

City of Portland

Bureau of Development Services

Land Use Services Division

1900 SW Fourth Ave. Suite 5000 Portland, Oregon 97201 Telephone: 503-823-7300 TDD: 503-823-6868

FAX: 503-823-5630 www.portlandonline.com/bds

Date: May 19, 2008

To: Interested Person

From: Chris Beanes, Land Use Services

503-823-7983 / chris.beanes@ci.portland.or.us

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 this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-104143 DZ, STOREFRONT AND

AWNING REMODEL

GENERAL INFORMATION

Applicant: Stephen Smiley, Architect 503-248-9170

4412 SW Corbett Portland, OR 97239

Oak Associates Ltd Prtnrshp, Owner

2316 SE Willard St

Milwaukie, OR 97222-7740

Site Address: 337 SW OAK ST

Legal Description: BLOCK 45 LOT 5&6 TL 3201, PORTLAND

Tax Account No.: R667705510 **State ID No.:** 1N1E34CD 03201

Quarter Section: 3029

Neighborhood: Downtown Cmty Assoc., contact Jennifer Geske at 503-750-9843

Plan District: Central City - Downtown

Zoning: CXd, Central Commercial with design overlay

Case Type: DZ, Design Review

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

Commission.

Proposal: The applicant proposes an approximately 50 square foot addition to the building within a recessed portion of the building adjacent to the entry lobby on SW Oak Street. A glass and aluminum storefront is proposed along with a new awning treatment incorporating entry signage with additional lighting. Also proposed is the addition of 16 down lights along the transoms of the existing storefront along the perimeter of the building. Lastly, a condensing unit will be placed on top of a roof facing the parking lot to the east of the site.

Because the proposal is for new development in a design overlay zone, Design Review is required.

Relevant Approval Criteria:

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

 Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The subject 6,275 square foot property is located at the corner of SW 4th Avenue and Oak Street. A dense mixture of early 20th century high rise buildings and surface parking lots characterizes the area.

The 10-story building, constructed in 1909, is listed as a Rank III resource in the City of Portland Historic Resource Inventory and was originally named the Lewis Building, eponymously named after the architect of the building, David C. Lewis. The building is an example of the commercial style pioneered by Louis Sullivan's Chicago School, and shares many features found within the architectural vocabulary of that school including multi-tiered bay windows, topped by wrought-iron balcony railings, and terra cotta facing at the lower two floors. The facing includes unique architectural features such as voussoirs above openings, and belt course with meandering frets and rosettes. Large fabric awnings coincide with storefront openings along the entire base perimeter. The current use of the building is retail on the ground floor and residential on the upper floors. Neighboring the property to the east is a surface parking lot.

Zoning: The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The Central City plan district includes a variety of regulations specific to the central neighborhoods of Portland. Development standards specific to the central city include maximum height and floor area ratio limits, parking regulations, and other standards addressing situations unique to the area. The Central City plan district regulations seek to implement a variety of adopted plans for the area, including the Central City Plan and the Downtown Plan.

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

- *DZ 70-84* Approval of renovation;
- *LUR 91*-00668 Approval of new awnings;
- *LUR 97-00314* Withdrawal of a painted wall sign proposal;
- *LUR 99-00580* Approval of improvements to the west façade of the building including installation of a new exit door, new storefront windows and awnings, and repainting the facade.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **February 15, 2008**. The following Bureaus have responded with no issues or concerns:

• Site Development Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 15, 2008. 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: Because of the site's location, the applicable design guidelines include the Central City Fundamental Design Guidelines. Because the site also includes a Historic Landmark building, the approval criteria at 33.846.060.G for Historic Design Review must also be met.

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City.

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.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven Central City policy areas. The nine goals for design review within the Central City are as follows:

- 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.

A5. Enhance, Embellish, and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

Findings for A4 and A5: The applicant's proposal for the storefront will incorporate a brushed aluminum finish similar to the existing storefront windows. The lowest horizontal mullion of the new storefront will align with the existing black granite band at the base of the building, providing consistency with established material change lines. The address signage will include stainless numbers above the entry canopy, tying back to the stainless storefront below, furthering consistency of the proposed materials. The new entry address will be an updated version of the "333" incorporated into the entry awning. The new address numbers will be constructed of stainless steel and will provide a new entry identity.

