



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

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Date: November 1, 2018
To: Interested Person
From: Jeffrey Mitchem, 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 18-172277 DZM
3240 N WILLIAMS AVE

GENERAL INFORMATION

Applicant: William Neburka | Evident Architecture Office
 411 SE 58th Place | Portland, OR 97215

Owner: Go Go LLC
 Po Box 5908 | Portland, OR 97228

Representative: Brandon Brown | Gogo LLC
 3637 N Missouri | Portland, OR 97227

Site Address: **3240 N Williams Avenue**

Legal Description: BLOCK 8 LOT 1, WILLIAMS AVE ADD
Tax Account No.: R916402140
State ID No.: 1N1E27AA 11800
Quarter Section: 2730
Neighborhood: Eliot, contact at lutcchair@eliotneighborhood.org.
Business District: Soul District Business Association, contact at info@nnebaportland.org,
 Williams Vancouver Bus. Assoc., contact at info@williamsdistrict.com

District Coalition: Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-388-5030.

Plan District: Albina Community
Zoning: **CGd** – General Commercial with Design Overlay
Case Type: **DZM** – Design Review with Modifications
Procedure: **Type II**, an administrative decision with appeal to the Design Commission.

Proposal:
 The proposed project is a 4-story market rate apartment building on a 4,750 sf site bounded by N Williams Ave (west) and NE Cook St (north). Key components of the development program are (approximate quantities):

- 12 units
- 8 at-grade, tuck-under parking stalls
- 2,000 SF ground floor retail
- 13 long-term bike parking spaces (1 room at-grade)
- 2 short-term bike parking spaces (pay into bike parking fund)

Materials. Exterior materials are

- *Cladding.* Primary material is box rib metal (dark gray); accent material is stained cedar and board-formed concrete.
- *Mechanical.* As no unit air-conditioning is proposed, no skin-penetrating venting and/or louvers are included in the design. All unit and ground-level venting is proposed to be routed vertically.
- *Windows.* VPI commercial grade vinyl windows and aluminum storefront, colors to match cladding color (dark gray).
- *Balconies.* 11 balconies are proposed oriented toward NE Cook St with abutting co-planar screen panels.

Modifications. The following are requested:

1. **33.130.210, Table 130-3 – Maximum height in CG:** 45'; Proposed: 6.5' increase to accommodate pitched roof and additional bedrooms in upper units.
2. **33.130.225 Landscaped Areas.** Required landscaping in CG – 15% (712 sf); proposed – 12% (570 sf).

Key Standards. The following are key development standards:

1. **FAR:** Maximum FAR (without transfer) is 3.5:1 (14,550 sf); proposed FAR is 16,148 sf. Transfer of 1,595 sf required per 33.130.205) – Covenant Transferring Historic Landmark Floor Area Ratio (Exhibit A.2).
2. **Height.** Maximum base height (without Modification) is 45'; proposed height is 51.5'. Refer to Modification findings in Section II below.

Design Review is necessary because the proposal is for new construction within a Design Overlay.

Relevant Approval Criteria:

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

- Community Design Guidelines
- 33.825 Modifications through Design Review

ANALYSIS

Site and Vicinity: The 4,750 sf site fronts the southeast corner of the intersection of N Williams Avenue and NE Cook Street. Abutting conditions are – single-dwelling residential to the east, and general commercial and surface parking to the south. Development context abutting the intersection consists of the six-story Cook St Apartments, the proposed Williams and Cook Apartments and a vacant lot. The property lies within the Eliot Pedestrian District. According to the City's Transportation System Plan (TSP), adjacent streets are classified as follows:

- N Williams Ave is classified as a Neighborhood Collector, a Transit Access Street, a City Bikeway and a Community Corridor.
- NE Cook St is classified as a Local Service street for all modes.

