



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

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Date: April 5, 2018
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REVISED NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

NOTE: THIS IS A REVISED DECISION. CHANGES FROM THE PREVIOUS DECISION, DATED DECEMBER 14, 2017 ARE UNDERLINED.

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 17-156087 DZM - FAILING MIXED USE DEVELOPMENT

GENERAL INFORMATION

Applicant: Mike Coyle | Faster Permits
 14334 NW Eagle ridge Lane | Portland, OR 97229

Owner: Solterra Antelope LLC
 3220 1st Avenue South #2800 | Seattle, WA 98134-1852

Representative: James Wong | Solterra Strata LLC
 3220 1st Avenue South #800 | Seattle, WA 98134

Party of Interest: Steven Bohlman | Jackson Main Architecture
 311 First Avenue South | Seattle, WA 98104

Site Address: **177 N Failing Street**

Legal Description: BLOCK 28 LOT 9&10, ALBINA HMSTD
Tax Account No.: R010505790
State ID No.: 1N1E22DC 00800
Quarter Section: 2630

Neighborhood: Boise, contact boiselanduse@gmail.com
Business District: Soul District Business Association info@nnebaportland.org.
 Williams Vancouver Bus. Assoc., contact annabelle@northportlandwellness.com

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

Plan District: None
Zoning: EXd – Central Employment with Design Overlay
Case Type: DZM – Design Review with Modifications
Procedure: Type II, an administrative decision with appeal to the Design Commission.

PROPOSAL:
 The applicants are seeking Design Review Approval for a 65'-4 1/2" tall, 5 story mixed use building located at the north-east corner of N Vancouver Avenue and NE Failing Street. The

main residential entrance is from N Vancouver Street and a south facing courtyard is provided as amenity space on the second floor. A basement garage, accessed from the alley, is provided with 19 vehicular spaces and 1 standard B loading space. The proposed building includes 88 group living rooms, 2 one bedrooms and 2 two-bedroom apartments. Ground level uses include micro-restaurants, commercial spaces along the street facing frontages, and restaurant, bike lounge, secondary entrance and back of house facilities along the alley way frontage. The building materials consist primarily of two types of metal wall panels- dark bronze standing seam and light gray flat metal panels, composite wood lamppoon siding, cast in place concrete- in two finishes - board form and with tie marks, aluminum storefront and vinyl windows, and metal balcony railings and canopies.

Design review is required because the proposal is for a non- exempt new construction of a structure within the central employment design overlay zone.

Modification. The following one (1) modification is being requested:

Loading Standards (33.266.310.D.) Modification to reduce the size of required standard A loading space from 34 feet x 10 feet and a clearance of 13 feet to the proposed 18.5 feet x 9.5 feet space with a clearance of 10 feet.

RELEVANT APPROVAL CRITERIA:

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

- Community Design Guidelines

ANALYSIS

Site and Vicinity: The subject site is approximately 12,000 SF, and is bound by N. Vancouver Avenue on the east, N. Failing Street on the south and N. Vancouver Avenue/Williams Avenue Alley on the west. The site is currently vacant and relatively flat. N Vancouver Street is classified as a Transit Access Street.

The site is in the Albina Community Plan Area and within the higher density central employment zone between V. Vancouver and N. Williams Avenue. The developments to the east, across Vancouver Street, are zoned R2.5 or single family residential and include larger, 1-2 story structures. To the south, and across the street from Failing Street the developments primarily include smaller, 1-1.5 story single family residences. However, there is are higher density commercial and mixed-use developments heading east and along N. Williams Avenue. Just north of the site is a small garden center and an undeveloped parcel. Vancouver Avenue/Williams Avenue Alley on the west is an active public alley and is commonly used for merchandise deliveries and access to small business parking lots. Business uses that back up to the alley include one-story commercial mixed uses, multifamily and warehouse. The Denorval Unthank City Park is located 2 blocks west of the site.

Zoning:

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 “*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.

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

- LU 82-002438: Approval of Conditional Use review for a warehouse on Lots 9 & 10, subject to conditions. Denial of request for outdoor storage of refrigeration equipment.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **September 7, 2017**. The following Bureaus have responded with no issues or concerns:

- Water Bureau. Please see Exhibit E-3 for additional details.
- Fire Bureau. Please see Exhibit E-4 for additional details.
- Life-Safety Section of BDS. Please see Exhibit E-6 for additional details.
- Bureau of Parks-Forestry Division. Please see Exhibit E-7 for additional details.

The *Bureau of Environmental Services* has responded with no objections to the design review approval and has provided the following comments: Please see Exhibit E-1b for additional details.

