



City of Portland, Oregon
Bureau of Development Services
Land Use Services

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Date: November 17, 2008
To: Interested Person
From: Chris Caruso, Land Use Services
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FINAL DECISION BY THE DESIGN COMMISSION
RENDERED ON November 6, 2008

CASE FILE NUMBER: LU 08-133881 DZM AD
EA 07-155522 PC

Cosmopolitan Tower

GENERAL INFORMATION

Applicant: Tom Gibbons (architect)
LRS Architects
720 NW Davis, Suite 300
Portland, OR 97209
(503) 221-1121

Representative: Keith Vernon (owner's representative)
Weston Investment Co., LLC
2154 NE Broadway
Portland, OR 97232
(503) 284-9005

Karl Dinkelspiel
Portland Development Commission
222 NW 5th Ave
Portland, OR 97209-3812
(503) 823-1354

Site Address: 1010 NE GRAND AVE

Legal Description: LOT 1&2 BLOCK 45, HOLLADAYS ADD; N 30' OF W 20' OF E 1/2 OF LOT 3 BLOCK 45 W 1/2 OF LOT 3&4 BLOCK 45, HOLLADAYS ADD; E 30' OF LOT 3 BLOCK 45 S 20' OF W 20' OF E 50' OF LOT 3 BLOCK 45 E 50' OF LOT 4 BLOCK 45, HOLLADAYS ADD

Tax Account No.: R396200550, R396200570, R396200580
State ID No.: 1N1E35BB 03500, 1N1E35BB 03700, 1N1E35BB 03600
Quarter Section: 2931

Neighborhood: Lloyd District Community, contact William Ruff at 503-221-1121.
Plan District: Central City - Lloyd District
Zoning: CXd - Central Employment with design overlay
Case Type: DZM AD - Design Review with Modifications and Adjustments

Procedure: Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

Proposal:

The proposal is for a new 31-story mixed-use building consisting of a 3-story podium and a 28-story residential tower. The building occupies the western half of the block bounded by NE Grand Avenue, NE Hassalo Street and NE Holladay Street which fronts on the MAX line. The podium has ground-floor retail, 2 levels of parking above grade and 3 levels of parking below. The residential tower contains 216 one and two bedroom units. Parking and loading will be accessed from NE Grand Avenue. The 221 parking spaces will be for residential tenants only, no parking is being provided for retail uses or building visitors.

Exterior building finishes include commercial storefront at the ground level, a mix of pre-cast concrete panels and suspended art glass panels at the podium levels, and a glass curtainwall and metal panel system at the tower. The pre-cast panels are also used as mechanical screens on the roof. Balconies with clear glass railings are provided at each residential floor. The main residential lobby entry will be at the southwest corner of the building, beneath a two-story art glass enclosure. The building is topped by a translucent mechanical screen at the southwest corner that will be lit as an architectural feature. Other architectural lighting includes uplights onto the podium and downlights from the parking entry canopy and the main residential lobby entry canopy. Canopies will also be provided at the street level retail storefront bays.

The mass of the tower above the podium is pulled to the southern half of the site, allowing for a large roof terrace on northern portion of the 4th floor. Another roof terrace is provided at the top floor of the tower. Vertical landscape trellises are being placed on the inside east podium wall which faces the adjacent Cascadian Court Condominium building.

Modification requests [PZC 33.825.040]:

1. a. Allow the rooftop mechanical enclosure to be within 15 feet of the roof edge that is parallel to the street lot lines (33.130.210.B.2).
b. Allow stairwell enclosures and other rooftop mechanical equipment to cover more than 10% of roof area and extend more than 10 feet above the height limit, in this case to 55% roof area coverage and 22 feet above the height limit. (33.130.210.B.2)
2. Allow the flagpole to rise more than the 10 foot height limit for rooftop projections to 58 feet above the roof top (33.130.210.B.1).
3. Reduce the amount of ground windows required along Hassalo Street from 50% of the length and 25% of the ground level wall area to 13% of the length and 12% of the ground level wall area (33.130.230.B).
4. Reduce the amount of ground floor active area along Hassalo Street from 50% to 22%. (33.510.225.C).

