



City of Portland, Oregon
Bureau of Development Services
Land Use Services
 FROM CONCEPT TO CONSTRUCTION

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Date: June 15, 2015
To: Interested Person
From: Hillary Adam, Land Use Services
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NOTICE OF A TYPE II DECISION AND NOTICE OF A TENTATIVE APPEAL HEARING DATE FOR A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **denied** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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.

*If this case is appealed, the hearing for the appeal will be held **Thursday July 9, 2015 @ 1:30 p.m.** with the Design Commission. The hearing will take place in Room 2500A (2nd floor) at 1900 SW 4th Avenue, Portland, OR 97201. If a timely and valid appeal is filed by the end of the appeal period at 4:30pm on June 29, 2015, no supplemental mailed hearing notice will be sent.*

If appealed, the appeal will be listed on the online Design Commission hearing agenda no later than 5pm on Tuesday June 30, 2015. Online hearing schedules are available on the BDS web page (www.portlandonline.com/bds → Zoning & Land Use → Notices, Hearings, Decisions... → Public Hearings → Design Commission Agenda). Copies of the appeal filing will be available by contacting the case planner, Hillary Adam (contact info. at top of page) on or after Tuesday June 30, 2015.

This tentative appeal hearing date will be cancelled if Portland Public Schools are closed due to inclement weather or other similar emergency. Check local television and radio reports for school closures. The hearing will be rescheduled for the earliest possible date. A renotification notice will not be sent. Please call the Case Planner, Hillary Adam (contact info at top of page) for information regarding cancellations and/or rescheduling.

CASE FILE NUMBER: LU 14-220684 DZ – THE WOODS

GENERAL INFORMATION

Applicant: Andrea Wallace / Solterra Systems
 79 SE Taylor St Suite 401 / Portland, OR 97214

Owner: Brian Heather / Solterra Canopy LLC
 3220 1st Ave S #800 / Seattle WA 98134

Architect: Matthew Kirkpatrick / Design For Occupancy Architecture LLC
 1705 SE Ash St / Portland OR 97214

Site Address:	NW Corner of N Williams Avenue & N Fargo Street
Legal Description:	BLOCK 3 S 23.1' OF LOT 3 LOT 4, WILLIAMS AVE ADD; BLOCK 3 LOT 5, WILLIAMS AVE ADD
Tax Account No.:	R916400610, R916400640, R916400640
State ID No.:	1N1E27AB 11300, 1N1E27AB 11400, 1N1E27AB 11400
Quarter Section:	2730
Neighborhood:	Eliot, contact Mike Warwick at 503-284-7010.
Business District:	North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032.
District Coalition:	Northeast Coalition of Neighborhoods, contact info@necoalition.org
Plan District:	Albina Community
Zoning:	RXd – Central Residential with Design overlay
Case Type:	DZ – Design Review
Procedure:	Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant proposes a new 6-story mixed-use building including 50 residential units, a 2,151sf ground floor retail space, a 521sf 2nd floor retail space, parking for 13 vehicles, and one loading space. Above the ground floor podium, the upper floors are proposed in a U shape to create a courtyard featuring stepped terraces faced with 900sf of vertical living walls, including an integrated waterfall. The roof level features ecoroof, a roof garden, and a terrace. Exterior materials include concrete, stucco, XTR Fused Bamboo siding, aluminum storefront, vinyl windows, and living walls.

Because the proposal is for new development in a Design overlay zone, Design Review is required.

Relevant Approval Criteria:

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

- Community Design Guidelines

ANALYSIS

Site and Vicinity: The subject property is located at the northwest corner of N Williams Avenue and N Fargo Street. The property is L-shaped, comprised of two vacant parcels.

