



City of Portland  
**Bureau of Development Services**  
Land Use Services Division

1900 SW Fourth Ave. Suite 5000  
Portland, Oregon 97201  
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[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** April 17, 2008  
**To:** Interested Person  
**From:** Shawn Wood, Land Use Services 503-823-6962  
woods@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 08-112464 DZ- PARKING GARAGE SECURITY  
BARS**

**GENERAL INFORMATION**

**Applicant:** Jerry Goldsby (applicant) 503.223.4777  
Melvin Mark Companies  
111 SW Columbia, Suite 1380  
Portland, OR 97201  
  
Dave Zier (owner's agent)  
Urban Office And Parking Facilities  
111 SW Columbia, Suite 1380  
Portland, OR 97201  
  
**Site Address:** 120 SW CLAY ST  
  
**Legal Description:** BLOCK 127 TL 3200, PORTLAND  
**Tax Account No.:** R667712310  
**State ID No.:** 1S1E03BC 03200  
**Quarter Section:** 3129  
**Neighborhood:** Downtown Cmty Assoc., contact Jennifer Geske at 503-750-9843.  
**Business District:** Downtown Retail Council, contact Portland Business Alliance at 503-224-8684.  
  
**District Coalition:** None  
**Plan District:** Central City - Downtown  
**Other Designations:** None  
**Zoning:** Central Commercial with Design Overlay (CXd)  
**Case Type:** Design Review (DZ)  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

**Proposal:** The applicant requests design review approval for the installation of painted steel security bars/screens to the 3<sup>rd</sup> and 4<sup>th</sup> levels of the Crown Plaza parking facility. The bars will be added to the east elevation of the building above the existing skybridge. The length of the screen at the 3<sup>rd</sup> level is proposed to be 6 feet and the length at the 4<sup>th</sup> level is proposed at 70 feet.

Alterations to structures within the design overlay require design review.

**Relevant Approval Criteria:**

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

- Central City Fundamental Design Guidelines

## ANALYSIS

**Site and Vicinity:** The site is located in the Downtown Subdistrict of the Central City Plan District, and occupies a full block bounded by SW Clay Street, SW Market Street, SW 1<sup>st</sup> Avenue, and SW 2<sup>nd</sup> Avenue. The site is developed with an eight-story parking garage, which was built in 1973. The parking garage is connected via a skybridge to the office building directly across SW 1<sup>st</sup> Avenue. Garage access stairwells are generally located on the corners of the building, and retail storefronts are located on the street-level of the structure.

Portland's Transportation System Plan classifies both SW Clay and SW Market as Traffic Access Streets, Transit Access Streets, Local Service Bikeways, and Community Corridors. SW 1<sup>st</sup> is classified as a Transit Access Street, City Bikeway, and City Walkway, and SW 2<sup>nd</sup> is a Local Service Bikeway and City Walkway. The site is located within the Downtown Pedestrian District

**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.

The design (d) overlay zone 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.

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

- LUR 98-016194 DZ (reference file # 98-00888): Design review approval for a wireless telecommunications facility with 6 antennas and 9 equipment cabinets;
- LUR 99-016664 DZ (reference file # 99-00259): Design review approval for a through-the-wall walk-up ATM machine;
- LU 03-149335 DZ: Design review approval for a wireless telecommunications facility with 3 antennas and accessory equipment cabinets;
- LU 06-123101 DZ: Design review approval for the placement of three pipe-mounted antennas, with accessory equipment on an existing rooftop equipment pad near the center of the building at the 8th floor; and
- LU 07-139805 DZ: Pending design review application to install a cellular telecom facility, including panel antennas mounted to the parapet on the north, south, and east façades; two microwave dishes on the south and west façades; and a 6' tall equipment cabinet on the roof next to the penthouse.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **March 17, 2008**. The following Bureaus have responded with no issues or concerns:

- Portland Fire & Rescue;
- Portland Water Bureau;
- Bureau of Environmental Services;
- Bureau of Transportation Engineering & Development;
- Urban Forestry Division of Portland Parks & Recreation; and
- Site Development Section of the Bureau of Development Services.

The Life Safety (Building Code) Section of the Bureau of Development Services responded with the following comment. Please see Exhibit E.1 for additional details.

