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

Findings: The ground floor retail spaces of the proposal provide visual access to open public areas at the south and east ends of the site. Clear site lines from both Williams and Fremont, exterior lighting along the street frontages and at the entries, retail traffic and visual connection between the interior and exterior will all act as safeguards against criminal activity. Residential units above will have windows and outdoor areas located in all directions providing “eyes” on the street. *This guideline is therefore met.*

D7. Blending into the Neighborhood. Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

Findings: The proposal picks up the tall aluminum storefront glass typical of commercial buildings along N Williams. This storefront condition is also used to break up the mass of the building. This division is achieved through long canopies that cantilever over the enhanced pedestrian edge along the retail storefronts. Expressing this division through visual language is a common gesture among newer buildings along N Williams where building use is mixed. Although larger in scale than its single family residential neighbors, the proposal expresses its massing in a similar fashion. Historic Albina housing stock along NE Fremont Street, for instance, breaks up the otherwise flat plane of its street facades by material breaks, shallow relief, and through varying building setbacks from the street. Carbon 12 employs similar strategies of material variety, relieved elevations, and a setback residential entrance at a larger scale. Though the building distinguishes itself as a mixed-use building from its residential counterparts, the same strategies are used to minimize the impact of its scale. The site plan responds to the existing commercial development with massing and activity on the street, with parking out of view. *This guideline is therefore met.*

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

Findings: The project has been designed to be interesting, long lasting, and a cohesive composition. Architecturally, the building is modern in style expressing clean lines and simplicity. The materials were chosen to be distinctive and reflect some qualities of the nearby buildings. The primary exterior materials are aluminum window-wall or curtain wall, metal paneling and limestone plaster rainscreen. Balcony railings are glass with anodized aluminum top caps. The proposal’s wide timber structural bays allow for windows much broader than is typical in midrise commercial wood buildings. This allows for greater transparency and views of the interior wood beams, posts and ceiling from the exterior. The metal panel siding proposed is a durable solution, and one that will guarantee years of maintenance-free service. Options for both a window wall system and a curtain wall system have been provided. Both window systems will be high quality aluminum, and are generously sized with floor to ceiling glass bringing light into the units. All units have balconies with glass railings. Along SW and NE corners, of the building on the first and second levels, the proposal includes two options for treatment of the outside caps of the window walls. One includes additional wood fins attached with a knife plate detail which will add additional texture and interest to the facades (Exhibit

C.17). Option two does not include this additional wood fin detail, but also offers a solid compositional approach with durable materials. (Exhibit C.18). *This guideline is therefore met.*

ADJUSTMENT REQUEST, 33.805

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 city-wide, 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.

33.805.040 Approval Criteria

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

33.120.205, Minimum Density. To reduce the minimum density for the site from the required 17 dwelling units to 14 dwelling units, with the remainder of the units (3) to be transferred to the minimum density of the site to the south which is under the same ownership.

Findings:

The following adjustments are requested:

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

Findings for Criterion A:

Carbon 12 is the first phase in the development of a much larger site. The transfer of three residential units to the remainder of the site will meet the purpose of the minimum density for the overall site.

Therefore this criterion is met.

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in a C, E, or I zone, the proposal will be consistent with the desired character of the area.

Findings for Criterion B:

Providing retail on the ground floor rather than residential units more closely aligns with both the Community Design Guideline E4, *Corners that Build Active Intersections*, Albina Community Design Guideline #20 *Build corners at intersections to reinforce the activity area by creating pedestrian access and inviting space*, and Guideline P3 *Gateways*. By engaging people and inviting them in, the retail activity at the ground floor is also more closely in alignment with the character of the rest of N Williams Avenue, especially at the Fremont Street intersection, which is primarily mixed use.

Therefore this 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 for Criterion C: Only one adjustment is being requested. *Therefore this criterion does not apply.*

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

Findings for Criterion D: No city-designated resources are on this site. *Therefore this criterion does not apply.*

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

Findings for Criterion E:

The only impact that will come from the transfer of the three residential units to the remainder of the site will be a slight shift in the overall minimum density requirements to slightly to the south. Mitigation of the adjustment is unnecessary as the overall minimum density will be preserved.

Therefore this criterion is met.

