



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** April 10, 2014  
**To:** Interested Person  
**From:** Staci Monroe, Land Use Services  
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## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

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

### **CASE FILE NUMBER: LU 13-240623 DZM AD**

*TWO COMMERCIAL OFFICE BUILDINGS WITH AN ADJUSTMENT AND MODIFICATION*

#### **GENERAL INFORMATION**

**Applicant:** Cassidy Bolger | Holst Architecture | 110 SE 8th Avenue | Portland Oregon 97214

**Owner:** Karuna Properties II LLC | 3013 NE 9th Avenue | Portland, OR 97212

**Site Address:** Property bounded by N Williams, N Fremont and N Vancouver

**Legal Description:** ALBINA HMSTD, BLOCK 30, LOT 6-8 EXC PT IN ST, ALBINA HMSTD, BLOCK 30, LOT 9&10, and ALBINA HMSTD, BLOCK 30, LOT 11&12

**Tax Account No.:** R103332, R103333, and R103334

**State ID No.:** 1N1E22DC 14100, 1N1E22DC 14200, and 1N1E22DC 14300

**Quarter Section:** 2630

**Neighborhood:** Boise, contact Caroline Dao at 503-544-5515.

**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.

**District Coalition:** NE Coalition of Neighborhoods, Claire Adamrick at 503-388-9030.

**Zoning:** EXd – Central Employment zone with a Design overlay

**Case Type:** DZM AD – Design Review with an Adjustment and Modification

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

#### **Proposal:**

The applicant seeks Design Review approval for the redevelopment of the southern end of Block 30 at the intersection of N. Fremont, N. Williams and N. Vancouver. The project area also includes a portion of the Radiator Building lot to the north as part of the courtyard improvements.

The proposal includes two new commercial buildings (west building 5 stories, east building 4 stories) anchoring the southwest and southeast corners of the block, respectively. Both L-shaped buildings would include retail spaces in the ground level and office uses in the upper floors (totaling approximately 80,000 SF) with entries dispersed along all three street frontages. Parking is proposed at the ground level at the north end of the east building with access from N Williams. The surface lot provides spaces for 7 vehicles, 1 motorcycle and 1 small loading

space. A courtyard is proposed on the interior of the lots and buildings flanking the public alley that is to remain. Vehicle access from the new parking area to the alley will be restricted by a landscape planter. Vehicle access to the alley from N. Fremont will remain for the property at the north end of the alley. A mountable curb at the alley access on N. Fremont and directional signage to the parking will discourage the general public from utilizing the alley. The courtyard includes pavers, landscape planters, benches, seat walls and bike parking. A wood-slatted screen enclosure is proposed around the previously approved transformer at the north end of the courtyard. A total of 19 short term bike parking spaces would be dispersed along the frontage on N. Vancouver, N Williams and in the courtyard adjacent to the east building.

The buildings have an organic and natural feel with the forms and materials proposed. The design includes curves and undulations of natural wood facades in stained cedar and white tiled window apertures. Other materials include composite metal panel, aluminum storefronts and curtain walls as well as concrete for the columns and portions of the base. Both buildings contain rooftop elements including mechanical equipment enclosures, light monitors and roof access hatches with safety railing.

The following Modification is requested:

1. To provide one small (18' long x 9' wide x 10' vertical clearance) rather than the one large (35' long x 10' wide x 13' vertical clearance) required loading space for the east building as required by Section 33.266.310.C.2.

The following Adjustment is requested:

1. To not provide the required large loading space (35' long x 10' wide x 13' vertical clearance) for the west building as required by Section 33.266.310.C.2.

Design Review is required for new development within a Design overlay per Section 33.420.041.A

#### **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:

- Community Design Guidelines
- Adjustments Through Design Review – Section 33.825.040
- Modification Reviews – Section 33.805.040

## **ANALYSIS**

**Site and Vicinity:** The majority of the subject site is currently vacant and located at the south end of Block 30, bound by N. Fremont Street, N. Williams Avenue and N. Vancouver Avenue. The site consists of three tax lots with an alley between them; two vacant tax lots that front Fremont and the lot to the north that fronts N. Vancouver currently under development with the Radiator Building. The unimproved alley terminates at roughly the mid-point of the block, at the south lot-line for the Life Change Christian Center property. To the south, the alley terminates at N Fremont Street, where there is a curb-cut providing access. Most of the alley is comprised of loose gravel. At the north end of the alley, it appears to consist of a mixture of gravel and low-lying vegetation.

The site (minus the alley) totals 42,517 SF in area. All three bounding streets are classified as Transit Access Streets and City Bikeways. Both N. Williams and N. Vancouver are Neighborhood District Collector traffic streets. The site is also located one block northwest of the Eliot Pedestrian District.

The area immediately surrounding the subject site contains a variety of building types and uses. Directly across N Vancouver Avenue from the site, there is a one-story commercial building containing a sandwich shop. Just south of the sandwich shop, at the northwest

corner of Vancouver Avenue and Fremont Street, there is an apartment complex called Fremont Manor. At the southwest corner of this intersection, there is a vacant gas station/auto shop with a paved lot occupied by food carts. On the south side of N Fremont Street from the subject block, a new grocery store has recently been constructed. Also nearby is The Albert, a four-story building with ground-floor retail and upper-level apartments. Constructed in 2011, it is located at 3632 N Williams Avenue. Overall, the Williams-Vancouver corridor, from N Cook Street to the south to N Skidmore Street to the north, is in the midst of significant redevelopment. Whereas some existing buildings have been demolished to accommodate new development; other existing buildings have been rehabilitated and adapted for new uses. Redevelopment has also been occurring on land that has been vacant for many years. The corridor is increasingly characterized by new restaurants, bars, specialty retail shops, and apartments targeted to young middle-class singles and small families. The area surrounding the Williams-Vancouver corridor is characterized by single-family houses, many constructed in the early 1900s.

