



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

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Date: February 5, 2020
To: Interested Person
From: Grace Jeffreys, Land Use Services
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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 19-187024 DZM -
1404 N KILLINGSWORTH**

GENERAL INFORMATION

Applicant: Tricia Doolin-Mcintosh, Koz Development
1830 Bickford Ave, Suite 201, Snohomish WA 97201
1.206.941.9828, tricia@kozdevelopment.com

Party of Interest: Dan Williams, Faster Permits
2000 SW 1st Ave Suite 420, Portland OR 97201

Owner/Agent: Joshua Scott, Koz Development LLC
1830 Bickford Ave Suite 201, Snohomish WA 98290

Site Address: 1430 N KILLINGSWORTH ST

Legal Description: SUB N 1/2 TRACT B LOT 1-2 SUB N 1/2 TRACT B LOT 3-5 EXC PT IN ST SUB N 1/2 TRACT B LOT 6 EXC PT IN STS, M PATTONS & SUB

Tax Account No.: R520700030

State ID No.: 1N1E22BB 08500

Quarter Section: 2529

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

Business District: None

District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-8877.

Plan District: North Interstate

Zoning: CM3(MU-U)d,m, Commercial / Mixed Use 3 Zone (CM3) with design (d) and Centers Main Streets (m) overlays

Case Type: DZM, Design Review (DZ) with a Modification Review (M)

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

Proposal:

The applicant seeks design review approval for a new 6-story, mixed-use development located in the North Interstate Plan District. The partial-block site is bound by N Interstate to the west, N Killingsworth to the north and N Maryland to the east. The proposal includes approximately 154 dwelling units, 3,700 square feet of ground level retail and a rooftop terrace. The proposal also includes one type A loading space and no vehicle parking. Short-term bike parking requirements will be met on-site, and long-term bike parking requirements will be met in the ground level dedicated bike area. This proposal is subject to the mandatory Inclusionary Housing requirements of 33.245 and utilizes the bonus FAR and height opportunities allowed.

The upper levels are clad with gray box rib metal panels, white integral-color fiber-cement panels (Cembrit), and commercial-grade vinyl windows. Ground level building materials consist of aluminum storefront assemblies on concrete curbs, white integral-color fiber-cement panels (Cembrit) at the piers and steel canopies.

The following Modification review is requested:

1. **Bike parking** (PZC Section 33.266.220): To reduce the spacing of vertically mounted staggered racks from 24" to 17" on center spacing, and to use two-tier bike racks.

New developments in Design overlay zones are required to go through Design Review per the Portland Zoning Code (PZC Section 33.420.041.A).

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*
- *Modifications Considered Through Design Review – Section 33.825.040*

ANALYSIS

Site and Vicinity: The project site is a half city block at the intersection of North Interstate Avenue and North Killingsworth Street, adjacent to a major transit station, North Killingsworth Street Max Station, and bounded to the east by North Maryland Street. The arterial intersection of North Killingsworth and North Interstate is a transit-oriented node of zoning density and height, and the site and surrounding lots are zoned CM3dm (MU-U), which is a large-scale zone intended for sites in high-capacity transit station areas.

According to the North Interstate Corridor Plan:

- **Killingsworth Station:** At the station platforms new development reflects the significance of the transit facilities and creates visually prominent markers that help to differentiate the station platform areas from the surrounding community. There are six station areas along the Interstate Corridor, each with a different development theme. The theme for Killingsworth Station is Killingsworth Main Street.
- **Killingsworth Main Street:** Considered the corridor's most vital educational, cultural and recreational link, connecting the station platform to Portland Community College, Jefferson High School and the Killingsworth Conservation District to the east. New development also strengthens the "main street" character west of Interstate Avenue to the commercial cluster at Denver Avenue. New development at this station area includes a variety of mixed uses, commercial uses and new cultural facilities to augment existing focal points like the Interstate Firehouse Cultural Center (IFCC) and Patton Park.
- **N Interstate Avenue** serves as the corridor's primary framework street. It is the major connector for arterials, collectors and local streets for the plan area and will be the focus of more intense land uses, particularly where Interstate intersects a primary east west street. Interstate Avenue is the backbone for all new development and services within the corridor.

- N Killingsworth Street is considered a primary east-west street which serves as an important route for pedestrian, bicycle and vehicular activity across the plan area and between neighborhoods. These streets may be the focus of more intense land use activity as well as enhanced pedestrian improvements, such as curb extensions, wide sidewalks, street furnishings, street trees, pedestrian refuges, stormwater treatment facilities and the creation of new attractions or focal points.

The site is not located within a Pedestrian District. The City's Transportation System Plan (TSP) classifies the abutting rights-of-way (ROWs) as follows:

- N Interstate Ave and N Killingsworth are both classified as a Regional Transitway/Major Transit Priority Street, a City Bikeway and a City Walkway.
- N Maryland is classified as a Local Service Street for all modes.

The site is currently occupied by an existing one-story bank structure on the west side of the site, and adjoining surface parking on the left half of the site, both of which will be demolished for this proposal.

Zoning: The Commercial/Mixed Use 3 (CM3) zone is a large-scale zone intended for sites in high-capacity transit station areas, in town centers, along streetcar alignments, along civic corridors, and in locations close to the Central City. It is intended to be an intensely urban zone and is not appropriate for sites where adjacent properties have single-dwelling residential zoning. 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 six 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, with buildings that contribute to an urban environment with a strong street edge of buildings. The scale of development is intended to be larger than what is allowed in lower intensity commercial/mixed use and residential zones. Design review is typically required in this zone.

