



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

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Date: September 24, 2021
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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 21-012862 HRM: 4-STORY RESIDENTIAL BUILDING

GENERAL INFORMATION

Applicant: David McLaughlin | Works Progress Architecture
811 SE Stark St., Ste 210 | Portland, OR 97214
503.234.2945 | davidm@worksarchitecture.net

Owner: Neiv Schwartz | Prescott – Mississippi LLC
1887 Whitney Mesa Dr #1836 | Henderson, NV 89014
702.501.1818 | neiv@one45group.com

Party of Interest: Yoni Schwartz | Prescott - Mississippi LLC
1887 Whitney Mesa Dr #1836 | Henderson, NV 89014

Site Address: 751 N PRESCOTT ST & 4514 N Albina Ave.

Legal Description: BLOCK 9 LOT 1, CLIFFORD ADD; BLOCK 9 S 28' OF LOT 2, CLIFFORD ADD

Tax Account No.: R163901470, R163901490

State ID No.: 1N1E22BD 09200, 1N1E22BD 09300

Quarter Section: 2629

Neighborhood: Humboldt, contact John Ollis at solchild@gmail.com

Business District: Soul District Business Association, contact at Info@nnebaportland.org

District Coalition: Northeast Coalition of Neighborhoods, contact at info@necoalition.org

Plan District: NONE

Other Designations: Contributing Resource in the Mississippi Conservation District

Zoning: CM2 (MU-U)d: Commercial Mixed-Use 2, Design Overlay, and Historic Resource Protection Overlay

Case Type: HRM: Historic Resource Review with Modifications

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

Proposal:

The applicant requests Historic Resource Review with Modifications for the approval of a new 4 story 29-unit residential apartment building in the Mississippi Conservation District.

The proposal includes a ground floor with 8 residential loft units with a mix of amenity, lobby, and building support spaces. The upper levels are residential and contain 21 units, with a mix of studios, one-bedroom, two-bedroom, and multi-story dwellings. The project will include affordable housing units in conformance with the Inclusionary Housing requirements. Individual and common outdoor amenity areas are provided. Materials include thin brick and Hardie panel (cementitious panel) at the ground floor; and vertical box rib metal panel and Hardie panel at the upper levels. Short and long-term bicycle parking is provided. No vehicle parking is proposed.

Modifications are proposed to:

1. Required Outdoor Area (33.130.228.B.2.b.(1)):

This code standard requires that “Outdoor Common Area” be designed so that it is: at least 500 square feet in area; measure at least 20 feet in all directions; be located within 20 feet of a building entrance providing access to residential units.

This Modification proposes an outdoor common area on the 4th floor roof area that is 15’-0” x 51’ (765 square feet) and within 20 feet of a building entrance providing access to residential units. The Modification is required because the minimum 20 feet measurement in all directions is not proposed to be met.

2. Ground Floor Residential Unit Setbacks (33.130.230.B.4.b.):

Per this code standard, the setback for dwelling units at the ground floor must be 5 feet from the street lot line (i.e., the property line) with the setback being landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians. In addition, windows must cover at least 25 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground floor.

This Modification is to the single dwelling unit at the south-west corner, on the west elevation, where approximately half of the unit is setback 3’-10” from the property line, and half is located at the property line. The window coverage portion of the standard is met.

The proposal includes non-exempt development within the Mississippi Conservation District therefore, prompting Historic Resource Review prior to the issuance of building permits.

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*
- *Modifications: Section 33.846.070*

ANALYSIS**Site and Vicinity:**

The subject site occurs within the Mississippi Historic Conservation District, a distinct urban neighborhood with a broad collection of historic homes, streetcar-era pedestrian focused storefronts, and multi-story commercial structures. It is bounded to the west by N. Albina Ave and to the south by N. Prescott St. The project site consists of two existing lots that will be

consolidated into one lot for development. Both existing lots are currently occupied by existing single-family residences.

