



City of Portland  
**Bureau of Development Services**  
Land Use Services Division

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**Date:** December 22, 2008  
**To:** Interested Person  
**From:** Noelle Elliott, 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 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 08-135305 DZM AD - THE PRESCOTT MIXED-USE DEVELOPMENT AT 4312 N INTERSTATE**

**GENERAL INFORMATION**

**Applicant:**

Fern Valley Properties LLC 4073 N Montana Ave Portland, OR 97227-1123	Sierra Construction Company 19900 144th Ave NE Woodinville, WA 98072
Ivy Street Partners LLC 19900 144th Ave NE Woodinville, WA 98072	Roger Collins, Prescott Partners LLC 19900 144th Ave NE Woodinville, WA 98072

**Representative:** Nathan Cox, Myhre Group Architects, 503-236-6000  
700 SW Taylor Suite 400  
Portland OR 97205

**Site Address:** 4312 N Interstate Avenue

**Legal Description:** LOT 1 BLOCK 1, HARDIMANS ADD; LOT 2 BLOCK 1, HARDIMANS ADD; LOT 3 BLOCK 1, HARDIMANS ADD; LOT 4 BLOCK 1 E 5' OF LOT 5 BLOCK 1, HARDIMANS ADD; W 45' OF LOT 5 BLOCK 1 EXC PT IN ST LOT 6 BLOCK 1, HARDIMANS ADD; BLOCK 1 EXC PT IN ST LOT 7 EXC PT IN ST-EXC ELY 14.15' LOT 8, HARDIMANS ADD; ELY 14.15' OF LOT 8 BLOCK 1 LOT 9 BLOCK 1, HARDIMANS ADD; LOT 10 BLOCK 1, HARDIMANS ADD; LOT 11 BLOCK 1, HARDIMANS ADD; S 1/2 OF LOT 12 BLOCK 1, HARDIMANS ADD; N 1/2 OF LOT 12 BLOCK 1, HARDIMANS ADD

**Tax Account No.:** R360100010, R360100020, R360100030, R360100040, R360100050, R360100070, R360100090, R360100100, R360100110, R360100120, R360100130

**State ID No.:** 1N1E22CB 04700, 1N1E22CB 04800, 1N1E22CB 04900, 1N1E22CB 05000, 1N1E22CB 05100, 1N1E22CB 05200, 1N1E22CB 05300, 1N1E22CB 05400, 1N1E22CB 05500, 1N1E22CB 05700, 1N1E22CB 05600

<b>Quarter Section:</b>	2629
<b>Neighborhood:</b>	Overlook, contact Claire Paris at 503-998-4878.
<b>Business District:</b>	North Portland Business Assoc, contact Jim Schaller at 503-517-9915.
<b>District Coalition:</b>	North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.
<b>Plan District:</b>	Albina Community
<b>Zoning:</b>	EXd: Central Employment with a design overlay
<b>Case Type:</b>	DZM AD: Design Review with Modification and Adjustment
<b>Procedure:</b>	Type II, an administrative decision with appeal to the Design Commission.

**Proposal:**

The applicant seeks Design Review approval to construct a new full-block mixed-use building located on N Interstate Avenue. The block is bounded by N Interstate Avenue to the west, N Prescott Street to the north, N Skidmore Street to the south, and N Maryland Avenue to the east. The 139,518 SF building will house 155 residential units on floors 1-6, 110 parking spaces below grade, and six retail spaces at the ground floor totaling 10,279 SF of tenant space. The building is to be a U-shaped structure surrounding a private ground-floor courtyard facing south. The building is tallest on N Interstate, with a six-story bar reaching a height of 64'-0". The building steps down to five stories along N Prescott Street and N Maryland Avenue at approximately 55'-0". A one-story retail wing faces N Skidmore Street with a height of approximately 13'-0". Ground floor retail spaces face N Interstate and wrap the corners at N Prescott and N Skidmore Streets. The proposed FAR is 3.371:1, exceeding the base allowed of 3:1 through a FAR transfer from the John Palmer House located at 4314 N Mississippi Avenue.

The structure pulls back approximately 10'-0" from the street lot lines along much of its frontage to provide outdoor patios for residents and retail tenants. The ground-floor residential patios incorporate raised concrete garden walls, concrete planters, steel railings and vertical screens. Parking access is from N Skidmore Street and loading is accessed from N Prescott Street. The residential entry is located mid-block facing north on N Prescott Street, while a private pedestrian entrance to the courtyard is located to the south facing N Skidmore Street. A vehicular loading stall will be located adjacent to the residential entry on N Prescott Street and the garage entrance will face south towards N Skidmore Street. Residential balconies are incorporated throughout the building, with Juliet balconies facing the quieter residential streets, and deeper balconies facing N Interstate. The building will be clad in cementitious panel siding, with vinyl windows within the residential units, and aluminum storefront within the retail portions of the ground floor. A contiguous concrete canopy will be located above commercial portions of the south, west and north facades, and a standing seam metal fin wall will project from the southwest corner of the building.

Because the proposal is for new development in a design overlay zone, design review is required.

**1. MODIFICATIONS REQUESTED THROUGH DESIGN REVIEW, PZC 33.825.040****Loading Standards, 33.266.310**

1. The standard requires loading spaces to measure 35'-0" long, 10'-0" wide and have a clearance of 13'-0". The applicant proposes one space that measures 26'-0" long, 10'-0" wide, with a clearance of 13'-0".
2. The standard requires that that loading facilities outside of the Central City plan district be designed so that vehicles enter and exit the site in a forward motion. The applicant proposes that loading vehicles back-in to the loading bay.

**Height, 33.140.210**

3. Rooftop mechanical equipment that cumulatively covers no more than 10 percent of the

roof area may extend 10 feet above the height limit of 65'-0" when it is set back 15'-0" from the edge of the roof. The applicant proposes locating future rooftop mechanical equipment in four zones on the roof, covering slightly less than 10% of the roof area. A portion of the mechanical equipment will reach a height of approximately 73'-0", with a screen (parapet) that reaches 72'-9" tall, and is flush with the primary plane of the building wall. The applicant requests a modification to not meet the 15'-0" setback requirement, but locate a parapet to screen the equipment flush with the building wall, and position the equipment 8'-0" back from the parapet edge.

## **2. ADJUSTMENT REQUESTED THROUGH DESIGN REVIEW, PZC 33.805.040**

### **Loading Standards, 33.266.310**

1. The standard requires two loading spaces be provided for buildings that are not used entirely for household living and have a floor area greater than 50,000 square feet. The applicant proposes providing one, rather than two, loading spaces for the mixed-use 139,518 SF building. The space provided will also require modifications to the standards to reduce its size and method of entry.

#### **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:

- Chapter 33.825 Design Review
- Community Design Guidelines

## **ANALYSIS**

**Site and Vicinity:** The full-block site is located at an active intersection on N Interstate Avenue. The development began its land-use process prior to the adoption of the North Interstate Plan District (adopted August 22, 2008), and is thus not legally held to the standards and opportunities of the new Plan District. The block is bounded by N. Prescott Avenue to the north, N. Maryland Avenue to the east, N. Skidmore Street to the south, and N. Interstate Avenue to the west. The site is currently developed with single-family residential structures and a commercial structure at the corner of N Interstate Avenue, all of which will be demolished.

