



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

Chloe Eudaly, Commissioner
 Rebecca Esau, Director
 Phone: (503) 823-7300
 Fax: (503) 823-5630
 TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: December 14, 2017
To: Interested Person
From: Jeffrey Mitchem, Land Use Services
 503-823-7011 / Jeffrey.Mitchem@portlandoregon.gov

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 mailed copy of this document is only a summary of the decision. 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 17-263403 DZM
FOLLOW-UP REVIEW – DRIVE AISLE WIDTH

GENERAL INFORMATION

Applicant: Bob Thompson | TVA | T.503.220.0668 | bobt@tvaarchitects.com
 920 SW 6th, Ste 1500 | Portland, OR 97204

Owner: ANIVA LLC | CITIVAS INC
 5331 SW Macadam Ave #258-515 | Portland, OR 97239

Owner’s Representative: Phil Morford | ANIVA LLC.
 5320 SW Macadam Ave | Portland, OR 97239

Site Address: 5009-5017 N INTERSTATE AVE

Legal Description: BLOCK 12 LOT 11 EXC PT IN ST, RIVERSIDE ADD; BLOCK 12 LOT 12 EXC PT IN ST, RIVERSIDE ADD; BLOCK 12 LOT 13&14 EXC PT IN ST, RIVERSIDE ADD; BLOCK 12, CANCEL ACCOUNT/ RIVERSIDE ADD, BLOCK 12, LOT 13&14 EXC PT IN ST, BILLBOARD SEE R257267 (R709604880)

Tax Account No.: R709604840, R709604860, R709604880, R709604881

State ID No.: 1N1E21AA 17800, 1N1E21AA 17900, 1N1E21AA 22500, 1N1E21AA 22500A1

Quarter Section: 2528

Neighborhood: Overlook NA, contact landuse@overlookneighborhood.org.

Business District: None

District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

Plan District: North Interstate Plan District

Zoning: EXd, Central Employment with a Design Overlay

Case Type: DZM, Design Review w/ Modifications

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

Proposal:
 The proposal is for a follow-up review to allow a drive aisle width of 17'-11 5/8" (20' required) within the tuck-under parking lot for a previously approved development (LU16-283394 DZ) – a new 5-story market-rate apartment building with 90 units and 15 car parking spaces tucked under the building accessed from both N Webster St and N Alberta St.

Design Review is necessary because the proposal is to Modify a Portland Zoning Code Standard (33.266.130.F. Parking Area Layouts) requiring 20' drive aisle widths for parking lots.

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
- 33.825 Design Review

ANALYSIS

Site and Vicinity: Oriented in a north-south direction, the 80' x 200' site has frontage on N Webster St, N Alberta St (80' each) and N Interstate Ave (200'). Vicinity development character includes low rise commercial structures to the north and south, single-dwelling residential to the west and multi-dwelling residential to the east across N Interstate Ave. The site fronts the N Interstate Ave MAX light rail line. The light rail tracks are located in the middle of the right-of-way, separating the vehicle traffic. The southbound traffic lane fronts properties on the west side of Interstate Avenue. Because this site is located at a signalized intersection with turn lanes, the site is accessible from all directions. The broader Overlook Neighborhood features a mixture of commercial, single- and multi-dwelling residential, civic and industrial uses.

Zoning: The site is zoned EXd. The Central Employment (EX) zone allows mixed uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

The design (d) overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. In certain areas, such as the North Interstate Corridor, projects are eligible to use the alternative Community Design Standards. This is a plan check review. Objective design-related development standards must be addressed.

Land Use History: City records indicate that prior land use reviews include the following:

- **LU16-283394 DZ.** Approval of a 5-story market-rate apartment building with 90 units and 15 car parking spaces
- **LU 12-119236 AD.** Approval of a new curb cut and access on N Alberta St (south property line).

Agency Review: A *Notice of Proposal in Your Neighborhood* was mailed **November 13, 2017**.

The following Bureaus have responded with no issues or concerns:

- Portland Bureau of Transportation (Exhibit E.1)

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on **November 13, 2017**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

I. 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.

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 building and environment.*

Findings: Resident parking is tucked under the building at rear-site and screened from the abutting public ROW with 5' of L2 landscaping. The proposed drive aisle width (approximately 2' less than required by code) will better conceal the parking area as viewed from the abutting sidewalks, thereby visually respecting and integrating with adjacent single-dwelling context on N Webster St and N Alberta St.

