NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD – APPROVAL

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 17-246191 DZM
4728 NE Sandy Blvd

General Information

Applicant: Joshua Scott | KOZ Development
1830 Bickford Ave, Suite 201 | Snohomish, WA 98290

Owner: Umpqua Bank
20085 NW Tanasbourne Dr | Hillsboro, OR 97124-7104

Site Address: 4708 NE Sandy Blvd

Legal Description: BLOCK 39 LOT 7-8 LOT 9 EXC PT IN ST, ROSE CITY PK
Tax Account No.: R723102840
State ID No.: 1N2E30CA 17200
Quarter Section: 2835
Neighborhood: Rose City Park, contact Tamara DeRidder at 503-249-6977.
Business District: Hollywood Boosters, contact hollywoodboosters@gmail.com.
District Coalition: Central Northeast Neighbors, contact Sandra Lefrancois at 503- 823-2780.

Plan District: None
Zoning: CGdm, General Commercial with Design and Main Street Corridor Overlays
Case Type: DZM, Design Review with Modifications
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:
The proposal is for a six-story (65’) mixed-use building consisting of ground floor retail (2,650 sf bank) and tuck-under parking (7 spaces), and 113 apartments on a 12,338 sf site. The proposal complies with the Portland Zoning Code requirement for Inclusionary Housing (33.245.040.A.2.a.(2)) by providing 17 rent restricted units (15% with rents at 80% of the area’s median family income). The proposal complies with the Portland Zoning Code requirements for
parking (33.266.110.D.1.a.(2) Exceptions to the Minimum Required Parking Spaces) which states that the minimum required parking may be reduced to zero if the Applicant demonstrates compliance with affordable housing requirements of Chapter 33.245.

**33.245.050 Compliance.** To comply with the inclusionary housing standards in Section 33.245.040, the following must be met. Adjustments are prohibited:

A. The applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the standards stated above and any administrative requirements. *The letter is required to be submitted before a building permit can be issued for the development, but is not required in order to apply for a land use review,* and

B. If affordable dwelling units will be provided the property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. *The covenant must be provided prior to issuance of the building permit for the development that triggers this chapter,* and the covenant must ensure that the affordable dwelling units will remain affordable to households meeting the income restriction, and will meet the administrative requirements of the Portland Housing Bureau.

**Floor Area Ratio** (PZC 33.130.205 B) The floor area ratios stated in Table 130-3 indicate a base FAR of 3.5:1 (46,312 sf) and an increase in FAR of more than 3 to 1 is prohibited. Because FAR is calculated prior to any right-of-way dedication, the 13,232 sf site allows 46,312 sf of base FAR. Therefore, the proposed building size of 57,485 sf, requires a FAR transfer of 11,173 sf. Please refer to the attached Draft FAR Transfer Covenant for details (Exhibit A.2).

Design Review is necessary because proposal is for new construction within a Design Overlay Zone.

**Modifications.** One Modification to Portland Zoning Code standards (Title 33) is requested:

1. **Bike Parking Stall Width (33.266.220.C3).** Required – a space 24” x 6’ must be provided for each required bicycle parking space. Proposed – 18” spacing for hung racks with a 6” vertical stagger.

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

- Community Design Guidelines
- 33.825 Modifications through Design Review

**ANALYSIS**

**Site and Vicinity:** The site is located within the Rose City Park Neighborhood on the SE corner of the intersection of NE Sandy Boulevard and NE 47th Avenue, adjacent to the Hollywood Plan District. It is in a Main Street Corridor overlay zone, as identified in the Hollywood and Sandy Plan and the Main Street Corridor Overlay Zone. The site currently supports an Umpqua Bank with a drive-through facility (to be retained). Immediately east and south of the proposed site are distinctive neighborhoods of single family residences. The site is bordered by NE Sandy Boulevard to the north and NE 47th Avenue to the west. NE Tillamook Street is one parcel to the south, and a surface parking lot for the Ambassador Restaurant and Lounge abuts the site to the east.

