



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

FROM CONCEPT TO CONSTRUCTION

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Date: March 11, 2014
To: Interested Person
From: Jennifer Kenny, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 14-106972 HR – STRUCTURES TO COVER PLAY AREAS

GENERAL INFORMATION

Applicant/Rep: Marlene Gillis / Soderstrom Architects
1200 NW Naito Pkwy, Ste 410 / Portland, OR 97209

Site Address: 1609 SW 12TH AVE

Legal Description: BLOCK N1/2B LOT 1-3 TL 1000, PORTLAND
Tax Account No.: R667735220
State ID No.: 1S1E04AC 01000 **Quarter Section:** 3128
Neighborhood: Portland Downtown, contact Jennifer Geske at 503-750-9843.
Business District: Goose Hollow Business Association, Angela Crawford at 503-223-6376.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - University District
Other Designations: National Register of Historic Places, known as the Fruit and Flower Mission

Zoning: CXd, Central Commercial Zone with a Design overlay
Case Type: Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant seeks Historic Resource Review and Design Review approval for two detached, covered structures. The original proposal was for similar structures with a support post at each corner of the structure, totaling 600 SF. The new proposal is for two support posts on each side to be placed near the middle of each structure, totaling 800 SF. The materials and orientation remain the same, and the overall appearance is quite similar.

Historic Resource Review is required because the site for the proposed structures is adjacent to a building listed in the National Register of Historic Places. Design Review is required because the site is located within the Central City Plan District.

Relevant Approval Criteria:

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

- 33.846.060 G – Other Approval Criteria
- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The 13,620 square foot lot sits at the corner of SW 12th Ave and SW Market Street, in the northwest corner of the Portland State University campus. Currently on the site is the Helen Gordon Child Development Center, which previously was the Fruit and Flower Day Nursery, now an historic landmark. The original building, designed by the architectural firm Sutton, Whitney, Aaandahl & Fritsch, and built in 1928, is characterized by slate hip roofs, shed dormers, Willamina brick exterior walls with quoining and a denticulated cornice. The shed dormers and porch elements have lead roofing. The windows are painted wood, eight-over-eight and double hung. A large addition has been added to the building along Market Street, along with various other exterior alterations.

The University District subdistrict is characterized primarily by institutional buildings associated with Portland State University and also by many residential structures. To the north, the site is bounded by the West End subdistrict, which is made up of primarily multi-dwelling residential buildings with some commercial and mix-use as well. The site also sits 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. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

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

- 1) **CU 79-003519** approved with conditions a conditional use proposal for a college master plan that included: phases II and III of the professional school building, a recreation and sports center, expansion of Miller Library, a new maintenance building, expansion of science III building, and addition to department of continuing education building. See Exhibit G.2 for further details.
- 2) **LUR 86-006228** approved a new open play area.
- 3) **CU 86-003878** approved with conditions Social Work II structure, Campus storage, the Millar Library expansion, additions to Health and Physical Education, Engineering I, Campus and Grounds Building, and Campus Beautification Plan. See Exhibit G.2 for further details.
- 4) **PC 90-023715** approved with conditions interim parking for college. See Exhibit G.2 for further details.
- 5) **LUR 98-00393 CU** approved with conditions the removal of condition of approval of CU 145-86 which requires a Conditional Use Master Plan for PSU campus. See Exhibit G.2 for further details.
- 6) **LUR 01-00432 CU, PR** proposed the revision of the condition of approval of LUR 98-00393 CU to change approved parking from 159 residential parking spaces and 45 growth parking spaces to 204 visitor parking spaces. Two levels will be added to structured parking garage 3.
- 7) **LU 02-108325 HDZ** approved with conditions the renovation and expansion of the Helen Gordon Child Development Center. The exterior alterations of the existing structures were limited to a new accessible ramp along SW 12th, revisions to the SW 12th entry stair and landing, west wall alterations, and an addition to a small brick building at the southeast corner of the site. The expansion included a new building along SW Market, a new covered

gym structure at the south edge of the site. New site features included fence, landscaping and play areas. See Exhibit G.2 for further details.

