



CITY OF PORTLAND

Office of City Auditor LaVonne Griffin-Valade

Hearings Office

1900 SW 4th Avenue, Room 3100

Portland, OR 97201

phone: (503) 823-7307 - fax: (503) 823-4347

web: www.portlandoregon.gov/auditor/hearings



DECISION OF THE HEARINGS OFFICER

I. GENERAL INFORMATION

File No.: LU 12-137379 CU DZM (HO 4120016)

Applicant: Jill Sherman
Gerding Edlen Development
1140 SW 11th Avenue, Suite 400
Portland, OR 97205

Property Owner: Home Forward (formerly Housing Authority of Portland)
Attn.: April Berg
135 SW Ash Street, Suite 500
Portland, OR 97204

Party of Interest: Mary Monnat
Lifeworks NW
14600 NW Cornell Road
Portland, OR 97229

Architect: Dave Otte
Holst Architecture
110 SE 8th Avenue
Portland, OR 97214

Hearings Officer: Kenneth D. Helm

Bureau of Development Services (BDS) Staff Representative: Mark Walhood

Site Address: 220 NE Beech Street

Legal Description: LOT 1, PARTITION PLAT 1996-89

Tax Account No.: R649763530

State ID No.: 1N1E22DD 16001

Quarter Section: 2630

Neighborhood: Boise

Business District: North-Northeast Business Association

District Neighborhood Coalition: Northeast Coalition of Neighborhoods

Zoning: R1ad (Multi-Dwelling Residential 1,000 base zone with the 'a' or Alternative Design Density and the 'd' or Design overlay zone),

Land Use Review: Type III, CU DZM (Conditional Use and Design Review, with Modifications through Design Review)

Public Hearing: The hearing was opened at 1:36 p.m. on July 25, 2012, in the 3rd floor hearing room, 1900 SW 4th Avenue, Portland, Oregon, and was closed at 2:34 p.m. The applicant waived applicant's rights granted by ORS 197.763 (6)(e), if any, to an additional 7 day time period to submit written rebuttal into the record. The record closed at the end of the hearing.

Testified at the Hearing:

Mark Walhood, BDS Planner, no address provided
Mary Monnat, 14600 NW Cornell Road, Portland, OR 97229
Diane Quast, 135 SW Ash Street, Portland, OR 97204
Beverly Bookin, Bookin Group, 1020 SW Taylor Suite #760, Portland, OR 97205
Dave Otte, 110 SE 8th Avenue, Portland, OR 97214
Collette Williams, 1513 NE Bryant Street, Portland, OR 97211
Tatameeka Edwards, 4033 NE Mallory Street, Portland, OR 97212
Danielle Mills, 132 NE Beech Street, Portland, OR 97212

Proposal: Home Forward, formerly the Housing Authority of Portland, has recently purchased the 1.1-acre site from New Hope Missionary Baptist Church. Comprising the northern portion of the long block south of NE Beech Street between NE Mallory and NE Garfield Avenues, the site has been vacant since the former elementary school turned church building was demolished in 2004. The southern border of the site is a parking lot shared with Allen Fremont Plaza, a senior housing facility, on the property to the south.

In partnership with Lifeworks NW, Home Forward proposes to build a 48-unit multi-family project in two interconnected wings. The west wing, under Home Forward management, will contain 32 apartments. The east wing will become the new home of Lifeworks NW Project Network, to contain a drug and alcohol treatment facility and daycare center on the ground floor, with 16 housing units for Project Network clients and their children on the upper floors. The drug and alcohol treatment facility is classified as a Community Service use, which requires Conditional Use approval in the R1 zone. Similarly, the daycare use also requires Conditional Use approval in this zone.

This application also seeks to amend prior conditions of approval on the site related to the former Baptist Church. The adjacent senior housing facility to the south and the former General Baptist Convention (GBC) building on this site were reviewed as a single site as recently as 1995. The applicant proposes to modify this past approval (LUR 95-00790 CU DZ), to eliminate all conditions of approval related to the GBC and senior housing facility on the Home Forward property, effectively reducing the site area to surround only the senior housing, which is still regulated as a conditional use.

The proposed building, with 61,510 gross square feet of floor area, is arranged in an H-shaped plan featuring fenced courtyards on the north and south edges between the two north-south running wings, and a new surface parking lot just south of the building. Two multi-story wings are proposed on the east and west edges of the site, along NE Mallory and NE Garfield, respectively, and are connected across the middle of the H-shaped plan with a single-story shared-use community room. Managed separately, the two wings include:

- **Project Network (East Wing):** A program of Lifeworks NW, this residential drug and alcohol treatment facility will have accessory staff space, group therapy rooms, restrooms, a library, and laundry facilities on the first floor, with a secure entry onto NE Garfield Ave. on the eastern edge of the site. Twelve 2-bedroom units and four 3-bedroom units on the second and third floors will provide living quarters for female heads-of-household as they seek treatment and their young children for stays of up to six months. A secured outdoor courtyard on the south side of the project will provide open space for residents as well as a children's playground. Staff will provide ongoing administrative and treatment services, including supervision on evenings and weekends. The treatment center will have 25 full-time employees and 15 on-call part-time staff, for a total of 40 staff positions. Designed to treat up to 35 clients for a period of six months, younger children of these clients will attend the in-house daycare program, and children of elementary school age will attend the local public school. The program services will operate primarily year-round from 8 a.m. to 5 p.m. on weekdays. As a residential facility, the program will have restricted access on evenings and weekends.
- **Daycare (East Wing):** The daycare program is located on the first floor of the east wing, adjacent to the Project Network staff. Operating hours are expected to be from 8 a.m. to 5 p.m. weekdays, with a total of four staff positions. Available for the children of Project Network clients only, the daycare will hold no more than 36 children at a time during the day.
- **Home Forward (West Wing):** The western wing will be an affordable housing project with 32 dwelling units ranging in size from one to three bedrooms, to accommodate a wide range of household sizes. Residents will be selected from a list of income-eligible households. Graduates of the Project Network program could be referred to get permanent housing here. The ground floor of the project along NE Mallory Avenue will contain a small number of staff support spaces, to provide tenants with social, educational and emotional support to facilitate their ability to move eventually into non-subsidized housing. The Home Forward staff support

spaces for the housing units will accommodate no more than three employees at any one time from 8 a.m. to 5 p.m., weekdays.

The Design overlay zone also requires that this project, which includes Institutional Uses (Community Service and Daycare), receive approval through the Design Review process. Given the location within the Albina Community Plan area, the review is processed as a Type II review. The buildings are designed as flat-roofed volumes with rectilinear massing and planar shifts. Exterior materials include two colors of brick, prefinished metal panel siding, and Ceraclad (fiber cement) panels, with vinyl windows and aluminum storefront systems. Metal mesh screening is used to screen rooftop mechanical equipment, and to enclose paired columns that support a cantilevered section on the south edge of the apartment building (west wing). Wood fencing supported by metal posts encloses the two exterior courtyards, raised brick planters extend from both buildings towards the sidewalks, and scored concrete walkways are proposed in the courtyards and pedestrian access paths from the sidewalk. Site furnishings include a variety of landscape materials, wood benches and tables, and custom metal bike racks.

Concurrent with the Design Review, the applicant has requested the following two Modifications through Design Review for the project:

1. Increase the maximum building length (33.120.230) for portions of the building within 30 feet of both the Mallory and Garfield lot lines from 100 feet to 160 feet (east/Garfield) and 153 feet (west/Mallory); and
2. Reduce the depth of the required perimeter landscaping (33.266.130.G.2) along the western edge of the existing single parking space near the southwest corner of the site from 5' to 3', and eliminate the applicable tree component of the L2 landscape standard, in order to retain an existing row of mature shrubbery abutting an existing parking space to remain.