Adjustment request [PZC 33.805]:

1. Reducing the number of required loading spaces from two to one (33.266.310.C.2).

Relevant Approval Criteria:

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

- 33.510 Central City Plan District
- 33.805 Adjustments
- 33.825 Design Review
- 33.825.040 Modifications That Will Better Meet Design Review Requirements
- Central City Fundamental Design Guidelines
- Special Design Guidelines for the Design Zone of the Lloyd District of the Central City Plan

DESIGN COMMISSION DECISION

It is the decision of the Design Commission to approve Design Review for the 31-story, 272,916 SF, mixed-use Cosmopolitan Tower consisting of a 28-story residential tower, a 3-story parking and retail podium, 3-stories of below-grade parking plus 1 mezzanine level of bicycle parking and building equipment rooms; built on the western half of the block bounded by NE Holladay, NE Hassalo, and NE Grand in the Lloyd Subdistrict of the Central City Plan District;

Approval for the following Modification requests:


- 1a. Locate rooftop mechanical enclosure within 15 feet of the roof edge that is parallel to the street lot lines (PZC 33.130.210.B.2);
- 1b. Increase the percentage of rooftop mechanical equipment from 10% to 55% of the total roof area and increase the height of the enclosure from 10 feet to 22 feet (PZC 33.130.210.B.2);
2. Increase the height of the flag pole to 43'-6" above the 10 foot maximum height standard (PZC 33.130.210.B.1);
3. Reduce the percentage length and area of ground floor windows along NE Hassalo Street from 50% of the length and 25% of the wall area to 13% of the length and 12% of the wall area; and
4. Reduce the percentage of ground floor active use along NE Hassalo Street from 50% to 22% (PZC 33.130.230) (PZC 33.510.225);

Approval of the Adjustment request to reduce the number of required number of loading spaces from 2 to 1 (PZC 33.266.310.C.2.b);

Approval of Bonus Height of 75 feet (PZC 33.510.210.E); and

Approval subject to the following conditions:

- A.** As part of the building permit application submittal, the following development-related conditions (B) 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 08-133881 DZM AD". All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED".
- B.** No field changes allowed.

By: 
Lloyd Lindley, Design Commission Chair

Application Filed: June 3, 2008
Decision Rendered: November 6, 2008

Decision Filed: November 7, 2008

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 June 3, 2008, and was determined to be complete on **August 28, 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 June 3, 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 waived the 120-day review period, as stated with Exhibit G-3.

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. This report is the final decision of the Design Commission with input from other City and public agencies.

Conditions of Approval. This approval 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.

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. Appeals must be filed by 4:30 pm on December 1, 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. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case at our office, 1900 SW Fourth Avenue, Suite 5000, Portland Oregon, 97201.

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 City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing, one in which new evidence can be submitted to City Council.

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$13,163.50 will be charged.**

Neighborhood associations and low-income individuals may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth

Ave., First Floor. Fee waivers for low income individuals must be approved prior to filing your appeal; please allow three working days for fee waiver approval. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

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 2, 2008**.
- 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 must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

