



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Ave., Suite 5000
Portland, Oregon 97201
Telephone: (503) 823-7300
TDD: (503) 823-6868
FAX: (503) 823-5630
www.portlandonline.com/bds

**NOTICE OF FINAL
FINDINGS, CONCLUSIONS AND DECISION
OF THE CITY OF PORTLAND DESIGN COMMISSION
ON AN
APPEALED ADMINISTRATIVE DECISION
(Type II Process)**

**CASE FILE: LU 09-101831 DZM – The Albert Apartments
LOCATION: 3632-3638 N Williams Avenue**

The Portland Design Commission has supported a staff decision of approval for a proposal in your neighborhood. The reasons for the decision are included in this notice. The decision of the Portland Design Commission is final.

The administrative decision for this case, published on June 3, 2009, was appealed to the Design Commission by the Boise Neighborhood Association and Ms. Tracy Olson. A first public hearing was held on July 16, 2009 and a second public hearing was held on August 20, 2009. The administrative analysis, findings and conclusions were adopted by the Design Commission with additional conditions of approval on **August 20, 2009**. The administrative decision can be found on line at: <http://www.portland.com/bds/index.cfm?c-36652>

I. 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

Appellant: Sara Gray
Boise Neighborhood Association
3903 N. Mississippi Avenue
Portland, OR 97227

Appellant: Tracy Olson
3535 NE Cleveland Street
Portland, OR 97212

Site Address: 3632-3638 N WILLIAMS AVENUE

Legal Description: 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 Sara Gray at 503-867-1866

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 62,240 SF, four-story, mixed-use building with ground floor retail and three stories of apartments above, totaling 72 units, 49 surface parking spaces (35 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. Bicycle parking is provided in front of the N Williams lobby entrance as well as in two secure locations behind the building.

The building is characterized by a series of projecting bays and recessed balconies anchored at each corner by larger elements 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. A series of lower metal canopies along N Williams in between the higher corner wrap-around balcony canopies provide additional weather protection and create an undulating horizontal rhythm across the façade. The NW corner has been chamfered back 11 feet from the property line to provide a large paved public area. Both the projecting and recessed balconies are constructed of exposed wooden structural elements with metal railings and tie-backs. 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 and in one location along the N Williams facade.

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 tucked between the heavy timber framing members of the rear building overhang, rear lot line bollards, wall sconces at retail and residential entries, and up-down wall washers that accent the NW and SW corner roofs. Signage includes seven projecting blade signs, one building name sign, and three fascia signs. 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 two Modification requests: *The modification request to reduce the rear building setback has been removed. The building as currently proposed meets setback requirements.*

1. 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 for reducing the required amount of parking lot landscaping from 675 SF to 160 SF.* There will be a 5-foot wide landscaped buffer *that also serves as a stormwater treatment facility*, and a 6-foot tall sight-obscuring wooden fence (pre-existing condition) at the rear lot line.
2. 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.

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

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 one, two, and three story 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 as well as renovation of existing commercial structures 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 Central Employment (EX) zone 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 Design (d) overlay zone 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:

- VZ 181-64: 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 Site Development Section of BDS 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 Bureau of Environmental Services 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 Viburnum *Viburnum cinnamomifolium*
 Laurustinus *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 Water Bureau 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 Bureau of Transportation Engineering and Development Review 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. Tracy Olson, 3535 NE Cleveland, May 5, 2009 – 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. Ellen Cusick, Land Use Chair Boise Neighborhood Association, May 12, 2008 – an email stating the Neighborhood Association's opposition to the requested setback and landscaping modifications.
3. Felicia Whitlow, May 11, 2009 – 14-person signed petition opposed to the project based on the number of stories, overall scale, and parking ratio less than 1:1.
4. Cathy Galbraith, Architectural Heritage Center, 701 SE Grand Ave, May 13, 2009 – 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. No additional action was required.
- 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, providing spaces for commercial enterprises, and locating density along major commercial streets. *The area is a mix of large vacant lots, wood-framed single- and multi-family residences, and renovated concrete and wood-framed streetcar-era commercial and warehouse buildings. Several large institutions and public facilities are also in the vicinity including the Life Change Christian Center, the Red Cross, Unthank Park, other public multi-story residential developments, and Emmanuel Hospital.*

The proposed Albert Apartments reflects this eclectic mix of uses and building types by incorporating materials and forms found throughout the Plan Area including residential-scale lap siding, multi-paned windows in punched openings on the upper floors, and support brackets similar to those found on local homes. Additional elements found in the Plan Area and on the proposed building include individual unit balconies similar to those on nearby residences as well as the concrete base, flat roofs, projecting eaves, street-level canopies, and ground-floor commercial storefront found on nearby commercial, institutional, and warehouse structures. The building's C-chaped form, set back upper story, and vertical bay windows breaks the overall mass into discreet elements that mimic residential forms in the area while allowing the building to create an urban edge along the adjacent commercial streets.

