

City of Portland, Oregon

Bureau of Development Services

Land Use Services

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

Date: April 7, 2014 **To:** Interested Person

From: Mark Walhood, Land Use Services

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 14-111443 DZ - BEECH ST. APARTMENTS

/LIFEWORKS NW CHANGES GENERAL INFORMATION

Applicant: Dave Otte / Holst Architecture

110 SE 8th Ave. / Portland, OR 97214

Property Owner: Home Forward

135 SW Ash St. / Portland, OR 97204-3598

Site Address: 3650 NE MALLORY AVE

LOT 1, PARTITION PLAT 1996-89 Tax Account No.: R649763530

State ID No.: 1N1E22DD 16001 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.

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

Zoning: R1ad (Multi-Dwelling Residential 1,000 base zone with Alternative

Design Density/a and Design/d overlay zoning)

Case Type: DZ (Design Review)

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

Commission.

PROPOSAL: Two new buildings and three related uses (apartments, Lifeworks NW, Daycare) were approved at this site in August 2012 through case file LU 12-137379 CU DZM. The west building facing NE Mallory just south of Beech is a four-story apartment project, and the east building is three stories and contains the Lifeworks NW and Daycare uses. At this time, the project team is seeking to make several discrete changes to the approved exterior design of the building:

- 1. CeraClad fiber cement panels are to be replaced with 'Oko Skin' glass fiber reinforced concrete panels due to product availability on both main buildings;
- 2. Concrete piers abutting the surface parking on the south edge of the buildings were originally proposed to be wrapped in a permeable metal mesh material. The applicant is proposing to remove the metal mesh to eliminate blind corners and hiding areas;
- 3. Rooftop mechanical screens are proposed to be removed because of limited visibility for the rooftop equipment; and

4. Brick planters between the buildings and the street which matched the brick on the buildings are proposed to be maintained in the same locations but with a cast-in-place concrete finish instead of brick.

No changes are proposed to the size of the buildings or the uses, therefore no additional Conditional Use Review is necessary. However, the exterior materials changes noted above require a follow-up Type II Design Review.

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 currently under construction with a new housing and community service project. The property is approximately 1.1 acres in size, and bound by NE Mallory Avenue on the west, NE Beech Street on the north, and NE Garfield Avenue on the east. The site is located in a mixed-use neighborhood that features a range of retail, office and institutional uses. A senior housing facility abuts the southern edge of the site on the same large block. Across NE Mallory Avenue to the west, single-family residences surround the Greater St. Stephen Missionary Baptist Church. To the north across NE Beech Street, the Mallory Maple Apartments occupy a full block between NE Beech Street and NE Failing Street one street to the north. To the east across NE Garfield lies the Cameron Guest Homes, a small adult foster care facility. The remaining properties along NE Garfield are single-family residences until the last lot on the northeast corner of NE Garfield and NE Fremont, which features multi-family development. Commercial services and larger office, institutional and apartment buildings are located one block to the east along the north-south NE Martin Luther King, Jr. Boulevard corridor. Nearby to the west, the neighborhood transitions to become predominantly single-family residential in character.

Zoning: The site is located in the Residential 1,000 base zone, and includes both the Alternative Design Density and Design overlay zones (R1ad). The R1 zone is a medium density multi-dwelling zone, allowing one dwelling unit per 1,000 square feet of site area. Use regulations for the R1 zone are intended to create and maintain higher density residential neighborhoods. Some institutional and nonresidential uses are allowed, but not to such an extent as to sacrifice the residential neighborhood image and character. Development standards for the R1 zone seek to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. New development in the R1 zone is typically characterized by condominium and apartments up to four stories tall, as well as duplexes, townhouses, and rowhouses.

The Alternative Design Density overlay zone provides opportunities for increased density in some situations, provided that additional design compatibility requirements are met. This can be thought of as an optional overlay zone. Since no increased density per the 'a' overlay chapter is necessary or has been requested, the provisions of this overlay zone do not apply to the project. The Design overlay zone seeks to protect and enhance areas of the City that are notable for their special scenic, architectural, or cultural character, and to improve the compatibility of infill development in the City's neighborhoods. For this case, as an institutional use is included in the project, the proposal cannot use the Community Design Standards and must receive approval through a Type II Design Review.