Relevant Approval Criteria:

- 33.815.105.A-E, Conditional Use Approval Criteria for Institutional and Other Uses in Residential Zones;
- The *Community Design Guidelines*; and
- 33.825.040.A-B, Modifications That Will Better Meet Design Review Requirements.

II. ANALYSIS

HEARINGS OFFICER'S OVERVIEW OF ISSUES AND RELEVANT APPROVAL CRITERIA:

There are no contested issues related to this application. At the July 25, 2012, public hearing, the Applicant's representative Beverly Bookin testified that the Applicant agreed with the BDS Staff analysis and agreed to all of the proposed conditions with the exception of a minor concern with Condition 1.A.vii. After some discussion, the Applicant agreed to amend the condition as follows:

"To further evaluate safety and security concerns, it is highly advised that a Crime Prevention and Environmental Design (CPTED) assessment is conducted for this site. *(note: the site is subject to conformance with the approved site, building, and landscaping drawings).*" This amended condition is set forth at the end of this decision.

There was one neutral comment from Danielle Mills, who is an immediate neighbor, and has observed a high level of illegal drug activity in the neighborhood. Her hope was that the proposed facility would help reduce that problem, but was also somewhat skeptical that that would occur. There was no opposition testimony. The Applicant waived the final comment period and the record closed at the end of the hearing.

The balance of this decision is a very slightly modified version of the revised BDS Staff report.

Site and Vicinity: The site is currently vacant, except for a small section of the southern portion of the site, which includes some paved surface parking in an easement that serves and benefits the senior housing (Allan Fremont Plaza) directly to the south. The property is approximately 1.1 acres in size, and bound by NE Mallory Avenue on the west, NE Beech Street on the north, and NE Garfield Avenue on the east. In 2004, the old elementary school and basement on the site were demolished, such that the site has a partially excavated middle portion that falls below the grade of adjacent streets. Street trees in various states of condition are located on all directly abutting street frontages, and the three adjacent streets are all improved with paved roadways, on-street parking, curbing, planting strips, and concrete public sidewalks.

The site is located in a mixed-use neighborhood that features a range of retail, office and institutional uses. As noted above, a senior housing facility abuts the southern edge of the site on the same large block. Across NE Mallory Avenue to the west, single-family residences surround the Greater St. Stephen Missionary Baptist Church. To the north across NE Beech Street, the Mallory Maple Apartments occupy a full block between NE Beech Street and NE Failing Street one street to the north. To the east across NE Garfield lies the Cameron Guest Homes, a small adult foster care facility. The remaining properties along NE Garfield are single-family residences until the last lot on the northeast corner of NE Garfield and NE Fremont, which features multi-family development. Commercial services and larger office, institutional and apartment buildings are located one block to the east along the north-south NE Martin Luther King, Jr. Boulevard corridor. Nearby to the west, the neighborhood transitions to become predominantly single-family residential in character.

Zoning: The site is located in the Residential 1,000 base zone, and includes both the Alternative Design Density and Design overlay zones (R1ad). The R1 zone is a medium density multi-dwelling zone, allowing one dwelling unit per 1,000 square feet of site area. Use regulations for the R1 zone are intended to create and maintain higher density residential neighborhoods. Some institutional and nonresidential uses are allowed, but not to such an extent as to sacrifice the residential neighborhood image and character. Development standards for the R1 zone seek to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. New development in the R1 zone is typically

characterized by condominium and apartments up to four stories tall, as well as duplexes, townhouses, and rowhouses.

The Alternative Design Density overlay zone provides opportunities for increased density in some situations, provided that additional design compatibility requirements are met. This can be thought of as an optional overlay zone. Since no increased density per the 'a' overlay chapter is necessary or has been requested, the provisions of this overlay zone do not apply to the project. The Design overlay zone seeks to protect and enhance areas of the City that are notable for their special scenic, architectural, or cultural character, and to improve the compatibility of infill development in the City's neighborhoods. For this case, as an institutional use is included in the project, the proposal cannot use the Community Design Standards and must receive approval through a Type II Design Review.

Land Use History: City records indicate several prior land use reviews at the site. These cases are included in the Site History Research document (Exhibit G.2). Since the former elementary school building and later church convention building have been demolished, only two cases are relevant to the project at this time. These cases include the following:

- **LUR 95-00780 CU DZ:** Conditional Use and Design Review approval for the Allan Fremont Plaza senior housing facility on the southern portion of the block, and for the re-use of the former school building on the northern portion of the block for church offices (General Baptist Convention). Conditions of approval required the church offices to have 34 off-street parking spaces, a carpool parking space, public transit information posted in the building, and a modified landscape buffer along NE Beech Street. Conditions of approval for the senior housing facility required this facility to have 8 off-street parking spaces, and to post public transit information in the building. This approval included plans that show a reciprocal parking easement in the center of the block, in the event a later partition was approved. The applicant has requested to extinguish the portions of this approval relating to the former church offices, thereby reducing the conditional use site area for this case to only the senior housing project; and
- **LUR 95-00808 MP:** This two-lot partition split off the senior housing facility site from the church office site. The only relevant condition of approval for this application is that conditions of approval from LUR 95-00780 CU DZ continue to apply to the site. As discussed later in this report, a request to extinguish the portion of LUR 95-00780 CU DZ that applies to the former church offices on this now vacant site would also eliminate those conditions of the 1995 review that still apply to the northern portion of the block, making this condition moot for the current project.

Agency Review: A "Request for Response" was mailed June 22, 2012. The following bureaus have responded:

The *Bureau of Environmental Services* (BES) has reviewed the proposal and offered informational comments, but no objections to the requested Conditional Use and Design Review with

Modifications. The proposed development will be subject to BES standards and requirements during the permit review process. There are sanitary sewer connections in all three adjacent streets, and preliminary stormwater management information provided by the applicant is acceptable for the purposes of this land use review. No conditions of approval have been requested by BES staff. Exhibit E.1 contains staff contact and additional information.

The *Water Bureau* has reviewed the proposal and offered informational comments, but no objections or requested conditions of approval regarding the requested land use reviews in this application. There are existing water services to the site, and these services may potentially be used to provide water to the new development, but will need to be evaluated by the Water Bureau prior to use. At the time of building permit review, a Water Bureau review for fixture count and water service will be necessary to appropriately size the water service and meter for this location. Exhibit E.2 contains staff contact and additional information.

The *Life Safety Section of the Bureau of Development Services* has reviewed the proposal and offered informational comments, but no objections or recommendations regarding this land use review. A separate building permit is required for the project, and the proposal must be designed to meet all applicable building codes and ordinances. Life Safety staff has recommended that the applicant contact the Process Management Section of BDS to request a process manager, and that they arrange a Preliminary Fire and Life Safety Meeting with Fire and Building Plans Examiners. Exhibit E.3 contains staff contact and additional information.

The *Urban Forestry Division of Portland Parks and Recreation* has reviewed the proposal and offered no concerns, with a comment that the project should "protect existing street trees." Exhibit E.4 is a printout of the Urban Forestry electronic response.

The *Development Review Section of Portland Transportation* has reviewed the proposal and responded with detailed findings regarding the transportation-related approval criteria for the Conditional Use, offering no objections or recommended conditions of approval for the proposed use. These findings are included later in this report, under 33.815.105.D.1-2. Exhibit E.5 contains staff contact and additional information.

The *Site Development Section of the Bureau of Development Services* has reviewed the proposal and offered no concerns or objections. Exhibit E.6 is a hard copy of their electronic 'no concerns' response.

The *Fire Bureau* has reviewed the proposal and offered informational comments, but no objections or recommendations regarding the requested land use reviews. A separate building permit is required for the project, and the applicant must meet all applicable Fire Code requirements at the time of permit review and development. Exhibit E.7 contains staff contact and additional information.