“projects that infiltrate stormwater runoff directly from rooftops using subsurface infiltration (e.g., private drywells) are not required to provide additional pollution reduction prior to subsurface infiltration; therefore, the proposed private stormwater planter along the north elevation is not required. BES understands, however, that the applicant would like to go ahead and install the elevated stormwater planter even though it is not required, which is acceptable to BES. An Operations & Maintenance (O&M) plan will be required at the time of building permit review and a maintenance access plan must be included. BES understands that the applicant proposes to install fixed ladders on the east and west sides of the elevated planter to provide maintenance access for the facility which is acceptable to BES. The stormwater planter will be reviewed in detail at the time of building permit review but is acceptable for the purposes of design review.

Private stormwater planters are proposed on the south side of the structure for managing stormwater runoff from the courtyard.....are not required.”

The *Bureau of Transportation Engineering* responded with no objections to the design review approval and provided the following comment: Please see Exhibit E-2 for additional details.

“As a condition of Building Permit approval, the applicant will be required to enter into a lease with the City of Portland for all electrical utility vaults located within the ROW. The applicant applied for a DDE to allow the automated garage door to be located at the property line abutting the public alley (17-258298). A DDE was approved on November 15, 2017, to permit the access control mechanism to be located at the property line subject to the following conditions:

- The security gate must fully open/close in 15 seconds or less;
- The security gate and parking ramp must be a minimum of 20-ft wide; and
- The parking spaces must be reserved for residential use only.

The security gate details and specifications must be added to the Building Permit plan set. The applicant also requested a DDE to allow the driveway width to be 18.5-ft wide. This portion of the DDE request **was not supported by PBOT** as it is inconsistent with PBOT’s minimum driveway width for commercial development of 20-ft. As a condition of Building Permit approval, the applicant will be required to document compliance with PBOT’s minimum driveway width of 20-ft. Additionally, PBOT requires the drive aisle width to match the driveway and garage door opening of 20-ft.”

The *Site Development Section of BDS* responded with no objection to design review approval and provided the following comment. Please see Exhibit E-4 for additional details.

“It may be determined that additional geotechnical information is required following our review of the building permit application.”

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on September 7, 2017. A total of three written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. M. Huffman, 5/16/2017, expressed concern that live-work units had replaced the commercial spaces presented at a Boise land use meeting. He felt that commercial spaces were more appropriate as they contributed to a more lively environment than live-work units. Please see Exhibit F-1 for additional details.
2. David de la Rocha, Boise Neighborhood Association (BNA), 5/25/17, expressed concern regarding the live-work units and stated that the BNA design guidelines favored retail and commercial uses to ensure a more active pedestrian and street environment. He also

expressed concerns regarding the blank west facing wall. Please see Exhibit F-2 for additional details.

3. Jerry Fetcher, Lompoc Brewing LLC, 9/27/17, expressed concern about the placement of garage doors in the alleyway, noting that these would be directly across from their building. He expressed concern regarding the increased traffic congestion in the already busy and well used alleyway. Please see Exhibit F-3 for additional details.
4. Steve Sullivan, Livinglandscape Inc, 9/28/17, expressed concern regarding the loss of sunlight and resulting impacts on his nursery business. He requested an additional 15-20 feet setback on the 4th floor to ensure sufficient light for his property. He also expressed concern regarding traffic congestion and blockage in the alley way due to the proposal. Please see Exhibit F-4 for additional details.

Staff Response: Staff appreciates the feedback provided for the proposal. Staff has worked extensively with the applicant to revise the initially proposed ground floor uses and storefront design. Refer to Exhibits A-10 to A-13. The applicant has now provided micro-restaurants and commercial uses on all the street facing elevations. The building facades have also been articulated to enhance and encourage an active pedestrian environment. This discussed in greater detail in the staff findings below.

The applicant has responded to Mr. Fetcher's concern regarding the loss of sunlight on his property. Please refer to Exhibit A-22. A shadow study has been provided. Please refer to Exhibit C-32. The building has been setback by approximately 6' feet at the ground and first floor level along the north property line which should alleviate some of the impacts. The proposal currently complies with all the relevant Zoning Code requirements regarding setbacks and massing. Given the location of the property to the north of the site, it is not certain whether a step back on the fourth floor will result in any significant increase in the amount of sunlight received by the property. The approval criteria also do not have any requirements for additional setbacks, or for reducing the allowed FAR and heights to preserve sunlight on the adjacent properties.

Alley access and traffic conditions were evaluated by PBOT traffic engineers and no concerns were identified. The applicants also stated that proposed the group housing use targeted an active and young population who often did not have vehicles, However, the applicants were willing to take the following measures to address some of the concerns.

- Providing limited vehicular spaces that will help reduce alley way use. Bike parking, in excess of required, has been provided to cultivate bike transportation.
- Renting each parking space for an additional fee, which will further reduce demand.
- Notifying all parking tenants about delivery schedules should the neighboring businesses be willing to provide them.
- Providing a higher speed garage door and entry systems to shorten the time vehicles must wait in the alley while the garage door opens.
- Posting "NO IDLEING / DELIVERIES ONLY" signs on the alley to indicate that this is not a place for tenant's vehicles to wait.

