

City of Portland

Bureau of Development Services

Land Use Services Division

1900 SW Fourth Ave. Suite 5000 Portland, Oregon 97201 Telephone: 503-823-7300 TDD: 503-823-6868

FAX: 503-823-5630 www.portlandonline.com/bds

Date: November 28, 2008 **To:** Interested Person

From: Chris Beanes, Land Use Services

503-823-7983 / chris.beanes@ci.portland.or.us

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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-150202 DZ, FAÇADE MATERIAL REPLACEMENT

GENERAL INFORMATION

Applicant: Wayne Armstrong Tel: 503.796.0902

Armstrong Stafford LLC, Owner 2225 NE M L King Blvd #200 Portland, OR 97212-3727

Representative: Chris Spurgin, Tel: 503.239.1987

Deca Architecture Inc, Architect

935 SE Alder St Portland, OR 97214

Site Address: 4011 NE Martin Luther King Boulevard

Quarter Section: 2630

Legal Description: LOT 5&6 BLOCK 2, ALBINA HMSTD; LAND ONLY LOT 7&8 BLOCK 2,

ALBINA HMSTD: IMPS ONLY LOT 7&8 BLOCK 2, ALBINA HMSTD

Tax Account No.: R010501050, R010501070, R010501071

State ID No.: 1N1E22DA 13200, 1N1E22DA 13300, 1N1E22DA 13300A1

Neighborhood: King, contact Erik Emerick at 503-504-0401.

Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321. **District Coalition:** Northeast Coalition of Neighborhoods, contact Lauren McCartney at

503-823-4135.

Plan District: Albina Community Plan District

Zoning: RHd, High Density Residetial with design review overlay

Case Type: DZ, Design Review

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

Commission.

Proposal:

The applicant proposes changes to exterior cladding materials approved under LU 06-178089 DZM. Previous materials included cast in place concrete at the base, brick veneer,

cementitious panels, and metal panels. Revisions proposed include the following for north, south, east, and west facades:

- Where brick veneer was previously proposed, a replacement material of a 22 gauge nonglare 11" wide horizontal metal siding with concealed fasteners, 1-inch reveals between each horizontal course, and a three piece horizontal fin delineating each floor level; and
- Where all-composite metal paneling was proposed, a substitution of vertically-mounted/oriented metal siding; and
- Where aluminum windows were specified, fiberglass windows will be used;
- Upper unit windows will be changed to fiberglass;
- Parking lot canopies have been eliminated; and
- Louver location changes.

Because the proposal is for an alteration to previously approved new construction within a design overlay zone, Design Review is required.

Relevant Approval Criteria:

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

■ Chapter 33.825 Design Review

Community Design Guidelines

ANALYSIS

Site and Vicinity: The 31,500 square foot lot is located on the corner of NE Martin Luther King Boulevard and NE Shaver Street, and lies within the Albina Community Plan District. The site is currently under construction with the foundation and elevator core shaft visibly rising from the site.

The 35,860 square-foot site is located in the Albina Community Plan District at the southern half of the block bound by NE Failing Street to the north, NE Martin Luther King Jr. Blvd to the east, NE Beech Street to the south, and NE Garfield Avenue to the west. The site is currently vacant and there are two residential structures located on the southwest corner of the block. The northeast quarter of the block is developed with three commercial structures and surface parking, and the northwest quarter of the block contains two residential structures. Portland's Transportation System Plan classifies NE MLK Blvd as a Major Traffic Street, Major Transit Priority Street, City Bikeway, City Walkway, and Regional Main Street. NE Beech Street is designated as a Local Service Bikeway and Local Service Walkway.

Zoning: The RH zone is a high density multi-dwelling zone. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use is regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high-rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services.

Land Use History: City records indicate there was a prior land use review for this site, but it included a large area of the Albina Community Plan District. LUR 96-00574 ZC, CP was a 1996 review to change the zoning for all of the properties along NE MLK Boulevard between NE Fremont and NE Wygant. There was also an optional pre-application conference in 2006 (PC 06-163215) specific to the current site.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **August 13, 2008**. The following Bureaus have responded with no issues or concerns:

<u>The Life Safety Plans Examiner of the Bureau of Development Services</u> responded with the following comment: "It is recommended the applicant contact the project Process Manager to arrange a Preliminary Fire and Life Safety Meeting". See Exhibit E.1 for details.