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.

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 *a combination of lower metal canopies*, bay or balcony projections, and a planter with a wide top ledge *at seat height* located in front of the main residential lobby. Street-level facades are differentiated from the upper residential levels by *metal canopies*, 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. *This corner is chamfered 11 feet back from the property lines and paved, creating a public open space reinforced by the overhanging building mass 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 buffer the taller mixed-use building from the neighborhood, while providing shade for the exposed surface parking area, adjacent public sidewalks, and nearby residential properties. *Expanded street tree wells will be planted with a mix of groundcover, providing additional landscaping that softens the street edge.* The seat-height planter along N Williams highlights the main residential entry while providing a stopping place. *A paved outdoor area for residents to gather runs along the side of the building facing the surface parking area and includes secure bike storage. A landscaped planter is provided in the middle of the row of uncovered parking spaces and features an evergreen tree and groundcover while a second bike parking area and gathering space for the residents is located in the SE corner of the site. The NW corner of the building is chamfered 11 feet back from the property line and is paved as an extension of the pedestrian realm, creating a larger public stopping and gathering space at this prominent corner.* All areas of the site are connected via paved circulation routes that are accessible, pleasant and safe. *These guidelines 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, *on either side of the corner entrance.* 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 distinctive signage, a concrete planter, *and short-term bicycle parking racks.* All entries are pedestrian and transit accessible. *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 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, *an intermediate planter along the east property line featuring a large evergreen tree species*, and a 6 foot tall sight-obscuring wood fence. *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 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, *wrap-around balconies, flanking a central section of recessed bays with balconies and metal canopies that creates an undulating rhythm across the N Williams façade.* This massing of vertical bay window elements 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 divided between the ground floor and upper floors by the use of differing cement panel and siding systems for commercial and residential areas, *larger storefront windows and roll-up glass doors at the street, and the line of metal canopies above each tenant entrance.* 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.

The proposed building materials are *of a high-quality* and durable, combining fiberglass-framed windows and storefront; concrete shear walls and stem walls; metal bracketing, signage, and railing details; heavy timber framing; exposed wood elements at balconies and eaves, and cement panel and lap siding. *The neighborhood is an eclectic mix of building sizes, types, and styles ranging from single-family residences to low-scale commercial structures to large institutional campuses. The building incorporates materials*

and forms found in the neighborhood, including residential-scale lap siding, multi-paned windows in punched openings, and support brackets similar to those found on local homes. Additional elements that help the building blend into the neighborhood include residential-scale balconies on the upper floors, and the concrete base, flat roofs, projecting eaves, street-level canopies, and ground-floor commercial storefront found on nearby commercial, institutional, and warehouse structures. The building's C-shaped form, set back upper story, and vertical bay windows breaks the overall mass into discreet elements that mimic residential forms in the area while allowing the building to create an urban edge along the adjacent commercial streets. Recently developed multi-use 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 guidelines 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.

The modification to reduce the rear building setback has been removed. The building as proposed meets required setbacks.

Modification #1: 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 for reducing the required amount of parking lot landscaping from 675 SF to 160 SF. There will be a 5-foot wide landscaped buffer that also serves as a stormwater treatment facility, a 6-foot tall sight-obscuring wooden fence at the rear lot 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, 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, two landscape islands inside the parking area, 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. *The intermediate planter placed in the middle of row of uncovered parking spaces features a large evergreen tree that provides additional shade and screening.* 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, fencing, building walls, and garage doors 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, plus two interior landscape islands, will shade and cool a large portion of the paved area, reducing the parking lot's impact on the environment. *The island planter located in the center of the row of uncovered parking spaces reduces the amount of paved area and provides additional shade and cooling.*

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

Modification #2: 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 and canopies, appropriate corner massing, a pedestrian-scaled sidewalk edge, and landscape buffers. Entries are prominent and accessible 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.

PORTLAND DESIGN COMMISSION DECISION on an APPEAL

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. 33.266.130.G.3 Parking area setbacks and landscaping – Reduce the required interior parking lot landscaping from 675 SF to 160 SF [PZC 33.266.130.G.3].
2. 33.266.310.D Size of loading spaces - 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-31, signed and dated May 29 and August 20, 2009, 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.
- D. The surface parking lot will contain two separate landscape planters, each a minimum of 5 feet in width and the depth of a standard parking stall, and each containing one deciduous shade tree.