- 8) **LU 02-123880 PR** approved the requested renewal of CCPR status for 72-space parking lot for 5 years from the final decision, subject to continued compliance with the approved site and landscape plan.
- 9) **LU 02-138631 HDZ** approved the revision of two previous land use reviews. The revisions to the design review LUR 01-00508 DZM included: the ground level decorative grilles at the north elevation of the existing parking garage will no longer be installed and the color scheme of the parking garage is also slightly revised. The revisions to the historic design review LU 02-108325 HDZ, AD included: changes to the design and materials of the “link” between the historic landmark and the main building component of the approved building addition. The materials of the top level of the approved building addition also are slightly changed from the original historic design review approval. Finally, metal railings are proposed at certain portions of the approved building addition.
- 10) **LU 02-143292 DZ** approved the Walk of the Heroines Project at Portland State University that included new paving, stone display walls, an information kiosk, a water feature with water course, benches, trees, gardens, standard pole-mounted lighting and special effects lighting and works of art.
- 11) **LU 02-156536 HDZ** approved historic design review to phase the work already approved under LU 02-108325 and LU 02-138631 that includes Phase I – construction of addition and possibly an interim play area design; Phase II – construction of previously approved play area, rehabilitation and construction of entry porch and ADA ramp and construction of covered play area; and Phase III – construction of deck and railing above piazza. In addition, the review approved minor alterations to the approved work under LU 02-108325 and LU 02-138631, which included:
 - an interim design for the play area to maybe be constructed during Phase I (Phase II will include the construction of the previously approved play area design),
 - the third story of the addition will be clad in Hadiplank horizontal lap siding and will have the same profile and color as the previously approved metal siding,
 - some windows of the addition no longer have divided lites, and
 - some windows were removed on the south and west elevations.
- 12) **LU 04-000751 HDZ** approved renovation project that included new windows at the third floor dormer, new storm windows at second floor sunroom, a new door at third floor dormer, the expansion of the south balcony, ten new rooftop mechanical units, a new skylight, a new balcony off the second floor sunroom, two new open-sided canvas-topped structures will be added in the play area, campus-standard historic style “acorn” light standards in the play area, new bollard lighting along play area’s exit path, and new up lights for the entry portico.
- 13) **LU 05-150373 HDZ** approved new freestanding monument sign with new lighting on the site of the former Fruit and Flower Day Nursery, now an historic landmark and known as the Helen Gordon Child Development Center. The new sign will sit on the east side of the site along SW 12th Avenue and next to the main entrance of the building. A new sign light will sit directly in front of the sign and new bollard lights will line the edge of the pathway that runs along side the east façade of the building.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **February 13, 2014**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Site Development Section of Bureau of Development Services
- Life Safety Plans Examiner

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 13, 2014. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846, Historic Reviews

Section 33.846.060.A, Purpose of Historic Resource Review

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

Section 33.846.060.F. Approval Criteria in the Central City Plan District. In the Central City Plan District, requests for Historic Resource Review will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met.

3. Historic Landmarks and Conservation Landmarks located outside of the Historic Districts and Conservation Districts. When Historic Resource Review of a Historic Landmark or Conservation Landmark located outside of Historic Districts and Conservation Districts is required, the approval criteria are:

a. Subdistricts without design guidelines. If the resource is not in a subdistrict of the Central City plan district that has subdistrict design guidelines, the approval criteria are the Central City Fundamental Design Guidelines and the criteria in Section 33.846.060.G.

Findings: The site is an historic landmark and is within in the Univeristy subdistrict of the Central City plan district. It is not within an historic district and the University subdistrict has no design guidelines. Therefore the approval criteria are the central City Fundamental Design Guidelines and the criteria in Section 33.846.060.G.

The **Central City Fundamental 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.

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

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' interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground level windows to reveal important interior spaces.

Findings for A8: The proposed structure will be open on all sides, allowing pedestrians to an unobstructed view of the courtyard and play structures, as well as of the adjacent historic building. *This guideline is therefore met.*

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

Findings for C2: The proposed structure will be made of wood, a durable material that will complement the historic wood windows and doors on the adjacent building. The overhang will help protect the material over the long-term. The simplicity and openness of the design will ensure that the adjacent historic building remains the focal point of the site. *This guideline is therefore met.*

Historic Approval Criteria 33.846.060.G

1. Historic character. The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided;

- 7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old;
- 9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

Findings for 1, 7, 9: The historic building and its additions and renovations will be preserved, protected and remain unaltered. The proposed structures will be made of wood, a historically compatible material, but will not dominate the site. Given that the structures are physically separate from all buildings, and are open on all sides, the historic building will not be compromised. *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 purpose of the Historic Resource Review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. 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.

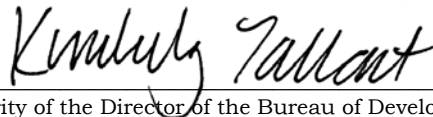
The proposed structures at the Helen Gordon Child Development Center are well designed, an appropriate size and do not negatively impact the original historic building design or the character of the neighborhood. The design proposed meets the applicable guidelines, and therefore warrants an approval.

ADMINISTRATIVE DECISION

Approval of Historic Resource Review for two detached covered structures, totaling 800 SF, on the site of the former Fruit and Flower Mission Building in the University Sub-district of the Central City Plan District, per the approved site plans, Exhibits C-1 through C-2, signed and dated March 6, 2014, 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.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-106972 HR. No field changes allowed."

