



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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www.portlandoregon.gov/bds

Date: February 28, 2014
To: Interested Person
From: Hillary Adam, Land Use Services
503-823-3581 / Hillary.Adam@portlandoregon.gov

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

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

CASE FILE NUMBER: LU 13-242079 DZ – INTERIOR WALKWAYS

GENERAL INFORMATION

Applicant: Greg Mitchell, Architect / LRS Architects
720 NW Davis St Suite 300 / Portland, OR 97209

Roger Collins, Owner / Collins Investments LLC
19900 144th Ave NE / Woodinville, WA 98072-4460

Site Address: 107 N COOK ST (115 N Cook Street)

Legal Description: BLOCK 4 INC PT VAC ST LOT 1&6&7&10&11 LOT 2-5&8&9&12, WILLIAMS AVE ADD

Tax Account No.: R916401040

State ID No.: 1N1E27AB 00401 **Quarter Section:** 2730

Neighborhood: Eliot, contact Mike Warwick at 503-284-7010.

Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.

District Coalition: NE Coalition of Neighborhoods, Claire Adamsick at 503-388-9030.

Plan District: Albina Community

Zoning: EXd – Central Employment with Design overlay

Case Type: DZ – Design Review

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

Proposal:

As a condition of approval of the previous land use application (LU 13-131079 DZM) for a 6-story mixed-use building, the applicant proposes a design for the interior parking court pedestrian walkways to include the following:

- An 8'-0" (w) 0'-4" (h) raised concrete path, with a 2'-0" x 2'-0" score pattern;
- Large-scale running bond score pattern in the concrete walls along the walkways;
- Tongue-and-groove wood panels at residential entries;
- Gypsum board soffit at the underside of the 2nd floor overhang with 8'-0" (w) x 0'-7" (d) tongue-and-groove wood dropped ceiling with recessed can lighting at the interior commercial storefronts and residential entrances;
- Additional surface-mounted lighting at the ceiling above the walkways and wall sconce lighting at either side of commercial storefronts and residential entrances; and

- Also, not listed in the Notice of Proposal but now proposed are painted art panels on the east, south and west walls, with a total of 453 square feet of painted wall area.

Other changes noted in the Notice of Proposal, such as changes to the rooftop deck, including revision of the approved wood trellis to a non-combustible material and changes to the ground floor west elevation along N Vancouver Street are no longer included in this proposal, as they have been found to comply with the approved design.

Design review is required because the proposal is for additional design consideration of the interior walkways, as was required by condition of approval of the 6-story building.

Relevant Approval Criteria:

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

- Community Design Guidelines

ANALYSIS

Site and Vicinity: The subject property is bound by N Vancouver Avenue to the west, N Cook Street to the south, N Williams Avenue to the east, and N Ivy, a private street, to the north. The property currently has a single-story commercial building, home of the Wonder Bread Retail Outlet Store. Most of the buildings that used to be located on the subject property have since been removed, but they included, a lodge, a grocery, a bicycle repair shop, a piano shop, and at the southern half of the block, the Portland Camellia Nursery.

The property lies within the Eliot Pedestrian District. N Vancouver, N Cook, and N Williams are all designated as Neighborhood Collector Streets. N Vancouver and N Williams are also designated Transit Access Streets, City Bikeways, and Community Corridors in the City's Transportation System Plan. Across N Ivy, is a newly constructed one-story grocery store with at-grade parking for 58 vehicles. Across N Vancouver are one-story commercial uses, including a converted 1951 service station and a dilapidated 1932 building, as well as a surface parking lot for the American Red Cross building which is catty-corner to the southwest. Across N Cook are two residential properties built in 1904-1905 and a community garden. Across N Williams are single-story commercial buildings built in 1916, 2000, and 1958. Beyond the 100-foot deep strip of commercial properties fronting N Williams is the Eliot Conservation District, primarily comprised of single-dwelling residences with historic character.