**Zoning:** The Central Employment (EX) base 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, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design overlay zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, Design Review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

**Land Use History:** City records indicate the following prior land use review for this site:

- LU 05-146176 DZM – Design Review with Modifications approval for a new mixed use development with residential and retail uses referred as Back Bridge Station. Building permits for the development were never completed and thus development never commenced.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **January 21, 2014**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E-1 and E-7)
- Bureau of Transportation Engineering (Exhibit E-2)
- Plan Review Section of BDS (Exhibit E-3)
- Water Bureau (Exhibit E-4)
- Fire Bureau (Exhibit E-5)
- Site Development Section of BDS (Exhibit E-6)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on January 21, 2014. Two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Stephen Gomez (Boise Neighborhood Association), February 4, 2014, stating support for the project and maintaining alley access for the property owner to the north, with additional comments on pedestrian safety and loading space maneuvering (Exhibit F-2).
- Kenneth & Michelle Doswell, February 7, 2014, stating concerns with maintaining alley access and the lack of parking for the project (Exhibit F-1).

**Staff Response:** The following response addresses these concerns:

- Alley Access – The bollards are no longer proposed within the alley. A mountable curb along Fremont will allow access to the property at the north end of the alley to be maintained. This curb type, along with a sign indicating where the parking for the

buildings is located (off of Williams), should discourage the general public from driving down the alley. An additional sign noting the name of the plaza area, should also be a visual queue to drivers that pedestrians may occupy the space as well.

- **Parking** – The Zoning Code does not require any parking for office or retail uses in the EX zone. The proposal, however, does include 7 auto and 1 motorcycle parking spaces with additional spaces secured at the church to the north to be used during the church's off-hours. Frequent bus service exists on Williams, Vancouver and Fremont and the former streets are both bike corridors. These additional modes of transportation should alleviate some of the parking needs generated by the project.
- **Loading** – The loading space proposed within the parking area meets the dimensions and maneuvering area required by the Zoning Code. In addition, Transportation has no objection with the space as proposed. The removal of the planters along the west side of the loading space would provide more room for vehicles maneuvering in and out of the loading space, however, those planters serve to limit cars from accessing the alley. The planters also serve as a physical and visual buffer of the parking for pedestrians and users of plaza. The applicant mentioned they are exploring a request for a limited-time loading space along their frontage on Williams with PBOT.

## ZONING CODE APPROVAL CRITERIA

### (1) 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:** This site is located in the Eliot Neighborhood within the Albina Community Plan area. The buildings and courtyard occupy a prominent half block at the border of a

quickly growing and changing neighborhood. The proposal enhances this area and responds to the desired characteristics in the following manner:

- The Courtyard is to be a communal public gathering place open to the public for neighborhood events and use. This was a decision by the development team driven by their understanding of the changes occurring in the area and a desire to preserve open space and create a community gathering area that can become the heart of the neighborhood.
- The landscape design of the Courtyard strives to bring nature to the neighborhood through a rich and complex palette of meadow plants, which will be supported at the perimeter by an understory forest environment that bleeds into the built “forest”. The courtyard planting design will serve as a vibrant ecosystem that supplies habitat to local wildlife, provides verdant seasonal interest, and is educational to visitors. It will offer a welcomed natural relief from the surrounding urban environment and an added link in the chain of urban greenspace. The planting beds are not intended to be islands amongst hardscape, but interactive elements that encourage participation and discovery. Boulders and integrated pathways will encourage people, especially children, to learn about and play among the flora. Integrated into the design of the paving are weathered steel bands to be laser-cut with quotes gathered to represent the neighborhood’s history.
- The buildings’ surfaces are highly active and expressive architecturally in a direct attempt to reference the organic curving forms of nature. Wood siding was chosen to achieve this goal of natural and pleasing materials and forms.
- The buildings’ curving projections, apertures, and decks help to enliven the buildings upper floors and prevent a flat wall of glass whose scale would be out of character with the surroundings. They provide opportunity the building’s upper floor to open up to the community.
- The programming for the buildings is retail use at the ground floor and office use on the upper floors. These uses will support the established retail environment in the area and enhance this district as both a destination in the city, and an amenity to the walkability of the neighborhood. The commercial use, especially office provides residents in the area more opportunities to both live and work in the neighborhood.

*This guideline has been 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 site is located one block northwest of the Eliot Conservation District. To enhance traditional features of commercial development found the district, the buildings are pushed up to the street edge on all three frontages. Extensive glazing and entries for retail tenants follow the historic, and more recent, development patterns of the Williams / Vancouver corridor. The common public Courtyard creates a community focal and gathering point. Integrated into the design of the courtyard are opportunities to reflect its past through the quote bands. *This guideline has been met.*

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

**Findings:** This site, nor either of its respective corners, has been identified as District or Neighborhood Gateways in the Albina Community Plan. *This guideline is therefore not applicable.*

**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 ground floor retail areas all open directly to the street and are setback 3 feet to allow for their uses to spill out to the public realm and be more inviting to pedestrians. The building lobbies, as well as the retail spaces, are open both to the street and to the internal courtyard to create transparency and ease of access through the building from the sidewalk to the courtyard. At the Courtyard entry along Fremont, the buildings' mass steps down to create a pedestrian scale gateway into the Courtyard.

