

# City of Portland, Oregon Bureau of Development Services Land Use Services

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**Date:** June 3, 2009

**To:** Interested Person

**From:** Chris Caruso, Land Use Services

503-823-5747 / Christine.Caruso@ci.portland.or.us

# 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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

# CASE FILE NUMBER: LU 09-101831 DZM 3638 N. WILLIAMS AVENUE – THE ALBERT APARTMENTS

## **GENERAL INFORMATION**

**Applicant:** Chris Peterson (architect/contact)

LRS Architects, Inc. 720 NW Davis, Ste 300 Portland, OR 97209

**Representative:** Jack Menashe (owner)

RUJAX 1, LLC 11359 NE Halsey Portland, OR 97220

Site Address: 3632-3638 N WILLIAMS AVENUE

**LOT 12 BLOCK 25, ALBINA HMSTD; LOT 13 BLOCK 25, ALBINA** 

HMSTD; LOT 14 BLOCK 25, ALBINA HMSTD; N 1/2 OF LOT 15 BLOCK 25, ALBINA HMSTD; S 1/2 OF LOT 15 BLOCK 25, ALBINA

HMSTD; LOT 16 BLOCK 25, ALBINA HMSTD

**Tax Account No.:** R010505270, R010505280, R010505290, R010505300, R010505310,

R010505320

**State ID No.:** 1N1E22DD 20600, 1N1E22DD 20700, 1N1E22DD 20800,

1N1E22DD 21000, 1N1E22DD 20900, 1N1E22DD 21100

Quarter Section: 2630

**Neighborhood:** Boise, contact Christopher Sahli at 503-807-7905

**Business District:** North-Northeast Business Association, contact Joice Taylor at

503-445-1321

**District Coalition:** Northeast Coalition of Neighborhoods, contact Lauren McCartney at

503-823-4135

**Zoning:** EXd – Central Employment with Design Overlay

Other Designations: Albina Community Plan Area

Case Type: DZM – Design Review with Modifications

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

**Proposal:** The applicant seeks Design Review approval with Modifications for a new 65,377 SF, four-story, mixed-use building with ground floor retail and three stories of apartments above, totaling 72 units, 49 surface parking spaces (34 are tuck-under spaces), and 3 motorcycle parking spaces accessed through secured entrances from NE Beech and N Williams. Multiple retail tenant entries are provided along N. Williams in addition to the main residential lobby entry in the center of the building.

The building is characterized by a series of projecting bays and recessed balconies anchored at each corner by larger masses that are capped with projecting roof eaves. The bays and corner elements are differentiated from each other by an alternating rhythm of painted cement panels and horizontal cement siding as well as by differences in the types of fiberglass windows and sliding balcony doors. This massing and material differentiation continues around each corner and across the north and south elevations. Two long projecting balconies define the NW and SW corners and are supported in part by metal brackets. Both the projecting and recessed balconies are constructed of exposed wooden structural elements with metal railings and tiebacks. The ground floor finish materials include a concrete base and textured cement panels laid in a masonry pattern, large areas of glazed fiberglass-framed storefront, two rolling, perforated metal garage entry gates, and roll-up glazed garage-style doors at the NW corner.

The rear of the building utilizes the same materials, distinct corner masses, projecting balconies, and differentiation of vertical bays by material usage. A majority (34) of the 49 surface parking spaces are tucked underneath the building with the remaining 15 spaces placed along the east lot line. Perimeter parking lot landscaping and a 6- foot tall sight-obscuring wooden fence will be provided along this edge. The parking area also includes bicycle spaces, two loading spaces, and a secondary entry into the residential lobby.

Exterior lighting includes parking area lights underneath the building overhang, wall sconces at the retail and residential entries, and up-down wall washers to accent the NW and SW corner roofs. Signage includes one metal blade sign at each retail entrance and one internally illuminated building sign at the N Williams residential entrance. The development will be applying for LEED Silver certification. The LEED (Leadership in Energy and Environmental Design) rating system is a voluntary program designed to encourage sustainable development and construction.

Because the proposal is for new construction on a site with a design overlay zone, Design Review is required.

