



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

FROM CONCEPT TO CONSTRUCTION

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**Date:** July 23, 2013  
**To:** Interested Person  
**From:** Hillary Adam, Land Use Services  
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**NOTICE OF A TYPE II DECISION AND NOTICE OF A TENTATIVE APPEAL HEARING DATE FOR A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has denied 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.

*If this case is appealed, the hearing for the appeal will be held **Thursday August 15, 2013 @ 1:30 p.m.** with the Design Commission. The hearing will take place in Room 2500A (2<sup>nd</sup> floor) at 1900 SW 4<sup>th</sup> Avenue, Portland, OR 97201. If a timely and valid appeal is filed by the end of the appeal period at 4:30pm on August 6<sup>th</sup>, 2013, no supplemental mailed hearing notice will be sent.*

*If appealed, the appeal will be listed on the online Design Commission hearing agenda no later than 5pm on Friday August 7<sup>th</sup>, 2013. Online hearing schedules are available on the BDS web page ([www.portlandonline.com/bds](http://www.portlandonline.com/bds) → Zoning & Land Use → Notices, Hearings, Decisions... → Public Hearings → Design Commission Agenda). Copies of the appeal filing will be available by contacting the case planner, Hillary Adam (contact info. at top of page) on or after Friday August 7<sup>th</sup>, 2013.*

*This tentative appeal hearing date will be cancelled if Portland Public Schools are closed due to inclement weather or other similar emergency. Check local television and radio reports for school closures. The hearing will be rescheduled for the earliest possible date. A renotification notice will not be sent. Please call the Case Planner, Hillary Adam (contact info at top of page) for information regarding cancellations and/or rescheduling.*

**CASE FILE NUMBER: LU 13-131079 DZM – 115 N COOK**

**GENERAL INFORMATION**

**Applicant:** Greg Mitchell, Applicant  
LRS Architects  
720 NW Davis St Suite 300  
Portland, OR 97209

Roger Collins, Owner  
Collins Investments  
19900 144th Avenue NE  
Woodinville, WA 98072

**Site Address:** 115 N COOK ST

**Legal Description:** BLOCK 4 INC PT VAC ST LOT 1&6&7&10&11 LOT 2-5&8&9&12,  
WILLIAMS AVE ADD  
**Tax Account No.:** R916401040  
**State ID No.:** 1N1E27AB 00401  
**Quarter Section:** 2730

**Neighborhood:** Eliot, contact Mike Warwick at 503-284-7010.  
**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Shoshana Cohen at 503-388-5004.

**Plan District:** Albina Community

**Zoning:** EXd – Central Employment with Design overlay

**Case Type:** DZM – Design Review with Modification(s)  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

**Proposal:**

The applicant proposes construction of a 6-story mixed-use building in the Albina Community Plan District consisting of:

- Five floors with 206 residential units and rooftop amenities;
- Ground floor retail with 15,162 leasable square feet, plus amenities for upper-level apartments, with 52 at-grade parking spaces located at an interior parking court;
- 146 below-grade automobile parking spaces; and
- Long-term bicycle parking for a total of 238 bicycles and short-term parking for a total of 14 bicycles.

Exterior materials include cast in place concrete, brick veneer, vertical metal panel, horizontal metal panel, fiber cement panel, composition wood decking, clear anodized storefront system, steel-reinforced vinyl window systems, wood doors and trim, and steel and glass canopies.

The proposal includes a 25,000 square foot transfer of floor area, per 33.140.205.C *Transfer of FAR from Landmarks in the EX Zone* for a total FAR of 3.4 to 1.

The applicant also requests the following modifications:

1. **33.140.215 Setbacks** – to reduce the percentage of building frontage required to meet the maximum 10'-0" setback on N Vancouver Avenue from 100% to 78%;
2. **33.140.242 Transit Street Main Entrance** – to allow a transit street main entrance that does not face the transit street, N Vancouver Avenue, at Retail C; and
3. **33.140.242 Transit Street Main Entrance** – to allow a transit street main entrance that does not face the transit street, N Williams Avenue, at Retail E.

Also proposed, though not listed in the Notice of Proposal is an exception to the oriel window standards, which limits the width of projecting oriels to 12'-0". The applicant proposes projecting oriels at the northwest and northeast corners, projecting over N Vancouver and N William respectively, at a width of approximately 15'-0", adjacent to the projecting balconies.

Design Review is required because the proposal is for new construction in the EXd zone in the Albina Community Plan Area.

**Relevant Approval Criteria:**

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

- Community Design Guidelines
- 33.825.040 Modifications That Will Better Meet Design Review Requirements

## ANALYSIS

**Site and Vicinity:** The subject property is bound by N Vancouver Avenue to the west, N Cook Street to the south, N Williams Avenue to the east, and N Ivy, a private street, to the north. The property currently has a single-story commercial building, home of the Wonder Bread Retail Outlet Store. Most of the buildings that used to be located on the subject property have since been removed, but they included, a lodge, a grocery, a bicycle repair shop, a piano shop, and at the southern half of the block, the Portland Camellia Nursery.

The property lies within the Eliot Pedestrian District. N Vancouver, N Cook, and N Williams are all designated as Neighborhood Collector Streets. N Vancouver and N Williams are also designated Transit Access Streets, City Bikeways, and Community Corridors in the City's Transportation System Plan. Across N Ivy, is a newly constructed one-story grocery store with at-grade parking for 58 vehicles. Across N Vancouver are one-story commercial uses, including a converted 1951 service station and a dilapidated 1932 building, as well as a surface parking lot for the American Red Cross building which is catty-corner to the southwest. Across N Cook are two residential properties built in 1904-1905 and a community garden. Across N Williams are single-story commercial buildings built in 1916, 2000, and 1958. Beyond the 100-foot deep strip of commercial properties fronting N Williams is the Eliot Conservation District, primarily comprised of single-dwelling residences with historic character.

