



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

Charlie Hales, Mayor
Paul L. Scarlett, Director
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Date: March 15, 2013
To: Interested Person
From: Mark Walhood, City Planner
503-823-7806 / Mark.Walhood@portlandoregon.gov

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

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

CASE FILE NUMBER: LU 13-104077 DZ – MASON-WILLIAMS APARTMENTS DAMPERS, TIE RODS & SE CORNER SKIN/WINDOWS/PTAC GENERAL INFORMATION

Applicant: Trish Nixon / LRS Architects, Inc.
720 NW Davis St., Suite 300 / Portland, OR 97209

Property Owner: Jack Menashe / Rujax III, LLC
11359 NE Halsey St. / Portland, OR 97220

Site Address: 4116 N WILLIAMS AVE

Legal Description: BLOCK 21 LOT 9&10 EXC PT IN ST, ALBINA HMSTD; BLOCK 21 LOT 11 EXC PT IN ST, ALBINA HMSTD; BLOCK 21 LOT 12&13 EXC PT IN ST, ALBINA HMSTD; BLOCK 21 LOT 14 EXC PT IN ST, ALBINA HMSTD; BLOCK 21 LOT 15 EXC PT IN ST, ALBINA HMSTD

Tax Account No.: R010504480, R010504500, R010504510, R010504530, R010504540, R010504540, R010504480, R010504480, R010504480, R010504480, R010504480, R010504480, R010504480, R010504480, R010504480, R010504480, R010504480, R010504480

State ID No.: 1N1E22DA 06000, 1N1E22DA 05900, 1N1E22DA 05800, 1N1E22DA 05700, 1N1E22DA 05600, 1N1E22DA 05600, 1N1E22DA 06000, 1N1E22DA 06000, 1N1E22DA 06000, 1N1E22DA 06000, 1N1E22DA 06000, 1N1E22DA 06000, 1N1E22DA 06000, 1N1E22DA 06000, 1N1E22DA 06000, 1N1E22DA 06000, 1N1E22DA 06000

Quarter Section: 2630

Neighborhood: Boise, contact Caroline Dao at 503-544-5515.

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

District Coalition: NE Coalition of Neighborhoods, Shoshana Cohen at 503-388-5004.

Zoning: **EXd** (Central Employment base zone with Design overlay zone)

Case Type: **DZ** (Design Review)

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

Proposal: The applicant recently received design review approval (LU 12-155923 DZM) for a mixed-use apartment building on N. Williams Avenue just north of N.E. Mason Street. The project was previously identified as “4200 N. Williams Ave. Mixed-Use” but is now going by the name “Mason-Williams”. At this time the applicant has proposed a series of minor exterior changes to the project that trigger an additional design review.

NOTE: The applicant has made minor changes to the exhaust ventilation caps in response to staff concerns. In two vertical rows of ventilation caps on the east elevation, a single row on the south wing facing Mason, and at seven vertical rows of ventilation caps on the west elevation, the applicant has replaced the projecting hood-type cap with a flush louver system, painted out to match the adjacent siding. This change was requested by staff to better conceal and integrate the most visible street-facing louvers with the building design, as well as reduce their appearance when seen in shadow from the sun overhead. With this change, the only vent caps with diagonal hoods are either within recessed balconies, or on the east/interior elevation.

These changes include the following specific elements:

- New exhaust ventilation caps for venting dryer vents, range hoods and bathrooms on the west, south, and east elevations. Individual vent caps measure either 10” by 6” or 6” by 6”, and have a diagonal hood that projects from the siding a maximum of 4 ½”;
- The modified vent caps with a flush louver measure 0’-11” tall by 1’-3” wide, but are flush with the exterior siding and do not project from the building walls with a diagonal hood. Individual vent caps would be painted out to match the adjacent siding color;
- The addition of metal structural tie rods to the ground-floor projecting metal canopies along the N. Williams Avenue elevation; and
- Substitution of brick siding for horizontal lap siding at the three-story volume above the Mason St. driveway, re-location of the two PTAC units for these two units from the east to south elevation, and a change from white to bronze color for the fiberglass windows where brick is now proposed. The brick siding will match the reddish brick already approved for the ground floor exterior.

Because the proposal involves exterior alterations in a Design overlay, as well as changes to the prior approval under LU 12-155923 DZM, a Type II Design Review is required.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are the *Community Design Guidelines*.