The property lies within the Eliot Pedestrian District. N Williams is designated a Transit Access Street, City Bikeway, and Community Corridor in the City's Transportation System Plan. Directly north of the property is a 1-story restaurant building constructed in 1900. The site itself was once occupied by 1- and 2-story commercial buildings facing N Williams Avenue. North of the restaurant building is a community garden, which was also formerly occupied by commercial and industrial buildings. To the west is a mixed-use building currently under construction and across N Vancouver Avenue is a large Red Cross office and facility. Further to the north, across N Cook is a large mixed-use building under construction and recently constructed grocery store with surface parking. Across N Williams are 1-story commercial buildings built in 1986 and 1958. Beyond the 100-foot deep strip of commercial properties fronting N Williams, and to the southeast across Williams, is the Eliot Conservation District, primarily comprised of single-dwelling residences built in the late 1800s and early 1900s. To the south of the property and across N Monroe Street is a surface parking lot serving the 1909 Vancouver Avenue First Baptist Church.

The Eliot neighborhood is located in the heart of what was originally the sovereign town of Albina, platted in 1872 by George H. Williams and Edwin Russell, incorporated in 1887 as the City of Albina, and consolidated with Portland and East Portland in 1891. Because of its proximity to the river, the lower areas of Albina were developed for industrial and transportation uses, with the higher ground developed as residential subdivisions. Russell

Street served as the area's main commercial street, with the Russell/Williams intersection at the center. Growth was further stimulated by the development of an extensive streetcar system. In the first half of the 20th Century, the neighborhood experienced a growth in the Scandinavian, Russian-German and Irish immigrant population. After World War II, the many African Americans called Eliot home. In the 1950s and 1960s, much of the neighborhood was cleared for major projects such as Memorial Coliseum, the Minnesota Freeway (I-5), Emanuel Hospital, and Lloyd Center, forever changing the landscape of this significant neighborhood. Since that time, neighborhood residents have attempted to preserve what remains of their historic past, while working within the City's vision for the neighborhood, as well as Emanuel Hospital's vision for their campus. These struggles continue as the progress attached to development in the commercial, institutional, or employment zones sometimes presents conflicts with the residential scale of other parts of the neighborhood.

Zoning: The Central Residential (RX) zone is a high-density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of housing development will be medium and high rise apartments and condominiums, often with allowed retail, institutional, or other service oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby. RX zones will usually be applied in combination with the Central City plan district.

The Albina Community Plan District implements the Albina Community Plan. The plan district's provisions are intended to ensure that new higher density commercial and industrial developments do not overwhelm nearby residential areas. Infill housing compatibility and affordability is encouraged by eliminating off-street parking requirements for small multi-dwelling projects. The plan district's provisions also encourage the development of new housing along Martin Luther King Jr. Boulevard by allowing new housing projects to include ground level commercial uses that orient to King Boulevard.

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

- EA 14-143051 APPT – Early Assistance meeting for the current proposal;
- EA 14-161053 DAR – Design Advice Request for the current proposal.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **February 17, 2015**.

The Bureau of Transportation Engineering responded with concerns about the proposed mechanical parking, requesting additional information on the length of time for a vehicle to complete the process of loading into and out of the parking stalls. The applicant provided the information and requested a Design Exception which was approved with the following conditions: the security gate shall be a minimum of 20' wide, the security gate shall be timed to fully open or close within 12 seconds, the parking garage shall be reserved for residential use only, and the security gate shall be activated by transponders issued to all drivers allowed access to the parking garage. Please see Exhibit E-1 and E-1b for additional details.

The Bureau of Parks-Forestry Division responded, requiring a condition of approval that the tree plan be updated on the building permit to show 2-inch caliper trees of at least two different species. Please see Exhibit E-2 for additional details.

The Bureau of Environmental Services initially responded requesting additional information on the proposed stormwater management system and noting potential DEQ issues; after receiving the additional information and DEQ approval, BES indicated they had no further objections. Please see Exhibit E-3 and E-3b for additional details.

The Life Safety Division of BDS responded with several comments which the applicant has addressed. Please see Exhibit E-4 for additional details.