This application also includes the following three Modification requests:

- 1. <u>33.140.215.B Minimum building setbacks</u> requires building walls adjacent to residentially zoned side and rear lot lines be set back a minimum of 14 feet. The proposal requests approval to reduce the rear setback to 11'-0" for 36'-4" along both the NE and SE building corners and to 9'-0" for 24'-8" to accommodate two bay projections in the same locations.
- 2. <u>33.266.130.G.3 Parking area setbacks and landscaping</u> requires 45 square feet of interior landscaped area for each of the uncovered parking spaces if there are more than 10 uncovered parking spaces. The proposal requests approval to supply no interior parking lot landscaping. There will be a 5-foot wide landscaped buffer and a 6-foot tall sight-obscuring wooden fence (pre-existing condition) at the rear lot line.
- 3. <u>33.266.310.D Size of loading spaces</u> requires loading spaces be at least 35 feet long, 10 feet wide and have a clearance of 13 feet. The proposal requests approval for two smaller spaces along the southern wall of the building, with each space measuring 24 feet long and 10 feet wide with 13 feet of clearance above.

## Relevant Approval Criteria:

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

Chapter 33.825 Design Review

- Community Design Guidelines
- 33.825.040 Modifications That Will Better Meet Design Review Requirements

#### **ANALYSIS**

**Site and Vicinity:** The 25,000 SF project site is composed of 6 lots on the west side of a block that is bounded by NE Beech and NE Fremont Streets and by N Williams and NE Cleveland Avenues and is within the Albina Community Plan Area. The site was recently occupied by abandoned commercial and residential structures. The lot immediately south of the site is the location for a dry cleaner and a market. Lots on the east side of the block along NE Cleveland are zoned R2.5a and occupied by older single-family residences. The large corner lot across N Williams to the west of the site is the location of the Life Change Christian Center. A commercial business and vacant lot are immediately south of that lot. The vicinity around the subject site is a mix of commercial, retail, light industrial, and residential uses. Redevelopment of vacant and underutilized parcels along the N Williams-N Vancouver couplet has begun to revitalize the surrounding area.

N Williams Avenue is designated a Transit Access Street, Neighborhood Collector Street, City Bikeway, and City Walkway in the Portland Transportation System Plan. Traffic runs northbound on N Williams and southbound on N Vancouver, creating a couplet in this area. N Williams is also a major bicycle commuter route. NE Fremont Street is designated a Transit Access Street and City Bikeway, and NE Beech Street is designated a Local Service Bikeway and Local Service Walkway.

**Zoning:** The <u>Central Employment (EX) zone</u> allows mixed uses and is intended for areas in the center of the city that have predominantly industrial-type development. The intent of the zone is to allow industrial and commercial uses that need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

The <u>Design (d) overlay zone</u> 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 must meet the Community Design Standards (Chapter 33.218) or are subject to design review.

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

• <u>VZ 181-64</u>: Approval of a variance for the installation of a 12' x 25' non-illuminated poster panel on the east side of N. Williams Avenue.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **April 22, 2009**. The following Bureaus have responded with no issues or concerns:

- Fire Bureau
- Parks Bureau Urban Forestry
- Life Safety Review Section of BDS (see Exhibit E-1)

The <u>Site Development Section of BDS</u> responded with the following comment (see Exhibit E-2a & 2b for additional details):

Site Development has reviewed the revised Preliminary Storm Drainage Calculations dated May 14, 2009 and the accompanying Site Utility Feasibility Plan prepared by Compass Engineering. The conceptual stormwater design utilizing lined vegetated swales with

overflow to drywells is acceptable. Site Development has no objection to Design Review approval, provided that BES and BDS Design Review staff determine that landscaping in the lined swale can satisfy requirements of the Portland Zoning Code and the Stormwater Management Manual.

The **<u>Bureau of Environmental Services</u>** responded with the following comment (see Exhibit E-3 for additional details):

- 1. For proposed development projects, BDS Site Development approves any on-site disposal of stormwater runoff on private property and BES approves any discharges of stormwater runoff off-site. For this particular project, BDS Site Development has reviewed revised information and determined that the conceptual stormwater design utilizing lined vegetated swales with overflow to drywells is acceptable.
- 2. The applicant has coordinated with BES and BDS regarding plantings within the proposed lined vegetated stormwater swales along the eastern property boundary. Proposed vegetation must satisfy Stormwater Management Manual requirements to the maximum extent feasible and Portland Zoning Code requirements for landscaping. Vegetation planted within the lined swales should not penetrate the liner and must be planted carefully in order to avoid damage to the liner during installation. Vegetation must be planted within a minimum growing medium depth of 24-inches.
- 3. BES determined that the following vegetation can meet BES requirements for plantings within stormwater facilities and BDS Zoning Code requirements for landscaping:

#### Suitable small trees:

Hedge Maple A. compestre David's Maple A. davidii Amur Maple A. ginnala Amur Maackia Maackia amurensis Cascara Rhamnus purshiana

#### Suitable evergreen shrubs:

American Arborvitae Thuja occidentalis (Emerald) Cinnamon Leaf Virburnum Viburnum cinnamomifolium Laurustinus Viburnum Viburnum tinus

4. The applicant submitted revised information incorporating vegetation from the above list within the proposed lined swales along the eastern property boundary, which is acceptable to BES.

The <u>Water Bureau</u> responded with the following comment (see Exhibit E-4 for additional details):

Conditions of Approval: The applicant must consolidate the tax lots into one tax lot. This can be completed at Multnomah County Records Management Division.

The <u>Bureau of Transportation Engineering and Development Review</u> responded with the following comment (see Exhibit E-5 for additional details):

Portland Transportation has reviewed the modification request and has no objection to the modification to allow two 24-foot long loading spaces in lieu of the one required 35-foot long loading spaces.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on April 22, 2009. Four (4) responses were received from notified property owners.

1. <u>Tracy Olson, 3535 NE Cleveland, May 5, 2009</u> – 7-page letter in opposition to the project citing a lack of public notice and citizen involvement, inability to justify the modification requests, inability of the project to meet the design guidelines, economic foolishness of developing more residences when there are vacant units in the area, and disregard for the project's environmental impact.

- 2. <u>Ellen Cusick, Land Use Chair Boise Neighborhood Association, May 12, 2008</u> an email stating the Neighborhood Association's opposition to the requested setback and landscaping modifications.
- 3. <u>Felicia Whitlow, May 11, 2009</u> 14-person signed petition opposed to the project based on the number of stories, overall scale, and parking ratio less than 1:1.
- 4. <u>Cathy Galbraith, Architectural Heritage Center, 701 SE Grand Ave, May 13, 2009</u> opposed to the setback modification requests, number of stories, cement board exterior materials at the first story, the lack of plan area character-defining features, and the lack of demolition notice of the former House of Sound building.

# Staff Response:

- The existing buildings on the site were not protected historic landmarks or designated contributing structures and could be demolished through standard code procedures.
- The developer was required to, and did, mail certified letters to both the neighborhood association and coalition prior to submitting the design review application but received no responses from either organization.
- The building's height and massing as proposed are less than currently allowed through its EXd zoning designation (65 feet with 100% site coverage), there is no minimum parking requirement along high-frequency transit lines like N. Williams Avenue, and the building does set back farther than required along a majority of the east property line.
- The building's form and details reflect the mix of residential and commercial structures in this area and the building will be using a number of sustainable elements as it seeks a LEED Silver rating.

Please refer to approval criteria below for additional information.

#### 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 (d) overlay zoning; therefore, the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Community Design Guidelines.

#### I. 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 site lies within the Albina Community Plan Area and is supportive of the Plan Area's goals for developing underutilized lots, creating new affordable rental units, and locating density along major commercial streets. The building's close relationship with the street, ground floor retail, articulated façade of projecting bays, small scale siding products, brackets, eave overhangs, and the use of both punched window openings and commercial storefront, reflects the mix of commercial and residential building styles in the neighborhood. *This quideline 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.
- **E2. Stopping Places.** New large-scale projects should provide comfortable places along pedestrian circulation routes where people may stop, visit, meet, and rest.
- **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.
- **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.
- **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 for E1, E2, E3, E4 and E5:** The proposal connects each tenant entry and the residential lobby entry directly to the adjoining sidewalks, maintaining a safe pedestrian network. Pedestrians are buffered from the vehicle areas by two sets of perforated gates that secure the parking area from the streets. Protected areas are provided along both street frontages for pedestrians to comfortably interact, including a large wrap-around balcony projecting from the building's NW corner, recessed retail entrances that are protected by overhead bay or balcony projections, and a planter with a wide top ledge located in front of the main residential lobby. Street-level facades are differentiated from the upper residential levels by the use of textured cement panels, a concrete base, small-scale tenant signage, and commercial storefront systems. The building's corner location provides an active area at the intersection of N Williams and NE Beech by providing a long, wrap-around balcony above and roll-up garage doors on both facades, allowing the corner tenant space to completely open onto the sidewalk. The building's massing also reinforces this corner by becoming a solid form capped by a large projecting eave featuring decorative lighting. *These guidelines are 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 landscaped areas along the NE, SW, and south property line and the perimeter stormwater treatment plantings along the east property line provide a vegetated buffer between the building, its parking areas, and the adjacent sidewalks and residential lots. The building's C-shape allows for a number of the surface parking spaces to be placed underneath the second floor overhang, providing shade and shadow to cool the paved surfaces. The trees along the property lines and both street frontages enable the taller mixed-use building to blend into the neighborhood, while providing shade for the exposed surface parking area, adjacent public sidewalks, and nearby residential properties. The planter along N Williams highlights the main

