



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

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Portland, Oregon 97201
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Date: January 23, 2009
To: Interested Person
From: Dave Skilton, Land Use Services
503-823-0660 / dave.skilton@ci.portland.or.us

FINAL DECISION BY THE DESIGN COMMISSION
RENDERED ON January 8, 2009

CASE FILE NUMBER: LU 08-158097 DZM
PC # 08-144348
SW 5th Avenue Private Student Housing

GENERAL INFORMATION

Applicant: Jeffrey and Tamara Meader, Owners
15 82nd Drive #210
Gladstone, OR 97027

Steve Master, Developer
Uptown Development
835 E. Park Street
Eugene, OR 97401

Representative: Barry Smith, Architect (503-295-6261)
715 SW Morrison Street, Suite 909
Portland, OR 97205

Site Address: 1962-1968 SW 5th Avenue and SE/C SW 5th and College Street

Legal Description: S 1/2 OF LOT 7 BLOCK 156, PORTLAND; N 1/2 OF LOT 7 BLOCK 156, PORTLAND; E 37.5' OF W 75' OF LOT 8 BLOCK 156, PORTLAND; W 37.5' OF LOT 8 BLOCK 156, PORTLAND

Tax Account No.: R667715710, R667715730, R667715770, R667715790

State ID No.: 1S1E04DA 02000, 1S1E04DA 01900, 1S1E04DA 01700, 1S1E04DA 01600

Quarter Section: 3228

Neighborhood: Downtown Cmty Assoc., contact Jennifer Geske at 503-750-9843.
Business District: Downtown Retail Council, contact Stephen Pirkel at 503-274-7682.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - University Subdistrict
Zoning: RXd, Central Residential, with Design Overlay

Case Type: DZM, Design Review with a Modification requested
Procedure: Type III, with a public hearing before the Design Commission. The decision of the Design Commission can be appealed to City Council.

Proposal:

Applicant is seeking Design Review for a new six story building with commercial and support uses on the ground floor and forty-nine units of private student housing on floors 2 through 6. One existing building will be demolished in preparing the site. The property is an irregular polygon, a 100' x 100' square diminished by a 50' x 25' subtraction at the northeast corner.

Proposed exterior materials are:

- board formed concrete structural elements at the ground floor street frontages;
- two colors of concrete block, one split-faced and one ground, at interior lot-lines;
- two metal siding types, flat and ridged, applied as rain screen on upper facades;
- fiberglass-framed window system on all upper floors;
- glazed, aluminum, overhead, roll-up doors in three storefront bays;
- fiberglass-framed window/door/transom system in other storefronts bays;
- sheet-metal clad marquee style canopies at fixed storefront bays;
- three 4.5 sf., internally illuminated, blade signs, wall-mounted below canopies;
- compact florescent, flush mounted, down lighting in canopy ceilings;
- one wall mounted address identification sign at the housing entry;
- square, 18'X18" flagstone pavers at recessed entries; and
- an overhead, roll-up garage door with integrated venting at the loading bay.

The proposal includes approximately 8,000 square feet of new roof area. On site vegetative filtration is not feasible. Treatment of storm water is proposed via an engineered proprietary filtration system with discharge to a public storm sewer.

Design Review is required because the proposal is for development within the Central City Plan Area, University Subdistrict.

Modification Requested Through Design Review, per Zoning Code 33.825.040:

- 33.266.310 - Loading Standards – One loading bay at least 35 feet long, 10 feet wide, and with 13 feet of vertical clearance, is required.

A Modification is required because the applicant is proposing an internal loading bay, accessed from SW College Street, 28 feet long, 10 feet wide, and 12 feet high.

Exception Requested for Window Projection into Public Right-of-Way – IBC/32/#1

- Bays with windows that project into the right-of-way must: a) project no more than 4'-0" into the right-of-way, b) be no more than 12'-0" wide, and c) be spaced at least 12'-0" apart.
- The width of all bays combined must be no more than 50% of the total street frontage length; and the total area of all bays and bay windows on a building façade must not exceed 40% of the area of the façade.

The applicant is proposing one (1), five-story, window projection into the right-of-way, canted outward from the top of the first floor to the top of the building. The proposed projection occurs at the corner of SW 5th and SW College and it is approximately 50' tall and 33' wide on each of the two street frontages. It projects 4'-0" into the right-of-way at the top. An exception is required because the proposed 33' width at each street frontage exceeds the 12'-0" limit.