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.

The North Interstate Plan District provides for an urban level of mixed-use development to support the MAX line and the surrounding neighborhoods by encouraging development that increases neighborhood economic vitality, amenities, and services and successfully accommodates additional density. These standards: implement urban design concepts of the North Interstate Corridor Plan; help ease transitions between new high-density development and the existing, low-density neighborhoods; and enhance the pedestrian experience.

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

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **December 24, 2019**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E.1)
- Bureau of Transportation Engineering (Exhibit E.2)
- Fire Bureau (Exhibit E.3)

- Site Development Section of BDS (Exhibit E.4)
- Life Safety Section of BDS (Exhibit E.5)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **December 24, 2019**. A total of four written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Erich Lyttle, 12/26/19, wrote with questions about the affordability of the units (Exhibit F.1).
- Suzanne Gibbs, 1/2/20, wrote with concerns about loss of trees, loss of privacy, height, and lack of parking (Exhibit F.2).
- Cameron Casey, 1/14/20, wrote with concerns regarding affordability of units, loss of trees, sustainability, privacy for residents, added traffic impact on school, and parking (Exhibit F.3).
- Brandon Zero, 1/14/20, wrote with concerns about loss of trees, added congestion and lack of parking in the area (Exhibit F.4).
- Korina Pongracz, 1/14/20, wrote with concerns about loss of trees (Exhibit F.5).

BDS Staff Response: The purview of this design review includes elements of the project that relate to the approval criteria, which in this case, are the *Community Design Guidelines* and *33.825.040 Modifications That Will Better Meet Design Review Requirements*. Design review has no authority to reduce or change allowances provided in the Zoning Code.

Development allowances in the Zoning Code are established in a legislative process with review and approval by the Planning and Sustainability Commission (PSC) and City Council. Concerns regarding these, or other development regulations, should therefore be directed to the PSC or Bureau of Planning and Sustainability Staff (BPS) Staff.

<https://www.portlandoregon.gov/bps/index.cfm?>

Zoning Code allowances include items such as density, height, and parking minimum and maximums. Specifically, to the concerns noted above:

- Affordability. This proposal is subject to the mandatory Inclusionary Housing requirements in the Zoning Code Section 33.245.
- Trees. Zoning Code requirements for new trees and landscaping will be met by this proposal. The trees that currently sit within the existing surface parking area will need to be removed for this proposal. Surface parking is an inconsistent use in this highly transit-oriented node, and the redevelopment of this site is intended to foster a dense, pedestrian-friendly urban environment with development intensities that are supportive of transit.
- Height and density. Proposal is within the Zoning Code allowances,
- Privacy. Protection of private views is not required, and it is outside the scope of this review to assess it here.
- Parking. Parking is not required for this proposal, and it is outside the scope of this review to require it here.
- Transportation impacts. Concerns about off-site issues such as congestion are outside the scope of this review. Zoning Code allowances which encourage increases in density are expected to create impacts to transportation systems and were considered during the legislative processes.
- Pedestrian Safety. PBOT just completed a large pedestrian planning effort called PedPDX. For further information, refer to chapter 7 of that plan, which is the implementation strategy <https://www.portlandoregon.gov/transportation/article/714171>

ZONING CODE APPROVAL CRITERIA

(1) DESIGN REVIEW (33.825)

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Community Design Guidelines.

Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other movement systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project. Additionally, the findings have been organized under three tenets, "Context", "Public Realm", and "Quality and Permanence".

CONTEXT

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

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

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, P3 and D7: The site sits at the major intersection of North Killingsworth and North Interstate and is located at the very center of the Killingsworth Station area as defined by The North Interstate Corridor Plan. The focus of this station area is on Killingsworth as a Main Street. Development in this area is intended to be transit-oriented with urban density and height, and the site and surrounding lots are zoned CM3dm (MU-U) which is a large-scale zone intended for sites in high-capacity transit station areas. This proposed development strengthens the character of the Killingsworth Tri-met Station by providing higher density and visible development along the transit-oriented North Interstate Corridor:

- In response to this intensely urban zoned node, this proposal offers a dense mixed-use development with an active ground level that will support the adjacent transit

and the surrounding neighborhoods, replacing an existing one-story commercial banking structure and associated surface parking.