The <u>Portland Fire & Rescue</u> responded with the following comment: "Dead-end fire apparatus access roads in excess of 300 feet in length shall be provided with an approved area for turning around fire apparatus. See Fire Code Appendix D for approved turnaround dimensions." See Exhibit E.2 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 13, 2008. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review Section 33.825.010 Purpose of Design Review

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

Section 33.825.055 Design Review Approval Criteria

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

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

Community Design Guidelines

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

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

- **P1. Plan Area Character.** Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.
- **D7. Blending into the Neighborhood.** Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.
- **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 for P1, D7 and D8: The Albina Community Plan Area was originally developed with pedestrian-oriented streetcar era commercial buildings along major corridors, most of which had upper-level residential uses. The proposal will support those historic development patterns by creating a pedestrian-oriented building along

NE MLK Jr. Boulevard. The building is to be residential in use, but includes the common-use areas at the ground floor such as the lobby, office areas, and meeting room.

No change is proposed to the base of the building, which has been reviewed and approved under the previous Design Review for the building. The design of each building elevation continues to respond to the character of the areas they face, while maintaining a coherent composition. The east elevation, facing MLK, is more open and public, with large expanses of storefront glazing. While the west elevation facing is more modest, responding the residential character west of the site. The previous palette of materials included brick veneer, metal panels, and fiber cement. The main difference proposed is the change from a mixed material façade of brick and metal, to an all metal façade, not including the concrete base.

The overall composition of the façade includes distinct elements which are expressed with materials, finishes, and colors unique to each element. In addition, layers are represented by each material, enhancing the building's clear composition. The main body of the building, with its overall horizontal composition is reflected in horizontal metal siding with one inch reveals between each course, giving the material a distinct solid/shadow appearance, extending the horizontal nature of the material. The metal panels consist of 22 gauge non-glare 11" wide horizontal metal siding with concealed fasteners, 1-inch reveals between each horizontal course, and a three piece horizontal fin delineating each floor level. This treatment provides texture to the building. The horizontal fins will delineate each floor level, providing clear modular structure to the façade. One-inch vertical joints signal the edge of bay locations, material shifts, and transition to the recessed fiber cement material.

The fiber cement recessed skin provides a contrasting underlayer to the horizontal metal skin with vertical element punctuating the façade. The material is recessed at various depths within the façade, providing some protection from the elements. The accents terminate at the top floor and are capped by a monumental cornice of a vertically-oriented metal panel system that gives a quilt-like appearance to the final distinct element of the façade composition.

While the main body of the building expresses overall horizontality, the metal skin element expresses a vertical orientation, and provides a "wrapping" effect to the disparate elements, seamlessly tying them together. The element meets the concrete base at various locations on the façade, and rises dramatically to the terminating cornice level, which is entirely composed of the metal product. The grid-like nature of the skin is composed of upended rectangles, providing visual interest and further informing the nature of the material and its place within the composition.

The building's durable material palette creates an interesting and cohesive composition. Details provided by the applicant reflect a high level of resolution and further the original intent of the building's material composition. The use of the materials will ensure the project's long lasting contribution to the district. *Therefore these guidelines are met.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The 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 metal panels, fiber cement and fiberglass windows employ high-quality materials and are compatible with the design of the existing building. Design details provided by the applicant show a level of resolution in employing the new materials to further the original design intent. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of:

Material replacement to the cladding and windows for north, south, east, and west facades:

- Where brick veneer was previously proposed, a replacement material of a 22 gauge nonglare 11" wide horizontal metal siding with concealed fasteners, 1-inch reveals between each horizontal course, and a three piece horizontal fin delineating each floor level; and
- Where all-composite metal paneling was proposed, a substitution of verticallymounted/oriented metal siding;
- Where aluminum windows were specified, fiberglass windows will be used;
- Upper unit windows will be changed to fiberglass;
- Parking lot canopies have been eliminated; and
- Louver location change.

Approval per the approved site plans, Exhibits C-1 through C-6, signed and dated November 25, 2008, subject to the following conditions:

A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-150202 DZ . No field changes allowed."

Decision rendered by:

_ on November 25, 2008

By authority of the Director of the Bureau of Development Services

Decision mailed: November 28, 2008

Staff Planner: Chris Beanes

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 29, 2008, and was determined to be complete on **August 8, 2008**.

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 29, 2008.

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.