ANALYSIS

Site and Vicinity: The site is located on the east side of N. Williams Avenue, adjacent to NE Mason Street on the south. Currently vacant, the site is covered in grasses, soil and weeds, with one large cherry tree near the east lot line, and a few other weedy, shrubby plants among the grass. Abutting the property to the north is a single-story concrete building at the intersection of Skidmore and Williams on the same block face.

The surrounding area includes a variety of uses and development types. Along N. Williams, the neighborhood is characterized by a mixture of older industrial buildings, typically one story tall, many of which have been converted to boutiques, restaurants and office space. The Williams and Vancouver corridor is immediately adjacent on both sides to the east and west by older residential neighborhoods, with a mix of homes, apartments and condominiums. A row of single-family homes abuts the eastern boundary of this site. Further to the east the residential character transitions again to commercial and mixed-uses along the Martin Luther King Jr. Boulevard corridor.

Adjacent streets are all improved with paved roadways, public sidewalks, and some on-street parking. North Williams Avenue is a one-way road in a couplet arrangement with N. Vancouver Avenue, one block to the east.

Zoning: The Central Employment (EX) base zone allows mixed uses, and is intended for areas in the center of the City that have predominantly industrial type development. The EX base zone is one of the most permissive zones in terms of allowed uses, with residential, commercial and light industrial uses all allowed by-right. The Design overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural or cultural value.

Land Use History: City records indicate two prior land use reviews at the site. A three-story office building was proposed through a Design Review in 2010, but was eventually withdrawn prior to any decision being mailed (LU 10-146900 DZ). More recently, the original case for the project being modified in this application was approved (LU 12-155923 DZM).

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **January 31, 2013**. The only response came from the Life Safety Section of the Bureau of Development Services, which notes that separate building and/or mechanical permits are required for the proposed project. No objections were made regarding the requested land use review. Exhibit E.1 contains staff contact and additional information.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on January 31, 2013. One written response has been received from a neighbor to the project. This letter supports the changes proposed to the tie rods, exhaust vents and building skin as a positive move. This letter also requests clarification on whether or not the new brick skin at the southeast corner fully wraps the three story volume. Finally, the letter suggests that other changes be made to the building as previously approved, to make the project ‘less about the vertical towers’ and to ‘break down the perceived length of this project and simplify the visual chaos’.

Staff Note: The brick skin does wrap all three exposed facades of the three-story volume at the southeast corner. Further changes to the building as previously approved have not been proposed by the applicant, the applicant has not elected to include them with their revisions in response to staff concerns, and are therefore not under consideration.

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.

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.

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.

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 E3, D6 and D8: The proposed ventilation caps for each unit are a utilitarian element that provides each unit with kitchen, bathroom and clothes dryer ventilation functions. Individual ventilation caps have been placed inside inset balconies or walls perpendicular to the street whenever possible, and the exposed caps on the primary street-facing façade have been altered to consist of a flush louver that does not project from the building face. Individual ventilation caps will be painted to match the adjacent siding color, and will allow the building to maintain a cohesive, interesting appearance when viewed from the street.

The proposed street-level canopy tie rods are of a simple, attractive design that will not visually compete with the overall street level facades or canopies, while ensuring that the canopies continue to add small scale interest and differentiation at the street level. The color and design of the tie rods are sleek and functional, in keeping with the overall architecture of the building.

The change to a brick exterior skin on the three-story volume at the southeast corner matches the brick used on the ground floor of the building, and the darker color works well with the intent of visually minimizing this portion of the building closest to the adjacent homes.

Overall, the proposed minor changes are straightforward, well-integrated with the overall architectural design as previously approved, and should serve as durable, long-lasting features of the project. *Therefore, these guidelines are 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

With minor changes to the ventilation caps to reduce their profile and make them flush in the most visible locations on the primary street-facing façade, the proposed alterations to the

project as previously approved are able to meet the relevant design guidelines, and should be approved.

ADMINISTRATIVE DECISION

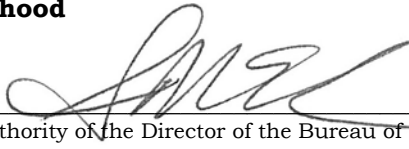
Approval of Design Review for alterations to the previously-approved mixed-use apartment building in the 4200 block of N. Williams, including the following specific changes:

- New exhaust ventilation caps for venting dryer vents, range hoods and bathrooms on the west, south, and east elevations. Individual vent caps measure either 10" by 6" or 6" by 6", have a diagonal hood that projects from the siding a maximum of 4 ½", and will be painted to match the adjacent siding;
- Vertical stacks of modified vent caps with a flush louver measuring 0'-11" tall by 1'-3" wide in ten locations on the building, placed flush with the exterior siding and painted out to match the adjacent siding color;
- The addition of metal structural tie rods to the ground-floor projecting metal canopies along the N. Williams Avenue elevation; and
- Substitution of brick siding for horizontal lap siding at the three-story volume above the Mason St. driveway, re-location of the two PTAC units for these two units from the east to south elevation, and a change from white to bronze color for the fiberglass windows where brick is now proposed. The brick siding will match the reddish brick already approved for the ground floor exterior.

