



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: December 27, 2019
To: Interested Person
From: Benjamin Nielsen, Land Use Services
503-823-7812 / Benjamin.Nielsen@portlandoregon.gov

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

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 19-187641 DZM – New Commercial Mixed-Use Building at 1130 NE Alberta

GENERAL INFORMATION

**Applicant/
Representative:** Jonathan Heppner, Lever Architecture
4713 N Albina St, Portland, OR 97217
(503) 928-6040, jonathan@leverarchitecture.com

Owners on Record: Alberta Street Development LLC
2910 1st Ave S #201, Seattle, WA 98134

Site Address: 1130 NE ALBERTA ST

Legal Description: BLOCK 3 LOT 1 EXC PT IN ST LOT 2&3, ALBINA HTS; BLOCK 3 LOT 12&13 LOT 14 EXC PT IN ST, ALBINA HTS; BLOCK 3 LOT 11, ALBINA HTS

Tax Account No.: R010200330, R010200460, R010200450
State ID No.: 1N1E23BD 04000, 1N1E23BD 03100, 1N1E23BD 03200
Quarter Section: 2531

Neighborhood: King, contact Michael Barrett at landuse@kingneighborhood.org.
Business District: Alberta Main Street, contact at info@albertamainstreet.org, Soul District Business Association, contact at info@nnebaportland.org

District Coalition: Northeast Coalition of Neighborhoods, contact Laura Becker at 503-388-6088.

Plan District: None
Other Designations: Albina Community Plan Area

Zoning: CM2dhm (MU-U) – Commercial/Mixed Use 2 with Design Overlay Zone, Aircraft Landing Zone, and Centers Main Street Overlay Zone (Mixed Use – Urban Center Comprehensive Plan Designation)

Case Type: DZM – Design Review with Modifications
Procedure: Type II – an administrative decision with appeal to the Design Commission.

Proposal:

The applicant requests Design Review for a proposed new 5.5-story commercial mixed-use building along NE Alberta Street with approximately 90,000 square feet of floor area. The building is proposed to be approximately 60 feet tall along portions of the NE Alberta St, NE 11th Ave, and NE 12th Ave frontages, dropping down to approximately 30 feet at the south side of the site. Proposed programmatic elements include:

- Commercial/retail lease areas on the ground floor, which are open to the building’s main lobby and an interior alley;
- “Co-working” office space and additional commercial/retail spaces on the second floor;
- A wellness-oriented health facility including bath and steam rooms, pool, gym, and treatment rooms with space on the second, ground, and basement levels;
- “Co-living” lodging units on the third, fourth, and fifth floors; and,
- Vehicular and long-term bike parking in the basement with garage access off of NE 11th Ave.
- Exterior roof decks are proposed along the south side of the building on the third floor and fifth floor.

The applicant also requests one (1) Modification to zoning code development standards:

- 1) 33.130.222.C – Façade Articulation: The Modification request is to reduce the amount of façade area meeting the standard on the west façade (facing NE 11th Ave) to approximately 8% of the façade area and to reduce the amount of façade area meeting the standard on the east façade (facing NE 12th Ave) to approximately 20% of the façade area. This standard requires that buildings that are more than 35 feet in height and that have façade areas of more than 3,500 square feet within 20 feet of a street property line have at least 25% of the façade divided into façade planes that are offset by at least 2 feet in depth from the rest of the façade.

Design Review approval is required for proposed new buildings and non-exempt exterior development in the “d” Design Overlay zone and for requested Modifications to zoning code development standards.

Relevant Approval Criteria:

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

- Community Design Guidelines
- PZC 33.825.040, Modifications That Will Better Meet Design Review Requirements

ANALYSIS

Site and Vicinity: The subject site, bounded by NE Alberta St, NE 11th Ave, NE 12th Ave, and single-dwelling residential structures to the south, is presently occupied by a large surface parking lot and a vacant single-story commercial office building, which lies at the northeast corner of the site. The site lies at the western end of a commercial/retail strip of development which extends east along NE Alberta St up to NE 31st Ave. Most of these buildings are one or two stories in height; however recent developments reach upwards of four stories in height. This development pattern derives from a combination of historic development along the former streetcar line and past zoning patterns, which generally limited the heights of new development to a maximum of 45 feet. Many of these developments have either been newly built or renovated over the last 10-20 years, leading to a revitalization of the street and also causing significant gentrification and displacement of the historic African-American community both along the street and in the surrounding neighborhoods.

In addition to commercial development types, clusters of single-dwelling-style homes and small multi-family residential buildings also lie along NE Alberta St, including three single-dwelling houses directly across NE Alberta St from the subject site. The prominent, landmark St. Andrew's Catholic Church lies three blocks to the west. Single-dwelling residential neighborhoods lie to the north and south of NE Alberta St.

NE Alberta St is classified as a District Collector Street, Neighborhood Main Street, Transit Access Street, City Walkway, City Bikeway, Secondary Emergency Response Street, and Truck Access Street in the city's Transportation System Plan. NE 11th Ave and NE 12th Ave are classified as local service for all transportation modes.

Zoning: The Commercial/Mixed Use 2 (CM2) zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed use areas that have frequent transit service. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to four stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.

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 Centers Main Street "m" overlay zone encourages a mix of commercial, residential and employment uses on the key main streets within town centers and neighborhood centers identified in the Comprehensive Plan. The regulations are intended to encourage a continuous area of shops and services, create a safe and pleasant pedestrian environment, minimize conflicts between vehicles and pedestrians, support hubs of community activity, and foster a dense, urban environment with development intensities that are supportive of transit.

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

- LU 05-103778 AD – Withdrawn Adjustment Review application to increase building height, reduce the front setback, and reduce the required buffer landscape setback from 10 feet to 5 feet.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **October 15, 2019**.

The following Bureaus have responded with no issues or concerns:

- Fire Bureau
- Water Bureau

The Bureau of Environmental Services responded with no objections to approval of the design review and with information about sanitary service, stormwater management, and permitting requirements. Please see Exhibit E.1 for additional details.

The Bureau of Transportation Engineering responded with no objections to approval of the design review on the condition that, prior to the issuance of the building permit, the applicant obtain PBOT approval prior to issuance of the building of a Driveway Design Exception for the proposed combined-width driveway along the NE 11th Ave and that the applicant obtain PBOT approval of a Driveway Design Exception for the parking garage ramp grade. Please see Exhibit E.2 for additional details.

The Site Development Section of BDS responded with no objections to approval of the design review and with comments about site development-related issues and requirements. Please see Exhibit E-3 for additional details.

The Life Safety Review Section of BDS responded with no objections to approval of the design review and with general life safety comments. Please see Exhibit E-4 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 15, 2019. A total of 15 written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal. The following responses were received following the mailing of the Notice of Proposal in Your Neighborhood.

- 1) Kol Peterson, 10/18/2019. Email with concerns about height and scale of the proposed building, noting that other buildings on the street are shorter, and questioning why the building is allowed to be up to 60 feet tall. See Exhibit F.1.
- 2) Kol Peterson, 10/22/2019. Email follow-up to a staff response to Kol Peterson's first email asking whether a shadow study was required and requesting the city to examine an idea to set maximum building heights relative to the width of roads. See Exhibit F.2.
- 3) Teresa McGrath and Nat Kim, 3344 NE 15th Ave, Portland, OR 97212 and 442 NE Sumner St, Portland, OR 97211 respectively, 10/22/2019. Email stating the neighborhood does not need a boutique hotel, noting that the building does not address affordable housing, and citing concerns with the building height, noting that the nearby area contains low-rise and historic buildings. See Exhibit F.3.
- 4) Heather Brann, 10/22/2019. Email stating that there are not enough parking spaces proposed for the number of lodging units or for visitors. See Exhibit F.4.
- 5) Julia Whelan, 10/22/2019. Email expressing concern over the proposed program and requesting that it be changed to an affordable housing program. See Exhibit F.5.
- 6) Brad Larrabee, 10/23/2019. Email stating that the proposed building is too large, pretentious, ugly, and gentrifying and citing the need for housing. See Exhibit F.6.
- 7) Darcell Dance, 11/2/2019. Email noting the respondent's personal family history in the neighborhood and citing gentrification and current issues regarding affordability of housing in the area. The email also cites negative impacts that will be caused by increased congestion caused by lack of parking proposed to support the visitors to businesses in the building and states that the building should be "focused on bringing back displaced African American residents and businesses and making housing affordable for young people who are lifelong residents of this community." See Exhibit F.7.
- 8) Atty Zschau, 11/3/2019. Email in opposition to the proposal, saying that it is "out of sync" with Guideline P1 and out of scale, particularly in terms of its height. The email also cites opposition to the proposal's lack of affordable housing and lack of adherence to the city's hotel regulations. See Exhibit F.8.
- 9) Atty Zschau, 11/3/2019. Second email in opposition citing similar concerns as noted above. See Exhibit F.9.
- 10) Amy Wilson, Chair of the King Neighborhood Association, on behalf of the King Neighborhood Association, 11/4/2019. Email stating objections to the proposal and requesting staff denial. Email cited history of redlining, neighborhood disinvestment and neglect, and subsequent gentrification which led to displacement of many poor and minority residents and notes that "out-of-context, high-end development...does little to benefit residents." Email cites opposition due to lack of long-term, affordable housing, to lodging use which will compete with neighbors "who rely on short-term rentals in their homes for additional income", out-of-context design (citing Guidelines P1 and D7), and out of context scale. Email also questions how "public regulations such as required parking, 24/7 staffing, loading dock, and Oregon Health Authority Traveler's

Accommodation rules” will be implemented and whether occupancy taxes will be collected. Email further questions why height of 60 feet is allowed. See Exhibit F.10.

