



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

FROM CONCEPT TO CONSTRUCTION

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Date: December 10, 2013
To: Interested Person
From: Chris Caruso, 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 13-193617 DZM - MASON STREET APTS

GENERAL INFORMATION

Applicants: Robert Thompson & Richard Rapp/TVA Architects
920 SW 6th Ave Ste 1500/Portland, OR 97204

Owners: Jessie L Rogers
PO Box 17581/Portland, OR 97217

Victor Remmers/VWR Development LLC
735 SW 158th Ave, Ste 180/Beaverton, OR 97006-4952

Site Address: 407 NE MASON ST

Legal Description: BLOCK 14 LOT 7&8 EXC PT IN ST, LINCOLN PK ANX
Tax Account No.: R497302130
State ID No.: 1N1E23CB 06800 **Quarter Section:** 2631
Neighborhood: King, contact Andrew Clarke at 503-863-7780.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.
District Coalition: NE Coalition of Neighborhoods, Shoshana Cohen at 503-388-5004.
Plan District: Albina Community
Zoning: RHd – High Density Residential with design overlay
Case Type: DZM – Design Review with Modifications
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant seeks design review approval for a new 5 story, 60 foot tall, mixed-use building in the Albina Plan District. The building includes 36 dwelling units, ground floor retail, and 7 tuck-under parking spaces. The required 8 parking spaces have been reduced by one as allowed when an additional 5 long-term bicycle parking spaces are provided. An existing easement covering a Comcast utility box in the southeast corner of the side will remain in place. Exterior building materials will include board-formed concrete, wood storefront and canopy soffits, ribbed & smooth metal panels, fiber cement panels, and vinyl windows. Signage is not being reviewed at this time.

Modifications being requested include:

1. 33.120.250.C Screening Mechanical equipment. The request is to provide only groundcover around the existing DSL cabinet array instead of the required L2 or F2 solid screen between the cabinet and the street.
2. 33.120.280.C Accessory Structures. The request is to allow three pieces of mechanical equipment – one emergency generator, one emergency power switchgear cabinet, and one DSL cabinet array to sit within the required side setbacks.
3. 33.266.130.F Parking area layouts. The request is to reduce the width of the on-site drive aisle from the 20'-0" required for a two-way drive to 18'-6".
4. 33.266.130.G Parking area layouts. The request is to provide no trees or shrubs and less than 5 feet of landscaping width at the perimeter of the parking lot, behind the existing DSL cabinet array.

New construction in this design overlay zone that cannot use the Community Design Standards of Title 33.218 must go through Design Review.

Relevant Approval Criteria:

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

- 33.825 Design Review
- 33.825.040 Modifications thru Design Review
- Community Design Guidelines

ANALYSIS

Site and Vicinity: The 9,000 square-foot site has existing structures on it that will be demolished for this proposal. An existing DSL cabinet that sits within an easement will remain in place along the NE Mason Street lot line. The site is located in the northern part of the Albina Community Plan District and is surrounded by multi-dwelling housing, single-family housing, and retail and other commercial uses. There is a new multi-family and social service building to the north, single-family residences to the east and mixed-use buildings to the south and west along NE MLK. Additional taller buildings in the immediate area include Shaver Green and Planned Parenthood, all of which indicate the shifting development pattern of this area that was in decline for many years. It is now seeing a resurgence of development, including the renovation of existing storefronts, creating a mix of new uses that will help revitalize the area. The proposed housing is allowed by right in this RH zone.

Portland's *Transportation System Plan* classifies NE MLK Jr. Blvd as a Major City Traffic Street, Major Transit Priority Street, City Walkway and City Bikeway. NE Mason Street is designated as a Local Service Walkway and a Local Service Bikeway. Tri-Met provides frequent bus service on NE MLK Jr. Blvd.

Zoning: The High-Density Residential (RH) zone is a high-density multi-dwelling residential zone. Certain retail sales and service and office uses are allowed as conditional uses to provide mixed-use development on larger sites that are close to light rail transit facilities. The maximum residential density is limited to a FAR of 2:1 on this site, and the minimum density is one unit per 1,000 square feet of site area. Newly created lots in the RH zone must be at least 10,000 square feet in area for multi-dwelling development, 3,000 square feet for development with detached houses, 800 square feet for development with attached houses, and 2,000 square feet for development with duplexes. Minimum lot width and depth standards may apply.