#### **GENERAL LIFE SAFETY COMMENTS**

The following comments are intended to provide the applicant with preliminary Building Codes information that could affect the Land Use Review and/or future Building Permit reviews. The comments may not identify all conflicts between the Land Use proposal and the Building Codes. A complete Life Safety plan review will be provided at the time of Building Permit submittal. The comments are based on The Oregon Structural Specialty Code, The Oregon Mechanical Specialty Code, or The Oregon Residential Specialty Code.	
<b>Item #</b>	<b>Comment</b>
<b>1</b>	A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. More information regarding building code requirements can be obtained by visiting the Bureau of Development Services Development Services Center -1900 SW 4 <sup>th</sup> Ave, 1 <sup>st</sup> floor, between the hours of 7:30 AM and 3:00 PM Monday through Friday and also 5:00 PM to 7:30 PM Thursday evening (no appointment necessary.) Building Code information is also available online at: <a href="http://www.portlandonline.com/bds/">http://www.portlandonline.com/bds/</a> , or by calling (503) 823-1456.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **March 17, 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:** 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.

#### **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.*

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

**Findings:** The proposal promotes quality and permanence through the use of high-quality, durable materials. The proposed security screens consist of 1/2" x 2" vertical steel bars, painted to match the existing building railings. The bars will be welded to 3/4" x 3" top plates and 3/4" x 2" base plates, and all welds will be ground smooth. In addition, the security screens will be mounted to interior walls, and work within existing openings, resulting in minimal visual impacts on the exterior of the structure. *Therefore, these guidelines are met.*

**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 security screens will be modest additions to the existing building. A screen will span a length of 6 feet at the structure's 3<sup>rd</sup> floor, to the north of the exiting skybridge, and a length of 70 feet at the 4<sup>th</sup> floor, above the skybridge. Further, the screens are well-integrated within the existing patterning: they are mounted to interior walls, recessed, painted to match existing railings, and also fit within existing openings. The proposed screens will function to provide a secure area surrounding the existing skybridge, while their recessed setback from the exterior building face helps maintain a coherent composition of the facades. *Therefore, these guidelines are met.*

## DEVELOPMENT STANDARDS

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

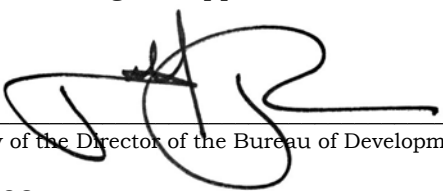
## CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION

**Approval of Design Review** (33.420.041.B) for exterior alterations to the east façade of the third and fourth floors of a parking garage at 120 SW Clay Street, including one 70'-0" segment and one 6'-0" segment of security bars, consisting of 0'-½" by 0'-2" vertical steel bars, welded smooth to base and top plates, and recessed within and mounted to the interior walls of existing openings on the structure. This approval is granted based on the approved site plan and detail drawings, Exhibits C.1 through C.3, each exhibit being signed and dated April 10, 2008, and subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-112464 DZ. No field changes allowed."

**Decision rendered by:**  **on April 10, 2008.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: April 17, 2008.**

**Staff Planner: Shawn Wood**

**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 February 29, 2008, and was determined to be complete on **March 13, 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 February 29, 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 May 1<sup>st</sup>, 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](http://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 **May 2<sup>nd</sup>, 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.

**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.

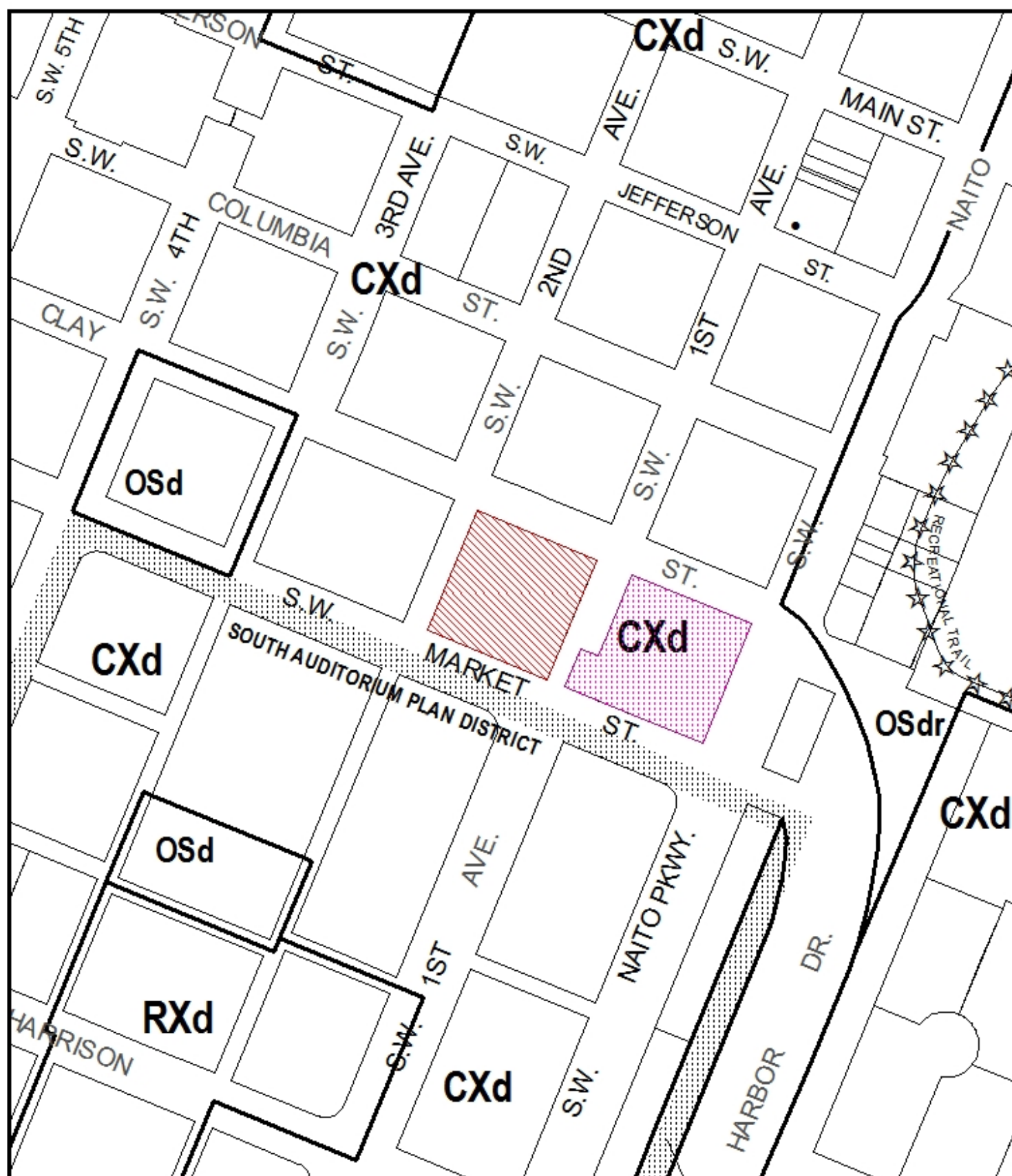
#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Partial East Elevation (attached)
  - 3. Detail - Security Screen (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety (Building Code) Section of the Bureau of Development Services
- F. Correspondence:
  - None received
- 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).**