Additional information can be found in the findings below.

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.

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 for P1 & D7: 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. The proposal, while meeting the zoning goals of higher density developments along the Vancouver _Williams corridor also must help transition from the larger commercial and mixed- uses on the east to the smaller 1-2 story residential structures on the west. The proposed design achieves this by the following design feature:

1. **Massing and Scale:** The building massing and orientation has been revised significantly to address concerns regarding compatibility, since the Early Assistance meeting.
 - *Two overlapping U- shaped masses*, lower and upper, now comprise the principal part of the proposed design. The upper U mass was stepped back from both Failing and Vancouver Streets in order to reduce the building mass and scale and be more compatible with the smaller single-family residences fronting these streets. The open courtyard on the second floor was re-oriented to face Failing Street, further reducing the massing along this street. Similarly, roof decks and terraces are provided on the 4th floor of the entire Vancouver Street facing façade, helping to scale down and activate this elevation. Large windows and balconies help to provide a residential expression to the building.
 - *Pedestrian-oriented ground floor.* The proposed building hugs the street edge, along all street fronts which helps enclose and define the streets. Active uses including micro-restaurant and commercial uses front Failing and Vancouver streets and wrap the building corners. The alley way façade also includes micro-restaurant and bike lounge uses. A prominent main building entrance is provided from Vancouver Street and spill out seating for the restaurants along Failing Street, providing pedestrian oriented stopping places. The combination of active uses, large glazed storefront system and main building entrances help activate this corner and tie it with the envisioned development pattern of the commercial and retail uses along this corridor. The residential units have been designed to reflect their residential use and incorporate public and semi-public spaces like terraces and balconies. This is discussed in further detail below.
 - *Materials and details.* The proposed building materials include a concrete base and two types of metal wall panels above- dark bronze standing

seam on the lower U parti and light gray flat metal panels on the upper parti. These are contextually appropriate, and reflect the materials used in nearby buildings along this corridor, and also help transition from the more traditional wood and masonry building fabric on the west to the industrial and metal building fabric to the east. This is discussed in further detail below.

These guidelines are met.

- 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.
- 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.
- 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.
- 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.
- 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 for E1, E2, E3, E4, D4 & D5: Newly improved standard sidewalks along Vancouver and Failing will provide a wider, more pleasant, and safer pedestrian experience that buffers pedestrians from the streets with a furnishing zone and street trees. Additionally, the corner will be required to be reconstructed consistent with current ADA standards. Required alley improvements include reconstruction of the alley approach and sidewalk at N Failing to meet ADA standards.

Access to the below grade parking garage and loading has been consolidated and will be provided from the existing alley. This results in no new vehicular areas or curb-cuts adjacent to Vancouver and Failing Street. An active and transparent ground floor, multiple entry points, and outdoor lighting will create a visually interesting and safe network of pedestrian paths. In addition, the new street trees reinforce a sense of enclosure along the pedestrian path.

The proposed design helps differentiate and activate the ground floor level of the buildings. The ground level is set back from the sidewalk and covered by the projection of the building form above at both the retail and commercial portions along Vancouver and Failing Street. The street level facades have been differentiated by providing different materials from the upper floors and greater transparency through larger windows and bay sizes. Specifically, the ground floor uses cast in place concrete, while the upper floors use a combination of dark bronze standing seam metal panels for the lower floors and gray flat metal panels for the stepped back upper levels. In addition, the Vancouver Avenue façade includes a prominent entrance with step back for a terrace on the 4th floor. Along Failing Street, the building is setback significantly around a central courtyard provided on the second level which provides outdoor amenity area for the group living units.

The proposed building program maximizes the active uses along the sidewalk. This includes wrapping micro-restaurant uses along the street frontages and the corners. The alley way façade also includes micro-restaurant and bike lounge uses. The garage is accessed from the alley and is completely internalized with no frontage on any of the street frontages. The entrance width has been minimized and is located as far as possible from Failing street, on the northeast corner of the building.

The ground floor is slightly setback from the property line, differentiating and scaling the façades. Canopies are provided over each storefront bay to provide protection from the elements for pedestrians and to differentiate the commercial/restaurant portion of the building program. The ground floor restaurant area opens to a plaza area set back from Failing Street and allows for restaurant seating to spill out to the public realm and create a more inviting experience for pedestrians with potential stopping places. The restaurants and commercial units on the ground floor are directly accessed from the adjacent streets, activating these streets and providing visual interest.

The proposed site design and building orientation creates safe and attractive defensible spaces that provide for a high level of visual monitoring and connectedness. Outdoor plazas, terraces, balconies, entrances and lighting for the ground level uses are located around the perimeter. The multiple building entrances and high level of ground floor transparency results in higher level of activity and monitoring on the site. Habitable balconies as well as terraces on the building allow for occupants of upper floors to be directly engaged with the surrounding neighborhood and provide both eyes and ears on the street. Parking is secured off the alley with a rolling gate, and residential units overlooking the alley and internal courtyard area provide additional supervision of the area. At grade commercial spaces with exterior patio space, exterior lighting will reduce the likelihood of crime. Landscaping is kept to a minimum, and include small planters at the outdoor sitting area, which will help avoid concealment of unwanted guests.

