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 17-111767 DZ – THE CANYONS

GENERAL INFORMATION

Applicant: Kristin Slavin | Path Architecture
3530 N Vancouver Avenue, Suite 330 | Portland, OR 97227
(512) 422-5647, kristin@architecturepath.com

Owners: Benjamin Kaiser | Blackbridge Lofts
3530 N Vancouver Avenue, Suite 330 | Portland, OR 97227
(503) 475-4722, ben@kaisergroupinc.com

Rick Michaelson | Inner City Investors
906 NW 23rd Avenue | Portland, OR 97210

Site Address: 19 NE IVY ST

Legal Description: LOT 11 TL 2300 SPLIT LEVY R674305 (R010800254), ALBINA HMSTD ADD; LOT 12&13 TL 2400 SPLIT LEVY R674210 (R010800240), ALBINA HMSTD ADD; BLOCK 6 LOT 3, WILLIAMS AVE ADD; BLOCK 6 LOT 4&5, WILLIAMS AVE ADD; BLOCK 6 LOT 4&5, CANCEL ACCOUNT/WILLIAMS AVE ADD; LOT 11 TL 2301 SPLIT LEVY R103347 (R010800250), ALBINA HMSTD ADD; LOT 12&13 TL 2402 SPLIT LEVY R103346 (R010800230), ALBINA HMSTD ADD

Tax Account No.: R010800230, R010800250, R916401290, R916401310, R916401311, R010800240, R010800254

State ID No.: 1N1E27AA 02300, 1N1E27AA 02400, 1N1E27AA 02600, 1N1E27AA 02500, 1N1E27AA 02500A1, 1N1E27AA 02301, 1N1E27AA 02402

Quarter Section: 2730

Neighborhood: Eliot, contact Allan Rudwick at lutcchair@eliotneighborhood.org, or (503) 703-3910

Business District: Soul District Business Association, contact at info@nnebaportland.org

District Coalition: Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-388-5030.

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 seeks Design Review approval for a development consisting of 3 new mixed-use buildings: a 6-story mixed-use “apartment” building and two 2-story retail “work unit” buildings, located on a site in the Albina Community Plan District. The site includes two additional buildings at the north end of the site, Carbon12 and its associated garage, which received Design Review approval in 2015 and are currently under construction.

The proposed development will provide approximately 70 residential units, located above ground level in the “apartment” building, and approximately 15,267 SF of retail, spread over the ground level in the apartment building and both levels of the two “work-unit” buildings. The “apartment” building is located along N Williams and the two “work unit” buildings are located mid-block and will be accessed from a pedestrian alley that links to NE Ivy and N. Williams through the block, and which also serves the small retail units on the back side of the “apartment” building. Below-grade parking will be accessed off NE Ivy St., and will provide 1 Type B loading space, 35 parking spaces and 2 ADA van spaces. Long- and short-term bicycle parking spaces will be provided on site.

Exterior materials include three-coat stucco, ribbed metal siding with exposed fasteners, vertical ship-lap stained cedar siding, custom perforated metal grilles, fiberglass or commercial-grade vinyl windows above ground level, stained timber fins, and fiberglass storefronts.

Because the proposal is new construction in a design overlay zone, Design Review is required prior to the issuance of building permits.

Relevant Approval Criteria:
To be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:
- Community Design Guidelines
- Design Review, 33.825

ANALYSIS

Site and Vicinity: The Site is 31,846 square feet in size and fronts N Williams Avenue, NE Fremont Street and NE Ivy Street. The north end of the site contains Carbon12 and its associated garage. This proposed new development will occupy the remaining southern part of the site.

The property lies within the Eliot Pedestrian District. According to the City’s Transportation System Plan (TSP), the three adjacent streets are classified as follows:
- N Williams Ave is classified as a Neighborhood Collector, a Transit Access Street, a City Bikeway and a Community Corridor.
- NE Fremont St is classified as a Transit Access street, a City Bikeway and a Local Service street for all other modes.
- NE Ivy St is classified as a Local Service street for all modes.