Within the courtyard, open pedestrian access is provided to the "backside" of all the ground floor areas of both buildings. The Parking Lot entry is located at the far end of the building separated from the main retail entries. A landscaped buffer prevents vehicles from entering the alley and courtyard from this new parking area. A sign located in the landscape planter midblock on Fremont will indicate where the parking access is located (off of Williams). This sign, coupled with a mountable curb at the alley access on Fremont, are visual queues that should discourage the general public from driving down the alley. The property at the north end of the alley on the east side is the only development that will maintain vehicle access to the alley. Given this single user, the volume of vehicle traffic in the alley through the courtyard is expected to be minimal. *This guideline has been 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 courtyard's design of varied large and small gathering areas, benches, lighting and generous landscaping provide for an inviting place to be. Tenants will also be encouraged to provide seating and activity in the courtyard appropriate to their uses. The setback glazing of the retail spaces at the street fronts also offer the possibility for tenants to provide outdoor café seating on the sidewalk. *This guideline has been 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 ground floors of the buildings are set back from the sidewalk and both covered and enclosed by the projection of the "aperture" forms above. These apertures form a ribbon of wood walls and white trim that fold down to the street level to frame the building entries. Also, along Fremont, an architectural shading element at the upper floors becomes a landscape planter box at the ground floor that brings nature to the urban streetscape. *This guideline has been 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 original design that included solid walls at the building corners has been revised in response to input from neighbors and Staff at the Pre-Application Conference. The corners of the buildings at the ground floor are set back and now part of the glazed retail frontages. This provides openness and a clear indication of access points located near the building corners. The curving articulation of the upper floors reveals itself on the corners as each layer begins to peel away from the other. This creates interest and energetic movement at the building corners and enlivens the intersection with an interesting architectural solution that express the curving organic nature of the design. *This guideline has been 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:** All entries and areas in front of the retail spaces of the buildings have a minimum of 3 foot overhang from the floor above, often more as the apertures project beyond that distance. The form of the buildings, as discussed in P1, create a courtyard that is sheltered from wind and rain through their form, orientation and overhangs. They also, however, open and step down on the south for light and sun to be allowed to enter and be seen from inside the courtyard. The natural wood material of the surface of the mass of the building reduces the glare often associated with other building products such as metal or painted surfaces. *This guideline has been 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 Courtyard is composed of appropriate landscape features that enhance the design through a rich and complex palette of meadow plants, which will be supported at the perimeter by a series of understory planters. The courtyard planting design will serve as a vibrant ecosystem that supplies habitat to local wildlife, provides verdant seasonal interest, and is educational to visitors. It will offer a welcomed natural relief from the surrounding urban environment and an added link in the chain of urban greenspace. The planting beds are not intended to be islands amongst hardscape, but interactive elements that encourage participation and discovery. Boulders and integrated pathways will encourage people, especially children, to learn about and play among the flora. Integrated into the design of the paving are weathered steel bands to be laser-cut with quotes gathered to represent the neighborhood's history.

The outdoor courtyard extends across the alley and becomes a shared space for both pedestrians and vehicles. The design is intentionally seamless with the same paving treatment in the public alley as in the adjacent courtyard. Some measures have been taken to limit the conflicts between those using the outdoor space and vehicles access the alley. As mentioned in finding above for E1, vehicle access in the alley will be limited to a single property to the north. A landscaped planter along the west side of the new parking area will restrict vehicles from entering the alley and courtyard. A sign indicating where to access the parking lot (off of Williams), coupled with a mountable curb at the alley access on Fremont, are visual queues that should discourage the general public from driving down the alley.

*These guidelines have been met.*

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

**Findings:** There are numerous ways to access the upper office area and retail tenants on the ground level from all sides of the project. They are made prominent by their location underneath the stacked curving apertures of the upper floors which also provide shelter. They are also characterized by the amount of glazing on the front and rear of the buildings that allows access and transparency from both the courtyard on the site's interior and the sidewalk. Future signage at each tenant entry will also help to demarcate these access points. *This guideline has been 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 entry is tucked under the north end of the East Building on the ground floor to reduce its visual and architectural impact. The paving is made of 8"x8" precast concrete pavers that have a softer and scaled down visual appeal. These pavers integrate with the permeable type used in the courtyard as a means of blending the designs with each other. The landscaped buffer on the north side of the parking area employs a sloped berm up to the adjacent lot that is screened using landscaping, rather than a fence, to minimize its impact. The 5' deep landscape planters along the west and east sides also provide physical and visual buffer from the abutting pedestrian environments in the courtyard and the sidewalk on N. Williams. The exposed structural columns have a sculpted form that integrates them into the whole of the building being supported above and enhance the visual appeal of the area. The white colored and well lit ceiling plane creates a feeling of light and openness that is inviting. *This guideline has been 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:** Throughout the site, transparency of materials and configuration of massing is employed to create site lines and a space that is open, inviting and engaged with its surroundings. The buildings have a large amount of glazing on all sides. Decks on the buildings allow for occupants of upper floors to be directly engaged with the surrounding the neighborhood and provide both eyes and ears on the street. The entire ground floors of the buildings are open with glazing, ample entries, and lighting to create an open and inviting building. The parking area is open on three sides preventing a dead-end condition. It employs a white ceiling and ample lighting to make it a safe place to be. *This guideline has been met.*

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

**Findings:** Currently, neighborhood development is primarily vacant lots, small commercial warehouse buildings converted to retail, new multi-story mixed-use buildings, and single-family residential houses. Along the commercial corridor of N Williams, adaptive re-use and new structures create an eclectic mix of forms, colors and materials that result in a vibrant and contemporary streetscape. Older structures, for the most part, have been updated with colors and materials rendering them as more contemporary in architectural expression. New buildings are also contemporary in massing, form and articulation. A recent development in the area that references historic styles, contains significant projections from the mass of the building over the property line. Wood accents, often in cedar, are employed throughout the neighborhood.