The above approval is granted based on the approved plans and drawings, Exhibits C.1 through C.11, all signed and dated March 11, 2013, and subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.11. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-104077 DZ. No field changes allowed."

Staff Planner: Mark Walhood

Decision rendered by:  **on March 11, 2103.**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 15, 2013.

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 January 11, 2013, and was determined to be complete on **January 25, 2013.**

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 January 11, 2013.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on May 26, 2013.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

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

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

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on March 29, 2013** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

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

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed,* The final decision may be recorded on or after **April 1, 2013**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034

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

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

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

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 Statements

1. Original Narrative
2. Memo responding to staff concerns, with initial revised plans, received 2/20/13
3. Cover memo for final, revised plans, received 2/28/13
4. Original plan set – NOT APPROVED – reference only

B. Zoning Map (attached)

C. Plans/Drawings:

1. Site Plan (attached)
2. Elevations (attached)
3. Enlarged flush louver details (attached)
4. Louver section at lap siding (attached)
5. Louver section at panel siding
6. Enlarged elevation at ventilation caps
7. Large, scalable elevations
8. Large, scalable site plan
9. Window details
11. Details
12. Exterior details

D. Notification information:

1. Mailing list
2. Mailed notice

E. Agency Responses:

1. Life Safety Section of the Bureau of Development Services

F. Correspondence:

1. Letter with comments from Diana Moosman, received February 20, 2013

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



File No. LU 13-104077 DZ
 1/4 Section 2630,3016
 Scale 1 inch = 200 feet
 State_Id 1N1E22DA 5600.5700.5800.5900.6000
 Exhibit B (Jan 14,2013)

Approved
 City of Portland - Bureau of Development Services
 Planner Mark Whitcomb Date March 11, 2013
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

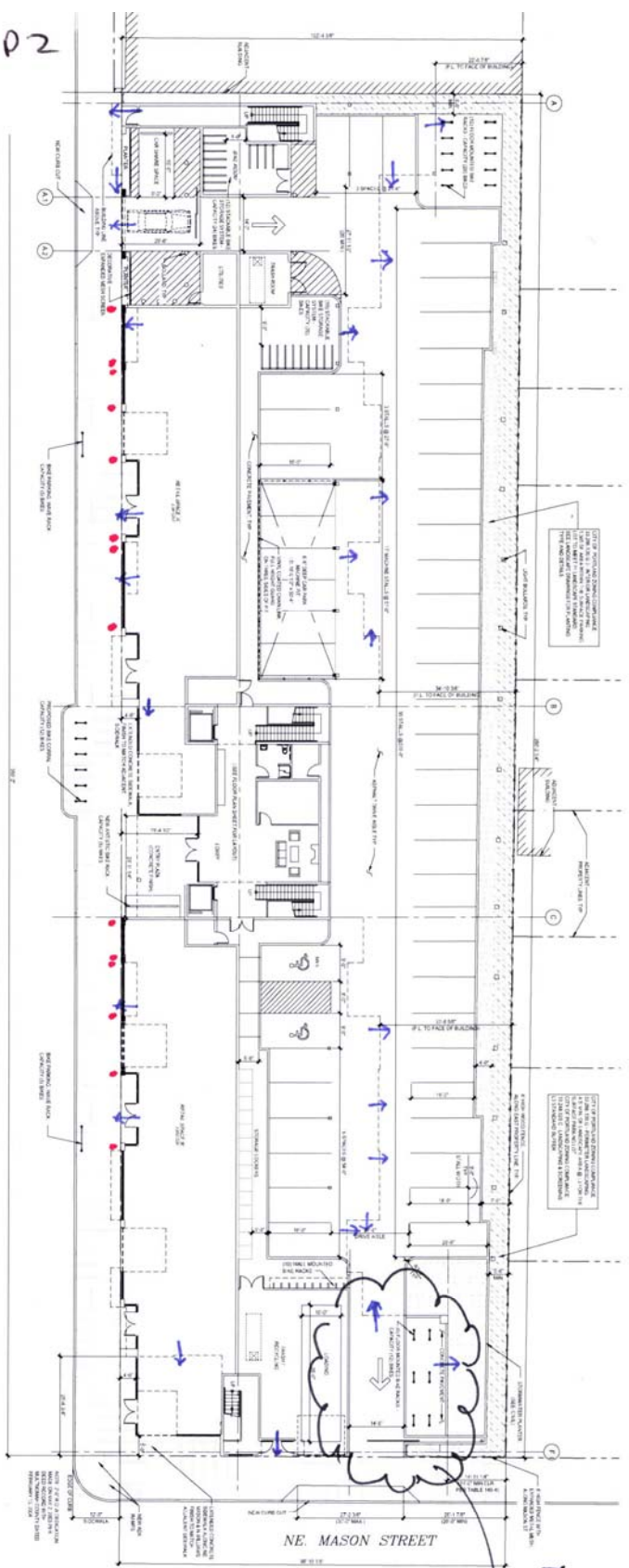
LS
 ARCHITECTS
 1000 NE 10TH AVE, SUITE 200
 PORTLAND, OR 97232
 PHONE 503.281.1111
 WWW.LSARCHITECTS.COM