Both N Prescott Street and N Albina Ave (immediately adjacent to the site) are Local Service Transit Streets; Local Service Traffic Streets; and Local Service Bikeways. The #4 bus provides service to the site on N Albina Ave. The site is near, but not in, the Fremont/Williams Pedestrian District which, is diagonal (south-west) of the site.

The site and adjacent lots to the north and west are zoned CM2, which allows for residential and commercial uses. To the south and east, the adjacent lots are zoned R2.5, which allows for household living.

Zoning:

The Commercial/Mixed Use 2 (CM2) zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed use areas that have frequent transit service. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to four stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.

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 Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region’s heritage. The regulations implement Portland’s Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region’s citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city’s economic health, and helps to preserve and enhance the value of historic properties.

The Mississippi Avenue Conservation District is an area rich in late nineteenth and early twentieth century buildings, both along its namesake central commercial street and in the flanking residential areas to the east and west. It grew up around a streetcar line that ran up N Mississippi Avenue, providing access and a rationale for concentration of businesses. N Missouri Avenue, running parallel to Mississippi two blocks west, and N Shaver Street, also adjoining the site, are local service bikeways, and the neighborhood is designated as a pedestrian zone. The area also exhibits a pattern rare in Portland, in that it includes alleys, one of which borders the property to the west.

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

- EA 20-183528: EA for new Multi-Family Residential Project with 40 proposed dwelling units (including ground level units & Inclusionary Housing); no vehicle parking.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **August 9, 2021**.

1. Fire Bureau: Dawn Krantz, August 27, 2021. With no concerns. (Exhibit E-1)
2. Water Bureau: Michael Puckett, August 27, 2021. With no concerns. (Exhibit E-2)

3. Bureau of Development Services Site Development: Kevin Wells, August 30, 2021. With no concerns. (Exhibit E-3)
4. Bureau of Development Services Life Safety/Building Code Section: Chanel Horn, August 30, 2021. With no objections to approval. (Exhibit E-4)
5. Bureau of Environmental Services: Ella Indarta, August 30, 2021. With initial concerns regarding approvability due to the absence of required documents in the submittal. However, it was quickly realized that this was a misunderstanding and oversight, and BES provided a revised response (see #7 below) with no concerns. (Exhibit E-5).
6. Portland Bureau of Transportation: Robert Haley, September 13, 2021. With no objections or comments. (Exhibit E-6).
7. Bureau of Environmental Services: Ella Indarta, September 02, 2021. With no concerns. (Exhibit E-7).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 9, 2021. A total of five written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Patrice LeBlanc: Community member, with opposition to the development due to concerns about the lack of proposed parking. August 12, 2021.
2. Regan Sharp: Community member, with opposition to the development due to construction schedule and the lack of on-site parking August 12, 2021.
3. Jessica Rojas: Community member, this email was only providing help and direction to Regan Sharp on process for this land use review. August 13, 2021.
4. John Ollis: Community member, with concerns about new development and the need for affordable housing. August 13, 2021.
5. Allison DeWilde: Community member, with opposition to the development due to concerns about the lack of proposed parking. August 22, 2021.

Staff Response: Staff reached out to the above community members and explained that on-site parking is not required for the proposed project due to the site being located “close to transit” (defined as, sites located 1500 feet or less from a transit station, or 500 feet or less from a transit street with 20-minute peak hour service), and having no more than 30 dwelling units on site, per PZC 33.266.110.B.1.a.(1). Also, as mentioned above in the Proposal, the project will include affordable housing units in conformance with the Inclusionary Housing requirements.

ZONING CODE APPROVAL CRITERIA

[1] Chapter 33.846.060 - Historic Resource Review

Purpose of Historic Resource Review

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Resource Review Approval Criteria

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is located within the NAME Conservation District and the proposal is for a non-exempt treatment. Therefore, Historic Resource Review approval is required. The approval criteria are the *Community Design Guidelines*.

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

Community Design 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.
- P2. Historic and Conservation Districts.** Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area's historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.