The following Bureaus have responded with no issues or concerns:

- Site Development Section of BDS
- Water Bureau
- Fire Bureau

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 17, 2015. Three written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Max Elfvin, on March 4, 2015, wrote with concerns about the lack of sufficient parking for the proposed building, noting a lack of parking availability in the neighborhood, exacerbated by the recent construction of several new buildings in the area. Please see Exhibit F-1 for additional details.
- Ken Moholt-Siebert, on March 10, 2015, wrote with concerns about the height and form of the proposed building, noting the building is pushed toward the interior lot lines reducing light and air on adjacent properties, creates a tall narrow canyon at the center of the building again reducing light and air to the units. He also noted that the horizontal windows are opposed to the urban context as most windows are oriented vertically to relate to human proportions, thus allowing better connection between the interior and exterior and encouraging “eyes-on-the-street”; he equated the extreme horizontality of the windows and the curved walls to a military bunker, inappropriate as an urban residential form. In addition, he noted that any below-grade utilities should be located wholly in front of the subject property so as to not encumber the adjacent properties. Please see Exhibit F-2 for additional details.
- Mike Warwick, on March 10, 2015, wrote, noting that the proposed building had previously been considered by the Eliot Land Use Committee where the majority felt the building was “too clever” in its attempt to emulate a forest. He also noted that the horizontal strip windows will isolate residents on the inside from the exterior and the aesthetic recalled the police building downtown where prisoners are held. In addition, he noted concerns that the building will overwhelm the adjacent 100+ year-old restaurant building, which would be worsened if a similarly-scaled building were to be built on the community garden site. Please see Exhibit F-3 for additional details.

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.

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 subject property is in the Albina Community Plan area. The Community Design Guidelines suggest that this guideline can be met by respecting the pattern of corner churches and the few remaining buildings associated with Albina's African American community, taking advantage of views to downtown, rivers, hills, local parks and mountains, protecting Albina's heritage as home to early industrial workers, protecting and planting trees in the right-of-way, respecting the influence streetcars had on the characteristics of the early development of Albina, using architectural details that are found in surrounding buildings, and using Albina's historic apartment buildings as prototypes for new multi-dwelling buildings.

The proposed building would occupy a vacant parcel, formerly occupied by buildings built around the turn of the 20th Century and later occupied by African-American-owned businesses, as documented in the Bosco-Milligan Foundation's study "Cornerstones of Community: Buildings of Portland's African American History". The adjacent building, currently occupied by the People's Pig, is an example of such a building, and the last such building remaining on this block. The proposed building would stand at 6 stories, significantly taller than the adjacent 1-story restaurant; however, the construction of additional commercial space at the ground floor would help to reinforce the commercial corridor catering to pedestrian traffic on Williams Avenue.

The proposed mixed-use building continues the tradition of the streetcar character of early Albina in that it provides residential density with ground-level commercial space. The U-shaped footprint and common entrance also continue the tradition of historic apartment buildings in the Albina area, albeit in a relatively modern way. No street trees currently exist at this site; however, new street trees will be planted as part of this development.

With regard to the use of architectural details found in surrounding buildings, the proposed building diverges from the existing context in a fairly dramatic way through the employment of curved walls and horizontal windows as the primary design aesthetic. There is no historical reference for such features; however, the proposed building is relatively compatible with the more contemporary buildings recently constructed in the immediate area, some of which have stucco walls, and one very recent building at N Williams and Fremont (Karuna II) which features curved wall forms clad in wood siding and smooth white plaster.

This guideline is met.

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

Findings: The proposed building features fully-glazed commercial space at the street level to help re-establish the traditional commercial character of the Williams corridor. The building is recessed a bit at the ground level to provide shelter along the frontage as well as provide space for the commercial tenant to spill out and engage the street activity. As noted above, the building design diverges from traditional architectural detailing,

however the building is relatively tall and provides views toward the remaining historic buildings in the area, as well as reinforces the streetcar character of mixed-use buildings in the area. *This guideline is met.*

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

Findings: The subject property is not identified as a gateway in the Albina Community Plan. *This guideline is 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.