This guideline is met.

II. 33.825.040 Modifications That Will Better Meet Design Review Requirements:

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. **Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines; and*
- B. **Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

The following modification is requested: 33.266.130 Parking Area Layouts.

33.266.130.F Parking area layouts. To reduce the width of the tuck-under parking lot drive aisle width from 20' required to 17'-11 5/8".

Purpose Statement for 33.266.130: "The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones. Together with the transit street building setback standards in the base zone chapters, the vehicle area restrictions for sites on transit streets and in Pedestrian Districts:

- Provide a pedestrian access that is protected from auto traffic; and
- Create an environment that is inviting to pedestrians and transit users.
- The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles.

The setback and landscaping standards:

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Provide flexibility to reduce the visual impacts of small residential parking lots;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

Standard: 33.266.210.F.2 Parking space and aisle dimensions. Parking spaces and aisles must meet the minimum dimensions contained in Table 266-4. Table 266-4 states that drive aisles should have minimum width of 20’.

- A. ***Better meets design guidelines.*** *The resulting development will better meet the applicable design guidelines; and*

Findings: As noted above under D4 *Parking Areas and Garages*, reduction of the width of drive aisles allows a greater amount of parking area within the structure, incrementally reducing the pressure for parking located on the street or at the ground level of the building closer to abutting development, and reduces programmatic pressure for inactive floor area fronting N Webster St and N Alberta St.

Therefore, this criterion is met.

- B. ***Purpose of the standard.*** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings: The applicant is proposing approximately 15 at-grade parking spaces and two car-share stalls served by a single two-way drive aisle (17’-11 5/8” wide). By allowing a reduced aisle width, the applicant is able to accommodate more parking area within the structure, which reduces the number of potential vehicles parked on the street or possibly in an at-grade parking area, thus reducing ground floor activation.

The purpose of the design standard is met and *Guideline D4* is better met by the proposal to reduce the width of the drive aisle.

Therefore, this criterion is met.

Therefore, 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 reduction in tuck-under parking drive aisle width increases the efficiency of interior parking area layout, thereby incrementally reducing the demand for parking external to the site. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

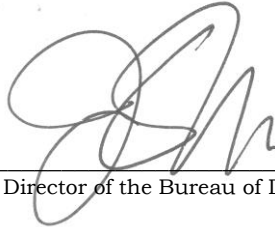
Approval of the Modification to reduce parking drive aisle width per the approved site plan, Exhibit C-1, signed and dated December 11, 2017, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be

labeled "ZONING COMPLIANCE PAGE - Case File LU 17-263403 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Jeffrey Mitchem



Decision rendered by: _____ **on December 11, 2017.**
By authority of the Director of the Bureau of Development Services

Decision mailed: December 14, 2017

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 November 7, 2017, and was determined to be complete on November 7, 2017.

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 November 7, 2017.

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 extended by the applicant, **the 120 days will expire on March 7, 2018.**

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 28, 2017** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **December 28, 2017** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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