The vicinity includes a mix of both residential and commercial uses. N Interstate Avenue, which bounds the site to the west, is recognized as a significant commercial corridor. The historic built environment along Interstate Avenue is defined by development that occurred during the 1940s and 1950s. At the time, Interstate Avenue was the major north-south route for travel between California and Washington, and as a result, businesses developed that catered to the long-distance automobile traveler. With the construction of I-5 in the 1960s, the travel-oriented businesses along interstate declined. However, the area is now witnessing a growth in new commercial and residential development, in large part due the MAX light rail line that runs along Interstate connecting northeast Portland with downtown.

Portland's *Transportation System Plan* classifies N. Interstate Avenue as a District Collector, Regional Transitway/ Major Transit Priority Street, City Walkway and Bikeway, and Regional Main Street. N. Prescott and Maryland are both Local Service Bikeways and Walkways. N. Skidmore is a Neighborhood Collector Street, City Bikeway and City Walkway.

**Zoning:** The Central Employment (EX) zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

The design (d) overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. 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.

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

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **September 24, 2008**. The following Bureaus have responded with no issues or concerns:

- Portland Water Bureau;
- Urban Forestry Division of Portland Parks & Recreation;
- The Life Safety (Building Code) Section of the Bureau of Development Services responded with the following comment: “Based on the information provided, there appears to be no conflicts between the proposal and applicable building codes.”

*Please see Exhibit E-1 for the complete response.*

- The Site Development Section of the Bureau of Development Services responded with the following comment: “Plumbing code appeal (Appeal ID #5739) to allow an infiltration facility to be located under the proposed building was denied. BES’ Addendum to Land Use Response dated December 17, 2008 states that the revised conceptual stormwater design which includes vegetated flow-through planters with overflow to the public combination sewer system will be acceptable. Therefore, Site Development has no objection to Design Review approval.”

*Please see Exhibits E-2a and E-2b for additional details.*

- The Bureau of Transportation Engineering & Development Review responded with the following comment: “Loading Adjustment: The applicant has demonstrated that the loading needs of the site will be met by the alternative proposed, and therefore, the adjustment to reduce the required spaces to one, and the reduction of the size of the one loading space will not negatively affect traffic safety or other transportation functions of the abutting right-of-way. Granting of the adjustment will equally meet the transportation related purpose of the Loading Standards code. *Forward Motion:* Portland Transportation has no objection to the modification to allow back in loading from N Prescott Street in lieu of vehicles entering and exiting the site in a forward motion. The applicant provided a narrative describing the need for the forward motion modification (dated August 20, 2008). Portland Transportation has reviewed the information and has identified no significant potential operational issues with back-in loading at the subject location on N Prescott Street.”

*Please see Exhibit E-3 for additional details.*

- The Bureau of Environmental Services responded with the following comment: “Based on this new information, BES has no objections to the request for Design Review approval. BES can approve the proposed site plan submitted for land use review approval and support this land use review application.”

*Please see Exhibits E-4a and E-4b for additional details.*

The Portland Fire & Rescue responded with the following comment: “The Fire Bureau does not see any concerns with this proposal.”

*Please see Exhibit E-5 for additional details.*

**Neighborhood Review:** A “Notice of Proposal in Your Neighborhood” was mailed on September 24, 2008. Eight written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Anne De Wolf, a neighborhood business owner, responded on October 10, 2008, with concerns that the proposal does not include sufficient parking to support the new businesses proposed for the building, and requested that there be at least one parking space for each unit. She was also concerned that one loading bay would not be sufficient to serve the new development.
- Madelyn Elder, a resident of the neighborhood, responded on October 10, 2008, with concerns that too little parking was provided to serve the commercial and residential needs of the site, as the surrounding area is used by people parking to ride the MAX light rail.
- Mathew J. Scoggin, a resident of the neighborhood and OKNA Membership Chair and FOH Board Member, responded on October 14, 2008, with the following concerns: He expressed unease with the location of the garage entrance on N Skidmore Street due to high traffic volume on N Skidmore Street, and at the intersection of Skidmore and Maryland. He requested that the garage entrance be located at the northeastern corner of the site on N Prescott Street, and that a four-way stoplight be added to the intersection of N Prescott and N Maryland Street. He further requested that a mature Ginkgo tree be preserved and kept on the site. Finally, he requests that the developer bury some of the utility poles and eliminate some of the utility boxes that are located at the southwest corner of the site, helping to make the intersection more aesthetically pleasing and allow the architecture greater visibility.
- Stephen and Apryl Jackson-Clark, residents of the neighborhood, responded on October 15, 2008, with concerns regarding the location of the garage entrance on N Skidmore Street. They were concerned that increased traffic on Skidmore would negatively affect traffic patterns in the neighborhood. They requested that workers involved in the construction of the development park their vehicles on the east side of N Interstate Avenue, to reduce the traffic volume in the neighborhood.
- Mary Ellen Baldauff, a resident of the neighborhood, responded on October 15, 2008, with a request to protect and preserve an existing Ginkgo tree located at the corner of N Prescott and Maryland.
- Jane Finch-Howell, a resident of the neighborhood, responded on October 15, 2008, with the following items: She expressed concern that the architecture proposed for the southwest corner of the building was not making a strong enough architectural statement for its landmark/gateway role on N Interstate. She suggested that the designers look to Interstate Avenue’s tradition of neon signage for design direction. She expressed further concern that the cementitious panels proposed to clad the building may not be of a high enough quality, or installed with adequate craftsmanship, to provide a long-lasting and attractive building skin. She asked that every effort be made to replace as much landscaping as possible on the site, to consider adding landscaping to the southern edge of the roof of the one-story wing on Skidmore Street, and to relocate the existing mature Ginkgo tree to the corner of Skidmore and Maryland. She proposed that a better location for the garage entrance would be on N Maryland Street.
- Eric Gale, co-chair of the Overlook Neighborhood Association, writing as an individual, responded on October 15, 2008, with the following concerns: While he stated his support for the underground parking, he expressed concern with the location of the garage entrance on Skidmore Street due to high traffic volume. He also expressed concern with the cementitious panel cladding material, and requested that the product used be of a high quality. He expressed concern that the architectural composition of the building, particularly along N Maryland, was too flat and monotonous. He requested that an eco-roof

be considered for the retail wing, and that landscaping be used to help soften the retail edge and the residential edge on N Maryland Street. Finally, he requested that the building make a stronger architectural statement along the west and south facades in an effort to mark its gateway location on N Interstate, possibly incorporating characteristics of the Neon Sign District, and potentially using the old Crown Motel sign.

- David Chott, Land Use Chair of the Overlook Neighborhood Association, writing as an individual, responded on October 15, 2008, with the following concerns: He requested that the design of the west façade and the southwest corner make a bolder gesture in establishing a placemaking/gateway element for this important site. In order to further this effect, he requested that the existing power poles be buried to support visibility at the southwest corner. He also requested that the design of the northern portion of the west façade be further developed to avoid a monotonous appearance. He expressed concern with the quality of the cementitious panels, particularly in locations where they meet the ground, and prefers that a cladding material of proven durability, such as brick, be used instead. Finally, he requested that landscaping be incorporated into the street-facing edge of the roof of the one-story wing facing N Skidmore Street, to help soften the building edge.

*Staff Note:* These neighborhood comments were relayed to the applicant. Relevant remarks were also relayed to PDOT, as many of the concerns addressed traffic and transportation issues. Regarding parking concerns, the applicant responded that the ratio of new parking spaces provided in the garage and along the street will be .91:1, or 141 new parking spaces (110 spaces below grade and 31 street spaces) for 155 residential units, which is very close to a one-to-one ratio. In addition, the applicant is seeking to make the off-site parking spaces short-term, to discourage people using the spaces for “park and ride” purposes. The site is located adjacent to a MAX light rail station and the development is not required by City Code to provide on-site parking.