The Karuna II project is also contemporary in its expression. The facades of the buildings are highly articulated as a means to both express the organic qualities of nature, and to break down the mass of the building. These articulations, or apertures, project from the face of the building to shelter pedestrians and create a human scale at the Sidewalk. Cedar siding is employed deliberately on the skin of the building to bring a natural and softer appearance to the built environment. The ground floor walls are primarily made up of durable glass storefront systems, and matching metal panels.

Along Fremont, planters have been created to soften the edge of the building and bring nature to the streetscape. Along Fremont, Williams and Vancouver, ample glazing is coupled with shelter from the aperture projections above to create an inviting area for

pedestrians and retail uses. These characteristics all serve to enhance the growing and vibrant retail corridor in the neighborhood.

Additionally, the Courtyard between the East and West buildings was designed as a deliberate means to mitigate the abrupt changes to the built environment occurring in the neighborhood. This Courtyard establishes dedicated open and landscaped space usable by the public. The masses of the East and West buildings were formed to create an appealing open space. The buildings step down and away from the Courtyard entry to establish an airy and open pedestrian scale that invites the public inside. The courtyard's landscaped design incorporate a diverse type and scale of planting and trees to form a variety of intimate spaces within the larger area to accommodate a variety of users and uses.

*This guideline has been 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's architectural expression is rooted in the building owners interest in organic and natural forms in architecture. The curves and undulations of the natural wood façade and white tiled window apertures mimic an irregular fluidity and energetic expression often found in nature. Rather than a typical "box on a base" massing, the building is rooted in the ground with wall and window articulations that begin at grade and move up the full height of the building. The Courtyard's irregular composition and lush plantings work in concert with these foundations of the project's design concept. Building rooftop mechanical units, and the existing electrical transformer, are consolidated and screened from view with integrated enclosures.

As a result of the Pre-Application meeting, and several meetings with both Boise and Eliot neighborhood associations, considerations were made in the final design. Primarily, the ground floor building corners' wood walls were removed to open the corners of the building to the neighborhood. The use of cedar was also a concern along the ground level of the building where pedestrians and bike activity could potentially damage the finish. In response to the concern, the applicant has provided a Corten wall screen that could be installed at these locations that extends 4'-0" above the sidewalk to protect cedar at these lower levels. This approach was preferred by the applicant over removing the cedar at the ground level, as the wrapping of the cedar skin was integral to the design concept. The areas where the wood reaches the sidewalk level is rather limited and occurs on less than 25% of the ground level façade facing the abutting streets. This integrated screen, or wall guard, should provide a buffer from the activity along all three of these very active streets in a design and material that is interesting and complementary to the building.

*This guideline has been met.*

## **(2) Adjustment Request (33.805)**

### **33.805.010 Purpose**

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

### **33.805.040 Approval Criteria**

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

The following one Adjustment is requested: To not provide the required large loading space (35' long x 10' wide x 13' vertical clearance) for the west building as required by Section 33.266.310.C.2.

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

**Findings:** The purpose of the loading standards is found in Code Section 33.266.310.A and is stated as follows: *"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 the 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".*

The loading standards apply to individual buildings, and in this case, each building requires two large loading spaces. The buildings, however, are part of a larger site with a shared courtyard and common parking area that will all be owned and managed by the same team. Given this type of integrated development, PBOT has reviewed the loading needs in a more holistic manner and based them on the site's uses not the individual buildings. As such, the smaller retail spaces on the ground floors are not likely to generate a need for larger loading spaces. FedEx/UPS and courier services associated with office uses, as proposed on the upper floors, typically would not use on-site loading spaces. With the loading needs for the site being rather low, PBOT concludes the one loading space in the shared parking area for the site under the East Building will be adequate to serve the needs of both buildings on this site, thus meeting the purpose of the regulation. See Section 3 below for the Modification to loading size.

*PBOT is supportive of the applicant's Adjustment request. These approval criteria are met.*

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

**Findings:** The West Building does not have parking on its lot. To accommodate a loading zone for the West Building a new curb cut, driveway, and reduction of building wall street frontage on Vancouver would have to be created. Limiting the number of driveways also reduces opportunities for pedestrian and vehicle conflicts. Thus sharing the loading zone with the East Building allows for a safer and more vibrant streetscape, which is consistent with the character of this pedestrian and bike-friendly neighborhood. *This criterion has been met.*

- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

**Findings:** Only one adjustment is requested. *This criterion does not apply.*

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

**Findings:** This site is not within a scenic overlay zone nor is it a designated historic landmark. *This criterion does not apply.*

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

**Findings:** This site is not within an environmental zone. *This criterion does not apply.*

### **(3) Modification Requests (33.825)**

#### **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 following one Modification is requested:

1. To provide one small (18' long x 9' wide x 10' vertical clearance) rather than the one large (35' long x 10' wide x 13' vertical clearance) required loading space for the East Building as required by Section 33.266.310.C.2.