The Eliot neighborhood is located in the heart of what was originally the sovereign town of Albina, platted in 1872 by George H. Williams and Edwin Russell, incorporated in 1887 as the City of Albina, and consolidated with Portland and East Portland in 1891. Because of its proximity to the river, the lower areas of Albina were developed for industrial and transportation uses, with the higher ground developed as residential subdivisions. Russell Street served as the area's main commercial street, with the Russell/Williams intersection at the center. Growth was further stimulated by the development of an extensive streetcar system. In the first half of the 20th Century, the neighborhood experienced a growth in the Scandinavian, Russian-German and Irish immigrant population. After World War II, the many African Americans called Eliot home. In the 1950s and 1960s, much of the neighborhood was cleared for major projects such as Memorial Coliseum, the Minnesota Freeway (I-5), Emanuel Hospital, and Lloyd Center, forever changing the landscape of this significant neighborhood. Since that time, neighborhood residents have attempted to preserve what remains of their historic past, while working within the City's vision for the neighborhood, as well as Emanuel Hospital's vision for their campus. These struggles continue as the progress attached to development in the commercial, institutional, or employment zones sometimes presents conflicts with the residential scale of other parts of the neighborhood.

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 “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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

- VZ 065-62 – Approval of a 1962 Variance for one non-illuminated 12’-6” x 25’-0” poster panel on the west side of N. Williams Avenue 62’-0” north of N. Cook.
- EA 07-115722 PC – Pre-Application Conference for 4 buildings ranging from 4-6 stories (included lot to north);
- PR 11-101035 LS – Lot confirmation of 12 lots;
- EA 11-203691 PC – Optional Pre-Application Conference for a single-story grocery store;
- LU 12-138069 DZM AD – Approval of a new single-story grocery store with an at-grade parking area, with modifications to not provide perimeter landscaping, to reduce ground floor windows, to not provide a pedestrian path from N Vancouver, to locate short-term bike parking more than 50 feet from the entrance, and to exceed the maximum signage allowed, plus an adjustment to allow exterior display; and
- EA 12-193259 PC – Optional Pre-Application Conference for a 6-story building;
- LU 13-131079 DZM – Approval of a 6-story building through revisions made on Appeal of Staff’s Decision of Denial.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **January 31, 2014**. The following Bureaus have responded with no issues or concerns:

The **Life Safety Division of BDS** responded with no substantial comments: Please see Exhibit E-1 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on January 31, 2014. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

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

Section 33.825.055 Design Review Approval Criteria

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

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

Community Design Guidelines

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

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

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

Findings: The applicant has elected to incorporate painted murals into the design of the interior walkways. Although the City does not regulate content, the murals present the opportunity to enhance and honor the existing character of the Albina Community Plan Area through the addition of these art pieces. In order to guarantee that the "art panels" will meet the definition of art, rather than signs, a Condition of Approval will require that the "art panels" comply with the regulations of Title 4 Original Art Murals. As part of the Title 4 review process, the neighborhood association is a required participant in informing the final product. It is very likely the neighborhood association's influence will encourage the Original Art Murals to respond to the area's desired characteristics and traditions. *This guideline is 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.

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

Findings for E1, E2, and E3: The proposal was specifically for additional consideration of the interior walkways around the parking area, as required by the Design Commission. The applicant has proposed an internal pedestrian system that is functional, safe, and will provide interest through the introduction of scoring patterns, a raised pathway, additional lighting, dropped wooden ceilings at the retail entrances, wooden surrounds at the residential entrances, and painted art murals. Although the painted murals will be relatively hidden from public view, they will provide interest to pedestrians along these paths and will provide an additional reason for people to visit the site. In order to guarantee that the "art panels" will meet the definition of art, rather than signs, a Condition of Approval will require that the "art panels" comply with the regulations of Title 4 Original Art Murals. Title 4 includes a minimum requirement that permitted Original Art Murals be maintained for at least 5 years. However, this land use review will include a Condition of Approval that the Original Art Murals be permanent (with art content allowed to change if required Title 4 public processes and permitting are met) unless removal is allowed through an additional Type II Design Review. Removal through a future Design Review is necessary in this instance due to the prior Condition of Approval in LU 13-131079 that required treatment at the interior court walls; the proposed Original Art Murals are a significant part of this proposal establishing compliance with the prior Condition of Approval. To ensure the Original Art Murals are installed, a Condition of Approval will require the mural inspection, which is required under Title 4, is completed prior to the issuance of a Certificate of Occupancy for this

building. Finally, to ensure an adequate amount of wall area meets the intent of the prior Condition of Approval to improve the pedestrian experience along the interior court, a Condition of Approval will require the Original Art Murals at the locations indicated on Exhibit C-6 and at the minimum dimensions, described as follows: at the south elevation a minimum of 75 SF and a minimum of 50 SF in the two areas indicated on Exhibit C-6; at the east elevation a minimum of 150 SF in the area indicated on Exhibit C-6; at the west elevation a minimum of 450 SF in the area indicated on Exhibit C-6. *With these 4 Conditions of Approval, these guidelines are met.*