- 11) Jennifer Siebold, 211 NE Jessup St, 11/4/2019. Email in opposition and stating that the “intention of the zoning in this development space was 3-4 stories high of AFFORDABLE HOUSING” and noting respondent’s participation in developing the King Plan. See Exhibit F.11.
- 12) Allen Gurney, 1135 NE Sumner St, Portland, OR 97211, 11/4/2019. Email requesting denial of the proposal and of the requested Modification to the Façade Articulation standard. Email states that the building is too tall and massive compared to other nearby development in the neighborhood. The email also notes disappointment at the lack of affordable housing and lack of adequate parking for the lodging use. See Exhibit F.12.
- 13) Chris Guinn III, 11/13/2019. Email in support of the proposal. See Exhibit F.13.
- 14) Cheryl Huff, 4646 NE 12th Ave, Portland, OR 97211, 11/30/2019. Email in opposition to the proposal citing lack of parking and scale relative to the neighborhood. See Exhibit F.14.
- 15) Ernest Jones, 9911 SE Bush St, Portland, OR 97266, 12/18/2019. Email asking if it is still possible to submit comments and asking on the status of the proposal. See Exhibit F.15.

Seven written responses were also received prior to the mailing of the Notice of Proposal in Your Neighborhood.

- 16) Amy Wilson, Chair of the King Neighborhood Association, 07/22/2019. Email requesting assistance with best practices and request for a copy of the design drawings. See Exhibit F.16.
- 17) Helen Furber, 7/25/2019. Email in opposition to the proposal, specifically regarding the proposal’s height relative to other nearby buildings and relative lack of parking spaces. See Exhibit F.17.
- 18) Carri Munn, 7/26/2019. Email citing concerns about the proposal—specifically questioning affordable housing requirements and funding, questioning how the proposal is designed to attract displaced residents of color back to the Alberta district, questioning if the wellness center aspect of the proposal will be an amenity that is affordable to neighborhood residents, questioning whether commercial space leases will be prioritized for entrepreneurs of color, and stating that the proposal lacks the physical characteristics of the surrounding neighborhood. See Exhibit F.18.
- 19) Michelle Shaheen, 726 NE Roselawn St, Portland, OR 97211, 7/26/2019. Email in favor of the proposal, specifically citing level of design and commitment to sustainability. See Exhibit F.19.
- 20) Cheri Logan, 7/26/2019. Email requesting that the proposal have affordable housing. See Exhibit F.20.
- 21) Jane Godfrey, 7/26/2019. Email requesting that the proposal have green space along the sidewalk between the sidewalk and building. See Exhibit F.21.
- 22) Joel Wiseman, 7/27/2019. Email in favor of proposal, citing benefits of high-density development and provision of parking. See Exhibit F.22.
- 23) Jane Godfrey, 7/26/2019. Email in response to staff reply. See Exhibit F.23.

Staff forwarded all these comments to the applicant. The applicant provided a written response to public comments for the record on 11/14/2019, citing the history of public involvement in the proposal during 2019 and responding to specific comments regarding building program (use), height, parking, and shadows that will be cast. The applicant’s response also details how he believes the proposal is meeting Guidelines P1 and D7, addressing contextual issues cited in many of the public comments.

Staff response to public comments: The public comments submitted raise many issues which are, unfortunately, outside the realm of design review approval criteria and fall instead in the realm of zoning and land use policy:

- The proposed uses, including the proposed retail/commercial tenant spaces on the ground and second floors, office space on the second floor, spa/gym/wellness facility, and lodging on the upper stories, are all allowed by right in the CM2 zone (PZC Table 130-1).
- No parking is required for any of the proposed uses since the site is located close to transit (PZC 33.266.110.B.1.b).
- Since no Household Living uses are proposed, there is no trigger in the zoning code to require the provision of affordable/inclusionary housing (inclusionary housing requirements are triggered when 20 or more dwelling units are proposed per PZC 33.245.020). Design Review approval criteria do not grant city staff or the Design Commission the authority to require programmatic changes to include affordable housing, let alone housing of any type. On a related note, however, the applicant stated that the proposal will pay into the Affordable Housing Fund (the exact amount is not specified) in order to earn additional developable floor area for the proposal.

Regarding comments which discuss the large scale of the building:

- The zoning code also allows for significantly taller buildings in the CM2 zone than this area had seen previously (prior to the adoption and implementation of the Mixed Use Zones Project in May 2018) under old CS and CG zones that used to line NE Alberta St. While the code limits the “base height” in the CM2 zone to 45 feet (PZC Table 130-2), additional allowances are included in the zoning code which allow for increases in the base height.
- The provision of Affordable Commercial Space (or equivalent payment into the Affordable Commercial Space Fund allows for an increase in the base height of 10 feet (PZC 33.130.212.D and Table 130-3).
- The provision of a ground floor with at least 15 feet between the floor and the bottom of the structure above allows for a 5-foot increase in the base height, bonus height, and step-down height (PZC 33.130.210.C.8).
- One commenter said that the zoning height allowances were intended to support affordable housing and would otherwise not have been as tall (Exhibit F.11). This is true, as is evidenced by the bonus height and FAR allowances afforded by PZC 33.130.212.C and Table 130-3, but not to the exclusion of other bonuses also mentioned in that code section. Both the Affordable Commercial Space bonus and the Inclusionary Housing bonus are given equal weight by the code in terms of the height bonus allowed.

Taken all together, a building height of 60 feet is possible, with a step-down height maximum of 40 feet within 25 feet of lot lines abutting the R2.5-zoned lots to the south. While staff and the Design Commission currently have the authority to reduce heights to better integrate new development into existing neighborhoods (though many developers may argue otherwise, and, the Planning & Sustainability Commission is currently debating changes to the limits of Design Review which would exclude height, FAR, and setbacks from discretionary review), practically-speaking, any height reductions are only applied to discrete portions of buildings rather than removing entire floors.

Several commenters cited a history of gentrification in the neighborhood, which has caused many individuals and families to move out (or be forced out) of the neighborhood. Like policy issues cited above, Design Review does not have approval criteria to require that development serve displaced populations. Indeed, that type of policy would be better addressed through city codes and policies designed specifically to address gentrification, and it is perplexing that, despite decades of discussion and concern over the effects of gentrification in Portland, there are no development standards in zoning code or other mechanisms tied to development that can serve to reverse these detrimental effects of infill development and gentrification.

Ultimately, given the limitations of the authority of Design Review, staff believes the proposal meets the approval criteria, with some exceptions as conditioned in the Zoning Code Approval Criteria 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. Staff has also grouped the guidelines into three broad categories: Context, Public Realm, and Quality and Permanence.

Context

P1. Plan Area Character. Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.

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 proposal successfully addresses this guideline in the following ways:

- The ground level of the building continues the pattern of retail-style storefronts found along NE Alberta St. The applicant specifically cites the character of historic storefronts, many of which have glazed angular alcoves leading to the entry door for each individual retail space. This proposal interprets that pattern with similar, but larger, angular alcoves which serve as extensions of the sidewalk while still defining individual retail bays.
- The pattern of retail/commercial spaces on the building's interior also reflects the pattern of small storefronts along NE Alberta St. The ground floor plan shows at least five separate lease areas with frontage along NE Alberta St, with entry doors into each individual lease space. Additional smaller spaces are also available deeper inside the building and up on the second floor.

- The building is proposed to be clad primarily in stucco plaster, which is a material that is frequently used on commercial and mixed-use buildings along NE Alberta St.
- The King Neighborhood Plan notes Alberta Street’s “urban design and artistic character” with a “reputation for arts, cultural diversity, entertainment and ethnic foods”. In addition to potentially hosting artistically-oriented or restaurant businesses in the retail spaces proposed, the proposed angular stucco planes adjacent to storefronts afford opportunities for individual retailers to add artistic murals to the ground level façade (as demonstrated in the rendering on sheet A5.02 in Exhibit A.15), allowing for the extension of the pattern of murals and art found along many older storefronts and sidewalls along the street. Because these murals play a large role in helping to define the character of commercial buildings and storefronts along NE Alberta Street, a condition of approval will be added requiring that murals which meet either the standards of Title 4, Original Art Murals, and/or which meet the definition of “public art” as defined in Title 5.74 must be added on the walls adjacent to the individual storefronts along NE Alberta Street as each tenant space is developed.