According to PDOT, locating the garage entrance on N Skidmore was based on the applicant’s desire to create an efficient means of accessing below-grade parking on the sloped site. The site slopes towards the south, allowing for a comparatively shorter ramp from N Skidmore than from N Prescott. According to PDOT, traffic studies of the impact of the proposal on N Skidmore Street will not adversely affect the traffic patterns of the neighborhood, as the new development supports a relatively low volume of traffic.

The applicant has indicated that they may pursue future signage and/or a more dramatic architectural statement at the building’s southwestern corner through a future land-use review, or through the Regional Arts and Cultural Council (RACC) approval process. Since the proposal notice was mailed to the neighborhood, the color of the fin wall has been changed from a dark charcoal grey to a bright copper color. This color contrast may provide the architectural emphasis of the corner that many neighbors requested.

The applicant has stated that the existing power pole located at the southwest corner will be moved south across the street, helping to create clear views of the building corner. The applicant noted that they are providing landscaped planters along the street-facing roof edge of the one-story portion of the building on N Skidmore Street. This information is provided in the landscape plan required for Design Review. According to the applicant, the building owner has arranged with one individual to relocate much of the vegetation on site, and has also relocated the existing Ginkgo tree. The applicant will provide ground-level landscaping along the eastern edge of the property facing N Maryland Street, as well as tiered planters that help to visually soften the garden wall that defines the eastern edge of the property.

The applicant has worked with staff to provide greater sculptural interest to the building on all facades, which may satisfy concerns that the building appeared too flat or lacking in visual interest on its street-frontages. The applicant responded to concerns with the quality of the proposed cladding materials stating that the cementitious panels proposed provide a building skin that can adequately flex with the natural movement of the wood-frame construction

technology, something that would be more difficult and expensive to achieve with a more solid material technology. The cementitious panel material, and the particular installation process proposed, is given a limited 30-year warranty. Both the edges of the panels and their faces will be primed and painted to help ensure their longevity. The applicant noted that if a panel were to fail in some manner, an individual panel could easily be replaced.

## ZONING CODE APPROVAL CRITERIA

### 1. 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.

**Findings for P1 and D7:** The proposal successfully responds to the area's desired characteristics and specific conditions of the site, with elements that enhance the building's sense of place and connection to the neighborhood. Despite not being subject to the new Plan District regulations, the development exhibits an insightful response to the future desired character of the neighborhood. The following aspects of the design reflect the City's vision for appropriate growth along N Interstate Avenue: increased density along the light rail line; a stepping down in massing towards the residential portions of the neighborhood; an architectural emphasis of the significant intersection of Skidmore and Interstate; a break-down of the massing through a sculptural treatment of the façade; below-grade parking; an architectural reference to N Interstate Avenue's mid-century commercial signage; and a significant area of ground floor retail

along N Interstate. The proposed design offers a strong and active pedestrian-orientation to its frontage along N Interstate Avenue. Retail spaces front the entire ground level of the west façade, and its storefront character strengthens the pedestrian environment by reinvigorating the neighborhood and intersections with pedestrian activity. In addition, the design offers opportunities for retail activity to spill onto the sidewalk, providing visible interactivity with the neighborhood. The commercial quality of this mixed-use building—with storefronts facing Interstate and wrapping the corners at Skidmore and Prescott—conveys the commercial character of the corridor and fosters stronger linkages between the immediate neighborhood, the adjacent MAX station area, and beyond to the N Mississippi Avenue commercial district.

The building design reinforces N Maryland’s role as a locally-oriented, residential street. With the taller building wing oriented to Interstate, there is a stepping of smaller volumes and quieter activities towards N Maryland. In addition, the more active frontages and vehicular uses face the commercial streets, allowing the N Maryland frontage to have an entirely residential function; The main residential entrance and the loading bay are oriented to Prescott, a commercial street, and the garage entrance is oriented to Skidmore, another commercial street. This allows the N Maryland façade to be solely oriented to residential living units, with step-up patios and a layering of landscaping elements softening its edge. The stoops, patios and generous amounts of landscaping along Maryland, and along at the eastern portions of the Prescott and Skidmore façades, helps to integrate the larger building with the neighborhood. Furthermore, the residential units serve to bring greater activity to the street and provide passive surveillance opportunities, helping to reinforce a culture of safety and activity along all frontages.

As previously discussed, the historic built environment of N Interstate Avenue is defined by development that formed primarily during the 1940s and 1950s. However, with the expansion of the lightrail system to Interstate Avenue, the corridor has witnessed progressively larger development. The proposal responds to the mixed-use character of new development in the area, while reflecting some of the more colorful aspects of the mid-century character of the Avenue. The brightly-colored modular elements that make up the building design, evident in the contrasting panel colors and the copper colored window bays, are consistent with other regional projects that have recently been constructed or approved for the neighborhood. The copper-colored projecting fin wall at the building’s southwest corner introduces a way-finding element at the intersection that recalls the form of historic neon signs along the corridor and helps to mark the import of the intersection and the adjacent light rail stop. *These guidelines are therefore met.*

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

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

**Findings for P3 and E4:** While the site isn’t specifically identified as a gateway location within the community plan, the block directly to the south of the site is identified as such. The contrast in density between the two sites reinforces the perception that the new, higher-density building is viewed as a de facto neighborhood landmark. The building’s gateway presence is supported by an architectural salute to the southwest corner with a projecting fin wall, and a progressive stepping in the building mass towards the intersection. The shape of the fin wall is reminiscent of historic neon signage along Interstate Avenue, and in particular the Western Motel neon sign located across the street. Moreover, the shifts in plane and stepping in height along Interstate Avenue creates an architectural emphasis of the southwest corner that contributes further visual interest and prominence to the intersection. The marking of the corner is a memorable gesture that articulates this portion of Interstate Avenue, and reinforces



the sense of visual rhythm and place-making along the corridor. In addition, each of the building's commercial corners of has been designed to address its immediate context, either through residential outdoor spaces and windows overlooking the intersection, or through a more built-up massing at the corners, often marked by commercial activity at the ground floor. *These guidelines are therefore met.*

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

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

**Findings for E1 and E2:** The proposed design provides an efficient, pleasant and safe pedestrian network of sidewalks along all building frontages that strengthen the link between the MAX station area and the surrounding neighborhood. New street trees and generous landscaping surround the block and serve the dual role of buffering pedestrians from vehicle areas, and adding texture, color and interest along the pedestrian paths and the building edge. Wide sidewalks surrounding the site offer ample opportunities for people to socialize, while the stoops and patios along Skidmore, Maryland and Prescott lend visible residential activity and opportunities for passive surveillance of the sidewalk. In addition, the wide sidewalk areas at the corners of N Interstate present opportunities for outdoor café seating, and the concrete planters that border either side of the residential entrance on Prescott offer informal seating opportunities. *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.

**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 E3 and E5:** The proposed design successfully creates a sense of enclosure and visual interest along the sidewalk that reinforces the evolving urban character of the N Interstate Avenue commercial corridor. The storefront character of the building on N Interstate Avenue fosters visual connections between the building's interior activities and the sidewalk environment. This nurtures a stimulating pedestrian experience along the building edge that helps to foster interaction between the building and the neighborhood. Similarly, the residential stoops and patios along Maryland, and the eastern portions of Skidmore and Prescott, incorporate landscape features and gathering places that lend residential interest and activity to the adjacent sidewalk.