Findings for P1 and P2:

The subject site occurs within the Mississippi Historic Conservation District, a distinct urban neighborhood with a broad collection of historic homes, streetcar-era pedestrian focused storefronts, and multi-story commercial structures.

The proposed development lifts design cues such as strong horizontal demarcation, occupied façade spaces, and ground floor material differentiation from its neighborhood context – and combines those elements with modern materials and composition reflecting its current time and place to generate a proposal that reflects its use and responds to the neighborhood's characteristics.

As shown through diagrams on pages App.2 – App.8 of Exhibit A-4, the Conservation District is characterized by buildings with simple rectangular massing and applied façade organization. Organization varies but generally exhibits strong horizontals, ground floor differentiation, solid-void patterning, and relatively flat economical materials. Ground floors are often pedestrian-oriented and contain multiple recessed entries within the single building mass.

The proposed development uses a simple singular massing with setbacks at the upper level to reduce the building's overall scale. The exterior design of the building utilizes all of the aforementioned façade organization strategies in combination with modern durable materials to create a building expression that respects both history and its current time and place. Residential entries at the ground floor continue the precedent of punctuated ground floors, allowing the proposal to respond to both its commercial and residential neighbors.

Therefore, these guidelines are 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.

Findings:

The neighborhood fabric to the east and south includes single family residential street connections with single sidewalks or combined driveway-sidewalk points of access. To the west and along Albina-Mississippi the pedestrian experience is more urban with recessed doorways and property-line storefronts. In addition, the proposed development gives a dedication to the ROW on both its public frontages. Along the west a single recessed building entry provides a nod to the urban fabric with a multi-pane storefront. Along the more residential South elevation, individual units are provided recessed doorways behind low fencing and individually lit walkways, while a pedestrian pathway along the eastern portion of the site provides access to additional ground floor residential units. The setback of the residential entries from the sidewalk creates opportunities for pathways and landscaping to further buffer pedestrians from the street, and provides a residential feel that blends the western CM zones with the eastern single-family areas.

Therefore, this guideline is met.

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

Findings: The proposal provides places for interaction along both frontages. Along the southern and eastern portions of the site, the multiple residential entries punctuate the pedestrian experience with individual walkways providing a place for neighbors to interact. Along the West a single building entry with lobby beyond and deep canopy overhead encourages visitors and residents to interact both inside and out while being protected from the elements.

Therefore, this guideline is 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 features, creating effective gathering places, and differentiating street level facades.

Findings:

As is characteristic of the surrounding commercial development, the proposal punctuates the façade with multiple recessed entries and a differentiated ground floor materials. Additionally, canopies at all building entries provides protection from the elements for residents and guest alike, and transom glass is incorporated into the residential openings as a nod to the surrounding historic storefronts.

Therefore, this guideline is met.

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

Findings:

Required dedications along the south and west frontages allow for additional, more urban scale, pedestrian corridors as well as create opportunities for frontage zone landscaping. As noted pedestrian entrances punctuate the south building façade at the street level and logically respond to the more residential nature of that frontage. A more commercially-oriented residential lobby entrance is located along the West frontage which directly fronts the unique pocket park and grid shift that happens adjacent to the parcel.

Therefore, this guideline is 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:

Weather protection is provided at the ground floor entries with individual metal canopies, allowing pedestrians and tenants to comfortably interact at the exterior of the buildings. The proposal is primarily south-west facing and provides protection from the elements via street trees, canopies at all building entries protect pedestrians and residents from rain and screen glazing areas from direct sun.

Therefore, this guideline is met.

- D1. Outdoor Areas.** When sites are not fully built on, place buildings to create sizable, usable outdoor areas. Design these areas to be accessible, pleasant, and safe. Connect outdoor areas to the circulation system used by pedestrians;
- D3. Landscape Features.** Enhance site and building design through appropriate placement, scale, and variety of landscape features.

