

# 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:** May 12, 2014

**To:** Interested Person

From: Mark Walhood, City Planner

503-823-7806 / mark.walhood@portlandoregon.gov

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

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website <a href="http://www.portlandonline.com/bds/index.cfm?c=46429">http://www.portlandonline.com/bds/index.cfm?c=46429</a>. 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 14-126411 DZ – RIVERSCAPE APARTMENTS SIDING

# GENERAL INFORMATION

**Applicant:** Robert Leeb / Robert Leeb, Architects And Planners

71 SW Oak St., #200 / Portland, OR 97204

Owner: Crp/Fpc Riverscape LLC / Attn.: Lee Novak

1741 Village Center Cir / Las Vegas, NV 89134-6303

**Site Address:** 2130 NW FRONT AVE

**Legal Description:** LOT 9, RIVERNORTH; LOT 10, RIVERNORTH; LOT 11, RIVERNORTH;

LOT 12, RIVERNORTH

**Tax Account No.:** R708970550, R708970600, R708970650, R708970700

**State ID No.:** 1N1E28D 00323, 1N1E28D 00324, 1N1E28D 00325, 1N1E28D

00326

Quarter Section: 2828

**Neighborhood:** Northwest District, contact John Bradley at 503-313-7574.

**Business District:** None

**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Zoning: RXdg** (Central Residential base zone with Design and River General

overlay zones), Central City plan district

Case Type: DZ (Design Review)

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

Commission.

**PROPOSAL:** The Riverscape Apartments, a large four-building apartment project, was conditionally approved at City Council in July, 2013 after a neighborhood appeal of the Design Commission approval. Three primary skin materials were proposed for the buildings, including brick, metal panel, and a composite panelized material with horizontal ribbing known as CeraClad. Since last year when the buildings were approved, CeraClad is no longer being manufactured or shipped to North America, so an alternative material is necessary. Therefore, the applicant has proposed to replace the areas of exterior CeraClad siding on the project with

a corrugated horizontal metal panel system.

There are four buildings in the project, with two similar buildings at the center straddling NW 17<sup>th</sup> Avenue (lots 10 & 11), and two similar buildings at the edges abutting NW 16<sup>th</sup> or 18<sup>th</sup> Avenues (lots 9 & 12). For the lot 9 & 12 buildings, the siding change occurs on two projecting bays on each of the two long facades, as well as on the walls of the recessed balcony volumes at the center of each façade. For the lot 10 & 11 buildings, the siding change occurs on the entire top two floors, as well as within the recessed balcony or 'tower' (lot 10 only) elements in the center of each long façade. The metal corrugation follows a horizontal pattern as did the former CeraClad product, with a two-inch reveal dimension in the panels.

Because of the project valuation is \$450,000 to change the siding, this application is handled through the Type II Design Review procedure (33.825.025.A.2.c).

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

- The Central City Fundamental Design Guidelines; and
- The River District Design Guidelines.

### ANALYSIS

**Site and Vicinity:** The site consists of four lots on two elongated rectangular blocks along the east side of NW Front Avenue, just north of the Fremont Bridge. The blocks are bound by NW Front Avenue on the west, NW Riverscape Street on the east, and intersected on the east-west axis by NW 16<sup>th</sup>, NW 17<sup>th</sup> and NW 18<sup>th</sup> Avenues. Both blocks are currently under construction.

The surrounding area features a sharp transition between the newer residential townhomes and condominium tower of the Riverscape development immediately to the east, and the older industrial development across NW Front Avenue to the west. The Riverscape Townhomes are consistently two or three stories in height, typically above a partially-raised podium of garages and parking, and are designed with extensive east-west walkways connecting NW Riverscape Street to the Greenway Trail along the river. The Pacifica Condominium Tower is eight stories in height, and located opposite this site at the north end of NW Riverscape Street. The Riverscape development has a restrained material palette of brick, metal panel, stucco, and concrete block in neutral earth tones, with densely-planted landscaping featuring native shrubs, ornamental grasses, and a variety of trees and groundcovers. Industrial development to the west includes large metal and brick buildings with fenced exterior storage and work areas. A small wood-clad bar and restaurant (The Dockside) is located across Front at the intersection of NW 17th Avenue and Front Street.