The design's clear articulation of the building base acknowledges the varying uses in the building, the tectonics of its form, and establishes a strong sense of hierarchy and order within the façade. The commercial areas of the building evoke a distinct storefront character with large expanses of glazing held within a concrete structure, while the residential portions of the building are defined by punched window openings and wood construction. Canopies above the ground level retail spaces provide further expression of their commercial function, strengthen the visual articulation of the base, and function to protect pedestrians from the weather. A consistent datum is carried above the ground floor of the fully wood construction residential wings of the building with an articulation of the base from the upper floors through a metal banding detail and a color differentiation between the panels of the ground floor and the upper floors. The residential entrance at Prescott is emphasized by an entry portal and integrated canopy to protect those entering and exiting the building at this location, and announces its residential presence with visibility from N Interstate and N Prescott. *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:** A variety of landscape materials and features are proposed for the site that enhance the building design, the pedestrian experience at the ground floor, and help the larger development blend with the established character of the neighborhood. New street trees are proposed for all street frontages, which will, over time, reinforce a sense of enclosure along the adjacent sidewalks, and help to visually and physically buffer pedestrians from traffic and on-street parking. Additionally, generous areas of landscaping are planned between the building and sidewalk along Maryland, Prescott and Skidmore, softening the edge of the building, and adding interest, color and texture to the adjacent pedestrian route. Planted beds will separate the residential patio areas, and tiered planters at the garden wall add a further element of color and texture to the pedestrian realm. A more urban treatment occurs along Interstate, with wide sidewalks that allow retail activity to spill outdoors, further enhancing the building's interactivity with the neighborhood. A central courtyard, accessible to the building's residents is included within the project design. The courtyard contains seating areas and landscaped planters that help to manage the site's stormwater. The roof of the one-story commercial wing on N Skidmore Street incorporates planters along the roof edge and provides an outdoor game area. The visible residential activity and vegetative roof treatment encourages a positive vision of urban living on N Interstate Avenue. *These guidelines are therefore met.*

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

**Findings:** The main residential entrance is located on N Prescott Street, close to the Interstate Avenue intersection, and directly accessible to the Prescott Station MAX platform. The main entrance is defined by double-height glazing that is framed by a metal and wood entry portal that provides expansive views into the residential lobby. A large canopy frames the doorway and concrete planters flank either side of the entrance. The building's residential entrance is further emphasized by its location at an architectural juncture between a 6-story and 5-story building wing, and is marked by a change in color and a recess in the plane of the building wall. This "gasket" separates the commercial areas at the building's corner from the individual residential units along N Prescott Street. The retail entrances along Interstate are recessed and oriented toward the adjacent transit station, providing architectural definition of the entries along the façade and protection for pedestrians. The ground floor residential units on Prescott, Maryland and Skidmore have been designed with private patios that define and buffer the individual units provide a similar emphasis of the entries. *Therefore, this guideline is met.*

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

**Findings:** The proposal incorporates a number of design strategies that increase the development's opportunities for passive surveillance of the neighborhood, helping to limit criminal activity adjacent to the building. The building's windows have been strategically placed to maximize "eyes on the street." The storefront glazing along Interstate, Prescott, and Skidmore allows for visual connections between the building's interior spaces, the sidewalk, and beyond to the adjacent station area. A number of balconies and large window areas have been incorporated into the building's upper floors, which provides additional opportunities for passive surveillance of the surrounding streets and sidewalks. A swinging gate secures the entrance to the below-

grade parking area and courtyard, located mid block along Skidmore. In addition, a number of the ground-level units incorporated into the Maryland frontage, as well as along portions of the Skidmore and Prescott frontages, have entries that are directly accessible from the sidewalk, creating additional activity at the street level.

Furthermore, the proposal includes a pedestrian-scaled lighting system incorporated into all frontages, including lighting below commercial and residential canopies, sconce lighting along the commercial storefront, and patio step and garden wall lighting that highlights plantings and provides safe access for residents. These residentially-scaled light fixtures contribute to a feeling of security while providing a subtle level of illumination in-keeping with the residential character of the development.

*Therefore, this guideline is met.*

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

**Findings:** The building's incorporation of below-grade parking represents a significant benefit to the neighborhood. By providing onsite parking visually screened by the building, the proposal supports a safe and active sidewalk environment, and reduces the traffic impact on the neighborhood generated by the new residential activity. In fact, this aspect of the proposal goes further to ensuring a community supportive development than perhaps any other facet of the design. The proposed below-grade parking level is accessed from N Skidmore, a commercial street, and is well integrated into the building and site design. Locating the parking area below grade maximizes the area of primary building façade adjacent to a street, which in turn maximizes the building's beneficial impact on the quality and quantity of pedestrian activity surrounding the site, and enhances the development's involvement with the surrounding neighborhood. The garage entrance is secured with a swinging door and located adjacent to commercial activity on Skidmore, with a window wrapping the corner of the one-story retail wing adjacent to the garage entrance. The loading bay is located on N Prescott Street, and is adjacent to the main residential entrance as well as the retail area at the corner of Prescott and Interstate. The extra-wide sidewalk area surrounding the building and the residential entrance helps to create a plaza-like feeling outside the entry. This special paving treatment, in addition to the visual emphasis provided by the steel and wood paneled entry portal, helps to reinforce the residential and pedestrian character of the sidewalk and minimize the presence of the loading bay. *This guideline is therefore met.*

**D8. Interest, Quality, and Composition.** All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

**Findings:** The sculptural interplay of the building's formal elements, including the varying heights of the wings of the U-shaped building, the stepped planes of the west façade, and the projecting window bays, lend a residential scale to the building and reinforce its urban, site-responsive character. These subtle shifts in massing help to emphasize the building's southwest corner and break up the scale of the building as it relates to the neighborhood's smaller scale development. The clear datum of the building's base, provided by the projecting canopy above the storefront, and continued by a metal banding detail along the building's fully residential wings, provides a strong sense of hierarchy and order that contrasts with the more sculptural form of the roof line. A layering of forms, particularly on the west façade, is mirrored in an interplay of tonal variations in the cladding material; White colored panels clad the more sculptural elements of the facade, while the mid-tone panels clad the more static and supportive portions of the building mass. The stepping of the building height from 6-stories on N Interstate to 5-stories on N Prescott, N Maryland, and for most of N Skidmore, is a clear graphic illustration of the building shrinking in mass from the site's most intense urban edge to the residential character of the neighborhood located to the east of the site. As

a whole, the building reflects a distinct architectural form, with variations in the skin providing relief to the scale of the full-block development, and reinforcing the building's urban relationships and the location of primary entries. The projecting fin wall at the building's southwest corner provides a final emphatic note to the progressive form of the west façade, and recalls the mid-century modern character of signage along N Interstate. The projecting wall marks the intersection, visually punctuating travel on N Interstate and helping to create a memorable association with the site. The color variation between the fin wall and the building façade creates greater distinction between the two elements and provides greater visual drama at this de facto "gateway" location. The finish of the fin wall relates to the copper-colored metal cladding of the projecting window bays, strengthening the building's architectural consistency across its facades.