Land Use History: City records indicate several prior land use reviews at the site. The most recent prior cases include the following:

• **LUR 95-00780 CU DZ**: Conditional Use and Design Review approval for the Allan Fremont Plaza senior housing facility on the southern portion of the block, and for the re-use of the (now demolished) former school building on the northern portion of the block for church offices (General Baptist Convention);

- **LUR 95-00808 MP**: This two-lot partition split off the senior housing facility site from the church office site; and
- **LU 12-137379 CU DZM**: Conditional Use, Design Review and Modifications for the Beech Street Apartments and Lifeworks NW project currently being constructed on the site. Approval was granted for all requests with conditions regarding working with the police and neighborhood for any ongoing safety concerns during operation.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed February 20, 2014. The Life Safety Section of the Bureau of Development Services has reviewed the proposal and responded with several specific Building Code-related comments, but no objections or recommendations regarding the requested Design Review. A separate building permit is required for the project, and the permit drawings must document a project that conforms to all applicable building codes and ordinances. Life Safety staff recommends that the applicant pursue a Preliminary Life Safety Meeting, and specific information about accessible parking and walkway routes are included for consideration. Exhibit E.1 contains staff contact and additional information.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 20, 2014. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review Section 33.825.010 Purpose of Design Review

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

Section 33.825.055 Design Review Approval Criteria

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

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

Community Design Guidelines

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

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

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.

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 and D8: There are four main elements of change proposed to the project as previously approved, including the following specific items:

- 1. Changing the exterior CeraClad material with Oko Skin glass fiber-reinforced concrete panels;
- 2. Removing a metal mesh material at concrete structural piers on the south side of the building near the parking lot;
- 3. Eliminating the rooftop mechanical screens; and
- 4. Changing the material on the low raised planters at the project perimeter from brick to cast-in-place concrete.

With regards to the exterior siding material change, the proposed Oko Skin product is an improvement in the overall quality for the exterior siding over the original material. The new Oko Skin siding would continue the vertical and horizontal weave-like pattern that was originally proposed for the same inset bays where CeraClad was intended, all carefully contained within the projecting brick volumes of the building that reach closer to the street. Unlike CeraClad which had a mottled surface texture but uniform paint color and shade, Oko Skin will add a more natural and visually interesting appearance because of slight color variations in the material from panel to panel. This change will improve the visual interest of the project from the sidewalk level, help blend in with the natural wood siding found on most nearby homes more than the uniform CeraClad product could have, and create a durable, cohesive architectural scheme for the buildings.

Removal of the metal mesh material at the concrete structural piers on the south side of the project has only a negligible impact on the streetscape or overall architectural design, as these elements were something of a singular aspect not found elsewhere in the project. By further opening up visual sightlines and pedestrian access at ground level, removing the metal mesh in question improves the street-level experience without detracting from the overall architectural quality of the buildings.

Both of the two main buildings were approved with metal mesh rooftop mechanical screens that helped minimize the visual impact of the rooftop equipment. The applicant has submitted documentation of the available sightlines from sidewalks on the opposite side of each street across from the project. These sightline studies show that the equipment will not be directly visible from pedestrians at grade on the adjacent streets, except perhaps for locations further away where street trees do not block the sightlines. The sightline studies also show that the equipment is set back at least 3 feet from the rooftop parapet for every foot of height of the equipment, in keeping with the base zone screening standard in the R1 zone at 33.120.250.C). While the equipment will be visible from upper stories of the adjacent homes, it is limited to a small number of units that are well-organized and contained within the center of the roof. However, the visual appearance of the rooftop equipment can be improved when visible by providing the equipment with a dull, matte light gray finish to blend in against a background of Portland sky. There are no sidewalk-level impacts with this change, and eliminating the perimeter screen still results in an interesting, durable, and attractive composition for the buildings, provided the equipment is painted to help make it disappear against the sky.