The Eliot neighborhood is located in the heart of what was originally the sovereign town of Albina, platted in 1872 by George H. Williams and Edwin Russell, incorporated in 1887 as the City of Albina, and consolidated with Portland and East Portland in 1891. Because of its proximity to the river, the lower areas of Albina were developed for industrial and transportation uses, with the higher ground developed as residential subdivisions. Russell Street served as the area's main commercial street, with the Russell/Williams intersection at the center. Growth was further stimulated by the development of an extensive streetcar system. In the first half of the 20<sup>th</sup> Century, the neighborhood experienced a growth in the Scandinavian, Russian-German and Irish immigrant population. After World War II, the many African Americans called Eliot home. In the 1950s and 1960s, much of the neighborhood was cleared for major projects such as Memorial Coliseum, the Minnesota Freeway (I-5), Emanuel Hospital, and Lloyd Center, forever changing the landscape of this significant neighborhood. Since that time, neighborhood residents have attempted to preserve what remains of their historic past, while working within the City's vision for the neighborhood, as well as Emanuel Hospital's vision for their campus. These struggles continue as the progress attached to development in the commercial, institutional, or employment zones sometimes presents conflicts with the residential scale of other parts of the neighborhood.

**Zoning:** The Central Employment (EX) zone allows mixed uses and is intended for areas in the center of the City that have predominantly industrial-type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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

- VZ 065-62 – Approval of a 1962 Variance for one non-illuminated 12'-6" x 25'-0" poster panel on the west side of N. Williams Avenue 62'-0" north of N. Cook.

- EA 07-115722 PC – Pre-Application Conference for 4 buildings ranging from 4-6 stories (included lot to north);
- PR 11-101035 LS – Lot confirmation of 12 lots;
- EA 11-203691 PC – Optional Pre-Application Conference for a single-story grocery store;
- LU 12-138069 DZM AD – Approval of a new single-story grocery store with an at-grade parking area, with modifications to not provide perimeter landscaping, to reduce ground floor windows, to not provide a pedestrian path from N Vancouver, to locate short-term bike parking more than 50 feet from the entrance, and to exceed the maximum signage allowed, plus an adjustment to allow exterior display; and
- EA 12-193259 PC – Optional Pre-Application Conference for the current application.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **June 4, 2013**.

The **Bureau of Transportation Engineering** responded, noting that a 15-foot sidewalk corridor is required along N Vancouver, N Cook, and N Williams, unless approved at a narrower dimension through a Public Works Appeal. Currently, the applicant is proposing neither a 15-foot sidewalk on any of these frontages, nor has a Public Works Appeal been approved. In addition, a public pedestrian easement must be provided for the 8-foot sidewalk along N Ivy. Please see Exhibit E-1 for additional details.

The **Bureau of Environmental Services** responded, noting some technical issues in the stormwater report that must be addressed at the time of permit, but has no conceptual issues with the stormwater approach. Please see Exhibit E-2 for additional details.

The **Life Safety Division of BDS** responded, recommending the applicant arrange a Preliminary Life Safety Meeting. Please see Exhibit E-3 for additional details.

The **Site Development Section of BDS** responded, noting that a geotechnical report will be required at the time of permit. Please see Exhibit E-4 for additional details.

The following Bureaus have responded with no issues or concerns:

- Water Bureau
- Fire Bureau

The **Bureau of Parks-Forestry Division** responded, noting that street trees will be required.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on June 4, 2013. A total of five written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Mike Warwick, of the Eliot Land Use Committee, wrote on January 14, 2013, prior to issuance of the Notice of Proposal, indicating the Land Use Committee’s support for 52 proposed off-street parking spaces, noting that a pedestrian plaza would be under-utilized at this location, partly due to the presence of a ramp to the under-ground garage, and that the 52 spaces would aid in the success of the retail spaces. See Exhibit F-1 for additional details.
- S V Bailey, provided comments endorsed by the Eliot Neighborhood Association Land Use and Transportation Committee as submitted by Mike Warwick, on June 24, 2013, stating that the Committee has worked closely with the developer to ensure consistency with the policies included in the Eliot Plan within the Albina Community Plan. In general, the Committee expressed support for the proposal, noting regret that the proposed height would be more appropriate if the adjacent New Seasons had been designed as a mixed-use building. The Committee supports the proposed modifications to setbacks and main entrances, but expressed concerns that there is no cover proposed at the corner courtyards, suggesting they will only be successful in summer. In addition, the Committee expressed concern with regard to the exterior design, specifically noting that vinyl windows and cement panels are inappropriate for a high

density multi-dwelling building, and that the organization of the exterior materials is of significant concern. See Exhibit F-2 for additional details.