The high level of transparency at the street elevation, massing features, and materials which vary between upper and lower levels help define the pedestrian scale of the ground level of buildings. Street facing commercial entrances, and outdoor sitting spaces also help differentiate and activate the street level and create comfortable gathering spaces on each façade.

These guidelines are met.

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

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 D2 & E5: The main entrance to the building is from N. Vancouver Street, which is a Transit Access Street, and is located to provide at grade ADA access to the building. The primary building entrance for residential tenants is visually highlighted by a break in the massing and an approximately 6' deep recessed niche that provides cover at the doorway. This niche is finished with cast in place concrete with form tie marks differentiate it as a primary entrance along this façade. In built benches providing stopping and social interaction space for residents and pedestrians.

The ground floors of the buildings are set back from the sidewalk and covered by the projection of the building form above at both the street facing facades. All entrances to ground level restaurant and commercial spaces provide cover from the elements through canopies, overhangs or alcoves created by the proposed building massing. Proposed tree planting will provide additional shade and wind screening for pedestrians along the streets. Concrete masonry wall materials also reduce glare and reflectivity.

These guidelines are met.

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

Findings: The proposed building is build up to the property line in response to the urban context. Therefore, the proposed street level landscape plan is simple and proposes landscaped planters to enhance and defines the outdoor sitting area along Failing Street. The main entrance along Vancouver Street includes an urban landscape treatment including benches and bicycle racks.

The courtyard and terrace amenity space has also been thoughtfully landscaped with a combination of inbuilt planters, seating, concrete dining counters and concrete pavers to create more intimate and useable areas. A planter has been proposed along the north wall of the second floor. The applicants have requested that this be a private storm water planer, even though not required. This is acceptable to BES, and an Operations and Maintenance plan will be required at the time of building permit. Please see Exhibit E-1b. The following Condition of Approval has been added to provide access to these planters:

- *Fixed ladders, per Exhibit C-48, will be installed on the east and west sides of the elevated storm water planter along the north elevation to provide maintenance access to the facility, at the time of building permit.*

Landscape features also include new street trees along Failing and Vancouver Streets. The trees are appropriately scaled to the streets and provides a sense of enclosure, pedestrian scale and also protection from rain and sun.

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: Two overlapping U- shaped masses, lower and upper, comprise the principal parti of the proposed design for an overall cohesive composition. The upper U mass was stepped back from both Failing and Vancouver Streets in order to reduce the building mass and scale and be more compatible with the smaller single-family residences fronting these streets. Consistently sized and detailed windows, terraces and balconies help to provide a coherent expression for the building.

The street level elevations include active uses and are designed to include large glazed storefront windows system and canopies. However, the storefront system needs to be revised for a consistent and lower window bulkhead height. As proposed, the bulkhead for the commercial space storefront front Vancouver Street is lower than for the rest of the elevations, and this height should be replicated on the remaining storefronts. The following *Condition of Approval* has been included to address this concern:

- *The bulkhead height will be 18 inches maximum, for all the ground floor storefront window systems.*

The project is designed to be constructed of long lasting and durable materials and includes the following. A *condition of approval has been added regarding the thickness for the proposed metal panels due to inconsistencies in the drawing set.*

1. Cast In Place Concrete base- board formed and with form tie marks.
2. Dark Bronze Standing Metal Panel, 22 gauge, 12 inches wide, unbacked, mounted directly to the substrate with concealed fasteners.
3. Gray Flat metal panels, 18 gauge, approximately 2 ft x 6 ft, unbacked and with concealed fasteners. The panel size ensures that the horizontal reveal is aligned with window sills and that the vertical reveal is centered between windows greater than 6 feet apart (Exhibit C-37).
4. Perforated metal panels, 22 gauge with hidden fasteners.
5. Aluminum metal storefront windows
6. Black vinyl windows

The proposed development has a coherent design and uses durable materials which are strategically used to help scale down the building and blend with the neighborhood.

With the following Conditions of Approval, this guideline is met.

- *The proposed unbacked standing seam metal panel will have a minimum thickness of 22 gauge, a maximum width of 12 inches, and will be mounted directly to the substrate with concealed fasteners.*
- *The proposed flat metal panels will have a minimum thickness of 18 gauge. The panel size will ensure that the horizontal reveal is aligned with window sills and that the vertical reveal is centered between windows greater than 6 feet apart.*

33.825.040 Modifications That Will Better Meet Design Review Requirements:

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

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

Modification #1 Loading Standards (33.266.310.) to reduce the size of standard A loading space from the required 34 feet x 10 feet and a clearance of 13 feet to the proposed 18.5 feet x 9.5 feet space with a clearance of 10 feet.