The staff findings, conclusions and decision were adopted by the Design Commission on August 20, 2009.

By: 
Design Commission
Jeffrey Stuhr

Staff Planner: Chris Caruso

Date Final Decision Mailed: August 26, 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, **the 120 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.

Appeal of this Decision. This decision is final and becomes effective the day the notice of decision is mailed (noted above). This decision may not be appealed to City Council; however, it may be challenged by filing a "Notice of Intent to Appeal" with the State Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed, pursuant to ORS 197.0 and 197.830. A fee is required, and the issue being appealed must have been raised before the close of the record and with sufficient specificity to afford the review body an opportunity to respond to the issue. For further information, contact LUBA at the Public Utility Commission Building, 550 Capitol Street NE, Salem, OR 97310. [Telephone: (503)373-1265]

Recording the Final Decision.

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **August 26, 2009** (the Mailed Date).

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

- By Mail: Send the two recording sheets (sent in a separate mailing) and the final Land Use Review Decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, PO 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 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. This decision expires three years from the date the Final Decision is rendered unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, and the land decision has been recorded.

Applying for permits. A building permit, occupancy permit, or development permit must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.
- 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. Ground Floor Plan (attached)
3. Second Thru Fourth Floor Plan
4. Roof Plan
5. D1 Details
6. D2 Wall Sections
7. D3 Details
8. D4 Details
9. E1 West & North Elevations (attached)
10. E2 East & South Elevations (attached)
11. E3 Enlarged Elevations
12. E4 Enlarged Elevations
13. E5 Williams Street Elevation/Section
14. L1.1 Landscape Planting Plan (attached)
15. L1.2 Landscape Legend
16. L1.3 Landscape Notes
17. L1.4 Landscape Details
18. C1 Site Utility Feasibility Plan
19. C2 Clearing, Grading and Erosion Control Plan
20. P1 Perspective Rendering
21. P2 Perspective Rendering
22. P3 Perspective Rendering (attached)
23. P4 Perspective Rendering
24. P5 Perspective Rendering
23. Nighttime Rendering - Front
26. Nighttime Rendering - Rear
27. Exterior Finishes
28. Nichia fiber cement panel specifications
29. Milguard 3310U window specifications
30. Light fixture cut sheets
31. Fence examples
- 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
- H. Appeal:
 - 1a. Appeal Submittal
 - 1b. Appeal Submittal
 2. Appealed Decision
 3. Notice of Appeal

4. NOA Mailing list
5. Staff Power Point presentation
6. Commission Packet & Memo
- 7a. Applicant Statement
- 7b. Owner Statement

(Received During 16 Jul 2009 Hearing)