Chris Caruso
November 13, 2008

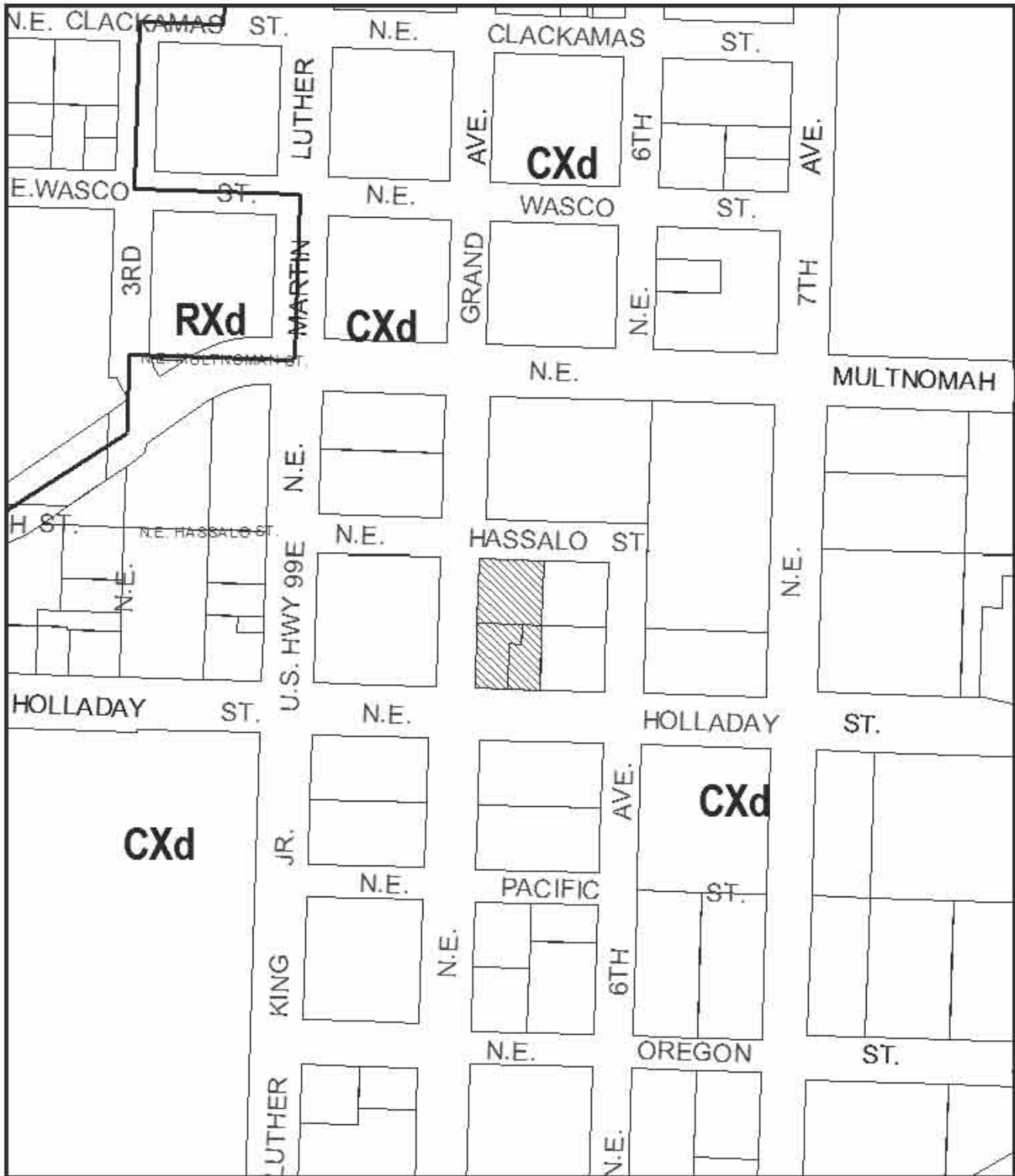
The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plan & Drawings
 - 1. Site Plan (attached)
 - 2. Massing and Tower Day Views
 - 3. Tower Day and Night Views
 - 4. Tower Day and Night Views
 - 5. Podium Tower Lobby (Night)
 - 6. Podium (Night)
 - 7. Podium Day Views
 - 8. Zoning and Statistics
 - 9. Floorplans LVL P1 to LVL 3
 - 10. Floorplans LVL 4 to 31
 - 11. Elevations West and South [attached]
 - 12. Elevations East and North [attached]
 - 13. Sections A & B
 - 14. Section F
 - 15. Section G
 - 16. Enlarged West Elevation Details
 - 17. Enlarged East Elevation Details
 - 18. Enlarged South and North Elevation Details
 - 19. Lighting Plans
 - 20. Landscape Plans
 - 21. Shadow Study
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailed notice
 - 6. Mailing list
- E. Agency Responses:
 - 1. Life Safety Review Section of BDS
 - 2. Bureau of Police
 - 3. Bureau of Transportation Engineering and Development
 - 4. Fire Prevention Division of the Fire Bureau
- F. Letters - none
- G. Other
 - 1. Original LUR Application
 - 2. Site History Research
 - 3. 120 Waiver signed June 3, 2008
 - 4. Preliminary Stormwater Management Report July 31, 2008
 - 5. Kittelson & Associates Parking Garage and Loading Evaluation July 23, 2008
 - 6. August 20, 2008 Applicant response to Incomplete Letter
 - 7. Incomplete Letter June 20, 2008
 - 8. Bureau responses to Request for Completeness notices (4 pages)