The raised planters are found along most of the street-facing perimeter of the project. Originally shown in brick, these planters acted as an architectural extension of the buildings, whose primary skin material is also brick. However, a change to cast-in-place concrete will still create a pleasant string of densely-planted landscape planters between the buildings and the street,

especially along Mallory Avenue where the planters are deepest. The sides of the planters not directly along the sidewalk are also largely camouflaged by the adjacent at-grade landscaping, which includes shrubby, herbaceous, and taller plants with lawn/grass only being used between the sidewalks and the curb. Concrete is a material that will complement the brick and Oko Skin siding of the buildings while still providing a sittable ledge for pedestrians.

Therefore, with the noted condition of approval regarding painting the rooftop equipment, the proposed changes to the original project identified above are able to meet these guidelines.

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 applicant has proposed a series of minor alterations to the Beech Street Apartments & Lifeworks NW project in the Boise Neighborhood. The changes are generally in keeping with the original approval and still result in a durable, attractive project that engages and supports the pedestrian environment and surrounding neighborhood. Because the applicable design guidelines have been met, the request should be approved.

ADMINISTRATIVE DECISION

Staff Planner: Mark Walhood

Approval of **Design Review** for changes to the Beech Street Apartments and Lifeworks NW project as previously approved through LU 12-137379 CU DZM, including the following specific changes:

- CeraClad fiber cement panels are replaced with Oko Skin glass fiber-reinforced concrete panels on the building exterior walls;
- Concrete piers abutting the surface parking on the south edge of the buildings are no longer clad in a metal mesh material;
- Rooftop mechanical units are no longer surrounded by a metal mesh equipment screen;
- The raised brick planters between the buildings and the public sidewalks are to be completed with cast-in-place concrete instead of brick.

The above approval is granted based on the approved plans and drawings, Exhibits C.1 through C.29, all signed and dated April 1, 2014, and subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B) 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 "REQUIRED ZONING COMPLIANCE PAGE Case File LU 14-111443 DZ."
- B. Rooftop mechanical equipment must be painted with a dull, matte light gray finish.

Decision rendered by: MARK WALHOOD on April 1, 2014.

By authority of the Director of the Bureau of Development Services

Decision mailed: April 7, 2014

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on January 30, 2014, and was determined to be complete on February 14, 2014.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 30, 2014.

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 June 15, 2014.**

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

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

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

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

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 21, 2104** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged**. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all

information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

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

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

Recording the final decision.

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

- Unless appealed, The final decision may be recorded on or after April 22, 2014.
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

For further information on recording, please call the County Recorder at 503-988-3034 For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

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

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.

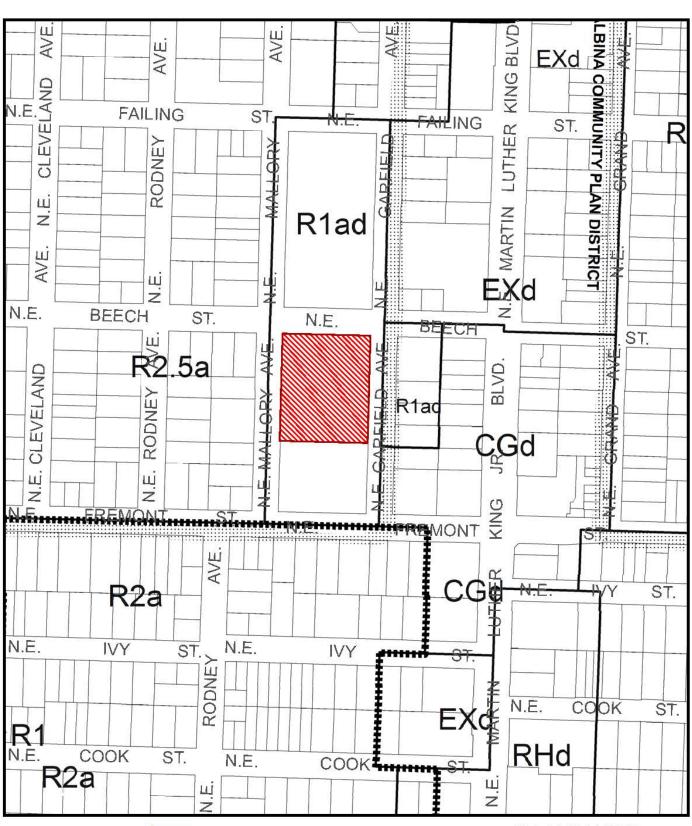
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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.