The proposed down lights will be located on the existing storefront transoms. Two down lights will be placed centrally on each transom, coinciding with the two vertical mullions of each storefront. The proposed supporting structure and cylinder lights will have an aluminum finish for compatibility with the aluminum transom. As the awning structure is a non-permanent feature of the building, the application of the lights on the transoms should be seen as an integrated feature of the storefront system and overall architecture of the building. As such, the lights will be aligned with the mullions, will share a similar finish as the storefront, and are integrated in an acceptable manner. *These guidelines are thus met.*

- **A7. Establish and Maintain a Sense of Urban Enclosure.** Define public rights-of-way by creating and maintaining a sense of urban enclosure.
- **A8. Contribute to a Vibrant Streetscape.** Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

Findings for A7 and A8: The renovated entry canopy will provide continued enclosure at the entrance of the building and maintain the defined public/private transition space. The storefront will continue the established building plane at the sidewalk. *This guideline is met.*

Current configuration of the lobby entry and storefront is 7' away from the interior sidewalk and building edge. The proposal to fill in the portion of the lobby that is recessed will allow for a more vibrant streetscape as the transparent lobby functions, including opportunities to sit and relax while looking outward, will be enhanced by closer proximity to the street. *These guidelines are thus met.*

B2. Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

Findings: Continued protection will be provided at the entry as the current awning is worn and needs replacement. The applicant has proposed integrated address signage on the entry canopy for clear identification. The applicant

proposes placement of a condensing unit on top of a small roof on the side of the building facing the adjacent parking lot. As the existing dryer vent is located close to the entrance, The unit will be shielded from view by the existing parapet. The unit will allow for relocation of an existing dryer vent at the main entry, enhancing the pedestrian environment, specifically, the entry. Additional lighting will be integrated on each transom to allow for further visibility along the sidewalk. *This guideline is thus met.*

B6. Develop Weather Protection. Develop integrated weather protection systems at the sidewalk-level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

Findings: Renovation of the entry canopy will allow ongoing weather protection for pedestrians. *This guideline is thus met.*

C2. Promote Quality and Permanence in Development. Use design principles and building materials that promote quality and permanence.

Findings: The materials proposed for the storefront are high quality natural finished aluminum and insulated glass. The awning will include Sunbrella fabric for durability.

- **C3. Respect Architectural Integrity.** Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.
- **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 C3 and C5: The proposed storefront coincides with placement of the previous storefront, and of similar proportions and design. It should be noted that the previous storefront was designed by Richard Sundeleaf, a prominent architect in Portland, and proponent of the "Streamline Moderne" style, in which the spirit of the machine age and the concepts of aerodynamics shaped the design of the building. Articulated on a small scale, the existing storefront is an extension of this style. The proposed storefront retains the same horizontal orientation of window mullions and window panes. The proposed storefront wall will be flush with the exterior of the building and horizontal mullions will match the existing granite foundation band.

Two downlights will be located centrally on the solid aluminum panel transoms above each of the storefronts. The downlights will be centered on each of the aluminum mullions of the storefront. The cylindrical lights will project 6" from the transom on a support structure of the same finish as the light, while the light, at 5" circumference and 9-1/2" tall will project downward onto the sidewalk. The lighting incorporates a non-glare feature so pedestrians will not receive glare when looking upward. *These guidelines are thus met.*

C11. Integrate Roofs and Use Rooftops. Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

Findings: The applicant proposes a replacement compressor on the second story of the parking lot facing side of the building (east elevation). The unit will be obscured

by an existing parapet, as other mechanical units have been placed on this roof in the past. *This guideline is met.*

C12. Integrate Exterior Lighting. Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.

Findings: Taking cues from elements of the storefront system, including the vertical mullions and finish, the proposal makes use of the solid transom above the storefronts for additional lighting along the sidewalk. The vertically oriented lighting is simple and discreet, centered on the mullions in an integrated fashion, and provides further vertical emphasis along the storefront. *This quideline is thus 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 proposed remodel of the storefront entryway will provide additional pedestrian interest along the sidewalk, allowing viewing opportunities to the new lobby addition. Consistent treatment of the existing storefront system will provide additional coherency to the proposal. New lighting will be integrated into existing solid transoms above each storefront bay, respecting existing mullion pattern and bay system. In addition, the rooftop mechanical unit will be hidden from view and will provide an update to existing mechanical functions of the building. The proposal merits design review approval.

ADMINISTRATIVE DECISION

Approval of approximately 50 square foot addition to the entry lobby. Approval of transom down lights along the existing storefront along the perimeter of the building. Lastly, approval of a condensing unit to be placed on top of a secondary roof facing the parking lot to the east of the site per the approved site plans, Exhibits C-1 through C-5, signed and dated May 15, 2008, 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.XX. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-104143 DZ . No field changes allowed."