Building height and scale were frequently cited in public comments as being issues where the proposal does not successfully respond to the desired characteristics and traditions of the neighborhood. While the building lies within the allowable height limit of 60 feet (base height of 45 feet plus 10 feet for meeting the Affordable Commercial Space bonus [PZC 33.130.212.D] plus 5 feet of additional height for providing high ceilings on the ground floor [PZC 33.130.210.C.8]), the allowable setbacks, and allowable building coverage of the base zone, and while the proposed building is the first to use new zoning code standards that allow for increased height (over the 45 feet or less allowed up until code changes which took effect in May 2018), the building’s massing and articulation have been modulated to reduce the impact of the building’s scale.

- The proposed building steps down in height towards the south of the site to relate more directly to the scale of residential dwelling development in the neighborhood to the south of the site.
- At the central area of its Alberta Street frontage, the building steps back at the upper three stories from both the NE Alberta St frontage and from the south lot line, creating an “H” shape rather than continuing a solid mass of building up to the height limit (see Exhibit C.20). This will help to reduce the building’s apparent height from certain viewpoints and will allow for additional light and air penetration down to the street.
- The upper story massing is further divided up into either a grid of recessed windows and balconies. Where no windows are proposed, the walls are folded slightly creating a subtle pattern of light and shadow. Both have the effect of reducing the overall scale of the building mass and dividing its planes up into smaller components and proportions that are found in older and historic developments along NE Alberta St.

The lack of parking was also frequently cited in public comments as an aspect of the development that would have a detrimental impact on the neighborhood. For the proposed building uses, all of which fall into either the Retail Sales and Service Use category (retail, spa/wellness facility, and lodging) or the Office Use category (co-working space), the zoning code requires no parking because the site is located within 500 feet of a transit street with 20-minute peak hour service (PZC 33.266.110.B.1.b). Regardless, the proposal attempts to reduce its impact on surrounding neighborhoods by providing 33 vehicle parking spaces in the basement.

With the condition of approval that murals which meet either the standards of Title 4, Original Art Murals, and/or which meet the definition of “public art” as defined in Title 5.74 shall be added on the walls (at least one per bay) adjacent to the individual storefronts along NE Alberta Street before the adjacent tenant space is occupied, these guidelines will be met.

Public Realm

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

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

Findings for E1 & E2: The proposal successfully addresses these guidelines in the following ways:

- Existing sidewalks along NE Alberta, NE 11th Ave, and NE 12th Ave will be rebuilt to current city standards as part of the proposal, continuing to link the site physically and visually to other nearby destinations and residential areas.
- Large extensions of the sidewalk onto the subject site are proposed to provide areas for stopping, visiting, sitting, and potentially eating off of the main sidewalk, primarily along NE Alberta Street, but also along NE 11th & 12th Avenues.

Therefore, these guidelines are met.

E3. The Sidewalk Level of Buildings. Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small scale building design features, creating effective gathering places, and differentiating street level facades.

Findings: The proposal successfully addresses this guideline in the following ways:

- The sidewalk level of the building is defined by recessed storefronts punctuated with angular protrusions and a dark color, as opposed to the upper floors which are expressed with a more regularized, orthogonal pattern and are light in color.
- The angular protrusions at the ground level are relatively small-scale architectural features that serve to create stopping and gathering places outside of each individual storefront. The building extends above the insets these protrusions create, providing both shelter and creating an additional sense of enclosure along all three streets.
- Large storefront windows, all of which are operable along the NE Alberta St frontage and can fully open, help to provide visual interest along the sidewalks by providing views into the active retail/commercial areas on the ground floor. The operable windows also afford opportunities for additional interest along the sidewalk by allowing scents and sounds from the retail/commercial spaces to extend out to the sidewalk. Proposed glazing will have a visible light transmittance of 63%, which is relatively high, and exterior reflectance of 15%, which is relatively low, which will help to ensure views of interior activities from the exterior add visual interest to the street.

Therefore, this guideline is met.

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

Findings: The proposal successfully addresses this guideline in the following ways:

- Active ground level uses at both the northwest and northeast corners of the building sit behind large areas of clear storefront glazing. The activities that will take place in these spaces will be visible out on the sidewalk and street, helping to enliven and activate both corners.
- Windows along NE Alberta St and NE 12th Ave at the northeast corner can fold completely open, allowing for interior activities to spill out more-easily onto the sidewalk, further activating this intersection. A similar design is proposed at the

northwest corner; however, due to grade changes, the windows along NE 11th Ave do not open.

- Entry doors are provided into each ground floor tenant space at the northwest and northeast corner of the building.
- Access to the underground parking lot and loading area are located more than 50 feet south of the northwest corner of the building, leaving space at the corner for active ground level uses.
- Curb extensions are proposed at each corner, creating a slightly larger sidewalk area at the corners and reducing the distance for pedestrians to cross NE Alberta St.

Therefore, this guideline is met.

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

Findings: The proposed building provides recessed areas at the ground level along all three street frontages, and the building extends over these recesses, providing protection for pedestrians from rain and sun while also helping to reduce glare and reflection.

Therefore, this guideline is met.

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

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

Findings for D1 & D3: Although the proposed building covers most of the subject site, landscape features and outdoor areas are provided to enhance the site and provide usable outdoor areas. Dense landscape plantings are proposed along the south side of the site to help buffer the new development from existing, lower-scale residential buildings to the south. A similar landscape buffer is proposed along the southeast corner of the site, softening the proposed building from lower-scale residential uses across NE 12th Ave. Small outdoor areas are proposed at the southeast corner of the site along the south lot line, and these provide pleasant, usable outdoor space adjacent to the pool use inside. A larger outdoor deck is proposed on the third floor. This space is augmented with a screen of shrubs, buffering the deck from neighboring properties to the south and making the space more pleasant for users. Vegetable garden beds on this deck provide additional use on this deck.

Therefore, these guidelines are met.

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

Findings: The proposal successfully addresses this guideline in the following ways:

- The main entrance to the building is setback deeply from the sidewalk edge along NE Alberta St, providing both a large stopping area at the entry and helping to differentiate it from the individual storefront entries.
- The upper stories of the building also step back from the sidewalk edge in this area, helping to provide additional prominence to the main entrance.
- The main entrance is at the same grade as the sidewalk, making it accessible to pedestrians.

- The main entrance faces NE Alberta St, which is a transit street.

Therefore, this guideline is 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 successfully addresses this guideline in the following ways:

- The proposed development provides parking underneath the building, which limits the impact on the surrounding neighborhood and on the pedestrian realm by keeping them off of the ground level of the site, allowing for greater area to be devoted to active uses at the ground floor.
- The exterior of the parking garage is minimal in size, consisting only of an overhead door, and well-integrated with the ground floor of the proposed building.
- The door to the parking garage is also located near the sidewalk edge, having received a Driveway Design Exception from PBOT, rather than being located at least 20 feet behind the sidewalk as is otherwise required. Placing the door closer to the sidewalk eliminates a deep hole in the façade that would otherwise be created and maintains a consistent street wall, better integrating with adjacent buildings.
- The loading doors that open onto NE 11th and NE 12th Ave are glazed folding doors, which complement the retail storefront expression of the ground floors of the proposed building.

Therefore, this guideline is met.

D5. Crime Prevention. Use site design and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground level uses, and outdoor areas.

Findings: The proposal successfully addresses this guideline in the following ways:

- Large storefront windows line the ground level street frontages along NE Alberta St, NE 11th Ave, and NE 12th Ave. Active uses are proposed behind the windows, and the combination of the two will help to reduce the likelihood of crime by providing “eyes on the street”.
- Large window areas and balconies on the upper floors also help to provide “eyes on the street”.
- The south side of the site is enclosed by a fence, which will help to limit access to this otherwise mostly-unoccupied area and thereby reducing the likelihood of crime.
- Lighting is proposed at every entrance into the building, which will help to illuminate the sidewalk. Additional lighting is proposed along the private pathway on the south side of the building. Both help to reduce the likelihood of crime.

Therefore, this guideline is met.