The *Police Bureau* has reviewed the proposal and determined that the Police Bureau is capable of serving the proposed use, although two concerns and a set of recommendations are provided. This

response will be addressed in the relevant Conditional Use findings, later in this report.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 5, 2012. No written responses were received from either the Neighborhood Association or notified property owners in response to the proposal at time of staff report publication on July 13, 2012.

ZONING CODE APPROVAL CRITERIA

33.815.010 Purpose of Conditional Use Reviews

Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

33.815.105 Institutional and Other Uses in R Zones

These approval criteria apply to all conditional uses in R zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in a residential zone that maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

A. Proportion of Household Living uses. The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:

1. The number, size, and location of other uses not in the Household Living category in the residential area; and
2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

Findings: For the purposes of this criterion, the 'residential area' is defined as the surrounding area bound by NE Martin Luther King Jr. Boulevard on the west, NE Shaver Street on the north, N Williams Avenue to the west (N Williams divides N from NE Portland), and NE Ivy Street to the south. The applicant has surveyed all the other non-residential uses in this area in Appendix E of their original application (Exhibit A.1). Currently there are four non-residential uses in this surrounding area, for a total of 1.3 acres (17%) of the 27.1 acres overall. The 1.1 acres of the site are currently vacant, and were previously developed for several decades with an old elementary school which later transitioned, through Conditional Use approval, to a church office building

(Greater Baptist Convention). A total of 48 new dwelling units are proposed, with 32 units in the Home Forward apartment building (Beech Street Apartments), and 16 units in a separate building to serve clients in the Lifeworks NW drug and alcohol treatment program, which is a Community Service use. Of the proposed 61,510 square feet of building area, only 10,660 square feet will be used for the non-residential Community Service use exclusively (the ground floor Daycare and Community Service use area).

Because the site is being redeveloped as primarily residential units, with two additional primary non-residential uses, the function of the site will have more residential uses than in the last several decades. The floor area of the proposed non-residential uses, at 10,660 square feet, is significantly smaller than the 27,750 square foot church office building and elementary school formerly on the site. Although two non-residential uses are proposed instead of the former single non-residential use, the intensity and scale of the proposed non-residential uses in this application are significantly less than those existing on the site previously. As noted, the project will establish a primarily residential character to the site.

The on-site treatment facility and daycare will be solely for residents of the Lifeworks NW program, significantly reducing vehicle trips to the site, and parking demand for major events at the site, when compared to the prior non-residential use. The non-residential uses will be placed on the ground floor of the east wing, as far removed from the primarily residential areas located to the west of the site as possible. While there is still residential zoning to the north and east of the site before reaching the Commercial and Employment zoning along NE MLK Jr. Boulevard, this is an area of higher-density residential zoning that includes apartment buildings and an adult foster care facility with only three single-family homes (3536, 3606 and 3614 NE Garfield Avenue). These three adjacent homes already back up to commercially-zoned and developed properties along NE MLK Jr. Boulevard, a major NE Portland commercial thoroughfare. Based on these factors, the residential appearance and function of the area will not be significantly lessened due to the smaller intensity and scale of non-residential uses in the area when compared to the former church offices on the site. Overall, the proposal will increase the residential character of the site, being 100% residential along the western edge of the site, closest to the greatest number of nearby single-family homes.

This application also requests to extinguish the portion of a prior conditional use at the site (LUR 95-00780 CU DZ), reducing the site area to exclude the former church office use site and all related conditions of approval, shrinking this prior approval to include only the senior housing project to the south. Specifically, the approval language for the church meeting space portion of the decision will be extinguished, including references to alternative landscaping standards along NE Beech Street. Also, the conditions of approval (D through J) related exclusively to the church offices and meeting space will be removed from the approval. With this removal, the site area for LUR 95-00780 CU DZ is shrinking from 1.8 acres to 0.7 acres, excluding the 1.1 acres that is the subject of the present application. This change does not impact the proportion of household living uses in the area, and is a straightforward clean-up request, as the church office and meeting space building was demolished in 2004.

These criteria are met.

B. Physical compatibility.

1. The proposal will preserve any City-designated scenic resources; and

Findings: City-designated scenic resources are protected with an 's' of Scenic Resource Overlay Zone. There are no city-designated scenic resources at the site or adjacent to the site. Therefore, this criterion does not apply.

2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, and landscaping; or
3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.

Findings: Development in the surrounding area is quite varied in terms of scale and use, varying from single-family homes, to historic churches, to larger commercial and institutional buildings along the NE MLK Jr. Boulevard corridor. Although the site size is rather large for the area, it is significantly smaller than the Mallory Apartments site directly to the north across NE Beech Street, and the program has been broken down into two distinct but attached buildings, broken in the middle by fenced open-air courtyards. The orientation of the two primary building volumes on the east and west edges of the site, with limited building mass facing north towards NE Beech Street and south towards the senior housing, is not out of character with nearby residential development. Although most of the older single-family homes are one or two story structures, newer residential infill projects in the area have been taller, for example the three-story townhouse project one block to the north along NE Mallory Avenue.

The buildings are set back from adjacent streets in conformance with the R1 zone street setback standards, as would be required for a 100% residential project. Significant landscaping has been provided along the project perimeter, with raised brick planting beds along adjacent streets to soften the appearance of the project. The massing and design of the buildings has the scale of urban townhomes, with projecting vertical and horizontal architectural features that give the buildings the appearance and scale of a series of large, connected urban townhomes. Mechanical equipment will be well-screened on rooftops or inside screened enclosures. Along the street levels of the two main buildings, facing NE Mallory and NE Garfield Avenues, the design has incorporated extensive brick surfacing and a cheerful yellow metal panel material, to provide visual interest for neighbors and pedestrian passersby.

Based on these design features, the proposal will be compatible with adjacent residential developments, and has intentionally mitigated for the difference in appearance and scale of the project versus surrounding buildings, although an identically-scaled building could be provided for a 100% apartment building under current zoning.

This application also requests to extinguish the portion of a prior conditional use at the site (LUR 95-00780 CU DZ), reducing the site area to exclude the former church office use site and all related conditions of approval, shrinking this prior approval to include only the senior housing project to the south. Specifically, the approval language for the church meeting space portion of the decision will be extinguished, including references to alternative landscaping standards along NE Beech Street. Also, the conditions of approval (D through J) related exclusively to the church offices and meeting space will be removed from the approval. With this removal, the site area for LUR 95-00780 CU DZ is shrinking from 1.8 acres to 0.7 acres, excluding the 1.1 acres that is the subject of the present application. This change does not impact the physical compatibility issue in this criterion, and is a straightforward clean-up request, as the church office and meeting space building was demolished in 2004.

These criteria are met.

C. Livability. The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and
2. Privacy and safety issues.

Findings: Virtually all of the treatment and daycare activities will take place either inside the building or in the enclosed, secured courtyard so that no adverse impacts related to noise and odor are anticipated. Playground activities will be limited to daytime hours and involve typical levels of noise associated with young playing children, as could be found at a large apartment complex with children. Exterior lighting will be limited to driveway areas and the building will provide residual light through clear glass windows inside the building sufficient for safety and security purposes without spillover beyond the boundaries of the site. The proposed operations of the ground floor institutional uses in the east wing of the project are limited to weekday office hours (8 a.m. to 5 p.m.), and are not expected to create significant privacy or safety issues for nearby residential zoned lands.

The Police Bureau has reviewed the proposal and determined that they are capable of serving the proposed use, but concerns and recommendations have been identified in their letter. As development progresses at this site, the Police recommend that on-site persons and the developer work with North Precinct Commander Michael Leloff (or his designee) on any public safety issues or concerns. The concerns raised in this letter are as follows:

- A. Treatment facilities in residential areas can create safety concerns for neighbors. The area around where this facility is to be developed has historic gang-related crime and high drug use.
- B. Treatment facilities may draw upon limited public safety resources and increase Police-related calls for service. The current location of the drug treatment center

near N. Mississippi Avenue and N. Russell Street has had a number of calls for service this year, such as threats and requests for assistance.

The police have offered two groups of recommendations to address their concerns above. These recommendations are as follows:

- A. Work with neighbors to address safety concerns
 - a. Make available the main contact representative number for the Treatment Facility.
 - b. Maintain the landscaping and/or fencing around the facilities with attention toward keeping the area visible yet secure. Over time, bushes can overgrow their base and provide an opportune location for persons or items to hide.
 - c. Develop a simple procedure for reporting internal and external policy violations or concerns.
 - d. Post and maintain no trespassing signs in sections around the facilities that are not public or common areas. Position signs in locations that are visible during day and night.
 - e. Display and maintain address markers for visibility during the day and night for each of the buildings facing the street. In addition, illuminate the facility name or address for easy identification by Law Enforcement.
 - f. Assess the location and use of security cameras to monitor activities around the site. The parking lot and facilities entrances should be noted areas of concern as they lack visibility and can be difficult to monitor.
 - g. To further evaluate safety and security concerns, it is highly advised that a Crime Prevention through Environmental Design (CPTED) assessment is conducted for this site and adjustments made if necessary.
 - h. The City of Portland's Office of Neighborhood Involvement (ONI) provides CPTED evaluations; contact ONI representative Angela Wagnon at 503-823-4094.
- B. Service-related concerns:
 - a. Residents sign agreements to not use or have possession of drugs or alcohol, and keep the site smoke-free. This should include all visitors to the site.
 - b. Once the site is ready to receive residents, inform Police Dispatch at the City of Portland's Bureau of Emergency Communications (503-823-0911), that the status and purpose of the facility is that of a drug and alcohol treatment center. In addition, it should be noted that individuals receiving treatment here may have violent backgrounds or have had prior conflicts with Law Enforcement.

The above recommendations from the Police Bureau can be imposed as a condition of approval for the drug and alcohol treatment facility, although two clarifications are necessary. The first clarification to be added to this recommendation is that the recommendations relate only to the

Lifeworks NW drug and alcohol facility and not the apartments: there is no reasonable nexus between safety concerns regarding the drug and alcohol treatment program and a recommendation to "report internal and external policy violations" and make residents sign drug and alcohol free agreements in the apartment building on the west half of the block. Secondly, the recommendation to conduct a CPTED Analysis may prove useful for identifying long-term maintenance and management issues, but any 'adjustments made' as a result of this recommendation cannot over-ride the approval of building designs, lighting, and the location and density of exterior landscape plantings as approved in this review. The architectural design, limited exterior light fixtures, and densely-planted landscape beds on the street-facing perimeter of the project have been revised during this review process to better integrate the project with the surrounding neighborhood, and have been relied upon to approve both this Conditional Use and Design Review application. With a clarifying note targeting these recommendations to the drug and alcohol treatment facility only, and noting that the proposal is subject to conformance with the approved building, site, and landscape drawings as approved in this review, including the Police Bureau recommendations as a condition of approval ensures that there will not be significant adverse impacts on the livability of nearby residential zoned lands due to safety issues.

This application also requests to extinguish the portion of a prior conditional use at the site (LUR 95-00780 CU DZ), reducing the site area to exclude the former church office use site and all related conditions of approval, shrinking this prior approval to include only the senior housing project to the south. Specifically, the approval language for the church meeting space portion of the decision will be extinguished, including references to alternative landscaping standards along NE Beech Street. Also, the conditions of approval (D through J) related exclusively to the church offices and meeting space will be removed from the approval. With this removal, the site area for LUR 95-00780 CU DZ is shrinking from 1.8 acres to 0.7 acres, excluding the 1.1 acres that is the subject of the present application. This change does not impact the livability issues in this criterion, and is a straightforward clean-up request, as the church office and meeting space building was demolished in 2004.

These criteria are met.

D. Public services.

1. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;
2. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;

Findings: The Development Review Division of Portland Transportation reviewed the proposal and provided a written response addressing the above two criteria (Exhibit E.5), relevant portions of which are included below:

“The proposed building is located at the intersections of NE Garfield Avenue/NE Mallory Avenue and NE Beech Street. All three streets are designated by the Portland Transportation System Plan (TSP) as Local Access Streets for all transportation elements. NE MLK Boulevard, designated as a Major Traffic and Transit Street, respectively, is located one block to the east, while NE Fremont Street, a Neighborhood Collector, is located a block to the south. Both of these major streets support the medium-density residential zoning assigned to the site and provide adequate pedestrian and bicycle connections; access to frequent-service transit; and retail and employment opportunities for residents and staff of the proposed on-site institutional uses as well as the Household Living uses to which a majority of the site will be dedicated. It is appropriate to locate a project primarily composed of Household Living in a residential area adjacent to local streets. The alternative transportation opportunities and limited automobile use by residents will support the street designations of surrounding streets.

The applicant’s transportation engineer, Lancaster Engineering, has prepared a detailed transportation impact analysis (TIA).

Street capacity. There is adequate capacity in the surrounding street network to support the additional trips generated by all components of the project.

Level of service and other performance measures. All six intersections analyzed by Lancaster Engineering will operate acceptably when the projected traffic associated with the development of the site is added to the background traffic. This includes level of service (LOS) range from A to D, well within acceptable limits.

Access to arterials. Development of the site will not alter access to arterial streets from surrounding local access streets, that is, NE Mallory and Garfield Avenues and NE Beech Street to NE MLK Boulevard to the east and NE Fremont Street to the south.

Connectivity. The site has three street frontages all of which include 12’ sidewalks. Although the site is part of a large block that ordinarily might dictate the need for a mid-block east/west crossing, the blocks to the east and west are equally long so that a mid-block crossing on this site would not enhance pedestrian connectivity; therefore, there is no justification for doing so. Opportunities for improving the existing frontages have been identified and will be completed as a part of development. An internal sidewalk system, upgraded external pedestrian system, sensitively-designed building, and associated landscaping will result in an improved street-level environment.

Transit availability. The #6-MLK bus line runs down NE MLK Boulevard with transit stops at the intersections of NE Beech and NE Fremont Streets. The #24-Fremont bus route lays one block, about 0.1 miles, to the south with east/west transit stops at NE Mallory Avenue. The #6 has 15-minute headways and the #24 has 30-minute headways during the morning and evening peak hours.

In short, the site is well served by public transit, the use of which will be encouraged on the parts of residents and staff. This is especially the case for Project Network residents who are not permitted to have automobiles while they are participating in the drug-and-alcohol recovery program. However, this is offset by the parking demand of staff during the day and visitors during evenings and weekends.

On-street parking impacts. There is a total of 66 on-street parking on the three street segments around the site, including both sides of the street and the street adjacent to the neighboring senior housing facility. On the street frontages of the site alone, there were 34 available at midnight during what will be the treatment center's likely nighttime peak for resident parking. In addition to the existing 14-space on-site lot and the proposed 21-space on-site parking lot, the applicant proposes to count the 34 vacant on-street adjacent available parking on its three street frontages towards its parking demand, bringing the total to 69. By using under-utilized on-street parking, the development potential of the site, with its maximum of 48 housing units, can be realized. In addition, there is additional on-street parking on the opposite sides of all three streets and throughout the general vicinity. This will ensure that there is always adequate parking at peak mid-morning utilization by treatment center staff and nighttime utilization by residents.