Future mechanical equipment will be installed on the roof of the building in four potential locations that are pulled-back from the roof edges, ensuring that mechanical equipment has little visibility from the street. The locations are given specific size and placement restrictions, are located at each corner of the building, and are pulled back a significant distance from the street edges of the roof. The building parapet will help screen the equipment, with no units projecting more than 5'-0" above the parapet. The area at the southwest corner measures a maximum of 29'-0" by 27'-10", with a small additional area for ducting to the north, and is pulled back 8'-0" from the street-facing roof edges, with a maximum projection of 0'-8" above the south-facing parapet. The area at the northwest corner measures a maximum of 28'-0" by 25'-0", is pulled back 15'-0" from the street-facing roof edges, and will project no more than 5'-0" above the adjacent parapet. The area at the northeast corner measures a maximum of 24'-0" square, is pulled back 17'-8" from the roof edges, and will project no more than 4'-0" above the top of the adjacent parapet. The area at the southeast corner measures 24'-0" square, is pulled back approximately 15'-0" from the roof edges, and will project no more than 4'-0" above the adjacent parapet.

The modular system of cementitious panels that clad the majority of the façade is installed in a somewhat unique manner, providing a 0'-1/2" reveal between panel joints. This provides a greater degree of visual depth and scale to an otherwise monolithic cladding system, lending a smaller scale grain to the building skin. A creative use of variations in paint tone lend another layer of visual texture to the façade, and provides a subtle striping that acts as a rhythmic counterpoint to the projecting window bays, as well as reinforcing the stepped and layered design of the building's mid-scale architectural gestures. The proposed metal panels are rendered in 22-gauge metal, providing the rigidity necessary to be a durable and attractive contribution to the neighborhood. Metal balcony railings, Juliet balconies, and metal shades at the upper floor window bays add a further layer of visual interest to the building skin.

The building composition reflects both the motion and activity of N Interstate and the residential character of the neighborhood to the east. The ground level street frontages, with storefront along N Interstate, and stoops and residential patios on the neighboring streets, establishes a thoughtful and active building edge that ensures a positive relationship between the new development and the surrounding community. The balconies provide additional opportunities for interaction with the neighborhood, and add greater articulation and visual punctuation to the facade. *Therefore, with the conditions of approval that the metal cladding material of the window bays and the projecting fin wall is a 22-gauge weight, and that future roof-mounted mechanical equipment does not extend beyond the boundaries indicated in the approved drawings and in the staff decision, this guideline is met.*

## **2. MODIFICATIONS REQUESTED THROUGH HISTORIC DESIGN REVIEW, PZC 33.846.070**

### **33.846.070 Modifications Considered During Historic Design Review:**

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 historic design review process. These modifications are done as part of historic 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 historic 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 historic design review approval criteria** The resulting development will better meet the approval criteria for historic design review than would a design that meets the standard being modified; and

**B. Purpose of the standard.**

1. The resulting development will meet the purpose of the standard being modified; or
2. The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.

**The following three modifications are requested:**

**1. Loading Standards (Loading Bay Size), 33.266.310.D**

The applicant seeks a modification to the standards for Loading. The code requires that required loading spaces measure a minimum of 35'-0" long, 10'-0" wide and have a clearance of 13'-0".

*Proposal/Modification: The applicant requests a modification to reduce the size of the required loading space one that measures 26'-0" long, 10'-0" wide, with a clearance of 13'-0".*

**Purpose.** *A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.*

**Findings:** The proposed loading space meets the intent of the applicable Design Guideline (D4) and the purpose of the standard. The loading space measures 26'-0" long, 10'-0" wide, with a clearance of 13'-0" and has been determined by PDOT to be adequately sized to meet the needs of the proposed development. The space is fully enclosed within the building and is accessed off of N Prescott Street, which is deemed to have less traffic volume than N Skidmore Street. The size of the loading space should provide ample room to serve both residents and the small scale retail tenants that utilize the ground floor. The six tenant spaces measure between 2,844 square feet and 911 square feet, and will most likely be served by small to medium sized trucks and vans. The proposed loading bay door provides ample screening of these back of house functions, and the door is designed to visually blend with the building wall to further de-emphasize this utilitarian use on the north façade.

*Due to the relatively large size of the loading bay, and its ability to serve the needs of the building users, as well as the successful integration of the loading bay within the façade, the applicable design guidelines, D4, and the purpose of the standard are equally or better met. Therefore, this modification merits approval.*

**2. Loading Standards (Forward Motion), 33.266.310.F.1**

The applicant seeks a modification to the standards for loading. The code requires that loading facilities outside of the Central City plan district must be designed so that vehicles enter and exit the site in a forward motion.

*Proposal/Modification: The applicant proposes that loading vehicles back-in, in lieu of vehicles entering the loading bay in a forward motion.*

**Purpose.** *A minimum number of loading spaces is required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.*

**Findings:** The proposed loading space meets the intent of the applicable Design Guideline (D4) and the purpose of the standard. The loading space provides for back-in loading, which has been determined by PDOT to pose no significant operational issues. The space is fully enclosed within the building and accessed off of N Prescott Street, which is deemed to have less traffic volume than N Skidmore Street. The size of the loading vehicles will be smaller than a full-sized truck. By providing loading access at Prescott, loading is avoided on Interstate, a highly-traveled transit street, Skidmore, another highly-traveled traffic street, and Maryland, a residential street. The drive aisle accessing the loading bay has been carefully designed to blend with the “plaza-like” character of the wider than usual sidewalk widths. The deep sidewalks, planters, and the continuous surface of the sidewalk and drive aisle may increase safety for back-in loading and minimize the visual impact of the loading area on the sidewalk environment.

*Due to the low traffic volume on N Prescott Street, the smaller size of the loading vehicles accessing the site, and the careful design of the loading drive aisle and adjacent sidewalk, the applicable design guidelines, D4, and the purpose of the standard are equally or better met. Therefore, this modification merits approval.*

### **3. Height (Rooftop Mechanical Equipment), 33.140.210.B.2**

The applicant seeks a modification to the standards for height. The standard requires that all rooftop mechanical equipment and enclosures be set back a minimum of 15'-0" from all roof edges that are parallel to street lot lines. Stairwell enclosures and other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10'-0" above the height limit when it meets the setback standard.

*Proposal/Modification: The applicant proposes a rooftop equipment screen enclosure that is flush with the building wall and will extend 7'-9" above the 65'-0" height limit. Equipment will be located a minimum of 8'-0" from the roof edge. The equipment enclosure will cover significantly less than 10 percent of the roof area.*

**Purpose.** *The height standards work with the FAR, building setback, and building coverage standards to control the overall bulk and intensity of an area. The EX zone height limit reflects its use in intense urban areas and the range of uses that are allowed. The other zones do not have height limits because tall buildings in these areas have traditionally not been a problem.*

**Findings:** The rooftop equipment enclosure is well integrated with the design of the building, appearing as an extension of the building form, rather than as an additive element. The proposal presents an orderly and integrated top to the building that reinforces the design expression of a stepped form, thereby emphasizing the building's southwest corner. By screening the mechanical equipment at the most expressive portion of the roof, the architectural purity of this visually significant aspect of the building is maintained. The proposal achieves the goals of the Design Guidelines without unduly

impinging on view opportunities for the City. The area of parapet that screens the mechanical equipment is relatively small measuring approximately 37'-0" square with a maximum height of 7'-9". As the proposed building may be somewhat shorter than future buildings along N Interstate Avenue, engendering a pleasing and cohesive roof form makes the building a better neighbor. In addition, the expressive roof form emphasizes the prominence of the southwest corner and helps the building fulfill its role as a de facto gateway building (Guidelines P3, D7 and D8). The proposal supports the purpose of the standard, which intends to control the overall scale of buildings to maintain the desired character of the EX zone, a high-intensity zone with the tallest buildings of any employment zone. By controlling the placement, height, and mass of roof top equipment, the overall scale of the building is regulated. Due to the small area of the enclosure, its ability to screen mechanical equipment from the intersection, and its important role in architecturally defining the building's southwest corner, the parapet screen enclosure does not negatively impact the scale of the employment zone or the overall scale of the building.