- The proposal wraps active retail and lobby space along the majority of the ground level, with a select number of ground level loft-type units along the south end of N Maryland. This creates a transition between the intense major intersection of N Interstate and N Killingsworth at the northwest corner of the site and the quieter southeast corner of the site at the south end of N Maryland.
- Along the two major frontages, N Interstate and N Killingsworth, the proposal provides consistent, pedestrian focused retail and main lobby frontages with a large amount of glazing, generous setbacks and canopies for pedestrian protection that will activate both of these major frontages.
- In addition to adding needed density and active ground level uses, massing, proportions, and materials have been used to help the proposal blend into the neighborhood. Substantial massing changes help to break up the overall size of the proposal, and bays, decks and materiality are used to develop a rhythm along the facades. Attention has been paid to the composition on all four facades, creating a design that responds to the context in all directions.
- The materials have been chosen to reflect the contemporary buildings seen within the Killingsworth corridor. The primary exterior cladding materials are box rib metal panel, integral colored fiber cement panels and aluminum storefront glazing. A dominant color scheme of medium gray, dark gray and white, along with accent wood cladding at the residential lobby and decorative terrace and deck details, have been utilized in the facades' compositions. Secondary facades, both at the rear of the property and along N. Maryland Ave, have received the same design attention and building materials.
- The ground level façade composition has been delineated from the upper stories, recalling the traditional form of streetcar-era commercial buildings. The ground level, as proposed, consists of a simply, orderly rhythm of storefront windows, recessed within the façade and capped with transoms in a manner reminiscent of other commercial storefront buildings in the area. The addition of metal canopies, color matched to dark gray, frame the retail entry spaces, while creating a sense of place and scale for the pedestrian. Along the quieter south end of Maryland, and within the private courtyard space to the rear, new green components, along with intentional design elements (canopies) relate back to the vibrancy of the area.

These guidelines are therefore met.

PUBLIC REALM

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

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

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 E1, E2 and E5: This proposed development enhances the pedestrian experience in the following ways:

- Building setbacks, including the significant required 36 feet setback from the N Killingsworth St. centerline, extend the size of the public space along the sidewalk on this block. Along with generous canopy coverage, these areas provide space for natural activity nodes/stopping places along the commercial frontages. These also

provide additional public space for the retail spaces to expand if they wish to the exterior with seating/gathering places.

- Pedestrians will be protected from the elements by the canopy coverage, as well as the overhangs of the building above, providing a sheltered path along the frontages of the building. All entrances to the building have protection from above, including the residential entries.
- The building setbacks, coupled with the private patios along the rear side of the building, create a connected sidewalk network at this very transit-oriented corner.

These guidelines are therefore met.

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

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.

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

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 E3, E4, D2 and D5: The proposal is programmed and designed to meet the intent of these guidelines as follows:

- As noted above, generous ground level setbacks provide natural activity nodes/stopping places along the commercial frontages. Along with generous retail glazing, and a rhythm of bays and decks above, a sense of enclosure and visual interest is provided along sidewalks and pedestrian areas.
- The commercial spaces have been wrapped around the corners of the building at the two intersections with extensive storefront glazing providing visibility into the active spaces within. The entrances to the commercial areas of the building have been located to correlate to the compositional treatment above, with retail entrances located near the corners.
- Pedestrian-scaled lighting is proposed along the perimeter of the building, as well as at landscaped areas along building frontages and within the courtyard.
- With the retail space on the building corner, building entry along NE Martin Luther King Jr Blvd, and a transparent stair and lobby along N Failing St, active uses are provided along all right-of-way frontages, providing security via constant presence and passive observation.
- The proposed active and generously glazed frontages, numerous entries, opportunities for passers-by to stop, comfortable places for residents to inhabit in the outdoors, will all help reduce the likelihood of crime by placing “eyes on the street”.

These guidelines are therefore met.

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

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

Findings for D1 and D3: The proposal features exterior site components intended by these guidelines, such as:

- The ground level building setbacks along the street frontages, coupled with a gated landscaped walkway network to the rear of the building for residents, create a connected exterior pedestrian network around the entire building.
- Typical back-of-house elements, such as loading, trash, water and electric rooms, and mechanical risers, have been very carefully located to reduce the impact to the three street frontages, providing the opportunity to fully activate the adjacent streets.
- External façade venting has been limited to areas that will have less of an impact to the street frontages, such as over the canopies and on non-street facing rear facades. Where vents are on street facades, attempts have been made to reduce the impact by locating vents in bays that are recessed and integrating the into cladding systems as much as possible.
- Careful design consideration of outdoor space has been taken for ground level residents as well as residents that will occupy the upper levels.
 - At all ground level units, private landscaped patios will provide a thoughtful separation between the community and resident.
 - Above the ground level, private decks with decorative railings that overlook North Killingsworth and the rear courtyard also offer private outside spaces for some residents. These decks also add further street activation and interest to the facades.
 - Finally, a substantial landscaped rooftop deck is proposed that can be enjoyed by all tenants. The generous rooftop terrace provides an easily accessible (via elevator and stairs) opportunity for residents to enjoy the outdoors in a very urban environment. Rooftop amenities include landscaping, seating, umbrellas, a pergola and restrooms.
- The landscaping design includes new street trees, as well as landscaping along N Maryland at the ground level unit terraces, and along the south walkway.

These guidelines are therefore met.

QUALITY AND 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: Each facade of the building responds to its relationship to frontage and context while contributing to a coherent whole.

- As mentioned above under findings for P1, the materials have been chosen to reflect the contemporary buildings seen within the Killingsworth corridor. The primary exterior cladding materials are box rib metal panel, integral colored fiber cement panels and aluminum storefront glazing.
- A dominant color scheme of medium gray, dark gray and white, along with accent wood cladding at the residential lobby and decorative terrace and deck details, have been utilized in the facades' compositions. Secondary facades, both at the rear of the property and along N. Maryland Ave, have received the same design attention and building materials.
- The ground level façade composition has been delineated from the upper stories, recalling the traditional form of streetcar-era commercial buildings. The ground level, as proposed, consists of a simply, orderly rhythm of storefront windows, recessed within the façade and capped with transoms in a manner reminiscent of other commercial storefront buildings in the area. The addition of metal canopies, color matched to dark gray, frame the retail entry spaces, while creating a sense of place and scale for the pedestrian. Along the quieter south end of Maryland, and within the private courtyard space to the rear, new green components, along with

intentional design elements (canopies) relate back to the vibrancy of the area.