Decision rendered by:

on May 15, 2008

By authority of the Director of the Bureau of Development Services

Decision mailed: May 19, 2008

Staff Planner: Chris Beanes

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

Procedural Information. The application for this land use review was submitted on January 23, 2008, and was determined to be complete on **February 6, 2008**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 23, 2008.

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.

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 June 2, 2008 at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., 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. Recognized neighborhood associations are not subject to the appeal fee. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

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

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

Recording the final decision.

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

- Unless appealed, The final decision may be recorded on or after June 3, 2008 (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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and

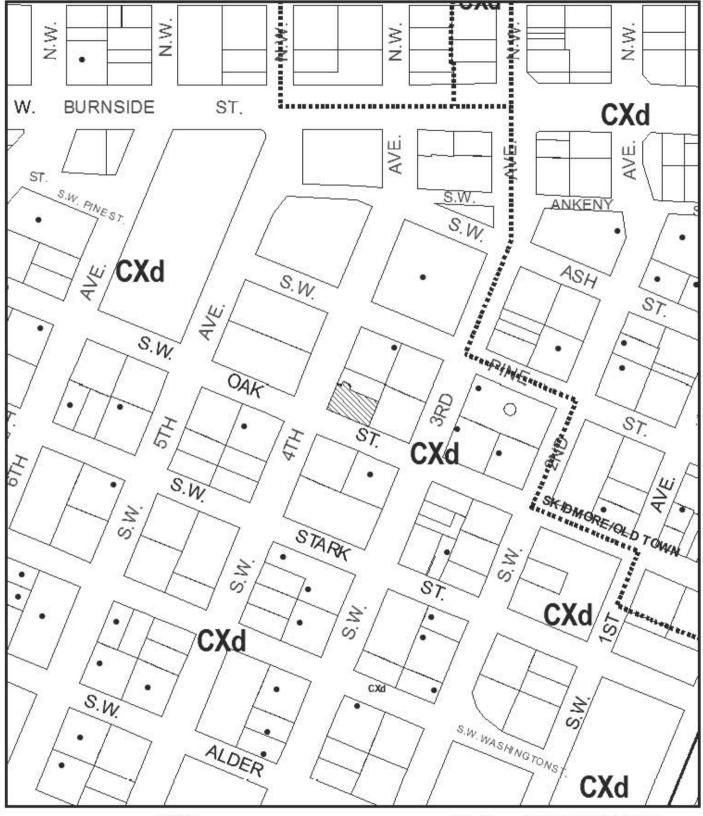
• All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Storefront Detail
 - 3. Lighting Detail
 - 4. Storefront Sections
 - 5. Rooftop Mechanical Drawing
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Site Development Review Section of BDS
- F. Correspondence:
 - 1. Stephen Smiley, Architect/Applicant, 3/25/08, Time extension request.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING



Historic Landmark



This site lies within the: CENTRAL CITY PLAN DISTRICT File No. LU 08-104143 DZ

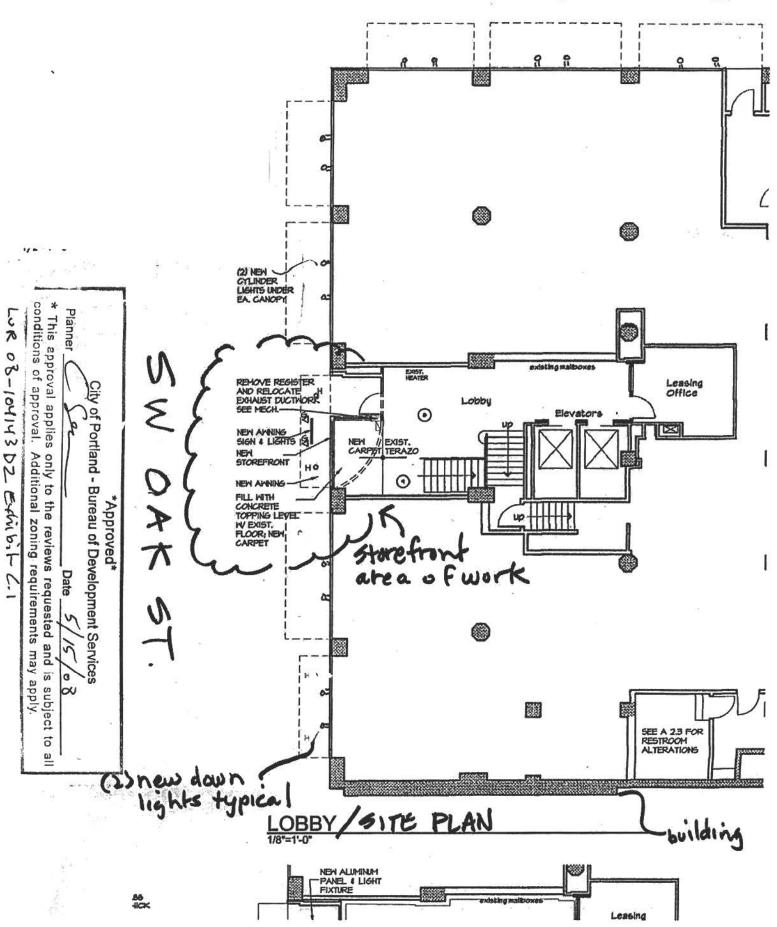
1/4 Section 3029

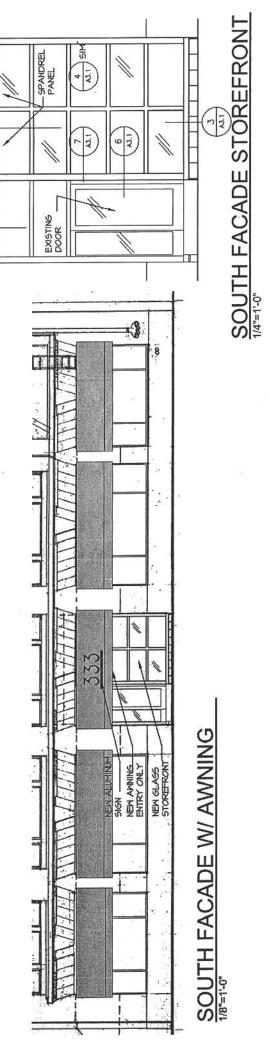
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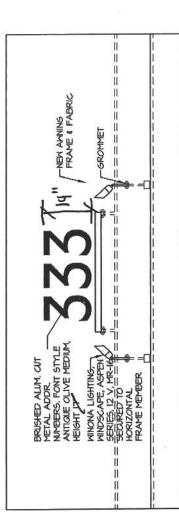
Exhibit B (Jan 25,2008)

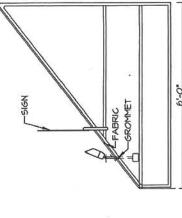
5 w 4th street





5





AWNING SIGN & LIGHT

1/2"=1'-0"

333 SW OAK BUILDING AWNING & SOUTH ELEVATION DESIGN REVIEW SUPPLEMENTAL INFORMATION 03 MARCH, 2008

Approved	ent Services	20/51/5
	City of Partland - Bureau of Development Services	O Date
		Planner