PRELIMINARY
 NOT FOR CONSTRUCTION

DATE: 3/11/13

**NEW BACK
 SEE A101**

**4300 N WILLIAMS
 MIXED USE
 APARTMENTS**



N. WILLIAMS AVENUE

NE. MASON STREET

SITE PLAN

SITE PLAN

SITE SUMMARY

PROJECT NAME	4300 N WILLIAMS MIXED USE APARTMENTS
PROJECT ADDRESS	4300 N WILLIAMS AVENUE, PORTLAND, OR 97232
OWNER	LS ARCHITECTS
DESIGNER	LS ARCHITECTS
DATE	3/11/13
SCALE	1/8" = 1'-0"
PROJECT NO.	13-104077 P2
EXHIBIT	C.1

• METAL TIE RODS - SEE A101
 ← EXHAUST DAMPER - SEE A101

A101
 LAND USE REVIEW SUBMITTAL

Approved
City of Portland - Bureau of Development Services

Planner MWEL WRLH000 Date MWELT 11 2013
* This approval applies only to the reviews requested and is subject to all
conditions of approval. Additional zoning requirements may apply.

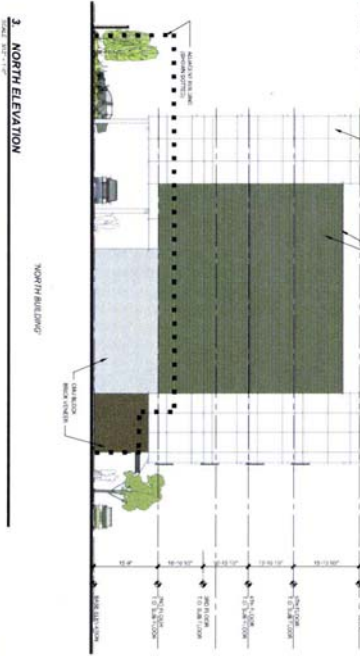
LRS
ARCHITECTS
1000 NE Oregon Street, Suite 200
Portland, OR 97232
503.228.1111

PRELIMINARY
NOT FOR CONSTRUCTION

GENERAL NOTE:



L = lower runs (vertical)