N Williams Avenue is a one-way, northbound street, and N Vancouver Avenue, which is located one block west, forms the one-way southbound portion of this couplet. Bike lanes are located within the N Williams Avenue and N Vancouver Avenue roadways. N Williams Avenue has two through-lanes and a right turn lane along the site's frontage. NE Cook St provides two-way traffic, though access is controlled at the N Williams Ave intersection to east-bound travel only. TriMet bus stops are located across NE Cook St. On- and off-ramps to Interstate-405 are

located approximately two blocks from the Site, just west of the N Vancouver Avenue/N Cook Street intersection.

Overall, the Williams-Vancouver corridor, from N Cook Street to the south and to N Skidmore Street to the north, is experiencing significant redevelopment. Whereas some existing buildings have been demolished to accommodate new development, other existing buildings have been rehabilitated and adapted for new uses. Redevelopment has also been occurring on land that has been vacant for many years. The corridor is increasingly characterized by new restaurants, bars, specialty retail shops, and apartments targeted to young middle-class singles and small families. The area surrounding the Williams-Vancouver corridor is characterized by single-family houses, many constructed in the early 1900s. Broader context reflects the mixed-zoning pattern of the area including a one-story New Seasons grocery store one block north site across N Williams Avenue, the Karuna II north of NE Fremont across N Williams and Carbon 12.

Zoning: The General Commercial (CG) zone is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most newer commercial areas. The zone allows a full range of retail and service businesses with a local or regional market. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. Development is expected to be generally auto-accommodating, except where the site is adjacent to a transit street or in a Pedestrian District. The zone's development standards promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves.

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 no prior land use reviews.

Agency Review: A *Notice of Proposal in Your Neighborhood* was mailed **May 25, 2018**. The following Bureaus have responded with no issues or concerns:

- Fire Bureau (Exhibit E.1)
- Site Development Section of BDS (Exhibit E.2)
- Bureau of Environmental Services (Exhibit E.3)
- Bureau of Environmental Services Addendum (Exhibit E.4)
- Bureau of Transportation (Exhibit E.5)
- Bureau of Transportation Addendum (Exhibit E.6)
- Life Safety (Exhibit E.7)
- Water Bureau (Exhibit E.8)

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on **May 25, 2018**. Seven written response have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Kim Mason, June 28, 2018. Email objecting to the height Modification (Exhibit F.1)

- Eliot Neighborhood Land Use and Transportation Committee, June 1, 2018. Letter supporting the project. (Exhibit F.2)
- Tahiria Sheather, June 26, 2018. Email supporting the design and opposing the height Modification. (Exhibit F.3)
- Thomas Liddy, June 24, 2018. Email supporting the design and opposing the height Modification. (Exhibit F.4)
- Alex Mason, June 28, 2018. Email opposing the height Modification. (Exhibit F.5)
- Meg Dougherty, June 24, 2018. Email opposing the height Modification. (Exhibit F.6)

Staff Response: *Staff find that the height Modification request of 6.5' is warranted pursuant to the findings contained in Section II below.*

ZONING CODE APPROVAL CRITERIA

I. 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: Because the CG zoned project site abuts R2 zoning, it is faced with the design challenge to effectively transition from high- to low-density development intensities. The design responds to this transitional character with a unique and pioneering contribution to the neighborhood with regard to massing, scale, form and program orientation which blends well with context.

- *Massing.* The massing is configured with a single-gabled box oriented toward the residentially zoned parcel abutting the site to the east.

- *Scale.* Ground-level pedestrian scale is reinforced by retail store-front under overhanging balconies and architectural screens.
- *Form.* The height bonus allows the gabled roof-form with a contemporary dormer expression.
- *Program Orientation.* Ground-level retail is oriented to N Williams Ave to reinforce the desired character of this vital retail corridor. Upper-level balconies and screening elements serve to reinforce the front porch character and traditions which pervade residential context.