Findings for D1 & D3:

Landscaping and outdoor areas are included around the majority of the development providing areas that are accessible, pleasant, and safe while also providing screening and buffering for both residents and surrounding sites. The landscaping along the east property line contributes to buffering and in helping to transition the proposal to the adjacent Single Dwelling Zone (R2.5) to the east. This outdoor area, which is approximately 10 feet wide, includes a permeable paver path, large trees, a continuous evergreen hedge, and a wood fence. Landscaping is also provided along the southern edge of the property as buffer and screening as well to help define the individual entrances along this edge of the site. Similarly, landscaping is provided along the west edge of the site to soften and transition the development to the adjacent right-of-way while also helping to define the primary entrance to the building. An additional common outdoor area is also provided on the 4th floor. This common outdoor area is approximately 765 square feet in size and provides residents with a safe and accessible area that also provides views across the neighborhood and Conservation District.

Therefore, these guidelines are met.

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

Findings:

The proposal is organized in such a manner that the multi-family entrance is located along the more commercial-oriented frontage on the west elevation, while individual residential unit entries are provided on the more residentially focused frontage along the south elevation. Residential entries are differentiated in both scale and design with their canopies and transforms departing from the multi-family entrances decidedly more commercial storefront nature. All entries occur at grade and are fully accessible. Lighting is provided along paths to allow for safe wayfinding at night.

Therefore, this guideline is met.

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

Findings:

On-site parking is not provided and is not required due to the project meeting the Portland Zoning Code (PZC) requirements of being located close to transit (defined as, sites located 1500 feet or less from a transit station, or 500 feet or less from a transit street with 20-minute peak hour service), and having no more than 30 dwelling units on site, per PZC 33.266.110.B.1.a.(1).

Therefore, this guideline does not apply.

- 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 proposed development helps to discourage neighborhood crime through a strong visual connection between the building interior and the street. Street-facing facades (west and south elevations) are designed with transparent glazing at the ground floor and on the upper floors for continued eyes-on-the-street. The design also incorporates ground floor lighting at multiple residential entries with visual connections to the street,

as well as an active building lobby directly overlooking an existing pocket park. Individual outdoor areas and common areas in and throughout the building and site help to provide additional activation and eyes-on-the-street to also help discourage and dissuade criminal activity.

Therefore, this guideline has been met.

- 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:

The proposal incorporates strong horizontal elements characteristic of the Historic Conservation District, as well as exhibits the punctuated ground floor and strong entry demarcation typical of residential and commercial projects in the area. Massing is simple, with a single volume that steps back on the upper level and is capped with a common area roof deck. Building materials are proposed to be long-lasting durable solutions which are in keeping with the quality of neighboring developments.

Therefore, 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:

In keeping with the dominant urban pattern of the neighborhood and Conservation District, the proposed development is restrained to a single, stepped mass, articulated in-plane with relatively common materials using motifs found elsewhere in the district (see precedent images and site analysis on sheets App.2 – App.8 of Exhibit A-4). The ground floor materials (thin brick) are differentiated from the above metal panel by a thin cornice, which provides an overall clear and cohesive composition. The ground floor, particularly along the south elevation, provides a coherent rhythm and composition through the organization of the individual entrances and outdoor areas. The multiple building entries with canopies and a mix of transoms and full height glazing provide unique identities, visual interest, and an appropriate response to a unique urban condition.

Therefore, this guideline is met.

[2] Modification Requests (33.846)

33.846.070 Modifications Considered During Historic Resource Review

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the historic resource review process. These modifications are done as part of historic resource review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through historic resource review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. **Better meets historic resource review approval criteria.** The resulting development will better meet the approval criteria for historic resource review than would a design that meets the standard being modified; and
- B. **Purpose of the standard.**

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

Modification #1:

Required Outdoor Area (33.130.228.B.2.b.(1): The Modification proposes an outdoor common area on the roof that is 15'-0" x 51' (765 square feet) and within 20 feet of a building entrance providing access to residential units. The Modification is required because the minimum 20 feet measurement in all directions is not proposed to be met in the outdoor area proposed on the 4th floor.