- Cathy Galbraith, Executive Director of the Bosco-Milligan Foundation and the Architectural Heritage Center, wrote on June 25, 2013, noting that the proposed design has no precedent in the nearby surrounding neighborhood, in terms of massing, scale and volume, and stating that, at a minimum, the materials should be closely reviewed and revised to better reflect principles of sustainability and the proposal should be reduced by at least one full story. See Exhibit F-3 for additional details.
- Kristina Hauri, 81 NE Ivy, wrote on June 25, 2013, expressing concern that the proposal does not fit the character of the neighborhood, further stating that the façade does not have a continuous rhythm and questioning the quality of the materials. Ms. Hauri also indicated a preference for a courtyard rather than parking. See Exhibit F-4 for additional details.
- Several residents of the Boise neighborhood, though not officially representing the Boise Neighborhood Association, wrote on June 25, 2013, expressing concerns with the massing and detailing of the proposal. The neighbors stated that the building does not appear to be 2 or 3 distinct buildings, as the façades are continuous with little hierarchy and the varying window sizes and material changes appear chaotic, stating a preference for material changes to happen with larger massing moves. The neighbors also expressed concern with flush-mounted vinyl windows, but applauded the use of concrete, brick, metal and limited use of cement board products. See Exhibit F-5 for additional details.

*Staff's response to the concerns outlined in the neighborhood comments is addressed in the Findings below.*

## ZONING CODE APPROVAL CRITERIA

### (1) Chapter 33.825 Design Review

#### Section 33.825.010 Purpose of Design Review

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

#### Section 33.825.055 Design Review Approval Criteria

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

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

#### Community Design Guidelines

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

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

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

**Findings:** The subject property is in the Albina Community Plan Area. The Community Design Guidelines state that this guideline can be met by “respecting the influence streetcars had on the characteristics of the early development of Albina.” The property is bound on the east by N Williams Avenue, one of the historic routes for the St. Johns Streetcar line. Today, N Williams and N Vancouver are designated Transit Access Streets, Neighborhood Collector Streets and City Bikeways in the City's Transportation System Plan. North Williams Avenue has a high rate of bicycle commuters and is commonly referred to as the “bicycle highway”. As such, this corridor has historically been a commuter path, and still is today, albeit with an alternate primary transportation mode. The proposed building is located between N Vancouver and N Williams, separated from the smaller residential properties by these two streets.

The Guidelines also state that this guideline may be met by “using Albina's historic apartment buildings as prototypes for new multi-dwelling buildings.” The guidelines give the example of a 2-story apartment building with a shared entrance, noting that the neighborhood also has many courtyard apartments. The guidelines also note the tradition of mixed-use buildings with residential units over ground floor retail. The proposed building features ground-floor retail with residential units above, with a primary entrance lobby located at the corner of N Vancouver and N Cook and a secondary shared entrance located at N Williams and N Cook. While staff initially tried to encourage the development of a paved and/or landscaped courtyard to replace the proposed at-grade parking area in the center of the property, staff was influenced by testimony of representatives of the Eliot Land Use Committee who expressed a great desire for retail-related parking on this site, noting that available parking would better serve the proposed retail spaces, than would a pedestrian plaza, as well as reducing the potential for other properties to be burdened by the parking needs of the proposed retail spaces. Despite this, two courtyard areas are provided at each of the southern corners of the building, providing areas for social engagement of building users and passing pedestrians.

The Guidelines also state that this guideline may be accomplished in the Albina community Plan Area by “taking advantage of views to downtown, rivers, hills, local parks, and the surrounding mountains.” As noted, the proposed building is separated from smaller residential properties in the neighborhood by N Vancouver and N Williams Avenues. The property is zoned EX, which allows for higher density, higher FAR, and taller height limits than nearby zones of R1 and R2. Immediately to the south of the subject property is an area zoned RX, which allows for even greater densities and heights than that proposed as part of this application. The proposal takes advantage of the maximum FAR allowed which is 3:1, as well as proposing additional FAR through a transfer, from the John Palmer House, a Portland Historic Landmark, per 33.140.205.C *Transfer of FAR from Landmarks in the EX Zone*. In doing so, the proposal provides additional protections to this historic property at 4314 N Mississippi Avenue. While allowing slightly more intense development at this site, by increasing the FAR to 3.4:1, the total is significantly less than the 6:1 allowed by Code through base allowances and landmark transfers. The building is comprised of the three wings, with the 6-story east and west wings joining the 5-story south wing which features a large rooftop garden and patio facing the downtown skyline and surrounding hills. This rooftop amenity will provide a space for outdoor entertainment for the residential tenants, and will limit the negative impacts of such entertainment on other tenants and neighboring residences. *This guideline is met.*

**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:** The Community Design Guidelines state that this guideline may be accomplished in the Eliot Conservation District by

- “Incorporating architectural details of the surrounding historic buildings”;
- “Taking advantage of views to points of interest in the district such as neighborhood churches”; and
- “Respecting the influence streetcars had on the characteristics of early commercial development”.

While the subject property is not located within the boundaries of the Eliot Conservation District, it is approximately 160 feet away from the nearest historic property in the district. Along N Cook in the Eliot Conservation District are a number of Foursquare single-dwellings constructed in 1905-1908 and along N Ivy in the district are 1904 Queen Anne single-dwelling residences. The architectural characteristics of these buildings would be inappropriate if they were applied to a larger multi-dwelling residence such as the one proposed. There are very few examples of multi-story mixed-use buildings remaining in the Eliot Conservation District. Those that do remain are 2- to 3-story brick buildings on Martin Luther King Boulevard and one at the corner of Monroe and Williams. Staff contends that while certain elements of these historic buildings may be appropriate to incorporate on the proposed building, they would be limited to the separation of commercial and residential uses, the use of brick, and the detailing of fenestration. The proposed building separates commercial and residential uses by locating residential units on floors 2 through 6, with commercial uses limited to the ground floor. Brick is used as the base material at the south wing along N Cook Street, as well as accent materials at the base along N Vancouver and N Williams. The windows are proposed to be steel-reinforced vinyl systems, shown in section to be nearly flush with the exterior wall plane. While the window may be of high quality, staff does not find the placement of the windows at the outer edge of the exterior wall plane to be compatible with the nearby historic buildings. In addition, staff also counts eight different window types proposed at the residential levels. Four of these window types are also proposed in a similar but reversed orientation, resulting in twelve different window patterns. The multiple patterns, as well as their general placement with varying header and sill heights, create an irregular pattern which is not found in the patterns of multi-dwelling structures in the nearby Eliot Conservation District, which present very regular fenestration patterns.