Relevant Approval Criteria:

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

- | | |
|----------------------------|---|
| ▪ 33.825 Design Review | ▪ 33.825.040 Modifications That Will Better |
| ▪ Central City Fundamental | Meet Design Review Requirements |

Design Guidelines

DESIGN COMMISSION DECISION

It is the decision of the Design Commission to approve Design Review for a six story private student housing building with board-formed concrete and storefronts systems at the ground floor and two types of sheet metal siding on floors two through six.

Approval of the following Modification: Section 33.266.310 Loading Standards for an internal loading bay, accessed from SW College Street, 28 feet long, 10 feet wide, and 12 feet high.

Approvals per Exhibits C.1-C-15, signed, stamped, and dated January 8, 2009, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 08-158097 DZM. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. No field changes allowed.

By: _____

Lloyd Lindley, Design Commission Chair

Application Filed: August 26, 2008

Decision Rendered: January 8, 2009

Decision Filed: January 9, 2009

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 August 26, 2008, and was determined to be complete on September 29, 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 August 26, 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 requested that the 120-day review period be extended for 30 days (Exhibit A-2).

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. This report is the final decision of the Design Commission with input from other City and public agencies.

Conditions of Approval. This approval 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.

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. Appeals must be filed by 4:30 pm on February 6, 2009 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. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case by appointment at, 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201.

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 City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

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 City Council on that issue. Also, if you do not raise an issue with enough specificity to give City Council an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of \$12,954.50 will be charged (one-half of the application fee for this case).**

Neighborhood associations and low-income individuals may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Fee waivers for low income individuals must be approved prior to filing your appeal; please allow three working days for fee waiver approval. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

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 **February 7, 2009**.
- 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 must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

Dave Skilton
January 21, 2009

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).

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Materials**
 - 1. Applicant's Statement
 - 2. Request for Extension of 120-Day Review Period
- B. Zoning Map (attached)**
- C. Plans & Drawings**
 - 1. Title Sheet
 - 2. Site Plan (attached)

3. Ground and Second Floor Plans
4. Third and Fourth Floor Plans
5. Fifth and Sixth Floor Plans
6. Roof Plan
7. SW 5th Avenue Elevation (attached)
8. SW College Street Elevation (attached)
9. South Elevation
10. East Elevation
11. Ground Floor Enlarged Elevations
12. Building Sections
13. Section Details
14. Section Details
15. Additional Details (53 pages): 1-A1 Partial Elevation at Housing Entrance and Side Elevation; 2-A1 Corner Trim Detail at Vent; 3-A1 Trim Expansion Joint Detail; 4-A1 Trim Detail at Vent; 5-A1 Trim Detail at Canopy; 6-A1 Trim Detail at Concrete Curb; 7-A1 Fascia Detail at CMU Wall; 8-A1 Trim Detail at 2nd Floor Slab; 13-A1 Eave/Parapet Detail; 14-A1 Roof Rake Detail; 15-A1 Window Head Detail; 16-A1 Window Jamb Detail; 17-A1 Window Sill Detail; 1-A2 Part Elevation at Corner Entrance and Side Elevation; 2-A2 Corner Trim Detail; 3-A2 Field Attachment Detail; 4-A2 Exterior Corner Detail at Batten; 5-A2 Roof Rake Detail; 6-A2 CMU Cap Detail; 11-A2 Batten Window Head Detail; 12-A2 Batten Window Jamb Detail; 13-A2 Batten Window Sill Detail; 14-A2 Eave and Parapet Trim Detail; 1-A3 Partial Elevation at Retail Entrance; 2-A3 Trim Detail at Vent; 3-A3 Trim Detail at Vent; 1-A4 Partial Elevation at Courtyard and Side Elevation; 1-A5 Site Plan; 2-A5 Street Landscape Plan; 3-A5 Street Landscape Plan; 1-A6 Ground Floor; 2-A6 Ground Floor Retail Entry Plan; 3-A6 Ground Floor Retail Entry Plan; 4-A6 Ground Floor Housing Lobby Plan; 5-A6 Ground Floor Courtyard Plan; 1-A7 Sixth Floor Plan; 2-A7 Sixth Floor Roof Garden; 1-A8 Roof Plan; 2-A8 Mech Penthouse Plan.