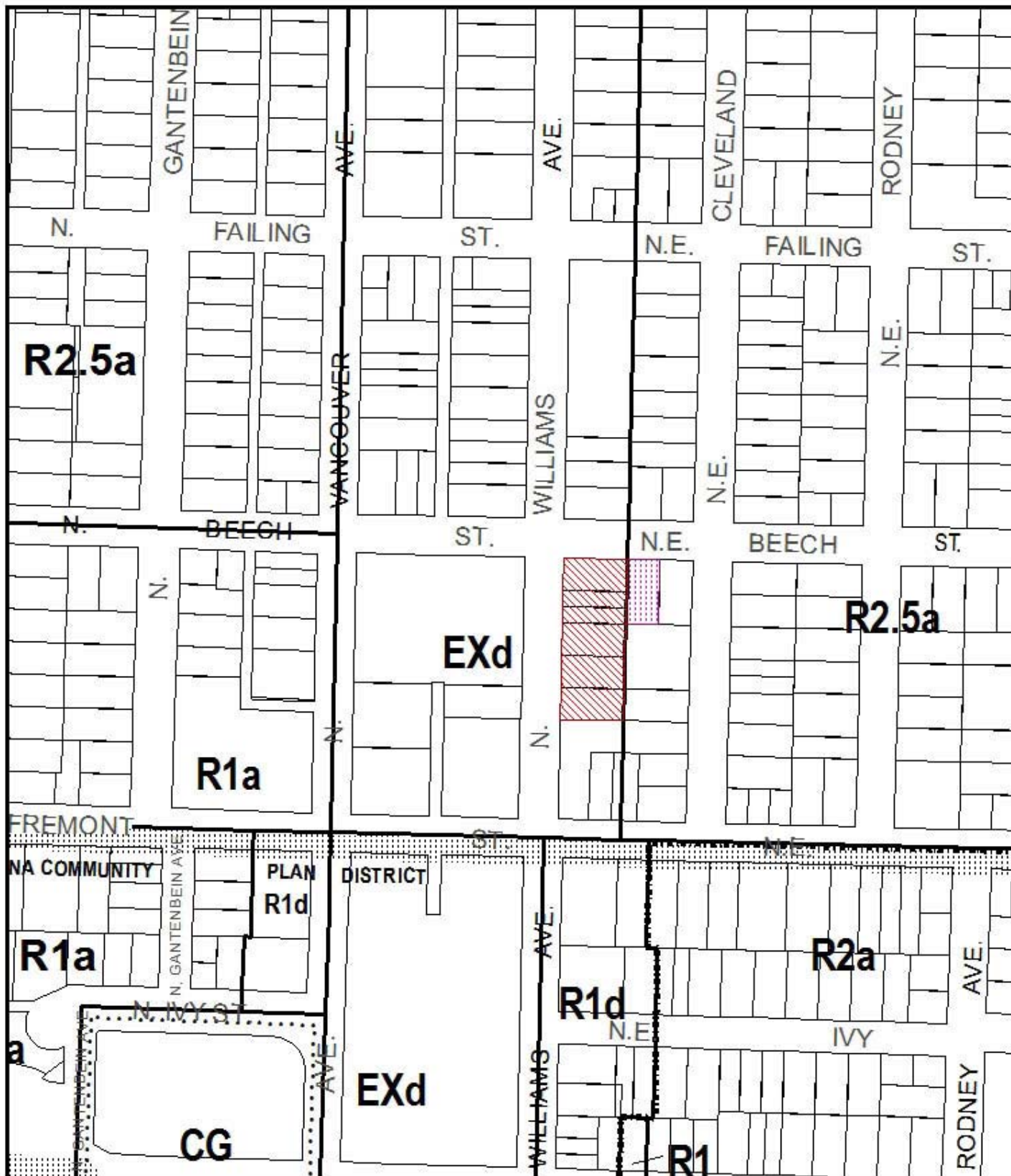
8. Appeal Testimony from Boise Neighborhood Association
- 9a. Appeal Statement from Tracy Olson
- 9b. CD of Boise Voices Oral History Project
10. Cathy Galbraith testimony from Architectural Heritage Center
11. Marie Lo testimony
12. Applicant's Power Point presentation
13. Photo images

(Received During 20 Aug 2009 Hearing)

14. Tracy Olson testimony dated 8/20/09
15. Cathy Galbraith testimony dated 8/19/09

(Distributed to Commission Prior to 20 Aug 2009 Hearing)

16. Draft Amended Decision
17. Staff PowerPoint
18. Applicant's statement dated 3 Aug 2009
19. Staff memo to Commission dated 12 Aug 2009