The surrounding street network is improved with two-way roadways, curbing, and on-street parking. Perimeter sidewalks are provided on the opposite side of NW Riverscape Street in the built portions of the development, but not on the subject site. Northwest 17<sup>th</sup> Avenue at Front Street is a signalized intersection, allowing traffic to cross NW Front Avenue and continue south on NW 17<sup>th</sup> Avenue towards NW Portland and the Pearl District.

**Zoning:** The Central Residential (RX) base zone allows the highest density of dwelling units of all the City's residential zones. The regulations and development standards are intended to create and maintain higher density residential neighborhoods. New housing development often consists of medium and high rise apartments and condominiums, often with allowed ground floor retail or other small commercial uses. The RX zone is found primarily with the Central City plan district.

The Design overlay zone [d] promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design

review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The River General Greenway overlay zone (g) is one of five overlay zones that implement the land use pattern identified in the Willamette Greenway Plan and the water quality requirements of Metro Code 3.07.340.B (Title 3). Each of the five overlay zones has it's own focus and purpose. The River General zone allows for uses and development which are consistent with the base zoning, which allow for public use and enjoyment of the riverfront, and which enhance the river's natural and scenic qualities.

The Central City plan district implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation Management Plan. The Central City plan district implements portions of these plans by adding code provisions that address special circumstances existing in the Central City area.

**Land Use History:** City records show several prior land use reviews on the site, including but not limited to the following cases:

- *LUR 01-00521 GW*: Approved Greenway Review for the Combined Sewer Overflow project, which passes partially underneath this site;
- LUR 01-00618 SU GW: Approved subdivision and Greenway Review to divide the former Terminal One site into a 12-lot subdivision with public streets, including location of the Greenway Trail alignment and tentative site preparation work;
- LUR 01-00682 GW: Approved Greenway Review for demolition of the old Terminal One wharf:
- *LU 02-116179 GW EF*: Approved Greenway and Excavation and Fill Reviews for site work and environmental remediation;
- LU 02-135500 GW EF: Approved Greenway and Excavation and Fill Reviews for site work and environmental remediation;
- *LU 03-102995 DZ GW*: Approved Greenway and Design Reviews for the waterfront promenade and trail, and the first phase of townhomes;
- LU 03-121264 DZ GW: Approved Greenway and Design Reviews for the second phase of townhomes;
- *LU 03-166610 DZ GW*: Approved Greenway and Design Reviews for alterations to the previously approved townhomes; and
- LU 12-212602 DZM GW AD: Approved Greenway Review, Design Review, Modifications and Adjustment for the Riverscape Apartments project being modified in this application. Project was appealed to City Council by the neighborhood prior to final conditional approval.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **March 31, 2014**. Only one agency was notified and responded to this application:

The Life Safety Section of the Bureau of Development Services has reviewed the proposal and responded with standard comments, but no objections or concerns regarding the requested land use reviews. A building permit is required for the project, and the permit drawings must document conformance with all relevant building codes and ordinances. Exhibit E.1 contains staff contact and additional information.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on March 31, 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 Central City Fundamental Design Guidelines and River District Guidelines.

# River District Design Guidelines and Central City Fundamental Design Guidelines

The River District is a remarkable place within the region. The area is rich with special and diverse qualities that are characteristic of Portland. Further, the River District accommodates a significant portion of the region's population growth. This area emphasizes the joy of the river, connections to it, and creates a strong sense of community. The goals frame the urban design direction for Central City and River District development.

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. (A) Portland Personality, addresses design issues and elements that reinforce and enhance Portland's character. (B) Pedestrian Emphasis, addresses design issues and elements that contribute to a successful pedestrian environment. (C) Project Design, addresses specific building characteristics and their relationships to the public environment. (D) Special Areas, provides design guidelines for the four special areas of the Central City.

# River District Design Goals

- **1.** Extend the river into the community to develop a functional and symbolic relationship with the Willamette River.
- **2.** Create a community of distinct neighborhoods that accommodates a significant part of the region's residential growth.
- **3.** Enhance the District's character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.
- **4.** Strengthen connections within River District, and to adjacent areas.