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 project provides safe, attractive, and convenient pedestrian connections and transitions between the abutting public sidewalk, the primary residential lobby entrance and the retail entry oriented to the sidewalk within the N Williams Ave right-of-way. Specific features that will ensure the creation of a successful pedestrian network are:

- Dedicated entries for residential lobby/bike room (via garage)/retail tenant.
- Accessed from N Cook St, the parking garage is well separated (approximately 60') from the corner retail and lobby entries.
- The two-sided public face of the project features a well-glazed storefront base to enhance visual connectivity between the public and private realm.
- Standard public sidewalk dimensions and scoring patterns (per PBOT standards) and storefront continuity abutting both public frontages.
- Illuminated pedestrian areas for safety via well-integrated lighting within the entry courtyard at the individual unit entries.
- Recessed storefront base and entries.

These guidelines are 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.*

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

Findings for E3 and D2. The project creates a sense of enclosure and visual interest along sidewalks through incorporating the following design features:

- Both the lobby entry and the residential entries are recessed between approximately 5' and 8' from back-of-sidewalk.
- A well-glazed ground-level façade.
- Recessed base at the N Williams Ave frontage.
- The upper floors of the building are clad with vertically-oriented box-rib metal siding and wood accent in character with contemporary infill within the neighborhood.
- The street-facing ground level is clad with continuous butt-glazed storefront window system framed within boxes apertures in a proportion referencing over-story façade patterning.
- All entrances are ADA accessible and feature well-integrated entry markers such as recesses, lighting, and integrated landscape buffering the residential side set-back.
- Long-term bicycle storage room doors are wider than typical entry doors – 48".
- The main lobby entrance facing N Williams Ave features subtle elevation cues – planar recess, aperture entry volume, sculpted cladding on levels 2-5 and full-height storefront glazing.

- The secondary residential entry is oriented to quieter NE Cook St elevation and is subtly accented with a box-framed aperture and accent lighting.

These guidelines are met.

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: The project provides the following features that will enhance the comfort of pedestrians:

- The residential lobby and retail entries are protected by a recessed entry (4') from the back of sidewalk.
- The ground level of the north elevation is protected by projecting over-story building mass of approximately 4'.
- The east side-yard setback is landscaped per L3 standard including trees.
- The proposed exterior materials of matte metal panel and wood accents will minimize glare and reflectivity.

This guideline is met.

D1: Create outdoor areas when possible. *Design these areas to be accessible and connected to pedestrian circulation*

D3: Landscape Features. *Enhance site and building design through appropriate placement, scale, and variety of landscape features.*

Findings for D1 and D3: The project provides the following features that will enhance site, building and vicinity connectivity:

- The fully accessible residential lobby and retail entry.
- Perimeter landscape screening at east site perimeter.
- Balconies and screen walls will serve to visually buffer unit interiors.

These guidelines are 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 following features will reduce the likelihood of crime:

- A comprehensive lighting plan featuring:
 - All proposed exterior lighting will be energy efficient LED and controlled either by occupancy sensors, timers, or photosensors.
 - Recessed down lighting is provided within the soffits at lobby and retail entries.
 - Wall-integrated downcast lighting is provided consistently around the perimeter of the building.
- Well-glazed retail storefront to provide “eyes” on the street near the building’s primary corner – N Williams Ave and NE Cook St.
- All north-facing units feature balconies provided passive surveillance opportunities of the NE Cook St right-of-way.

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: The following features will ensure that the project will be built of high-quality materials, and be cohesively composed and interesting to view:

- The proposed massing and form is uniformly expressed as a gabled box with subtle coplanar material variations.
- The designs primary elevation language is based in “elevated porched” coherently expressed over the entire north elevation and geometrically referenced through materiality on other elevations.
- The gabled roof form is uniformly expressed in an E-W direction – oriented toward the residential lot abutting site to the east – punctuated by north-facing shed dormers in a proportion reflected in the geometry of the balconies and screen elements on the abutting facade.
- Material quality is assured via the following exterior materials palette
 - Vertical wood siding – tight knot cedar over ¾” PT plywood
 - Wood screen panels – tight knot cedar studs @ 5” oc, visually concealed fastening
 - Box rib corrugated metal siding on perforated furring
 - Hardie panel accents on dormers
 - Cast concrete storefront frames
 - Commercial-grade VPI vinyl windows
 - Butt-glazed storefront glass within aluminum
 - Wood entry (lobby and retail) and sliding (unit balcony) doors

This guideline is met.

