



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

Chloe Eudaly, Commissioner
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Date: July 23, 2018
To: Interested Person
From: Santiago Mendez, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 17-263984 DZ – EXTERIOR MODIFICATIONS

GENERAL INFORMATION

Applicant: Todd Knudson | LRS Architects
720 NW Davis Street, Suite 300 | Portland, OR 97209
tknudson@lrsarchitects.com

Owner: BIR Cook Street LLC
107 N Cook Street | Portland, OR 97227

Site Address: 107 N COOK ST

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

Tax Account No.: R916401040
State ID No.: 1N1E27AB 00401
Quarter Section: 2730

Neighborhood: Eliot, contact lutcchair@eliotneighborhood.org
Business District: Williams Vancouver Bus. Assoc., contact info@williamsdistrict.com
District Coalition: Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-388-5030.

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:
The applicant requests Design Review for a change in material and color from the existing secondary exterior wall finish, above the podium level, of stained hardwood ship lap siding to

Ceraclad 8Reveal, a horizontal fiber cement panel consisting of a primary color: “Charcoal” dark grey and an accent color: “Hideaway” brown. All other exterior finish materials will remain unchanged. The basis for change in the secondary wall finish material is due to structural and finish failure of the stained hardwood ship lap siding.

Design review is required for proposed exterior alterations in the “d” design overlay zone of the Albina Community Plan District.

Relevant Approval Criteria:

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

- Community Design Guidelines

ANALYSIS

Site and Vicinity: The subject existing building is a six-story mixed use building, consisting of 206 dwelling units with approximately 22,900 SF of leasable ground floor retail, residential lobby spaces and support services. The 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 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.

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.

The Albina Community Plan District implements the Albina Community Plan. The plan district’s provisions are intended to ensure that new higher density commercial and industrial

developments do not overwhelm nearby residential areas. Infill housing compatibility and affordability is encouraged by eliminating off-street parking requirements for small multi-dwelling projects. The plan district's provisions also encourage the development of new housing along Martin Luther King Jr. Boulevard by allowing new housing projects to include ground level commercial uses that orient to King Boulevard.

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.
- LU 13-242079 DZ – Approval of revised design to interior parking court pedestrian walkways to meet condition of approval in LU 13-131079 DZM.
- LU 14-206251 DZ – Approval of the following revisions to the previously-approved building: changing the previously-approved "green shimmer" metal panel to "crystal zinc", a silver gray color; changing the previously-approved secondary exterior wall finish material from Nichiha fiber-cement panel to tongue and groove wood siding with a clear finish; changing the previously-approved ground level aluminum storefront windows frames from clear anodized aluminum to black; and adding wood soffits to the underside of the previously-approved steel canopies at the ground level.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **November 21, 2017**. The following Bureaus have responded with no issues or concerns:

- Fire Bureau
- Life Safety Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 21, 2017. 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. Community Plan Area Character. Enhance the sense of place and identity of community plan areas by incorporating site and building design features that respond to the area's unique characteristics and neighborhood traditions.

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.

D7. Blending into the Neighborhood. Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

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

Findings for P1, D6, D7 & D8: Findings: The applicant proposes to replace the previously-approved hardwood ship lap siding with horizontal fiber cement panels. This change is consistent with materials found on contemporary buildings along the Williams/ Vancouver couplet, as well as what was originally approved for the building. The vocabulary of the proposed replacement secondary wall finish of horizontal fiber cement panels is similar in scale to existing material. A primary "Charcoal" grey panel color and secondary "Hideaway" brown panel color complements the existing color palette of the building and reinforce the concept of recessed material differentiation. The use of different color materials helps to visually break down the scale of the building, adding interest and variation to the facades while referencing the scale and character of the surrounding neighborhood. Overall, the quality, proportion and permanence of the proposed secondary material will add character to the building and blend with the neighborhood. *Therefore, these guidelines have been met.*

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The proposed exterior alterations to the previously approved building add quality to the building, and strengthen the overall composition as well as the building's connection to the neighborhood in which it is located. 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.