N Williams Avenue is a one-way, northbound street, and N Vancouver Avenue, which is located one block west, forms the one-way southbound portion of this couplet. Bike lanes are located within the N Williams Avenue and N Vancouver Avenue roadways. N Williams Avenue has two through-lanes and a right turn lane along the site’s frontage. NE Fremont and NE Ivy Streets both provide two-way traffic.

TriMet bus stops are located along the site’s NE Fremont Street and N Williams Avenue frontages. The on and off-ramps to Interstate-405 are located approximately two blocks from the Site, just west of the N Vancouver Avenue/N Cook Street intersection.
Overall, the Williams-Vancouver corridor, from N Cook Street to the south and to N Skidmore Street to the north, is experiencing significant redevelopment. Whereas some existing buildings have been demolished to accommodate new development, other existing buildings have been rehabilitated and adapted for new uses. Redevelopment has also been occurring on land that has been vacant for many years. The corridor is increasingly characterized by new restaurants, bars, specialty retail shops, and apartments targeted to young middle-class singles and small families. The area surrounding the Williams-Vancouver corridor is characterized by single-family houses, many constructed in the early 1900s.

Development on surrounding blocks reflects the mixed-zoning pattern of the area. Recent development includes a one-story New Seasons grocery store directly west of the Site, across N Williams Avenue, and the Cook Street Apartments, a new six-story, mixed-use building with 206-unit residential units with ground floor retail located on the southern half of the New Season's block. Other nearby recent development along the N Williams Avenue (within a two to three block radius) includes the Karuna II, north of NE Fremont across N Williams. This multi-story commercial development includes with two new commercial buildings (west building 5 stories, east building 4 stories), with ground level retail spaces and office uses above. Also, nearby is The Albert, a four-story mixed-use building with ground-floor retail and upper-level apartments, constructed in 2011. Development along NE Fremont and NE Ivy Streets east of N Williams is characterized by one- to two-story residences.

The Eliot neighborhood is 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 “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. 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.
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 that prior land use reviews include the following:

- **LU 15-184171 DZ AD**, Design Review approval for a new eight-story, 85’ tall, mixed-use building with 14 residential units, ground floor retail and lobby, and 22 below-grade parking spaces accessed from NE Fremont Street via a new one-story, 12’ tall, garage building, located in the Albina Plan District (Exhibit G3). A Condition of Approval was added which affects this current review:
  - A covenant transferring three (3) of the required residential units from the subject site to the remainder of the site is required prior to the issuance of building permits.

  **Staff Note:** This development proposes to meet this requirement by providing 70 units, which is greater than the 67 minimum required units for this development (including the three additional required units).

- **LU 13-109305 CP ZC**, Comprehensive Plan Map Zone Change approval to amend the zone from Medium Density Multi-Dwelling (R1) with a design overlay to Central Residential (RX) with a design overlay for a portion of the site (Exhibit G.2). This decision was appealed to the Land Use Board of Appeals and was upheld on Oct. 10, 2013. The CP ZC decision was subject to Conditions of Approval, including:
  - A Design Advice Request (DAR) is required prior to submission of the Type II design review application.

  **Staff Note:** This requirement has been met. Two DAR’s were held for this site, as noted below under EA 13-195611 DA.

  - Height in the RXd zoned portion of the site is limited to a combination of 85’, 65’ and 40’.

  **Staff Note:** This development proposes to meet this requirement. Refer to the drawings for height.

  - RH zone setbacks are required between development on the site and abutting R2 zoned properties.

  **Staff Note:** This development proposes to meet this requirement. Refer to the drawings for the setbacks.

- **EA 13-195611 DA**, Design Advice Requests were held to meet one of the conditions of the Comprehensive Zone Map Change. Two DAR’s were held, the first on October 24, 2013 and the second on May 7, 2015 (Exhibit G.14).

- **LU 05-139802 DZM**, Design Review with Modifications approval to allow the construction of a 39-unit, three to four story multi-dwelling residential development. The modifications allowed a 10-foot increase in the maximum allowed height (for the portion of the building within 10 feet of N Williams Avenue), and an increase in the maximum allowed residential density from 38 dwelling units to 39 dwelling units. This approved development was never constructed.