D. Notification information:

1. Request for response
2. Posting letter sent to applicant
3. Notice to be posted
4. Applicant's statement certifying posting
5. Mailed notice
6. Mailing list

E. Agency Responses:

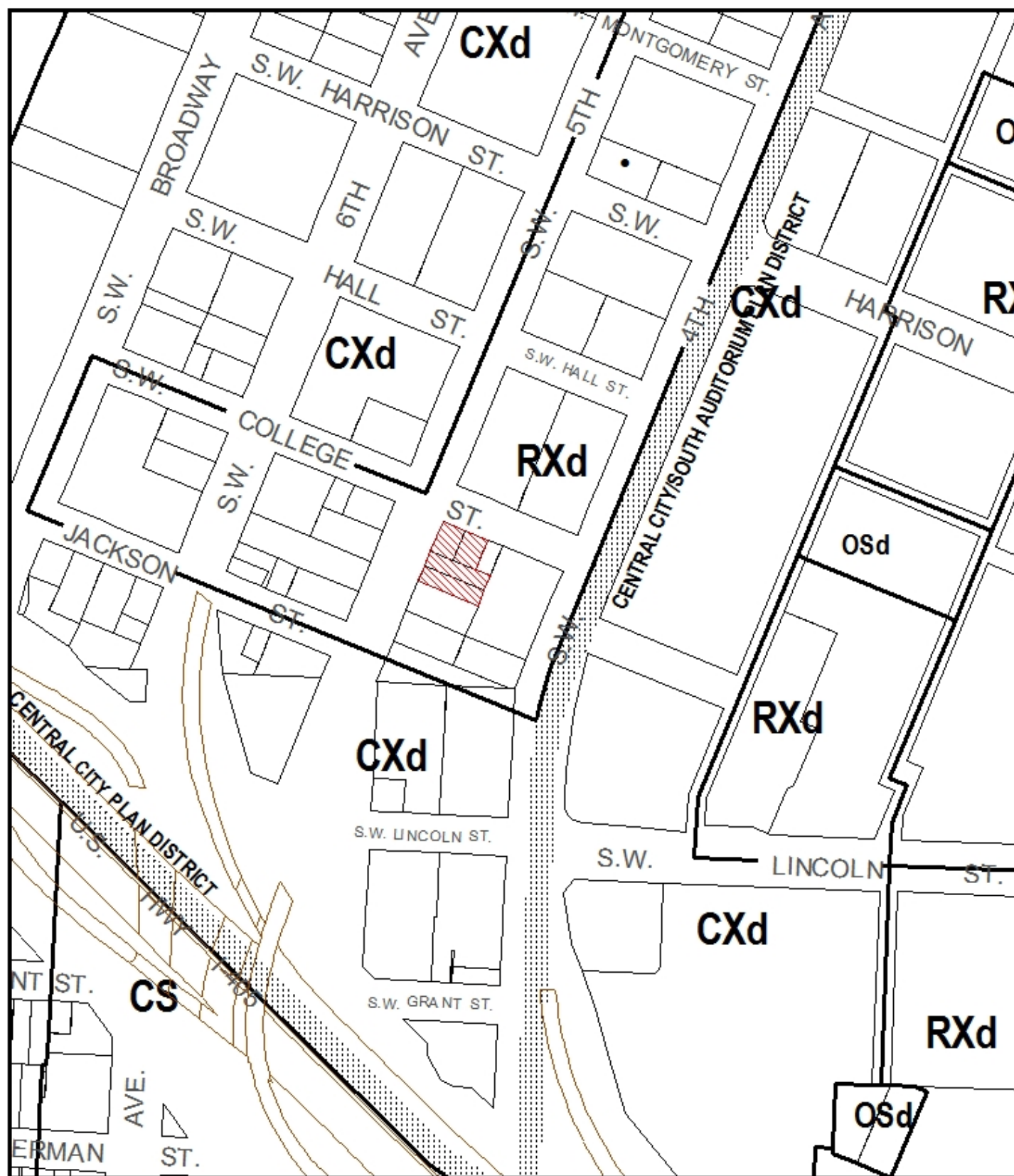
1. Bureau of Environmental Services
2. Bureau of Development Services – Site Development
3. Fire Bureau
4. Bureau of Transportation

F. Letters - none

G. Other

1. Original LUR Application
2. Site History Research

cc: Applicants and Representatives
Neighborhood Associations
Those who testified, orally or in writing
Development Services Center