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

Findings for Criterion F: This site is not within any environmental zones. *Therefore 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 proposed building employs materials and design details that add interest, texture and a sense of permanence, and activation of the facades through the incorporation of active uses, clear views at ground level, and balconies above. The massing of the proposed building, located at the intersection of two of the Albina Plan District's important transit streets and pedestrian-ways, provides a sense of arrival through its consolidated massing at the corner, and at the same time, offers a transitional buffer by significantly setting back from the smaller-scaled single-family residential development to the east. 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

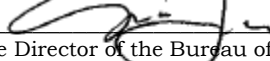
Approval for a new eight-story, 85' tall, mixed-use building with 14 residential units, ground floor retail and lobby, and 22 below-grade parking spaces accessed from NE Fremont Street via a new one-story, 12' tall, garage building, located in the Albina Plan District;

Approval of Adjustment to 33.205, Minimum Density – To reduce the minimum density for the site from the required 17 dwelling units to 14 dwelling units, with the remainder of the units (3) to be transferred to the minimum density of the site to the south which is under the same ownership;

Approval per the approved site plans, Exhibits C-1 through C-34, signed and dated December 21, 2015, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition B 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 15-184171 DZ AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. A covenant transferring three (3) of the required residential units from the subject site to the remainder of the site is required prior to the issuance of building permits.

Staff Planner: Grace Jeffreys

Decision rendered by:  **on (December 21, 2015)**
By authority of the Director of the Bureau of Development Services

Decision mailed: December 23, 2015

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 10, 2015, and was determined to be complete on **August 7, 2015**.

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 10, 2015.

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 120 days. (Exhibit A.5) Unless further extended by the applicant, **the 120 days will expire on: April 3, 2016**.

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, which will hold a public hearing. Appeals must be filed **by 4:30 PM on January 6, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

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 must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **January 7, 2016– (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
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:

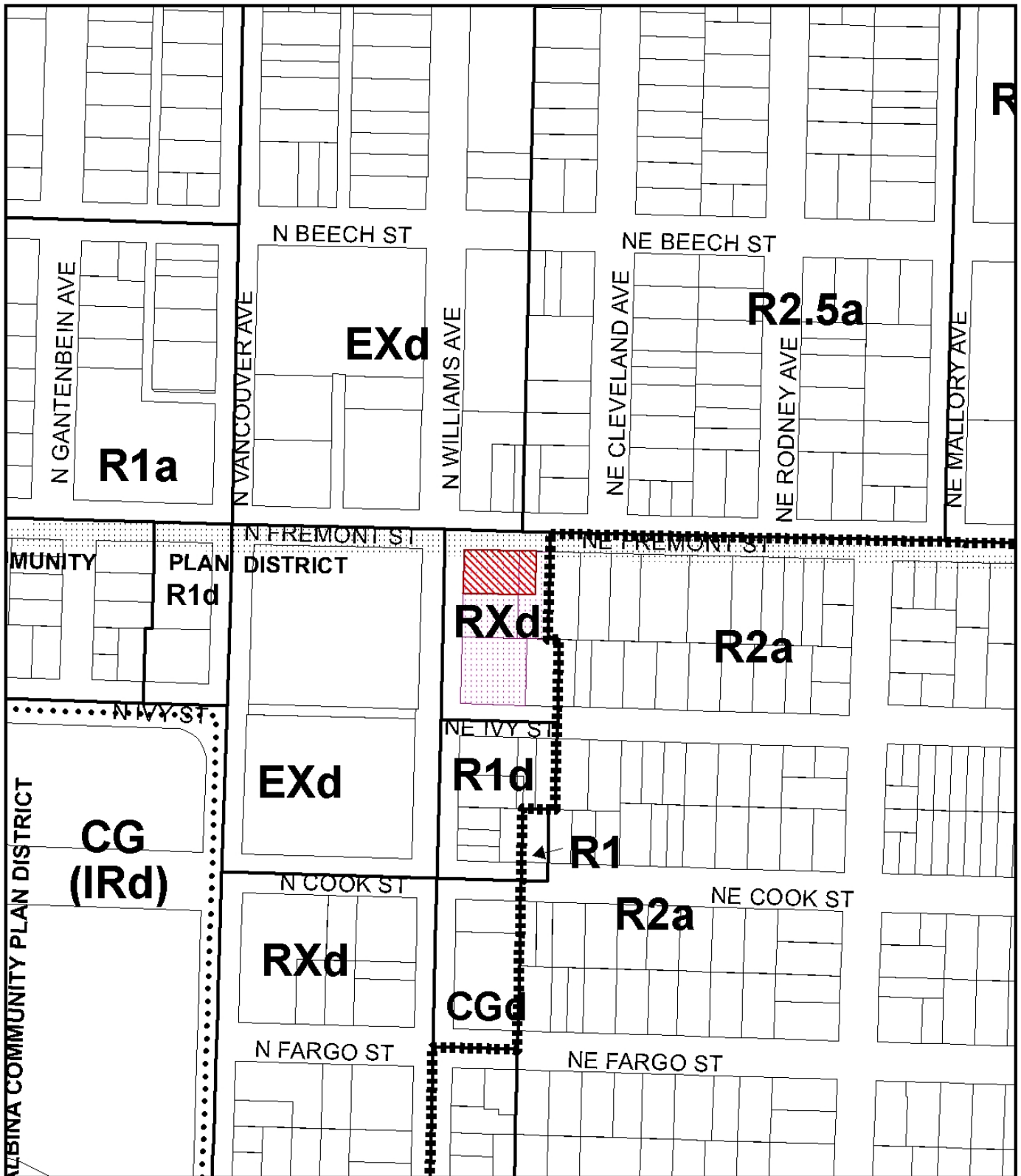
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS - NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Initial Submittal
 2. DAR response and revised drawing submittal, July 6, 2015
 3. Incomplete response and revised drawing submittal, July 27, 2015
 4. Adjustment narrative and fee, dated August 8, 2015
 5. Request for Extension of 120-Day Review Period, dated September 18, 2015
 6. Revised drawing submittal, October 9, 2015
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Rendering
 2. DR 00 Table of Contents
 3. DR 01 Project Description Neighborhood Zoning Map, Zoning Information, Project Team
 4. DR 05 Site Plan (attached)
 5. DR 06 Utility Plan
 6. DR 07 Basement Floor Plan
 7. DR 08 Level 1 Floor Plan
 8. DR 09 Level 2 Floor Plan
 9. DR 10 Levels 3-8 Floor Plan
 10. DR 11 Roof Plan
 11. DR 12 North and East Elevations (attached)
 12. DR 13 South and West Elevations (attached)
 13. DR 14 North South Sections
 14. DR 15 East West Section / Wall Section
 15. DR 16 Wall Sections / Detail
 16. DR 17 Details
 17. DR 18 Details
 18. DR 19 Enlarged Elevations
 19. DR 20 Fin Details - Option 1
 20. DR 21 No Fins - Option 2
 21. DR 22 Perspective – West from Fremont
 22. DR 23 Perspective - North from Williams- night
 23. DR 24 Perspective - North on Williams
 24. DR 25 Exterior Materials
 25. DR 26 Paver Options
 26. DR 27 Site Furniture Options
 27. DR 28 Exterior Lighting Plan
 28. DR 29 Mechanical Parking Garage

29. DR 30 Mechanical Parking Garage
 30. DR 30 Mechanical Parking Garage
 31. Garage Wall Section, Roof Penthouse Section
 32. a-f Window Wall Option Specification
 33. a-e Metal Spandrel Panel Specification (Window Wall Option)
 34. a-f Curtain Wall Option Specification
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Water Bureau
 2. Fire Bureau
 3. Bureau of Environmental Services
 4. Site Development Review Section of BDS
 5. Bureau of Transportation Engineering and Development Review
 6. Life Safety Review Section of BDS
 7. Bureau of Planning
- F. Correspondence:
1. Theodore Maceiko, September 3, 2015, concern noted regarding the height of the proposal, the Adjustment to standards, and the use of the also-owned property south of this site as a parking lot in violation of city codes.
 2. Paul van Orden, September 3, 2015, Concern noted regarding notification, height, and density.
 3. Allan Rudwick, Land Use Chair, Eliot Neighborhood Association, August 26, 2015, Email discussion regarding possible errors in the Notification.
 4. Allan Rudwick, Land Use Chair, Eliot Neighborhood Association, November 10, 2015, letter sent to the City Council, received after the notification period.
- G. Other:
1. Original LU Application
 2. LU 13-109305 CP ZC - Findings, Conclusion and Decision
 3. EA 13-195611 DA – Staff Memo, dated October 31, 2013
 4. EA 13-195611 DA – Staff Memo, dated June 10, 2015
 5. Incomplete Letter, June 26, 2015
 6. Copy of Decision LU 13-109305 CP ZC, dated July 3, 2015
 7. Diagram of parking
 8. Diagram of notification radius
 9. Eliot Neighborhood Urban Design Concept Plan