# Central City Plan Design Goals

- **1.** Encourage urban design excellence in the Central City;
- 2. Integrate urban design and preservation of our heritage into the development process;
- **3.** Enhance the character of the Central City's districts;
- **4.** Promote the development of diversity and areas of special character within the Central City;
- **5.** Establish an urban design relationship between the Central City's districts and the Central City as a whole;
- **6.** Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
- **7.** Provide for the humanization of the Central City through promotion of the arts;
- **8.** Assist in creating a 24-hour Central City which is safe, humane and prosperous;
- **9.** Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

**A4.** Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

- **C2. Promote Quality and Permanence in Development.** Use design principles and building materials that promote quality and permanence.
- **C5. Design for Coherency.** Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

Findings for A4, C2 and C5: The applicant proposes to change out the approved burnt orange Nichiha shingle panels for a matte black corrugated metal panel product. The panel material occupies a significant proportion of the street facades of all four buildings included in the project. The metal panel material itself will be colored a matte black, and integrate well with the tan brick used on lots 10 & 11, as well as the orange brick and light gray vertical metal panel used on lots 9 & 12. The metal panel is mounted on an invisible clip system with no exposed fasteners, and details have been provided that show a clean mitered and/or contained condition for the individual metal panels on the building. Custom metal proprietary clips designed for the system are used at inside and outside corners to create a clean edge and lines on the building, as well as all window headers and jambs (flashing laps over the edge of the panels at window sills). The horizontal corrugation itself adds to the rigidity of the metal panel system, which even at the proposed 20-gauge thickness will avoid oil-canning or warping of the metal panel on the building over time, creating a durable and quality skin material for the building. The horizontal pattern also mimics the horizontal relief pattern in this layer of siding on both buildings, and is respectful of the overall design concept as previously reviewed and approved by both Design Commission and City Council.

The two different primary building design schemes will be better integrated with the use of a common matte black corrugated metal siding material, helping to unify the project overall. Use of a dark color value for the new siding material also helps integrate with building skin with the matte black window systems on the upper floors, creating a more coherence composition. Metal panel, especially the corrugated metal panel type as proposed in this application, is a more durable and quality project that speaks directly to the nearby industrial warehouse buildings that are the inspiration for the project. Therefore, these quidelines are met.

### DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

### CONCLUSIONS

The applicant has propose an upgrade to a primary exterior building skin material on the Riverscape Apartments project, changing from the CeraClad composite fiber panel to a corrugated matte black metal panel siding on a clipped rainscreen system. The new siding material is of a higher, more durable quality than the material being replaced, and using the black panel on all the buildings will help unify the project cohesiveness and elegance with a timeless dark color. The proposal is a modest change that improves the overall appearance and design of the project and should be approved.

### ADMINISTRATIVE DECISION

**Approval** of **Design Review** for the Riverscape Apartments project on lots 9-12 of the Rivernorth Subdivision in the River District Subdistrict of the Central City Plan District, including a change to allow the previously-approved burnt orange CeraClad siding to be

replaced with a matte black corrugated metal panel siding system (Morin Matrix Series), all contained within an invisible clip and frame system applied as a rainscreen. This approval is granted based on the specific drawings, details and specifications as shown on the approved Exhibits C.1 through C.17, all signed and dated May 6, 2014, and subject to the following conditions:

A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.17. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-126411 DZ."

Staff Planner: Mark Walhood

by: \_\_\_\_\_\_ on May 6, 2014.

By authority of the Director of the Bureau of Development Services Decision rendered by:

Decision mailed: May 12, 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 March 12, 2014, and was determined to be complete on March 27, 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 March 12, 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 July 26, 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 May 27<sup>th,</sup> 2014 (one additional day due to Memorial Day Holiday),** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5<sup>th</sup> 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 <a href="https://www.portlandonline.com">www.portlandonline.com</a>.