This site lies within the:
CENTRAL CITY PLAN DISTRICT

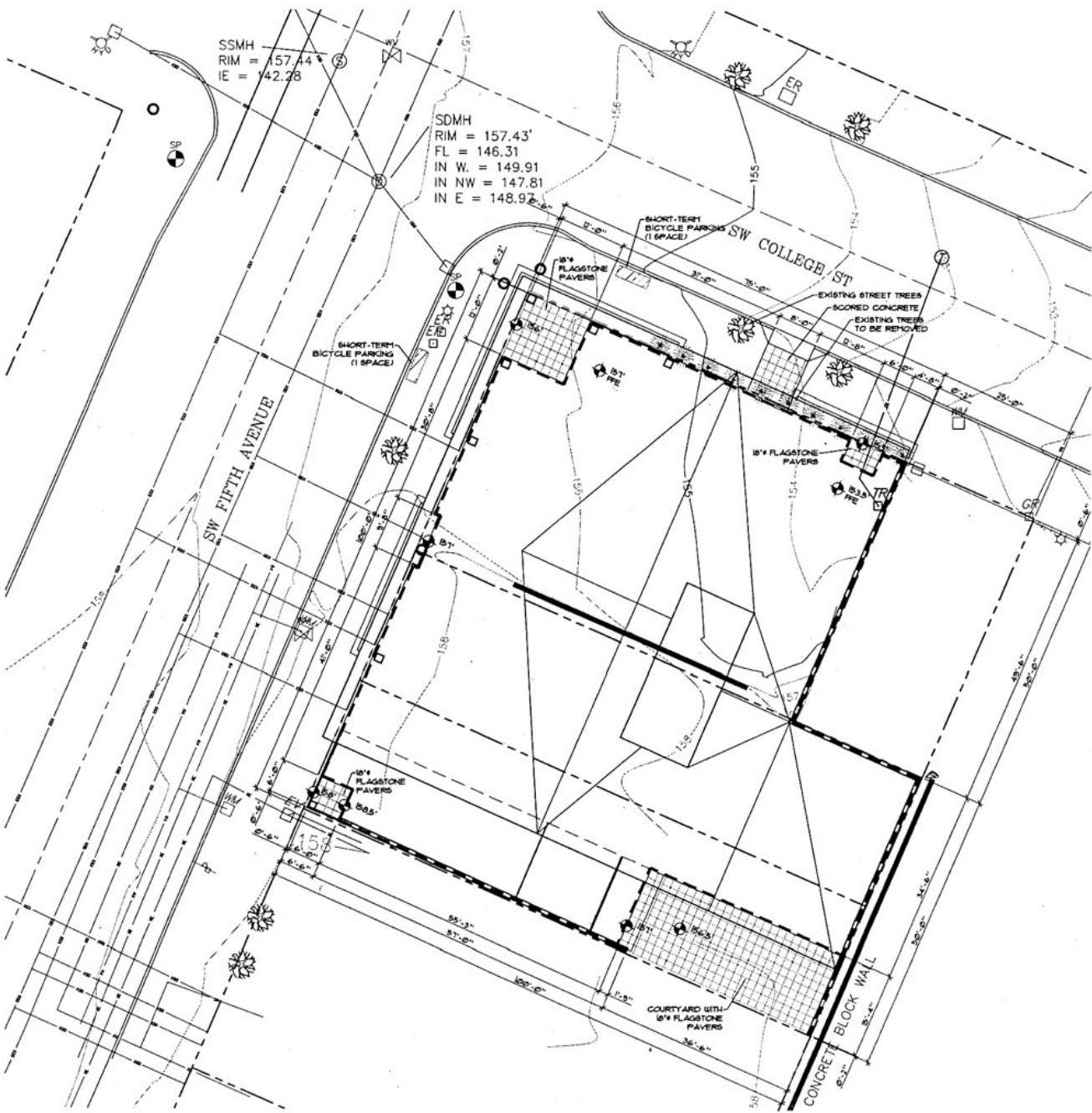
File No. LU 08-158097 DZM

1/4 Section 3228

Scale 1 inch = 200 feet

State Id 1S1E04DA 1700

Exhibit B (Aug 28, 2008)



56 SITE PLAN
U SCALE: 1" = 10'-0"

BARRY R. SMITH, P.C., ARCHITECT
716 SW MORRISON STREET, SUITE 909
Portland, OR 97205 503.253.6261 • 503.253.0034 • barry@barrysmith.com