This guideline is therefore met.

(2) MODIFICATION REQUESTS (33.825.040)

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 to Standards for all Bicycle Parking (33.266.220). The project proposes to reduce the spacing of vertically mounted staggered racks from 24” to 17” on center spacing, and to use two-tier bike racks.

Purpose Statement: 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.

Standard: 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.

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

Findings: This modification will allow more required bike parking to be accommodated in a convenient, ground floor location by allowing a greater quantity of bike parking per linear foot, while maintaining manufacturer recommendations for bike rack spacing to ensure the protection of bikes as they are maneuvered. The convenience of this ground level bike parking will encourage bicycle usage in general, which will help the project better meet guidelines that encourage pedestrian-friendly design and strengthening of multi-modal transportation, including Guidelines *Pl: Plan Area Character, E1: The Pedestrian Network,* and *D7: Blending into the Neighborhood.*

Additionally, allowing for the efficient use of space on the ground floor means these spaces will have a smaller footprint, maximizing the amount of the ground floor that can be used for other more active amenities such as the retail use on the corner and resident amenities such as the courtyard, which will help the project to better meet guidelines *Pl: Plan Area Character, E1: The Pedestrian Network, E3: The Sidewalk Level of Buildings, E4: Corners that Build Active Intersections,* and *D5: Crime Prevention.* *This criterion is met.*

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

Findings: The purpose of the bicycle parking standard is to ensure that such parking is designed so bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

The project is requesting a modification to the minimum width of bicycle rack spacing, to reduce the spacing of vertically mounted staggered racks from 24" to 17" on center spacing, and to use two-tier bike racks. Per 33.266.220.C.3.b (and table 266-11), the minimum width for each required bicycle parking rack is 2'-0". In an effort to maximize active ground level uses while still providing convenient ground level bike parking to encourage bike use, the project proposes to reduce the minimum width to 1'-7". As detailed in the package, the DeroDecker bike parking system proposed utilizes a width of bike spacing of 1'-5" which falls below the 2' required width in the code. This system is a high-end, carefully designed and manufactured, efficient bike storage system allowing convenient access to bicycles while claiming a minimal amount of space. The resultant smaller footprint of the required bicycle parking area allows for the desired quantity of bicycles while preserving both active and residential space in the building. This rack configuration has successfully accommodated long term storage in other similar projects.

This criterion is met.

Therefore, this Modification merits approval.

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This proposal offers a dense mixed-use development with an active ground level that will support the adjacent transit and the surrounding neighborhoods. The design includes a large amount of ground level glazing, generous setbacks and canopies for pedestrian protection to activate the two major frontages. Careful design consideration has been given to providing a level of separation for ground level units while providing opportunities to activate the streets with terraces and landscaping. New street trees and generous landscaped outdoor patios, decks and roof terrace will offer a green respite for residents as well as the neighbors. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of Design Review for a new 6-story, mixed-use development.

Approval of a Modification request:

1. Bike parking (PZC Section 33.266.220): To reduce the spacing of vertically mounted staggered racks from 24" to 17" on center spacing, and to use two-tier bike racks.

Approval per the approved site plans, Exhibits C-1 through C-54, signed and dated January 31, 2020, 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 19-187024 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: Grace Jeffreys



Decision rendered by: _____ **on January 31, 2020**
By authority of the Director of the Bureau of Development Services

Decision mailed: February 5, 2020

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 1, 2019** and was determined to be complete on **December 17, 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 1, 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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: April 15, 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 February 19, 2020** 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 **February 19, 2020** 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.

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:

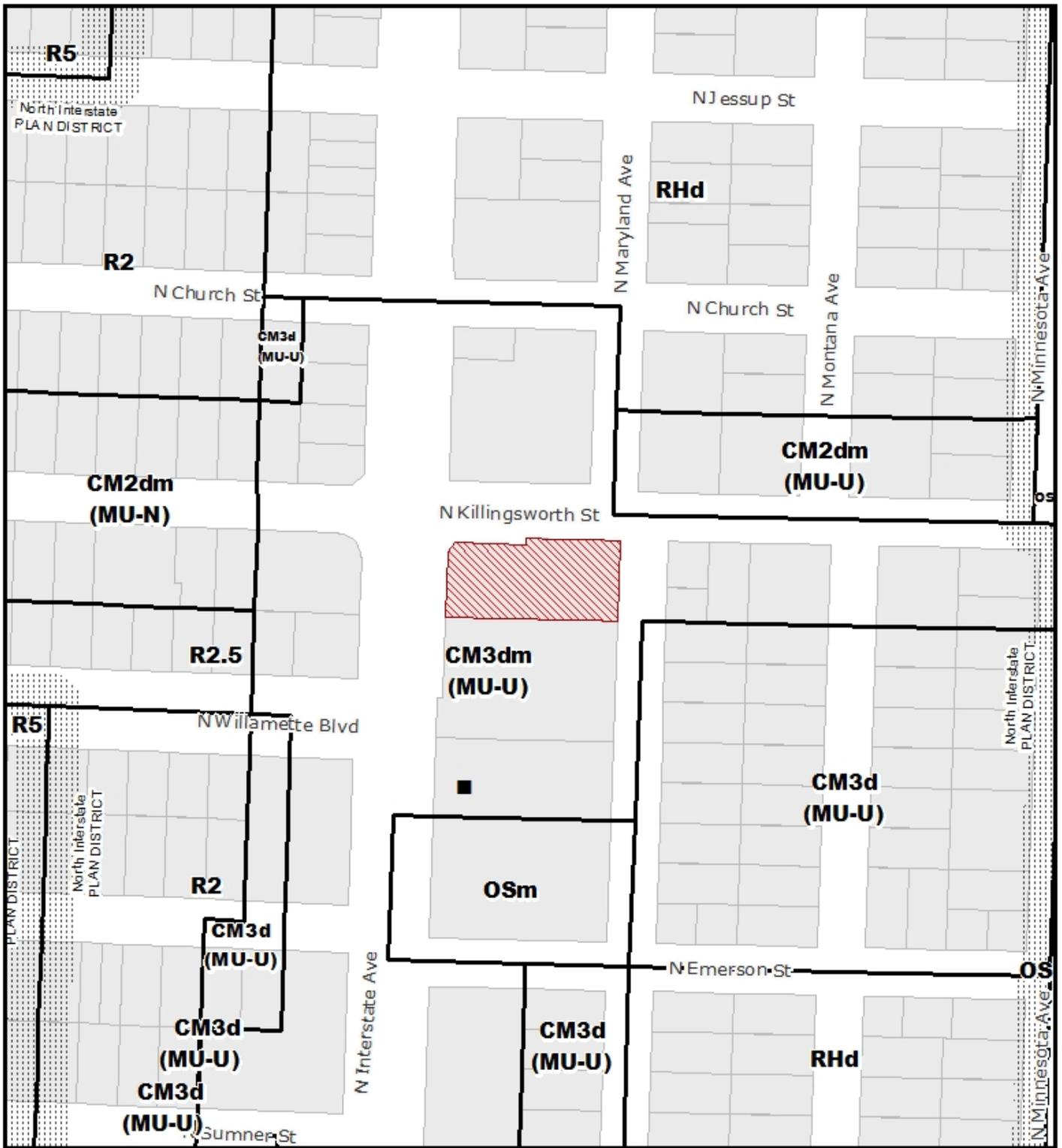
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS - NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Initial submittal, narrative and drawings, 6/26/19
 - 2. Submittal, response to Incomplete letter, narrative and drawings, 8/12/19
 - 3. Email chain regarding modifications, 9/24/19
 - 4. Submittal, response to staff concerns (Exh. G.4), narrative and drawings, dated 9/20 and received 10/17/19
 - 5. Email response to staff concerns, cladding (Exh. G.5), 10/29/19
 - 6. Email response to staff design concerns, 11/7/19
 - 7. Email response to staff concern about vents, 11/14/19
 - 8. Submittal, narrative and drawings, 12/17/19
 - 9. Completeness response, modification narrative, 12/19/19
 - 10. Email chain regarding outdoor areas, 1/27/20
 - 11. Email chain regarding design issues, 1/30/20
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Site Plan – Set-Backs
 - 3. Level 01 Plan
 - 4. Level 01 Mezzanine
 - 5. Level 2 Plan
 - 6. Level 03 - 06 Plan
 - 7. Roof Plan
 - 8. Typical Unit Ducting Plan
 - 9. Elevation - North
 - 10. Elevation - North B&W (attached)
 - 11. Elevation - South
 - 12. Elevation - South B&W (attached)
 - 13. Elevation - East
 - 14. Elevation - East B&W (attached)
 - 15. Elevation - West
 - 16. Elevation - West B&W (attached)
 - 17. Building Section
 - 18. Building Section
 - 19. Building Sections
 - 20. Building Details - Windows
 - 21. Building Details - Windows
 - 22. Building Details - Windows
 - 23. Building Details - Storefronts
 - 24. Building Details - Doors
 - 25. Building Details - Doors
 - 26. Exterior Details - Loft Level Patio South
 - 27. Exterior Details - Loft Level Patio South
 - 28. Exterior Details - Loft Level Patio South
 - 29. Exterior Details - Loft Level Canopy (Typical)
 - 30. Exterior Details - Unit Balcony
 - 31. Materials Palette
 - 32. Existing Landscaping Plan
 - 33. Landscaping Plan
 - 34. Landscaped Area / Outdoor Space Diagram
 - 35. Exterior Lighting Plan
 - 36. Exterior Lighting - RCP
 - 37. Enlarged Plan - Typical Loft Units
 - 38. Enlarged Plan - Typical Unit Layouts
 - 39. Enlarged Plan - Bike Room
 - 40. Product Cutsheet - Exterior Cladding
 - 41. Product Cutsheet - Exterior Cladding / Metal Wall Panel