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Cover Sheet and Index no stamp/reference only
 - 2. Existing Conditions Plan no stamp/reference only
 - 3. Site and Utility Plan
 - 4. First Floor Plan
 - 5. Second Floor Plan
 - 6. Third Floor Plan
 - 7. Fourth Floor Plan
 - 8. Roof Plan
 - 9. Beech St West Elevation and Lifeworks East Elevation
 - 10. South and North Elevations
 - 11. West and East Courtyard Elevations
 - 12. North and South Courtyard Elevations
 - 13. Wall Sections
 - 14. Planting Plan (attached)
 - 15. Site Work Materials Plan with Exterior Seating and Bike Rack Details
 - 16. Planting Palette
 - 17. Perspective View from Northeast
 - 18. Perspective View from North-Northeast
 - 19. Perspective View from Northwest
 - 20. Perspective View from West-Northwest
 - 21. Perspective View from West
 - 22. Perspective View from Southwest
 - 23. Perspective View from Southeast
 - 24. Perspective View from East
 - 25. Detail View from East
 - 26. Oko Skin Details 1 of 2
 - 27. Oko Skin Details 2 of 2
 - 28. Large, Scalable Plan Set matching C.1-C.27 above
 - 29. Supplemental Rooftop Drawings
 - a. Lifeworks Roof Plan and Beech Street Level 4 Plan (attached)
 - b. Beech Street Roof Plan
 - c. Beech St West Elevation and Lifeworks East Elevation with rooftop equipment (attached)
 - d. North and South Elevations with rooftop equipment (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Section of Bureau of Development Services
- F. Correspondence: (none submitted at time of decision mailing)
- G. Other:
 - 1. Original LU Application Form and Receipt

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 14-111443 DZ

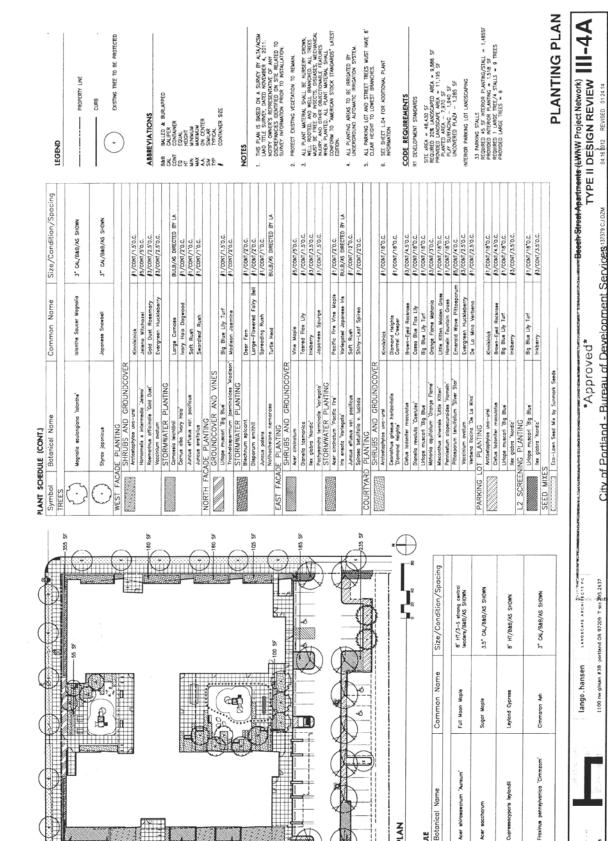
1/4 Section 2630

Scale 1 inch = 200 feet

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Exhibit B (Feb 04,2014)





Date WATHOOD MAGA

Planner

* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

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5W 14-111447

Acer shirosowanum 'Aureum'