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 there are no prior land use reviews for this site.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **October 22, 2013**. The following Bureaus have responded with no issues or concerns:

- Bureau of Parks-Forestry Division
- Water Bureau (Exhibit E-2)
- Fire Bureau (Exhibit E-3)
- Site Development Section of BDS (Exhibit E-4)
- Life Safety Review Section of BDS (Exhibit E-5)
- Bureau of Environmental Services (Exhibit E-6)
- Bureau of Transportation Engineering (Exhibit E-7)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 22, 2013. Three written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Diego Gioseffi, November 11, 2013 – Would like the development to accommodate a neighborhood business, possible Signature Cutz. It is important to not displace any of the neighborhood businesses as the area is already hurt by the gentrification process.
2. Kyle Watt, November 12, 2013 – 7 parking spaces for 36 units is inadequate. More parking should be required. MLK has no street parking and tenants and retail customers will park and disrupt the residential area of the King Neighborhood. Providing limited parking only benefits the developer and is not a realistic solution for Portland’s neighborhoods.
3. Alayne Rowan, November 12, 2013 – Owns a small personal training business. Is looking for a new location and is interested in learning about this development.

Staff Response: All emails and neighborhood comments are forwarded to the applicant so the developer is aware of interest from local businesses to perhaps locate in the new building. Requiring minimum amounts of parking was recently reviewed by the Bureau of Planning and Sustainability and City Council. In response to neighborhood concerns, the Zoning Code was changed to require minimum amounts of on-site parking for some multi-family developments. The minimum number of required spaces is based on the number of units. In this case, the 36 unit building has a minimum requirement of 8 parking spaces. This number can be reduced by providing alternate commuting options. This development has opted to provide additional long-term bicycle parking which reduces their minimum number of required on-site spaces from 8 to 7. The development reflects the most recent Zoning Code amendments to required parking and meets the regulations.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

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

Section 33.825.055 Design Review Approval Criteria

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

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

[1] Community Design Guidelines

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

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

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

Findings: The project site is located in a section of NE MLK Jr. Blvd. zoned high-density residential that extends a little more than four blocks around the site. Other high-density multi-family residential structures in this area include the Miracles Club directly north of this site, the Irvington Senior Center which south of the site, and a work force housing project at NE MLK and NE Shaver. The proposed new multi-family development will help increase the amount of housing projects in this corridor, which is consistent with the planning policy intent of overlaying the RH zone in this area. Most other buildings in the area predate this zoning designation and are one or two-story buildings varying in size, style, and use.

As a mixed-use five-story building, the massing, size and uses of the proposal responds to both the intended zoning designation and the recently constructed multi-dwelling buildings along NE MLK. The proposed building will be located close to the sidewalk, thereby contributing to the urban character by placing retail uses along NE MLK which in turn promotes an active pedestrian realm. Sidewalk improvements and street trees will be provided along NE MLK and NE Mason Street that will continue the established right-of-way patterns. The building's public spaces will front onto both NE MLK and NE Mason Street and will be visible to the street through large clear-glazed windows and doors, which will help enliven the pedestrian experience.

The overall massing of the apartment units are broken down into bays with balconies; features common to residential apartment buildings in this area. The design uses a combination of concrete, wood, and metal panels on the various facades. These are materials that are found on many of the local commercial buildings as well as older residences in the area. Massing along the street at the ground floor is scaled to the pedestrian with an overhead canopy and textured concrete walls. *This guideline is therefore met.*

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

Findings: The site is not next to or within a historic or conservation district. *Therefore, this guideline does not apply.*

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

Findings: This site is not a designated gateway site in the adopted neighborhood plan. *Therefore, this guideline 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: There will be sidewalks on both sides of the building and both sidewalks will be widened and will have new street trees, creating a more walkable and pleasant pedestrian experience. The entry to the residential units is located along NE Mason Street while the retail entries are located on ME MLK Blvd. A secondary building entry is provided from the parking area. All of the building entries are connected to the public sidewalks which lead to public transit along NE MLK Blvd.

The parking lot is placed at the rear of the site with access from NE Mason Street to minimize any potential traffic conflicts on the much busier NE MLK Blvd. Floors 2-5 of the building extend over the parking area, allowing the building's mass to continue along most of the NE Mason frontage. Landscaping and fencing is provided around the lot lines adjacent to other properties to minimize views into the parking lot as well as to shield external equipment from the sidewalk.