The Rose City Park neighborhood was primarily developed from 1907-1915, along its former streetcar line, and is known for its four local parks. Early advertisements marketed it as a healthy, “country” suburb full of green spaces and beautiful views. At the time, Sandy Boulevard was lined with roses. Unlike some surrounding neighborhoods, Rose City Park was designed to include diverse housing for residents from a wide range of incomes and backgrounds.
The abutting Hollywood District serves as a commercial core for the neighborhood. The Hollywood District is a neighborhood known for its architecturally diverse buildings, most notably the Hollywood Theatre, from which the neighborhood gets its name. The Hollywood commercial core has numerous small- to mid-scale retail, civic and commercial buildings.

Sandy Blvd is designated an Enhanced Pedestrian Street, a Major City Traffic Street, a Major Transit Priority Street (TriMet Line 12 – stop at project site), a City Bikeway, and a Regional Main Street. NE 47th Ave is designated a Local Service Walkway, a Local Service Bikeway and a Minor Emergency Response Street. NE Tillamook St is a Local Service Bikeway and a Minor Emergency Response Street.

Zoning: The General Commercial (CG) zone is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most newer commercial areas. The zone allows a full range of retail and service businesses with a local or regional market. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. Development is expected to be generally auto-accommodating, except where the site is adjacent to a transit street or in a Pedestrian District. The zone’s development standards promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves.

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 Main Street Corridor “m” overlay encourages higher density residential uses by allowing greater building heights, reducing required building coverage for residential development; and allowing more flexibility in site design. The intent of the zone is to provide transit-supportive levels of residential and mixed-use development along identified main streets.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A Notice of Proposal in Your Neighborhood was mailed January 25, 2018. The following Bureaus have responded with no issues or concerns:

- Fire Bureau (Exhibit E.1)
- Life Safety (Exhibit E.2)
- Site Development (Exhibit E.3)
- Bureau of Environmental Services (Exhibit E.4)
- Portland Bureau of Transportation (Exhibit E.5)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on January 25, 2018. A total of eight written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.
1. Carol Walnum, February 15, 2018, email in opposition to the project citing high density and insufficient parking.
2. Margaret Kmiec, February 15, 2018, email in opposition to the project citing insufficient parking.
3. Katherine Kirkpatrick, February 13, 2-18, email in opposition to the project citing insufficient parking.
4. Dawn Treanor, February 5, 2018, email in opposition to the project citing insufficient parking.
5. Bob Spencer, February 1, 2018, email in opposition to the project citing insufficient parking.

6. Riona, Kimie, February 5, 2018, email in opposition to the project citing insufficient parking.

7. Wes Breaseale, February 9, 2018, email in opposition to the project citing insufficient parking.

8. Jocelyn McAuley, February 8, 2018, email citing opposition to requested Modification to long-term bike parking rack spacing.

9. Sharon Couseneau, February 8, 2018, email in opposition to the project citing insufficient parking.

10. Beverly Davis, February 7, 2018, email in opposition to the project citing insufficient parking.

11. Joy Jaquillard, February 8, 2018, email in opposition to the project citing insufficient parking.

12. Bill Hollister, February 15, 2018, email in opposition to the project citing insufficient parking.

13. Michael Flanagin, February 15, 2018, email in opposition to the project citing insufficient parking, amenity deck (noise impacts).

**Staff Response:** The proposal complies with Portland Zoning Code (PZC) standards for minimum parking provisions, height, total floor area, outdoor amenity space, etc. These PZC standards have been approved by the Portland City Council and the Bureau of Development Services (BDS) is charged with implementing those standards. The Design Review process has purview over how the proposed design meets the applicable Approval Criteria (Community Design Guidelines - [https://www.portlandoregon.gov/bps/article/58822](https://www.portlandoregon.gov/bps/article/58822)) as described in the findings below.

14. Tamara DeRidder, AICP, February 14, 2018, email in support of the project with recommended conditions: (1) Create a gateway for the RCPNA district (Guideline P3 Gateways); (2) Re-locate bike lane onto sidewalk (Guideline E1 Pedestrian Networks, E2 Stopping Places, E5 Light, Wind and Rain); (3) Include greenery in NE 47th Ave frontage (D3 Landscaping), no blank facades facing south and east (D6 Architectural Integrity), brick and 2nd level landscaping on east façade (D7 Blending into the Neighborhood); (4) Good Neighbor Agreement; (5) Turn signal needed for NE Sandy Blvd left turns from NE 47th Ave.