With regard to the other two bulleted suggestions above, the proposal does take advantage of views to points of interest in the neighborhood and beyond through multiple residential stories and the rooftop courtyard at the top of the south wing. The proposal also respects the influence of streetcars on the characteristics of early commercial development, by proposing a mixed-use building with residential units on the upper floors to provide critical mass for the ground floor retail, and take advantage of the existing transportation routes along Williams and Vancouver. The proposal continues the tradition of Williams serving as a major thoroughfare, with the density concentrated along these two streets and separated from the smaller-scale residentially zoned areas.

*Because of the placement of the residential windows, on floors 2 through 6, near the exterior plane of the walls, the number of different window patterns represented, and their irregular placement with regard to header and sill height, this guideline is not 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:** Staff initially had concerns about potential conflicts along the N Ivy frontage as this private driveway essentially acts as a driveway for the New Seasons property to the north, as well as vehicular access for this property. At the behest of the Bureau of

Transportation, the applicant changed the initial proposal of three in-out driveways to one in-out driveway for the underground garage with the at-grade parking area served by a one-way aisle. As N Williams and N Vancouver are both highly traveled routes for pedestrians, bicycles, private vehicles, and transit, neither of these streets are appropriate for garage access. Similarly, this particular stretch of N Cook receives vehicular traffic to and from the I-5 ramp, the intensity of which varies depending on the time of day. Therefore, staff concedes that the private access along N Ivy is the preferred location for vehicular access to this property. Along this edge, a continuous paved pedestrian sidewalk will highlight the potential presence of pedestrians and the reduced and offset curbcuts is intended to encourage more cautious driving behavior. The proposal also includes improvements to the sidewalks on the other three frontages, including planting of street trees. Though outstanding questions remain regarding the ultimate width of the proposed sidewalks, staff is assured that the resultant development will meet PBOT's standards for safety along the west, south, and east frontages. In addition, the applicant proposes two courtyards at the southwest and southeast corners, which feature constructed landscape elements to further buffer pedestrians from the areas of highest potential conflict. *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 includes two publicly-accessible courtyards at the southwest and southeast corners. The courtyards feature landscape elements such as an interactive water feature and planted platform which will feature an art piece as well as provide seating at the perimeter. In addition, portions of the building are recessed from the east and west property lines and covered by canopies, to provide protected areas where commercial spaces can spill out onto the sidewalk, engaging passersby. *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 design features, creating effective gathering places, and differentiating street level facades.

**Findings:** The sidewalk level of the building is expressed with different materials, including cast in place concrete, brick, aluminum storefront windows at retail spaces and wood storefronts at the residential lobby entrances, with the upper levels expressed in two types of metal panel, fiber cement panel, and vinyl window and door systems. In addition, the ground level is also further expressed by the use of extensive metal awnings which establish a clear separation between the ground and upper levels. *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:** The two courtyards proposed at the southwest and southeast corners will provide areas for congregation and resting. In addition, by recessing and opening these corners, these courtyards serve to reduce the overall scale of the building by allowing more views beyond the building. Further they will draw people into the space through their design features such as an interactive fountain and art piece, as well as seating. The courtyards feature entrances for the residential portion of the building, as well as entrances to the southwest and southeast retail spaces, two of which are further addressed in the findings for the proposed modifications below.

In addition, the northwest corner, features an additional retail space with a bay of windows along the N Ivy façade to engage south-bound traffic along N Vancouver. The northeast corner also features a bay of windows at the northeast retail space, which is



recessed beneath the 2<sup>nd</sup> floor to provide an area for monitored long- and short-term bicycle parking. As this is a major bicycle thoroughfare, it is anticipated that with the right mix of retail tenants, the building, as a whole, as well as its corners, will feature a level of activity present on the areas on N Williams Avenue further north. *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:** As noted above, the building features recessed ground level façades, which also feature long metal awnings to provide shelter for pedestrians. The proposal does not overwhelm the sidewalk with rain and sun protection, however, as the majority of the canopies are proposed within the bounds of the property, leaving the majority of the sidewalk clear of such overhangs. Admittedly, the corner courtyards are designed for maximizing enjoyment of the outdoor areas during the summer months. Staff supports the open nature of the courtyards, as they provide greater views around the corners of the building, and provide an alternative to the other covered areas at the ground floor. *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 and D3:** Generally, the proposal features an urban landscaping treatment, much of it provided by street trees, with the exception of the courtyards, and providing an area for tenant-maintained vegetable gardens. At the ground level, landscaping is proposed at the courtyards entrances, softening these façades for the residential tenants, while proposing landscape-free areas at the storefronts, though in most locations, there is space for potted plants if a tenant chose to add them later. As noted above, the proposed corner courtyards are designed to be interactive, usable, and pleasant. The courtyards are connected to each adjacent sidewalk with a clear and accessible path. This guideline is further discussed below in the Findings for the Modifications to Setbacks and Transit Street Main Entrances as it relates to the corner courtyards. *These guidelines are met.*