Access restrictions. Access to the on-site parking lot will be provided via driveways from both NE Mallory and NE Garfield Avenues to the west and east, respectively. These are close to the driveways for the senior housing project's parking lot immediately to the south, but the amount of traffic to either is minimal and sight distances are adequate, so although not ideal, little vehicular conflict is anticipated.

Neighborhood impacts. There will be no adverse parking or traffic impacts on the surrounding neighborhood associated with the proposed building because there is adequate street capacity and sufficient combined on-site and on-street parking, as documented in the TIA.

Impacts on pedestrian, bicycle and transit circulation. Adequate on-site pedestrian circulation will be provided throughout the site connecting the building to the parking lot and public sidewalk system. Because this area is within an old, established neighborhood, there already exists a pedestrian system, including 12' sidewalks on all of the site's three street frontages; this is detailed in the proposed development plan. Because there are good sight distances, the presence of mid-block driveways will not pose any adverse impacts upon pedestrian, bicycle or transit circulation related to the proposed building.

Safety for all modes. Safety for all modes of transportation will be maintained by clearly defining the pedestrian system through the site by means of grade-separated pathways or other means when crossing the vehicular access points. Vehicles will be restricted to the parking area and will enter and exit the lot in a forward direction onto the local service streets, so that drivers will be able to see pedestrians and bicyclists.

Adequate transportation demand management strategies. Lifeworks NW will have limited traffic and parking demand because residents are not allowed to have cars. Adequate short- and secured

long-term bicycle parking will be provided within the site. Further, both facilities will encourage staff and patrons to make use to transit by prominently displaying transit maps and information. Lifeworks NW does not offer transit pass subsidies because it is a non-profit organization with a limited budget. Home Forward provides subsidizes transit passes for employees, but has not determined if it will self-manage the property or use a private property management firm.

PBOT staff finds the transportation system can support the proposed use in addition to existing uses in the area.”

These criteria are met.

3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

Findings: Staff from the Portland Water Bureau, Portland Fire Bureau, and the Bureau of Environmental Services reviewed the proposal for service adequacy with regards to water supply, fire protection, and sanitary waste and stormwater disposal methods, and offered no concerns or objections related to the proposal. Public services for police protection can be found to be adequate with imposition of the Police Bureau’s recommendations as a condition of approval, including minor staff annotations as noted above under findings for criterion 33.815.105.C.2.

This criterion is met.

E. Area plans. The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

Findings: This site is located within the boundaries of the City Council-adopted Albina Community Plan (ACP) and Boise Neighborhood Plan. The proposal is generally and specifically consistent with both these plans, especially with regards to affordable and diverse housing types and provision of family services. Policy V (Housing) of the ACP seeks to improve the quality and quantity of housing in Albina, and to provide a variety of housing types for households of all sizes and incomes. The ACP also sought to add 3,000 housing units to the plan area, to create a permanent stock of affordable housing through ownership by non-profit organizations, and especially to focus on affordable housing in the event that rising property values and gentrification occurred in the area, as has been the case since the ACP was adopted in 1993. Policy VIII (Family Services) of the ACP also has policies that seek to enhance and nurture the total development of all households through the provision of comprehensive family services, to provide service delivery systems that are responsive to the needs of Albina’s diverse population, to ensure culturally-appropriate services, and to increase and strengthen the number of programs for the treatment and prevention of substance abuse, especially for needy populations. By providing permanent affordable housing, and with a drug and alcohol treatment program for female heads-of-household and their children in a neighborhood facility, the proposal is consistent with relevant policies in the Albina Community Plan.

Similarly, the Boise Neighborhood Plan (BNP) has policy objectives related to public safety, housing, neighborhood maintenance and image, and education/daycare/training for youth that the proposal clearly supports. Policy I.8 of the BNP seeks to provide rehabilitation support for those with substance abuse problems. Policies II.1, II.5 and II.10 seek to improve the supply of good quality housing for both renters and homebuyers, to allow development of alternative housing types, and to achieve a broad income mix in new and existing multi-family housing in Boise. Policy III.3 of the BNP seeks to encourage the development of new residential and commercial uses on vacant land in the neighborhood, and Policy VIII.5 seeks to provide adequate, convenient daycare for neighborhood families.

This application also requests to extinguish the portion of a prior conditional use at the site (LUR 95-00780 CU DZ), reducing the site area to exclude the former church office use site and all related conditions of approval, shrinking this prior approval to include only the senior housing project to the south. Specifically, the approval language for the church meeting space portion of the decision will be extinguished, including references to alternative landscaping standards along NE Beech Street. Also, the conditions of approval (D through J) related exclusively to the church offices and meeting space will be removed from the approval. With this removal, the site area for LUR 95-00780 CU DZ is shrinking from 1.8 acres to 0.7 acres, excluding the 1.1 acres that is the subject of the present application. This change does not impact whether or not conditional uses at the site are consistent with adopted area plans, as the church office and meeting space building was demolished in 2004.

The proposed affordable rental housing, drug and alcohol residential treatment program for female heads-of-household and their children, and daycare are clearly supportive of these policies in the two adopted plans for the area.

This criterion is met.

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

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

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the

Community Design Guidelines.

Community Design Guidelines

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

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

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

Findings: Although much of the older urban buildings that defined the commercial corridor at this southern portion of the Albina Community Plan area have been lost, the proposed Beech Street Apartments and Lifeworks NW Community Service and housing building does incorporate several site and building design features that enhance the sense of place and identity, consistent with tradition and desired characteristics of the Boise neighborhood. Specifically, the H-shaped footprint of the proposed structure intentionally matches that of the elementary school that once occupied the same site, creating continuity in the site's historic use and physical relationship to the neighborhood. The project creates a sense of enclosure and background interest to set off the unique architectural and cultural significance of the predominantly African-American Greater St. Stephen Missionary Baptist Church across the street to the west facing NE Mallory Avenue. Although not specifically a site or building design feature, the Lifeworks NW project will also serve female heads-of-household and their children through programming, consistent with objectives for culturally-appropriate family services identified in the Boise Neighborhood Plan (Policy VIII: Family Services).

Also, the existing mature maple trees in the public right-of-way along the site's three frontages will be protected and enhanced with larger tree wells that give the roots more room to grow. These maples are a unique characteristic of the site and provide a strong sense of the continuity of the historic urban landscape on all three frontages of the project. Finally, the two main common entries to the project mimic the singular main entrance pattern found on most of Albina's historic apartment buildings.

This guideline is met.

P2. Historic and Conservation Districts. Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area's historic

significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.

Findings: The northernmost edge of the Eliot Conservation District is located one block south of the site, along NE Fremont Street. The proposed project incorporates the historic H-shaped building footprint of the old elementary school on the site, and provides a sense of enclosure with urban fabric to better highlight the historic Baptist church across NE Mallory to the west.

This guideline is met.

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

Findings: There are no designated gateways directly adjacent to this site in either the Albina Community Plan or the Boise Neighborhood Plan. There are neighborhood gateways designated at the intersections of NE Fremont and NE MLK Jr. Boulevard, and at NE Fremont between N Williams and N Vancouver, but both of these locations are visually and physically removed from the site.

This criterion does not apply.

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

Findings: The project will provide safe, attractive and convenient pedestrian connections from the public sidewalks to both main building entrances, as well as to other key features such as the courtyard entries and along the south edge of the buildings, adjacent to the surface parking lot. The adjacent sidewalks are buffered from vehicle traffic with parking strips planted with grass and mature street trees, and the walkway along the south of the building is separated from the parking lot by raised curbing, support pylons for the south end of the west building, and by projecting planter areas in the parking lot. The existing sidewalk system at the site perimeter provides easy connections to nearby destination points and the neighborhood overall.

This guideline is met.