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

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

Findings for E1, E2, and E5: The proposed building reinforces the commercial character of the Williams Avenue corridor by establishing an additional commercial space at the ground level. This space is recessed about 6 feet from the sidewalk edge to provide shelter and allow space for the commercial tenant to spill outside without impeding the flow of pedestrian traffic on the sidewalk. The recessed storefronts will also help protect pedestrians from the glare of the sun reflecting off the glass as it will be shaded by the 2nd level floor plate. Street trees are proposed between the sidewalk and the street to protect pedestrians from vehicle traffic and bench seating is proposed to allow places for people to stop and rest. *These guidelines are 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 sidewalk level of the building is differentiated from the rest of the building through the use concrete and storefront glazing, whereas the upper levels features stucco cladding and smaller windows, which bleed into the ground level at only two points. While the ground floor storefronts are recessed from the sidewalk edge, the building itself meets the sidewalk with a concrete extension defining the corner of the building. Concrete benches at the sidewalk level and the recessed storefronts allow areas for small groups to gather. *This guideline is met.*

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

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

Findings: As noted above, the storefronts at the ground level are recessed from the sidewalk edge creating an area for seating or gathering out of the movement zone of the sidewalk. The guidelines suggest reinforcing the intersection by placing the highest or most interesting portion of the building near the corner. The applicant has elected to open up the ground level of the building at the corner to provide a spacious entrance threshold to the ground level commercial space. It is easy to envision this area filled with people waiting for weekend breakfast, thereby activating the corner, if the space is eventually occupied by a popular restaurant. Likewise, it is easy to imagine this entrance threshold relatively vacant if a lesser-intensity type of business is located in this commercial space. The success of this corner will ultimately depend on the type and success of the business inside.

On the other hand, the 2nd level of the building extends to the sidewalk edge by way of an outdoor terrace. The drawings indicate that an interior space at this level would be either retail or a common lounge for the residents of the building. Staff has previously cautioned that a wholly separate 2nd floor retail space at this level would not meet the guideline requirement for main entrances to be accessible, as ADA-accessibility would require use of alternate entrance through the residential lobby and elevator and would therefore not be equitable. As such, the drawing on sheet C.16 shows a “possible future connecting stair to second floor commercial space” which would imply that the 1st and 2nd floor retail spaces would be connected. Continuation of the ground floor retail space to the 2nd level terrace would provide the opportunity to create the corner activity noted as desirable in the guideline; however, a separate 2nd floor retail space would likely not be successful. Alternatively, the 2nd floor terrace could be used for resident leisure but would probably result in less intensive activity than a commercial use such as a restaurant or bar.

Provided the 2nd floor “retail/common lounge” is used as either an extension of the 1st floor commercial space or as a common area for the residents and not as a separate retail space, this guideline is met.

D1. Outdoor Areas. When sites are not fully built on, place buildings to create sizable, usable outdoor areas. Design these areas to be accessible, pleasant, and safe. Connect outdoor areas to the circulation system used by pedestrians;

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

Findings for D1 and D3: The primary landscape feature of the proposed building is the cascading green wall and water feature located within the courtyard and terminating at the sidewalk level. At the Design Advice Request held in July 2014, the Design Commission expressed concern about the viability of the proposed green wall, noting that the interior of the courtyard seemed very narrow. The applicant has widened the courtyard area from 21’ to 25’ and pulled the southeast corner of the building back to expose more of the courtyard to sunlight than was previously proposed. In addition the green walls at the upper levels have been simplified to extend two stories rather than one as was the case with the previous design, which will make this element more prominent and visible to pedestrians.

In addition to the cascading terraces in the courtyard, a roof level terrace and garden are also proposed, as is a ground level garden at the northwest corner of the building. The northwest garden will include a gated path connecting it to the sidewalk along N Williams as well as landscaping to include trees and shrubs, benches, and an internal circular path. Although not critical to the approvability of the proposal, staff notes that the internal path appears to terminate at the rear yard of the adjacent property creating a dead end and suggests that the circulation be given additional reconsideration.