ZONING

 Site
 Also Owned



NORTH

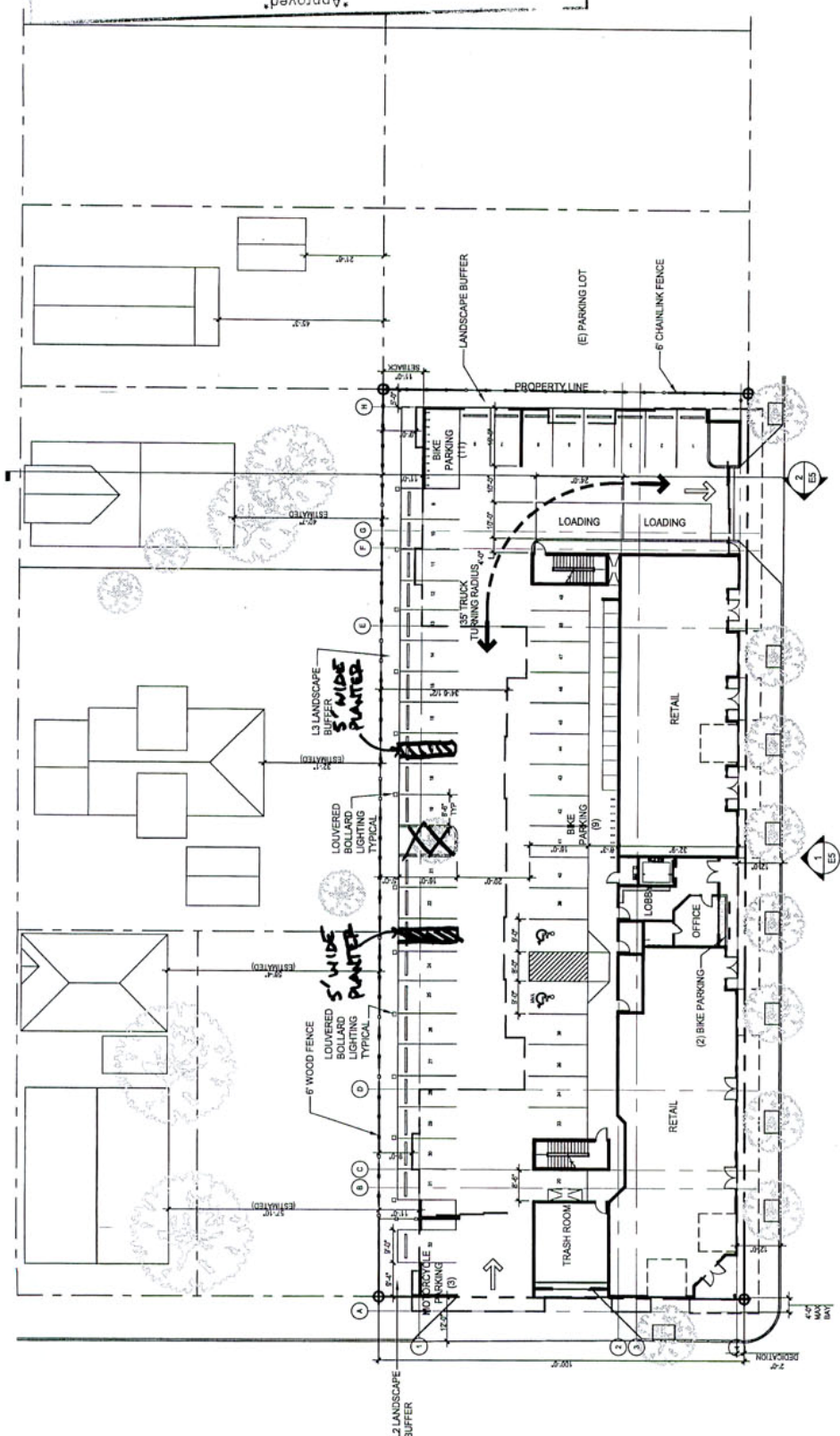
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 1/4 Section 2630
 Scale 1 inch = 200 feet
 State Id 1N1E22DD 20800
 Exhibit B (Apr 22, 2009)

CONSULTANT:

PROJECT NUMBER: 20817

**THE ALBERT
MIXED-USE
APARTMENTS**
3632 NORTH WILLIAMS AVE
PORTLAND, OR 97220

* This approval applies only to the reviews requested and to the conditions of approval. Additional zoning requirements may apply.
City of Portland - Bureau of Development Services
Date: 8/26/09



1. SITE PLAN
SCALE: 1"=30'

LEGEND

- SITE PROPERTY BOUNDARY
- ZONING BOUNDARY
- ASPHALT
- NEW CONCRETE WALK

GENERAL NOTES

1. SITE INFORMATION IS BASED ON OWNER'S SURVEY DATED 6/02/2008, BY W.B. WELLS AND ASSOCIATES, INC.

SITE SUMMARY

FAR CALCULATIONS:
PER TABLE 140 - 3 MAX FAR FOR THE EX ZONE IS 3 TO 1
TOTAL BLD SF = 62,240 SF
SITE SF = 25,013 SF
RATIO = 62,240 TO 25,013 = 2.5 TO 1 OK