- **PR 247946**, Public registry for first two Property Line Adjustments to reconfigure 2 lots, under review.

- **PR 247954**, Public registry for second two Property Line Adjustments to reconfigure 2 lots, under review.

The Bureau of Environmental Services responded twice (Exhibit E.1 and E.1A). Their addendum reply stated that BES has no specific approval criteria related to design reviews; therefore, BES has no recommended conditions of approval. However, they advised:

> It is important to note that since the stormwater management plan is not being approved by BES through this design review, it is possible a subsequent design review could be triggered. More detailed information will need to be provided at the time of building permit review.

The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation Engineering (Exhibit E.2)
- Water Bureau (Exhibit E.3)
- Fire Bureau (Exhibit E.4)
- Site Development Section of BDS (Exhibit E.5)
- Life Safety Section of BDS (Exhibit E.6)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on January 16, 2018. Three written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Mariah Howard, Laurens Grasman and Jo-Ann Howard, 2/5/18, concerned with traffic, parking and safety on NE Ivy. Also concerned with safety of crosswalk from NE Ivy across Williams (Exhibit F-1).
- Olga Aulet-Leon, Peter Bova, Mary Batson, James Batson and Virgie Ruiz, 2/5/18, concerned with traffic, parking and safety on NE Ivy. Also concerned with safety of crosswalk from NE Ivy across Williams (Exhibit F-2).
- Max Muller and Helin Shiah, 2/6/18, concerned with traffic, parking, air and noise pollution, and livability on NE Ivy, as well as safety of the crossing at Williams (Exhibit F-3).

Staff Response: This proposal intends to provide more parking than the minimum required for this development, and the only street that PBOT will allow vehicular access from is Ivy. The parking has been located below-grade to minimize the impact of the parking on the street frontage.

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. Additionally, staff has organized the findings under three tenets, “Context”, “Public Realm”, and “Quality and Permanence”.

Context

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 immediate context lies in a transition zone between a mix of commercial, industrial, and apartment buildings and nearby residential area. Most of the nearby commercial and mixed-use buildings along N Williams are flat-roofed and front the sidewalk, while the smaller residential structures to the east are typically set back and raised three to four feet above the street. Williams, which borders the site to the west, is a major pedestrian, bicycle and vehicle collector that provides connections from the neighborhoods of North and Northeast Portland to Southeast Portland and Downtown. The Fremont Bridge on-ramp is two blocks away, at N Cook Street. NE Fremont is a residential street with a bus route, while NE Ivy is a quieter residential street.

The development responds to the surrounding residential context by keeping the larger massing of the apartment building to the west side of site on the high-density Williams corridor. The massing on the east side of the site steps down to two-story work units, providing a buffer zone between the development and the lower density residential neighbors to the east.

The proposed design combines the character and street level use of surrounding commercial buildings, as shown in the 6-story, flat roofed main building fronting N. Williams, with the character of nearby residential development, as show in the two-story, pitched-roof work units facing the residential development to the east.

In addition to massing and character, entrances have been located on street frontages, and traditional materials such as stucco have been incorporated. With these moves, the project echoes the character of neighboring mixed-use amenities along the Williams/Vancouver transition zone.

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 proposed project does not sit within the boundaries of any historic or conservation districts. However, it does sit just west of the Eliot Conservation District. It is located on the Albina Community Plan map. The site design acknowledges the influence of streetcars on residential development of Albina through a generous pedestrian zone and the allocation of amenities along its western edge at N Williams Ave. The site plan also allows for a pedestrian path through the site, offering a more sheltered and intimate pedestrian experience. An enhanced pedestrian edge extends along the street frontage on N Williams, revealing commercial entrances as well as the main residential entrance. The enhanced pedestrian edge turns the corner extending east on NE Ivy St., where the pedestrian alley breaks up the mass of the development and highlights the stepping down
to the two-story portion of the project, transitioning into the predominantly residential streets between N Williams and NE Martin Luther King Jr. Blvd.