Purpose Statement. A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.

The Loading Standard, Number of loading spaces (33.266.310.C.2.b.). Buildings where any of the floor area is in uses other than Household living must meet the standards of this paragraph. One loading space meeting Standard A is required for buildings with at least 20,000 and up to 50,000 square feet of net building area in uses other than Household Living.

Size of loading spaces (33.266.310.D). Required loading spaces must meet the following standards:

Standard A: the loading space must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet.

Findings for Modifications #1: The proposal includes one loading space access from the alley way. The proposed dimensions are 9.5' wide by 18.5' long and a clearance of 10', and are less than required for a Standard A space. The reduced loading spaces allows the consolidation of the access for loading and below grade parking garage from the existing alley. This negates the need for loading access from the street frontages, hence maximizing the active street frontage along N. Vancouver Avenue and N. Failing Street. The reduced loading space also helps minimize the garage entrance width enabling active uses to wrap the alley corner. The garage access will have black anodized aluminum overhead doors with perforated aluminum panels to add interest along the east façade. This modification thus better meets the Pedestrian Emphasis Guidelines E1, E2, and E3. Staff also notes that by reducing the size of the loading space, the size of the garage opening is also reduced in height thus better meeting Guideline D4 Parking Areas and Garages. Therefore, this criterion is met.

The proposed smaller loading space, which is interior to the site, will have the same appearance as a Standard A space and will not have a negative effect on traffic safety or other transportation functions. Group living and retail tenants will be receiving deliveries from smaller trucks than the semi-truck size space required by this standard, and this space will be sufficient for the building's use and size. The consolidation of loading and parking access results in no new vehicular areas or curb-cuts adjacent to Vancouver and Failing Street, which helps minimize potential conflicts between pedestrians and larger vehicle traffic. Since the loading space is proposed within the building, reduction of the size of the space ensures that smaller trucks will only be able to use the space, thus also minimizing potential conflicts between larger trucks that would typically use a Standard A space and pedestrians and vehicles that use the alley. PBOT is supportive of this approach and did not indicate any concerns with the reduced size of the loading space and a minimum 10 ft. vertical clearance.

This Modification merits approval because the purpose of the standard is met and pedestrian emphasis Guidelines E1, E2, and E3, and Guideline D4 Parking Areas and Garages are better 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 building design provides a well-considered response to its context. The proposed micro-restaurant and group living residential uses and density is appropriate for the transit oriented uses desired for this area. The building massing, planer shifts to break up the long facades, ground level detailing, good quality materials and mixed uses help create an active pedestrian oriented development. The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. As now designed, the development meets with the design guidelines, and therefore merits approval.

ADMINISTRATIVE DECISION

Approval of a 65'-4 ½" mixed use development at the north-east corner of N Vancouver Avenue and NE Failing Street. The proposed building includes 88 group living rooms, 2 one bedrooms and 2 two-bedroom apartments. Ground level uses include micro-restaurants, commercial spaces along the street facing frontages, and restaurant, bike lounge, secondary entrance and back of house facilities along the alley way frontage. The building materials consist primarily of two types of metal wall panels- dark bronze standing seam and light gray flat metal panels, composite wood lagoon siding, cast in place concrete- in two finishes - board form and with tie marks, aluminum storefront and vinyl windows, and metal balcony railings and canopies.

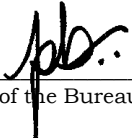
Approval of one Modification to reduce the size of one standard A loading space from the required 34 feet x 10 feet and a clearance of 13 feet to the proposed 18.5 feet x 9.5 feet space with a clearance of 10 feet.

Approved, per the approved site plans, Exhibits C-1 through C-48, signed and dated 12/12/17, and C49, signed and dated 3/29/18 subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through H) 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 17-156087 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. A payment will be made to the Bicycle Parking Fund for all the required short-term bicycle parking at the time of building permit
- D. The owner will execute a final covenant with the City at that time of building permit, that is attached and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential density.
- E. The window bulkhead height will be 18 inches maximum, for all the ground floor storefront window systems.

- F. The proposed unbacked standing seam metal panel will have a minimum thickness of 22 gauge, a maximum width of 12 inches, and will be mounted directly to the substrate with concealed fasteners.
- G. The proposed flat metal panels will have a minimum thickness of 18 gauge. The panel size will ensure that the horizontal reveal is aligned with window sills and that the vertical reveal is centered between windows greater than 6 feet apart.
- F. Fixed ladders, per Exhibit C-48, will be installed on the east and west sides of the elevated storm water planter along the north elevation to provide maintenance access to the facility, at the time of building permit.
- H. No field changes allowed.