These guidelines are 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: An interior parking garage is proposed for to accommodate loading and parking for 13 vehicles, most of which will be provided within a mechanical carousel in order to reduce space dedicated for vehicle parking. The parking garage entrance is located toward the west side of the building, thus allowing pedestrian activities to be concentrated toward the east side of the building and away from the parking garage. The garage door bay is articulated with concrete to match the rest of the ground level entrances with the building’s stucco and horizontal window aesthetic extending down on either side, adding interest to what may otherwise be designed as relatively blank walls. The garage door itself is proposed to be an aluminum coiled grille which allows a little too

much visibility into the garage without the level of interest established by the adjacent fixed windows. Staff notes that a translucent paneled rollup door may provide a more consistent aesthetic with the rest of the building as well as help to minimize visibility into the garage.

With reconsideration of the proposed garage door, this guideline could be 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 comments submitted by members of the public noted concerns that the horizontal windows at the upper levels would effectively reduce the amount of visibility between the interior and exterior. As was pointed out in the public comments, the horizontal windows do not relate to the human aspect ratio. In addition, the horizontal muntins between windows reduce the range of visibility from the interior as they would interfere with the natural gaze of the eye when looking out onto the street below; this range of visibility varies over the vertical course of the wall as some windows protrude further than others immediately above or below them, depending on the radius of the curve where they are located, as demonstrated in Section #1 on page C.45A. While it cannot be definitively asserted that the proposed horizontal windows would result in additional crime, it is likewise unclear that they would contribute to a reduction in crime. Nevertheless, the proposed building will introduce more residents into the area which may have a positive effect on the area with regard to reducing crime than does the currently vacant land. Also, the ground level features significant glazing to provide extensive views between the interior and exterior and active uses are anticipated within the ground level commercial space and potentially at the 2nd level terrace. *This guideline is met.*

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

Findings: The proposal is for an entirely new building rather than alterations to an existing building. *This guideline is not applicable.*

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 Community Design Guidelines suggest that this guideline can be met by: incorporating architectural details and elements and details found in nearby structures, dividing large wall areas into distinct smaller planes that are more in keeping with the scale of surrounding development, renovating and constructing new commercial buildings that serve the surrounding residential neighborhood with strong pedestrian connections, encouraging infill to complement the scale and proportions of surrounding buildings, and using plant materials to soften the impact of new development.

As noted above, the proposed building diverges from traditional architecture in its form and expression, therefore the use of traditional architectural features and elements found in nearby buildings is minimal. Likewise, the building is much taller than the older buildings in the neighborhood, and notably taller than the immediately adjacent restaurant building. When compared to more recently constructed buildings, however, the proposed building is more complementary with regard to its height, massing, materials, and even its curved walls. Staff notes that the Albina Community Plan and Eliot Neighborhood Plan envisioned higher densities along the Williams-Vancouver corridor and the zoning was changed from R1/R2 to RXd at that time. The strip of parcels between Williams and Vancouver which are zoned RX and EX allow for a higher intensity use on these lots to allow the streets themselves to serve as buffers between these uses and the

smaller scale residential properties to the east and, further north, to the west as well. Therefore, while the scale of the building is larger than the older buildings around it, its scale is within the scope of what was envisioned for the area 22 years ago when the Albina Community Plan was written.

The proposed building seeks to emulate, with its undulating walls, a forest, and with its green wall courtyard, a natural canyon such as Oneonta Gorge. The undulating walls vary in width from 11' to 16', each one with its own rhythm, thus the larger wall areas are divided into smaller distinct planes. The cascading green wall extends from the top of the building to the sidewalk level, softening the building with plant material. Street trees will further soften the impact of the building on the street and help enhance the pedestrian environment. In addition, the proposed building will reinforce the pedestrian environment by providing commercial space that will serve the neighborhood.

This guideline is met.

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

Findings: The proposed building is certainly interesting with its undulating walls and proposed cascading green wall and water feature. Staff notes that the development is very ambitious and thus requires high quality detailing to ensure the success of the building's aesthetic and prevent the development from the fate of a failed folly. As such, staff has set a high bar for the applicant to demonstrate the quality of the design details. Originally, the applicant proposed metal siding and provided a mockup of the proposed siding including a window. Staff expressed significant concerns with the system including the strength of the metal, the variation in the gaps between the panels in concave versus convex portions of the curved walls, and the detailing around the windows. As a result, the applicant revised the primary exterior material to a stucco system. The drawings show that the stucco would be applied in a banded pattern, with some bands smooth and other rough, rather than as a continuously smooth surface. The banded aesthetic could be a remnant inspiration from the previously proposed metal panel; however it does provide the opportunity to better integrate the necessary expansion joints than a completely smooth stucco surface would be able. In addition, the bands are somewhat reminiscent of Aspen or Birch trees.