The tuck-under parking area and slightly narrower entry/exit drive from NE Mason also reduces the impact of vehicular traffic on the pedestrian realm by covering the paved area with building mass and restricting the length of sidewalk that cars can cross over. Long-term bicycle parking is provided in the parking area either in a designated parking space or behind a row of bollards that will protect cyclists and pedestrians from cars. All sides of the parking area, screening parking from the adjacent residential properties as well as from the majority of passers-by. The existing DSL cabinet will be minimized by the building's mass above and plantings on either side. *This guideline is therefore met.*

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

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 for E2 & E3: The NE MLK Blvd façade is pulled back 3 feet from the lot line between the retail entries and is paved as an extension of the sidewalk. This creates a wide area for people to stop and visit that is also protected from the weather by an overhead canopy. The wall along NE Mason Street is also pulled back from the lot line next to the residential lobby entry, creating another gathering place on the site.

The building will be still located close to the property lines along both NE MLK Blvd and NE Mason Street, which creates a new urban edge at what is currently a site whose frontage is dominated by parking. Street trees will be located along both sidewalks, providing an additional layer of enclosure between the building and the streets. The lower floor is differentiated from the upper floors by the use of board-formed concrete, large storefront windows and doors plus canopies at street-level, and metal panels and framed architectural elements at the upper stories. *These guidelines are therefore met.*

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

Findings: The building provides weather protection along the sidewalks with canopies on both street-facing facades that also highlight the building entries. Street trees will be planted along both street between the sidewalk and streets, to eventually create a shaded sidewalk corridor. Bike racks are also located under the side canopy and in the covered

parking area. Residential balconies are recessed, helping to shade the interior units and provide some protection from adverse weather. *This guideline is therefore met.*

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

Findings: The site is almost fully occupied by the building and parking area, leaving very little space for landscaping besides the required code minimums. The two sides of the building that face adjacent lots (north and east) will have a mix of shrubs and trees that will provide both visual interest as well as screening. The two pieces of emergency equipment that are located in the north side setback will be screened from view by an evergreen hedge that runs along the north lot line and turns the corner onto NE MLK. In addition to hedges, the north and east lot lines will also have a solid fence to provide additional privacy for neighbors. Along the south property line, the landscaping will change to a mix of stormwater planters with shrubs and trees and an area of groundcover around the existing DSL cabinet. The DSL cabinet easement has restrictions on the types of plants that can be placed around it so a variety of plants and trees are being provided on either side of the cabinet and the cabinet will be painted a dark matte brown color (per Condition of Approval B) so it visually recedes. *This guideline is therefore met.*

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

Findings: The building has three main entrances. The main retail entries face NE MLK Blvd and will be clearly visible from the sidewalk. They are also marked by a continuous canopy. The residential lobby faces NE Mason Street and is made prominent by a canopy and vertical fin element above. Exterior lights and windows around the doors further enhance these entries. All three entrances are barrier-free as well as directly connected to nearby transit services. *This guideline is therefore met.*

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

Findings: The parking lot is perpendicular to the street frontage along NE Mason Street with access from a single driveway that goes underneath the 2nd floor of the building, shielding a portion of the parking area from pedestrians. This orientation minimizes the impact of the parking area by placing it beneath the 2nd floor, allowing the mass of the building to define the street edge along all of NE MLK and a portion of NE Mason. The direct impact on pedestrians is also minimized by the use of one driveway and a narrower 18'-6" wide internal drive aisle, resulting in less exposed concrete. Landscaping and fencing around the perimeter of the lot also shields the parking area from adjacent properties. The concrete finishes of the parking area are plain and simple surfaces that will not draw attention to themselves, allowing this portion of the building to visually recede. *This guideline is therefore met.*

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

Findings: The main building entries are located right off of the sidewalks and are directly visible to the streets. Windows and glazed doors at the lobby and retail spaces allow more eyes on the street. The secondary building entry is accessible from all parts of the parking area and can be seen from NE Mason Street. The apartments have large windows as well as balconies that provide views around the entire site. Nighttime illumination is provided by exterior building and parking lot lighting which will not spill onto neighboring

properties. Both NE MLK Blvd and NE Mason Street have existing street lighting in the public rights-of-way that will illuminate the sidewalks at night, creating a safer pedestrian environment. *This guideline is therefore met.*

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

Findings: The proposed building is located between two other high-density residential buildings: Irvington Senior Center to the south and Miracles Club to the north. All other nearby buildings predate the current zoning and have varying sizes, designs, and uses. The proposed building responds to the large-scaled massing of the Irvington Senior Center and Miracles Club by also being five floors tall which is a height similar to these nearby developments. Also similar to both developments, the Mason Street Apartments will be built up to the street-edge with a distinct ground-level massing that is topped by balconies and different materials at the residential units above. Parking is tucked underneath the building, at the rear of the property and is screened either by landscaping or building elements.