*Due to the well articulated form of the mechanical enclosure and its relatively modest size, the vertical integration of the proposed enclosure with the design of the building, and the organized expression of the roof form, the applicable design guidelines, P3, D7 and D8, and the purpose of the standard are equally or better met. Therefore, this modification merits approval.*

### **3. ADJUSTMENTS, PZC 33.805**

#### **33.805.010 Purpose**

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply citywide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

#### **33.805.040 Approval Criteria**

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A through F have been met:

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and
- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments result in a project which is still consistent with the overall purpose of the zone; and
- D.** City-designated scenic resources and historic resources are preserved; and
- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and
- F.** If in an environmental zone, the proposal has few significant detrimental environmental impacts on the resource or resource values as is practicable.

#### **The following adjustment is requested:**

**1. Loading Standards (Number of Loading Spaces) [PZC 33.266.310]:** The standard requires two loading spaces for buildings that are not used entirely for household living and have a floor area greater than 50,000 square feet.

*Adjustment:* The applicant proposes providing one rather than two loading spaces for the mixed-use 139,518 square foot building.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified.

*Loading Standards Purpose: A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.*

**Findings:** The adjustment to reduce the number of loading spaces from two to one is supported by PDOT, and will adequately serve the needs of the building and support the pedestrian orientation of the design. The limited retail space on site will result in deliveries being made by smaller size trucks. In addition, the space will be used for residential move in/ move out purposed at designated times. Short-term off-site parking is provided along N Prescott Street adjacent to the building, which should serve a portion of the building's loading needs. The entrance to the loading space will be at N Prescott Street, which has a lower traffic volume than the surrounding streets, and is adjacent to the residential entry as well as the circulation core within the building. According to PDOT the applicant has demonstrated that the loading needs of the site will be met by the one loading bay proposed and will not negatively affect traffic safety or other transportation functions of the abutting right-of-way.

*For these stated reasons, the approval criterion is met.*

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in a C, E, or I zone, the proposal will be consistent with the desired character of the area.

**Findings:** The siting of the loading facility inside the building is consistent with the desired character of a vibrant, urban, pedestrian-oriented neighborhood

*For these stated reasons, the approval criterion is met.*

- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone.

**Findings:** Only one adjustment is requested.

*This criterion does not apply.*

- D.** City-designated scenic resources and historic resources are preserved.

**Findings:** The site does not contain any city-designate scenic resources.

*This criterion does not apply.*

- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and

**Findings:** There have been no impacts resulting from the adjustment identified by BDS and PDOT staff.

*This criterion does not apply.*

- F.** If in an environmental zone, the proposal has a few significant detrimental environmental impacts on the resource and resource values as is practicable;

**Findings:** The site is not located in an environmental zone.



*This criterion does not apply.*

## 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 proposal meets the applicable design guidelines and therefore warrants approval. The building responds to its complex surroundings with a design that addresses an older residential neighborhood to the east, a vital commercial corridor to the west, small-scale commercial development to the north and south, and a neighborhood vision for progressive urban growth along N Interstate Avenue. With a stepping-down in height to the residential neighborhood, below-grade parking, ground floor retail, and an expressive massing on the west façade, the building successfully responds to its varied site constraints and opportunities.

## ADMINISTRATIVE DECISION

Approval of a 139,518 SF building with 155 residential units, 110 parking spaces below grade, and six retail spaces at the ground floor totaling 10,279 SF of tenant space, reaching a height of 65'-0", with a total FAR of 3.371:1, per the drawings, Exhibits C-1 through C-28, signed and dated December 19, 2008, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions, B through D, must be noted on each of the 4 required drawings 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 08-135305 DZM AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. All metal cladding must be 22 gauge.
- C. Future roof-mounted mechanical equipment may not extend in area beyond the boundaries indicated in the approved drawings and in the staff decision for findings for Guideline D8.
- D. No field changes allowed.

**Decision rendered by:**  **on December 19, 2008**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: December 22, 2008**

**Staff Planner: Noelle Elliott**

**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 6, 2008, and was determined to be complete on September 22, 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 6, 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 A.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. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on January 5, 2009** at 1900 SW Fourth Avenue. 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](http://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 **January 6, 2009 – (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
  - 1. Statement and Drawings
  - 2. Additional Information
  - 3. 120-Day Waiver
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Basement Plan
  - 3. First Floor Plan
  - 4. Second Floor Plan
  - 5. Third/Fourth Floor Plans
  - 6. Fifth Floor Plan
  - 7. Sixth Floor Plan
  - 8. Roof Plan (attached)
  - 9. North and South Elevations (attached)
  - 10. West and East Elevations (attached)
  - 11. North Courtyard Elevation
  - 12. East and West Courtyard Elevations
  - 13. Exterior Details
  - 14. Exterior Details
  - 15. Exterior Details (attached)
  - 16. Exterior Details
  - 17. Exterior Details
  - 18. Metal Panel - Fin Wall - Manufacturer's Cutsheet
  - 19. Metal Panel – Window Bay - Manufacturer's Cutsheet
  - 20. Cementitious Panel – Manufacturer's Cutsheet
  - 21. Vinyl Window – Residential – Manufacturer's Cutsheet
  - 22. Aluminum Storefront - Commercial – Manufacturer's Cutsheet
  - 23. Landscape Plan – Ground Floor (attached)
  - 24. Landscape Plan – Roof
  - 25. Lighting Plan – First Floor
  - 26. Lighting Fixtures – Residential and Commercial – Manufacturer's Cutsheets
  - 27. Paint Samples
  - 28. Perspective/Colored Renderings
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. The Life Safety (Building Code) Section of the Bureau of Development Services
  - 2. Site Development Review Section of BDS (Exhibits E.2a and E.2b)
  - 3. Bureau of Transportation Engineering and Development Review
  - 4. Bureau of Environmental Services (Exhibits E.4a and E4b)
  - 5. Fire Bureau
- F. Correspondence:
  - 1. Anne De Wolf, responded on October 10, 2008, with concerns.
  - 2. Madelyn Elder, responded on October 10, 2008, with concerns.
  - 3. Mathew J. Scoggin, responded on October 14, 2008, with the concerns.
  - 4. Stephen and Apryl Jackson-Clark, responded on October 15, 2008, with concerns.
  - 5. Mary Ellen Baldauff, responded on October 15, 2008, with a request.
  - 6. Jane Finch-Howell, responded on October 15, 2008, with the concerns.
  - 7. Eric Gale, responded on October 15, 2008, with the concerns.
  - 8. David Chott, responded on October 15, 2008, with the concerns.
- 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

-  Site
-  Also Owned



This site lies within the:  
ALBINA COMMUNITY PLAN DISTRICT

File No. LU 08-135305 DZM,AD  
 1/4 Section 2629  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E22CB 4900  
 Exhibit B (Jun 09,2008)





PROVIDE RESTRICTIONS REGARDING ALL ROOF TOP EQUIPMENT AND MATERIALS TO BE STORED ON THE ROOF REFERRED TO THE PROJECT MANUAL.