This code standard requires that "Outdoor Common Area" be designed so that it is: at least 500 square feet in area; measure at least 20 feet in all directions; be located within 20 feet of a building entrance providing access to residential units.

Purpose Statement:

The required outdoor areas standards ensure opportunities for residents to have on-site access to outdoor space for recreation, relaxation, natural area, or growing food. Required outdoor areas are an important aspect for addressing the livability of a property with residential units by providing residents with opportunities for outdoor activities, some options for outdoor privacy, and a healthy environment. The standards ensure that outdoor areas are located so that residents have convenient access. These standards also allow for outdoor area requirements to be met by indoor community facilities because they provide opportunities for recreation or gathering.

- A. **Better meets historic resource review approval criteria.** The resulting development will better meet the approval criteria for historic resource review than would a design that meets the standard being modified; and
- B. **Purpose of the standard.**
 1. The resulting development will meet the purpose of the standard being modified; or
 2. The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.

Findings: The proposal exceeds the overall square footage of Required Outdoor Area for the site. For sites that are up to 20,000 square feet in total area, at least 36 square feet of outdoor area is required for each dwelling unit. For a development proposing 29 dwelling units a minimum of 1,044 square feet of Required Outdoor Area is required. This development proposes 1,479 square feet of Required Outdoor Area, which is 42 percent more than required. Specific to the single outdoor area requiring the Modification, it is required to be, "...designed so that it is at least 500 square feet in area...". The outdoor area on the 4th floor is proposed to be 765 square feet in size, or 53 percent larger than what is required. The outdoor area proposed on the 4th floor, while 15 feet in width and not 20 (feet), continues to provide an area of convenient access for residents, where residents can have on-site access to outdoor space for recreation, relaxation, natural area, or growing food. In addition, the proposed outdoor area is large enough in length and width for residents to use the area in groups or alone and without dominating the entire area for others.

Through the increased size and area accommodating all residents this proposed Modification better meets the following *Community Design Guidelines: D1-Outdoor Areas;* and *D8-Interest, Quality and Composition.*

Therefore, this criterion is met and this Modification merits approval

Modification #2:

Ground Floor Residential Unit Setbacks (33.130.230.B.4.b.: Per the code standard, the setback for dwelling units at the ground floor must be 5 feet from the street lot line (i.e., the property line) with the setback being landscaped to at least the L1 level and/or hard-surfaced for use by

pedestrians. In addition, windows must cover at least 25 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground floor.

This Modification is to the one dwelling unit at the south-west corner, specifically the portion along the west elevation, where approximately half of the unit is setback 3'-10" from the property line, and half is located at the property line. The window coverage portion of the standard is met.

Purpose Statement:

In the commercial/mixed use zones, blank walls on the ground level of buildings are limited in order to:

- *Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, or allowing public art at the ground level;*
- *Encourage continuity of retail and service uses;*
- *Encourage surveillance opportunities by restricting fortress-like facades at street level;*
and
- *Avoid a monotonous pedestrian environment.*

- A. ***Better meets historic resource review approval criteria.*** The resulting development will better meet the approval criteria for historic resource review than would a design that meets the standard being modified; and
- B. ***Purpose of the standard.***
1. The resulting development will meet the purpose of the standard being modified; or
 2. The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.

Findings: The proposed modification allows for the corner of the development to be held more strongly in order to complete the reading of a simple mass. The proposed location of the unit also allows for the south elevation ground floor to maintain continuity in the entrances and entrance sequences for the residential units along the south elevation. In contrast, pushing the unit to within 5 feet of the property line along the west elevation provides differentiation along this elevation helping to avoid a monotonous pedestrian environment. Ground level landscaping, on both private property and within the right-of-way, is proposed to mitigate privacy concerns, while occupied spaces at the ground floor provide neighborhood security through eyes on the street to the south and west.