**Findings:** The proposed loading zone with a dimension of 9' wide by 18' long by 11'-5" high provides ample loading area for the building's use and size. Office and small retail tenants will be receiving deliveries from smaller trucks than the semi-truck size space required in the standard. It is anticipated one van or small truck per day. As concluded by PBOT in the Adjustment findings above, the one small loading space will be adequate to meet the loading of the site meeting the purpose of the regulation.

The modification better meets the following design guidelines:

- P1 - Community Plan Area Character: This neighborhood is very bicycle focused and pedestrian scaled. Creating a large parking area that is tall and long enough for the standard loading size would be out of character with the nature and scale of infill urban development on this site.
- E1 - The Pedestrian Network: To accommodate the standard sized loading space would require a taller opening into the parking lot, and a larger lot overall. This would harm the project's ability to create a pleasant experience for pedestrians (both in the Courtyard and on the Sidewalk) and to visually buffer them from the impacts of parking.
- D4 - Parking Areas and Garages: The proposal integrates the loading area into the small scale parking lot that is integrated into the form and scale of the building. It is located away from the street toward the rear of the parking area, but is also close to the courtyard-side main entry. This makes it practical for loading without having to impact the pedestrian right of way on the sidewalk. This location also minimizes the loading zone's impact on adjacent buildings and the environment taking it out of direct view.

*This modification criteria has been 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.

The site consists of three individual tax lots with a total site area of 42,517 SF. The site is allowed a maximum FAR of 3:1 or 127,551 SF. The site, as well as the individual lots, falls below or meets the allowed 3:1 FAR as follows:

### East Building (R103332):

- Lot Area: 18,143 SF
- Allowed Floor Area: 54,429 SF
- Proposed Floor Area: 42,938 SF
- Proposed FAR: 2.37:1 SF
- Unbuilt FAR: 0.63:1 SF (11,491 SF)

### West Building (R103333):

- Lot Area: 12,374 SF
- Allowed Floor Area: 37,122 SF
- Proposed Floor Area: 36,620 SF
- Proposed FAR: 2.96:1 SF
- Unbuilt FAR: 0.04:1 SF (502 SF)

### Radiator Building (R103334):

- Lot Area: 12,000 SF
- Allowed Floor Area: 36,000 SF
- Proposed Floor Area: 36,000 SF
- Proposed FAR: 3:1 SF
- Unbuilt FAR: none

### Project Total

- Site Area: 42,517 SF
- Allowed Floor Area: 127,551 SF
- Proposed Floor Area: 115,558 SF
- Proposed FAR: 2.72:1 SF
- Unbuilt FAR: 0.28:1 SF (11,993 SF)

## CONCLUSIONS

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

## ADMINISTRATIVE DECISION

Approval of two new commercial buildings with parking and outdoor courtyard in the Albina Community Plan District.

Approval for the following Modification request:

1. To provide one small (18' long x 9' wide x 10' vertical clearance) rather than the one large (35' long x 10' wide x 13' vertical clearance) required loading space for the east building as required by Section 33.266.310.C.2.

Approval for the following Adjustment request:

1. To not provide the required large loading space (35' long x 10' wide x 13' vertical clearance) for the west building as required by Section 33.266.310.C.2.

Per the approved site plans, Exhibits C-1 through C-52, signed and dated 4/7/14, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.52. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-240623 DZM AD. No field changes allowed."

**Staff Planner: Staci Monroe**



**Decision rendered by:** \_\_\_\_\_ **on April 7, 2014**

By authority of the Director of the Bureau of Development Services

**Decision mailed: April 10, 2014**

**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 December 20, 2013, and was determined to be complete on January 15, 2014.

*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 December 20, 2013.

*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 30 days. Unless further extended by the applicant, **the 120 days will expire on: June 14, 2014 (Exhibit G-4).**

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 24, 2014** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

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

- *Unless appealed,* The final decision may be recorded on or after **April 25, 2014.**
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

For further information on recording, please call the County Recorder at 503-988-3034  
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