D6. Architectural Integrity. Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

Findings: The proposal respects the architectural integrity of the approved building and builds on the approved design with the treatment of the interior concrete walls with both scoring patterns and painted art murals. In addition, the wood surrounds on the street side residential entries have been carried over to the interior walkway residential entries. Dropped wood ceilings have also been provided at the retail entries to add warmth to this more intimate side of the commercial spaces. The proposed walkways treatments are in keeping with the character of the approved building and meet the intent of the Design Commission's condition of approval. *This guideline is 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: As noted above, the applicant has proposed treatments on all three surfaces of the interior walkways, including a raised scored sidewalk, scored concrete walls to be further decorated with original art murals, dropped wood ceilings at the retail entries and additional detailing and lighting proposed at the ceiling plane soffit. All of these treatments work in conjunction with one another to provide interest and increase the quality of the composition of this secondary pedestrian network, which is expected to be heavily used. *This guideline is met.*

DEVELOPMENT STANDARDS

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

CONCLUSIONS

As required by the Design Commission, the applicant has proposed a treatment to these interior walkways, which will elevate them from a nondescript pathway to a place that will add to the overall quality and interest of the building. The proposal, particularly the proposal to include art, will especially benefit the residents of the building who will use these pathways frequently in their comings and goings from their home. 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 proposed design meets the approval criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a design for the interior parking court pedestrian walkways to include the following:

- An 8'-0" (w) 0'-4" (h) raised concrete path, with a 2'-0" x 2'-0" score pattern;
- Large-scale running bond score pattern in the concrete walls along the walkways;

- Tongue-and-groove wood panels at residential entries;
- Gypsum board soffit at the underside of the 2nd floor overhang with 8'-0" (w) x 0'-7" (d) tongue-and-groove wood dropped ceiling with recessed can lighting at the interior commercial storefronts and residential entrances;
- Additional surface-mounted lighting at the ceiling above the walkways and wall sconce lighting at either side of commercial storefronts and residential entrances; and
- A total of 450 square feet of Original Art Murals, to be divided into 3 or 4 separate murals and located on the west, east, and south walls of the interior walkways.

This approval is per the approved site plans, Exhibits C-1 through C-11, signed and dated February 25, 2014, subject to the following conditions:

- As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 13-242079 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- The "art panels" must comply with the regulations of Title 4 Original Art Murals, and must be permanent (with art content allowed to change if required Title 4 public processes and permitting are met) unless removal is allowed through an additional Type II Design Review.
- The mural inspection, required under Title 4, must be completed prior to the issuance of a Certificate of Occupancy for this building.
- The Original Art Murals must be installed at the locations indicated on Exhibit C-6 and at the minimum dimensions, described as follows: at the south elevation a minimum of 75 SF and a minimum of 50 SF in the two areas indicated on Exhibit C-6; at the east elevation a minimum of 150 SF in the area indicated on Exhibit C-6; at the west elevation a minimum of 450 SF in the area indicated on Exhibit C-6.

Staff Planner: Hillary Adam

Decision rendered by:  **on February 26, 2014**

By authority of the Director of the Bureau of Development Services

Decision mailed: February 28, 2014

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 December 30, 2013, and was determined to be complete on January 28, 2014.

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 December 30, 2013.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: May 29, 2014.**

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 March 14, 2014** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved, the final decision 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 **March 17, 2014.**

- 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, or
- In situations involving only the creation of lots, the land division has been recorded.

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. Original Applicant Statement
 2. Original Drawing Submittal
 3. Completeness Response, received January 20, 2014
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Cover Sheet
 2. Introduction
 3. Site Information
 4. Site Plan 2.1 (attached)
 5. Reflected Ceiling Plan 3.0
 6. Interior Courtyard Elevations 4.0 (attached)
 7. Wall Section & Enlarged Retail Entrance 4.1
 8. Rendering
 9. Details 6.0
 10. Details 6.1
 11. Details 6.2
 12. Details 6.3
 13. Materials 7.0
- D. Notification information:
 1. Mailing list