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

**Findings:** All of the main entrances to the building are located along the transit street sidewalks, or facing a courtyard adjacent to the transit streets. Entrances are flush with the sidewalk, or in a singular case, accessible via a ramp. The applicant also proposes integrated themed signage inspired by the contemporary character of the N Vancouver/N Williams couplet, by proposing signage made with bicycle parts, though staff notes, these may be more effective if mounted to the underside of the canopies directly in front of retail entrances, rather than face-mounted to the ends of the canopies. The residential entrances are differentiated from the retail canopies in that they feature wood storefronts and glass and steel canopies. *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:** One level of below grade residential parking is proposed, accessed from N Ivy Street. As indicated above, due to the high-traffic nature of N Vancouver, N Williams, and N Cook, staff determined this was the best location for garage access. In addition, the applicant is also proposing 52 at-grade retail parking spaces, some of which are tuck-under spaces. While staff initially proposed that a landscaped courtyard was a preferable use of this space, representatives of the Eliot Land Use Committee expressed a desire for the retention of these at-grade spaces to minimize negative impacts on the surrounding neighborhood and to aid the survival of the retail tenants. The applicant has indicated that some of the retail spaces along N Vancouver may be used for uses associated with Emanuel Hospital nearby. As such, staff notes it may be safer to provide parking for these spaces rather than requiring persons of potentially limited mobility to navigate the high traffic streets surrounding the property. The applicant is proposing landscaping around the parking area to try to minimize its negative visual effects on the neighborhood. Perimeter landscaping is proposed, as well as Laurel and trellis walls with climbing Jasmine. Climbing Jasmine is also proposed at a steel and wood pergola structure over the garage ramp to soften the parking court area and minimize views of the garage ramp from above. Green Column Maples are also proposed in containers along the sides of the pergola structure and at the N Ivy frontage to further soften and minimize views into the at-grade parking area. An alternative could be to cover the parking area completely with a 2<sup>nd</sup> floor outdoor courtyard, as has been approved on similar projects. While at-grade parking areas are not a desired use of space, staff feels that the concerns of the neighborhood must be properly balanced with the development proposal and the applicant has made a notable effort to minimize the negative impacts of the parking area on the neighborhood and users of the building. *This guideline is met.*

**D5. Crime Prevention.** Use site design and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground level uses, and outdoor areas.

**Findings:** The building features a significant amount of fenestration at the ground level with active ground level active uses, and pleasant outdoor areas which will attract users. Entries are clearly marked and easily accessible. Additional entries with storefront glazing are proposed facing the pedestrian pathway at the at-grade parking area in order to activate this area and provide “eyes on the street”. In addition, outdoor bicycle parking areas at the ground level will be monitored with a camera system. *This guideline is 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 Eliot Neighborhood Plan recognizes that there are distinct areas with the Eliot neighborhood with their own distinct history, character, land use pattern and future, including the Williams/Vancouver corridor. The plan notes that in the area north of Russell Street and extending north to Fremont Street, the district forms a transitional buffer between the Emanuel Campus and the residential area east of Williams, where mixed-use buildings provide residential opportunities as well as retail and restaurants to serve the rest of the neighborhood. The proposed building intends to provide additional housing and employment opportunities within this narrow higher density zone. The guideline suggests that new development should take cues from buildings that are both nearby and of quality. The immediately surrounding area is comprised mostly of one-story commercial structures and 1-½-story residential structures, not all of which are of sufficient quality to be emulated. In addition, the property allows a much higher density, given its zoning and its location between these two thoroughfares. As such, the applicant has proposed to use the new north tower at the Emanuel Hospital campus, a few blocks away, as a neighborhood reference. Originally, the applicant proposed the west wing to be solely comprised of a fiber cement panel system in a light shade, similar to the shade of the panels on the north tower. Staff dissuaded the applicant from proposing fiber cement

panels across the entirety of this façade and encouraged an overall reduction of the amount of fiber cement panel cladding proposed. In response, the applicant selected a fiber cement panel system that appears to be of higher quality than that originally proposed and reduced the overall amount of this type of cladding.

In addition to the fiber cement panels proposed, the applicant also proposes two different metal panel systems to be vertically oriented on the west and east wings and horizontally-oriented on the south wing. Staff is supportive of all of the materials proposed, but questions the rigidity of the proposed metal panels, as they are corrugated but not backed, and has general concerns with the arrangement of the three materials which is further discussed below under D8.

Staff notes that recent development in the area, particularly along N Williams Avenue is beginning to significantly alter the character of this corridor. This development has been consistent with the vision outlined in the Albina Community Plan and Eliot Neighborhood Plan for the area's future. Notably, the Albina Community Plan recognized the historic pedestrian-oriented storefront character of the area's commercial corridors that, due to dwindling residential densities, were vacated as their success depended on residential density. The recent development in the area has significantly increased residential density in this corridor, primarily without sacrificing a significant amount of existing housing stock, though it is worth noting that locally significant buildings have not survived the advance of progress wholesale. Along with the increased number of residents, is an increase in commercial and employment opportunities which serve the neighborhood and the city as a whole. Staff recognizes that the proposed building will be among the tallest in the area, at 65 feet with five residential floors over one commercial ground floor. The recently approved "Rachel", between Mason and Skidmore, and "Albert" between Beech and Fremont, were respectively, a 4-over-1 64-foot tall building and a 3-over-1 53-foot tall building. The Rachel and Albert are both situated on the east side of Williams Avenue, adjacent to R2.5a residential zone. The Albert was administratively approved and its approval upheld on appeal, while the Rachel was administratively approved with no appeal filed. Based on the current proposal's location, between Williams and Vancouver, its allowed FAR (including allowable transfers from historic landmarks), and the allowed height at this location, staff feels that the overall size of the building is appropriate as it meets the limits set by Code as well as housing goals for the area, while helping to further establish a "stepping down" to the smaller residential properties. This property and possible future development bound by the Williams/Vancouver couplet will continue to serve as the spine of the neighborhood, though at a more intense level. Though the proposed building is significantly taller than the existing 1904 and 1905 single-dwellings to the south across N Cook, staff notes that the proposed building steps down by one full story at the south wing facing these RX-zoned properties.