The applicant is also proposing a secondary material of fire retardant treated wood on the east façade and on the end walls of each of the curved walls, for which they were granted a Building Code Appeal. In summary, staff does not have concerns with the proposed building materials, but notes that the proposed stucco siding appears to be single coat when it should be a three-coat system. However, staff's primary concerns lie with the proposed detailing of how the windows will be constructed within the curving wall system, as shown on page C.45A. Staff understands that rain deflection is important for the longevity of the building; however, the metal flashing surrounding the window appears to assert itself too much, essentially becoming a rather unrefined architectural element itself, rather than just a necessity of the system. On the previously submitted mockup, the corners of these window boxes seemed to be unfinished, creating a sharp edges and gaps revealing the backsides of flashing.

This guideline is not met; however, with further refinement of the window openings to create a more integrated flashing system within the openings and clarification on the quality of the stucco application, this guideline could potentially be 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.

CONCLUSIONS

The Williams-Vancouver has seen significant change in recent years. While the additional density was envisioned by the Albina Community Plan, large scale projects such as this still seem somewhat out of place. As such, staff desires to ensure the highest quality development so that the neighborhood can look upon the changing environment with a sense of pride and welcoming. The proposed building is certainly ambitious and somewhat novel and thus demands the highest quality materials and detailing to ensure its longevity and success. As noted in the findings above, staff still has concerns regarding the quality of the design detailing, particularly at the curved walls and windows and the garage door, as well as concerns regarding the proposed use of the second floor retail/common area as it appears to be unresolved and potentially does not meet the guideline requiring pedestrian accessible entrances. Therefore, while the proposal meets most of the approval criteria, staff finds that the following guidelines are not yet met:

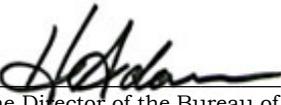
- D2 Main Entrances
- D4 Parking Areas and Garages
- D8 Interest, Quality, and Composition

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 proposal does not meet all of the applicable design guidelines therefore approval is not warranted.

ADMINISTRATIVE DECISION

Denial.

Staff Planner: Hillary Adam

Decision rendered by:  **on June 8, 2015**
By authority of the Director of the Bureau of Development Services

Decision mailed: June 15, 2015

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 October 2, 2014, and was determined to be complete on **February 5, 2015**.

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 October 2, 2014.

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 60 days, as stated with Exhibits A-15 and A-17. Unless further extended by the applicant, **the 120 days will expire on: August 4, 2015**.

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

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

Conditions of Approval. If approved, this project may be subject to a number of specific

conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

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

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on June 29, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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 97301-1283, 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.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