residential entry. Outdoor areas for residents to gather and store their bicycles are provided along the east wall of the building and at the SE corner of the parking area and all areas of the site are connected via paved circulation routes that are accessible, pleasant and safe. *These quidelines are therefore met.* 

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

**Findings:** Ground floor entrances are prominent and reflect the development's urban character through their street-facing orientation and high degree of transparency. The double entry doors are recessed and flanked by storefront while the NW retail corner features large, glazed roll-up garage doors. While the retail space is the focus of the ground floor, the residential entry is prominently located in the center of the building, along N Williams, and is highlighted with distinct signage and a concrete planter. All entries are pedestrian and transit accessible. *This quideline 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 building is placed close to the street, allowing the surface parking area to be set back, away from the pedestrian realm. A majority of the parking spaces are tucked underneath the building's second story overhang, further minimizing the parking area's negative impact on the community. The only parking spaces visible from the street will be partially obscured by the building's corner concrete shear wall as well as an appropriate street-facing landscape buffer. The parking area is accessed through two secured rolling doors that integrate into the overall building composition. The parking area is also buffered from the adjacent residential properties to the east by a 5 foot wide stormwater planting strip and a 6 foot tall sight-obscuring wood fence. *This quideline 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 proposed development helps to discourage neighborhood crime through a strong visual connection between the building interior and the street. Street-facing facades are designed with large areas of transparent glazing at the ground floor and significant glazing on the upper floors. Building walls that face the interior parking area also have large numbers of windows from each upper story unit and from the rear lobby entry. Two large areas are provided in the parking area for bicycles, encouraging more active daily use of this space. The parking area is secured and only residents will be able to access it. Exterior night lighting will be provided along all street frontages as well as at the rear of the building to illuminate the parking area. *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.
- **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 for D7 and D8:** The C-shaped building is divided into three sections, two corner masses that are articulated by distinct projecting eaves and continuous balcony projections, and a central section of recessed bays with balconies that follows a clear

rhythm across the façade. This massing treatment continues around the entire building. Further divisions are made within each building section by the use of larger groups of windows in the corners and smaller scaled windows and balcony doors in the center section. The building is also clearly divided between the ground floor and upper floors by the use of differing cement panel and siding systems for commercial and residential areas. The façade is appropriately transparent along street frontages, particularly at the ground floor, with a more opaque treatment facing abutting lots. The use of a consistent architectural vocabulary across all frontages and floors promotes a strong building identity that creates a compelling presence along the street.

Cladding materials are complimentary and durable, combining fiberglass-framed windows and storefront; concrete shear walls and stem walls; metal bracketing, signage, and railing details; exposed wood elements at balconies and eaves, and varying types of cement panels and cement board lap siding. Neighboring commercial/industrial buildings exhibit concrete and wood exteriors while residential homes are most often wood construction with eave overhangs and bracket details. Recently developed multiuse projects along the N Williams and N Vancouver corridor are also a combination of wood, concrete, metal, and various panel systems. The building is appropriately scaled for the site, and architecturally proportioned to complement the mixed commercial and residential neighborhood. *These quidelines are therefore met*.

#### II. 33.825 Modifications

# 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. These 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 concentration of uses) 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.

**Modification #1:** 33.140.215.B Minimum building setbacks requires building walls adjacent to residentially zoned side and rear lot lines be set back a minimum of 14 feet. The proposal requests approval to reduce the rear setback to 11'-0" for 36'-4" along both the NE and SE building corners and to 9'-0" for 24'-8" to accommodate two bay projections in the same locations.

33.140.215 A. Purpose. The setback standards promote different streetscapes. The EG1, IG1, and EX zone setbacks reflect the generally built-up character of these areas. The setback standards are also intended to ensure that development will preserve light, air, and privacy for abutting residential zones. In the EG1 and EX zones, the setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users.

**Findings for design guidelines:** The amount of building projecting into the required setback is limited to the north and south corners and allows for the creation of a visually interesting, cohesive architectural design where the overall mass of the building is broken down into discreet pieces instead of being a consistent wall set back a uniform dimension from the east property line. The building's primary compositional elements are carried across all sides of the building in a sensitive manner that doesn't

overshadow the rear yards of neighboring residences. These conditions better meet Design Guideline *D8 Interest Quality and Composition* and *D7 Blending Into the Neighborhood*. The "C"-shaped building form also allows the building to better address the street along NE Beech and provides a large number of tuck-under parking spaces in place of exposed surface parking area. This allows the building to better blend into the neighborhood by providing building wall at street edges and mitigates the affect of the parking area by pulling it away from the street, behind gates, and providing additional shade on the site per Design Guidelines *D4 Parking Areas and Garages* and *D7 Blending Into the Neighborhood*.

Findings for purpose of the standard: The proposal maintains light, air and privacy for the adjacent residential properties to the east by locating the building projections at the north and south ends of the building, pulling the majority of the interior mass away from the east property line an average of 36 feet, well above the code-required 14 feet. The amount of shadow cast by the projections are limited due to their locations on the site. With the accompanying fence and landscaped stormwater swale featuring tall shrubs and trees, views of the building from the neighboring properties will be limited to the upper floors. And will be partially screened by trees. The overall building form with its large glazed ground floor areas, street-facing entries, balcony overhangs, and interior parking area, as well as its location tight to the property lines at both streets creates an inviting urban environment for pedestrians and transit users.

The proposal equally or better meets the applicable Design Guidelines and purpose of the standard. This modification therefore merits approval.

**Modification #2:** 33.266.130.G.3 Parking area setbacks and landscaping requires 45 square feet of interior landscaped area for each of the uncovered parking spaces if there are more than 10 uncovered parking spaces. The proposal requests approval to supply no interior parking lot landscaping. There will be a 5-foot wide landscaped buffer and 6-foot tall sight-obscuring wooden fence along the east property line, a 5 foot wide landscaped buffer along the south property line, and a 5 foot wide landscape buffer at the northeast corner of the site between the parking area and the sidewalk.

33.266.130 A. Purpose. The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones. Together with the transit street building setback standards in the base zone chapters, the vehicle area restrictions for sites on transit streets and in Pedestrian Districts:

- Provide a pedestrian access that is protected from auto traffic; and
- Create an environment that is inviting to pedestrians and transit users.

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

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

**Findings for design guidelines:** Design Guideline *D4 Parking Areas and* Garages is equally met on the site by the complete screening of the surface parking area through a

number of carefully placed landscape and site elements, the installation of on-site stormwater facilities, and shade provided by the tuck-under parking and perimeter street trees. Placing the parking at the interior of the site with a majority of the spaces tucked under the second floor overhang decreases the overall impact of the surface parking by making it less visible, pulling it away from the pedestrian realm, and creating the shade that interior parking lot landscaping is expected to provide. The building's C-shaped layout allows the north façade to continue along NE Beech Street, placing the parking behind a metal gate and fence, and buffering pedestrians from vehicle areas. Additional buffering and screening is provided by landscaping and fencing along the south property line, a landscape buffer and 6 foot tall sight-obscuring wooden fence along the east property line, and a landscape area at the northeast corner of the site along NE Beech Street. Stormwater runoff will be also be managed by the eastern landscape buffer.

**Findings for purpose of the standard:** The parking area layout promotes safe interior circulation by providing a clear one-way traffic pattern with secure, gated access from both N Williams and NE Beech. Stormwater runoff will be treated on-site by a combination swale and landscape buffer at the east property line. The parking area is completely buffered from the adjacent sidewalks, streets, and residential zones by landscaped buffers and fencing along the east, south, and northeast property lines, which also serves to soften the parking lot's appearance. The building's C-shaped massing and second floor overhang with tuck-under parking for a portion of the surface lot will shade and cool a large portion of the paved area, reducing the parking lot's impact in lieu of interior landscaping.

The proposal equally or better meets the applicable Design Guidelines and purpose of the standard. This modification therefore merits approval.

**Modification #3:** 33.266.310.D Size of loading spaces requires loading spaces be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet. The proposal requests approval for two smaller spaces along the southern wall of the building, with each space measuring 24 feet long and 10 feet wide with 13 feet of clearance above.

33.266.310 A. Purpose. 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.

**Findings for design guidelines:** The modification to reduce the length of the two required loading spaces allows them to be integrated into the interior parking area so that they are not visible from the street, will not interfere with on-site parking, protect pedestrians from vehicle areas, and do not negatively impact the pedestrian experience in the public rights-of-way per Design Guideline *D4 Parking Area and Garages*.

Findings for purpose of the standard: Containing the loading spaces on site, tucked below the building's second story reduces negative impacts on traffic safety or other transportation functions of the abutting rights-of-way. Portland Transportation has reviewed the modification request and has no objection to the modification to allow two 24-foot long loading spaces in lieu of the one required 35-foot long loading spaces. A loading space length of approximately 24 feet can accommodate small to medium sized moving trucks, box trucks, and the larger sprinter service vans. This size of space is appropriate for the subject site given the limited amount of retail. The loading needs of the site will be met by the alternative proposed, and therefore, the loading modification resulting in two 24-foot long loading spaces will not negatively affect the traffic safety or other transportation functions of the abutting right-of-way. Granting of the modification will equally meet the transportation related purpose of the Loading Standards code.

The proposal equally or better meets the applicable Design Guidelines and purpose of the standard. This modification therefore 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 four-story mixed-use building at the corner of N Williams Avenue and NE Beech Street fulfills many of the Albina Community Plan Area objectives and is a significant contribution to the Vancouver-Williams corridor. The proposal's cohesive architectural composition blends well with existing and new commercial and residential development. The building addresses the street with transparent ground floor windows, multiple tenant entries, protective balcony overhangs, appropriate corner massing, a pedestrian-scaled sidewalk edge, and small landscape buffers. Entries are prominent and accessible from the street while parking is completely screened from the street and adjacent properties. The project satisfies the applicable design guidelines and modification criteria and therefore warrants approval.

#### ADMINISTRATIVE DECISION

Approval of design review for a new four-story, mixed-use building with ground floor retail, 49 parking spaces and 2 loading spaces in the Albina Community Plan Area; and

Approval of the following Modifications:

- 1. <u>33.140.215.B Minimum building setbacks</u> Reduce the minimum building setback along the east property line to reduce the rear setback to 11'-0" for 36'-4" feet along both the NE and SE building corners and to 9'-0" for 24'-8" to accommodate two bay projections in the same locations [PZC 33.140.215.B].
- 2. <u>33.266.130.G.3 Parking area setbacks and landscaping</u> Provide no interior parking lot landscaping [PZC 33.266.130.G.3].
- 3. <u>33.266.310.D Size of loading spaces</u> Provide two smaller 24 foot long, 10 foot wide, and 13 foot clear, on-site loading spaces[PZC 33.266.310.D]; and

Approved per the approved site plans, Exhibits C-1 through C-33, signed and dated May 29, 2009, 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 09-101831 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The lined stormwater facility along the east property line must contain a minimum of 24" planting medium and must contain L3 landscaping for screening. Soil depths greater than 24" are acceptable.
- C. The applicant must consolidate the individual tax lots into one tax lot.

Staff Planner: Chris Caruso

Decision rendered by: \_\_\_\_\_\_ May 29, 2009

By authority of the Director of the Bureau of Development Services

Decision mailed: June 3, 2009

**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 January 12, 2009, and was determined to be complete on **April 14, 2009**.

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 January 12, 2009.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended for 30 days. Unless further extended by the applicant, **the120 days will expire on: September 12, 2009.** 

## 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 June 17, 2009** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth 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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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 <a href="https://www.portlandonline.com">www.portlandonline.com</a>.

**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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 June 18, 2009 (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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**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.