BUILDING COVERAGE PER SECTION 33.110.225:
EXD ZONE = 100%
ACTUAL BUILDING FOOTPRINT = 7,973 SF

BIKE PARKING = 22 SPACES
MOTOR CYCLE PARKING = 3 SPACES
AUTO PARKING = 49 SPACES



SHEET TITLE
SITE PLAN

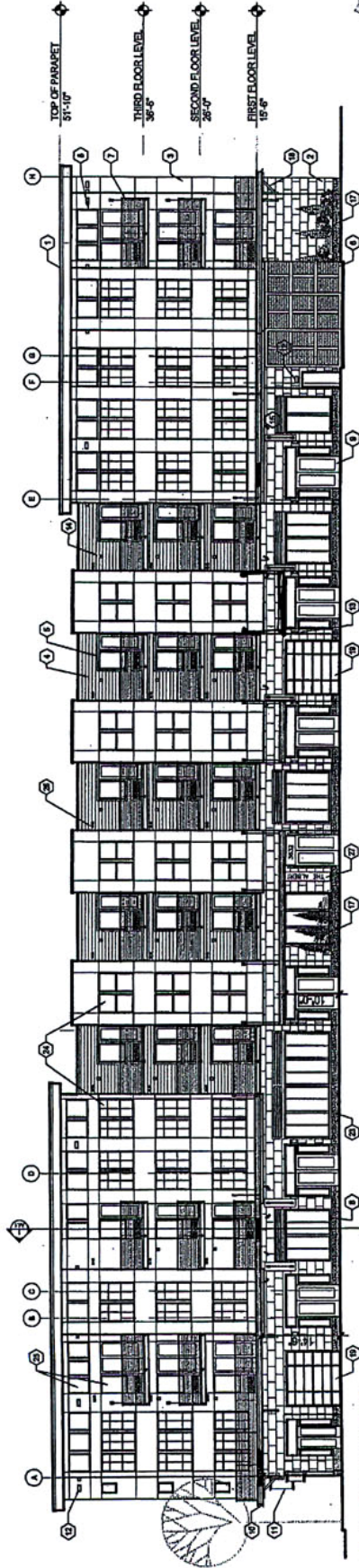
DRAWN BY:
DATE ISSUED: 8.2.2009

SHEET:

DATE: 8.2.2009

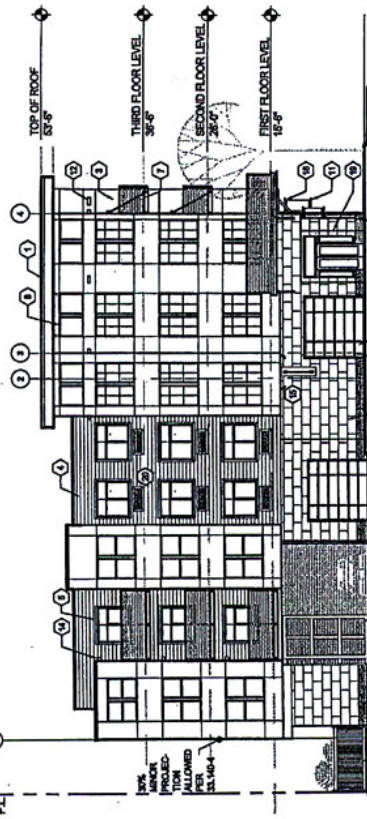
W 09 - 101831 D2M EXH. C-

EX-ZONE ALLOWABLE
51'-10"



1. WEST ELEVATION
SCALE: 1"=20'

65' MAX HEIGHT ALLOWED



2. NORTH ELEVATION
SCALE: 1"=20'

WINDOW AREA SUMMARY

MINIMUM WINDOW AREA FOR EX-ZONE = 25% OF GROUND FLOOR AREA UP TO 8'-0"			
MINIMUM WINDOW LENGTH FOR EX-ZONE = 50% OF GROUND FLOOR LENGTH			
ELEVATION	FAÇADE LENGTH	WINDOW LENGTH REQUIRED	WINDOW LENGTH PROPOSED
WEST	230 LF	(230 x 50%) = 115 LF	164 LF
WEST GROUND FLOOR AREA UP TO 8'-0" = 2070 SF X 25% = 517 SF REQUIRED = 1,312 SF PROPOSED			

KEYNOTES

- 1 PREFINISHED METAL COPING
- 2 FIBER CEMENT PANEL - NICHISHA SANDSTONE II, GENTLE GRAY
- 3 FIBER CEMENT PANEL - NICHISHA SMOOTH NICHIPANEL
- 4 NICHISHA NICHIBOARD TEXTURED LAP Siding
- 5 TEXTURED TRIM
- 6 ROLLING METAL GATE, SEE DETAIL 503
- 7 METAL GUARDRAIL, SEE DETAIL 403
- 8 FIBERGLASS WINDOW SYSTEM
- 9 FIBERGLASS DOOR SYSTEM
- 10 TENANT SIGNAGE CHANNEL ON METAL ASSEMBLY, SEE DETAIL 1003
- 11 BLADE TENANT SIGNAGE, SEE DETAIL 303
- 12 WALL SCIENCE LIGHT FIXTURE - LF-1
- 13 WALL SCIENCE LIGHT FIXTURE - LF-2
- 14 WALL SCIENCE LIGHT FIXTURE - LF-3
- 15 SIGNAGE LIGHT - LF-4
- 16 SURFACE CEILING MOUNTED LIGHT, I.E.S. MOUNT AT PARKING AREA CEILING, SEE DETAIL 402
- 17 CONCRETE PLANTERS
- 18 TUBE STEEL BRACKETS, SEE DETAIL 303
- 19 GLAZED SECTIONAL ALUMINUM ROLL UP OVERHEAD DOOR, BRONZE MATTE 102X107
- 20 AMANA PTAC UNIT, SEE DETAIL 902
- 21 UTILITY METERS
- 22 6'-0" TALL WOOD FENCE
- 23 18" CONCRETE BASE
- 24 SEPARATE 3'-6" X 6'-0" CASEMENT OR SINGLE HUNG WINDOWS
- 25 PICTURE WINDOWS
- 26 4'-4" VENT HOODS
- 27 1'-6" X 8'-0" WALL MOUNT SIGN, SEE DETAIL 1003