42. Product Cutsheet - Exterior Cladding / Real Wood Siding
 43. Exterior Cladding Details
 44. Exterior Cladding Details
 45. Exterior Cladding Details
 46. Product Cutsheet - Windows
 47. Product Cutsheet - Doors
 48. Product Cutsheet - Storefront System
 49. Product Cutsheet - Exterior Lighting
 50. Product Cutsheet - Exterior Lighting
 51. Product Cutsheet - Exterior Wall Vent
 52. Exterior Wall Vent
 53. Product Cutsheet - Bike Storage
 54. Product Cutsheet - Bike Storage
- 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. Fire Bureau
 4. Site Development Review Section of BDS
 5. Life Safety Review Section of BDS
- F. Correspondence:
1. Erich Lyttle, 12/26/19, wrote with questions about the affordability of the units.
 2. Suzanne Gibbs, 1/2/20, wrote with concerns about loss of trees, loss of privacy, and lack of parking.
 3. Cameron Casey, 1/14/20, wrote with concerns regarding affordability of units, loss of trees, sustainability, privacy for residents, added traffic impact on school, and parking.
 4. Brandon Zero, 1/14/20, wrote with concerns about loss of trees, added congestion and lack of parking in the area.
 5. Korina Pongracz, 1/14/20, wrote with concerns about loss of trees.
- G. Other:
1. Original LU Application
 2. EA Summary EA 19-150441, June 6, 2019
 3. Incomplete Letter, 7/15/19
 4. Email chain with staff concerns about submittal (Exh. A.2), 8/14/19
 5. Email chain with staff comment about submittal (Exh. A.4), 10/24/19
 6. Email chain with staff comment about cladding (Exh. A.5), 10/24/19
 7. 180 day reminder letter, 11/27/19

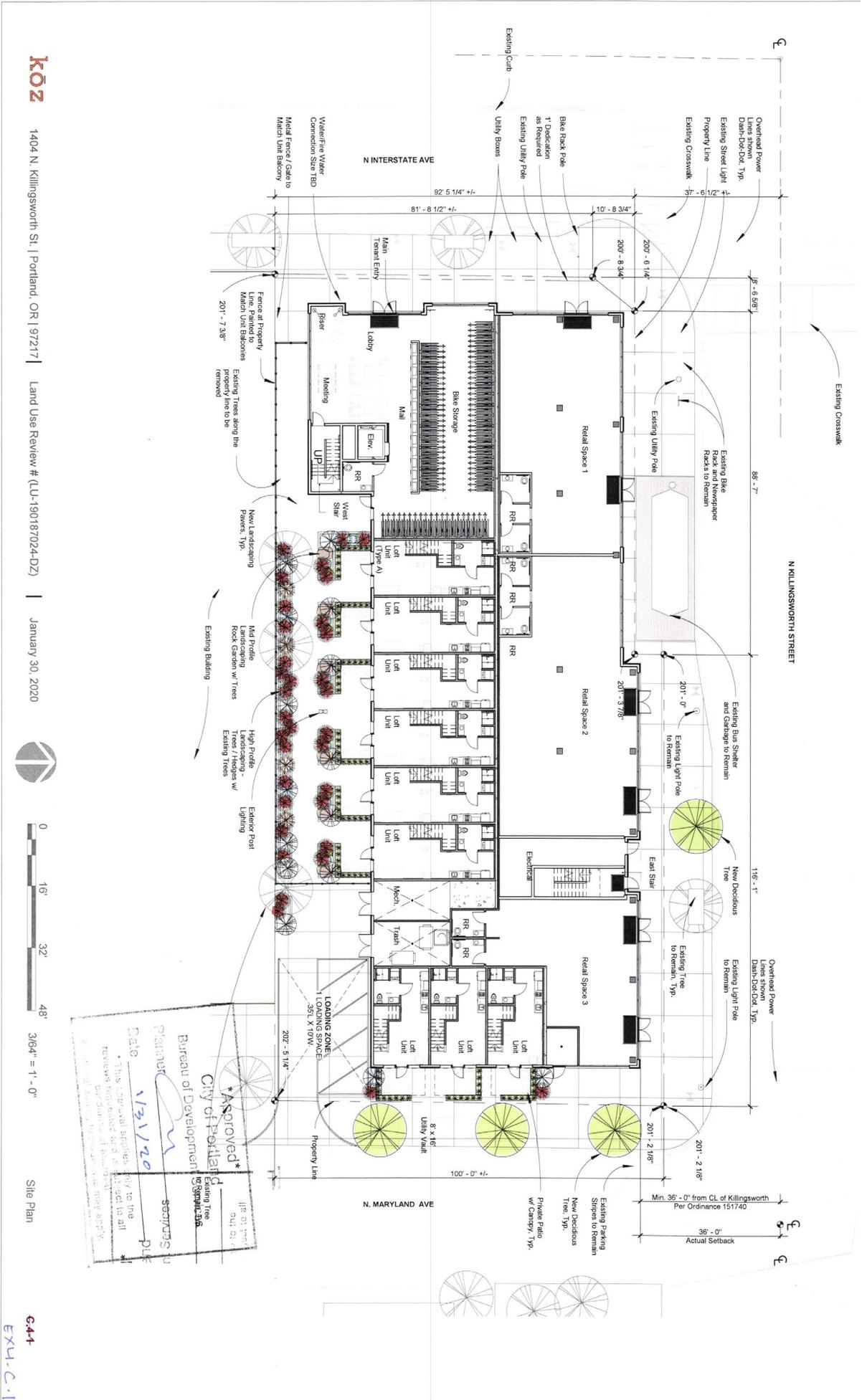
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING 
 NORTH INTERSTATE PLAN DISTRICT

-  Site
-  Historic Landmark

File No.	LU 19-187024 DZM
1/4 Section	2529
Scale	1 inch = 163 feet
State ID	1N1E22BB 8500
Exhibit	B Dec 20, 2019



KOZ 1404 N Killingsworth St. | Portland, OR | 97217 | Land Use Review # (LU-190187024-DZ) | January 30, 2020



0 16' 32' 48' 3/64" = 1" = 0"

Site Plan

APPROVED*

City of Portland
Bureau of Development

Planner: [Signature]
Date: 1/31/20

1/18/20
1/21/20

SECURITY PDK

* This approval applies only to the reviews referenced in this document. Other reviews may apply.