2. Mailed notice

E. Agency Responses:

1. Life Safety Division of BDS

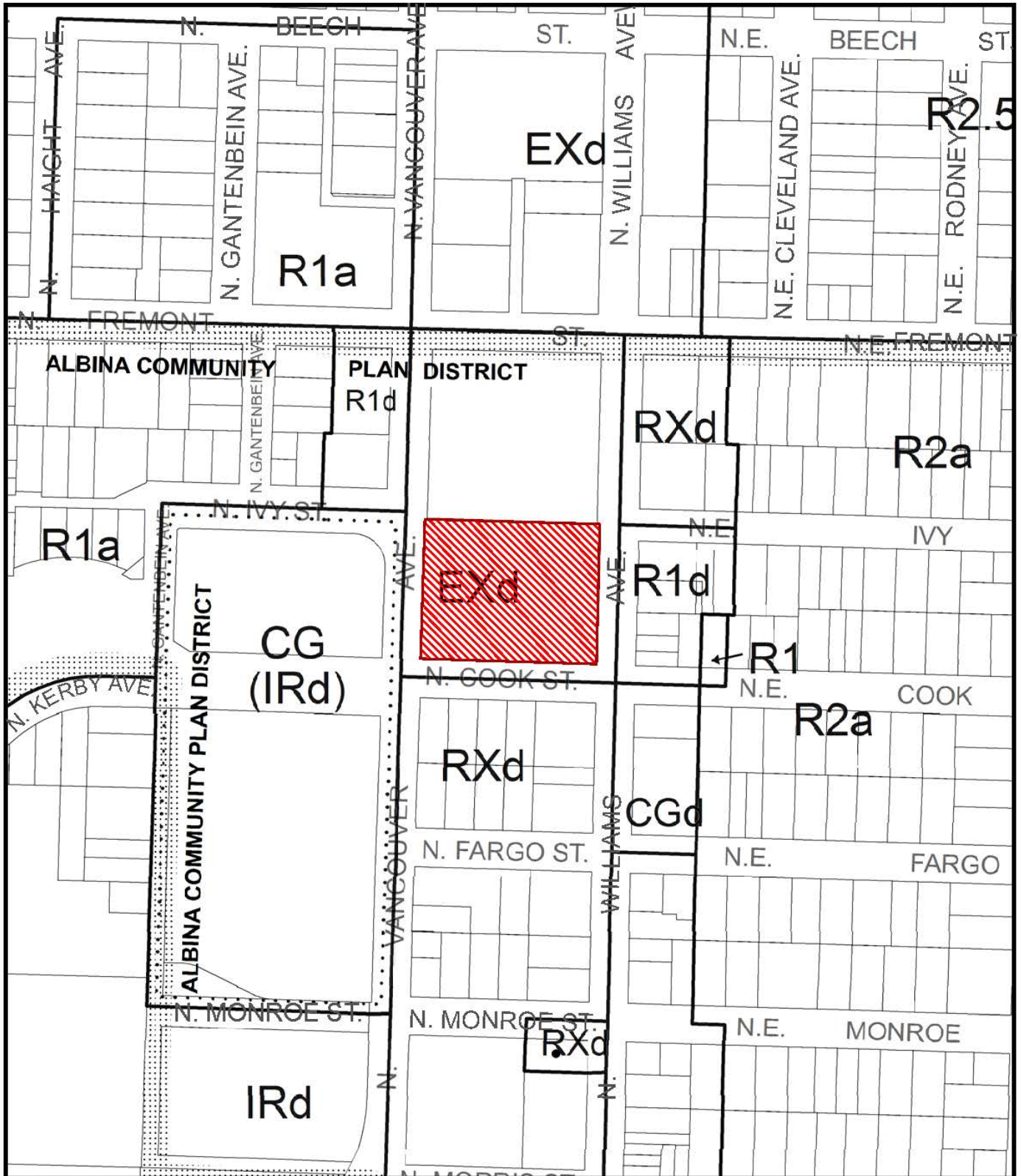
F. Correspondence: none

G. Other:

1. Original LU Application

2. Incomplete Letter, dated January 10, 2014

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