The primary cladding material in the buildings is stucco, with accents of stained fire treated cedar siding. These materials are frequently found in historic buildings. Additionally, a more traditional use of mass is invoked using deep window recesses.

The Williams/Vancouver corridor is being rapidly filled with high-density rental projects. The applicant advises that the Canyons will provide rental housing for the elderly, a housing model that is in short supply in the area. In this regard, the program is intended not to emulate Eliot’s historic residential patterns, but rather to complement them and allow for residents to stay in the neighborhood further into their lives.

This guideline is therefore met.

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

Findings: The Eliot Neighborhood Plan identifies the N Williams Ave. and NE Fremont St. intersection as a gateway to the Eliot neighborhood. Carbon12, the project on the north part of the site, is located at the intersection and provides a focus marking the gateway into the neighborhood. The proposed new development highlights this gateway with an enhanced pedestrian edge leading up to the intersection, including awnings, exterior lighting, and street trees along both Williams and NE Ivy. Additionally, the new pedestrian alley allows for a more porous site, allowing the public to transition from the neighborhood to the commercial district in a more gradual manner. The new apartment building steps back from Carbon12 at the NW corner of the building, revealing the gateway architecture.

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: As noted above, the proposal is using traditional materials (stucco and wood) which will complement the palette of the existing neighborhood. Additionally, the massing of the development steps down to smaller scaled work units towards the residential neighborhood to the east, providing a scale transition to the adjacent single-family housing. The windows and balcony doors will be residential-scaled to relate to the scale of openings on the surrounding residential buildings.

This guideline is therefore met.

Public Realm

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

Findings: The development proposes a pedestrian-only path on the east side of the site, between the two-story work units and the main apartment building. This path connects the neighborhood from NE Ivy to NE Fremont or N Williams closer to the intersection, which serves as the gateway to the commercial district in the neighborhood. The overhang of the main building provides a sheltered place to walk, as well as ample opportunity for overhead lighting of the pedestrian space for safety, without impacting the neighboring residential areas.
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.

Findings: For a mid-size mixed-use residential development, the proposal offers ample opportunities for people to stop, visit, meet, and rest. The pedestrian alley on the east side of the site allows pedestrian only circulation, and the connecting path on the north end of the site connects these pedestrian spaces to the existing amenities provided by Carbon12 to the north. Together, the two projects provide a pedestrian porous site, and offer many spaces to stop and rest away from traffic.

This guideline is therefore 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 N Williams Ave. and NE Ivy St. facades have intermittent awnings, which provide protection and enclosure for pedestrians as well as a break in the scale of the building above. Additionally, the relief in the stucco and the recessed entries into the building provide more ample space for people to gather on the street.

The pedestrian alley is bordered by the smaller-scaled work unit buildings on the east, relating more to the single family residential in the adjacent neighborhood. This gives a more human scale to the pedestrian areas within the site. The facades on the alley are also broken down into a smaller scale, giving visual interest to those walking through.

This guideline is therefore met.

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

Findings: The proposal is located at the intersection of N Williams Ave and NE Ivy St. Williams has become a prominent street in the neighborhood for auto, bike, and pedestrian traffic. The proposed design places a prominent retail entrance on the corner and provides multiple points of access into the building in recessed and covered entries. The recesses allow the building to give the street a strong urban edge while allowing for a more generous pedestrian experience where needed for circulation.

This guideline is 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 mass of the project is set to the west side of the site. This will both reduce the shadowing of adjacent neighbors and protect the pedestrian walkway from the western sun. The buildings will also block most of the wind in the pedestrian walkway. Awnings over entrances and the overhang of the building on the pedestrian alley will protect people from the rain.

This guideline is therefore 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;
Findings for D1 and D3: The site is proposed to be almost fully built on. Where there is site area left, it has been dedicated to pedestrian circulation through the site, connecting to other pedestrian paths to the North, and eventually to N Williams Ave. and NE Fremont St. All outdoor areas will be hardscaped to allow for accessibility, connectivity, and circulation around the building and between open spaces. Exterior lighting, clear sightlines and ample fenestration into the ground floor retail spaces will make this connection along Williams a safe and pleasant space for both tenants and the public.