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 December 12, 2008 at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. 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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- Unless appealed, The final decision may be recorded on or after **December 15, 2008 (the day following the last day to appeal).**
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034 For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

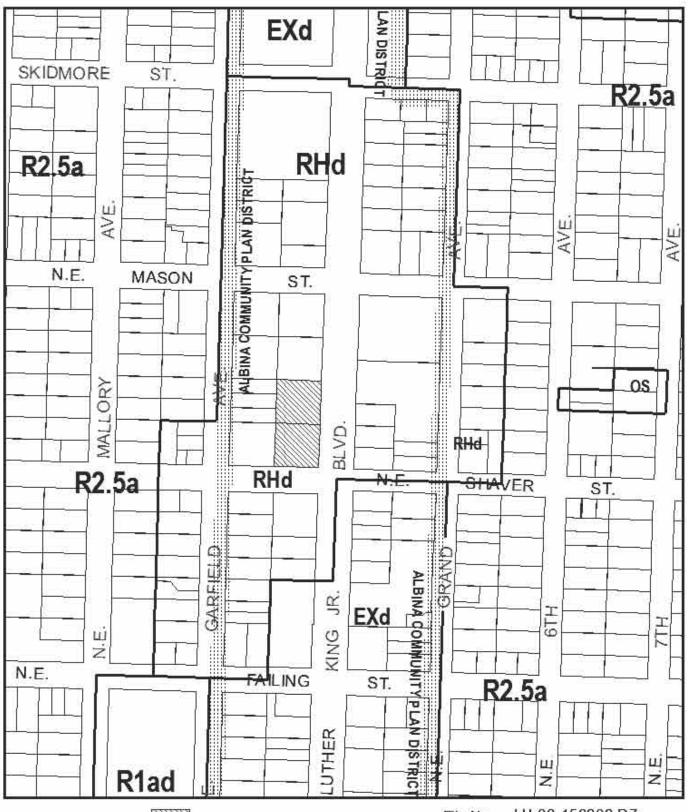
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. East Elevation (attached)
 - 2. South Elevation (attached)
 - 3. North Elevation (attached)

- 4. West Elevation (attached)
- 5. Design Details (attached)
- 6. Design Details (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Fire Bureau
 - 3. Site Development Review Section of BDS
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



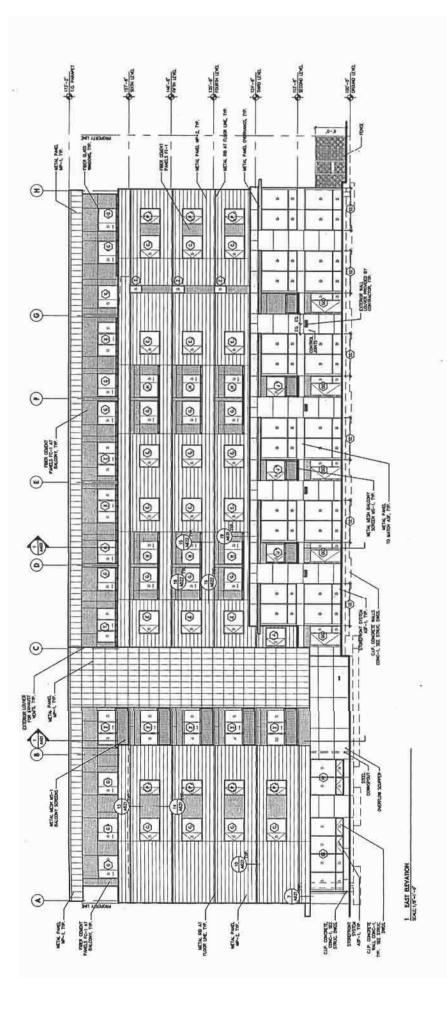
ZONING



File No. LU 08-150202 DZ

1/4 Section 2630
Scale 1 inch = 200 feet
State_Id NONE
Exhibit B (Aug 04,2008)





deca Architecture: Inc 13 State See Fedan Corpore 174 A 23 27 February Dec 23 27 February