**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 May 28th, 2014 (the day following the last day to appeal).
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

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

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

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

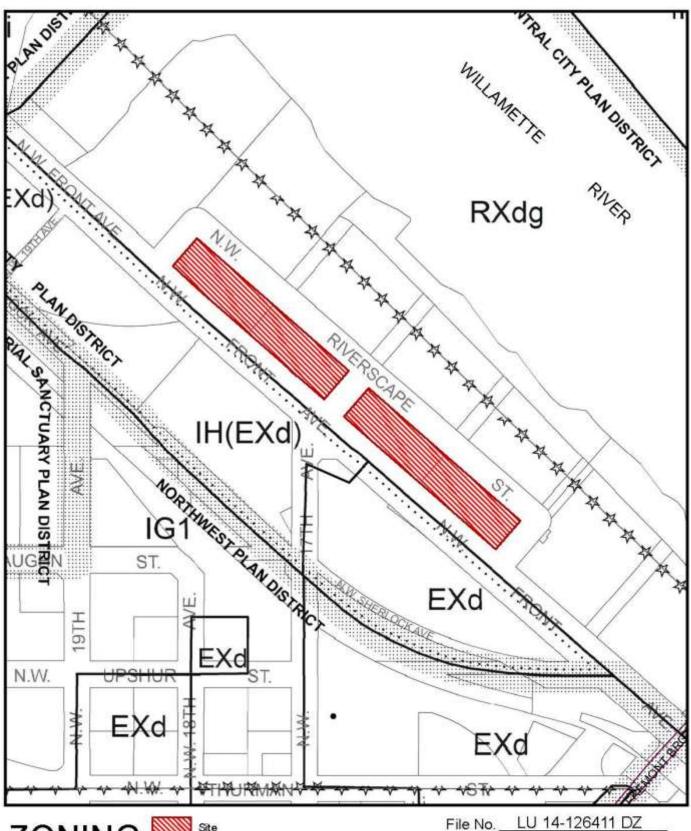
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review:
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

#### **EXHIBITS**

# NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements
  - 1. Original Narrative Statement
  - 2. Photocopy of Metal Panel Material Sample
  - 3. Photo Renderings of Project as Proposed (color values off, black looks like bronze due to printer functioning, therefore this is an A exhibit versus C exhibit)
  - 4. Photo Rendering of Project with CeraClad
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Lot 9 Elevations (attached)
  - 2. Site Plan (attached)
  - 3. Lot 10 Elevations (attached)
  - 4. Lot 11 Elevations (attached)
  - 5. Lot 12 Elevations
  - 6. Window Head and Sill Details at Metal Panel
  - 7. Window Jamb Detail at Metal Panel
  - 8. Metal Panel Detail at Inside Corners
  - 9. Metal Panel Detail at Outside Corners
  - 10. Brick Rowlock Detail at Metal Panel
  - 11. Vertical Panel Joint Detail at Metal Panel
  - 12. Morin Matrix Series Metal Panel Cut Sheet
  - 13. Large/Scalable Site Plan
  - 14. Large/Scalable Lot 9 Elevations
  - 15. Large/Scalable Lot 10 Elevations
  - 16. Large/Scalable Lot 11 Elevations
  - 17. Large/Scalable Lot 12 Elevations
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety Review Section of the Bureau of Development Services
- F. Correspondence (none received at time of decision mailing):
- G. Other:
  - 1. Original LU Application Form and Receipt
  - 2. E-mail to applicant from staff at time of completeness, sent 3/27/14

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



Historic Landmark

2828 1/4 Section.

1 inch = 200 feet Scale\_

1N1E28D 325 State\_Id . (Mar 14,2014) Exhibit.