ADMINISTRATIVE DECISION

Approval of exterior modifications to the Cook Street Apartments, per the approved site plans, Exhibits C-1 through C-15, signed and dated July 23, 2018, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 17-263984 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Santiago Mendez

Decision rendered by:  **on July 23, 2018**

By authority of the Director of the Bureau of Development Services

Decision mailed: July 26, 2018

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 October 31, 2017, and was determined to be complete on November 16, 2017.

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 October 31, 2017.

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 requested that the 120-day review period be extended three times, first for 45 days, second for 90 days and third for 110 days. Unless further extended by the applicant, **the 120 days will expire on: November 16, 2018.**

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 August 9, 2018** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

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

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

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded on or after **August 10, 2018** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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

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

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

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

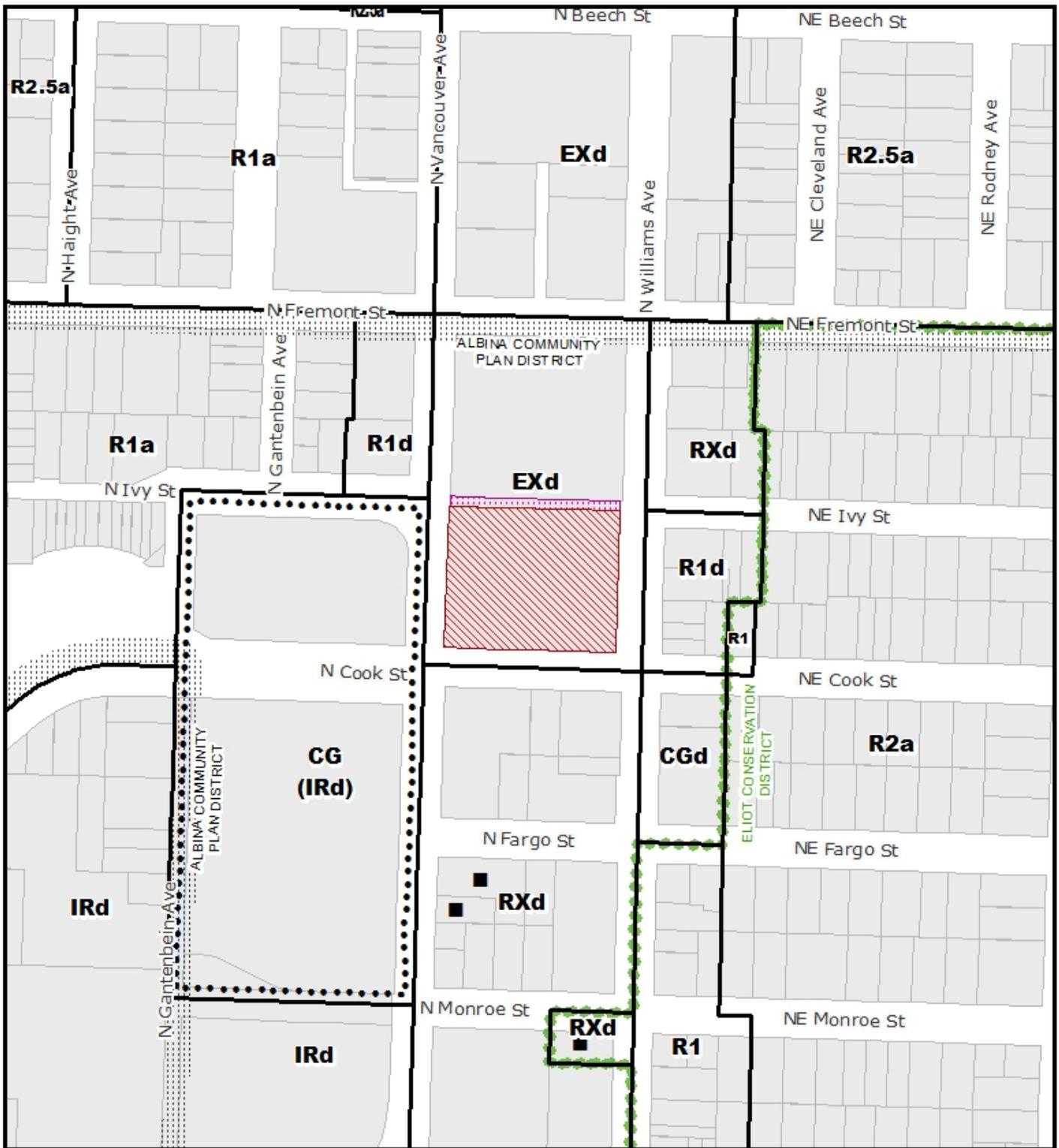
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 1. Project Narrative 7/17/18
 2. Applicant Packer 7/17/18
 3. Project Narrative 10/30/17
 4. Applicant Packet 10/30/17
 5. Project Narrative, revised 3/12/18
 6. Applicant Packet, revised 3/12/18
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. South Elevation
 3. East Elevation
 4. West Elevation
 5. North Elevation
 6. Interior Courtyard South Elevation
 7. Interior Courtyard West Elevation
 8. Interior Courtyard East Elevation
 9. Design Detail Illustrations (SW Courtyard)
 10. Design Detail Illustrations (Typical Residential Unit Deck)
 11. Design Detail Illustrations (Typical Fiber Cement Panel Corner)
 12. Design Detail Illustrations (Window Head and Sill)
 13. Design Detail Illustrations (Window Jamb, Fiber Cement Panel and Metal Panel)
 14. Design Detail Illustrations (Outside Corner at Deck)
 15. Ceraclad Manufacturer's Cutsheet
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Fire Bureau
 2. Life Safety Section of BDS
- F. Correspondence: None
- G. Other:
 1. Original LU Application
 2. Incomplete Letter
 3. 120-Day Extension Form, 12/15/17
 4. 120-Day Extension Form, 2/7/18
 5. 120-Day Extension Form, 6/12/18