While staff is supportive of the program, massing, height, and increased FAR of the proposal, there is still some concern with the building's ability to blend into the neighborhood with regard to the arrangement and complexity of exterior cladding systems and fenestration. As staff noted above, the applicant indicated that Emanuel Hospital was used for a reference, but staff does not feel that this connection is substantiated with the current design.

*This guideline is not 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:** As noted above, staff has significant concerns with the overall composition of the proposed building, particularly:

- Material shifts within the same plane, which do not appear to have a valid justification;

- Irregular changes in pattern between the fiber cement panel system, the horizontal metal panel system, and the vertical metal panel system;
- Extension of fiber cement panel system to the ground level at the south elevation of the west and east wings;
- Variations at the ground level with regard to extension and size of storefront windows, seemingly random introduction of brick at the concrete base and introductions of concrete at the brick base;
- Presence of twelve different window patterns, not counting transom windows at the balconies;
- Arrangement of the proposed windows with differing header and sill heights; and
- Intersection of windows with cladding systems, creating awkward an awkward relationship between the windows and the seams;
- Variation of vent types.

Staff also has concerns with the questionable rigidity of the proposed corrugated metal panel systems. Staff notes that the initial proposal included a significant amount of Hardie panel system, particularly along the N Vancouver façade in an attempt to respond to the Emanuel Hospital campus. Based on recent and continuing guidance from the Design Commission, staff strongly encouraged the applicant to propose fiber cement panel system in a limited and systematic application. The applicant responded by proposing an alternate fiber cement system, Nichiha, which staff believes to be an improvement, as well as revised the composition to propose Nichiha in a fairly systematic way. Staff however, has concerns that the Nichiha, though a seemingly quality material, is still too much of a primary material. In general, staff feels that the changes in fenestration and cladding material create a rather chaotic composition that would overwhelm the viewer. *This guideline is not met.*

**(2) 33.825.040 Modifications That Will Better Meet Design Review Requirements:**

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

- Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

**Modification #1: 33.140.215 Setbacks** – to reduce the percentage of building frontage required to meet the maximum 10'-0" setback on N Vancouver Avenue from 100% to 78%;

*Purpose Statement:* The setback standards promote different streetscapes. The EG2 and IG2 zone setbacks promote a spacious style of development. The EG1, IG1, and EX zone setbacks reflect the generally built-up character of these areas. The IH zone requires only a minimal setback to separate uses from the street. The setback standards are also intended to ensure that development will preserve light, air, and privacy for abutting residential zones. In the EG1 and EX zones, the setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users.

*Standard:* 33.140.215.C.1.e.7 *In a Pedestrian District (Three or more frontages, two non-intersecting transit streets).* Where the site has three or more frontages, and two or them are transit streets that do not intersect, the following standards must be met on the frontage of the transit street with the highest classification and one intersecting street:

- Standard 2 must be met on the frontage of the transit street with the highest classification. If both transit streets have the same classification, the applicant may choose which street;
  - Standard 1 must be met on an intersecting street.
- Standard 1: At least 50 percent of the length of the ground level street-facing façade of the building must be within the maximum setback;
- Standard 2: 100 percent of the length of the ground level street-facing façade of the building must be within the maximum setback;

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

**Findings:** By allowing a portion of the building to be set further back from the property line, guidelines E1, E2, E3, E4, D1, and D8 are better met. The setback portion of the building increases pedestrian safety at this corner and provides an area for pedestrians and users of the building to stop and rest or meet. The increased setback also provides added interest to the building, and creates an active usable corner that, through its design, is differentiated from the other courtyard on N Williams Avenue.

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

**Findings:** The purpose of the standard, as it applies to this property is to ensure that development will preserve light and air and create an environment inviting to pedestrians and transit users. By setting a portion of the building further back from the property line than allowed by right, the applicant is able to create a corner courtyard along N Vancouver Avenue, in addition to that proposed along N Williams Avenue. This creates additional opportunities for light and air to pedestrians, as well as an inviting open area where residents and visitors can meet, as well as providing an area where pedestrians may be able to stop and rest.

The purpose of the design standard is met through the establishment of a courtyard amenity at the corner of N Cook and N Vancouver which will complement the courtyard at N Cook and N Williams.

*Therefore this Modifications merits approval.*

**Modification #2: 33.140.242 Transit Street Main Entrance** – to allow a transit street main entrance that does not face the transit street, N Vancouver Avenue, at Retail C; and

*Purpose Statement:* Locating the main entrance to a use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.

*Standard: 33.140.242.C Location.* For the portion of buildings that conform to the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor must meet the standards of this section. The ground floor is the lowest floor of the building that is within four feet of the adjacent transit street grade. The main entrance must:

1. Be within 25 feet of the transit street;
2. Allow pedestrians to both enter and exit the building; and
3. Either:
  - a. Face the transit street; or
  - b. Be at an angle of up to 45 degrees from the transit street, measured from the street property line.