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 main residential lobby to the apartment building is accessed from N Williams Ave. It is pulled back from the sidewalk to allow for a transitional zone between public and private but is clearly identified by a large awning overhead. The prominent retail entrances are oriented toward N Williams Ave. to increase visibility and access, as well as activity on the street.

The high-density work units along the pedestrian alley will provide eyes on the pedestrian street as well as a varied and interesting experience for those walking through. The focus on people rather than cars will make this space a more comfortable space to meander through.

This guideline is therefore met.

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

Findings: The building is placed in a very urban area, and responds accordingly. At the street edges there are street trees and planting to soften the experience between car traffic and pedestrian spaces. The hardscaped site creates an urban plaza and circulation network, while landscaping in the setbacks provide another buffer to the more single family residential areas in the neighborhood.

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 environment.

Findings: The proposal will have underground parking. The garage entrance is on NE Ivy St., as required by PBOT. This entrance is incorporated into the facade of the building to minimize its presence on the street. By putting the parking underground, the impact to the neighborhood is minimized. Placing the garage on the side street also allows N Williams to remain an active street edge.

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: A unique aspect of this proposal is that the public will be encouraged to navigate around all four sides of the apartment building, which will be open at all times. These paths will be very well lit with a significant amount of window area facing onto the entire site, providing for a safer environment for people. Additionally, the work units are concentrated on the pedestrian alley so that there will be eye on the “street” at all times.
This guideline is therefore met.

**Quality and Permanence**

**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 new buildings; therefore, this guideline is not applicable.

**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 development uses a varied composition of stucco and wood that undulates around the building. At the ground floor/pedestrian level, more detailed articulation provides further interest and movement, while the stucco above remains traditional in its expression. This allows all four sides of the building to relate to one another, while at the same time provide varied responses to the different contexts and the surrounding buildings. The emphasis on the entries and the extensive cantilever over the pedestrian alley offer a sense of enclosure and weather protection, as well as provide an opportunity for unique lighting.

Exterior materials include three-coat stucco, ribbed metal siding with exposed fasteners, vertical shiplap stained cedar siding, custom perforated metal grilles and fiberglass or commercial-grade vinyl windows above ground level, stained timber fins, and fiberglass storefronts. These materials can be durable and provide long-lasting quality.

This guideline is therefore met.

**DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards 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. This proposal will provide very active ground floors, residential units for the elderly, a unique and permeable approach to the site development, a sensitive massing strategy for this split zoned block, an integration of mechanical within the facades and durable materials. The proposal meets the applicable design guidelines and therefore warrants approval.

**ADMINISTRATIVE DECISION**

Approval of a development consisting of new 3 buildings: a 6-story mixed-use “apartment” building and two 2-story retail “work unit” buildings with an internal pedestrian alley. Two additional buildings at the north end of the site, Carbon12 and its associated garage, received Design Review approval in 2015 and are currently under construction.

The proposed development will provide approximately 70 residential units and approximately 15,267 SF of retail. Below-grade parking for 1 Type B loading space, 35 parking spaces and 2 ADA van spaces will be accessed off NE Ivy St. Long- and short-term bicycle parking spaces will be provided on site.
Approval per the approved site plans, Exhibits C-1 through C-28, signed and dated March 29, 2018, 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 17-111767 DZ.” 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: Grace Jeffreys

Decision rendered by: __________________________ on March 29, 2018.

By authority of the Director of the Bureau of Development Services

Decision mailed: April 2, 2018

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 January 26, 2017, and was determined to be complete on July 21, 2017 (Exhibit A.2).