9. May 5, 2008 Letter to the Lloyd District Community Association
10. Pre-Application Conference Summary Report September 28, 2007
11. Design Advice Request Summary memo December 20, 2007
12. Design Advice Request Summary memo March 11, 2008
13. Early Assistance Application
14. May 19, 2008 letter from the Lloyd TMA
15. June 26, 2008 letter from the Streetcar Loop Project Advisory Committee
16. August 18, 2008 letter from the Unit Owners of Cascadian Court Condominiums
17. May 5, 2008 Lloyd District Community Association letter
18. October 6, 2008 Staff Memo to Design Commission
19. October 29, 2008 Staff Memo to Design Commission
20. October 16, 2008 Staff Report and Recommendation to the Design Commission
21. October 16, 2008 Staff Power Point
22. November 14, 2008 Final Findings and Decision By The Design Commission

cc: Applicants and Representatives
Neighborhood Associations
Those who testified, orally or in writing
City Auditor's Office
Development Services Center
BDS Staff for Bureau of Buildings
BDS Staff for Commission Book



ZONING

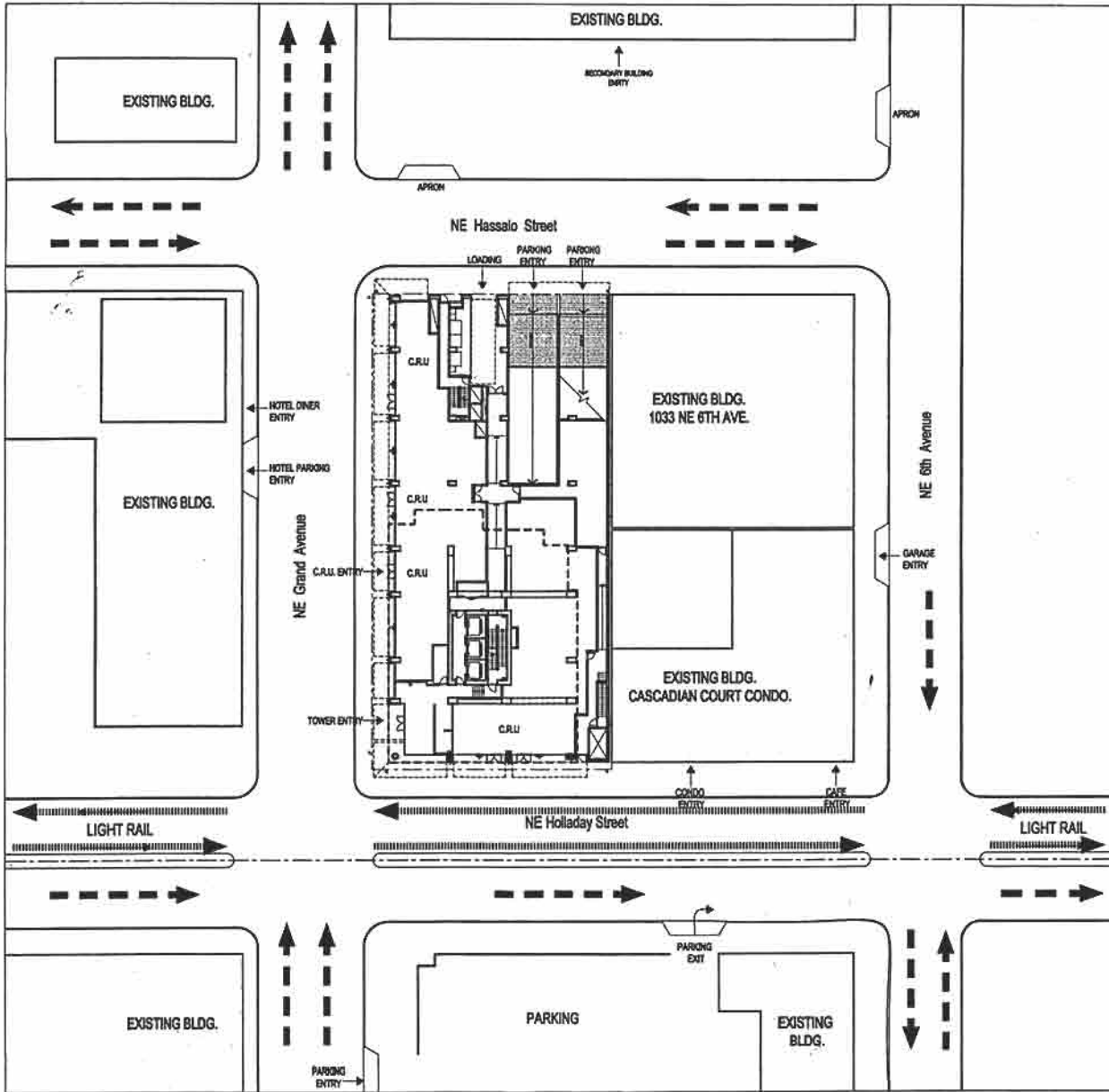
 Site



This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No. LU 08-133881 DZM, AD
 1/4 Section 2931
 Scale 1 inch = 200 feet
 State Id 1N1E35BB 3700
 Exhibit B (Jun 05, 2008)

SITE PLAN
 SCALE: 1/32" = 1'-0"



CAR TRAFFIC DIRECTION
 LIGHT RAIL TRAFFIC

Approved

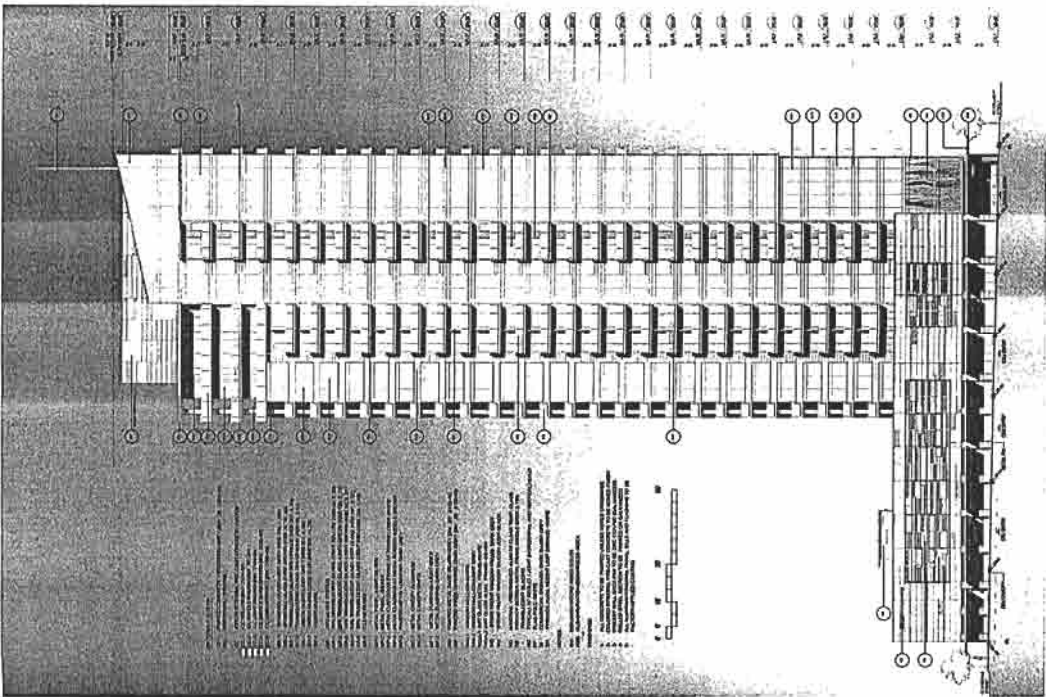
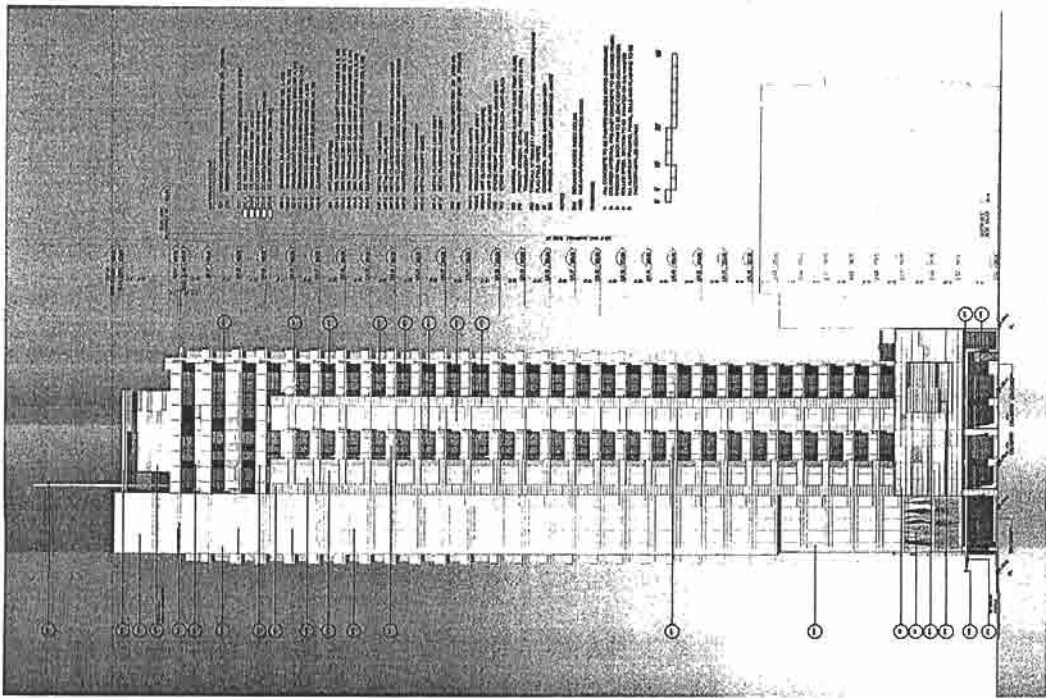
City of Portland - Bureau of Development Services