Quality & Permanence

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 proposal successfully addresses this guideline in the following ways:

- While the form of the proposed building is relatively straightforward, designed as an H-shaped massing atop a site-spanning podium, the building’s articulation both adds complexity while helping to break down its scale. The overall composition incorporates a repeating two-story, unit-sized module across both legs of the “H” on the upper stories. The connecting bar of the “H” utilizes similarly-sized windows and bay spacing but picks up the color of the podium. The podium is visually separated by a slight recess between the ground and second floors and the single-story scaling on the second floor. Both parts of the building are visually unified both with material (stucco) and with the use of angles which help to visually divide the ground level storefronts and which are used provide texture on the upper floors. Taken all together, the building forms a cohesive composition with individual parts, and a whole, that are interesting to view.
- Proposed rooftop mechanical equipment is concealed and corralled behind three individual screen systems. Additionally, these screens are set back approximately 15 feet from the rooftops’ street-facing edges. Combined, the screens will help to shield otherwise visually-cluttering mechanical systems on the roof and reinforce the overall composition of the building.
- The ground floor of the building will use glass with a high level of visible light transmittance and with low exterior reflectance of visible light. Combined, these two attributes will allow for interesting views into the active ground floor spaces from the sidewalks around the site.
- The proposed aluminum folding storefront window system is a high-quality system that will be of lasting quality. Durability is further enhanced by setting the folding system above ground on a concrete stem wall.
- Proposed vinyl windows and doors on the upper stories are a high-quality commercial-grade system with steel reinforcements that will help to ensure their durability.
- The proposed stucco system is a three-layer system on a rainscreen, which is a high-quality stucco cladding system.
- Proposed perforated aluminum panels separating the balconies from one another will be 11 gauge in thickness, which will be sufficient to resist warping. The finish if intended to be a “natural white”, which will integrate well in with the overall facade. The use of aluminum, meanwhile, will help to ensure that the panels will not rust, which has been a significant problem on some perforated panels that are made of steel and improperly finished.

Therefore, this guideline is met.

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: 33.130.222.C – Façade Articulation: to reduce the amount of façade area meeting the standard on the west façade (facing NE 11th Ave) to approximately 8% of the

façade area and to reduce the amount of façade area meeting the standard on the east façade (facing NE 12th Ave) to approximately 20% of the façade area.

Purpose Statement: These standards, along with the height and setback standards, limit the bulk of buildings close to the street. These standards help ensure that large buildings will be divided into smaller components that relate to the scale and patterns of Portland’s commercial/mixed-use areas and add visual interest and variety to the street environment.

Standard: 33.130.222.C.2, At least 25 percent of the facade within 20 feet of a street lot line must be divided into facade planes that are off-set by at least 2 feet in depth from the rest of the facade. Facade area used to meet the facade articulation standard may be recessed behind or project out from the primary facade plane, but projections into street right-of-way do not count toward meeting this standard. See Figure 130-10.

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

Findings: The proposed development provides substantial outdoor areas in the form of balconies for each sleeping unit on the upper stories and large sidewalk extensions on the ground floor, both of which serve to reduce the amount of façade area meeting the east and west facades of the building. The balconies are large and useable and better meet Guideline D1 – *Outdoor Areas*, than would smaller balconies with wider dividers between them (which would increase the amount of wall area meeting the standard). The wide sidewalk extensions on the ground floor similarly provide for greater space for stopping and waiting areas at the ground floor on both streets, better meeting Guideline E2 – *Stopping Places* than would a ground level with smaller recesses.

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

Findings: The purpose of the standard is to help ensure that large buildings will be divided into smaller components that relate to the scale and patterns of Portland’s commercial/mixed-use areas and add visual interest and variety to the street environment. The proposed recessed balcony areas help significantly to reduce the overall scale of the building, and the pattern established by these balconies relates to the scale of older development along NE Alberta St. The balcony areas on the upper stories and large storefront windows on the ground floor also serve to add visual interest and variety to the street environment. The proposal successfully addresses the purpose of limiting the bulk of buildings along the street by meeting the related Maximum Building Length standard of PZC 33.130.222.B. On balance, the proposal is consistent with the purpose of the standard.

Therefore, this Modification merits approval.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all requirements of Title 11 can be met, and 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.

33.130.205, Floor Area Ratio.

Findings: The maximum base floor area ratio for the 27,163 square foot site is 2.5:1, per PZC Table 130-2, allowing for a maximum base floor area for development of 67,907.5 square feet. The proposed building contains approximately 90,000 square feet of floor area (89,388 square feet as identified by the applicant, though the floor area for

some shafts does not appear to be accounted for), which exceeds the maximum base FAR by approximately 22,000 SF. Additional floor area may be earned through bonuses specified in PZC 33.130.212 or may be transferred onto the site from historic resources specified in PZC 33.130.205.C. Floor area that is earned through bonuses may not exceed 1.5:1, for a total maximum FAR with bonus of 4:1, per PZC Table 130-3. Limits on transfers of floor area from historic resources to the subject site are 0.75:1 FAR, per PZC 33.130.205.C.3.

The applicant proposes to earn the remainder of the floor area needed for the development by paying into the Affordable Commercial Space Fund, as allowed by PZC 33.130.212.D, and by paying into the Affordable Housing Fund, as allowed by PZC 33.130.212.C.2.

To ensure that the proposed floor area of the building can be achieved as proposed, a condition of approval will be added requiring that all requirements for proposed bonus floor area and/or for proposed FAR transfers must be completed at the time of permit application.

With the condition of approval that all requirements for proposed bonus floor area and/or for proposed FAR transfers must be completed before building permit issuance, the development standards relating to floor area ratio will be met.

33.130.210, Height.

Findings: The proposal exceeds the allowable base height limit, which is 45 feet, per Table 130-2, by approximately 14 feet at the primary parapet on the east and west legs of the building's "H" shape. Per a height exception in 33.130.210.C.8, the building's height may be increased by 5 feet when at least 75% of the ground floor has at least 15 feet between the floor and the bottom of the structure above, including supporting beams.

An additional 10 feet may be earned by utilizing one of two bonuses available to the site, due to its Comprehensive Plan Map designation as a Mixed Use-Urban Center and its location within the Design Overlay Zone, per PZC 33.130.212.B.5. The available bonuses include the Inclusionary Housing bonus (33.130.212.C) and the Affordable Commercial Space bonus (33.130.212.D). The applicant has indicated the intention to use the Affordable Commercial Space bonus, and specifically payment into the Affordable Commercial Space Fund to achieve this extra height. To ensure that the proposed height of the building can be achieved, a condition of approval requiring that both the 15 feet of height between the ground floor and bottom of structure above in PZC 33.130.210.C.8 be met at the ground floor, as specified in the exception, and one or both of the bonuses in PZC 33.130.212.C & D be earned has been added as a condition of approval.

The proposed mechanical units on both the east and west legs of the building's "H" shape are screened by a secondary parapet which projects approximately 6'-3" above the allowed maximum bonus height of 60 feet. An exception to the height limit in PZC 33.130.210.C.2, Parapets and railings, allows for parapets and railings to project up to 4 feet above the height limit, therefore a condition of approval is needed to lower the heights of both of these screening parapets to 4 feet above the 60-foot bonus height limit.

The mechanical units themselves may extend up to 10 feet above the bonus height limit per the exception in PZC 33.130.210.C.4 if they are setback at least 15 feet from all roof edges on street facing facades and if they cumulatively cover no more than 10% of the roof area. The proposed mechanical equipment in this area extends no higher than about 4'-6". The requirements in this height exception are met.

With the condition of approval that the ground floor design requirements in PZC 33.130.210.C.8 shall be met to increase the height limit by 5 feet;

With the condition of approval that one or both of the bonuses in PZC 33.130.212.C & D shall be earned, and all related requirements shall be met to increase the height limit by an additional 10 feet; and

With the condition of approval that the mechanical screening parapets on the east and west legs of the building above level 5 Mezz are lowered to be no more than 4 feet above the maximum 60-foot height limit, development standards relating to allowable height will be met.

CONCLUSIONS

The proposed new commercial-mixed use building is the first to opt to use the discretionary design review track along NE Alberta Street since the Design Overlay Zone was extended along the street as part of the Mixed-Use Zones Project in May 2018. It is also the first building along NE Alberta Street to take full advantage of height bonuses and the high ceilings on the ground floor height exception to propose a building that is 60 feet tall. As such, it has proven to be controversial, though not just for its scale, but also for its program, which lacks an affordable housing component, and for the effect it will have on the continuing gentrification of the King Neighborhood and NE Alberta Street. Unfortunately, the design review process is not equipped to handle policy-level issues like gentrification, nor does it provide city staff the authority to require wholesale changes in the proposed programming or scale of a building. Lack of adequate parking was also frequently cited as an issue of concern to neighborhood residents; however, the code requires no parking for the proposed building uses, so the proposal for a full floor of parking below the building should help provide some relief to neighborhood streets beyond what is required.

Working within the confines of the approval criteria specified for this area of town (the *Community Design Guidelines*), staff finds that the proposed building will create a successful and active ground floor and public pedestrian realm, is well-composed and utilizes high-quality materials, and successfully responds to the context of NE Alberta Street. (The full findings for this decision can be found on the link provided at the top of Page 1).

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a proposed new 5.5-story commercial mixed-use building along NE Alberta Street with approximately 90,000 square feet of floor area.

Approval for the following Modification requests:

- 1) 33.130.222.C – Façade Articulation: The Modification request is to reduce the amount of façade area meeting the standard on the west façade (facing NE 11th Ave) to approximately 8% of the façade area and to reduce the amount of façade area meeting the standard on the east façade (facing NE 12th Ave) to approximately 20% of the façade area. This standard requires that buildings that are more than 35 feet in height and that have façade areas of more than 3,500 square feet within 20 feet of a street property line have at least 25% of the façade divided into façade planes that are offset by at least 2 feet in depth from the rest of the façade.

All approvals per the approved site plans, Exhibits C.1 through C.36, signed and dated December 23, 2019, 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 19-187641 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.
- D. Murals which meet either the standards of Title 4, Original Art Murals, and/or which meet the definition of "public art" as defined in Title 5.74 shall be added on the walls (at least one per bay) adjacent to the individual storefronts along NE Alberta Street before the adjacent tenant space is occupied.
- E. All requirements for proposed bonus floor area and/or for proposed FAR transfers must be completed before building permit issuance.
- F. The ground floor design requirements in PZC 33.130.210.C.8 shall be met to increase the base, bonus, and step-down height limits by 5 feet.
- G. One or both of the bonuses in PZC 33.130.212.C & D shall be earned, and all related requirements shall be met to increase the height limit by an additional 10 feet.
- H. The mechanical screening parapets on the east and west legs of the building above level 5 Mezz shall be lowered to be no more than 4 feet above the maximum 60-foot height limit.

Staff Planner: Benjamin Nielsen

Decision rendered by:  **on December 23, 2019.**
By authority of the Director of the Bureau of Development Services

Decision mailed: December 27, 2019

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 July 2, 2019, and was determined to be complete on October 8, 2019.

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 July 2, 2019.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended by 21 days, as stated with Exhibit G.18. Unless further extended by the applicant, **the 120 days will expire on: February 26, 2020.**

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 January 10, 2019** 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 **January 13, 2019** 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 Submittals
 1. Land Use Application Submittal
 2. Drawing Package, dated 07/02/2019
 3. Neighborhood Contact Information
 4. Revised Drawing Package, dated 07/22/2019
 5. Revised Narrative and Product Cutsheets, received 07/22/2019
 6. Email to PBOT re: Transportation Demand Management Plan and staff and applicant responses, 07/23 – 07/26
 7. Revised Ground Floor Plan, 08/14/2019 and related email responses 08/14 – 08/20/2019
 8. Loading Exhibit to PBOT and staff response, 08/22 – 08/23/2019
 9. Response to Incomplete Application Letter and Product Cutsheets, 09/05/2019
 10. Revised Drawing Package, dated 09/05/2019
 11. Stormwater Report, 09/13/2019
 12. Revised drawing sheets, 09/17/2019
 13. Revised drawing sheets, 09/30/2019
 14. Revised drawing sheets & modifications narrative, 10/08/2019
 15. Revised drawing sheets & request to deem the application complete, 10/08/2019
 16. Applicant response to public comments, 11/14/2019
 17. Glass and metal information, 11/15/2019
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Survey
 2. Site Grading Plan
 3. Site Utility and Stormwater Plan
 4. Site Plan
 5. Floor Plan – Floor 00

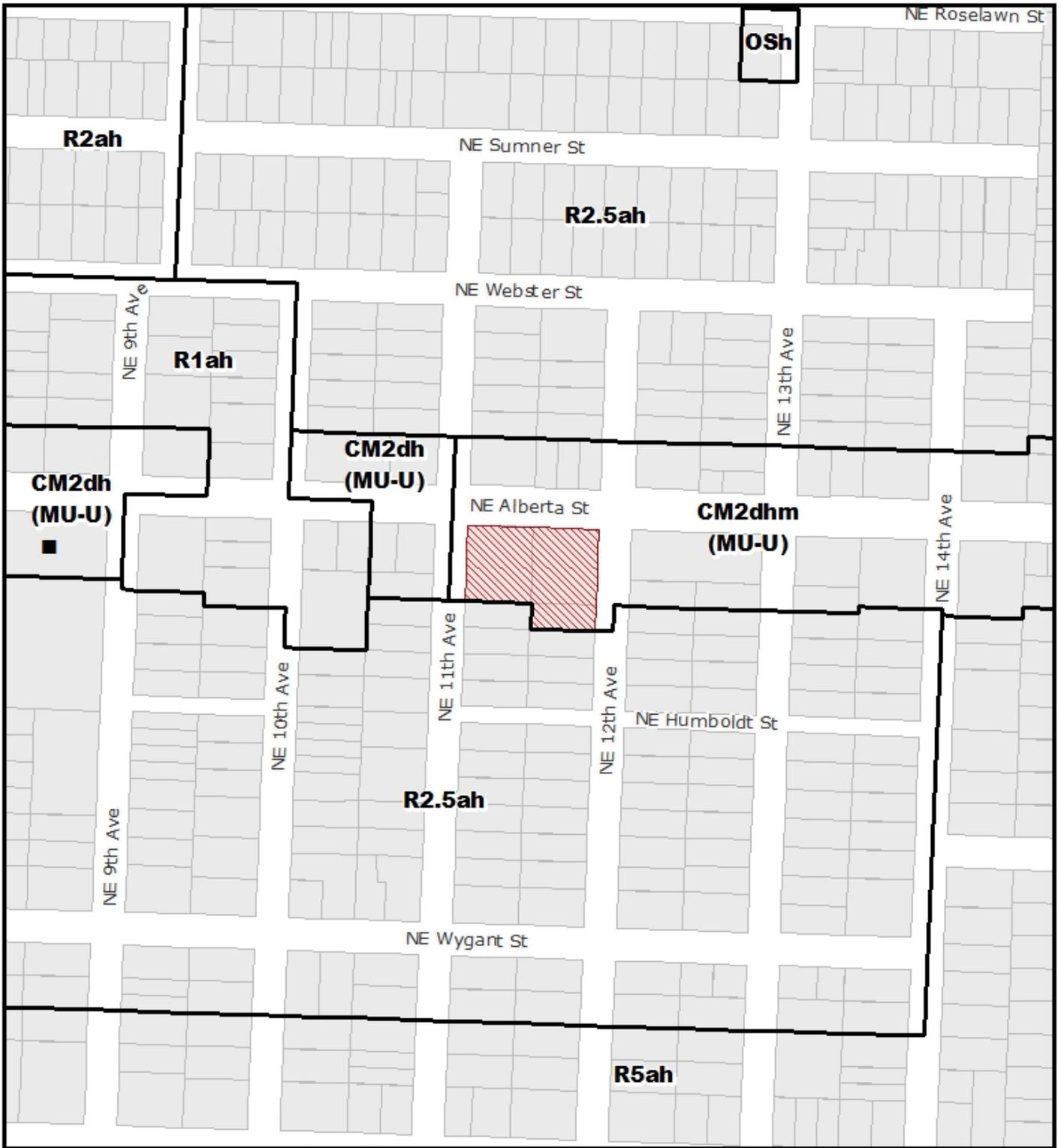
6. Floor Plan – Floor 01 (attached)
 7. Floor Plan – Floor 02
 8. Floor Plan – Floor 03
 9. Floor Plan – Floor 04
 10. Floor Plan – Floor 05
 11. Floor Plan – Floor 05 Mezz
 12. Roof Plan
 13. Elevations – North (attached)
 14. Elevations – South (attached)
 15. Elevations – West (attached)
 16. Elevations – East (attached)
 17. Exterior Lighting
 18. Material Palette
 19. Section – East/West
 20. Section – North/South
 21. Wall Section
 22. Wall Section Details
 23. Enlarged Balcony Unit Façade
 24. Enlarged Standard Unit Façade
 25. Landscape – Area and Material Requirements
 26. Landscape Plan Floor 01
 27. Landscape Plan Floor 02
 28. Landscape Plan Floor 03
 29. Landscape Plan Floor 05
 30. Irrigation Plan Floor 01
 31. Irrigation Plan Floor 02
 32. Irrigation Plan Floor 03
 33. Irrigation Plan Floor 05
 34. Planting Details
 35. Paver Details
 36. Cutsheets
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 3. Site Development Review Section of BDS
 4. Life Safety Review Section of BDS
- F. Correspondence:
1. Kol Peterson, 10/18/2019, email with concerns about height and scale
 2. Kol Peterson, 10/22/2019, email asking about shadow study
 3. Teresa McGrath and Nat Kim, 10/22/2019, email in opposition to building use and concerns about height
 4. Heather Brann, 10/22/2019, email requesting more parking be provided
 5. Julia Whelan, 10/22/2019, email expressing concern about building program
 6. Brad Larrabee, email with concerns about building scale, design, and program
 7. Darcell Dance, 11/02/2019, email citing family history, parking and congestion issues, and gentrification issues
 8. Atty Zschau, 11/03/2019, email in opposition citing scale and height and lack of affordable housing
 9. Atty Zschau, 11/03/2019, email in opposition similar to Exhibit F.8
 10. Amy Wilson, KNA Chair, 11/04/2019, email in opposition citing neighborhood history, gentrification, scale of development, out-of-context design, and lack of affordable housing
 11. Jennifer Siebold, 11/04/2019, email in opposition citing scale and lack of affordable housing
 12. Allen Gurney, 11/04/2019, email in opposition to proposal and modification request
 13. Chris Guinn III, 11/13/2019, email in support of the proposal

14. Cheryl Huff, 11/30/2019, email in opposition citing parking and scale
15. Ernest Jones, 12/18/2019, email question
16. Amy Wilson, KNA Chair, 07/22/2019, email question and request for drawings
17. Helen Furber, 07/25/2019, email in opposition citing parking and scale
18. Carri Munn, 07/26/2019, email with several concerns about proposal
19. Michelle Shaheen, 07/26/2019, email in favor of proposal
20. Cheri Logan, 07/26/2019, email requesting affordable housing
21. Jane Godfrey, 07/26/2019, email requesting green space along the sidewalk
22. Joel Wiseman, 07/27/2019, email in favor of proposal
23. Jane Godfrey, 07/26/2019, follow-up email

G. Other:

1. Original LU Application
2. Incomplete Application Letter, sent 07/18/2019
3. Staff and applicant responses to email from KNA Chair, 07/22 – 07/23/2019
4. Email from staff to applicant re: context studies, 07/26/2019
5. Email thread between staff and applicant re: Affordable Commercial Space Program, 08/02/2019
6. Email thread between applicant and staff re: process clarifications, 08/06/2019
7. Email thread between applicant and staff re: Bicycle Parking Fund, 09/04 – 09/06/2019
8. Email from staff re: additional comments, 09/13/2019
9. Staff response to applicant's 09/17/2019 submittals, sent 09/19/2019
10. Staff email re: façade articulation standard, 09/25/2019
11. Email thread between staff and applicant re: modifications fee, 10/08 – 10/09/2019
12. Email thread between staff and applicant re: modification fee, public notice, and confirming lodging use – 10/11/2019
13. Email thread between staff and applicant re: review status and request for response to public comments – 11/07 – 11/14/2019
14. Email thread re: UVE application – 11/11/2019
15. Email thread between BDS and PBOT staff re: transportation demand management plan and need for Driveway Design Exception, 11/14 – 11/15/2019
16. Email thread with Driveway Design Exception request for PBOT and staff response, 11/14/2019
17. Email thread re: permit submittal – 11/18 – 11/20/2019
18. Signed Request for Extension of 120-Day Review Period, received 12/02/2019
19. Email thread re: review status and new Neighborhood Contact III Requirement, 12/11/2019
20. Email thread re: status of UVE and DDE applications, 12/18/2019
21. Email from PBOT re: need for additional Driveway Design Exceptions, 12/18/2019
22. Email from applicant with copy of DDE approval, 12/19/2019

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



ZONING



Site



Historic Landmark

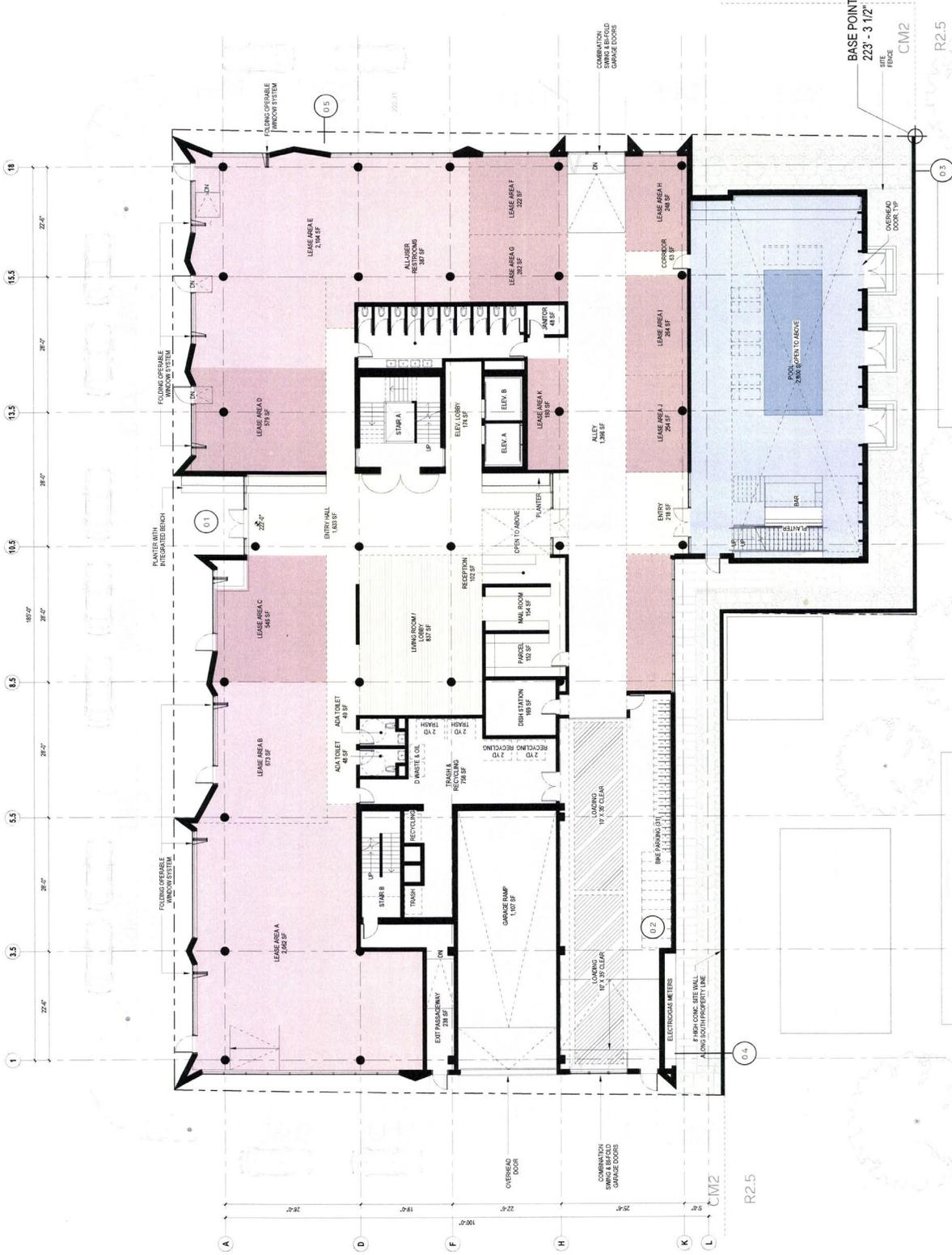
File No.	LU 19-187641 DZM
1/4 Section	2531
Scale	1 inch = 200 feet
State ID	1N1E23BD 3100
Exhibit	B Oct 11, 2019

Building

Floor Plan - Floor 01

KEYNOTES

- 01 MAIN ENTRY
- 02 LONG TERM BIKE PARKING TO SPACES
- 03 CONTINUOUS 8FT WALL ALONG PROPERTY LINE
- 04 ELECTRIC AND GAS METER BANK
- 05 FDC LOCATION



Approved
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 12/23/2019
 *This approval applies only to the
 reviews requested and is subject to all
 other applicable rules and regulations that may apply.



W 19 - 187641 DEN
 Rev 4: OCTOBER 9, 2019
 LAND USE REVIEW
 EXHIBIT A-1-05

1130 NE Alberta
 III 2 2019

LEVER

Building Elevations - North

- MTL NAME**
- CONC-1
 - CONC-2
 - HRL-1
 - MTL-1
 - MTL-2
 - MTL-3
 - MTL-4
 - STC-1
 - STC-2
 - WIN-1

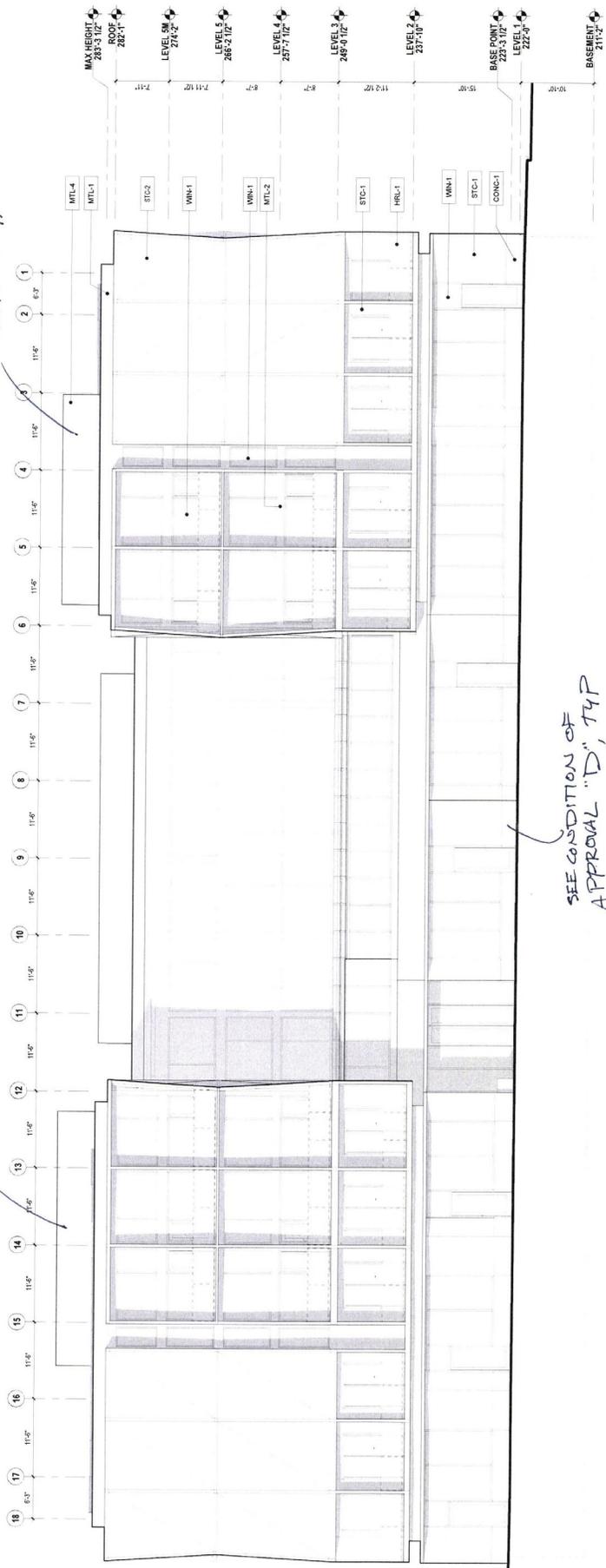
- MATERIAL DESCRIPTION**
- CAST IN PLACE CONCRETE PAINTED DARK BRONZE TO MATCH SEMCO ABOVE
 - 8 FT CAST IN PLACE CONCRETE WALL - CLEAR SEALER
 - 1 1/2" ROUND HANDRAIL WITH STAINLESS EXTEND-A-MESH FALL PROTECTION BELOW
 - 22GA MANUFACTURER FINISHED WHITE SHEET METAL CAP FLASHING
 - 22GA MANUFACTURER FINISHED DARK BRONZE METAL WALL FLASHING PANEL
 - PAINTED METAL GUARDRAIL, FENCE OR GATE - 1/2" X 2" FLAT BAR; DARK BRONZE
 - PAINTED METAL MECHANICAL SCREEN, WHITE
 - SEMCO X-BOND SEAMLESS STONE; DARK BRONZE
 - PAINTED STUCCO; WHITE
 - EUROTEK SERIES 70 WINDOW AND DOOR SYSTEM; DARK BRONZE FINISH

Approved
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date *12/23/09*

* This approval applies only to the revisions submitted and is subject to all reviews applicable to all other drawings.

SEE CONDITION OF APPROVAL "H"

SEE CONDITION OF APPROVAL "H"



SEE CONDITION OF APPROVAL "D", TYP

0' 16'

LEVER

1130 NE Alberta
 JULY 2, 2019

60 19-187641 D2M
 Rev 4; OCTOBER 9, 2019

LAND USE REVIEW
 EXHIBIT

Building Elevations - South

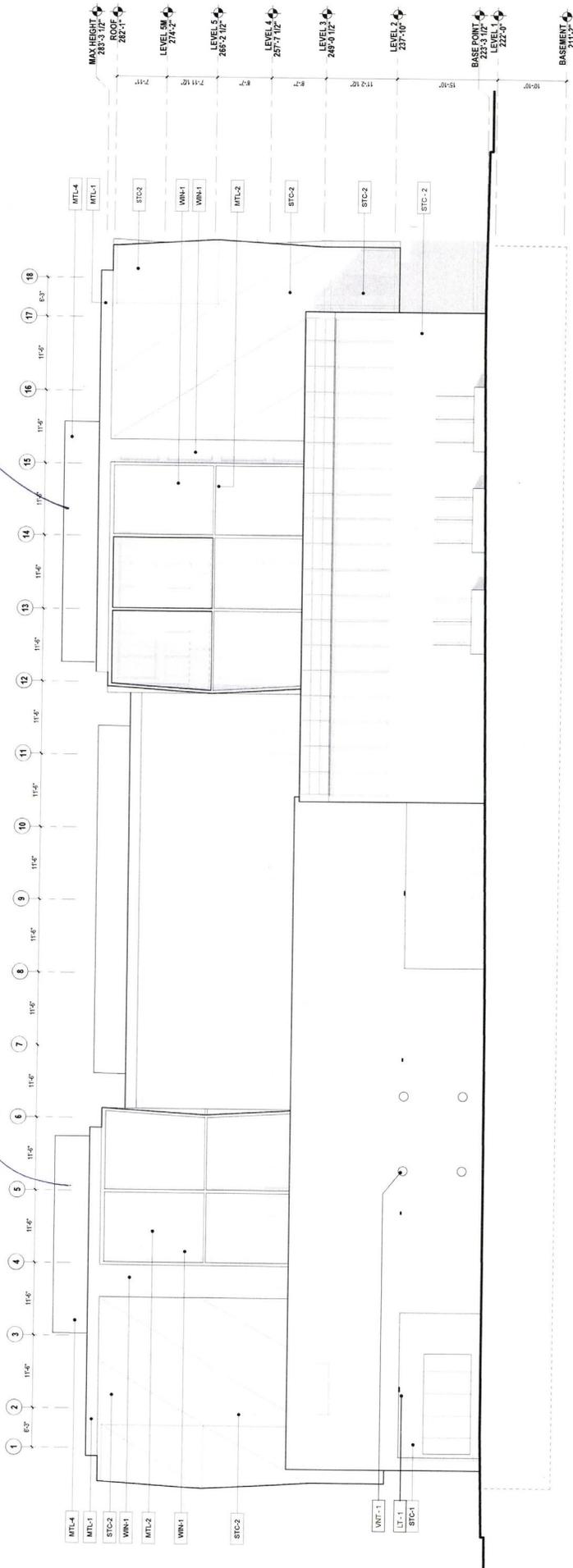
- MATERIAL DESCRIPTION**
- CAST IN PLACE CONCRETE PAINTED DARK BRONZE TO MATCH SEMCO ABOVE
 - 8FT CAST IN PLACE CONCRETE WALL - CLEAR SEALER
 - 1 1/2" ROUND HANDRAIL WITH STAINLESS EXTEND-A-MESH FALL PROTECTION BELOW
 - 22GA MANUFACTURER FINISHED WHITE SHEET METAL CAP FLASHING
 - 22GA MANUFACTURER FINISHED DARK BRONZE METAL WALL FLASHING PANEL
 - PAINTED METAL GUARDRAIL, FENCE OR GATE - 1/2" X 2" FLAT BAR; DARK BRONZE
 - PAINTED METAL MECHANICAL SCREEN, WHITE
 - SEMCO X-BOND SEAMLESS STONE; DARK BRONZE
 - PAINTED STUCCO; WHITE
 - EUROTEK SERIES 70 WINDOW AND DOOR SYSTEM; DARK BRONZE FINISH
 - MECHANICAL EXHAUST VENTS
 - LED WALL PACK EXTERIOR LIGHTING FIXTURE

- MTL NAME**
- CONC-1
 - CONC-2
 - HLR-1
 - MTL-1
 - MTL-2
 - MTL-3
 - MTL-4
 - STC-1
 - STC-2
 - WIN-1
 - VNT - 1
 - LT - 1

*** Approved***
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date *10/23/2017*
 * This approval applies only to the
 specific conditions and is subject to all
 applicable codes and regulations.

SEE C.O.A. "H"

SEE CONDITION OF
 APPROVAL "H"



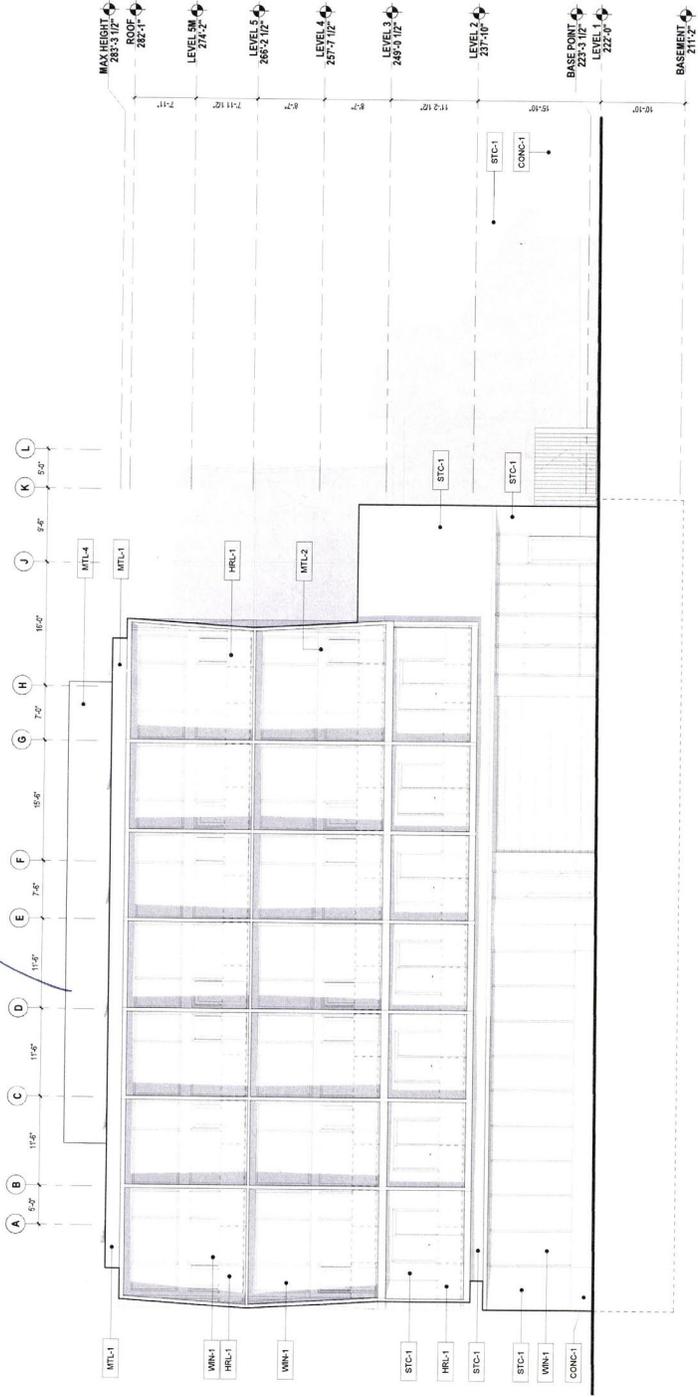
Building Elevations - West

- MTL NAME
- CONC-1
- CONC-2
- HRL-1
- MTL-1
- MTL-2
- MTL-3
- MTL-4
- STC-1
- STC-2
- WIN-1

- MATERIAL DESCRIPTION**
- CAST IN PLACE CONCRETE PAINTED DARK BRONZE TO MATCH SEMCO ABOVE
- 8FT CAST IN PLACE CONCRETE WALL - CLEAR SEALER
- 1 1/2" ROUND HANDRAIL WITH STAINLESS EXTEND-A-MESH FALL PROTECTION BELOW
- 22GA MANUFACTURER FINISHED WHITE SHEET METAL CAP FLASHING
- 22GA MANUFACTURER FINISHED DARK BRONZE METAL WALL FLASHING PANEL
- PAINTED METAL GUARDRAIL, FENCE OR GATE - 1/2" X 2" FLAT BAR; DARK BRONZE
- PAINTED METAL MECHANICAL SCREEN, WHITE
- SEMCO X-BOND SEAMLESS STONE; DARK BRONZE
- PAINTED STUCCO; WHITE
- EUROTEK SERIES 70 WINDOW AND DOOR SYSTEM; DARK BRONZE FINISH

Approved
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 DATE *12/23/2019*
 *This approval applies only to the project and site as shown on the plans.

SEE CONDITION OF APPROVAL "H"



0' 16'

1130 NE Alberta
 JULY 2, 2019

W 19-187644 D2M

Rev 4: OCTOBER 9, 2019

Ex: C.15

LAND USE REVIEW
 EXHIBIT A2.03

LEVER

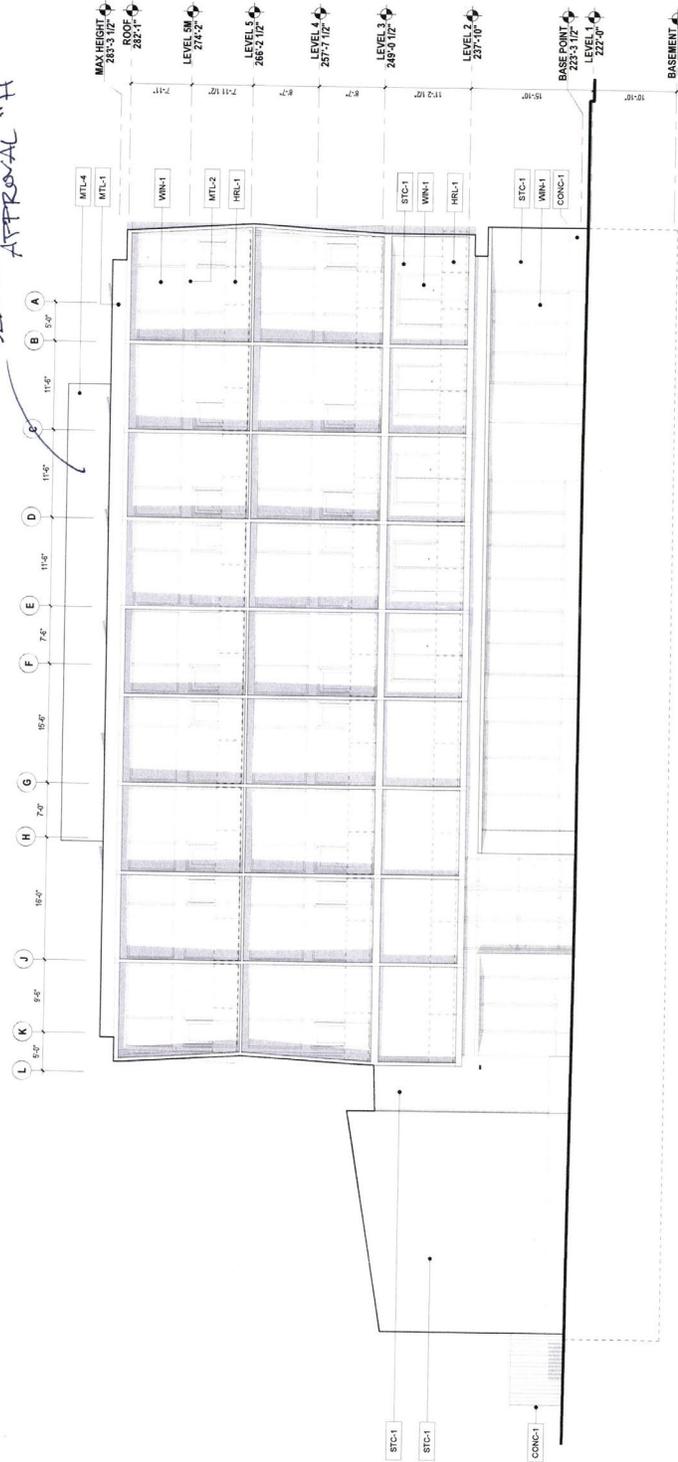
Building Elevations - East

- MTL NAME**
- CONC-1
 - CONC-2
 - HR-L-1
 - MTL-1
 - MTL-2
 - MTL-3
 - MTL-4
 - STC-1
 - STC-2
 - WIN-1

- MATERIAL DESCRIPTION**
- CAST IN PLACE CONCRETE PAINTED DARK BRONZE TO MATCH SEMCO ABOVE
 - 8FT CAST IN PLACE CONCRETE WALL - CLEAR SEALER
 - 1 1/2" ROUND HANDRAIL WITH STAINLESS EXTEND-A-MESH FALL PROTECTION BELOW
 - 22GA MANUFACTURER FINISHED WHITE SHEET METAL CAP FLASHING
 - 22GA MANUFACTURER FINISHED DARK BRONZE METAL WALL FLASHING PANEL
 - PAINTED METAL GUARDRAIL, FENCE OR GATE - 1/2" X 2" FLAT BAR; DARK BRONZE
 - PAINTED METAL MECHANICAL SCREEN, WHITE
 - SEMCO X-BOND SEAMLESS STONE; DARK BRONZE
 - PAINTED STUCCO; WHITE
 - EUROTEK SERIES 70 WINDOW AND DOOR SYSTEM; DARK BRONZE FINISH

Approved
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 12/23/2019
 • This approval applies only to the review as resubmitted and is subject to all applicable rules and regulations.

SEE CONDITION OF APPROVAL "H"



0' 16'

LEVER

1130 NE Alberta
JULY 2, 2019

LU 19-187641 DZA

Rev 4; OCTOBER 9, 2019

EX: 1/6

LAND USE REVIEW
EXHIBIT A2.04