The proposed Modification better meets several *Community Design Guidelines* by: maintaining the simple mass and helping to maintain a strong corner; maintaining the separation between the building entry and the ground floor unit entries, encouraging efficient sidewalk circulation along Albina Ave. and aiding in the creation of neighborhood "porches" along the southern frontage; allowing the main building entry (west elevation entry) to read as a recessed space, encouraging gathering around those program elements and maintaining a clear diagrammatic separation between the neighborhood-focused "porch" gathering to the south and the more urban-focused building entry; allowing both the residential entry and main building entry to be recessed into the building mass, reinforcing them as gathering places and differentiating the Western and Southern facades at grade; allowing for increased eyes on the street at the corner.

Community Design Guidelines: P2-Historic and Conservation Districts; E1-Pedestrian Networks; E2-Stopping Places; E3-The Sidewalk Level of Buildings; D2-Main Entrances; D5-Crime Prevention; D7-Blending into the Neighborhood, and D8-Interest, Quality and Composition.

Therefore, this criterion is met and this Modification 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 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 new 4 story 29-unit residential apartment building at the corner of N Prescott Street and N Albina Avenue maintains the architectural integrity and continuity of the Mississippi Conservation District.

The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. As indicated in detail in the findings above, this proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of Historic Resource Review for the proposed development of a new 4 story 29-unit residential apartment building in the Mississippi Conservation District.

Approval, per the approved site plans, Exhibits C-1 through C-16, signed and dated September 20, 2021, 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 21-012862 HRM." 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: Arthur Graves



Decision rendered by: _____ **on September 20, 2021.**

By authority of the Director of the Bureau of Development Services

Decision mailed: September 24, 2021.

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 February 8, 2021, and was determined to be complete on August 2, 2021.

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 February 8, 2021.

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: November 30, 2021.**

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 Landmarks Commission, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on October 08, 2021. The completed appeal application form must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIX decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

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 Landmarks 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 Landmarks 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 **October 11, 2021** 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 Submittal
 - 1. Initial Submittal: February 08, 2021- superseded
 - 2. Revised Drawings: March 09, 2021
 - 3. Revised Drawing: July 09, 2021
 - 4. Revised Drawing: August 02, 2021
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Floor Plans: Overall Plans (attached)
 - 3. Floor Plan: Ground Floor
 - 4. Floor Plan: Mezzanine
 - 5. Floor Plan: Second Floor
 - 6. Floor Plan: Third Floor
 - 7. Floor Plan: Fourth Floor
 - 8. Roof Plan
 - 9. Elevations: West and South (attached)
 - 10. Elevations: East and North (attached)
 - 11. Building Sections
 - 12. Wall Sections
 - 13. Landscape Plan
 - 14. Lighting Plan
 - 15. Details
 - 16. Manufactures cut-sheets
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Fire Bureau: Dawn Krantz, August 27, 2021.
 - 2. Water Bureau: Michael Puckett, August 27, 2021.
 - 3. Bureau of Development Services Site Development: Kevin Wells, August 30, 2021.
 - 4. Bureau of Development Services Life Safety/Building Code Section: Chanel Horn, August 30, 2021.
 - 5. Bureau of Environmental Services: Ella Indarta, August 30, 2021.
 - 6. Portland Bureau of Transportation: Robert Haley, September 13, 2021.
 - 7. Bureau of Environmental Services: Ella Indarta, September 02, 2021.
- F. Correspondence:
 - 1. Patrice LeBlanc: Community member, August 12, 2021.
 - 2. Regan Sharp: Community member, August 12, 2021.
 - 3. Jessica Rojas: Community member, August 13, 2021.
 - 4. John Ollis: Community member, August 13, 2021.
 - 5. Allison DeWilde: Community member, August 22, 2021.
- G. Other:
 - 1. Original LU Application
 - 2. Email regarding Mezzanine Floor Area and FAR: May 14, 2021.

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).