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

**Findings:** The proposal to locate the entrance to face the southwest courtyard allows several guidelines to be better met, including E1, E4, D2, D5, and D8. Relocation of this entrance

allows for an additional buffer between the entrance and vehicular traffic by way of the courtyard amenity. The courtyard also provides a more active and interesting entrance, and will also reduce the likelihood of crime at this retail space due to the fact that this entrance will be visible to more people, particularly when the courtyard is occupied by user of the retail space, resting pedestrians, or visitors to the residential lobby.

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

**Findings:** The proposal is to allow the main entrance to Retail C to face south and be accessed from the courtyard area, rather than from the N Vancouver Avenue sidewalk, approximately twelve feet away. The change in direction is negligible when staff considers the proximity of the entrance to the transit street, and notes that the alternate direction provides for other opportunities not afforded to the entrance were it to be located along the sidewalk.

The purpose of the design standard is to provide a convenient pedestrian access and to promote walking and use of transit. The location of this entrance faces a well-designed courtyard with an interactive water feature which serves not only as an amenity for the users of the building but also for passing pedestrians. In this way the courtyard serves as a reward for pedestrians and a bonus for users of this retail space, which may otherwise not see this feature if the entrance was designed to meet the standard.

*Therefore this Modification merits approval.*

**Modification #3: 33.140.242 Transit Street Main Entrance** – to allow a transit street main entrance that does not face the transit street, N Williams Avenue, at Retail E.

*Purpose Statement:* Locating the main entrance to a use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.

*Standard: 33.140.242.C Location.* For the portion of buildings that conform to the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor must meet the standards of this section. The ground floor is the lowest floor of the building that is within four feet of the adjacent transit street grade. The main entrance must:

1. Be within 25 feet of the transit street;
2. Allow pedestrians to both enter and exit the building; and
3. Either:
  - a. Face the transit street; or
  - b. Be at an angle of up to 45 degrees from the transit street, measured from the street property line.

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

**Findings:** The proposal to locate the entrance to face the southwest courtyard allows several guidelines to be better met, including E1, E4, D2, D5, and D8. Relocation of this entrance allows for an additional buffer between the entrance and vehicular traffic by way of the courtyard amenity. The courtyard also provides a more active and interesting entrance, and will also reduce the likelihood of crime at this retail space due to the fact that this entrance will be visible to more people, particularly when the courtyard is occupied by users of either retail space, as well as resting pedestrians.

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

**Findings:** The proposal is to allow the main entrance to Retail E to face south and be accessed from the courtyard area, rather than from the N Williams Avenue sidewalk, approximately

sixteen feet away. The change in direction is negligible when staff considers the proximity of the entrance to the transit street, and notes that the alternate direction provides for other opportunities not afforded to the entrance were it to be located along the sidewalk.

The purpose of the design standard is to provide a convenient pedestrian access and to promote walking and use of transit. The location of this entrance faces a well-designed courtyard with an art piece inspired by the bicycle commuter character of the neighborhood which serves not only as an amenity for the users of the building but also for passing pedestrians. In this way the courtyard serves as a reward for pedestrians and a bonus for users of this retail space, which may otherwise not see this feature if the entrance was designed to meet the standard.

*Therefore this Modification merits approval.*

**(3) Exception #1: Exception for Window Projection into Public Right-of-Way IBC/32/#1** - Standards for windows allowed to project into public right-of-way: to increase the width of oriel windows projecting into the public rights-of-way from 12'-0" to 32'-2" on NW Raleigh Street.

The following standards were adopted by the Bureau of Development Services, in cooperation with the Bureau of Planning and the Portland Office of Transportation and applies to all windows projecting into the right-of-way including those supported by a cantilevered floor structure and those carried on brackets or corbels.

**A. Projection.** Maximum projection of 4 feet into the right-of-way including trim, eaves and ornament.

**Findings:** The maximum projection for any element of the projecting volumes is 4'-0". *This standard is met.*

**B. Clearance.** Clearance above grade as defined in Chapter 32, Section 3202.3.2 of the current Oregon Structural Specialty Code. (The 2004 edition of the Oregon Structural Specialty Code states that no projection is allowed for clearances less than 8 feet above grade. For clearances above grade greater than 8 feet, 1 inch of projection is allowed for each additional inch of clearance, provided that no such projection shall exceed a distance of 4 feet.)

**Findings:** The lowest proposed clearance for the oriels is 13'-4". *This standard is met.*

**C. Area.** Maximum wall area of all windows which project into public right-of-way on a wall is 40% of the wall's area.

**Findings:** The maximum wall area of windows in the oriels is less than 40%. *This standard is met.*

**D. Wall Length.** Maximum width of any single window which projects into public right-of-way is 50% of its building wall length.

**Findings:** No window projecting into the right-of-way is more than 50% of the wall's area. *This standard is met.*

**E. Window Area.** Minimum of 30% window area at the face of the projecting window element. Projections greater than 2 feet 6 inches must have windows at all sides. Required side windows must be a minimum of 10% of side walls.

**Findings:** The window at the face of the projection is more than 30% of the area and the windows at the side total more than 10% of the area. *This standard is met.*

**F. Width.** Maximum width of 12 feet for each projecting window element. When approved through Design Review, the width may vary provided the area of all windows on a wall which

project into public right of way does not exceed 40% of the wall's area and the width of any single projecting window element does not exceed 50% of its building wall's length.