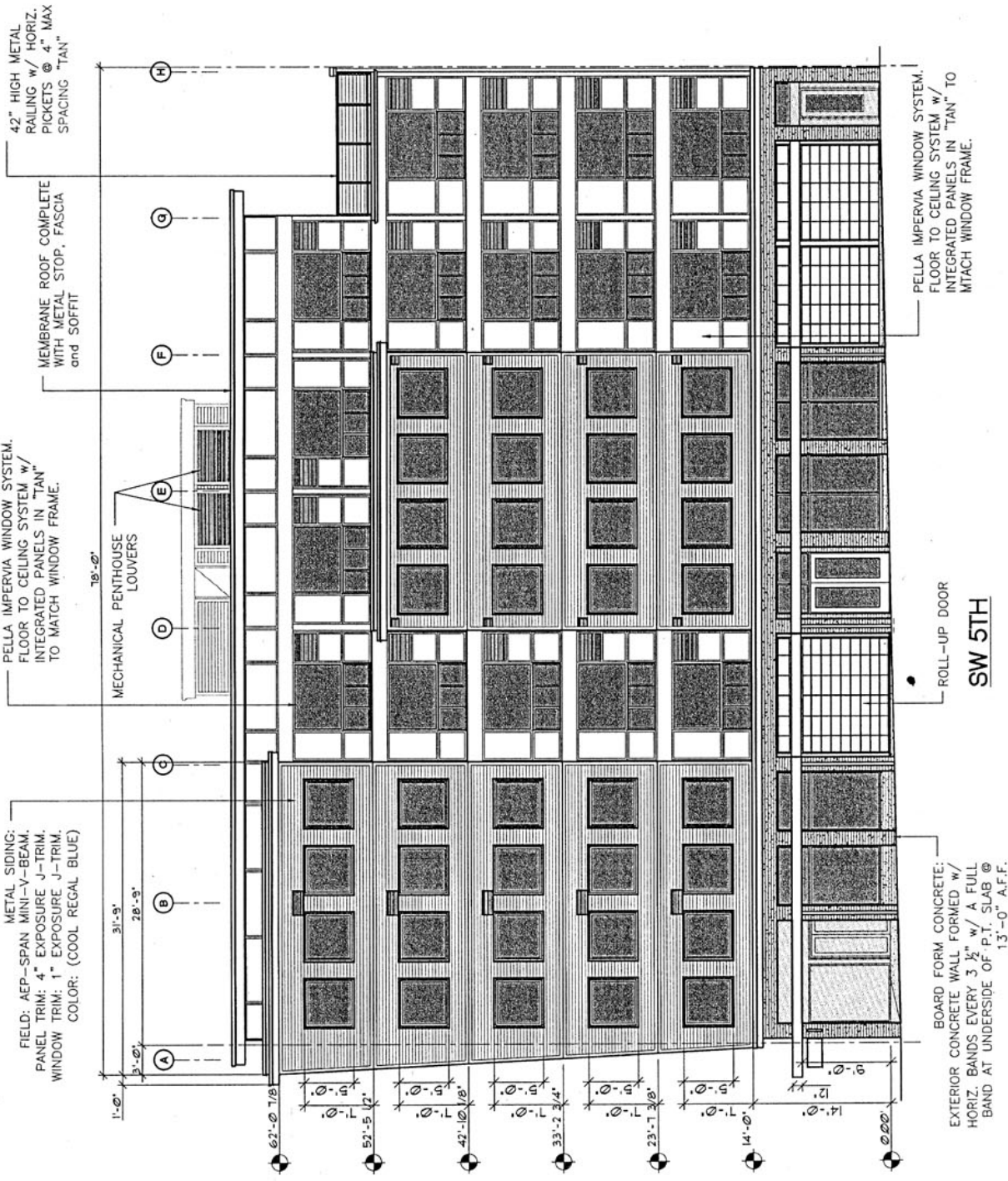
PRIVATE UNIVERSITY HOUSING
for Steve Master
6th and College, Portland, OR
SITE PLAN

A1.1
AUGUST 2008

Approved
City of Portland - Bureau of Development Services
Planner Dave Skilton Date 1.9.9
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

EXHIBIT C-2
LU 08-158097

Approved
 City of Portland - Bureau of Development Services
 Planner *David Kelly* Date *1.9.9*
 * This approval applies only to the reviews requested and is subject to the conditions of approval. Additional zoning requirements may apply.
 LV 08-158097 D24
 EXHIBIT C-7