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



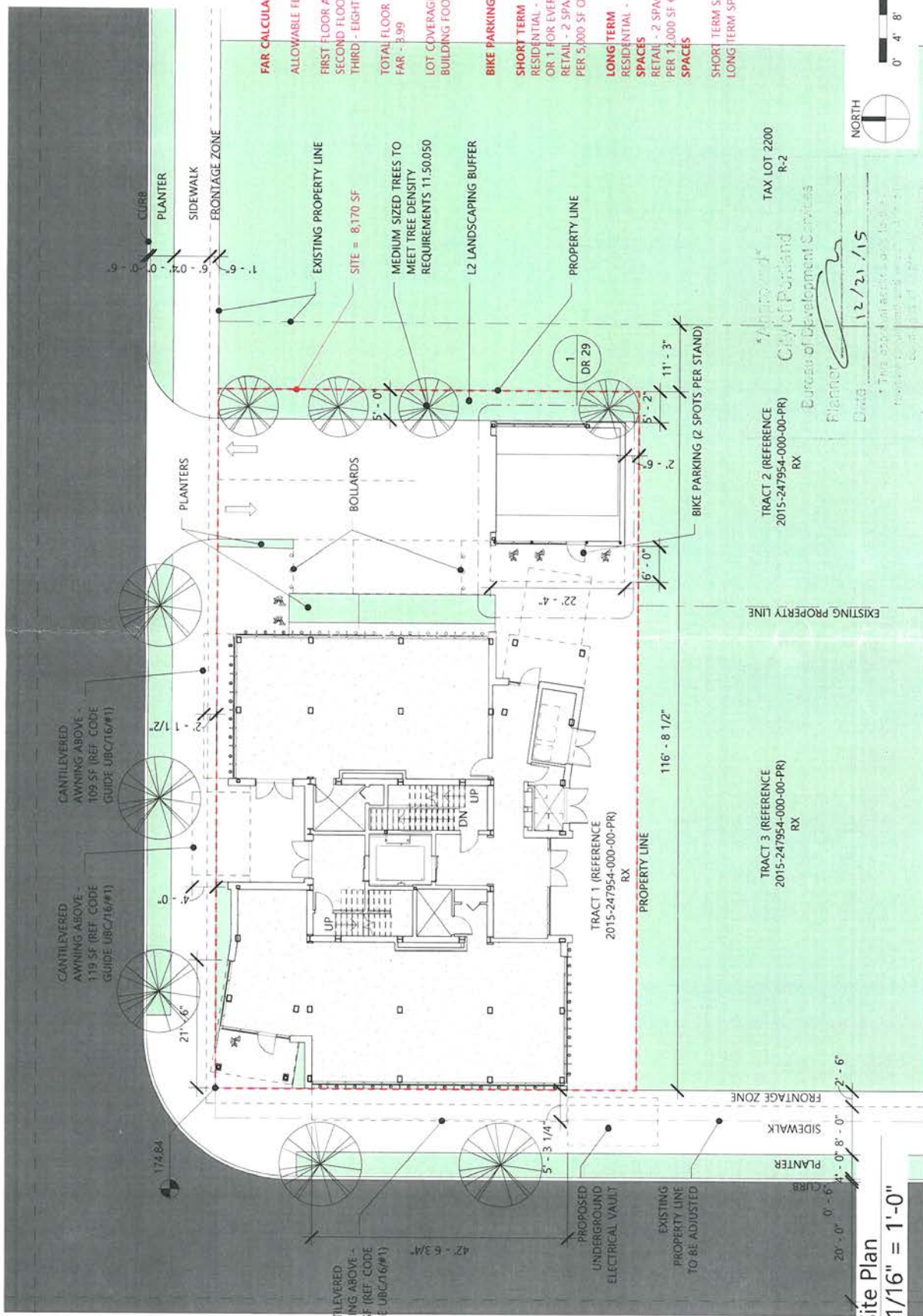
ZONING

-  Site
-  Also Owned



This site lies within the:
ALBINA COMMUNITY PLAN DISTRICT

File No. LU 15-184171 DZ AD
 1/4 Section 2730
 Scale 1 inch = 200 feet
 State_Id 1N1E27AA 2400
 Exhibit B (Dec 18, 2015)



1. Site Plan
1/16" = 1'-0"

FAR CALCULATION
 ALLOWABLE FLOOR AREA - 32,680 SF
 FIRST FLOOR AREA - 4,128 SF
 SECOND FLOOR AREA - 4,038 SF
 THIRD - EIGHTH AREA - 4,077 SF
 TOTAL FLOOR AREA - 32,628 SF
 FAR - 8.99
 LOT COVERAGE - 4,602 SF
 BUILDING FOOTPRINT - 4,101 SF

BIKE PARKING CALCULATION
SHORT TERM
 RESIDENTIAL - 2 SPACES REQUIRED,
 OR 1 FOR EVERY 20 UNITS - 2 SPACES
 RETAIL - 2 SPACES REQUIRED, OR 1
 PER 5,000 SF OF NET AREA - 2 SPACES

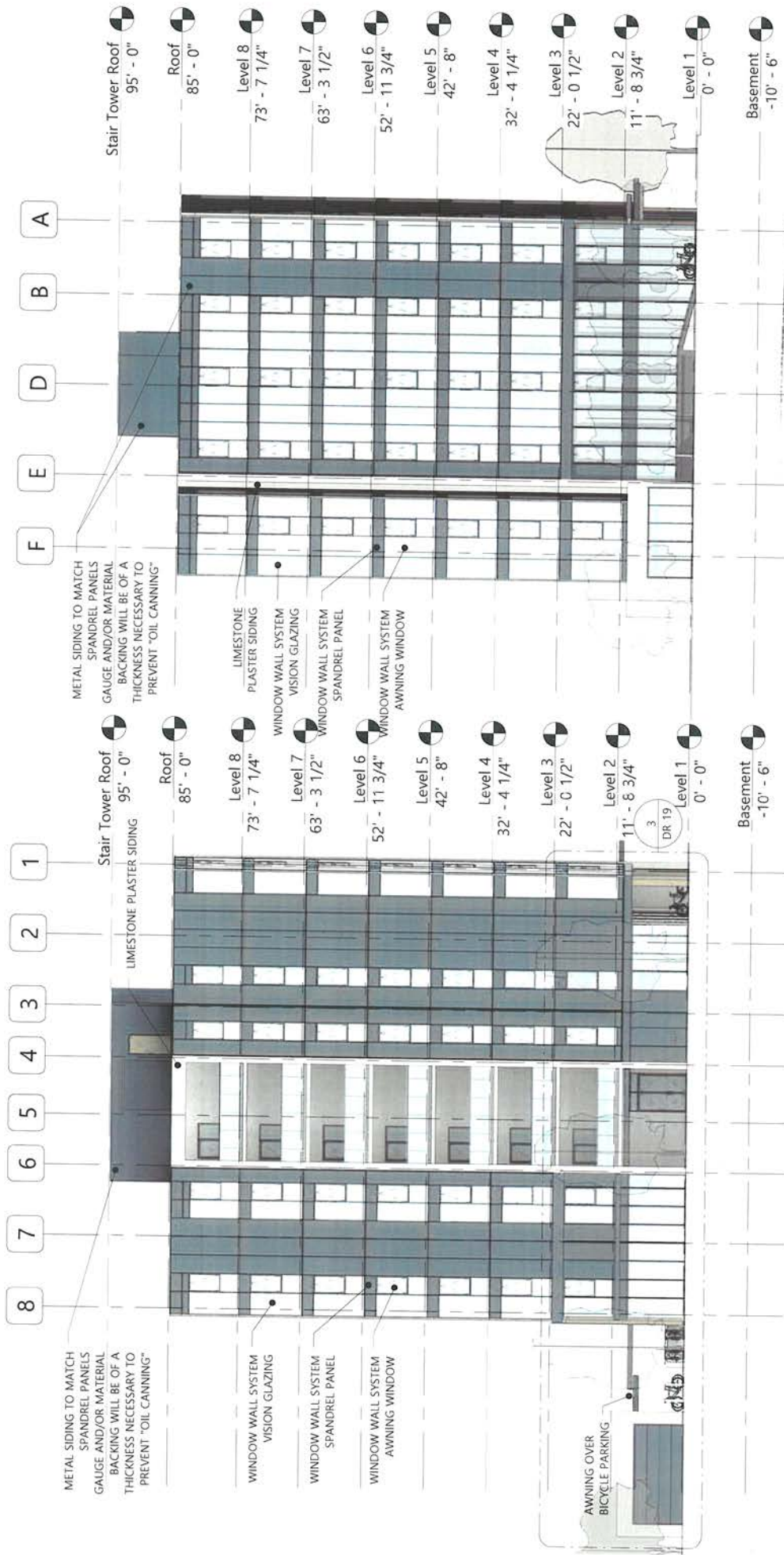
LONG TERM
 RESIDENTIAL - 1 SPACE PER UNIT - 14
SPACES
 RETAIL - 2 SPACES REQUIRED, OR 1
 PER 12,000 SF OF NET AREA - 2
SPACES
 SHORT TERM SPOTS PROPOSED - 12
 LONG TERM SPOTS PROPOSED - 16