Shaver Green

DESIGN REVIEW

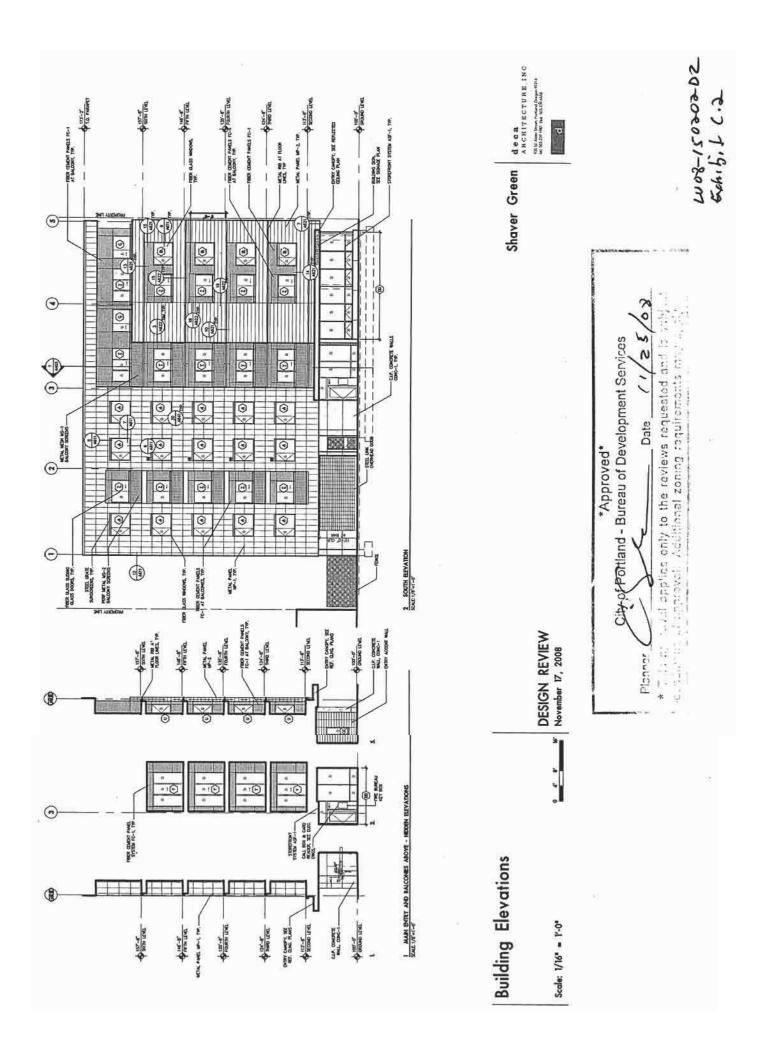
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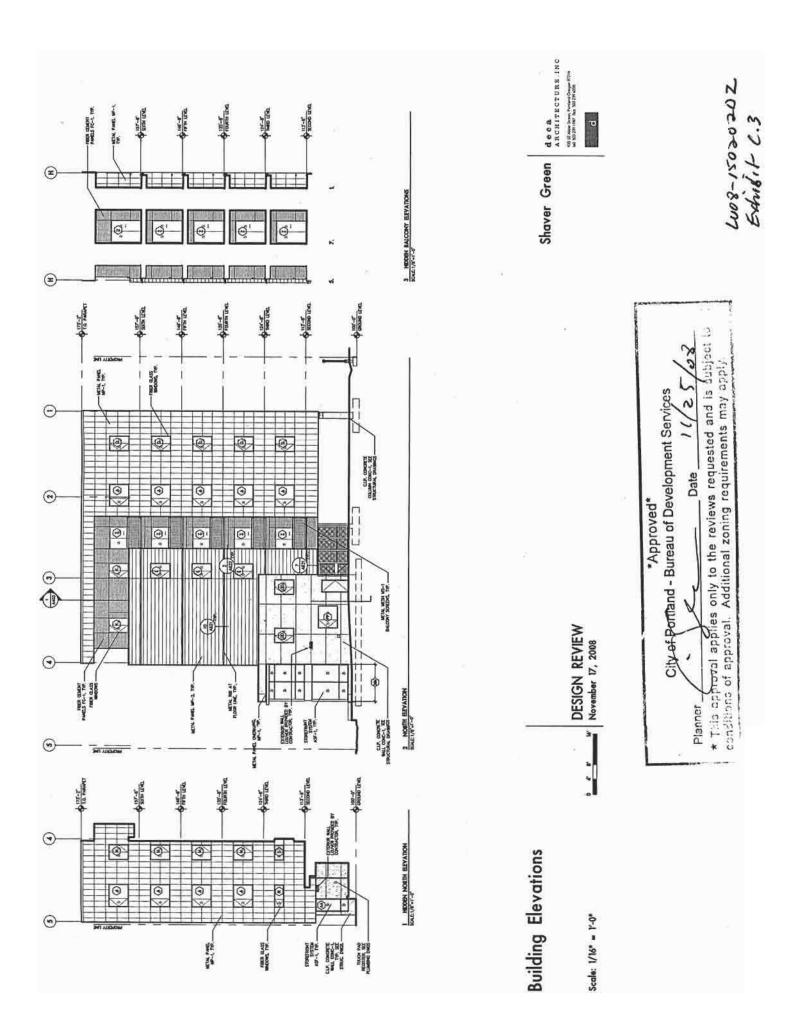
Building Elevations