SW FIFTH STREET ELEVATION

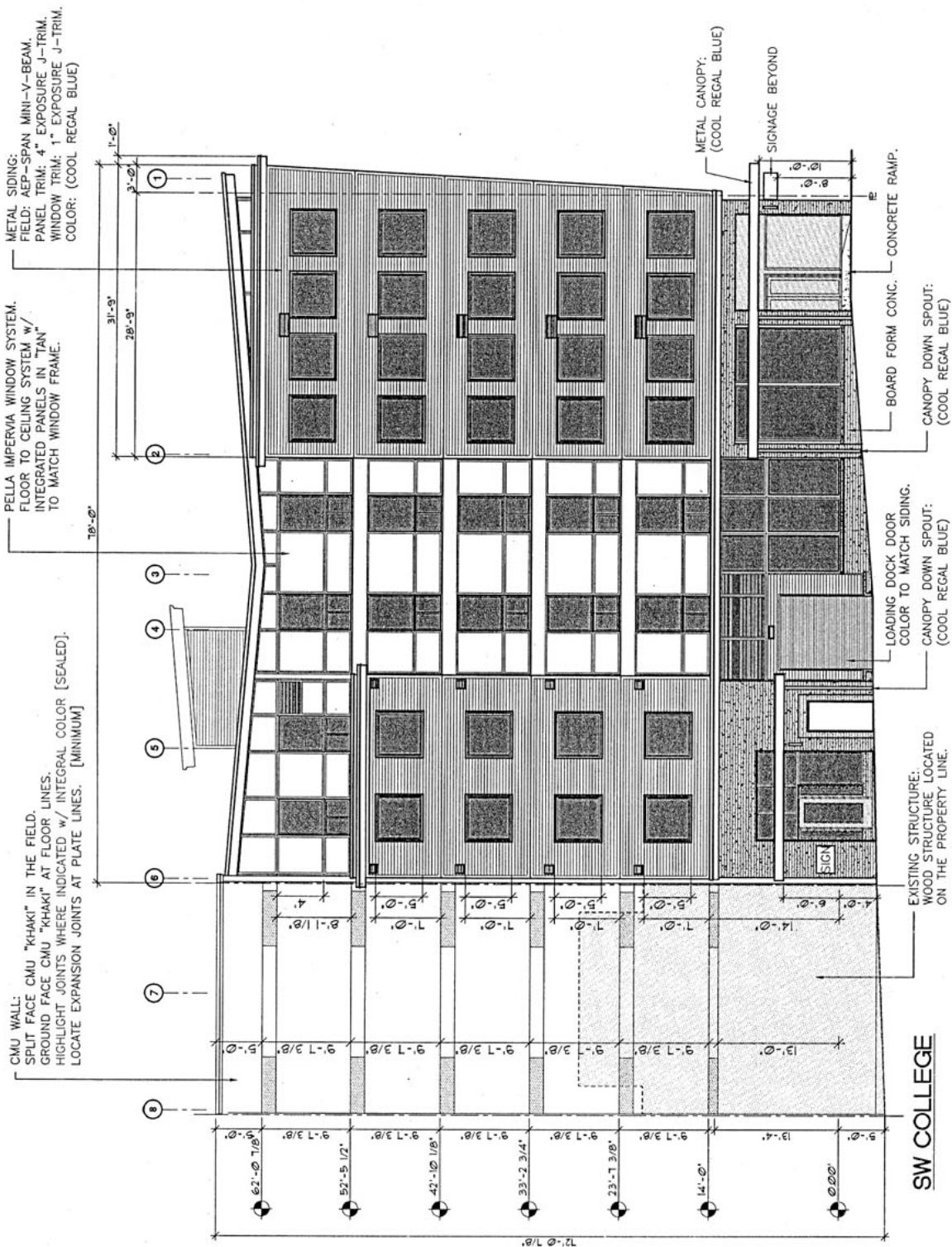
WEST ELEVATION

SCALE: 1/16" = 1'-0"

36
 5.1

Approved
 City of Portland - Bureau of Development Services
 Planner: *David Miller* Date: 1.9.9
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

LU 08-158697 D2M
 EXHIBIT C-8



76
 5.1

SW COLLEGE STREET ELEVATION

SCALE: 1/16" = 1'-0"

NORTH ELEVATION