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

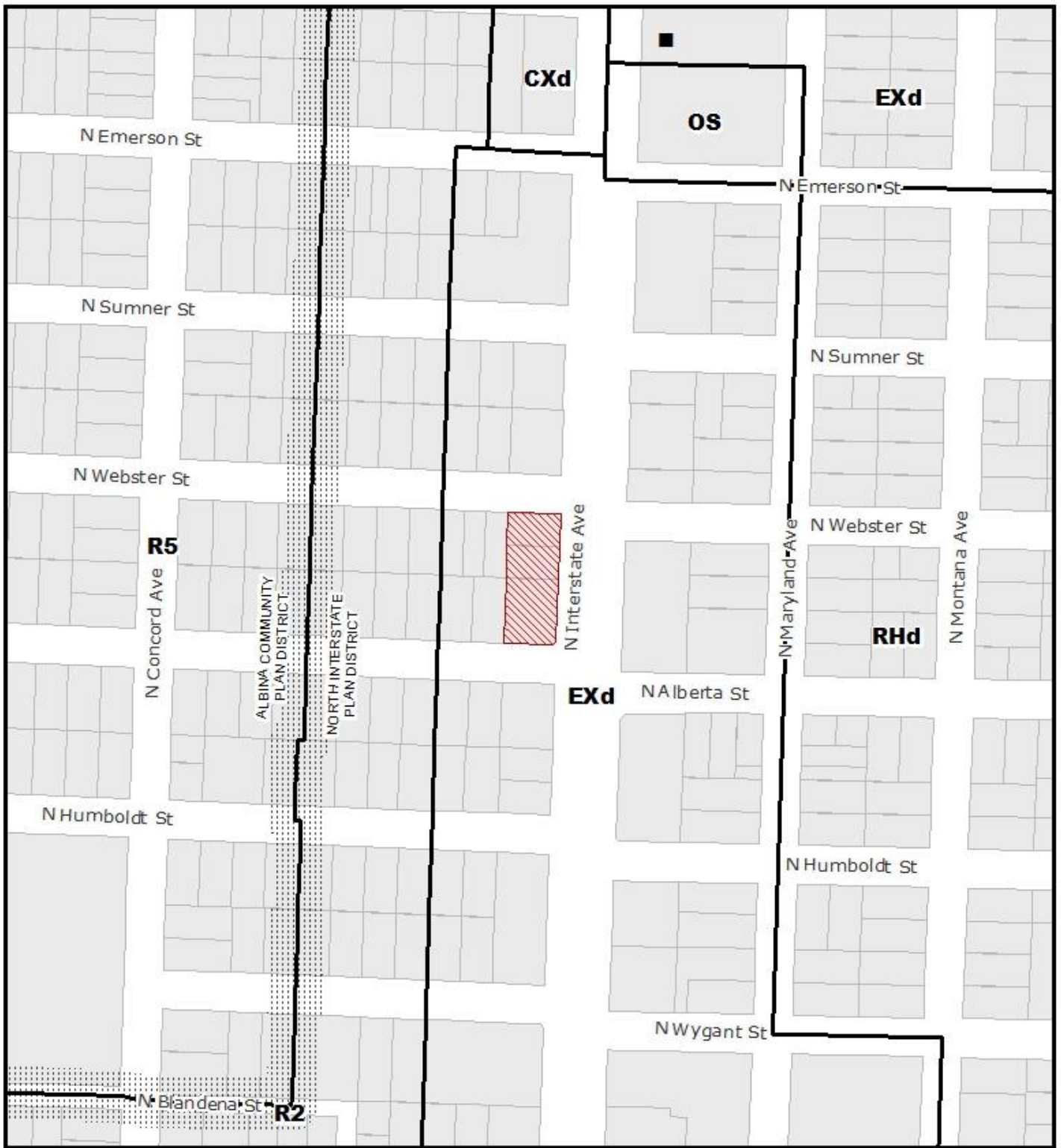
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement - NONE
- B. Zoning Map (attached)
- C. Plans/Drawings:

1. Site Plan (attached)
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Transportation Engineering and Development Review
- F. Correspondence: None
- G. Other:
 1. Original LU Application

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



THIS SITE LIES WITHIN THE:
NORTH INTERSTATE PLAN DISTRICT



Site



Historic Landmark

File No.	LU 17-263403 DZM
1/4 Section	2528
Scale	1 inch = 200 feet
State ID	1N1E21AA 22500
Exhibit	B Nov 01, 2017



N INTERSTATE AVENUE

Level 01 Unit

Unit Type	SF	Total Units
Studio	383 - 407sf	3 Total
1-Bedroom	444 - 479sf	3 Total

Planner
 City of Portland - Bureau of Development Services
 Approved*
 This approval is subject to all conditions of the development agreement.

SITE PLAN / LEVEL 01 FLOOR PLAN 009 ANIVA APARTMENTS Type II Design Review - Modification
 1/16" = 1'-0" 10.23.17 5009 N Interstate Ave
 LU 17-263403 DZM EXH.C.1

tva architects inc.
 220 sw sixth avenue | suite 1500 | portland, oregon 97204
 phone: 503 220 0468 | www.tvaarchitects.com