Planner CHRIS CARUSO Date 11/6/08

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

THE COSMOPOLITAN TOWER
 SITE ELEVATION 01-04

D.12
 ELEVATION



Approved
 City of Portland - Bureau of Development Services
 Planner CHRIS CRAMER Date 11/6/08
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

EXH C-33

DESIGN REVIEW LU 08-133881 DZMAD
 C1708 REV 1.03

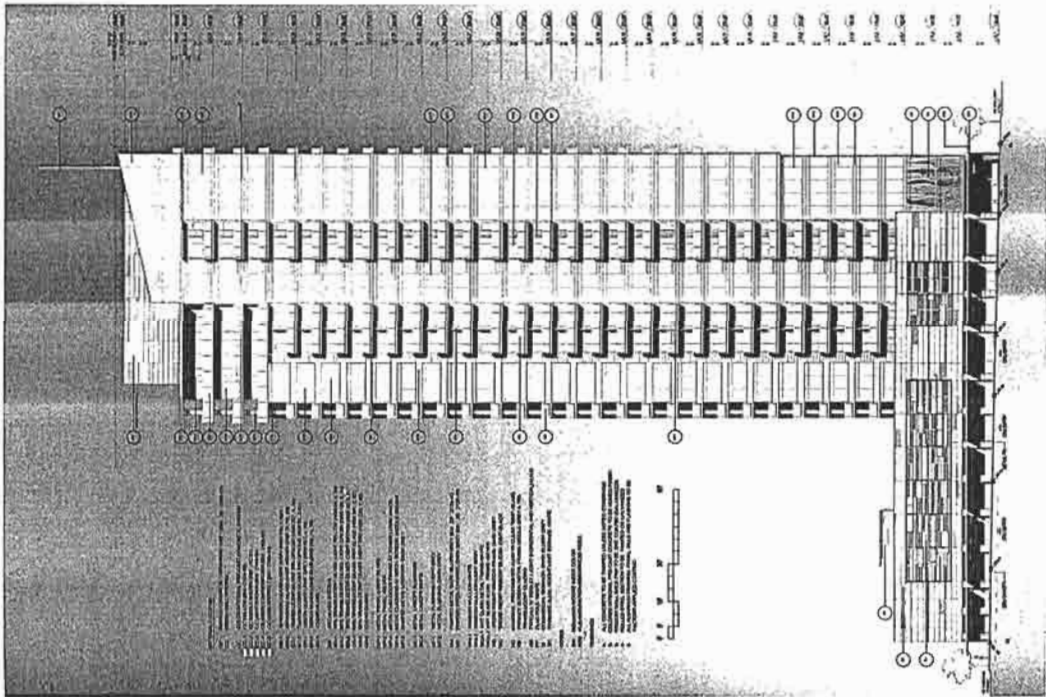
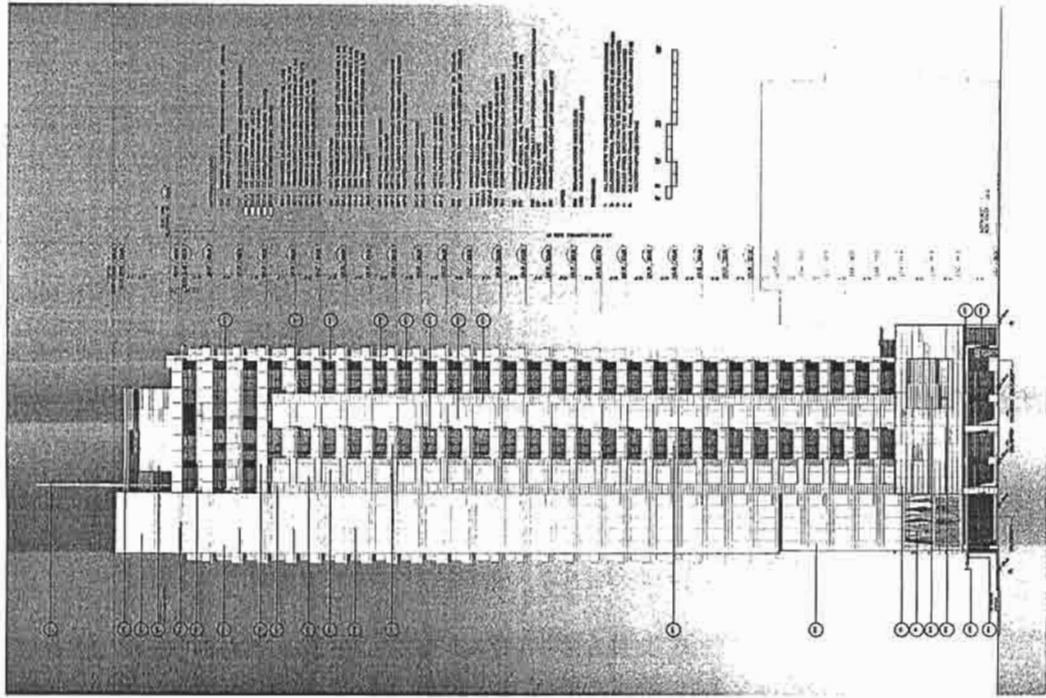
SOUTH ELEVATION
 SCALE 1/8\"/>

WEST ELEVATION
 SCALE 1/8\"/>



THE COSMOPOLITAN TOWER
 THE COSMOPOLITAN TOWER

D.12
 ELEVATION



"Approved"
 City of Portland - Bureau of Development Services
 Planner: CHRIS CRAUSO Date: 11/6/08
 * This approval applies only to the reviews requested on this drawing.
 conditions of approval. Additional zoning requirements may apply.

EXH C-353
 DESIGN REVIEW LU 08-133881 DZMAD
 OCTOBER 11, 2008

WEST ELEVATION
 SCALE 3/8" = 1'-0"

Architect: [unreadable]
 Date: [unreadable]
 Project: [unreadable]