Staff Planner: Puja Bhutani

Decision rendered by:  **on (3/29/2018)**
By authority of the Director of the Bureau of Development Services

Decision mailed: April 5, 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 April 18, 2017, and was determined to be complete on August 22, 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 April 18, 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 waived the 120-day review period, as stated with Exhibit A-5. Unless further extended by the applicant, **the 120 days will expire on: 8/22/2018.**

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 19, 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 19, 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

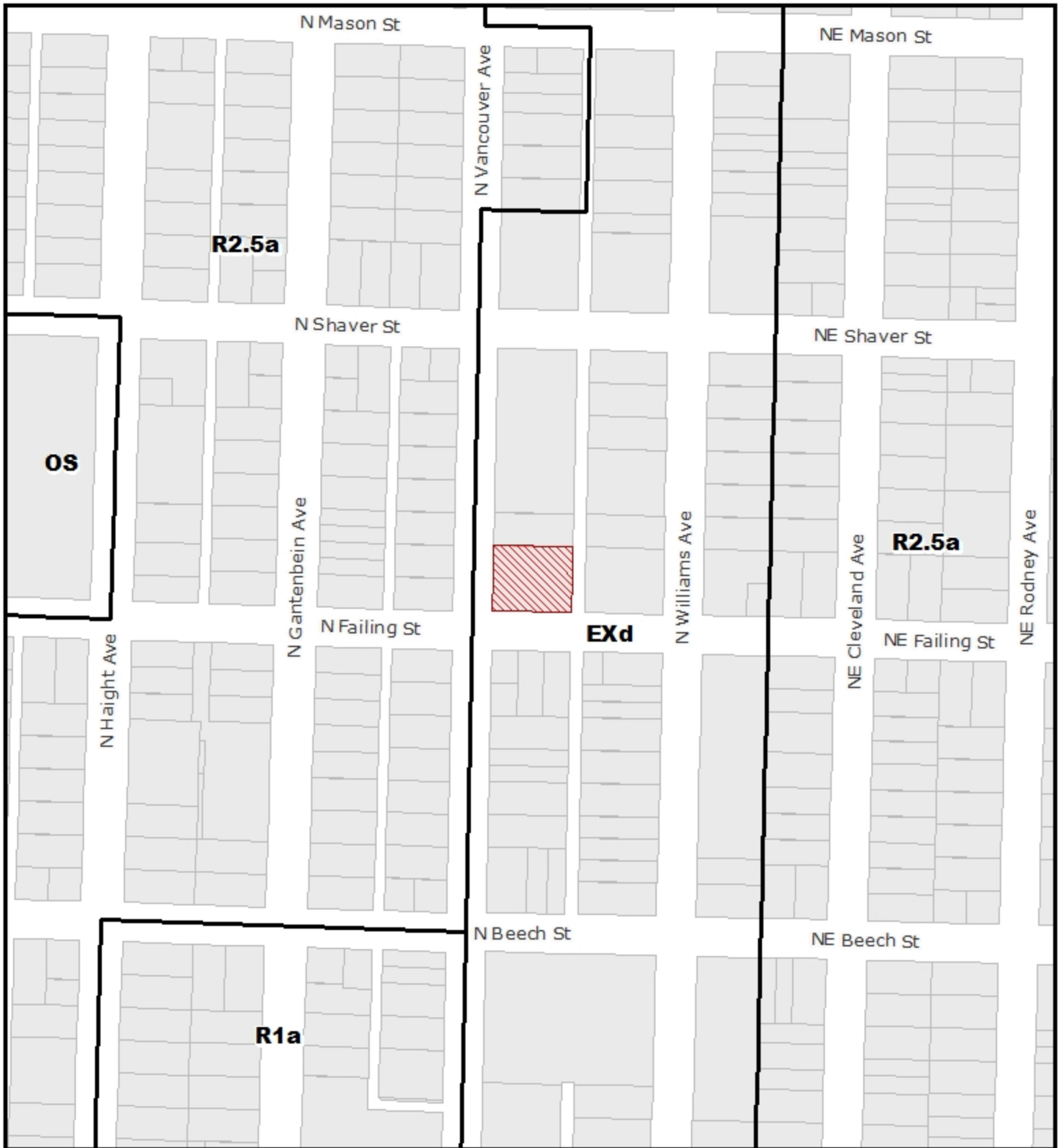
- A. Applicant's Statement
1. Drawing set provided for EA appointment 2/14/17
 2. Neighborhood Contact information
 3. Original Drawing Set + narrative
 4. Original Cutsheet packet
 5. 120-day Review Waiver
 6. Response to Incomplete Letter
 7. Draft Covenant for FAR transfet
 8. Revised Drawing Set submitted for completeness, 6/19/2017
 9. Revised Cut sheet packet, 6/19/2017
 10. Feedback Drawings for GF live-work and entrances 7/12/17
 11. Feedback Drawings, 7/18/17
 12. Feedback Drawings, 7/19/17
 13. Feedback Drawings, 7/26/2017
 14. Geotechnical Report
 15. Revised Drawing Set submitted for completeness, 8/22/17
 16. Response to Incomplete letter 6/28/17
 17. Revisions to 8/22/17 Drawing Set, submitted 9/7/17
 18. FAR Transfer Request Form
 19. Request to hold application incomplete, 7/5/17
 20. Drainage Report
 21. Response to staff feedback and public comments
 22. Response to public comments from Steve Sullivan
 23. Request to deem application complete 9/21/2017
 24. Design Narrative
 25. Zoning Code Compliance Summary
 26. Floor Plan Diagrams
 27. Ground Floor Windows compliance
 28. Contextual Analysis and Site Photographs
 29. Design Concept
 30. Renderings and perspective views
 31. Night Rendering
 32. Shadow Studies
 33. Sign Plans (DR not required as less than 32 SF)
 34. Physical material board sample photograph
 35. Narrative for Modification Request
 36. Transportation Impact Study
- B. Zoning Map (attached)
- C. Plans/Drawings:
1. Site Plan
 2. Site Section
 3. Floor Plan- Basement
 4. Floor Plan- First Floor
 5. Floor Plan- Second Floor
 6. Floor Plan- Third Floor
 7. Floor Plan- Fourth Floor
 8. Floor Plan- Fifth Floor
 9. Floor Plan- Roof Plan
 10. Elevations- South
 11. Elevations- West
 12. Elevations- North
 13. Elevations- East
 14. E-W Building Section
 15. N_S Building Section