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



THIS SITE LIES WITHIN THE:
ALBINA COMMUNITY PLAN DISTRICT

-  Site
-  Also Owned Parcels
-  Historic Landmark

File No.	LU 17-263984 DZ
1/4 Section	2730
Scale	1 inch = 200 feet
State ID	1N1E27AB 401
Exhibit	B Nov 03, 2017

TOTAL UNITS AND RESIDENTS:

SUB GRADE	RESIDENTIAL PARKING
1ST FLOOR	RETAIL, APARTMENT LOBBIES & RELATED AMENITIES, BUILDING SERVICES
2ND FLOOR	15 STUDIOS 20 (1) BEDROOMS 8 (2) BEDROOMS
3RD FLOOR	15 STUDIOS 20 (1) BEDROOMS 8 (2) BEDROOMS
4TH FLOOR	15 STUDIOS 20 (1) BEDROOMS 8 (2) BEDROOMS
5TH FLOOR	15 STUDIOS 20 (1) BEDROOMS 8 (2) BEDROOMS
6TH FLOOR	13 STUDIOS 13 (1) BEDROOMS 8 (2) BEDROOMS
TOTAL	206 UNITS

VEHICULAR PARKING:

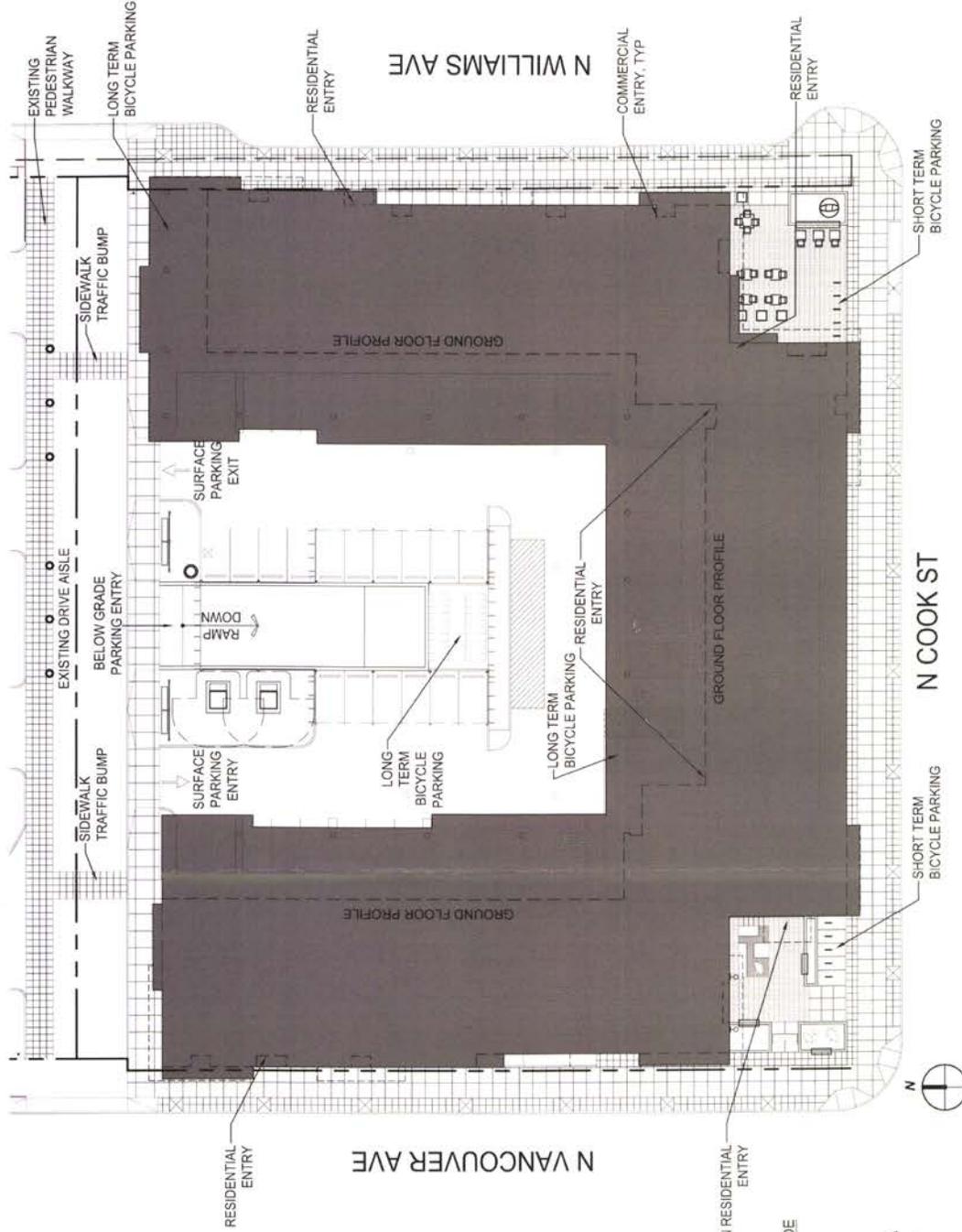
PARKING PROVIDED	PARKING REQUIRED BY CODE
APARTMENTS: 142 SUB-GRADE SPACES - INCLUDES (5) ACCESSIBLE SPACES (1) "VAN ACCESSIBLE" W/ SIDE AISLE & (1) "WHEELCHAIR USE ONLY" SPACE	NONE REQUIRED
48 ON-GRADE SPACES	EXEMPT BY LOCATION OF TRIMET BUS STOP WITHIN 500' OF PROJECT SITE

LOADING:

LOADING PROVIDED	LOADING REQUIRED BY CODE
(1) 10' x 35' LOADING ZONE	(1) 10' x 35' LOADING ZONE

BICYCLE PARKING:

BIKE PARKING PROVIDED	BIKE PARKING REQUIRED BY CODE
APARTMENTS 227 LONG-TERM 11 SHORT-TERM	1.1 LONG-TERM BIKE SPACE PER UNIT 1.0 SHORT-TERM BIKE SPACE PER UNIT
RETAIL 10 LONG-TERM 10 SHORT-TERM	2.0 OR 1 PER 12,000 SF OF NET BLDG. AREA 2.0 OR 1 PER 5,000 SF OF NET BLDG. AREA



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

720 NW Davis
Suite 300
Portland, OR 97209
503.221.1121
503.221.2077



City of Portland - Bureau of Development Services
Planner *S.M.* Date *7/23/18*
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

October 30, 2017
107 N Cook St

2.1

407-263784172
EXHIBIT C-1