ZONING

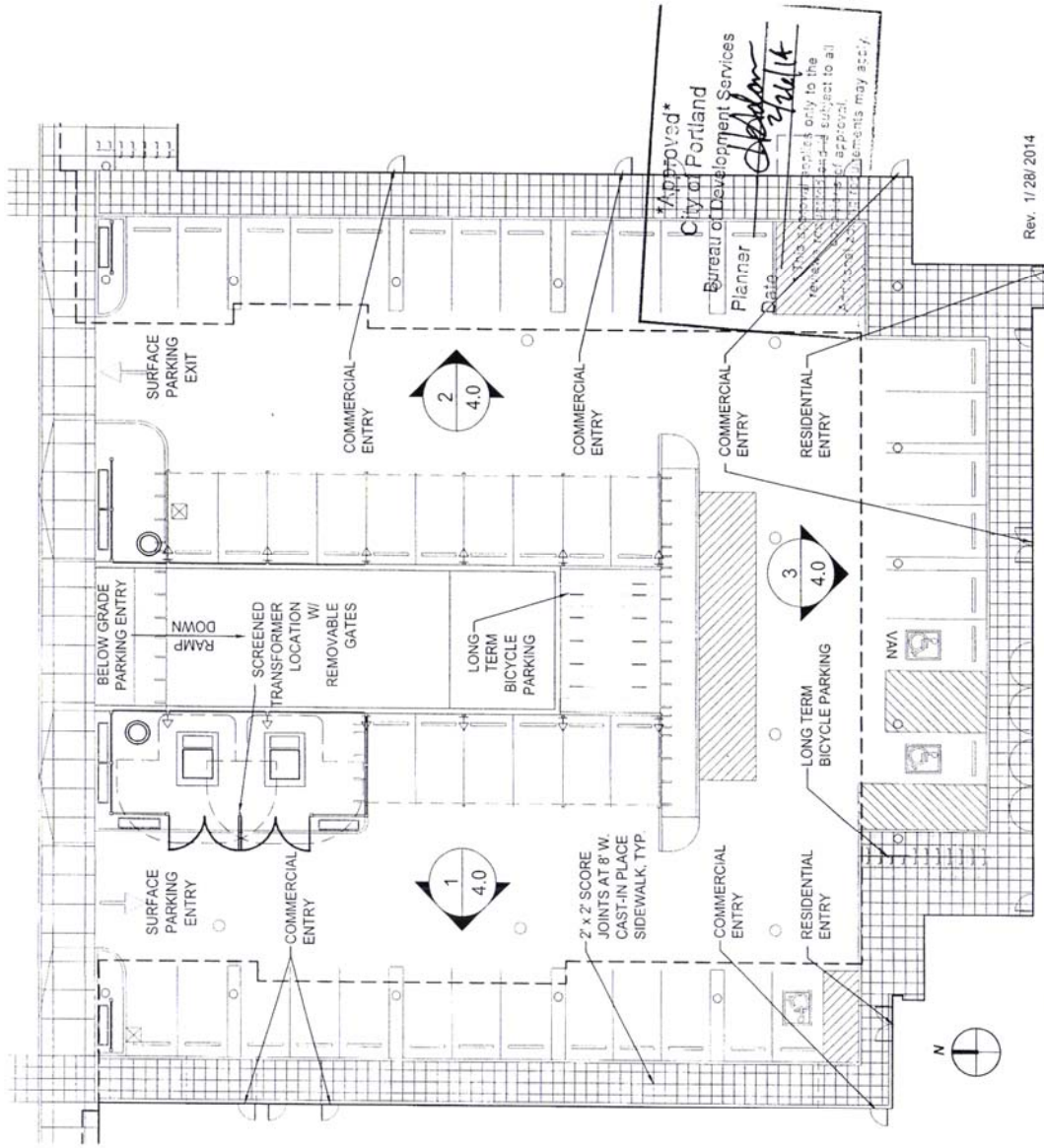


Site



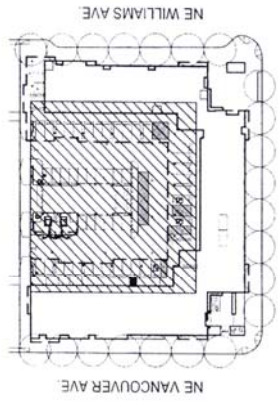
This site lies within the:
ALBINA COMMUNITY PLAN DISTRICT

File No. LU 13-242079 DZ
 1/4 Section 2730
 Scale 1 inch = 200 feet
 State_Id 1N1E27AB 401
 Exhibit B (Jan 02,2014)