16. E-W Building Section
 17. Details- N. Vancouver Entrance
 18. Details- North building line
 19. Details- Failing Food Hub Entry
 20. Details- East Alley
 21. Unit Plans
 22. Unit Plans
 23. Unit Plans
 24. Common Area Plan
 25. Commercial Workspace Plan
 26. Micro-restaurants Plan
 27. Micro-restaurants Plan
 28. Micro-restaurants Plan
 29. Wall section at Commercial Workspace storefront
 30. Bike Parking Plans
 31. Enlarged Building details- parapet, soffit
 32. Enlarged Building details- metal panel joints
 33. Enlarged Building details- vent, storefront window system
 34. Enlarged Building details- windows for flat metal panel exterior
 35. Enlarged Building details- windows for standing seam metal panel exterior
 36. Enlarged Building details- balconies, canopies, vents, mechanical screen
 37. Metal Panel Reveal design details.
 38. Material Sample Legend
 39. Landscape Plan- 2nd floor patio
 40. Landscape Plan- 4th floor patio
 41. Landscape Plan- Street
 42. Street Lighting Plan
 43. Existing Site Plan
 44. Utility Plan- Basement
 45. Utility Plan- Street level
 46. Street Tree Plan
 47. Manufacturers Cut-sheet
 48. Fixed ladder to access elevated stormwater planter
 49. Revised Level 1 Floor Plan (attached)
- D. Notification information:
1. Mailing list
 2. Mailed notice
 3. Decision mailing list
 4. Mailed decision
- E. Agency Responses:
1. Bureau of Environmental Services
 - a. Land Use Review Response
 - b. Revised Response
 2. Bureau of Transportation Engineering and Development Review-Land Use Review Response
 - a. Revised Response
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of BDS
 6. Life Safety Review Section of BDS
 7. Urban Forestry
- F. Correspondence:
1. M. Huffman, 5/16/2017, expressed concern regarding the live-work units
 2. David de la Rocha, Boise Neighborhood Association, 5/25/17, expressed concern regarding the live-work units and blank west facing wall.
 3. Jerry Fechter, Lompoc Brewing LLC, 9/27/17, expressed concern about the placement of garage doors into the alleyway.
 4. Steve Sullivan, Livingscape Inc, 9/28/17, expressed concern regarding the loss of sunlight on his property.

G. Other:

1. Original LU Application + Fees
2. BDS- Early Assistance Summary
3. Incomplete letter send by staff, 5/4/17
4. Feedback emails provided by staff from 6/20/17 to 9/5/2017
5. Site Photographs.