The building is set back from the north (side) and east (rear) property lines to provide a buffer between this new development and the adjacent properties. Additional buffering of development impacts are provided by fencing and landscaping along the north and east lot lines. Proposed building materials consist of wood storefront and canopy soffits, vinyl windows, board-formed and smooth concrete, two patterns of metal panels, and fiber cement panels, all of which reflect materials found on existing and new buildings within the area. This allows the building to blend into this re-developing portion of the neighborhood. The selected materials are all high quality options for this urban environment. *This guideline is therefore met.*

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

Findings: The proposed building creates an urban edge at the streets while breaking down the building mass into components that express the program and enliven the pedestrian environment. Overall building massing is also broken into a distinct ground level of concrete around glazed wood-framed storefront openings that is topped by four floors of residential units featuring balconies and a combination of fiber cement and metal panels. This upper-level massing is then broken down vertically with stacked windows, projecting frames and fins, and different patterns of metal panels, as well as horizontally by canopies, recessed balconies and demarcated floor lines. Both the building elements and materials continue around all sides, forming a cohesive composition. Smaller scale elements such as balcony railings, metal angle frames around the windows, and wood soffit slats create additional visual interest while staying within the modern design aesthetic. The building is also broken up into distinct activity zones along both streets. NE MLK Blvd has the retail spaces while NE Mason Street has the residential lobby and other support spaces. *This guideline is therefore 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.

Modification #1: 33.120.250.C Screening Mechanical equipment. To provide only groundcover around the existing DSL cabinet array in place of the required L2 landscaping or F2 solid screen between the DSL cabinet and the street.

Purpose: The screening standards address specific unsightly features which detract from the appearance of multi-dwelling areas.

Standard: Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Screening must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment.

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines D3 Landscape Features & D4 Parking Areas and Garages.*

Findings: The existing DSL cabinet currently sits at the edge of the sidewalk surrounded by concrete and no landscaping. The proposal to plant groundcover around the cabinet and additional trees and shrubs in the adjacent stormwater planter, over what is normally required, will increase the amount of landscaping on the site while also screening the new parking area. The landscape improvements are similar to other multi-family projects in the neighborhood and will blend into the area by using plants commonly seen in this type of environment.

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: Per Condition of Approval B, the existing DSL cabinet will be painted a dark matte finish brown color to allow it to visually recede from view. The surrounding bare concrete at grade will be replaced with new groundcover plants. Both the dark paint color and plants will help diminish the bulk and massing of the DSL cabinet so that it can have less of a visual impact on the pedestrian realm.

The applicable design guidelines and the purpose of the standard are equally or better met. Therefore, with Condition of Approval B, this modification merits approval.

Modification #2: 33.120.280.C Accessory Structures. To allow three pieces of mechanical equipment – one emergency generator, one emergency power switchgear system, and one Comcast DSL cabinet array to sit within the required side setbacks.

Purpose: This section regulates structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards provide for necessary access around structures, help maintain privacy to abutting lots, and maintain open front yard areas.

Standard: Mechanical equipment is not allowed in front, rear, or side setbacks.

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines E3 Sidewalk Level of Buildings & D8 Interest, Quality, and Composition.*

Findings: The emergency generator and switchgear equipment will be located in the north building setback, away from the streets and sidewalks which will limit views of these items. Further physical and visual screening will be provided by a solid row of evergreen shrubs and other landscaping that runs along the north property line as well as along the NE MLK sidewalk. The existing DSL cabinet will remain in place near the NE Mason Street sidewalk and will be painted a dark brown color (per Condition of Approval B) so it will visually recede. It will also be softened around the base by groundcover plantings in what is now an area of bare concrete. All of the equipment is located away from the ground level of the building, allowing for a consistent design treatment of this portion of the façade that is not broken by wall-mounted equipment.

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 emergency generator and switchgear equipment will not be visible by pedestrians or neighbors due to the surrounding landscaping and location away from the sidewalks and lot lines. The existing DSL cabinet will be less impactful than it is now due to the mass of the building around it and the new dark paint color required by Condition of Approval B. All of the equipment will be smaller than any of the building massing, making all three pieces incidental to the primary building and not predominant site elements. The front sidewalk will remain open around the building and the abutting lots will not have views of the equipment due to their location and new landscaping.