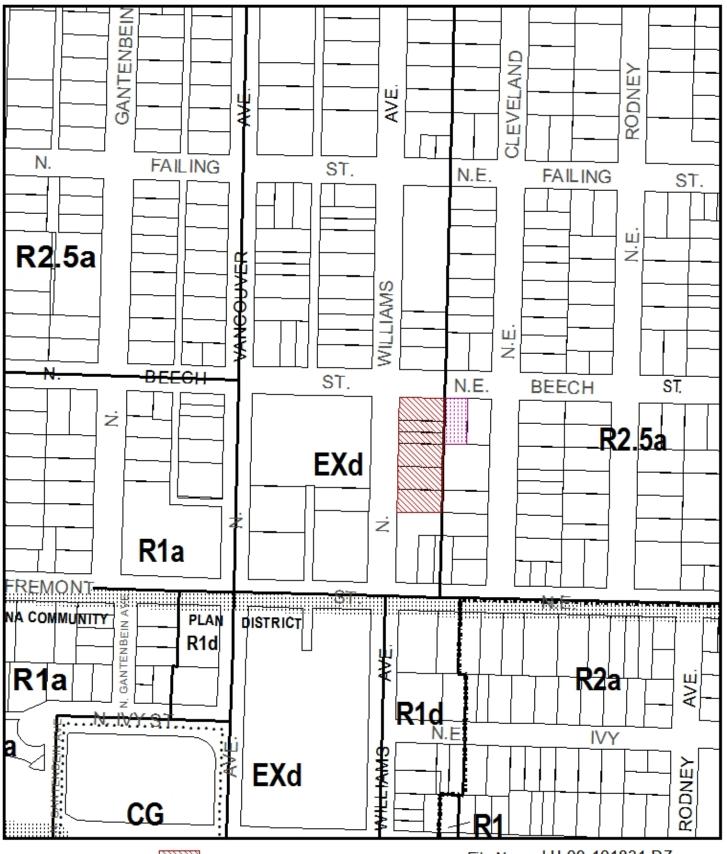
#### **EXHIBITS**

#### NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements
  - 1. Statement of Proposal
  - 2. Preliminary Storm Drainage Calculations, Dec. 19, 2008
  - 3. Geotechnical Report, Nov. 19, 2008
  - 4. 120-Day Waiver, May 15, 2009
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Site Utility Feasibility Plan
  - 3. Clearing, Grading and Erosion Control Plan
  - 4. Landscape Planting Plan (attached)
  - 5. Landscape Legend
  - 6. Landscape Notes
  - 7. Landscape Details
  - 8. Ground Floor Lighting Plan
  - 9. Ground Floor Plan (attached)
  - 10. Second Thru Fourth Floor Plan
  - 11. Roof Plan
  - 12. West & North Elevations (attached)
  - 13. East & South Elevations (attached)
  - 14. D2 Details
  - 15. D3 Details
  - 16. P1 Perspective Rendering
  - 17. P2 Perspective Rendering
  - 18. P3 Perspective Rendering (attached)
  - 19. P5 Perspective Rendering
  - 20. P6 Perspective Rendering
  - 21. P7 Perspective Rendering
  - 22. P8 Perspective Rendering
  - 23. Nightime Renderings (3 pages)
  - 24. E3 Enlarged Elevations
  - 25. E4 Enlarged Elevations
  - 26. Exterior Finishes
  - 27. Nichia fiber cement panel specifications
  - 28. Milguard 3310U window specifications
  - 29. Light fixture cut sheets
  - 30. Fence examples
  - 31. D1 Details

- 32. D4 Details
- 33. E5 Street Elevations/Sections
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety Review Section of BDS
  - 2a. Site Development Review Section of BDS
  - 2b. Site Development Review Section of BDS Addendum
  - 3. Bureau of Environmental Services
  - 4. Water Bureau
  - 5. Bureau of Transportation Engineering and Development Review
- F. Correspondence:
  - 1. Tracy Olson, May 5, 2009, opposed to project.
  - 2. Ellen Cusick, May 12, 2009, opposed to project.
  - 3. Felicia Whitlow + 13 other petition signers, May 11, 2009, opposed to project.
  - 4. Cathy Galbraith, Architectural Heritage Center, May 13, 2009, opposed to project.
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research
  - 3. Incomplete Letter, January 27, 2009
  - 4. Beranger project sample photos, January 2009
  - 5. Site photos and survey, March 17, 2009

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).





NORTH

File No.	LU 09-101831 DZ	_
1/4 Section	2630	_
	1 inch = 200 feet	_
State Id _	1N1E22DD 20800	_
Evhibit	B (Jan 16,2009)	_