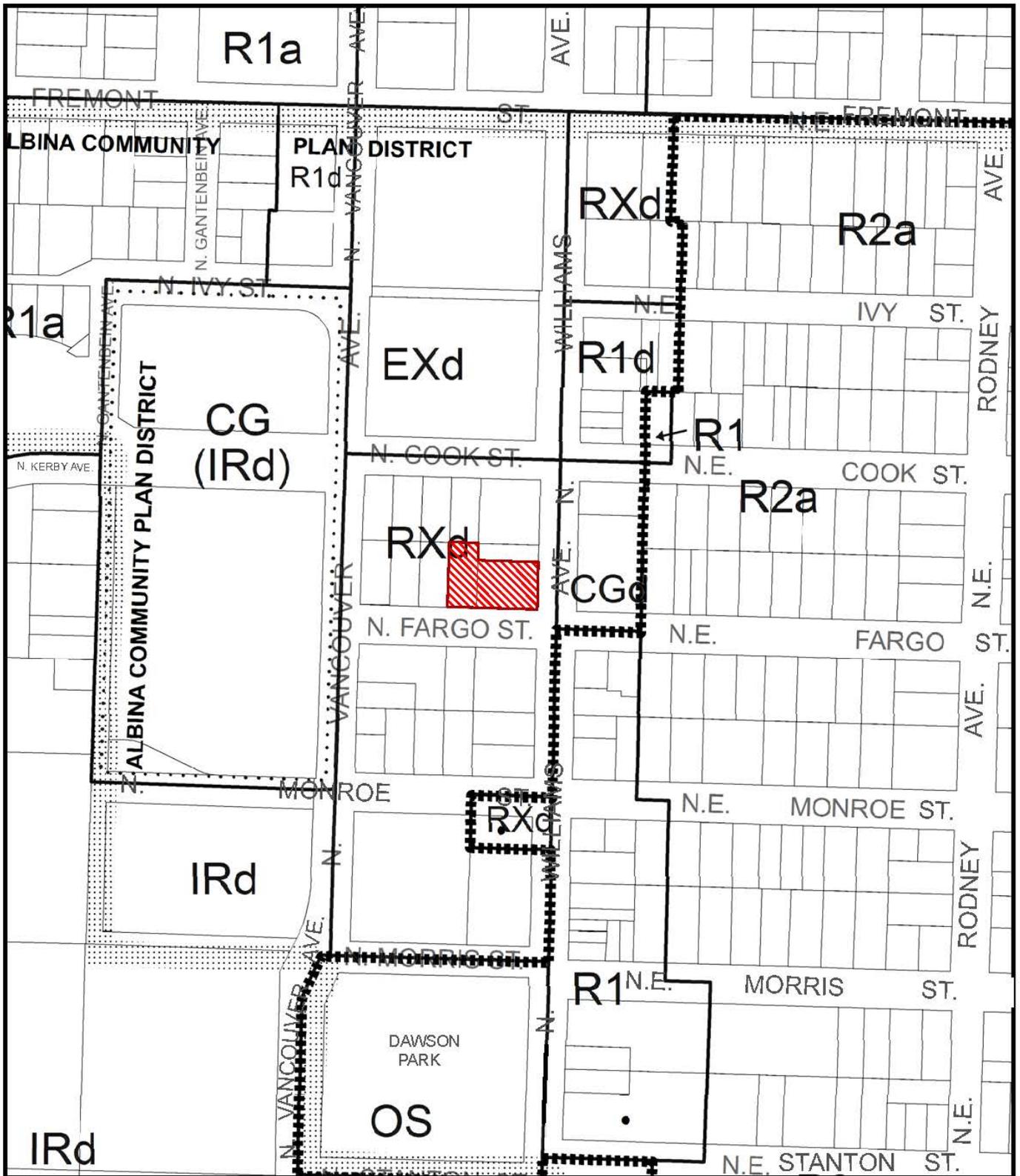
A. Applicant’s Statement

1. Applicant Narrative
2. Early Assistance Summary Memo, dated June 9, 2014
3. Design Advice Request Summary, dated August 8, 2014
4. Neighborhood Contact Information
5. Original Drawing Set (56 pages)
6. Material Cutsheets (Original Submittal)
7. Completeness Response
8. Completeness Response Drawing Set, dated December 30, 2015 (66 sheets)
9. Email requesting application not be deemed complete, dated January 9, 2015
10. Supplemental Information, received January 12, 2015
11. Revised Drawing Set, dated February 2, 2015, received February 5, 2015
12. Deed Information, received February 5, 2015
13. Stormwater Information, received February 18, 2015