The applicable design guidelines and the purpose of the standard are equally or better met. Therefore, with Condition of Approval B, this modification merits approval.

Modification #3: 33.266.130.F Parking area layouts. To reduce the width of the on-site drive aisle from the 20'-0" required for a two-way drive to 18'-6".

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

- The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles.
- Provide flexibility to reduce the visual impacts of small residential parking lots.
- Direct traffic in parking areas.

Standard: Parking space and aisle dimensions. Parking spaces and aisles must meet the minimum dimensions contained in Table 266-4 which requires a two-way drive aisle to be a minimum of 20 feet wide.

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines E1 Pedestrian Network & D4 Parking Areas and Garages.*

Findings: The narrower drive aisle allows for more of the pedestrian walkway to be retained around the site. It also reduces the amount of area for potential vehicle-pedestrian conflicts. The proposed 18'-6" wide drive aisle still allows for a clearly marked parking area with adequate maneuvering space for cars, bicycles, and people. The bicycle parking area is also protected from vehicles by a row of bollards.

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 reduced drive aisle will still allow cars to pass each other in the parking area. Vehicular movement will not be negatively impacted with an 18'-6" drive aisle and the long-term bicycle parking spaces will be out of the path of vehicular travel. The parking is for resident use and they will be familiar with the drive aisle size from daily travels, the reduced width should still be adequate.

The applicable design guidelines and the purpose of the standard are equally or better met. Therefore, this modification merits approval.

Modification #4: 33.266.130.G Parking area layouts. To provide only groundcover and less than the required 5 foot width of perimeter parking lot landscaping behind the existing DSL cabinet array on NE Mason Street.

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

- Create an environment that is inviting to pedestrians and transit users.
- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

Standard: All landscaping must comply with the standards of Chapter 33.248, Landscaping and Screening. Trees and shrubs must be fully protected from potential damage by vehicles. Per Table 266-5, a lot line abutting a street must have 5 feet of L2 landscaping between the parking area and the lot line.

A. Better meets design guidelines. *The resulting development will better meet the applicable design guidelines D3 Landscape Features & D4 Parking Areas and Garages.*

Findings: The existing DSL cabinet currently sits at the edge of the sidewalk surrounded by concrete and no landscaping. The proposal to plant groundcover around the cabinet and to add additional trees and shrubs in the adjacent stormwater planter will increase the overall amount of landscaping on the site while also screening the majority of the new parking area. The landscape improvements are similar to other multi-family projects in the neighborhood and will blend into the area by using plants commonly seen in this type of environment.

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 new parking is tucked underneath the second floor of the building which minimizes the heat gain, glare, and stormwater runoff issues often associated with parking lots. A mix of trees and shrubs are being provided around the parking lot edge that will soften the parking area's appearance as well as provide cooling and shade. Per Condition of Approval B, the existing DSL cabinet will be painted a dark matte finish brown color to help it visually recede, creating a more appealing pedestrian environment.

The applicable design guidelines and the purpose of the standard are equally or better met. Therefore, with Condition of Approval B, this modification merits approval.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposed mixed-use development will enliven a currently underdeveloped area through cohesive site and building design, thereby improving the quality of the adjacent neighborhood. The building employs high-quality materials and multiple forms that break down its overall mass while maintaining a clear street edge. The building will also be respectful of the original patterns and types of development in the Albina area along NE MLK while meeting the density goals and regulations of the zoning code. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of design review for a new 5 story, 60 foot tall, 36 unit, mixed-use building in the Albina Plan District that includes the following:

- Ground floor retail;
- 7 tuck-under parking spaces;
- A DSL cabinet in the southeast corner of the site that will remain in place;
- Exterior building materials of board-formed concrete, wood storefront and canopy soffits, ribbed & smooth metal panels, fiber cement panels, and vinyl windows; and

Approval of the following Modifications:

1. 33.120.250.C Screening Mechanical equipment. To provide only groundcover around the existing DSL cabinet array in place of the required L2 or F2 solid screen between the cabinet and the street;
2. 33.120.280.C Accessory Structures. To allow three pieces of mechanical equipment – one emergency generator, one emergency power switchgear system, and one DSL cabinet array to sit within the required side setbacks;
3. 33.266.130.F Parking area layouts. To reduce the width of the on-site drive aisle from the 20'-0" required for a two-way drive to 18'-6"; and
4. 33.266.130.G Parking area layouts. To provide only groundcover and less than 5 feet of landscaping width at the perimeter of the parking lot, behind the existing DSL cabinet array; and

Approved, per the approved site plans Exhibits C-1 through C-35 signed and dated December 6, 2013, subject to the following conditions:

A. As part of the building permit application submittal, the following development-related conditions (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 13-193617 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

B. DSL equipment cabinets will be painted dark brown with a matte finish.

Staff Planner: Chris Caruso

Decision rendered by:  **on December 6, 2013.**
By authority of the Director of the Bureau of Development Services

Decision mailed: December 10, 2013

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 August 15, 2013, and was determined to be complete on October 17, 2013.

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 August 15, 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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: February 14, 2014.**

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 December 24, 2013** 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.

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, 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 **December 26, 2013**.
- 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:

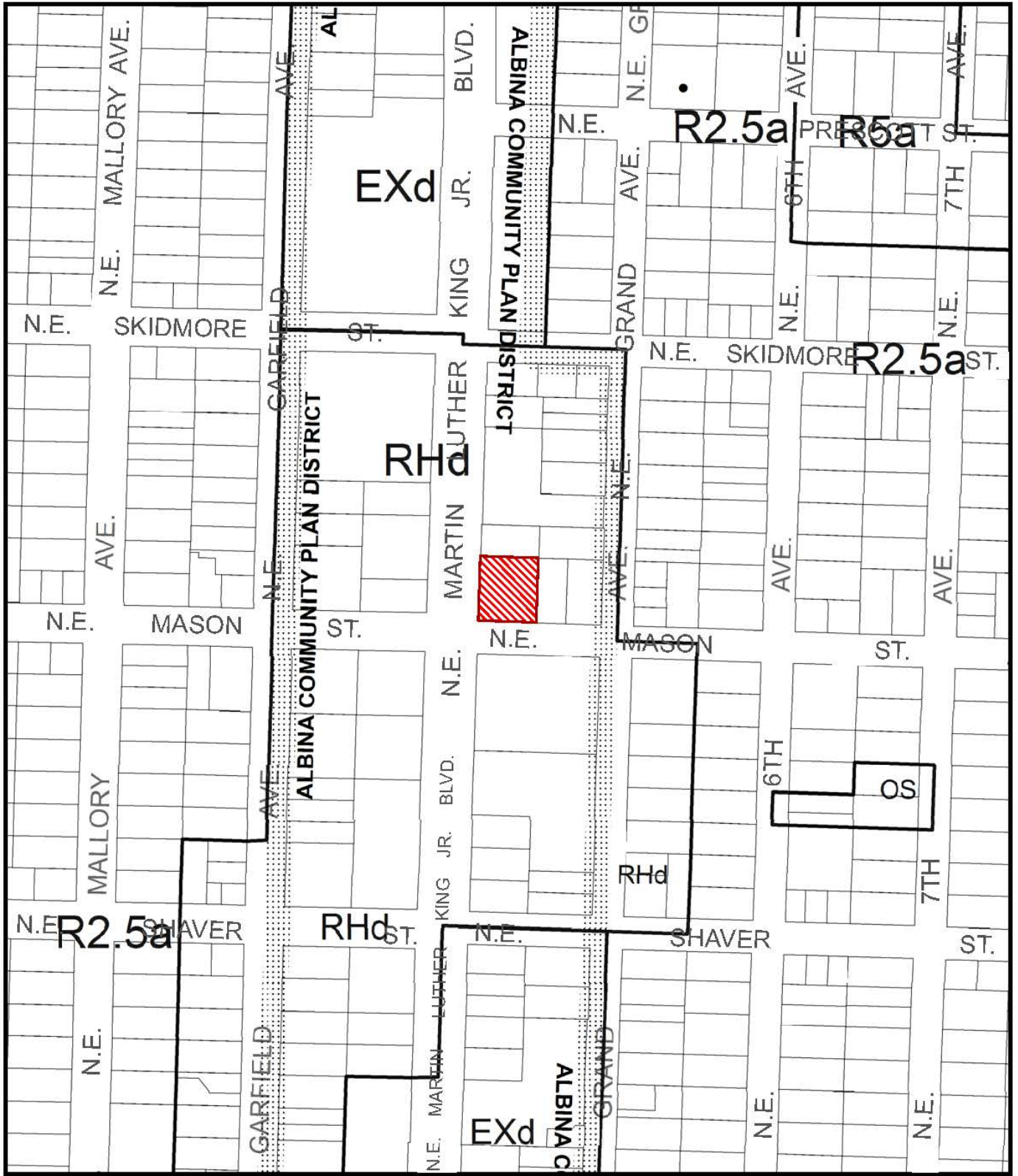
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Information
 - 1. Project Description
 - 2. Additional Information
 - 3. Certified letters
 - 4. Tree options
 - 5. Stormwater Drainage Report
 - 6. Area photos
 - 7. Application review comments November 3, 2013
 - 8. Supplemental application review comments November 8, 2013
 - 9. DSL sample photo from NE Skidmore
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Linear Liner Series metal panel information
 - 3. Level 01/02 Floor Plan
 - 4. Roof Plan
 - 5. Exterior Elevations (attached)
 - 6. Building Sections
 - 7. Cummings generator enclosure information
 - 8. Cummings generator information
 - 9. Switchgear information
 - 10. Paint color selection
 - 11. not used
 - 12. Enlarged Floor Plans and Sections
 - 13. Enlarged Floor Plans and Sections
 - 14. Enlarged Floor Plans and Sections
 - 15. Enlarged Floor Plans and Sections
 - 16. Enlarged Floor Plans and Sections
 - 17. Enlarged Floor Plans and Sections
 - 18. Exterior Details
 - 19. Exterior Details
 - 20. Exterior Details
 - 21. Exterior Details
 - 22. Rendering
 - 23. Rendering
 - 24. Wood window system information
 - 25. Vinyl window information
 - 26. Cement panel cladding system information
 - 27. EuroLine Windows information
 - 28. EuroPanels information
 - 29. Sheet metal information
 - 30. Morin Horizontal Metal information
 - 31. Gammalux Lighting information
 - 32. Fixed mullion louver information
 - 33. Ventilator information
 - 34. Reznor cabinet information
 - 35. Alpine door information
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
 - 3. Second notice mailing list
 - 4. Mailed second notice
- E. Agency Responses:

1. Planning and Zoning Review Section of BDS Checksheet
 2. Water Bureau
 3. Fire Bureau
 4. Site Development Review Section of BDS
 5. Life Safety Review Section of BDS
 6. Bureau of Environmental Services
 7. Bureau of Transportation Engineering and Development Review
- F. Correspondence:
1. Diego Gioseffi, November 11, 2013
 2. Kyle Watt, November 12, 2013
 3. Alayne Rowan, November 12, 2013
- G. Other:
1. Original LU Application
 2. Incomplete Letter

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
-  Historic Landmark



This site lies within the:
ALBINA COMMUNITY PLAN DISTRICT

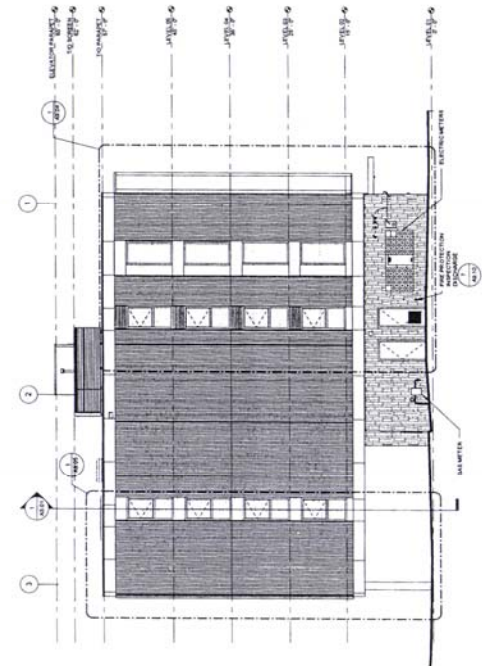
File No.	<u>LU 13-193617 DZ</u>
1/4 Section	<u>2631</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E23CB 6800</u>
Exhibit	<u>B (Aug 20,2013)</u>