II. Modification Requests (33.825)

33.825.040 Modifications That Will Better Meet Design Review Requirements:

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 design review process. These modifications are done as part of 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 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 design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

The following modifications are requested:

1. **33.130.210, Table 130-3 – Maximum height in CG:** 45’; Proposed: 6.5’ increase to accommodate pitched roof and additional bedrooms in upper units.

Purpose: *The height limits in the CO2, CM, CS, and CG zones allow for a greater building height at a scale that generally reflects Portland's commercial areas. Light, air, and the potential for privacy are intended to be preserved in adjacent residential zones.*

- A. **Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines.*

Findings. The height limit in CG is 45’. In the CG zone, increased height may be requested as a modification through Design Review. The proposal requests 6.5’ additional feet in height to the mid-point of the highest roof gable. The additional height will allow the higher volume spaces (ground floor retail and living units) and a more traditional gabled roof form reinforcing vicinity context – single-dwelling to the east and multi-dwelling mixed-use to the west. Additionally, the increased floor-

to-floor volumes combined with the gabled roof form and unified balcony language create a very interesting design expression – well-proportioned massing, and unique geometric form patterns – within a coherently composed whole.

Accordingly, these additional aspects allowed by the incremental increase in height will contribute to the project better meeting the following Guidelines:

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

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

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

Therefore, this criterion is met.

- B. Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.* Height standards work with the FAR, building setback, and building coverage standards to control the overall **bulk** and **intensity** of an area.

Findings. The purpose statement indicates that height limits in the CG zone are primarily intended to control a building's *bulk* and *intensity*.

Building **bulk** refers to the mass, scale or magnitude of the structure. The additional height requested will allow for a gabled roof form which will not noticeably increase the building's bulk, but will instead incrementally enhance the prominence of the of the building as viewed from surrounding vantage points.

Building **intensity** generally refers to the concentration of gross building area and related human activity within a unit of land area. Because the additional height will not result in additional occupiable floor-area, human activity above the abutting public realm will not be increased. As such, the request will not result in additional noise, light, glare, etc. typically associated with intensity of use.

Therefore, this criterion is met.

Therefore, this Modification merits approval.

- 2. 33.130.225 Landscaped Areas.** Required landscaping in CG – 15% (712 sf); proposed – 12% (570 sf). While the building complies with the 85% maximum lot coverage, the reduction in landscaping will allow multi-modal access within the site while meeting stormwater demands.

Purpose: *Landscaping is required in some zones because it is attractive and it helps to soften the effects of built and paved areas. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater runoff by providing non-paved permeable surface. Landscaping can also provide food for people and habitat for birds and other wildlife. Landscaping is required for all commercial-zoned lands abutting R zoned lands to provide buffering and promote the livability of the residential lands.*

- A. Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines.*

Findings. The incremental decrease in landscaping area is the consequence of cumulative design moves intended to reinforce a high-quality pedestrian

environment at the project's public frontages – programmatically by placing deep, transparent retail space anchoring the corner of NE Cook St and N Williams Ave and architecturally by creating an projecting filigree porch façade along NE Cook Street which will protect the pedestrian while reinforcing a pervasive design pattern typical of context (front porches). Though no parking is required, the proposal includes eight parking spaces (pervious paver surface material) in response to neighborhood concerns over lack of on-site parking for new development. The incremental reduction is landscaping allows the parking to be oriented away from the abutting public right-of-way toward center-block. The parking area is buffered by board-formed concrete walls with stained cedar accents. The parking entrance will be visually screened by a perforated coiling gate.