Acer seccharum

Botanical Name

PLANTING PLAN PLANT SCHEDULE

18: ST

155 SF-

SEE SHEET LOA FOR ADDITIONAL WEST AND NORTH FACADE INFORMATION,

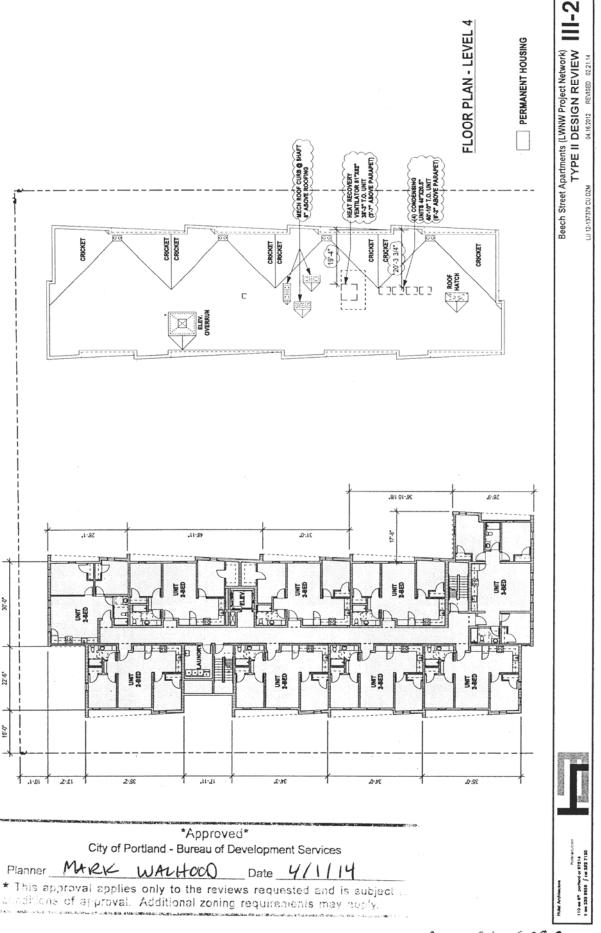
250 SF-

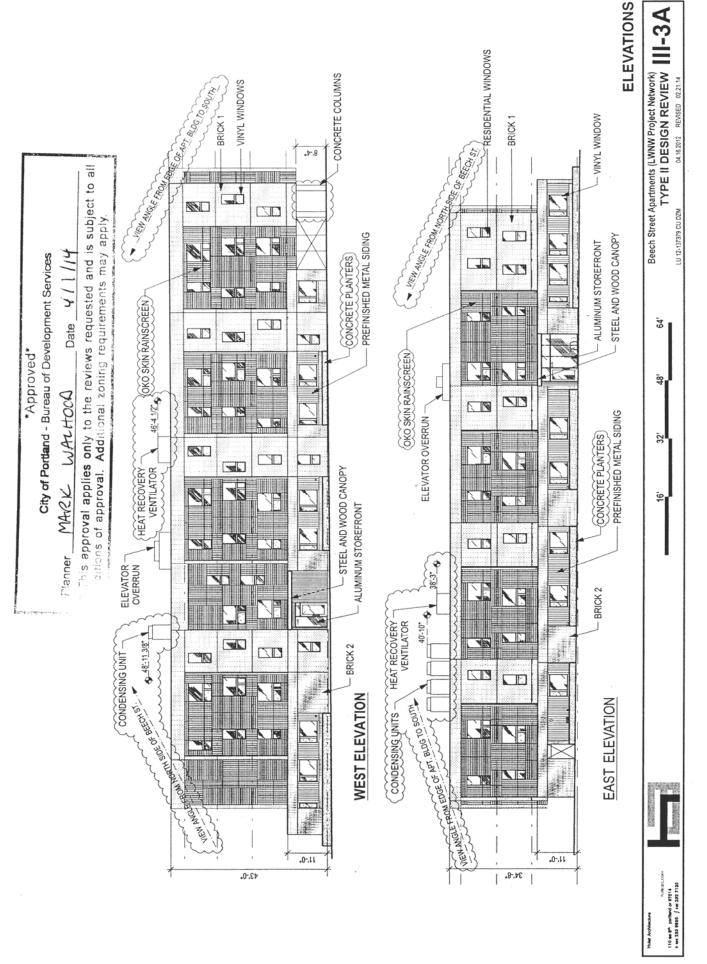
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LU 14-111443 DZ Exh C.29. C