SIGNAGE SUMMARY - BUILDING SIGNAGE

ALLOWABLE BUILDING SIGNAGE FOR EX-ZONE = 1102 SF PER 1 FT OF PRIMARY BUILDING MAX HEIGHT PER SIGN = 200 SQ FT

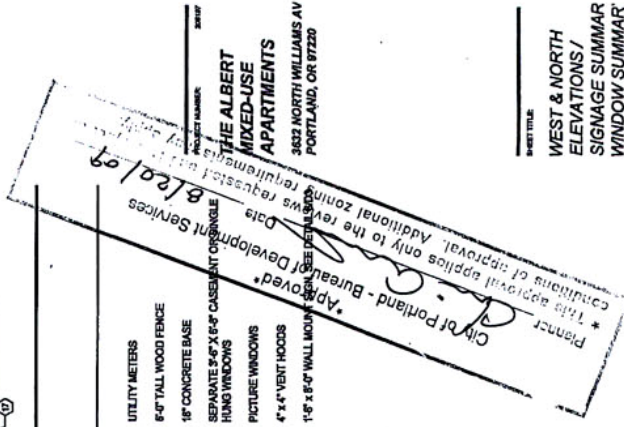
ELEVATION	FAÇADE 90 FT	SIGNAGE ALLOWED	SIGNAGE PROPOSED
WEST	242 SF	363 SF	92 SF
PROPOSED: 1 (11'7" X 14'9") AT WEST FAÇADE = 17 SF			
PROPOSED: 1 (1'0" X 14'9") AT WEST FAÇADE = 11 SF			
PROPOSED: 1 (1'0" X 8'0") AT WEST FAÇADE = 14 SF			
PROPOSED: 1 (7'-10" X 1'-6") AT WEST FAÇADE = 12 SF			
PROPOSED: 6 (1'4" X 4'-7") AT WEST FAÇADE = 35 SF			
TOTAL			88 SF
ELEVATION	FAÇADE 90 FT	SIGNAGE ALLOWED	SIGNAGE PROPOSED
NORTH	86 SF	133.5 SF	7 SF
PROPOSED: 1 (1'4" X 4'-7") AT NORTH FAÇADE = 7 SF			
TOTAL			7 SF

ESTIMATES AND HEIGHTS FOR EX-ZONE ARE SHOWN WITH DASHED LINES.

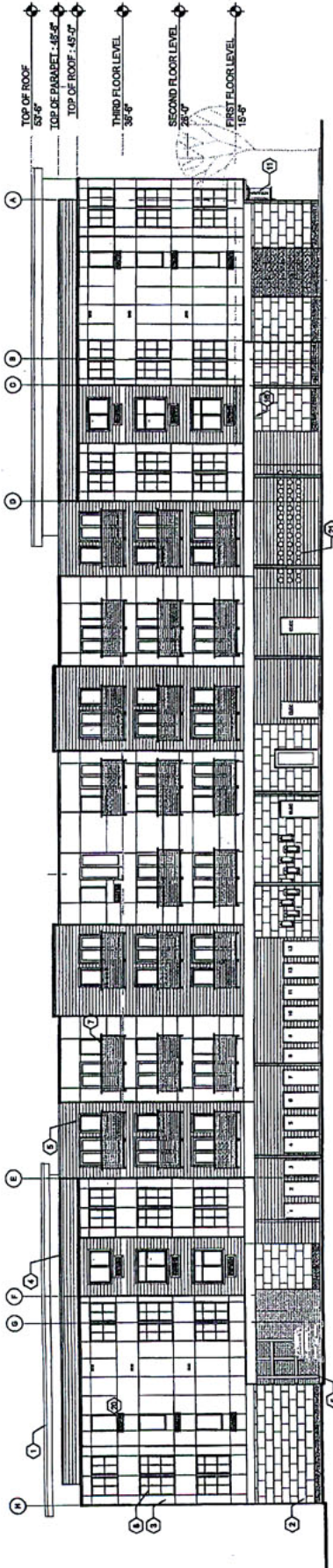
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09-09-10/03/ D2M