TAX LOT 2200
R-2
 City of Portland
 Bureau of Development Services
 Planner
 Date: 12/21/15

Carbon 12
 Design Review Application
 06.05.15
 Rev #4 10.09.15
 DR 05

SITE PLAN
 LU 15-184171 DZ C.4



1. North Elevation
1/16" = 1'-0"

2. East Elevation
1/16" = 1'-0"

Approved*
City of Portland
Bureau of Development Services
12/21/15



PATH ARCHITECTURE

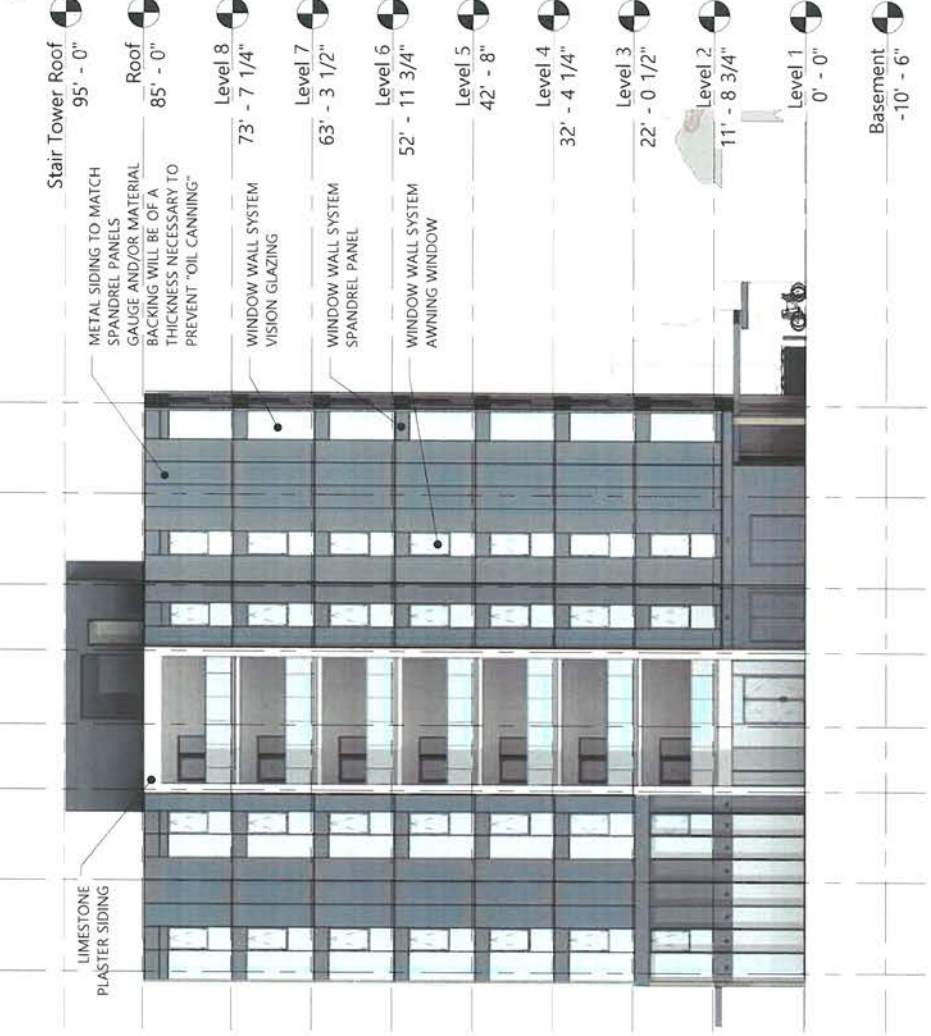
NORTH AND EAST ELEVATIONS
LU 15-184171 DZ C.11