Accordingly, these additional aspects allowed by the incremental increase in height will contribute to the project better meeting the following Guidelines:

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

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.

This criterion is met.

B. Purpose of the standard. *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings: Consistent with the purpose statement, the landscape design includes permeable pavers to reduce stormwater runoff pollution and additional trees within the landscape buffer zone to promote compatibility with abutting property and restore tree canopy. By allowing an incremental decrease in landscape area while still meeting setback standards abutting the residential zoned lot to the east, the project presents a softened site condition to the east to promote livability in a rapidly urbanizing area.

This criterion is met.

This Modification therefore merits approval.

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 requirements of Title 11 can be met, and 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 modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a 12-unit, 4-story market rate apartment building on a 4,750 sf site bounded by N Williams Ave (west) and NE Cook St (north) with ground-level retail and parking (8 stalls).

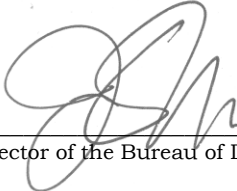
Approval of the following Modification requests:

1. **33.130.210, Table 130-3 – Maximum height in CG:** 45'; Proposed: 6.5' increase to accommodate pitched roof and additional bedrooms in upper units.
2. **33.130.225 Landscaped Areas.** Required landscaping in CG – 15% (712 sf); proposed – 12% (570 sf).

Approval per the approved site plans, Exhibits C-1 through C-22, signed and dated October 30, 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 18-172277 DZM." 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: Jeffrey Mitchem

Decision rendered by:  **on October 30, 2018**
By authority of the Director of the Bureau of Development Services

Decision mailed: November 1, 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 **May 16, 2018**, and was determined to be complete on **May 22, 2018**.

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 **May 16, 2018**.

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 by 120 days. Unless further extended by the applicant, **the 120 days will expire on January 18, 2019**.

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 November 15, 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 after **November 16, 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.

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.