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

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

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

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

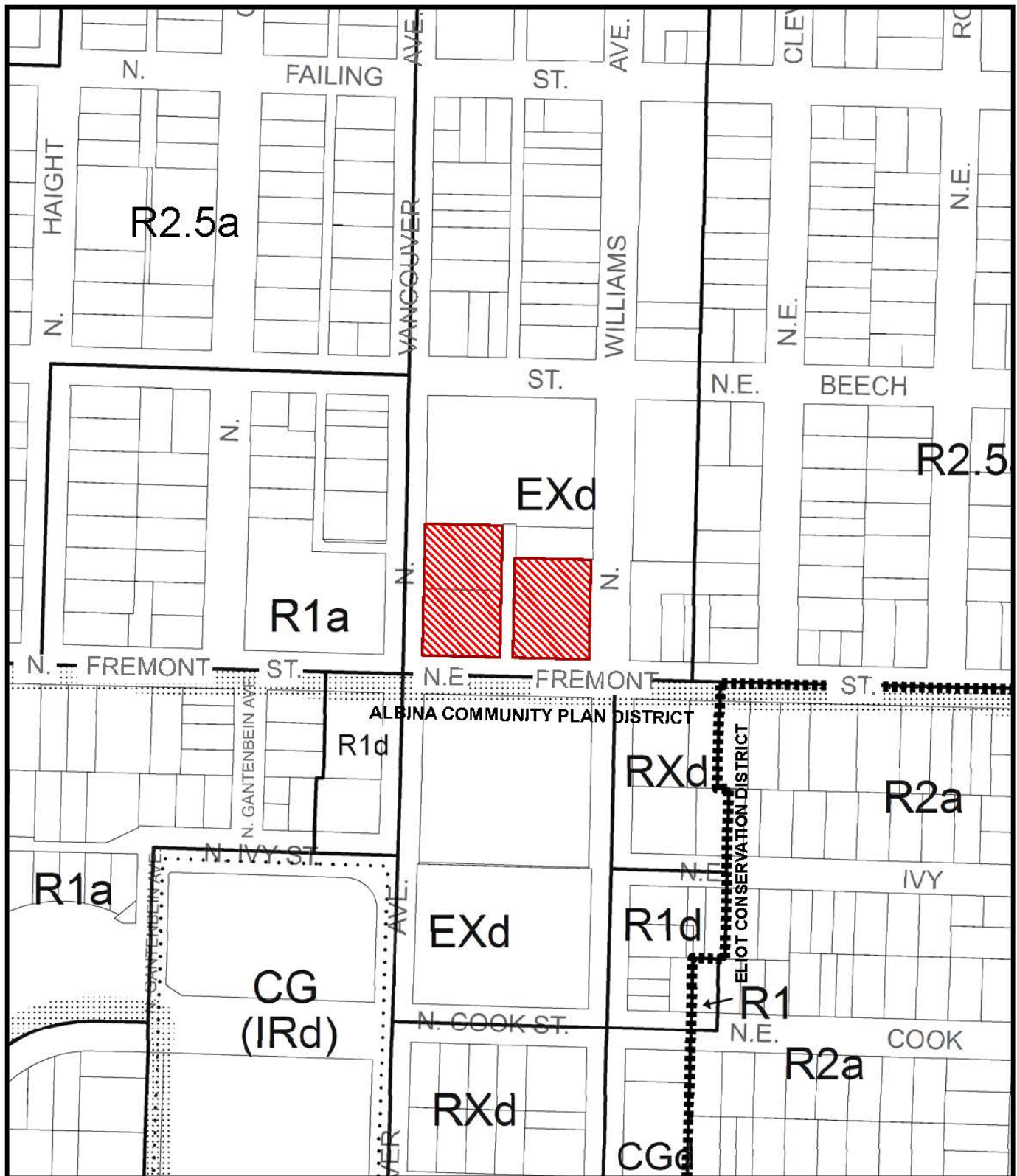
### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Project Narrative & Response to Approval Criteria
  - 2. Neighborhood Contact Requirement Letters & Certification of Mailing
  - 3. Stormwater Report dated December 17, 2013
  - 4. Geotechnical Engineering Report dated March 6, 2013
  - 5. Applicant's Response to Incomplete Letter dated 1/10/14
  - 6. Applicant's Response to Public Comments dated 3/3/14
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Site Section & Zoning Data
  - 3. Perspective From SE Corner of N Fremont & N Williams (attached)
  - 4. Perspective From NE Corner at N Williams (attached)
  - 5. Perspective From SW Corner at N Fremont & N Vancouver
  - 6. Perspective From NW Corner at N Vancouver (attached)
  - 7. Site & First Floor Plan
  - 8. Second Floor Plan
  - 9. Third Floor Plan
  - 10. Fourth Floor Plan
  - 11. Fifth Floor Plan
  - 12. Roof Plan
  - 13. South Elevation (East Building)
  - 14. East Elevation (East Building)
  - 15. North Elevation (East Building)
  - 16. West Elevation (East Building)
  - 17. South Elevation (West Building)
  - 18. East Elevation (West Building)
  - 19. North Elevation (West Building)
  - 20. West Elevation (West Building)
  - 21. Wall Section at Typical Punched Window Façade
  - 22. Enlarged Wall Section of Window
  - 23. Wall Section at Typical Aperture Façade
  - 24. Enlarged Wall Section of Typical Aperture
  - 25. Wall Section at Typical South Wall Façade
  - 26. Enlarged Sections of South Façade
  - 27. Wall Section at Covered Parking

28. Enlarged Floor Plan & Elevation of Parking, Loading and Recycling Enclosure
  29. Enlarged Wall Sections of Cedar Siding
  30. Lighting Plan & Fixtures
  31. Perspectives from West Building Deck
  32. Perspectives from Radiator Building Deck
  33. Perspectives from East Building
  34. Perspectives from Fremont Entry
  35. Illustrative Landscape Plan (attached)
  36. Stormwater Plan
  37. Courtyard Material Plan
  38. Courtyard Material Palette
  39. Grading Plan
  40. Landscape Detail – Planter Sections
  41. Detailed Planting Plan
  42. Plant & Material Legend
  43. Plant Palette
  44. Landscape Details
  45. Transformer Screen Enclosure
  46. Glass Rail Detail at Upper Deck
  47. Enlarged Plan Detail – Aperture Edge
  48. Enlarged Rooftop Elevations of Both Buildings
  49. Radiator Building - Roof Plan
  50. Radiator Building – Enlarged West Storefront Elevation
  51. Corten Screen Wall Detail
  52. Directional Sign Elevations and Details
- D. Notification information:
1. Mailing list
  2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
  2. Bureau of Transportation Engineering and Development Review
  3. Plan Review Section of BDS
  4. Water Bureau
  5. Fire Section of BDS Bureau
  6. Site Development Review
  7. Bureau of Environmental Services - Addendum
- F. Correspondence:
1. Stephen Gomez (Boise Neighborhood Association), February 4, 2014, stating support for the project and maintaining alley access for the property owner to the north, with additional comments on pedestrian safety and loading space maneuvering.
  2. Kenneth & Michelle Doswell, February 7, 2014, stating concerns with maintaining alley access and the lack of parking for the project.
- G. Other:
1. Original LU Application
  2. Incomplete Letter dated January 3, 2013
  3. BDS Pre-Application Conference Summary Memo (13-184442 PC) dated October 1, 2012
  4. 120-Day Extension Form