G-44
EX-1-C-1

Note:
 See separate hidden this view
 for clarity of detail, see
 landscaping sheet C-13-1 for
 additional information

220A Metal Ceiling
 Color to Match Dark
 Gray, Typ.

Medium Gray Standing Seam
 Metal Panel (Vertical
 Orientation) with 1/2" Trim,
 Semi-Gloss Finish

White Windows @
 Corners, White, Typ.

Smooth Matte Finish
 Cement Panel w/
 Exposed
 Fasteners, White

Flush Installed Xeol
 Exhaust
 To Match Medium Gray

Exterior Lighting
 Per Plan, Typ.

T & G Cedar Pink Vinyl
 on 18" Concrete Podium

- 1/1 C-11-5, Typ.
- 2/1 C-11-5, Typ.
- 5/1 C-18-6, Typ.
- 3/1 C-18-6, Typ.
- 3/1 C-11-5, Typ.

Steel Canopy,
 To Match Dark
 Gray, Typ.

Vinyl clad Windows @
 Aluminum Panel to
 Match Medium
 Gray, Typ.

Medium Gray Standing Seam
 Metal Panel (Vertical
 Orientation) with 1/2" Trim,
 Semi-Gloss Finish
 Flush Installed Xeol
 Exhaust, To Match White
 Corners

3/1 C-11-5, Typ.
 1/1 C-11-6, Typ.
 2/1 C-11-6, Typ.

Smooth Matte Finish Cement Panel w/
 Exposed Fasteners, White
 Ground Level

Approved
 City of Portland
 Bureau of Development Services

Planner: *[Signature]*
 Date: 1/31/20

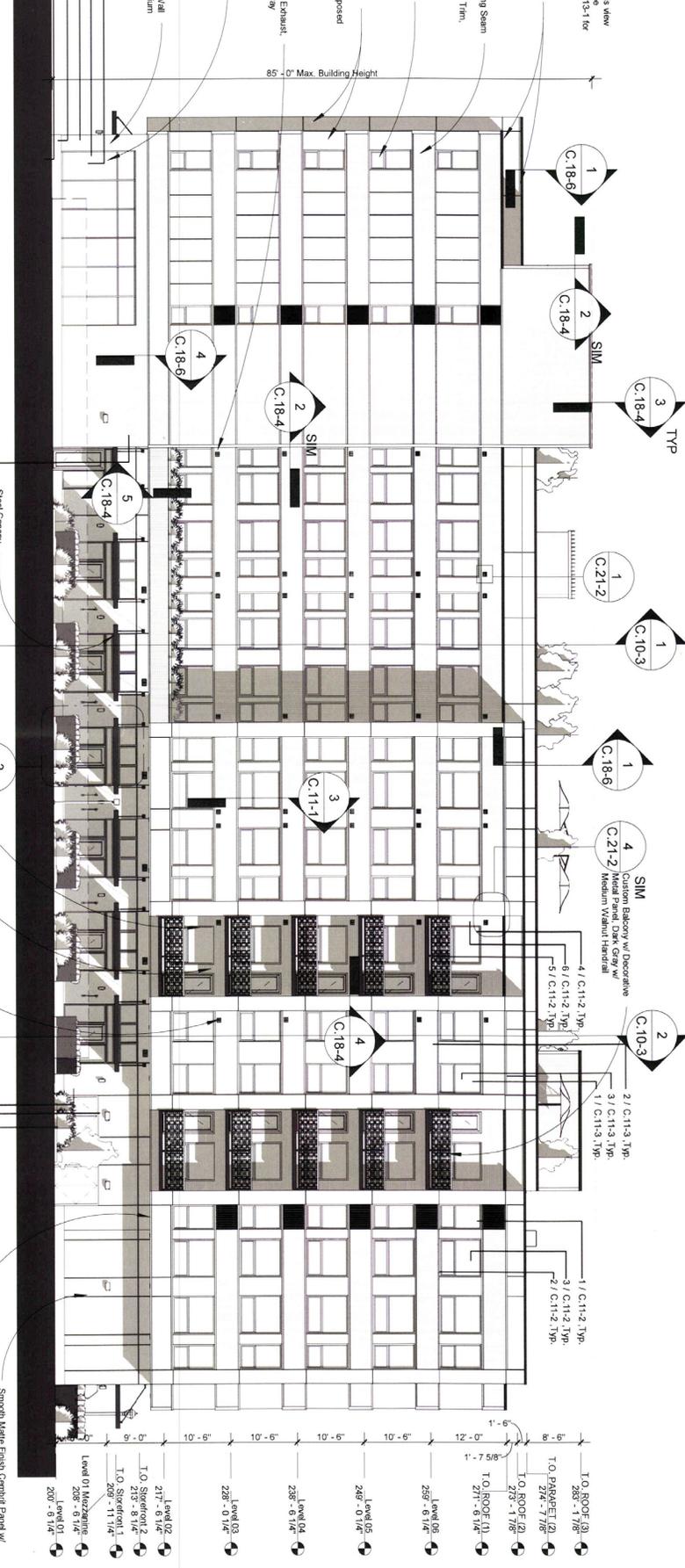
* This approval applies only to the
 reviews requested and is subject to all
 conditions of approval.
 Additional zoning requirements may apply.