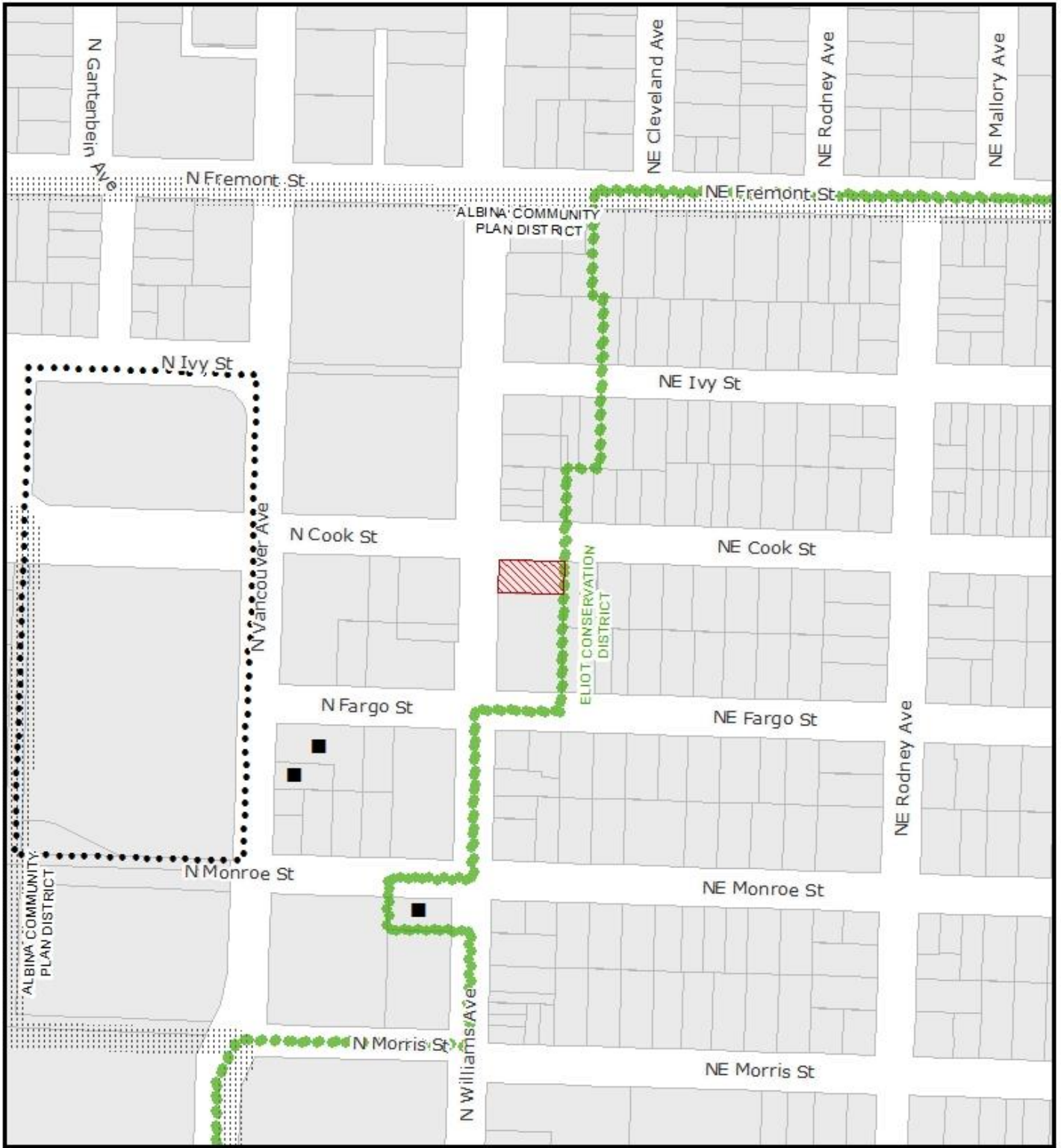
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Narrative
 2. Draft FAR Transfer Covenant
 3. Neighborhood Contact Verification
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Planting & Tree Plan
 3. Utility Plan
 4. Ground Floor Plan
 5. Second Floor Plan
 6. Third Floor Plan
 7. Fourth Floor Plan
 8. Mechanical Well and Loft Plan
 9. Building Elevations
 10. Building Elevations
 11. Building Elevations
 12. Building Elevations
 13. Building Elevations
 14. Building Sections
 15. Area Calculations
 16. Assemblies
 17. Materials
 18. Materials
 19. Materials
 20. Materials
 21. Materials
 22. Materials
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Fire Bureau
 2. Site Development Section of BDS
 3. Bureau of Environmental Services

4. Bureau of Environmental Services Addendum
 5. Bureau of Transportation
 6. Bureau of Transportation Addendum
 7. Life Safety
 8. Water Bureau
- F. Correspondence:
1. Kim Mason, June 28, 2018. Email objecting to the height Modification
 2. Eliot Neighborhood Land Use and Transportation Committee, June 1, 2018. Letter supporting the project.
 3. Tahiria Sheather, June 26, 2018. Email supporting the design and opposing the height Modification.
 4. Thomas Liddy, June 24, 2018. Email supporting the design and opposing the height Modification.
 5. Alex Mason, June 28, 2018. Email opposing the height Modification.
 6. Meg Dougherty, June 24, 2018. Email opposing the height Modification.
- G. Other:
1. Original LU Application

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).