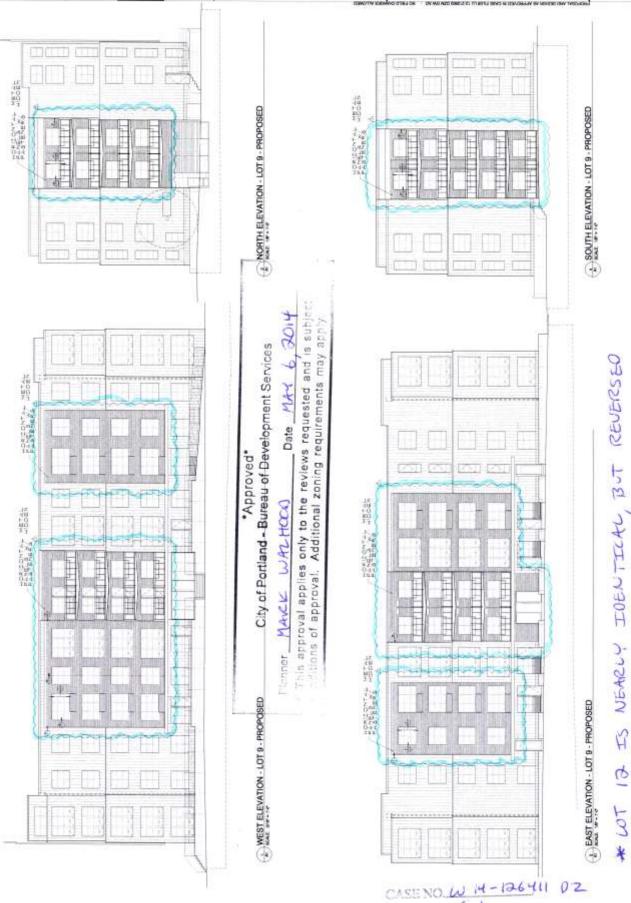


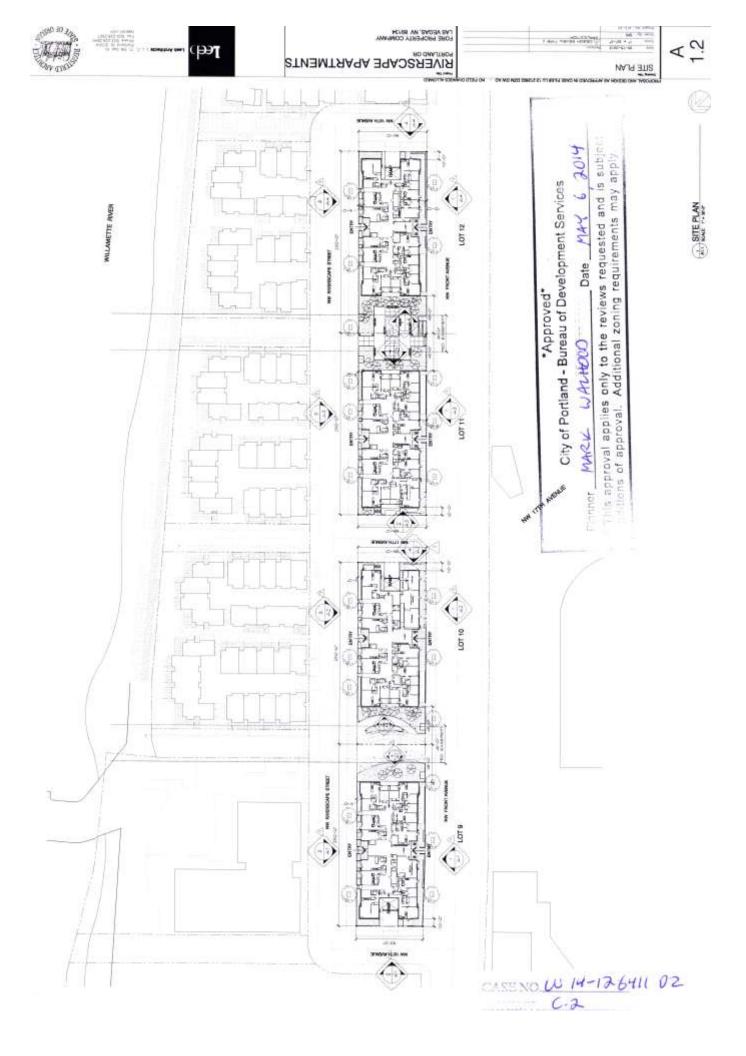
This site lies within the: CENTRAL CITY PLAN DISTRICT RIVER DISTRICT - NORTH PEARL

C.

LOT 9 ELEVATIONS - PROPOSED







N 14-126411 C.3 02 NO W

\* 101 \*