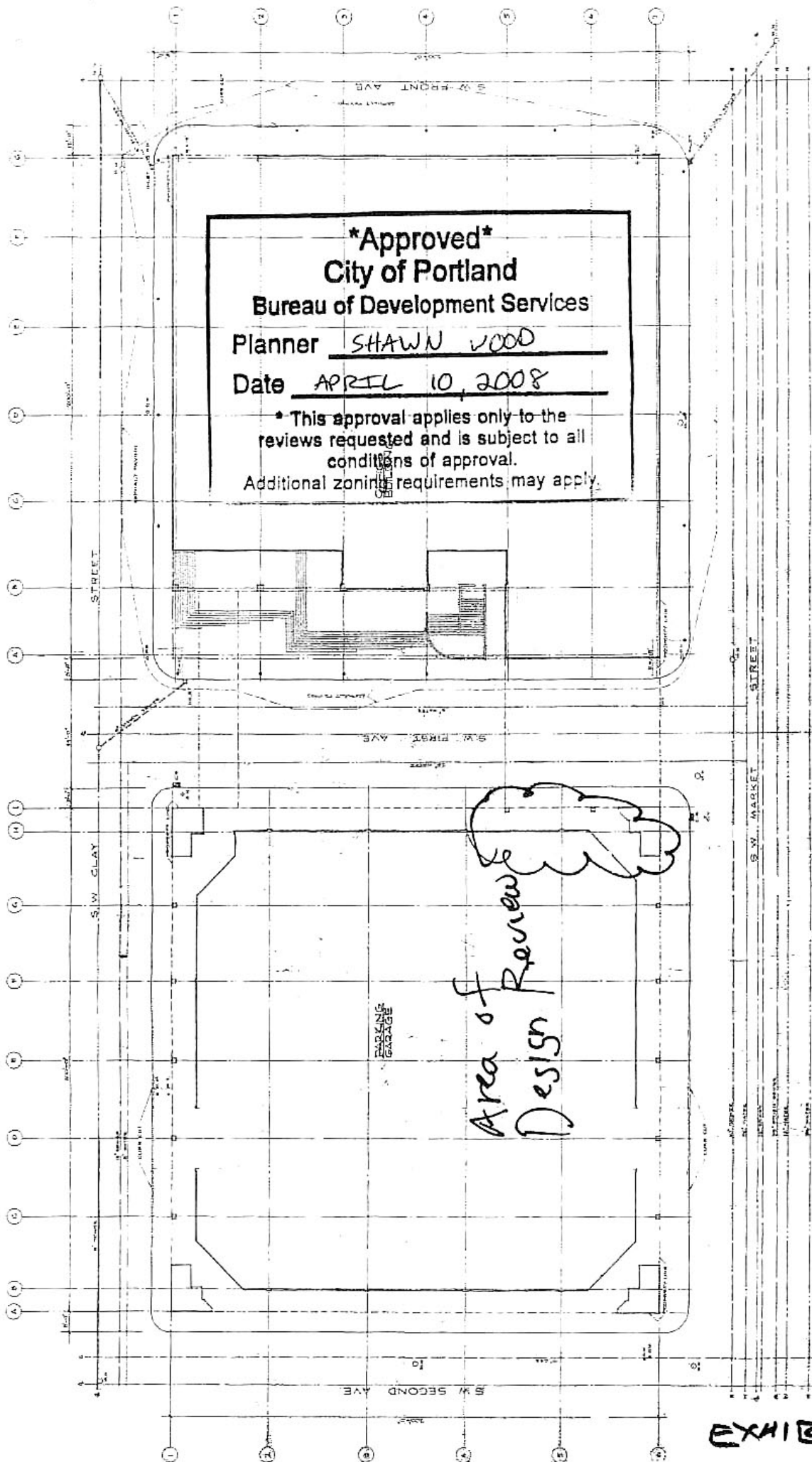
# ZONING

 Site  
 Also Owned



This site lies within the:  
CENTRAL CITY PLAN DISTRICT

File No. LU 08-112464 DZ  
 1/4 Section 3129,3229  
 Scale 1 inch = 200 feet  
 State\_Id 1S1E03BC 3200  
 Exhibit B (Mar 03,2008)