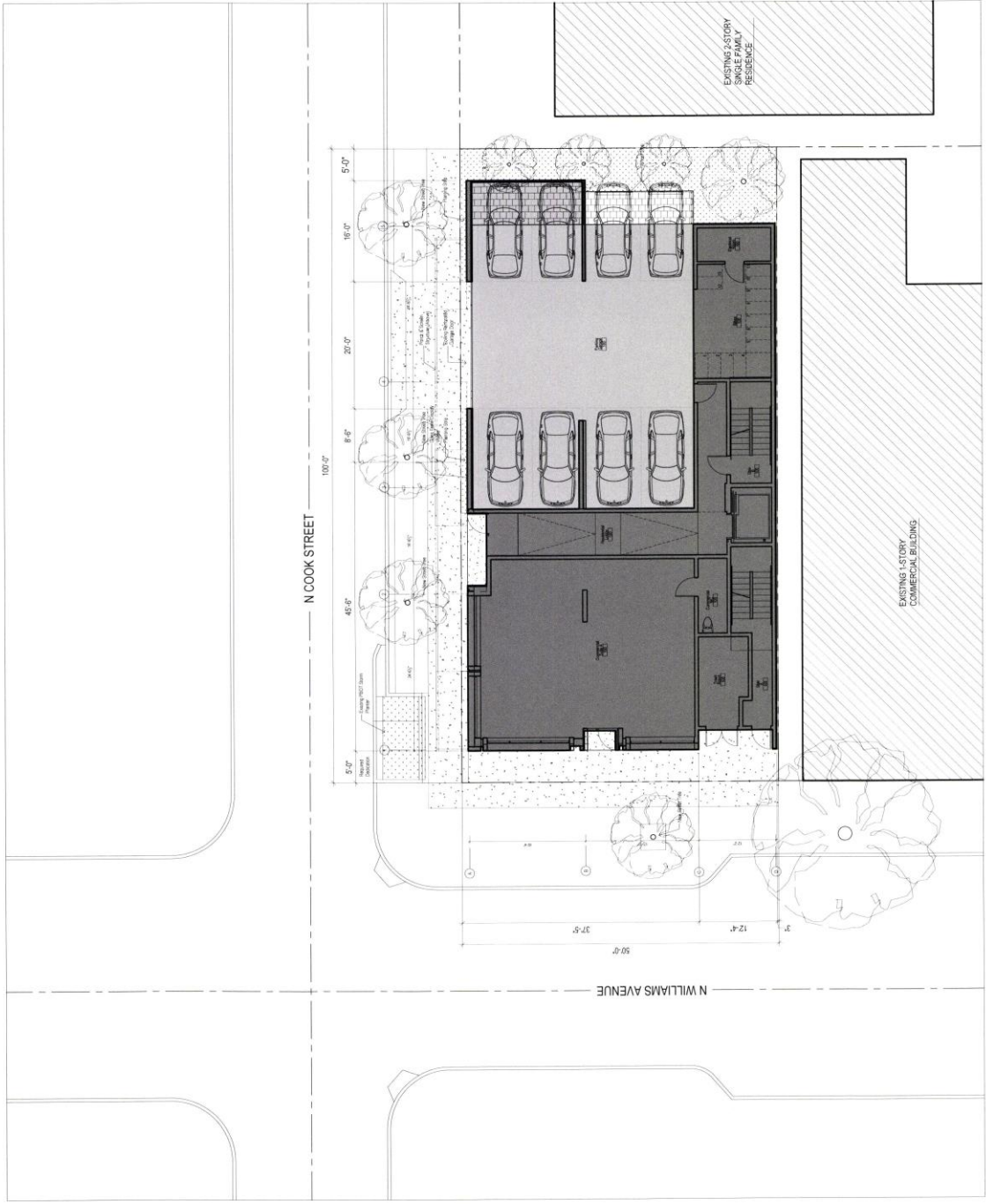


ZONING 
 THIS SITE LIES WITHIN THE:
 ALBINA COMMUNITY PLAN DISTRICT

-  Site
-  Historic Landmark

File No.	LU 18-172277 DZM
1/4 Section	2730
Scale	1 inch = 200 feet
State ID	1N1E27AA 11800
Exhibit	B May 23, 2018

Approved: *[Signature]*
 City of Portland, Bureau of Development Services
 Planner: *[Signature]*
 Date: 10/26/11
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



1. Site Plan
 Scale: 1/8" = 1'-0"

18-172277

3240 N Williams Design Review Addendum
 EXA C.1