City of Portland - Bureau of Development Services

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

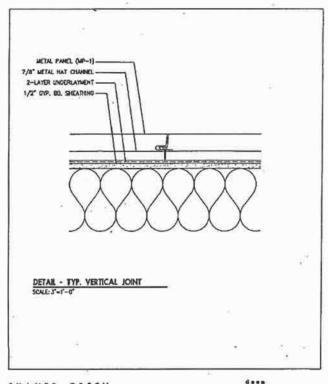
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Design Details, keyed to Elevations

LU 08-150202 DZ



DETAIL - TYP. HORIZONTAL JOINT

SCALE 3'=1'-0'

SHAYER GREEN

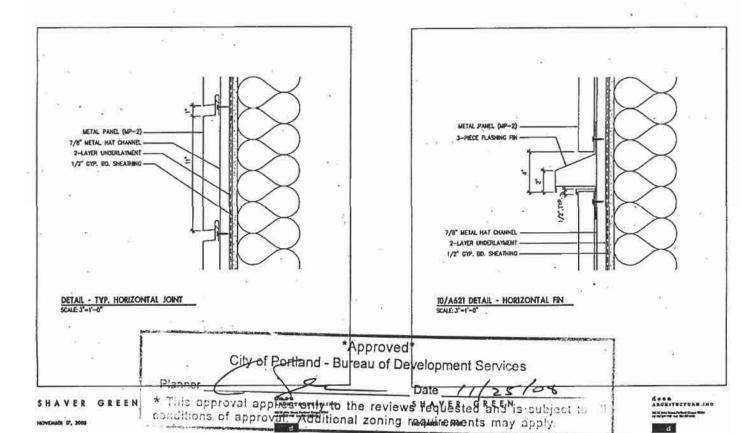
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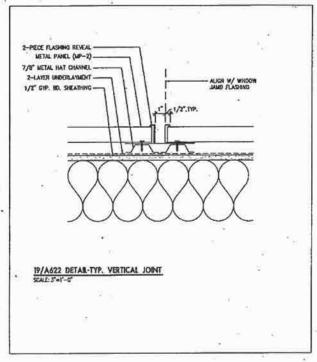
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6xhibit C.5

Design Details, keyed to Elevations

LU 08-150202 DZ



PREFICUASS WARDOW

SEALANT WOOD SEL

WETAL SEL PASHING
W/PID CLOSURGS.
SLOPE AWAY

NETAL PANEL

6/A611 DETAIL - TYP. WINDOW SEL

SCALE 5'-1'-0'

SHAVER GREEN

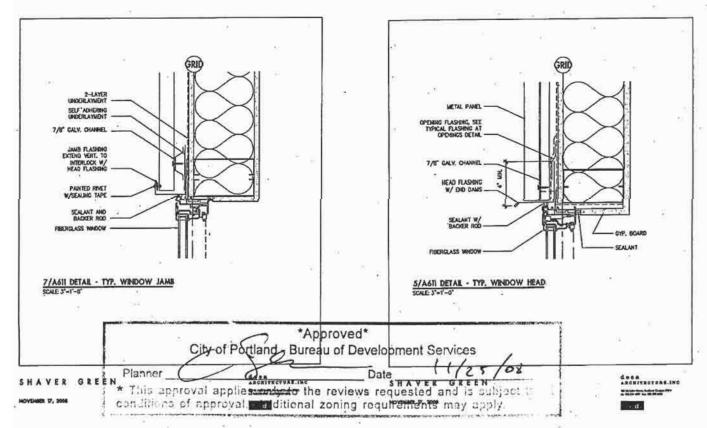
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