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



# ZONING



Site



NORTH

File No. LU 13-240623 DZM,AD

1/4 Section 2630

Scale 1 inch = 200 feet

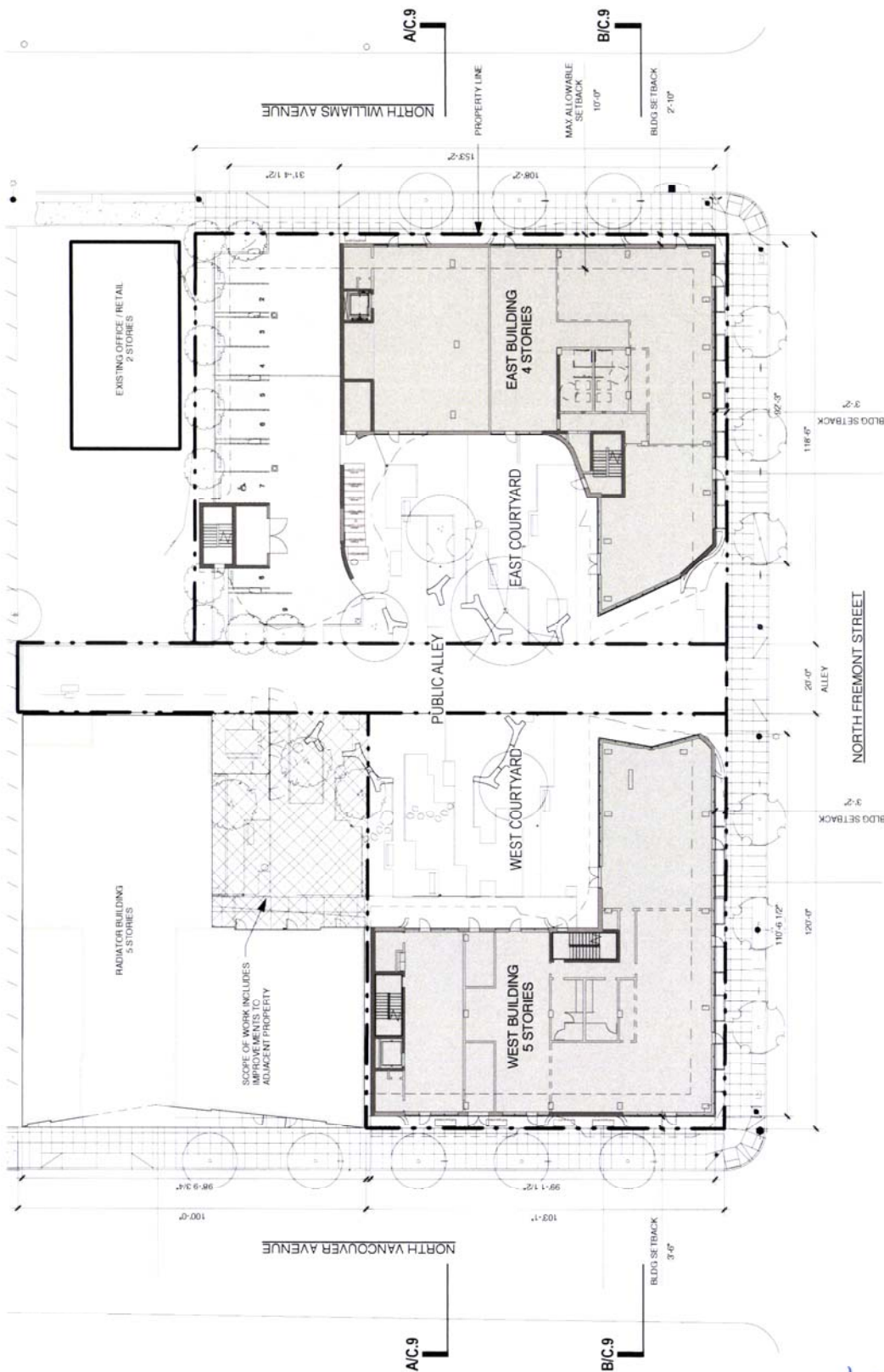
State\_Id 1N1E22DC 14200

Exhibit B (Jan 16,2014)

## KARUNA II

DESIGN  
REVIEW

Table 1

SITE  
DIAGRAM

**\*Approved\***

City of Portland - Bureau of Development Services

## Planner

City of Portland - Bureau of Development Services  
 Date 4.7.14

\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



LU 13-240623 SZMAAD  
EX-C-1

KARUNA II

LU 13-240623 DM  
EX. C-3

DESIGN  
REVIEW  
01-14-2013  
01-10-2013 APPROVED  
03-19-2014 REVISION  
LU NO 13-240623

Title:  
RENDERING



Perspective from Southeast Corner at N Fremont and N Williams

Approved

City of Portland - Bureau of Development Services

Planner Sullivan Date 4/7/14

\* This approval applies only to the reviews requested and is subject to all other applicable rules and regulations. Additional review requirements may apply.