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

Findings: The proposed project will provide comfortable stopping and resting places along the abutting public sidewalks by using 18" high raised brick stormwater planter walls, the edges of which can serve as seating. The two main building entrances have covered vestibule areas with durable benches that provide residents and visitors with places to stop, visit, meet and rest.

This guideline is met.

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

Findings: The proposed project will differentiate between the building facades at sidewalk level and the floors above by providing a change in volume, massing, materials, window placement, and color of metal panel material. The main building entries will have canopies and entry vestibule walls with wood panel surfacing, to create a warm, welcoming appearance for these important entries. The first floor volumes are also distinct from the upper floors for most of the perimeter, with the upper floors recessed further from the street than the ground floor.

This guideline is met.

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

Findings: The proposed project will mid-block main building entries, but the two corners at the northeast and northwest edges of the project will be provided with distinct projecting ground floor volumes with windows, and with raised planted stormwater planters that provide seating opportunities. The parking lot has been placed on the south edge of the property, allowing a more pedestrian-friendly condition at the two exterior corners.

This guideline is met.

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

Findings: The project will provide overhanging canopies and inset exterior entry vestibules at the two main building entrances on NE Mallory and Garfield Avenues. Weather protection is also provided at other building exit doors, as well as through covered areas in both interior courtyards. One of the criteria used in the selection of exterior building materials was glare reduction. The canvas material used for the courtyard covered areas will allow for light to filter through, providing some natural light in these interior covered areas. Protecting the mature street trees and planting new trees throughout the site will provide additional shade and rain cover, further supporting this guideline.

This guideline is 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 project includes two spacious interior courtyards for residents, as well as Lifeworks NW program clients and their children, some of whom will attend the daycare program. The landscaping in the courtyards helps to soften the enclosed courtyards, while also managing stormwater. Site furnishings including benches and other seating ledges, as well as playground equipment. The courtyards are enclosed by fencing on the north and south edges of the project, but gates permeate both fences, the courtyards are both connected directly to the main building lobbies. The proposed outdoor areas in the interior courtyards, as well as the perimeter landscaping along the adjacent public streets, will result in sizable, accessible, usable, pleasant and safe outdoor areas to enhance the project for residents and nearby neighbors.

The project will preserve the existing street trees at the site perimeter, while also providing new street trees where necessary to fill in the gaps. Plant materials will be provided along all perimeter public sidewalks to define routes and provide interest, color, texture and shading. Plant materials will also be used to screen and soften the parking area. The areas between the sidewalks and the buildings will be planted with vegetation including stormwater planters that visually display the building's stormwater management strategies while providing a transition in scale between the sidewalk and the buildings. The raised brick edges of the perimeter planters will provide seating opportunities, as well.

In the final revised landscape plans submitted by the applicant, the density and variety of landscape plantings has been increased along the project perimeter. Taller shrubs with seasonal interest, such as witch hazels and vine maples, will be located between windows and in front of areas where brick extends to the ground. Evergreen shrubs will provide foundation planting while deciduous shrubs, perennials, and evergreen groundcovers will be layered in front to further soften the façade and create visual contrast and interest. The stormwater planters will be planted with a mix of evergreen rushes, small shrubs, and perennials. The taller plants will be located between the building windows.

These guidelines are met.

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

Findings: The project will have two main entries, one for each wing of the building onto NE Mallory and NE Garfield Avenues. The entrances are designed to be prominent and interesting through the use of canopies, storefront glazing, changes in the building plane, and wide, well-defined entry plazas that connect the entries to the public sidewalk.

This guideline is 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 parking lot for the project will be placed to the rear (south) of the site, with driveways at mid-block. The parking lot will be screened by perimeter landscape plantings. The parking area is buffered from the buildings by a continuous east-west pedestrian walkway, and through curbing that raises the walkways physically above the parking surface. The proposed parking lot is also adjacent to the existing small parking lot for the senior housing facility to the south, consolidating vehicle area at the interior of the block, creating a more pedestrian-oriented experience at the adjacent street corners.

This guideline is 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 project will provide exterior lighting at the parking area, at the main building entries, and large windows have been provided along all street facades, to ensure 'eyes on the street'. Main entries are wide clearly accessible and visible from adjacent sidewalks and streets. The interior courtyards are secure from outside entry except by residents. At the ground level, active uses and/or individual dwelling units will help to ensure ongoing monitoring and interaction between occupants of the building and adjacent activity on the street and in the parking lot.

This guideline is met.

D6. Architectural Integrity. Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

Findings: No existing buildings are located on the site. This guideline does not apply.

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

Findings: The architecture in the neighborhood is quite varied, with single-family dwellings interspersed with 19th and mid 20th Century churches, streetcar era commercial and apartment buildings, and newer, larger buildings of a predominantly modernist character. The neighboring senior housing facility received design review approval in 1995 and acknowledged some characteristics of nearby residential buildings, with pitched roof forms and brick veneer. This

project is located at a transition point between the larger, commercial and mixed-use buildings along the NE MLK Jr. Blvd. corridor and the residential areas to the west. The project incorporates brick masonry-veneer walls, fiber cement siding, prefinished metal panels, and wood as can be found in some nearby homes, but particularly in the newer infill projects built nearby in recent years.

The project also incorporates the H-shaped building footprint of the old elementary school on the site, and the east and west facades of the two wings are architecturally broken down into repeating vertical volumes that have the scale and massing of a large urban rowhouse. The buildings use material changes and alterations in building plane to effectively break the two buildings down into smaller massing that is more in keeping with nearby homes. The deep courtyards that separate the east and west wings will reduce the scale of the street-facing façade as viewed from NE Beech Street, and the southern façade as seen across the parking lot. Landscaping on all frontages will also soften the impact of the scale of the new development.

This guideline is met.

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

Findings: The project will use durable, quality materials including brick masonry, reclaimed teak wood siding, fiber-cement siding and prefinished metal panels in a variety of textures and colors to create interesting massing volumes and visually shifting facades that integrate well with the scale and personality of the surrounding neighborhood. Distinct ground floors vary in articulation, coloration, fenestration and materials from upper floor materials. Shifting patterns of color in the metal wall panels and fencing have been designed to provide human scale and visual texture, while carefully composed main entries have added special details, including benches and wood-clad canopies and side walls, that provide embellished accents to a cohesive whole. There is consistency and unity in the overall design, coloration, and materials for both wings of the project that give the project a cohesive, integrated wholeness.

This guideline is met.

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.

Findings: The applicant has requested the following two modifications:

1. Increase the maximum building length (33.120.230) for portions of the building within 30 feet of both the Mallory and Garfield lot lines from 100 feet to 160 feet (east/Garfield) and 153 feet (west/Mallory); and
2. Reduce the depth of the required perimeter landscaping (33.266.130.G.2) along the western edge of the existing single parking space near the southwest corner of the site from 5' to 3', and eliminate the applicable tree component of the L2 landscape standard, in order to retain an existing row of mature shrubbery abutting an existing parking space to remain.

With regard to **modification #1**, the purpose of the building length standard is to limit the amount of bulk that can be placed close to the street. The standard assures that long building walls close to streets will be broken up into separate buildings. The standard seeks to provide a feeling of transition from lower density development to higher densities, and to enhance the character of development in transitional locations (33.120.230.A). At the east wing, the first floor treatment center provides a podium for the upper two floors of housing. On the street side, the first floor extends 5' closer to NE Garfield than the upper floors, reducing the bulk as experienced from the street and sidewalk. At the northern end, the first floor extends 7' northward and is recessed about 3' on its southern end from the floors above. The first floor articulation creates a series of distinct planes and shadows that contribute to minimizing the wing's three-story scale. The deeply inset entry vestibule and projecting canopy further break down the visual mass of the building as experienced from the street. Material differences and different window patterns on the ground versus upper floors further break down the building mass as experienced from the street. The brick portions of the upper floors project slightly out from the rest of the upper façade, further articulating the walls and reducing their bulk as experienced from adjacent streets.