Carbon 12
Design Review Application
06.06.15
Rev # 4 10.09.15

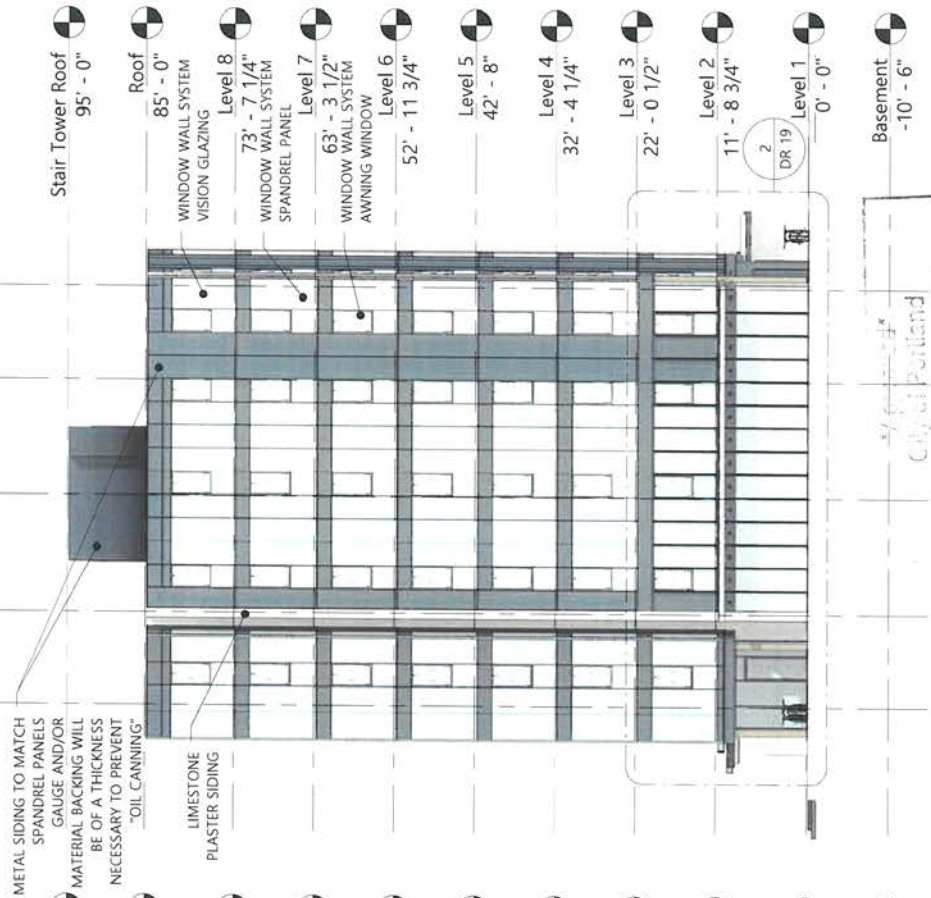
DR 12

1 2 3 4 5 6 7 8

A B D E F



1. South Elevation
1/16" = 1'-0"



2. West Elevation
1/16" = 1'-0"

City of Portland
Bureau of Development Services
Planner: [Signature]
Date: 12/21/15

* This approval applies only to the
reviewed package and is subject to all
conditions of approval.
Additional approvals may apply.



PATH ARCHITECTURE

SOUTH AND WEST ELEVATIONS
LU 15-184171 DZ C.12

Carbon 12
Design Review Application
06.05.15
Rev #4 10.09.15

DR 13