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 January 26, 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 requested that the 120-day review period be extended (Exhibits A.4 and A.7, for a total of 245 days). Unless further extended by the applicant, the 120 days will expire on: July 21, 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 April 16, 2018 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 April 16, 2018 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
   1. Original submittal, drawings, 1/10/17
   2. Request to be deemed complete, neighborhood contact, and revised narrative and drawings, 7/21/17
   3. Revised narrative and drawings, 7/24/17
   4. Request for Extension of 120-Day Review Period, dated 7/28/17 (60 days)
   5. Confirmation of fee drop off for Oriel window DE, 8/1/17
   6. Mark-ups to staff memo dated 8/7/17, 9/14/17
   7. Request for Extension of 120-Day Review Period, dated 9/18/17 (185 days)
   8. Revised narrative and drawings in response to staff memo 8/1/17, 12/26/17
   9. Revised application form, site plan and elevations for proposal notice, 1/9/18
   10. Queries for PBOT, 1/9/18
   11. Revised narrative and drawings in response to staff email 1/4/18, 2/9/18
   12. Discussion regarding alley design, 3/8/18
   13. Revised drawings, 3/19/18
   14. Revised drawings, 3/27/18

B. Zoning Map (attached)

C. Plans/Drawings:
   1. Site Plan (attached)
   2. SITE SURVEY / EXISTING SITE UTILITIES
   3. SITE UTILITY PLAN - PROPOSED
   4. LANDSCAPE MATERIALS PLAN
   5. LANDSCAPE PLANTING PLAN
   6. EXTERIOR LIGHTING PLAN
   7. BASEMENT FLOOR PLAN
   8. FIRST FLOOR PLAN (attached)
   9. SECOND FLOOR PLAN
   10. THIRD FLOOR PLAN
   11. FOURTH - SIXTH FLOOR PLAN
   12. ROOF PLAN
   13. NORTH ELEVATION (attached)
   14. EAST ELEVATION
   15. SOUTH ELEVATION (attached)
   16. WEST ELEVATION (attached)
   17. LIVE/WORK ALLEY ELEVATION
   18. LIVE/WORK EAST ELEVATION (attached)
   19. N/S SECTION
   20. E/W SECTION
   21. BUILDING DETAILS - WEST FACADE
   22. BUILDING DETAILS - SOUTH FACADE
   23. BUILDING DETAILS - EAST FACADE
   24. BUILDING MATERIAL CUT SHEETS
   25. TYPICAL SECTION DETAILS
   26. TYPICAL PLAN DETAILS
   27. TYPICAL DETAILS
   28. ALTERNATIVE BUILDING DETAILS

D. Notification information:
   1. Mailing list
2. Mailed notice

E. Agency Responses:
   1. Bureau of Environmental Services
   1A. Bureau of Environmental Services, addendum
   2. Bureau of Transportation Engineering and Development Review
   3. Water Bureau
   4. Fire Bureau
   5. Site Development Review Section of BDS
   6. Life Safety Review Section of BDS

F. Correspondence:
   1. Mariah Howard, Laurens Grasman and Jo-Ann Howard, 2/5/18, concerned with traffic, parking and safety on NE Ivy. Also concerned with safety of crosswalk from NE Ivy across Williams.
   2. Olga Aulet-Leon, Peter Bova, Mary Batson, James Batson and Virgie Ruiz, 2/5/18, concerned with traffic, parking and safety on NE Ivy. Also concerned with safety of crosswalk from NE Ivy across Williams.
   3. Max Muller and Helin Shiah, 2/6/18, concerned with traffic, parking, air and noise pollution, and livability on NE Ivy, as well as safety of the crossing at Williams.

G. Other:
   1. Original and revised LU applications
   2. LU 13-109305 CP ZC, Zone change for this site with conditions
   3. LU 15-184171 DZ AD, Dec for adjacent site with condition for this site.
   4. INC letter, 2/23/17
   5. Staff email and 180-day notice letter, 6/19/17
   6. Receipt of fees for Oriel Window DE, 8/4/17
   7. Receipt for payment for DE for Oriel windows, 8/4/17
   8. Staff email and Follow-up INC Memo, 8/7/17
   9. Staff email with important dates and revised Follow-up INC Memo, 9/14/17
   10. Staff email with important dates, 9/18/17
   11. Staff email with concerns, 1/4/18
   12. Response to queries for PBOT, 1/18/18
   13. Approval for DDE request, 2/20/18
   14. Summary notes from 2 DARs, EA 13-195611 DA

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).