PROTECT MECHANICAL EQUIPMENT FROM WEATHER AND VIBRATION. PROVIDE PROTECTIVE WALKWAYS AND OR RAILS WHERE LATE OR EARLY EQUIPMENT IS TO BE INSTALLED. MECHANICAL WALKWAYS SHALL NOT EXCEED THE FLOOR FINISH OF THE FLOOR ABOVE.

PROVIDE PROTECTIVE WALKWAYS AND PROVIDE VENTING FOR CONCEALED SPACES PER BUILDING CODE.

TOTAL ROOF AREA: 28,000 SQ FT  
TOTAL MECH AREA: 1,817 SQ FT

**ROOF NOTES**

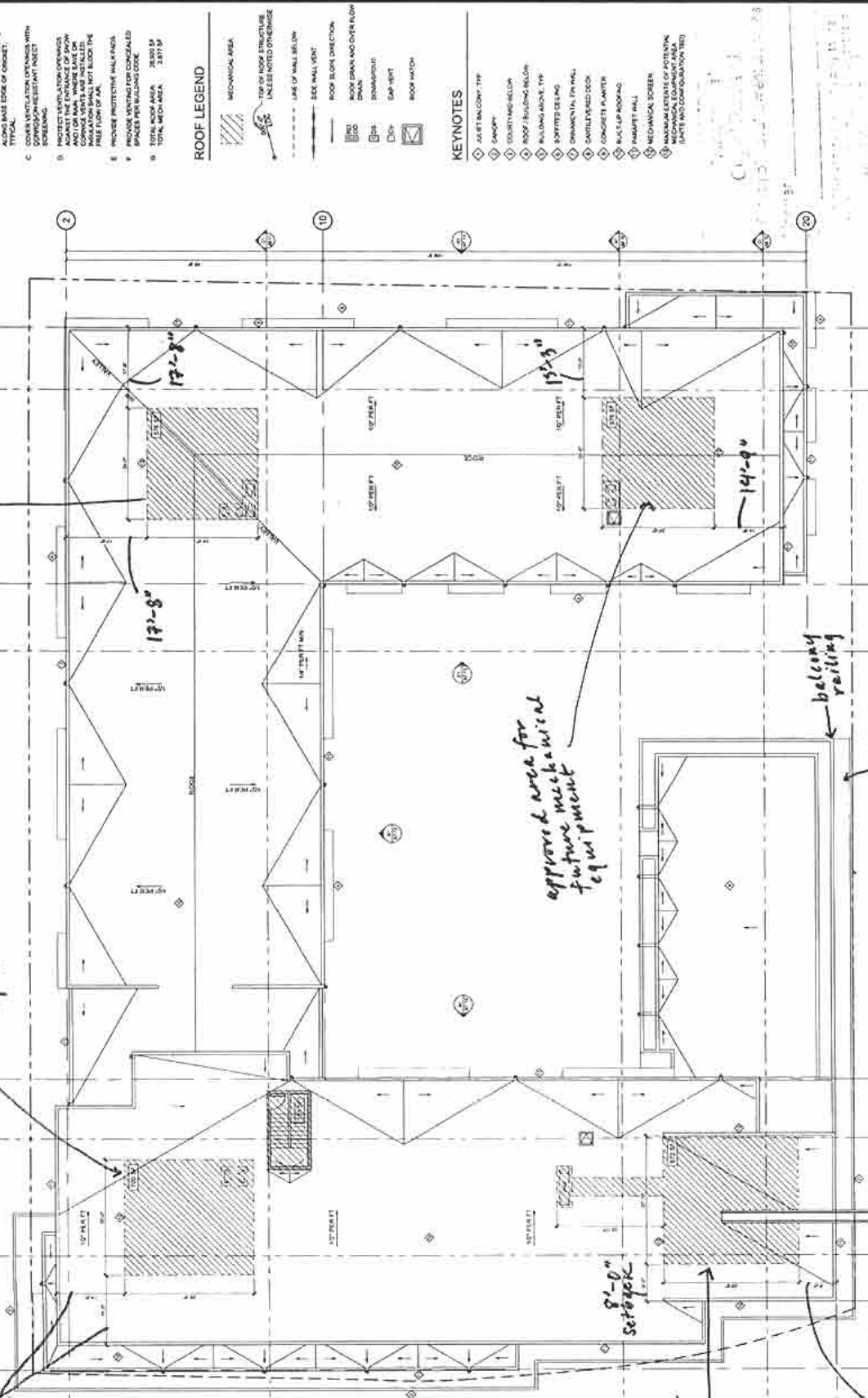
- A. PROVIDE RESTRICTIONS REGARDING ALL ROOF TOP EQUIPMENT AND MATERIALS TO BE STORED ON THE ROOF REFERRED TO THE PROJECT MANUAL.
- B. PROTECT MECHANICAL EQUIPMENT FROM WEATHER AND VIBRATION. PROVIDE PROTECTIVE WALKWAYS AND OR RAILS WHERE LATE OR EARLY EQUIPMENT IS TO BE INSTALLED. MECHANICAL WALKWAYS SHALL NOT EXCEED THE FLOOR FINISH OF THE FLOOR ABOVE.
- C. PROVIDE PROTECTIVE WALKWAYS AND PROVIDE VENTING FOR CONCEALED SPACES PER BUILDING CODE.

approved area for future mechanical equipment

approved area for future mechanical equipment

15'-0" setback from street

City of Portland - Bureau of Development Services  
 Approved  
 Planner: *[Signature]*  
 Date: 12.14.08  
 Approval applies only to the reviews requested and does not constitute approval of other zoning requirements.



**ROOF LEGEND**

- MECHANICAL AREA
- TOP OF ROOF STRUCTURE UNLESS NOTED OTHERWISE
- LINE OF WALL BELOW
- SEAL WALL JOINT
- ROOF SLOPE DIRECTION
- ROOF DRAIN AND OVERFLOW
- DRAIN
- DOWNSPOUT
- GAP JOINT
- ROOF HATCH

**KEYNOTES**

- 1. JOINT HOLLOW, TYP.
- 2. GANTRY
- 3. COURT YARD BELOW
- 4. ROOF FLOORING BELOW
- 5. BUILDING ABOVE, TYP.
- 6. EXPANDED CEILING
- 7. ORNAMENTAL FIN FILL
- 8. SANITIZED DECK
- 9. CONCRETE PLANTER
- 10. BULL UP ROOFING
- 11. RAUPIT HALL
- 12. MECHANICAL SCREEN
- 13. MAXIMUM EXTENTS OF POTENTIAL MECHANICAL EQUIPMENT AREA (DO NOT DISREGARD ANY NOTES)