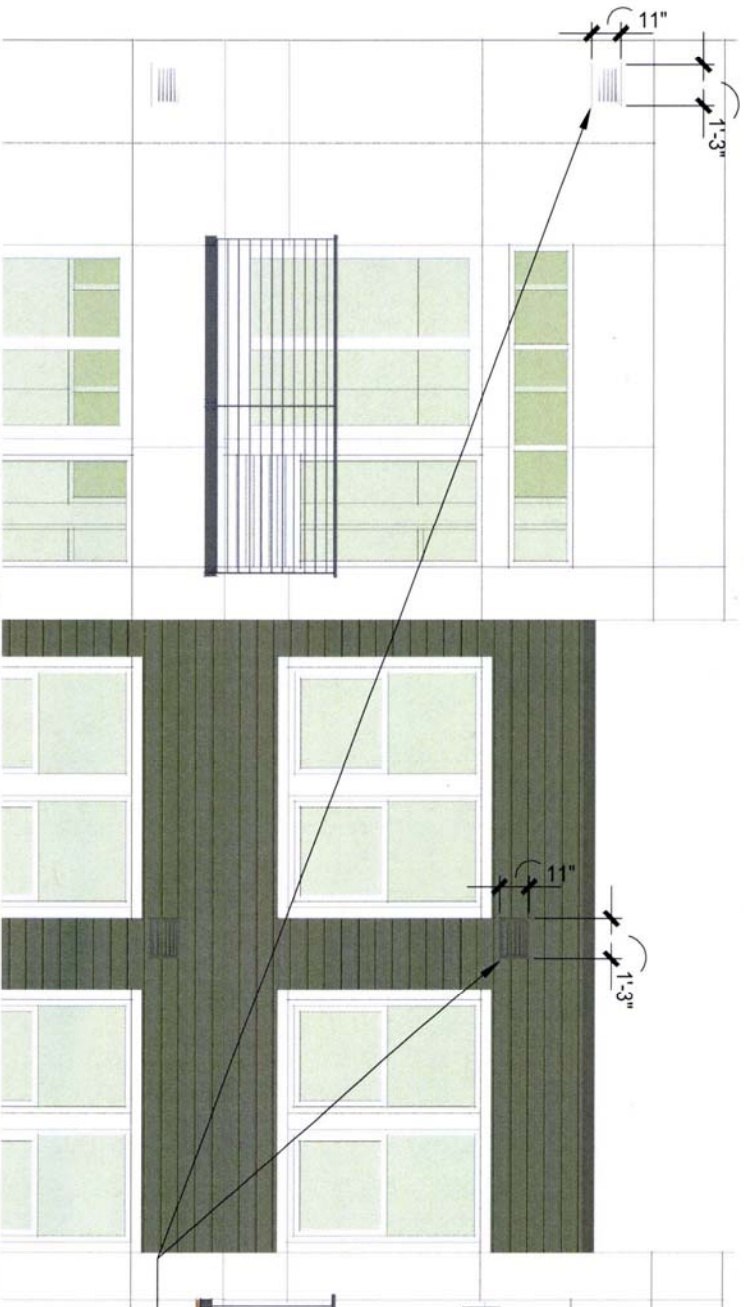
BUILDING
ELEVATIONS



A401

LANDSCAPE REVIEW SUBMITTAL

CASE NO. LU 13-101077 02
EXHIBIT C-2



W 13-
CASE NO. 104077 02
EXHIBIT C.3

Approved
City of Portland - Bureau of Development Services

Planner MARC WATKINS Date MARCH 11, 2013

* This approval applies only to the reviews requested and is subject to all

conditions of approval. Additional zoning requirements may apply.