Similarly, the west wing uses identical methods to break down the bulk and mass of the building as it faces NE Mallory Avenue. Unlike the east wing, the ground floor location is not offset from the upper floor walls, but the same shifts in building materials and articulated massing effectively break the building down into more discrete, residentially-scaled units. As proposed, the proposed development is consistent with the intent of the building length standard to break down the mass of building walls into discrete units, and provide a transitional scale between the adjacent single-family area to the west, and the more intense, large-scaled development along the NE MLK Jr. Blvd. corridor. The proposed building lengths along NE Mallory and NE Garfield also reflect the historic H-shaped plan of the old elementary school on the site, while giving the appearance and modulated scale of a more

residential structure, better meeting design guidelines regarding the nearby conservation district (P2) and neighborhood compatibility (D7).

These criteria are met.

With regards to **modification #2**, the purpose of the parking lot landscape standards is to improve and soften the appearance of parking areas, especially from adjacent streets and residential zones, to direct traffic, and to effectively manage the stormwater runoff and pollutants associated with vehicle areas (33.266.130.A). The perimeter parking lot landscaping for the senior housing parking received an identical landscape depth reduction as part of the design review for the senior housing project (LUR 96-00780 CU DZ). Since this prior approval is being extinguished on the northern parcel of the block, the same regulation must be met with this new project. The specific area in question is already landscaped and in place with existing shrubs and plantings that provide some visual screening and management of stormwater. The Bureau of Environmental Services has reviewed this proposal and provided no objections about the preliminary methods of stormwater management at the site. The existing 3'-wide curbed landscape bed along the western edge of the existing parking area will remain in service to the senior housing site, and in an easement to serve the senior housing site, but is located on this project parcel. Modification of this area as an upgrade to nonconforming development would require planting of new trees, and reconfiguration of the existing senior housing parking, which is in an easement and therefore not fully under the applicant's control. Overall, the proposed parking lot landscaping will be an effective, pleasant, and attractive feature of the project, with extensive groundcover materials, trees, and shrubs to both visually screen the parking area and effectively manage stormwater. Allowing this one developed landscape strip to remain will let the project better meet the pedestrian-, landscape-, and parking area-related design guidelines (E1, E2, D3, D4).

These criteria are met.

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.

III. CONCLUSIONS

The proposed Conditional Use review has been requested to provide a drug and alcohol treatment facility for female heads-of-household and their children, with a daycare use for children of program clients. The active portions of the use have been limited to the ground floor of a three-story otherwise residential building on the east edge of the site, with private interior courtyards for the

children in daycare and program clients. Built in conjunction with a west wing that contains affordable apartments and designed to visually blend in with this adjacent structure and other nearby housing, the project has successfully mitigated for any potential impacts through design, landscaping, and inherent programmatic limits and hours of operation. The treatment program and daycare can be served by available public services, and the use is consistent with important housing, family service, and culturally-relevant objectives of both the Albina Community Plan and Boise Neighborhood Plan. With a condition of approval relaying staff-annotated recommendations from the Police Bureau, the relevant approval criteria can be met and the request should be approved. The Conditional Use to eliminate former conditions of approval on the site for the demolished General Baptist Convention/elementary school building is straightforward and should also be approved.

The Design Review process exists to preserve and enhance areas of the city with special scenic, architectural, or cultural significance. The project proposed will provide significant new housing on a vacant site, as well as a culturally-sensitive Community Service use. The footprint of the buildings take inspiration from the old elementary school on the site, while using quality exterior materials and articulated, shifting wall planes to break down the mass of the building. The requested Design Review and associated modifications are able to meet the relevant guidelines and criteria, and should be approved.

IV. DECISION

Approval of Design Review for the Beech Street Apartments and Lifeworks NW buildings and new surface parking area, with approval granted based on the design, materials, landscaping, and coloration as shown on the approved plans and drawings, Exhibits C.1 through C.26.

Approval of a Modification through Design Review to increase the maximum building length (33.120.230) for portions of the building within 30 feet of the Mallory lot line from 100 to 153 feet, and for portions of the building within 30 feet of the Garfield lot line from 100 to 160 feet.

Approval of A Modification through Design Review to reduce the depth of the required perimeter landscaping (33.266.130.G.2) along the western edge of the existing single parking space near the southwest corner of the site from 5' to 3', and eliminate the applicable tree component of the L2 landscape standard, in order to retain an existing row of mature shrubbery abutting an existing parking space.

Approval of Conditional Use Review to establish a drug and alcohol treatment facility (Community Service Use) in the east wing building on the site, with ground floor facilities accommodating treatment and common space for up to 35 clients and their children, with 25 full-time employees and 15 on-call part-time staff, including two upper floors with 16 residential units for clients and their children, and with program services operating year-round from 8 a.m. to 5 p.m. weekdays. This approval is granted based on the approved plans and drawings, Exhibits C.1 through C.26, and subject to the following condition of approval:

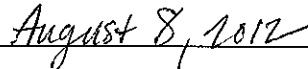
1. The applicant, in consultation with the North Precinct Portland Police Commander, shall implement and maintain the following recommendations from the Portland Police Bureau for the drug and alcohol treatment facility:
 - A. Work with neighbors to address safety concerns
 - i. Make available the main contact representative number for the Treatment Facility.
 - ii. Maintain the landscaping and/or fencing around the facilities with attention toward keeping the area visible yet secure. Over time, bushes can overgrow their base and provide an opportune location for persons or items to hide.
 - iii. Develop a simple procedure for reporting internal and external policy violations or concerns.
 - iv. Post and maintain no trespassing signs in sections around the facilities that are not public or common areas. Position signs in locations that are visible during day and night.
 - v. Display and maintain address markers for visibility during the day and night for each of the buildings facing the street. In addition, illuminate the facility name or address for easy identification by Law Enforcement.
 - vi. Assess the location and use of security cameras to monitor activities around the site. The parking lot and facilities entrances should be noted areas of concern as they lack visibility and can be difficult to monitor.
 - vii. To further evaluate safety and security concerns, it is highly advised that a Crime Prevention through Environmental Design (CPTED) assessment is conducted for this site. (*Note: the site is subject to conformance with the approved site, building, and landscape drawings*).
 - viii. The City of Portland's Office of Neighborhood Involvement (ONI) provides CPTED evaluations; contact ONI representative Angela Wagnon at 503-823-4094.
 - B. Service-related concerns:
 - i. Residents sign agreements to not use or have possession of drugs or alcohol, and keep the site smoke-free. This should include all visitors to the site.
 - ii. Once the site is ready to receive residents, inform Police Dispatch at the City of Portland's Bureau of Emergency Communications (503-823-0911), that the status and purpose of the facility is that of a drug and alcohol treatment center. In addition, it should be noted that individuals receiving treatment here may have violent backgrounds or have had prior conflicts with Law Enforcement.

Approval of Conditional Use Review for a Daycare facility on the ground floor of the east wing at the site, for up to 36 children of the clients at the drug and alcohol treatment facility, with operating hours from 8 a.m. to 5 p.m. on weekdays and four staff positions.

Approval of a Conditional Use Review to extinguish and eliminate from the site the former approval and conditions of approval related to LUR 95-00780 CU DZ, shrinking this prior approval to include only the senior housing facility south of the site, including references to alternative landscaping standards along NE Beech Street, and conditions of approval D through J relating exclusively to the former church offices and meeting space on the site.



Kenneth D. Helm, Hearings Officer



Date

Application Determined Complete:	June 13, 2012
Report to Hearings Officer:	July 13, 2012
Revised Report to Hearings Officer:	July 25, 2012
Decision Mailed:	August 10, 2012
Last Date to Appeal:	4:30 p.m., August 24, 2012
Effective Date (if no appeal):	August 27, 2012 Decision may be recorded on this date.

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.

This report is not a decision. The review body for this proposal is the Hearings Officer who will make the decision on this case. This report is a recommendation to the Hearings Officer by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Hearings Officer will make a decision about this proposal within 17 days of the close of the record. Your comments to the Hearings Officer can be mailed c/o the Hearings Officer, 1900 SW Fourth Ave., Suite 3100, Portland, OR 97201 or faxed to 503-823-4347.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted

on the Bureau of Development Services website. Look at www.portlandonline.com. On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

Appeal of the decision. The decision of the Hearings Officer may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the Hearings Officer, only evidence previously presented to the Hearings Officer will be considered by the City Council.

Who can appeal: You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. Appeals must be filed within 14 days of the decision. **Appeals must be filed within 14 days of the decision. An appeal fee of \$5,000.00 will be charged (one-half of the BDS application fee, up to a maximum of \$5,000).**

Appeal Fee Waivers: Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

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.

- 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; *OR*
- *In Person:* Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

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

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

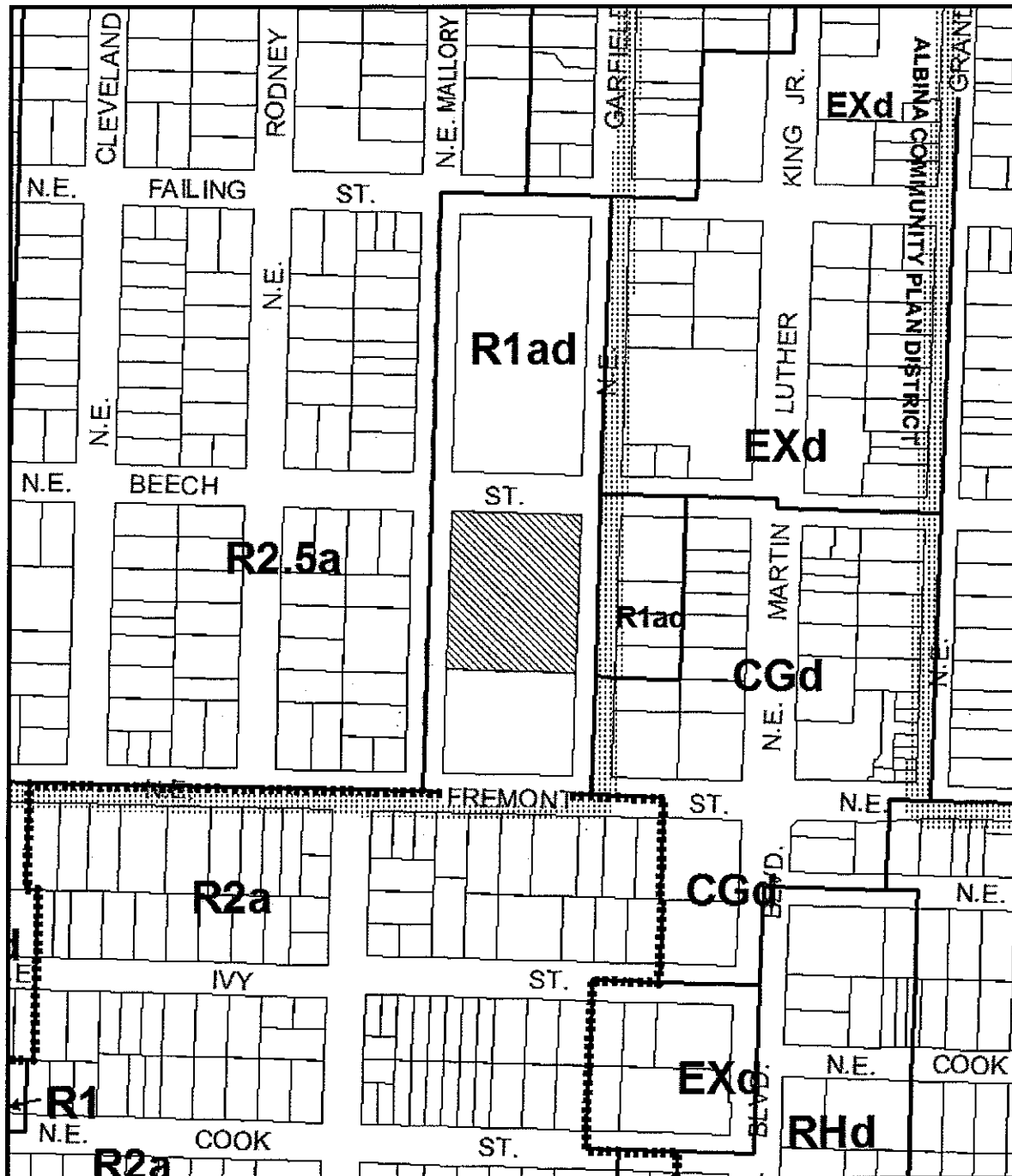
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original application binder, including original/NOT APPROVED plan set, stormwater report, and traffic impact study
 - 2. Memo submitted with revised plans, including additional narrative on approval criteria, received June 13, 2012
 - 3. E-mail discussion between staff, applicant, and Police Bureau, including original questions from Police and responses from applicant and staff, June 25 – July 10, 2012
 - 4. E-mail responses from applicant to Portland Police Bureau on second round of safety questions, July 16-17, 2012
- B. Zoning Map (**attached**)
- C. Revised Plans and Drawings, received June 13, 2012
 - 1. Plan set cover sheet
 - 2. Existing conditions plan
 - 3. Site and utility plan
 - 4. First floor plan
 - 5. Second floor plan
 - 6. Third floor plan
 - 7. Fourth floor plan
 - 8. Roof plan
 - 9. West and east elevations
 - 10. North and south elevations
 - 11. West and east courtyard elevations
 - 12. North and south courtyard elevations
 - 13. Wall sections
 - 14. Planting plan
 - 15. Materials plan
 - 16. Planting palette
 - 17. Color rendering from northeast
 - 18. Color rendering from north-northeast
 - 19. Color rendering from north-northwest
 - 20. Color rendering from northwest
 - 21. Color rendering from west
 - 22. Color rendering from southwest
 - 23. Color rendering from southeast
 - 24. Color rendering from east
 - 25. Color rendering from east at main entry
 - 26. Mechanical equipment cut sheets
- D. Notification information
 - 1. Request for response
 - 2. Posting information and notice as sent to applicant

3. Applicant's statement certifying posting
4. Mailing list with mailed notice
5. Mailed hearing notice
- E. Agency Responses
 1. Bureau of Environmental Services
 2. Water Bureau
 3. Life Safety Section of the Bureau of Development Services
 4. Urban Forestry Division of Portland Parks and Recreation
 5. Development Review Section of Portland Transportation
 6. Site Development Section of the Bureau of Development Services
 7. Fire Bureau
 8. Police Bureau
- F. Letters
 1. *(none received at time of staff report publication)*
- G. Other
 1. Original LUR Application Form and Receipt
 2. Site History Research
 3. Incomplete Letter
 4. Completeness Response Information
- H. Received in the Hearings Office
 1. Notice of Public Hearings – Mark Walhood
 2. Staff Report – Mark Walhood
 3. Revised Staff Report – Mark Walhood
 4. PowerPoint Presentation – Mark Walhood
 5. Record Closing – Hearings Office



ZONING

 Site



File No. LU 12-137379 CU,DZ
 1/4 Section 2630
 Scale 1 inch = 200 feet
 State Id 1N1E22DD 16001
 Exhibit B (May 08, 2012)