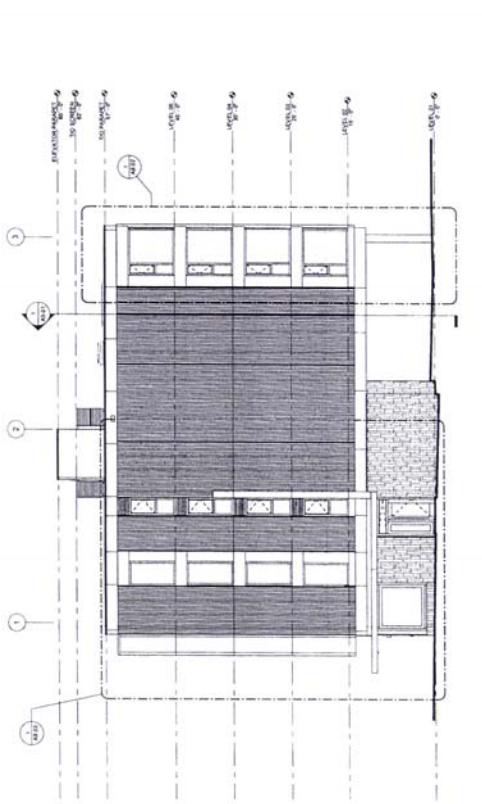
TVA ARCHITECTURE, INC.
 1000 NE MASON STREET, SUITE 1000
 PORTLAND, OREGON 97232
 PHONE: 503.255.1111
 WWW.TVAARCHITECTURE.COM

ELEVATION LEGEND

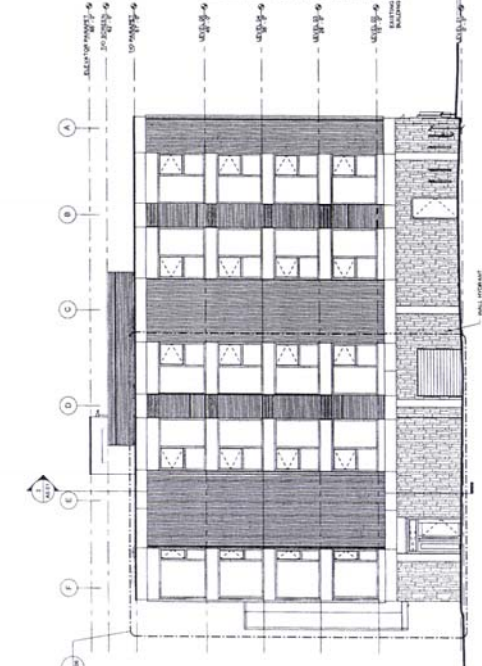
[Pattern]	SMF - BRUSHED METAL PANEL
[Pattern]	SPF - BRUSHED ALUMINUM PANEL
[Pattern]	SMF - BRUSHED GAUGE METAL PANEL
[Pattern]	PROTECTIVE METAL LINER
[Pattern]	CAST ALUMINUM FINISH (NET - BOARD FORMED)
[Pattern]	WOOD FINISH (Cedar and Wood Composite) (See Note 10)



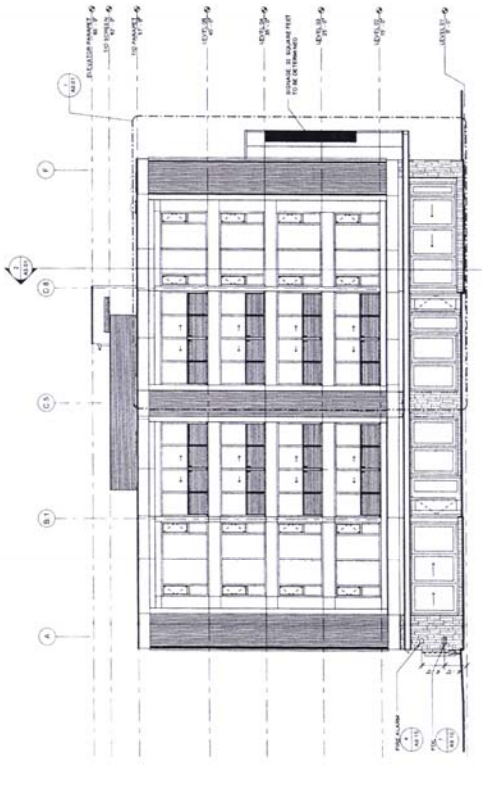
1 NORTH ELEVATION
 1/8" = 1'-0"



3 SOUTH ELEVATION - NE MASON ST.
 1/8" = 1'-0"



2 EAST ELEVATION
 1/8" = 1'-0"



4 WEST ELEVATION - NE MARTIN LUTHER KING JR. BLVD
 1/8" = 1'-0"

MASON STREET APARTMENTS
 407 NE MASON STREET PORTLAND OR

Approved
 City of Portland
 Bureau of Development Services
 Planner *C. Lee*
 Date *12/6/13*

* This approval applies only to the services requested and is subject to all conditions of approval.
 All applicable zoning requirements may apply.

EXHIBIT
 BID SET
 EXTERIOR ELEVATIONS

Sheet # 13101
 A4.01