Rev. 1/28/2014
 DECEMBER 24, 2013
 115 N COOK ST

1. SITE PLAN - INTERIOR COURTYARD SCALE: 1" = 20'-0"



2. KEYPLAN N.T.S.

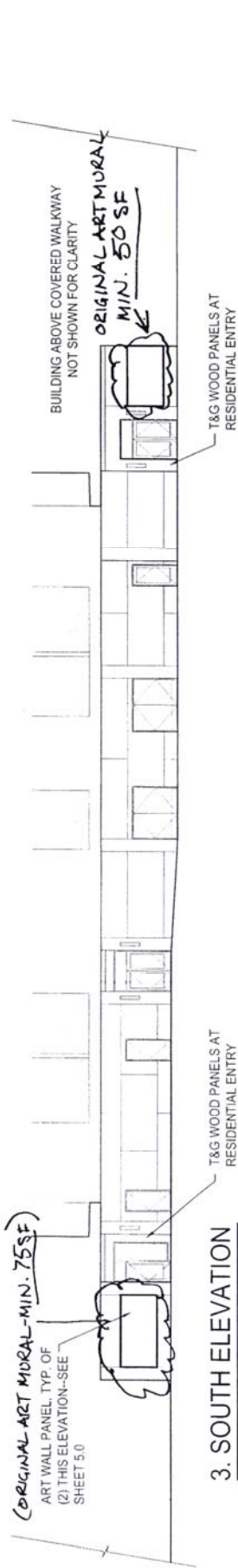
2700 NW 1st Ave.
 Suite 300
 Portland OR 97209
 503.221.1071
 503.221.2077



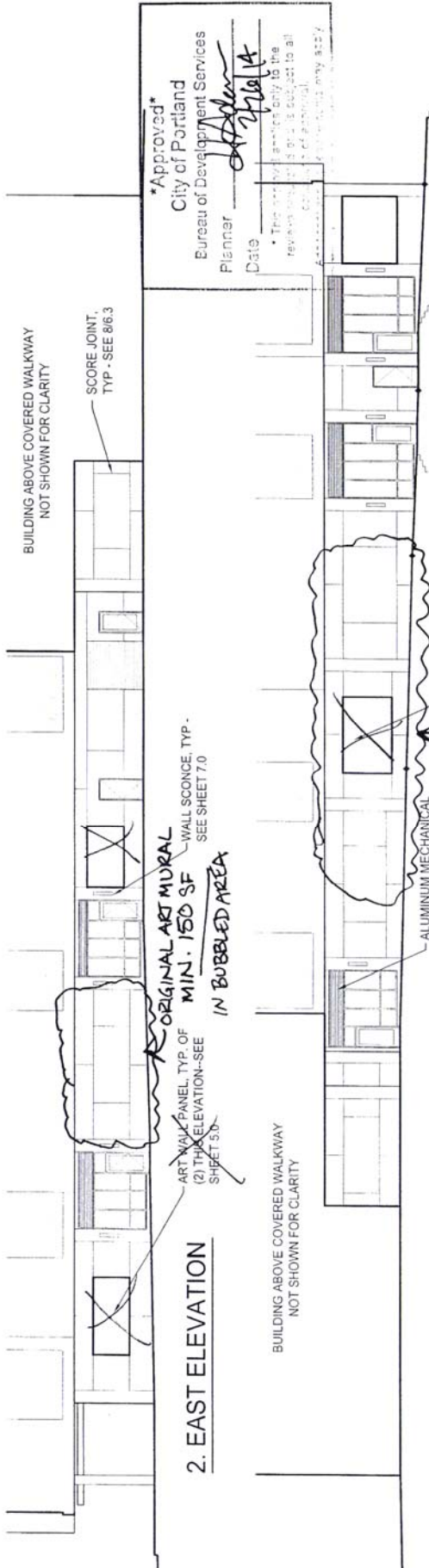
C-4

2.1

Approved
 City of Portland
 Bureau of Development Services
 Planner
 Date
 This plan applies only to the
 reviewed project and subject to all
 other applicable regulations and
 other project elements may apply.



3. SOUTH ELEVATION



2. EAST ELEVATION

1. WEST ELEVATION

Approved
 City of Portland
 Bureau of Development Services
 Planner _____
 Date _____
 *This approval is limited only to the revisions indicated and is subject to all other applicable codes and regulations. Construction may vary.

REV. 1/28/2014
 DECEMBER 24, 2013
 115 N COOK ST

INTERIOR COURTYARD ELEVATIONS SCALE: 1/16" = 1'-0"

LRS ARCHITECTS
 726 NW Davis
 Suite 300
 Portland, OR 97208
 503.271.1271
 503.271.2071

4.0

C-6