**Findings:** The proposed projection is a 27-foot wall element that includes a balcony enclosed on three sides as well as the projecting window element, which is approximately 15-feet wide. The balcony is not included in the total width of the "projecting window element", however the width of the projecting window element exceeds the 12 feet allowed. *This standard is not met for the width of the projecting bay but qualifies for approval through Design Review because it meets the necessary standards related to percentage of building wall area and length, and helps the proposal better meet design guideline D8. The projecting window element helps break up the plane of the façades along N Vancouver and N Williams, adding interest to the design.*

**G. Separation.** Minimum separation of 12 feet measured from other projecting window elements on the same elevation or plane of wall. When approved through Design Review, required separation may vary provided the area of all projecting window elements on a wall does not exceed 40% of the wall's area and the width of any single projecting window element over the right-of-way does not exceed 50% of its building wall's length.

**Findings:** On both N Vancouver and N Williams Avenue, the projecting window elements are singular occurrences. *This standard is 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

Staff is supportive of the scale and massing of the proposal project as it meets the standard allowed in the Code with regard to height and the standard through, base zone allowances and landmark transfer, for FAR. Staff notes that the proposal includes additional protection for the John Palmer House, which is a Portland Historic Landmark less than two miles away. While staff initially had concerns about the at-grade parking, neighborhood desire for off-street parking and mitigation through plantings softened staff's position. Ultimately staff's concerns reside solely with the composition of the exterior of the building as it is expressed through the organization of the proposed cladding systems and fenestration.

## ADMINISTRATIVE DECISION

Denial.

**Staff Planner: Hillary Adam**

**Decision rendered by:**  **on July 19, 2013**

By authority of the Director of the Bureau of Development Services

**Decision mailed: July 23, 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 March 21, 2013, and was determined to be complete on May 30, 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 March 21, 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: September 29, 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 August 6, 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](http://www.portlandonline.com).

**Attending the hearing. If this decision is appealed, an appeal hearing will be held at 1:30pm on Thursday August 15, 2013 – please see the front page of this notice for additional information.** 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.

### EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Type II Design Review Submittal, including Neighborhood Contact
  - 2. BDS – Conference Facilitator Summary Memo, dated December 7, 2012
  - 3. Historic FAR transfer letter, dated March 12, 2013
  - 4. Land Use Review Narrative
  - 5. Original Drawing Set and Specifications (41 sheets), dated March 20, 2013
  - 6. Preliminary Drainage Report, dated March 15, 2013
  - 7. Incompleteness Response, dated April 10, 2013
  - 8. LUR Package Revision Letter, dated May 30, 2013
  - 9. Revised Land Use Narrative, dated May 30, 2013
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Cover Sheet CS
  - 2. Site Survey
  - 3. Existing Conditions C1.0
  - 4. Grades/STM Plan C2.0
  - 5. Planting Plan L100
  - 6. Planting Plan L101
  - 7. Site Plan A101 (attached)
  - 8. Floor Plan Level P-1 A201
  - 9. Ground Floor Plan A202
  - 10. Level 2-5 Floor Plan A203
  - 11. Level 6 Floor Plan A204
  - 12. Roof Plan A301
  - 13. Elevations A401 (attached)
  - 14. Window Diagrams A402
  - 15. Building Sections A501
  - 16. Wall Sections A502
  - 17. Wall Sections A503
  - 18. Enlarged Details A506
  - 19. Site Photos
  - 20-23. Neighborhood Photos
  - 24. Perspective – Looking NW
  - 25. Perspective – View Looking at SW Plaza
  - 26. Perspective – View Looking SW at Roof Deck
  - 27. Perspective – Looking NW
  - 28. Perspective – View looking South

29. Bega-US Under Canopy Lights
  30. Bega – US Bollard
  31. SLV Lighting PEMA Square Step Light/Porch Lights
  32. Primus Lighting Column Lights
  33. Hubbardton Forge Column Lights
  34. Trane Packaged Gas/Electric Rooftop Units
  35. Bike Racks
  36. FAR Diagram
  37. Progress Lighting 5” Cylinder Wall Mount
  38. Window/Door Details
  39. Enlarged Storefront Details
  40. Tiltco Window Details
  41. Pella Residential Door Details
  42. Kawneer Trifab Storefront Details
  43. Greenscreen Details
  44. Metal Panel Details
  45. EcoScreen Perforated Screenwalls Specifications
  46. Nichiha Panel Details at Doors and Windows
  47. Sphere Sculpture Details
- D. Notification information:
1. Mailing list
  2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
  2. Bureau of Transportation Engineering and Development Review
  3. Water Bureau
  4. Fire Bureau
  5. Site Development Review Section of BDS
  6. Bureau of Parks, Forestry Division
- F. Correspondence:
1. Mike Warwick, of the Eliot Land Use Committee, wrote on January 14, 2013, prior to issuance of the Notice of Proposal, indicating the Land Use Committee’s support for 52 proposed off-street parking spaces.
  2. S V Bailey, provided comments endorsed by the Eliot Neighborhood Association Land Use and Transportation Committee as submitted by Mike Warwick, on June 24, 2013, stating support for the proposal, and concerns with regard to the exterior design, specifically noting that vinyl windows and cement panels.
  3. Cathy Galbraith, Executive Director of the Bosco-Milligan Foundation and the Architectural Heritage Center, wrote on June 25, 2013, noting that the proposed design has no precedent in the nearby surrounding neighborhood, in terms of massing, scale and volume.
  4. Kristina Hauri, 81 NE Ivy, wrote on June 25, 2013, expressing concern that the proposal does not fit the character of the neighborhood, further stating that the façade does not have a continuous rhythm and questioning the quality of the materials.
  5. Several residents of the Boise neighborhood, though not officially representing the Boise Neighborhood Association, wrote on June 25, 2013, expressing concerns with the massing and detailing of the proposal.
- G. Other:
1. Original LU Application
  2. Incomplete Letter, dated April 4, 2013

**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).**