1/16" = 1' - 0" Elevation - South B&W

EXH. C.12

C-7-2



- T.O. ROOF (3) 283' - 1 7/8"
- T.O. PARAPET (2) 274' - 7 7/8"
- T.O. ROOF (2) 273' - 1 7/8"
- T.O. ROOF (1) 271' - 6 1/4"
- Level 06 259' - 9 1/4"
- Level 05 249' - 0 1/4"
- Level 04 238' - 6 1/4"
- Level 03 228' - 0 1/4"
- Level 02 217' - 6 1/4"
- T.O. SLOPE 213' - 8 1/4"
- T.O. STAIRWELL 209' - 11 1/4"
- Level 01 Mezzanine 207' - 1 7/8"
- Level 01 200' - 6 1/4"

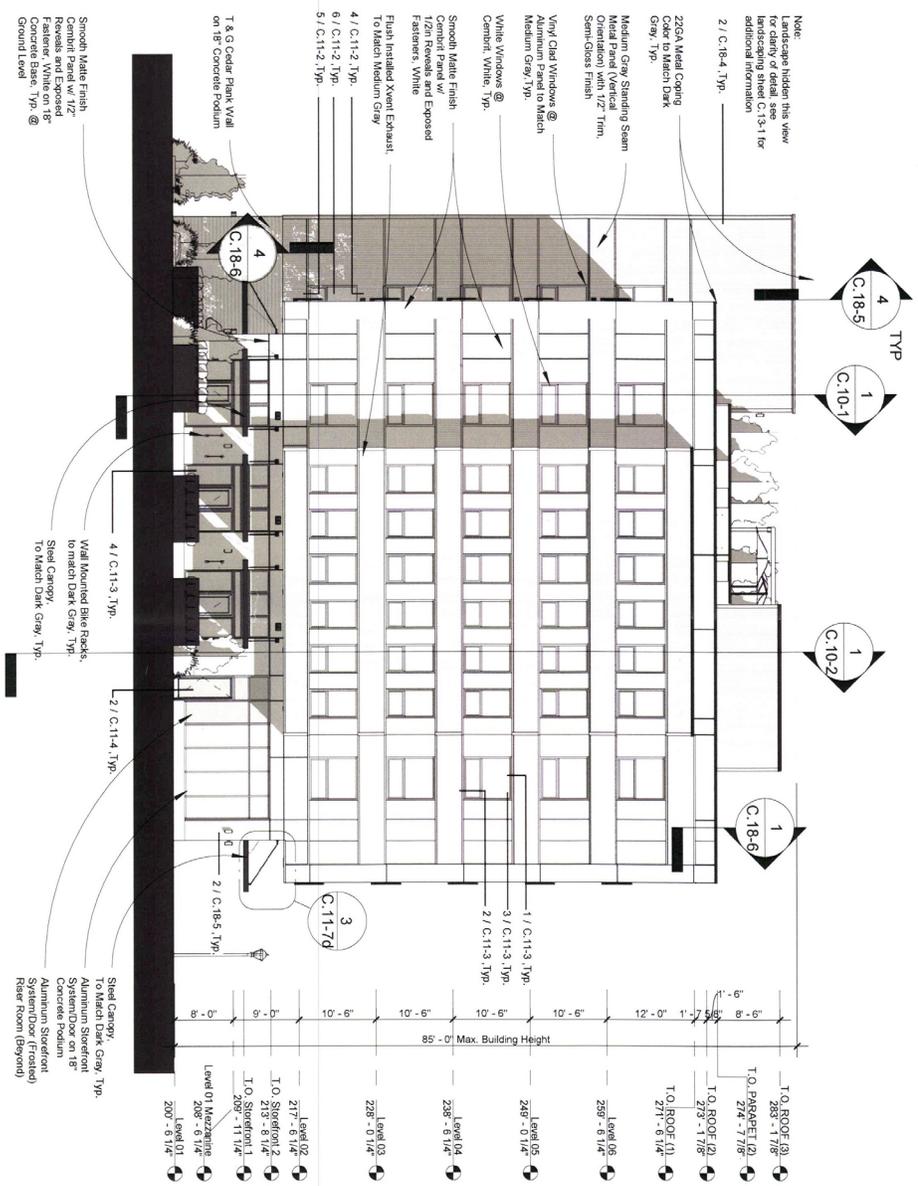


1/16" = 1' - 0"

Elevation - East B&W

68-2

EXH. C.14



Approved
 City of Portland
 Bureau of Development Services
 Planner _____
 Date 1/31/20

* THIS APPROVAL EXPIRES UNLESS THE REVIEWER REQUESTS A RE-EVALUATION TO ALL CONTRIBUTORS OF INFORMATION ON 12/31/20.

Approved by: _____
 Date: _____