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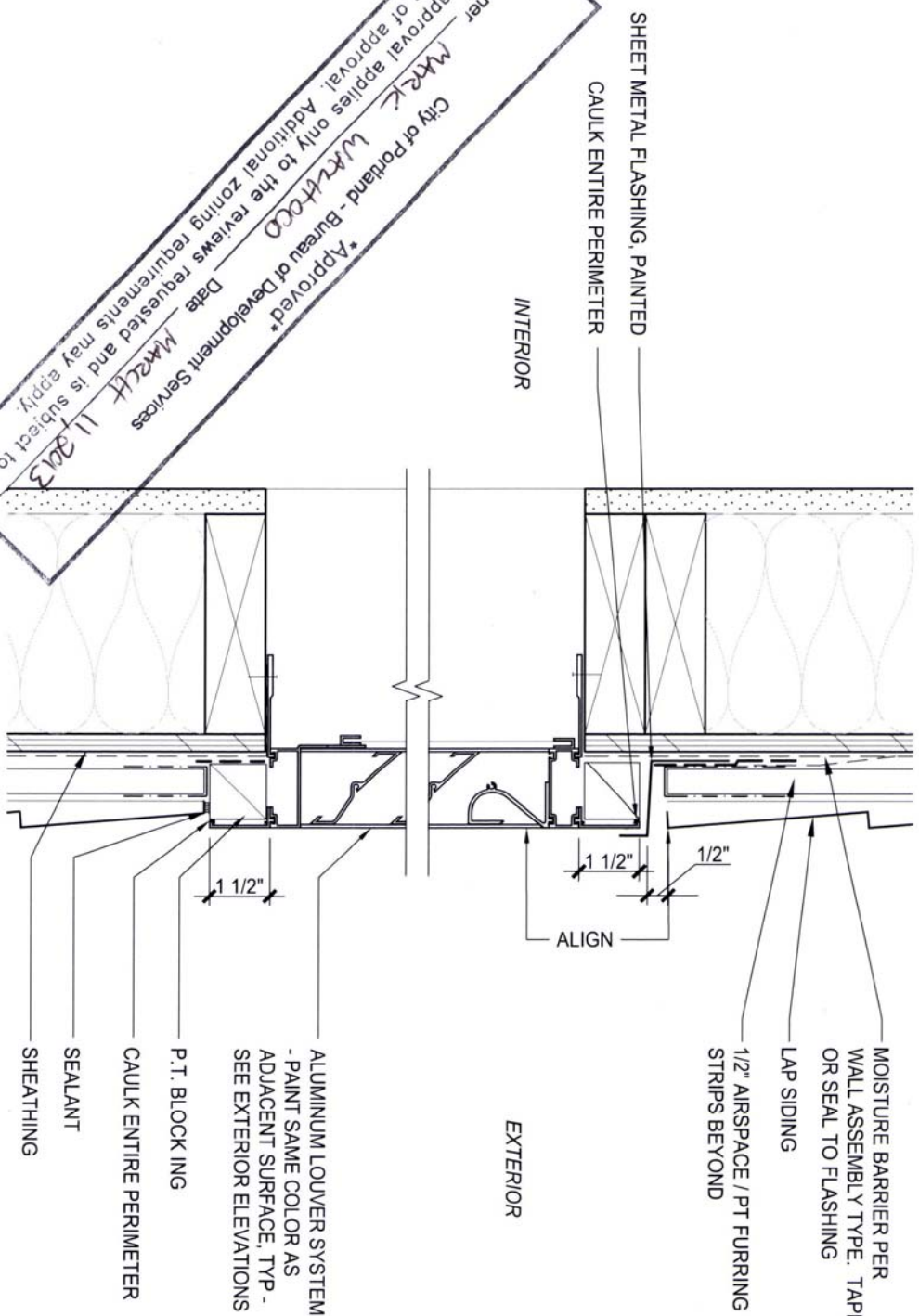
SHEET:

PROJECT NAME:

PROJECT NUMBER:

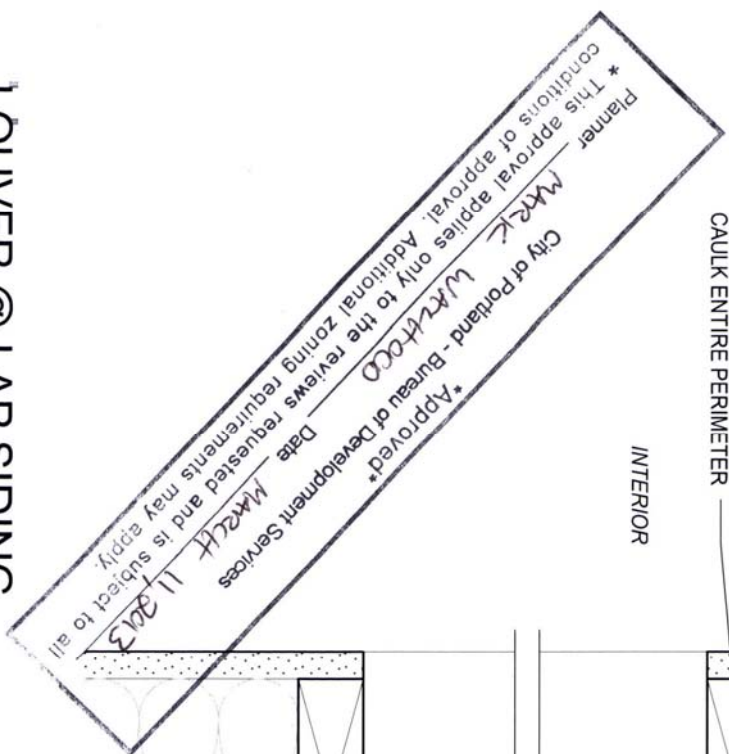
DATE ISSUED:

REVISION:



LOUVER @ LAP SIDING

SCALE: 3" = 1'-0"



CASE NO. W13-104
EXHIBIT C.4



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LRS Architects, Inc. © 2013

PROJECT NAME: MASON WILLIAMS
PROJECT NUMBER: 213000
DATE ISSUED: 26 FEB 2013
REVISION:

SHEET: