

FROM CONCEPT TO CONSTRUCTION

**Date:** March 12, 2012

**To:** Interested Person

From: Chris Caruso, Land Use Services 503-823-5747 / Chris.Caruso@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 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 11-197485 DZ CANOPIES FOR APARTMENT BUILDING IN LLOYD CENTER

# **GENERAL INFORMATION**

| Applicant:                 | Ken Spearing/Pike Awning Co<br>7300 SW Landmark Ln/Portland, OR 97224  |
|----------------------------|--|
| Owner:                     | Lloyd Place Apartments LLC<br>1111 Main St #750/Vancouver, WA 98660  |
| Site Address:              | 1542 NE WEIDLER ST   |
| Legal Description:         | BLOCK 199 LOT 1 EXC PT IN STS LOT 2 EXC PT IN ST INC PT VAC<br>ST LOT 7; INC PT VAC ST LOT 8 EXC PT IN ST, HOLLADAYS ADD;<br>BLOCK 199 LOT 3 EXC PT IN ST INC PT VAC ST LOT 4 EXC PT IN ST<br>INC PT VAC STS LOT 5; INC PT VAC ST LOT 6, HOLLADAYS ADD |
| Tax Account No.:           | R396213610, R396213650, R396213650   |
| State ID No.:              | 1N1E26DC 15200, 1N1E26DC 15300, 1N1E26DC 15300   |
| Quarter Section:           | 2932   |
| Neighborhood:              | Sullivan Gulch, contact Carol Gossett at 503-449-1253.   |
| <b>Business District:</b>  | None   |
| <b>District Coalition:</b> | Northeast Coalition of Neighborhoods, contact Shoshana Cohen at 503-823-4575.  |
| Plan District:             | Central City - Lloyd District  |
| Zoning:                    | CXd, Central Commercial with design overlay and  |
|                            | RXd, High-Density Multi-Family Residential with design overlay   |
| Case Type:                 | DZ, Design Review  |
| Procedure:                 | Type II, an administrative decision with appeal to the Design Commission.  |

### **Proposal:**

The applicant seeks design review approval for four new 3'-0" projecting, black, uptilted corrugated metal and steel channel canopies with hanger rods at the NW and SW corners of an existing apartment building in the Lloyd Subdistrict of the Central City Plan District.

Design review is required for exterior alterations to buildings in a design overlay zone within the Central City.

#### **Relevant Approval Criteria**:

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

- 33.825 Design Review
- Lloyd District Design Guidelines
- Central City Fundamental Design Guidelines

# ANALYSIS

**Site and Vicinity:** The site is a half block developed with a mixed-use high-rise retail and apartment building with frontages on NE 15<sup>th</sup> and NE 16<sup>th</sup> Avenues, as well as on NE Weidler Street. The immediate area is fully developed with the Lloyd Center Mall, other high, mid, and low-rise residential buildings, and numerous low-rise commercial buildings. The existing apartment building is a post-modern style with multiple types of exterior materials and forms present on all levels. The Broadway-Weidler Corridor is a couplet that runs through the area with NE Weidler Street going directly past the subject site. The site is also well serviced by bus transit and is within walking distance of the MAX light rail. NE Weidler is designated a Regional Corridor, a Major City Traffic Street, a Major Transit Priority Street, a City Walkway, and City Bikeway. Northeast 16<sup>th</sup> Avenue is designated a Community Corridor, a Major City Traffic Street, a City Bikeway, and City Walkway. Northeast 15<sup>th</sup> Avenue is designated a Local Service Bikeway and Local Service Walkway. The site is within the Lloyd Pedestrian District.

**Zoning:** The <u>General Commercial</u> (CG) zone is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most newer commercial areas. The zone allows a full range of retail and service businesses with a local or regional market. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. Development is expected to be generally auto-accommodating, except where the site is adjacent to a transit street or in a Pedestrian District. The zone's development standards promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves.

The <u>High Density Residential</u> (RH) is a high density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high-rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services. Newly created lots in the RH zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot area for development with detached or attached houses or for development with duplexes. Minimum lot width and depth standards may apply.

The <u>"d" overlay</u> promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition,

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

 LUR 97-00492 DZ (LU 97-014538 DZ) – Approval to revise awning design at tenant entries and retail spaces.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **February 13, 2012**. The following Bureaus have responded with no issues or concerns:

- Life Safety Review Section of BDS (Exhibit E-1)
- Water Bureau (Exhibit E-2)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on February 13, 2012. 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

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 district guidelines.

**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 and Lloyd District Special Design Guidelines.

#### <u>Special Design Guidelines for the Design Zone of the Lloyd District of the Central</u> <u>City Plan and Central City Fundamental Design Guidelines</u>

The Lloyd District is a unique, multi-dimensional neighborhood in the Central City, with special features and assets found nowhere else in Oregon.

With the recent completion of the Oregon Convention Center, the District now serves as the "front door for Oregon and our city." The District as a whole is emerging as a special area in the state and the region, and the way it is developed will determine its comfort and continued use.

The purpose of design review is to carry out the urban design vision for the District by emphasizing unique district assets in a manner that is respectful, creative, supportive, and compatible with all its areas. Although the District is a complex urban environment, it can become a cohesive whole with the use of these design principles.

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.

#### Lloyd District Design Goals

The following goals and objectives define the urban design vision for new development and other improvements in the Lloyd District

- Encourage the special distinction and identity of the Lloyd District;
- Integrate the sub-areas of the District for a visual and functional coherence of the whole; and
- Improve the safety, convenience, pleasure, and comfort of pedestrians.

#### 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. Central City and Lloyd District Guidelines are addressed concurrently.

**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.

A5-1. Develop Identifying Features. Encourage the inclusion of features in the design of projects that give projects identity and a sense of place or significance within the District.
C4. Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

**Findings for A4, A5, A5-1 & C4:** The proposed new metal awnings reflect characteristics of awnings and canopies seen throughout the Broadway/Weidler Corridor of the Lloyd District, including such things as a pedestrian scale, thin overall profiles, metal finishes, and tie-back rods. These design features help the subject building express a consistent design vocabulary with the ground-level architecture of the neighborhood's commercial areas. The awnings' dark color and distinctive uptilt will be identifying features of the building, and will give these two main entrances additional significance within the District. Their locations at the building corners and their angled profile will compliment the existing context by their modest scale and pedestrian-orientation. *These guidelines are therefore met.* 

**A6. Reuse/Rehabilitate/Restore Buildings.** Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

**Findings:** The existing building will remain in use with the addition of the proposed metal awnings. *This guideline is therefore met.* 

**A7.** Establish and Maintain a Sense of Urban Enclosure. Define public rights-of-way by creating and maintaining a sense of urban enclosure.

**Findings:** The existing mid-rise building walls already create a strong sense of urban enclosure along the sidewalk and the interior lot line. The new awnings will help maintain these strong edges and provide an inviting pedestrian environment. *This guideline is therefore 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.

**B6-1. Provide Pedestrian Rain Protection.** Rain protection is encouraged at the ground level of all new and rehabilitated commercial buildings located adjacent to primary pedestrian routes. In required retail opportunity areas, rain protection is strongly recommended.

**Findings for B6 & B6-1:** The removal of the existing wrapped corner fabric awnings and their replacement with individual uptilted metal awnings opens up even more glazed area for increased visual connections at the ground level. Rain protection is currently provided along the street edges by a series of fabric awnings. The proposed metal replacement corner awnings will retain this level of pedestrian rain and general weather protection along the sidewalks. *These guidelines are therefore met.* 

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

**C10-3. Use Light Colors.** The use of light color values is preferred for the predominant exterior building materials. Darker value materials should be used to accent or articulate the design.

**Findings for C2 & C10-3:** The new metal awnings will be constructed entirely of steel which is a durable, quality material. The finish color will be black enamel, designed for exterior applications, and acts as an accent color picked up in upper parapet coping and the row of fabric awnings along the street-facing facades. *These guidelines are therefore 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.

**C3-1. Design to Enhance Existing Themes in the Broadway/Weidler Corridor.** Use special design features which reinforce architectural themes and elements within the Broadway/Weidler Corridor. Look to buildings from throughout the corridor for architectural precedent.

**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, C3-1 & C5:** The proposed metal awnings will be located within existing structural bays in a manner similar to the existing fabric awnings, thereby preserving a consistent and unified awning rhythm around the building's ground level. The installation of four individual metal awnings in place of two wrapped corner fabric awnings allows the strong vertical corner elements of the building to resume their original prominence. This makes the metal awnings compatible in scale to the existing character of the building by not overwhelming other architectural elements. Their distinctive uptilted design adds a special design feature to the building while reinforcing the use of pedestrian-scaled weather protection throughout the Broadway/Weidler Corridor. The new metal awnings blend into the existing neighborhood's character and help reinforce the neighborhood's identity as a mixed-use pedestrian district. The metal awning locations and black color repeat the established awning pattern around the building, and match the black metal trim along the top of the peaked roofs, thereby

creating a coherent architectural composition. These guidelines are therefore met.

**C7. Design Corners that Build Active Intersections.** Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.

**C8.** Differentiate the Sidewalk-Level of Buildings. Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.

**C10. Integrate Encroachments.** Size and place encroachments in the public right-of-way to visually and physically enhance the pedestrian environment. Locate permitted skybridges toward the middle of the block, and where they will be physically unobtrusive. Design skybridges to be visually level and transparent.

**Findings for C7, C8 & C10:** Both corner entries will be better highlighted by the addition of the uptilted metal awnings which will replace a pair of visually heavy corner-wrapping fabric awnings. The new metal awnings visually differentiate the upper floors from the ground level by their location at the top of the commercial storefront and their continuation of the rhythm of awnings already in place around the building. The only encroachments into the rights-of-way are the new and existing awnings which are all located a sufficient height above the sidewalks to not impede pedestrians. *These guidelines are therefore 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 proposed new metal awnings will improve the ground floor level design while respecting the character of the existing building. The proposal meets the applicable design guidelines and therefore warrants approval.

### **ADMINISTRATIVE DECISION**

Approval of design review for four new 3'-0" deep projecting, black, uptilted corrugated metal and steel channel canopies with hanger rods at the NW and SW corners of the existing apartment building in the Lloyd Subdistrict of the Central City Plan District.

Approved per the approved site plans Exhibits C-1 through C-8 signed and dated March 8, 2012, 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.8. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-197485 DZ. No field changes allowed."

#### Staff Planner: Chris Caruso

# Decision rendered by: Chris Caruse

By authority of the Director of the Bureau of Development Services

on March 8, 2012.

#### Decision mailed: March 12, 2012

**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 November 30, 2011, and was determined to be complete on **February 8, 2012**.

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 November 30, 2011.

*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: June 9, 2012.** 

#### 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 March 26, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. An appeal fee of \$250 will be charged. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <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 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 March 27, 2012 (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. Elevations (attached)
  - 3. Elevations (attached)
  - 4. Southwest Corner RCP
  - 5. Details
  - 6. Northwest Corner RCP
  - 7. NW Corner Rendering
  - 8. SW Corner Rendering
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety Review Section of BDS
  - 2. Water Bureau
- F. Correspondence: None received
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research
  - 3. Incomplete Letter

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).