14. Email and Photos of metal mockup, received February 26, 2015
 15. Extension request, dated March 27, 2015
 16. Bamboo Specifications
 17. Revised Drawing Set, dated April 7, 2015 (see C Exhibits)
 18. Extension request, dated May 4, 2015
- B. Zoning Map (attached)
- C. Plans/Drawings:
1. Cover Sheet
 2. Table of Contents
 3. Vicinity Map
 4. Zoning Map
 5. Site Context
 6. Neighborhood Images
 7. Concept Images
 8. Program Summary and Project Scope
 9. FAR Plans
 10. FAR Plans
 11. Occupancy Plans
 12. Occupancy Plans
 13. Site Plan
 14. Corner Entry Rendering (attached)
 15. East Elevation Rendering
 16. South Elevation Rendering
 17. Northwest Corner Rendering (attached)
 18. Unit Rendering
 19. Ground Floor Plan
 20. 2nd Floor Plan
 21. 3rd Floor Plan
 22. 4th Floor Plan
 23. 5th Floor Plan
 24. 6th Floor Plan
 25. Roof Plan
 26. Enlarged Plan – Bike Parking
 27. Enlarged Plan – Vehicular Parking
 28. Building Section 1
 29. Building Section 2
 30. Building Section 3
 31. Building Section 4
 32. East Building Elevation
 33. South Building Elevation
 34. North Building Elevation
 35. West Building Elevation
 36. Courtyard Building Elevation 1
 37. Courtyard Building Elevation 2
 38. Courtyard Building Elevation 3
 39. Exterior Material Palette
 40. SE Retail Entry
 41. Landscape Plan
 42. Landscape and Site Details
 43. Landscape and Site Details
 44. Eco Roof Details
 45. Living Wall Details
 46. Exterior Lighting Plan
 47. Window and Door Schedule
 48. Window and Door Details
 49. Window Details
 50. Enlarged Wall sections and Siding Details
 51. Enlarged Wall Sections and Siding Details
 52. Enlarged Wall Sections and Siding Details

53. Exterior Details
 54. Exterior Details
 55. Signage Details
 56. Exterior Details – Flowthrough Planters
 57. Exterior Details – 2nd Level Terrace Planter
 58. Railing Details
 59. Fence Detail
 60. Solar Studies
 61. Courtyard Solar Studies
 62. Civil Site Plan
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Bureau of Transportation Engineering and Development Review
 2. Bureau of Parks, Forestry Division
 3. Bureau of Environmental Services
 4. Life Safety Division of BDS
 5. Site Development Review Section of BDS
 6. Water Bureau
 7. Fire Bureau
- F. Correspondence:
1. Max Elfvin, on March 4, 2015, wrote with concerns about the lack of sufficient parking for the proposed building, noting a lack of parking availability in the neighborhood, exacerbated by the recent construction of several new buildings in the area.
 2. Ken Moholt-Siebert, on March 10, 2015, wrote with concerns about the height and form of the proposed building, noting the building is pushed toward the interior lot lines reducing light and air on adjacent properties, creates a tall narrow canyon at the center of the building again reducing light and air to the units. He also noted that the horizontal windows are opposed to the urban context as most windows are oriented vertically to relate to human proportions, thus allowing better connection between the interior and exterior and encouraging “eyes-on-the-street”; he equated the extreme horizontality of the windows and the curved walls to a military bunker, inappropriate as an urban residential form. In addition, he noted that any below-grade utilities should be located wholly in front of the subject property so as to not encumber the adjacent properties.
 3. Mike Warwick, on March 10, 2015, wrote, noting that the proposed building had previously been considered by the Eliot Land Use Committee where the majority felt the building was “too clever” in its attempt to emulate a forest. He also noted that the horizontal strip windows will isolate residents on the inside from the exterior and the aesthetic recalled the police building downtown where prisoners are held. In addition, he noted concerns that the building will overwhelm the adjacent 100+ year-old restaurant building, which would be worsened if a similarly-scaled building were to be built on the community garden site.
- G. Other:
1. Original LU Application
 2. Incomplete Letter, dated November 1, 2015
 3. Memo to the Applicant, dated January 7, 2015

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. LU 14-220684 DZ
 1/4 Section 2730
 Scale 1 inch = 200 feet
 State_Id 1N1E27AB 11300
 Exhibit B (Oct 07, 2014)



LU 14-220684 DZ

THE WOODS
@ N. Williams & N. Fargo St.
PDX | OR

CORNER ENTRY RENDERING

C.11