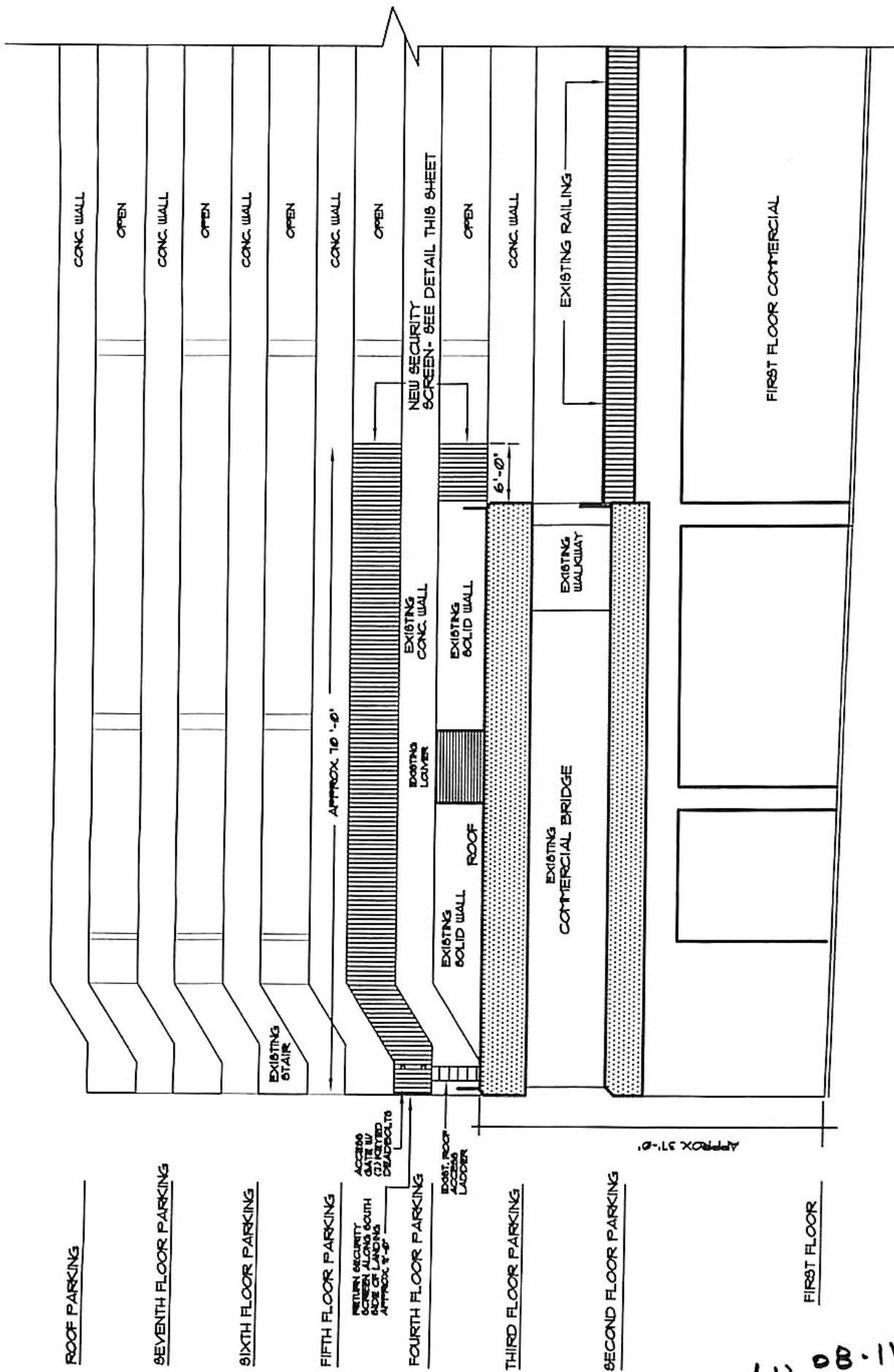
**\*Approved\***  
**City of Portland**  
**Bureau of Development Services**  
Planner SHAWN WOOD  
Date APRIL 10, 2008  
• This approval applies only to the reviews requested and is subject to all conditions of approval.  
Additional zoning requirements may apply.

Area of Review Design

Proposal and design as approved  
for use on 08-112464 02  
No field changes allowed

2008-112464 D2

EXHIBIT C.1



# PARTIAL EAST ELEVATION - CROWN PLAZA PARKING GARAGE

SCALE 1/8" = 1'-0"

Prepared and checked as approved  
 in accordance with 08-112464 D2  
 No field change allowed.

\*Approved\*

City of Portland - Bureau of Development Services

Planner STAWN WOOD Date APRIL 10, 2008

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

LU 08-112464 D2

EXHIBIT C.2

Proposal and revision as approved  
in case of 08-112464 02  
No field changes allowed.

\*Approved\*

City of Portland

Bureau of Development Services

Planner STAWAN WOOD

Date APRIL 10 2008

\* This approval applies only to the  
reviews requested and is subject to all  
conditions of approval.

Additional zoning requirements may apply.

EXIST. REINFORCED  
CONC. STRUCTURE

2" MIN. DEPTH  
INTO CONC. CONC.

1/2"X2" VERTICAL  
STEEL BARS AT  
7" O.C.-WELDED  
TO TOP PLATE  
AND BASE PLATE

NOTE: PAINT ALL  
STEEL TO MATCH  
EXISTING RAILING  
SHOP PRIME

ALL WELDS TO BE  
GROUND SMOOTH

2" MIN. DEPTH  
INTO CONC.

EXIST. REINFORCED  
CONC. STRUCTURE

3/4"X3" TOP PLATE  
SECURED TO EXIST.  
CONC. STRUCTURE W/  
1/2" THREADED BOLT  
INTO POWER DRIVEN  
CONC. ANCHOR AT  
APPROX. 3'-0" O.C.  
SPOT WELD TOP OF  
BOLT TO BASEPLATE

3/4"X2" BASEPLATE  
CONTINUOUS

3/4"X3"X3" STEEL PLATE  
MOUNTED TO INSIDE FACE OF WALL  
WELDED TO BASE PLATE  
AT EACH ANCHOR LOCATION  
SPOT WELD TOP OF  
BOLT TO BASEPLATE

1/2" THREADED BOLT  
INTO POWER DRIVEN  
CONC. ANCHOR AT  
APPROX. 3'-0" O.C.

DETAIL - SECURITY SCREEN

NOT TO SCALE

REVISED 03/17/08

08-112464 02  
EXHIBIT C.2