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

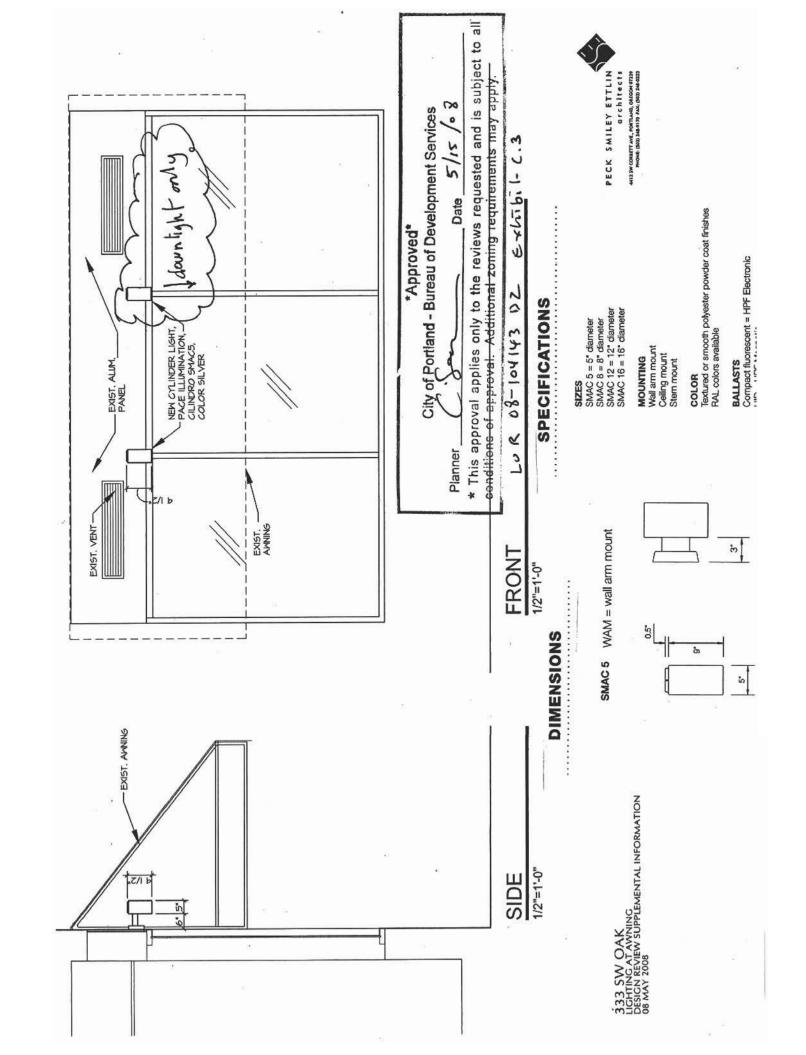
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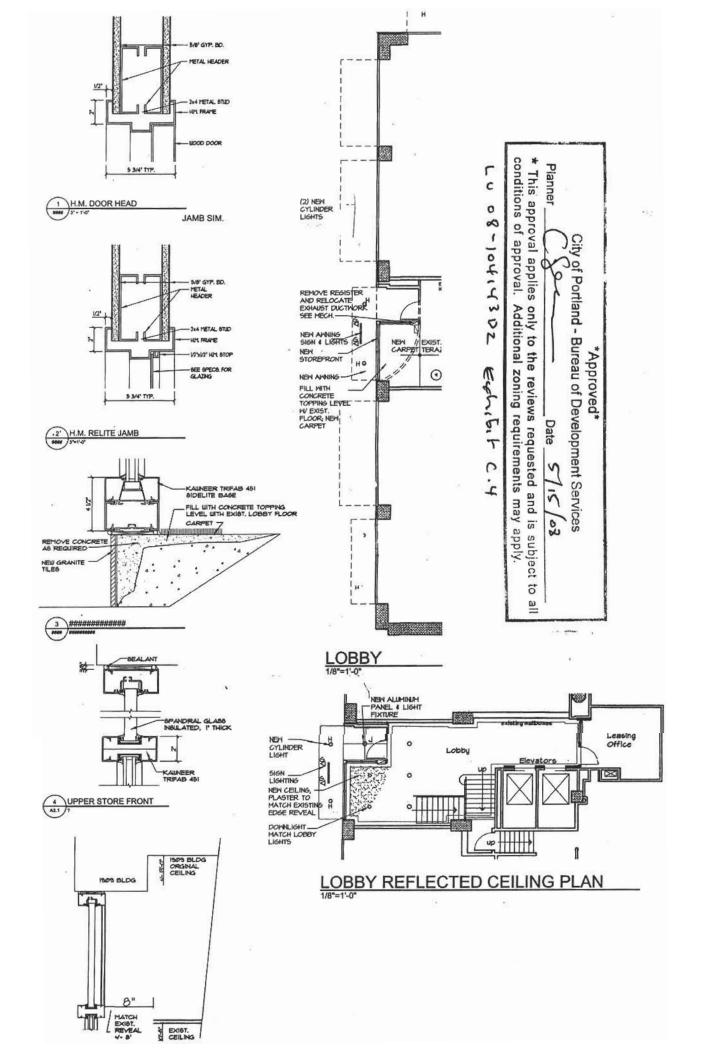
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M13WCOMMTTAVE, PORTANO, OLGOWYTH

MODEL END 3444 AND TAXE EDD 3444 AND

LUR 03-104143 DZ Exhibit 6.2





SMILEY ETTLIN

PECK

Planner

City of Portland - Bureau of Development Services

Date 5/1508

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

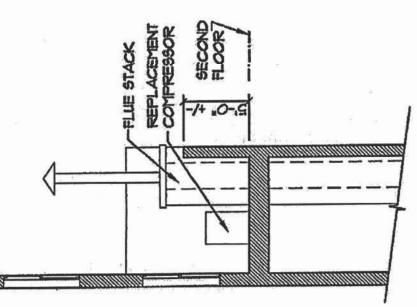
Lu 08-10414302 Extis. + C. 5

EAST ELEVATION PARTIAL 1/8-1-0

FROM 1915 RENOVATION PLANS

-BILLBOARD

SECTION—LOWER ROOF PARAPET 1/8"=1'-0"



architects

Approved

333 SW OAK
DESIGN REVIEW SUPPLEMENTAL INFORMATION
28, JANUARY 2008