LAND USE REVIEW  
 LUR - MECHANICAL

LU 08-155305 DZ M AD  
 Exhibit C-8

A2.50  
 ROOF PLAN

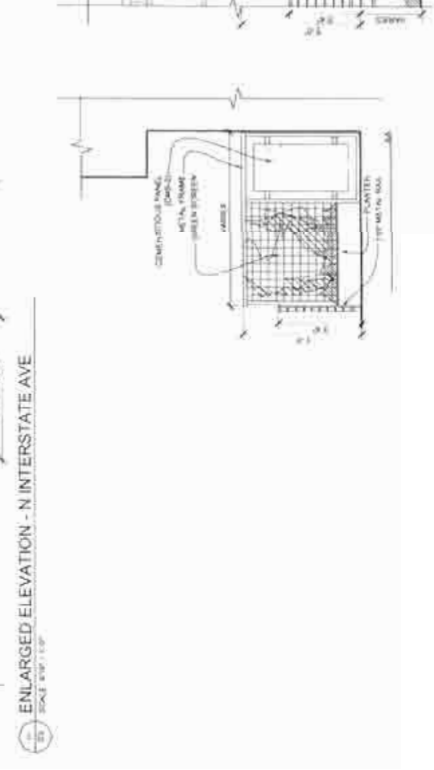
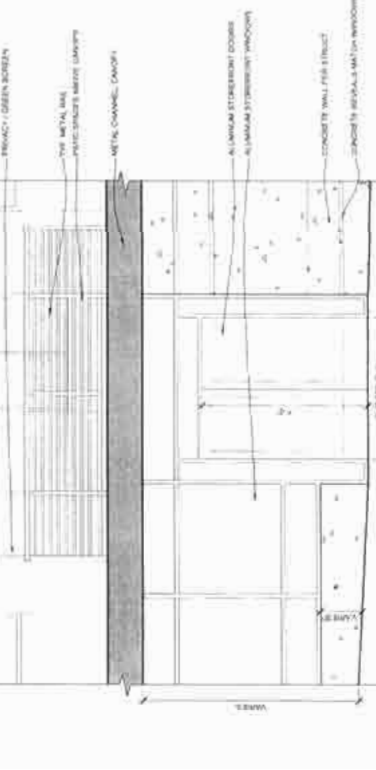
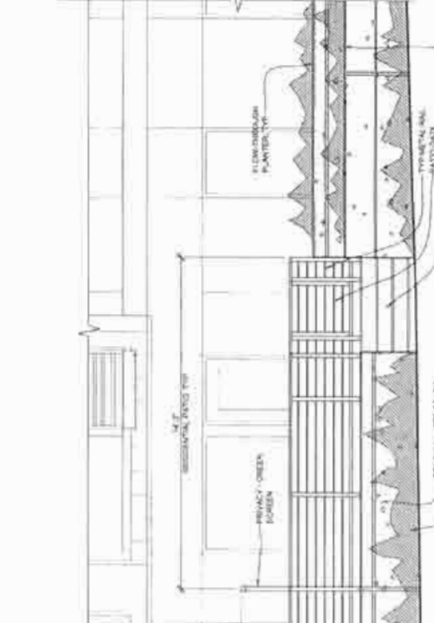
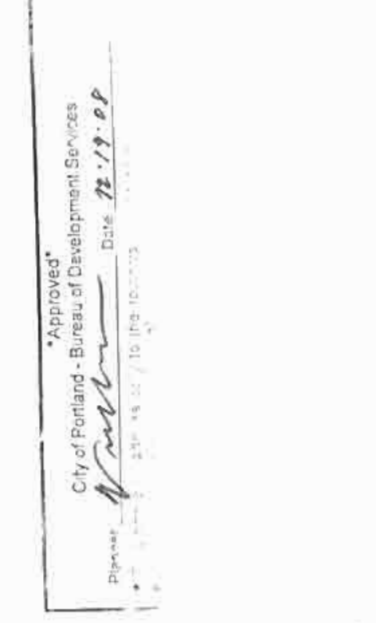
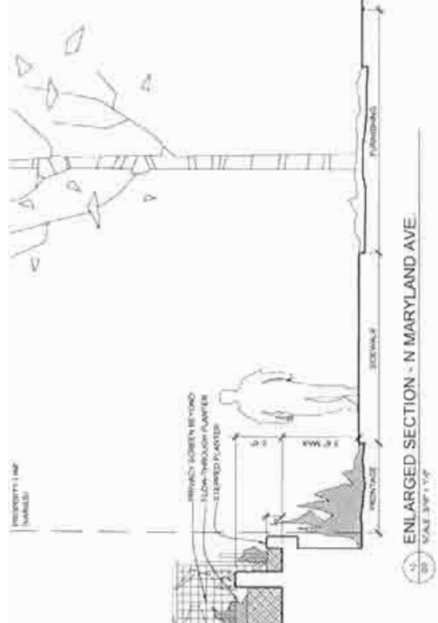
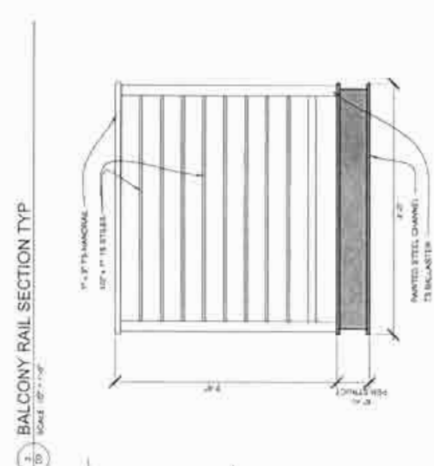
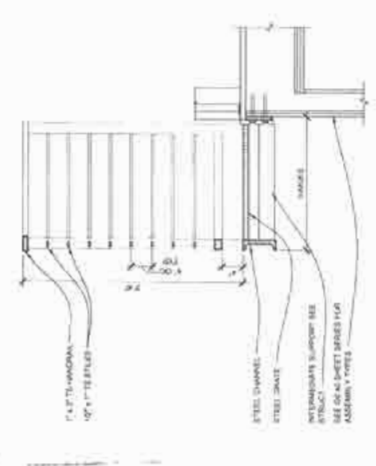
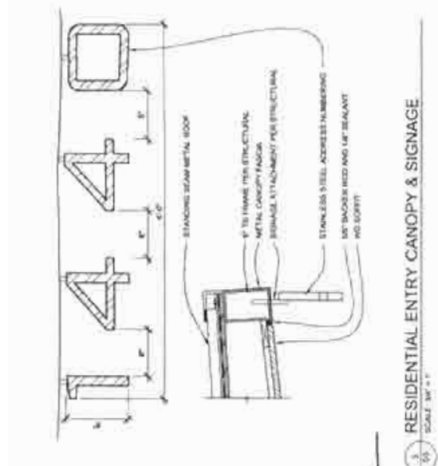
ROOF PLAN  
 SCALE: 3/8" = 1'-0"







NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	12.19.08
2	ISSUED FOR PERMITS	12.19.08
3	ISSUED FOR PERMITS	12.19.08
4	ISSUED FOR PERMITS	12.19.08
5	ISSUED FOR PERMITS	12.19.08
6	ISSUED FOR PERMITS	12.19.08
7	ISSUED FOR PERMITS	12.19.08
8	ISSUED FOR PERMITS	12.19.08
9	ISSUED FOR PERMITS	12.19.08
10	ISSUED FOR PERMITS	12.19.08
11	ISSUED FOR PERMITS	12.19.08
12	ISSUED FOR PERMITS	12.19.08
13	ISSUED FOR PERMITS	12.19.08
14	ISSUED FOR PERMITS	12.19.08
15	ISSUED FOR PERMITS	12.19.08
16	ISSUED FOR PERMITS	12.19.08
17	ISSUED FOR PERMITS	12.19.08
18	ISSUED FOR PERMITS	12.19.08
19	ISSUED FOR PERMITS	12.19.08
20	ISSUED FOR PERMITS	12.19.08



14-08-135305 DEM AD  
 Exhibit C.15