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

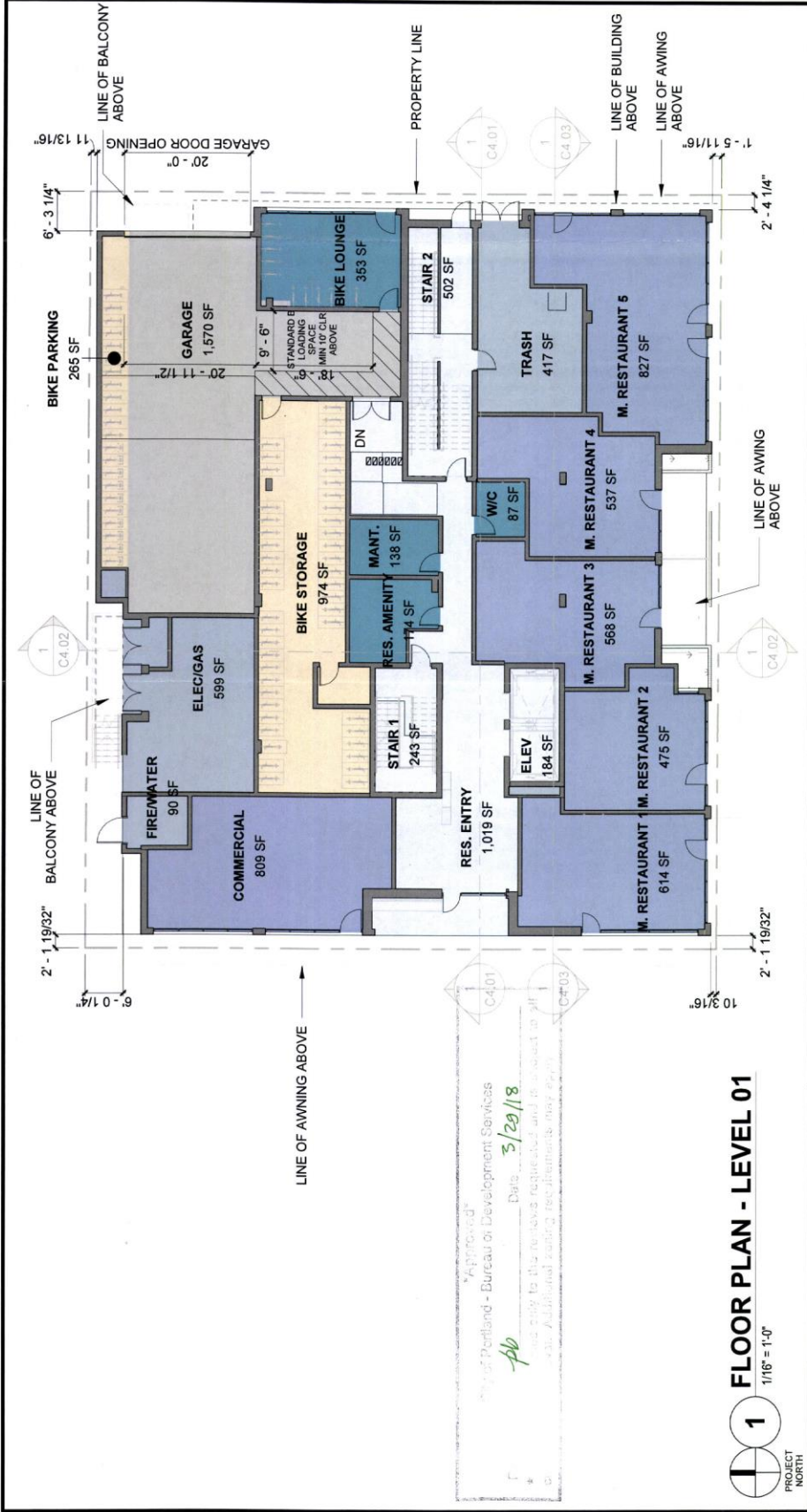


ZONING 
NORTH

 Site

File No.	LU 17-156087 DZM
1/4 Section	2630
Scale	1 inch = 200 feet
State ID	1N1E22DC 800
Exhibit	B Apr 04, 2018

C-49



Approved by: Portland - Bureau of Development Services
 Date: 5/29/18
 Use only to the extent requested and do not exceed it.
 All additional zoning requirements may apply.

1 FLOOR PLAN - LEVEL 01
 1/16" = 1'-0"



GLA COLOR LEGEND

CORRIDOR	RES, TRASH
VERTICAL CIRCULATION	RES. UNIT
RES. AMENITY	STRUCTURED PARKING
RES. MECH / ELEC	COMMERCIAL, UNIT
RES. STORAGE	PRIVATE OUTDOOR
	COMMON OUTDOOR

SHEET NOTES

NAME	DESCRIPTION	COUNT
A1	1 BED	2
A2	2 BED	2
S1	GROUP LIVING STUDIO	66
S2	GROUP LIVING STUDIO	15
S3	GROUP LIVING STUDIO	4
S4	GROUP LIVING STUDIO	4
S5	GROUP LIVING STUDIO	2
		95

RESIDENTIAL AMENITY...

LEVEL	NAME	COUNT
LEVEL 01	BIKE LOUNGE	1
LEVEL 01	MANT.	1
LEVEL 01	RES. AMENITY	1
LEVEL 01	W/C	1
LEVEL 02	COMMON R.	2
LEVEL 02	GYM	1
LEVEL 03	LAUNDRY	1
LEVEL 03	COMMON R.	2

RESIDENTIAL AMENITY...

LEVEL	NAME	COUNT
LEVEL 03	LAUNDRY	2
LEVEL 04	COMMON RM.	3
LEVEL 04	JAN	1
LEVEL 04	LAUNDRY	1
LEVEL 05	COMMON RM.	3
LEVEL 05	LAUNDRY	1
		21