EXH. C-9

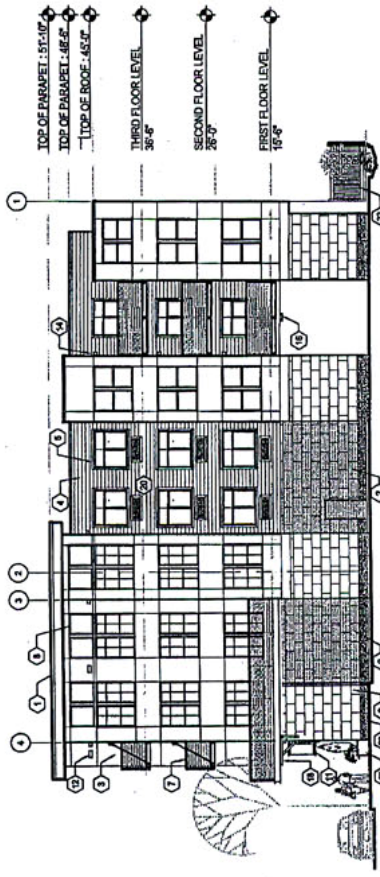


PROJECT TITLE
WEST & NORTH
ELEVATIONS /
SIGNAGE SUMMARY
WINDOW SUMMARY
DRAWN BY
DATE ISSUED: 8.2.2009



1. EAST ELEVATION

SCALE: 1"=20'



2. SOUTH ELEVATION

SCALE: 1"=20'

KEYNOTES

- 1 PREFINISHED METAL COPING
- 2 FIBER CEMENT PANEL - NICHHA SANDSTONE II, GENTLE GRAY
- 3 FIBER CEMENT PANEL - NICHHA SMOOTH NICHFA
- 4 NICHHA NICHBOARD TEXTURED LAP SIDING
- 5 TEXTURED TRIM
- 6 ROLLING METAL GATE, SEE DETAIL 503
- 7 METAL GUARDRAIL, SEE DETAIL 403
- 8 FIBERGLASS WINDOW SYSTEM
- 9 FIBERGLASS DOOR SYSTEM
- 10 TENANT SIGNAGE CHANNEL ON METAL ABUTMENT, SEE DETAIL 505

- 11 BLADE TENANT SIGNAGE, SEE DETAIL 303
- 12 WALL SCONCE LIGHT FIXTURE - LF-1
- 13 WALL SCONCE LIGHT FIXTURE - LF-2
- 14 WALL SCONCE LIGHT FIXTURE - LF-3
- 15 SIGNAGE LIGHT - LF-4
- 16 SURFACE CEILING MOUNTED LIGHT - LF-5
- 17 MOUNT AT PARKING AREA CEILING, SEE DETAIL 402 - BEHIND 2" BEAM
- 18 CONCRETE PLANTERS
- 19 TUBE STEEL BRACKETS, SEE DETAIL 203
- 20 GLAZED SECTIONAL ALUMINUM ROLL UP OVERHEAD DOOR BRONZE MATTE
- 21 AMANA PTAC UNIT, SEE DETAIL 802
- 22 UTILITY METERS
- 23 6'-0" TALL WOOD FENCE
- 24 18" CONCRETE BASE
- 25 SEPARATE 3'-0" X 6'-0" CASEMENT OR SINGLE HUNG WINDOWS
- 26 PICTURE WINDOWS
- 27 4" X 4" VENT HOODS
- 28 1'-0" X 8'-0" WALL MOUNT SIGN, SEE DETAIL 603

PER ZONE CODE SECTION 33.140 B 4 AND 33.020.070
EAST FACADE AREA = 12,000 SF
30% OF FACADE AREA = 3,750 SF
4-12037 BAYS EXTENDING 2 INTO 11' SETBACK = 1,488 SF
BAY GLASS AREA (WORST CASE):
4 @ 3'-0" X 6" = 84 SF
2 @ 3'-0" X 9" = 54 SF
TOTAL
138 SF

BAY AREA = 12037' = 372 SF X 30% = 111.8 SF GLAZING AREA REQUIRED

PROJECT NUMBER: 304187
**THE ALBERT
MIXED-USE
APARTMENTS**
3833 NORTH WILLIAMS AV
PORTLAND, OR 97220

SHEET TITLE
**EAST & SOUTH
ELEVATIONS**

DRAWN BY:
DATE DESIGNED: 8.3.2009

E2
PAGE:
DATE: 09-10-2009 EXH C-10

Portland Bureau of Development Services
Approved
Date: 8/26/09
This approval is valid only for the project and zoning requirements only. Additional zoning requirements may apply.
Project & application subject to the review requested by the applicant. Condition of approval: Additional zoning requirements may apply.