KARUNA II

DESIGN  
REVIEW

12.19.2013  
01.10.2014  
03.10.2014

LU NO 13-240623

RENDERING

RENDERING



Perspective from Northeast Corner at N Williams

\*Approved by  
City of Portland - Bureau of Development Services  
Planner Sharon Date 4.7.14  
This plan is subject to the reviews requested and is subject to all  
conditions and requirements may apply.

LU 13-240623 DZMAU  
EX-C-4

KARUNA II

DESIGN  
REVIEW

12.19.2013  
01.10.2014 REVISÉ  
03.19.2014 REVISÉ  
LU NO. 13-240623

Title

RENDERING



Perspective from Northwest Corner at N Vancouver

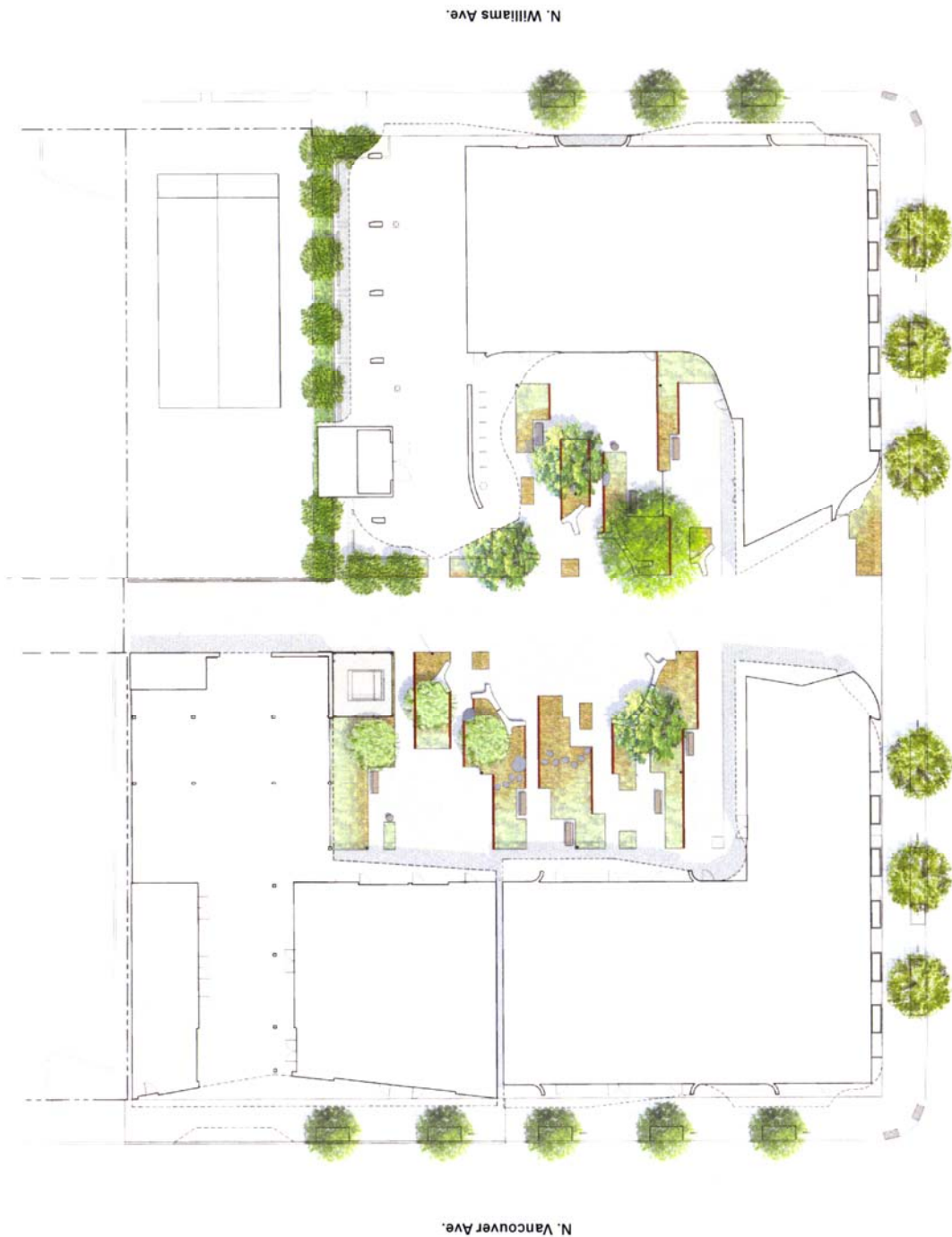
\*Approved\*  
City of Portland - Bureau of Development Services  
Planner gman Date 4.7.14  
\* This approval applies only to the reviews requested and is subject to all  
conditions of approval. Additional zoning requirements may apply.

Lu 13-240623 DM AD  
EX-C-6

KARUNA II

W 13-240623 02 MAR 14  
EX-C-35

DESIGN  
REVIEW  
12.16.2013  
01.10.2014 REVIEW  
03.19.2014 REVIEW  
LU NO. 13-240623  
Title:  
ILLUSTRATIVE  
PLAN



N. Fremont St

N. Vancouver Ave.

N. Williams Ave.

\*Approved\*  
City of Portland - Bureau of Development Services  
Planner SW Date 4.7.14  
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.