**Staff Response:** (1) The Hollywood and Sandy Plan states that the Major District Gateway treatment may be “development adjoining this intersection contribute in scale and character to the sense of entry by orienting entrances toward the intersection.” As described in findings below, Staff determines that the proposal meets this guideline through massing, height, ground floor program and entrances, and upper level façade treatment (bright colored panel and corner balconies). (2) Design Review has no discretion over the public right of way. (3) the Applicant has made changes to the design over the course of review specifically improving the NE 47th Ave frontage to feature landscaping and seating. (4) A Good Neighbor Agreement is outside the purview of this Land Use Review as no nexus exists between the applicable approval criteria and the specified components – parking agreements, marketing and leasing, noise associated with garbage collection. Any such agreement shall be struck between the developer and the neighborhood association and/or interested member of the public.

**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.

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

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.

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 P1, P3, E4 and D7: The Hollywood and Sandy Plan details desired characteristics for this area as having a safe, clean, convenient, attractive and pedestrian-friendly environment. Further, the Plan describes the envisioned development along this section of NE Sandy Boulevard as including commercial opportunities, while encouraging new housing and mixed-use developments. New commercial and mixed-use development along Sandy should step down, and relate to the scale and character of the adjacent established residential areas. Most germane to the subject site, the Plan identifies the NE Sandy Blvd / NE 47th Ave intersection as a Major District Gateway specifying that development adjoining this intersection contribute in scale and character to the sense of entry by orienting entrances toward the intersection.

Specific components of the proposal that implement these desired characteristics and elements are:

- The proposed project enhances the sense of place and identity at this important intersection by introducing a contemporarily expressed development with a mixed-use program emphasizing the corner through restrained façade design, corner balconies and an expansive corner residential lobby entry.
- The architectural character of the building contemporarily interprets the local storefront vernacular.
- Pedestrian-scaled elements including a recessed ground level and residential entry oriented to NE 47th Ave.
- Well-articulated façades including projecting over-story massing, recessed entries and canopies, balconies and accent lighting.
- Improvements to the abutting right-of-way including new street trees, sidewalks and abutting seating, and street lighting.
Automobile parking is tucked under the building screened from the street by active ground level floor area and translucent garage doors.

- Long-term bicycle parking is located on the ground level with direct access via the entry lobby.
- The use of brick and high-density cementitious siding is inspired by nearby streetcar era buildings and emerging context.
- A green-roof with integrated mechanical units and ample landscaping to soften upward views from vicinity establish neighborhood-scale development.
- Stepped-back massing at the fourth and fifth floors to reduce the perception of height from center block and better relate to the single-family residential south and east of the subject site.
- The intersection of the diagonal NE Sandy Boulevard and the rectilinear platted NE 47th Avenue create an acute, and highly visible corner. The proposal celebrates this corner with recessed balconies and large, floor-to-ceiling windows, highlighted by the cementitious panel (Cembrit) frame. At the street level, the corner is entirely glazed, facilitating visibility of the commercial activity within. A deep canopy wraps around the corner above the street level windows.

These guidelines are met.

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

**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.

**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, E1, E2, E3 and E5: The project provides safe, attractive, and convenient pedestrian connections and transitions between abutting public sidewalks, and building entrances and frontage zone. Specific features that will ensure the creation of a successful pedestrian network are:

- A welcoming corner lobby entry to serve as a focal point at the building’s primary corner.
- Two commercial entrances are located off NE Sandy Boulevard, a high-traffic, frequent-transit street. The entrances are framed by transom windows above, and glazing to the floor on both sides of the doors. These prominent entrances are pedestrian accessible and highlight the commercial uses within.
- The residential entrance is oriented to the corner of NE 47th Avenue. The well-glazed entrance is sheltered by the overhanging building mass and canopy. Its entrance is visible and easily accessible from the NE Sandy Boulevard transit street.
- Actively programmed ground-level floor area abutting the sidewalk.
- Continuous storefront glazing along the entire NE Sandy Blvd frontage and a portion of the NE 47th Ave frontage.
- Recessed entries and canopy cover along all frontages.
- Greater than standard public sidewalk dimensions (12'-16) and scoring patterns (per PBOT standards), and board-formed concrete surface treatments abutting the 47th Ave building frontage zone.
- At-grade, tuck-under vehicle parking lined with programmed space oriented to the perimeter sidewalk.
- Illuminated pedestrian areas for safety via well-integrated lighting at building entries.
These guidelines are met.

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

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

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 D1, D3 and D5: The project provides the following features that will enhance site design and help prevent crime:

- The proposal maintains a drive-through teller (Umpqua Bank) and continuous commercial frontage along NE Sandy Boulevard, while orienting the well-glazed residential lobby toward the corner within a 6’ storefront recess.
- All corner units fronting NE Sandy Blvd have balconies, with full-length sliding glass doors, to promote open blinds and windows. This adds significant ‘eyes on the street’ and increased activity, helping to maintain neighborhood safety.
- The proposal has a code-required 14’ landscaped setback on the southeastern portion of the east lot line fronting abutting R 2.5 zone, to help buffer the adjacent residential dwellings. This setback and building terracing is utilized to modulate building mass with landscaped components – occupiable on level 2, green-roof on levels 4 and 5. These landscape elements strive to mitigate the safety concerns that could result from an extensive setback combined with lack of ground floor windows.
- Well-lit building frontage zone, with the addition of new sconce lighting on the wallfronting NE 47th Avenue, as well as a light above the all entries and the parking area.

These guidelines are met.

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

Findings: The proposal includes the following features that integrate parking in an attractive manner:

- Long-term bicycle parking spaces located within a dedicated room directly accessed via the NE 47th Ave frontage.
- Short-term bicycle parking spaces tucked beneath the overhang of the building abutting entrances from both NE 47th Avenue and NE Sandy Blvd. This sheltered bicycle parking is conveniently located near the entrances, and its weather-protected location increases the likelihood that it will be well-used.
- Though the proposal is exempt from automobile parking pursuant to Portland Zoning Code Chapter 33.266.110.D.1.a., seven parking spaces and two loading spaces are provided. The proposal features tuck-under parking accessed from NE 47th Avenue, enclosed by interior parking lot walls and landscaping, and a garage door.
- The drive-through function serves the site via the NE 47th Avenue garage entry and exiting to NE Sandy Blvd at the east end of the site (also concealed by a garage door).
- The garage doors feature translucent glass panels to prevent headlights from impacting pedestrians, and also to obscure the visibility of the parking area.

This guideline is met.

D8. Interest, Quality, and Composition. All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.
**Findings:** The site is located at a key transitional zone, bridging the high-traffic, urban transit street to the north with the residential neighborhood to the south and east. The Main Street Overlay has specifically identified this segment of NE Sandy to benefit from an additional 20’ of height over the base zone maximums, to encourage residential development. The following features will ensure that the project will be built of high-quality materials, and be cohesively composed and interesting to view:

- The six-story building, proposed at the 65’ height maximum, is a simply expressed logically derived massing configuration accenting corners with bright panels and balconies.
- Massing modulation along the east elevation at the 2nd, 4th and 5th levels providing space for occupiable amenity space (level 2) green-roof decks.
- The well-landscaped terracing serves to reduce the perception of building height and facilitate better solar access for neighbors to the east.
- The private level 2 amenity deck is buffered by large planters and small trees, to allow for additional landscape screening, and to soften the façade of the upper stories as viewed from the east.
- The restrained façade language and materiality are similarly responsive to the simultaneously urban and residential characteristics of vicinity context.
  - The Sandy Façade is primarily dark brick accented at the corners with high-density cementitious panel (Cembrit), presenting a very urban, contemporary façade patterning toward the busy transit street. The façade is broken into two primary planar volumes, separated by recessed cement panel.
  - Recessed corner balconies with well-integrated steel handrails and rod railing
  - Facing the residential zones, the east and south elevations reflect the same façade language.
  - The cladding material within the recessed balconies is a complementary mahogany color to accent the residential balconies.
  - The street level is coherently resolved with continuous aluminum storefront with fiber cement soffit material colored to match the upper level.
  - The south-facing end wall, overlooking an existing three-story medical office building, is clad in the same dark brick and cement accent language as the NE Sandy Blvd and 47th Avenue elevations.
  - The proposal is reflective of the unique contexts across each of its street frontages – front-forward prominence toward the corner as a gateway statement, while unifying all elevations of the building with a common language that is contemporary, cohesive and subdued.

This guideline is met.

(2) **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.

One Modification to Portland Zoning Code standards is requested:
1. Bike Parking Space Dimension (33.266.220.C.3.b.) A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components. The project proposes staggered vertical storage, dimensioned at 18” x 6’ with a 5’ walk aisle.

A. Better meets design guidelines. The resulting development will better meet the applicable design guidelines.

Findings: The project includes approximately 126 total long-term bicycle parking spaces which meet the code requirement. Accommodating the bicycle parking spaces within a 24” width module would consume considerably more floor area. Relying upon a staggered 18” wide vertical/wall hanging bike rack system is a far more efficient use of space in a configuration widely approved throughout the City. The proposed functional and space efficient system better meets design guidelines because it eases programmatic pressure thereby allowing more active uses at the street – D7 Blending into the Neighborhood and E3 The Sidewalk Level of Buildings. This criterion is met.

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

Purpose: These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

Findings: The proposed Bike Rack system is engineered to stagger bikes vertically to allow the handle bars to overlap. This allows the racks to provide the same level of service that would be provided by a standard 24” on center spacing within an 18” space. The staggered clearance between adjacent bikes and allowance for sliding hangers eases the hanging and locking of a bike. Additionally, the loops, to which the bikes are locked, project out of the wall approximately 18” to further ease hanging and locking bikes. A 5’ minimum aisle is still provided behind each bicycle rack. The rack system will be located within secure bike storage enclosures below grade with lobby and bike lounge access. The bicycle parking system is safe and secure, located in a convenient area, and is designed to avoid initial or accidental damage to bicycles, so the proposal is consistent with the purpose statement of the bicycle parking standards. This criterion is 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 required design review process for large scale development proposals exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This neighborhood, and this site in particular, clearly have special scenic, architectural and cultural value. Adjacent to both a major transit and high-traffic street and quiet, tree-lined historic residential streets, this site epitomizes the challenges of responding to architectural context while addressing current and future growth needs.

To comply with the inclusionary housing standards in Section 33.245.040, the Applicant must:
A. Provide a letter from the Portland Housing Bureau certifying that the development meets the standards stated above and any administrative requirements. The letter is required to be submitted before a building permit can be issued for the development, but is not required in order to apply for a land use review, and 

B. Execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must be provided prior to issuance of the building permit for the development that triggers this chapter, and the covenant must ensure that the affordable dwelling units will remain affordable to households meeting the income restriction, and will meet the administrative requirements of the Portland Housing Bureau.

Design Review Staff worked extensively with the Applicant to address massing, street design, materials, setbacks and landscaping to mitigate as much as possible the impacts from height, site parking and circulation, and utilities located at the sidewalk level. The result is a project that responds to many of the comments received through the public comment period and meets all applicable approval criteria.

**ADMINISTRATIVE DECISION**

Approval of a six-story (65') mixed-use building consisting of ground floor retail (2,650 sf bank) and tuck-under parking (7 spaces), and 113 apartments on a 12,338 sf site, per the approved site plans, Exhibits C-1 through C-44, signed and dated May 11, 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 17-246191 DZM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

B. At the time of building permit submittal, a signed Certificate of Compliance form (https://www.portlandoregon.gov/bds/article/623658) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.

C. No field changes allowed.

**Staff Planner: Jeffrey Mitchem**

Decision rendered by: ______________________ on May 10, 2018
By authority of the Director of the Bureau of Development Services

Decision mailed: May 14, 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 September 25, 2017, and was determined to be complete on January 19, 2018.

**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 September 25, 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 extended the 120-day review period by 60 days (Exhibit A.3 & A.4). Unless further extended by the applicant, the 120 days will expire on July 18, 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 May 29, 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 May 29, 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. Narrative
   2. Draft FAR Transfer Covenant
   3. 120-Day Extension Request #1
   4. 120-Day Extension Request #2
B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plan C. 01 (attached)
   2. Level 01 C. 02
   3. Level 02 C. 03
   4. Level 04 C. 04
   5. Level 05 - 06 C. 05
   6. Level 03 C. 06
   7. Roof Plan C. 07
   8. Typical Floor Plan C. 08
   9. Long Term Bike Storage Plan C. 09
   10. Short Term Bike Space Plan C. 10
   11. North Elevation C. 11 (attached)
   12. North Elevation - B&W C. 12
   13. South Elevation C. 13
   14. South Elevation - B&W C. 14
15. East Elevation C. 15 (attached)
16. East Elevation - B&W C. 16
17. West Elevation C. 17 (attached)
18. West Elevation - B&W C. 18
19. Partial West Elevation and Building Signage C. 19
20. Section - North South C. 20
21. Section - East West C. 21
22. Exhaust Vents C. 22
23. Garage Door Specifications C. 23
24. Exterior Lighting Plan C. 24
25. Exterior Lighting Plan C. 25
26. Materials C. 26
27. Building Details - Balcony C. 27
28. Building Details - Wall & Window / Panels C. 28
29. Building Details - FIBER CEMENT INSTALLATION SYSTEM C. 29
30. Building Details - Parapet C. 30
31. Building Details - Sidewalk Canopy & Wall details C. 31
32. Building Details - Lobby Entry & Signage C. 32
33. Building Details - Parking & D-Through Entry C. 33
34. Product Cut sheet - Brick C. 34
35. Product Cut sheet - Wall Panel C. 35
36. Product Cut sheet - Window & Door - Residential Units C. 36
37. Product Cut sheet - Window & Door - Storefront C. 37
38. Product Cut sheet - Window & Door - Storefront C. 38
39. Product Cut sheet - Generator at Roof C. 39
40. Product Cut sheet - Exterior Lighting C. 40
41. Product Cut sheet - Retail Heat Pump C. 41
42. Green Roof C. 42
43. Building Detail - Ventilation C. 43
44. Civil Plan C. 44

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

E. Agency Responses:
1. Fire Bureau
2. Life Safety
3. Site Development
4. Bureau of Environmental Services
5. Portland Bureau of Transportation

F. Correspondence:
1. Carol Walnum, February 15, 2018, email in opposition to the project citing high density and insufficient parking.
2. Margaret Kmiec, February 15, 2018, email in opposition to the project citing insufficient parking.
3. Katherine Kirkpatrick, February 13, 2-18, email in opposition to the project citing insufficient parking.
4. Dawn Treanor, February 5, 2018, email in opposition to the project citing insufficient parking.
5. Bob Spencer, February 1, 2018, email in opposition to the project citing insufficient parking.
6. Riona, Kimee, February 5, 2018, email in opposition to the project citing insufficient parking.
7. Wes Breaseale, February 9, 2018, email in opposition to the project citing insufficient parking.
8. Jocelyn McAuley, February 8, 2018, email citing opposition to requested Modification to long-term bike parking rack spacing.
9. Sharon Couseneau, February 8, 2018, email in opposition to the project citing insufficient parking.
10. Beverly Davis, February 7, 2018, email in opposition to the project citing insufficient parking.
11. Joy Jaquillard, February 8, 2018, email in opposition to the project citing insufficient parking.
12. Bill Hollister, February 15, 2018, email in opposition to the project citing insufficient parking.
13. Michael Flanagin, February 15, 2018, email in opposition to the project citing insufficient parking, amenity deck (noise impacts).

G. Other
1. Original LU Application
2. Incomplete Letter

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).