Staff Planner: Jennifer Kenny

Decision rendered by:  **on March 6, 2014.**

By authority of the Director of the Bureau of Development Services

Decision mailed: March 10, 2014.

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

Procedural Information. The application for this land use review was submitted on January 17, 2014, and was determined to be complete on February 5, 2014.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 17, 2014.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: July 9, 2014.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on March 25, 2014** 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 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 Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks 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 26, 2014**.
- 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.

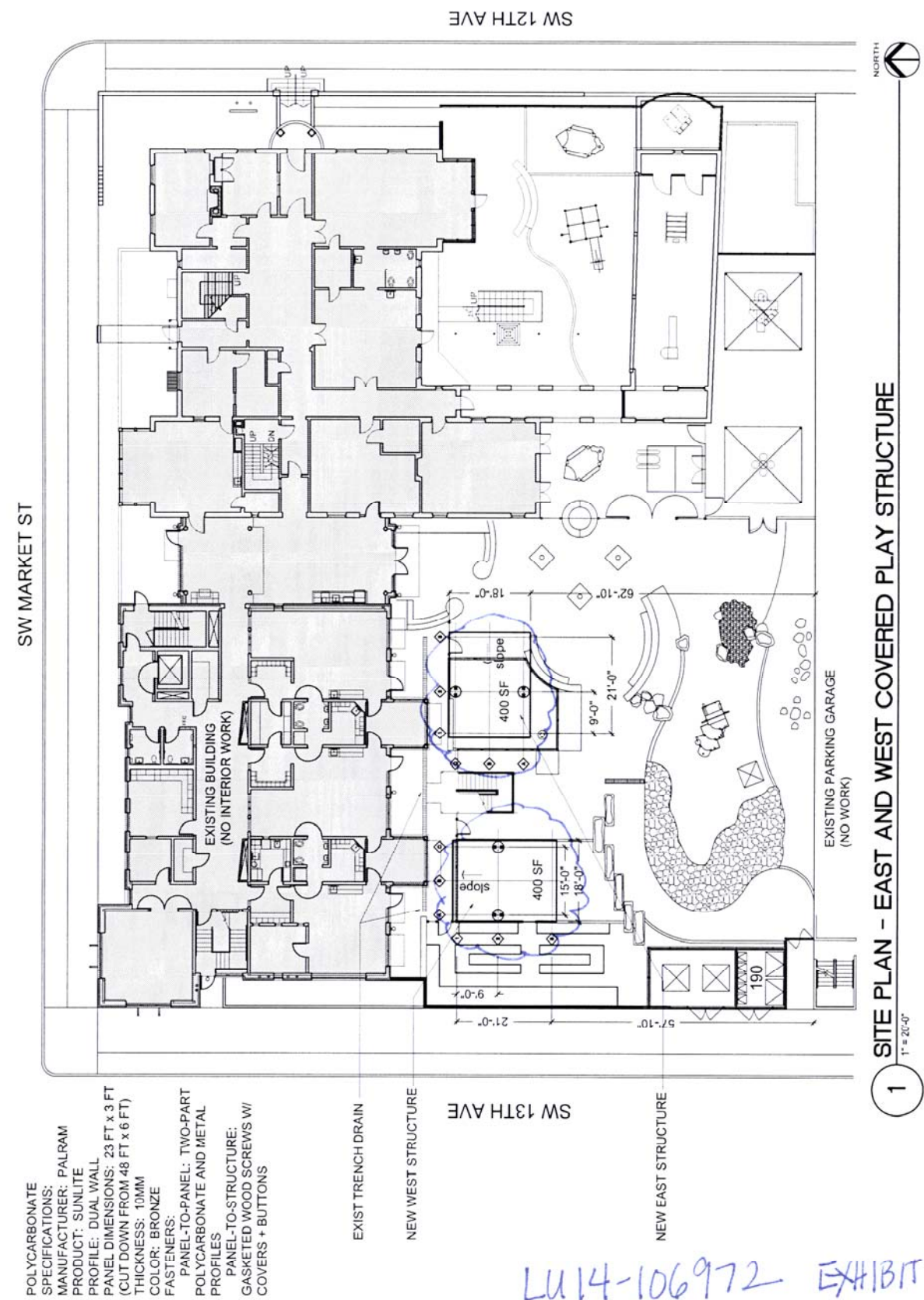
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevations (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: The following bureaus responded with no comments and no concerns:
 - 1. Bureau of Environmental Services
 - 2. Parks BureauThe following bureaus responded with comments and no concerns:
 - 1. Site Development Review Section of BDS (Exhibit 1)
 - 2. Water Bureau (Exhibit 2)
 - 3. Life Safety Plans Examiner (Exhibit 3)
- F. Correspondence: None received.
- G. Other:
 - 1. Original LU Application

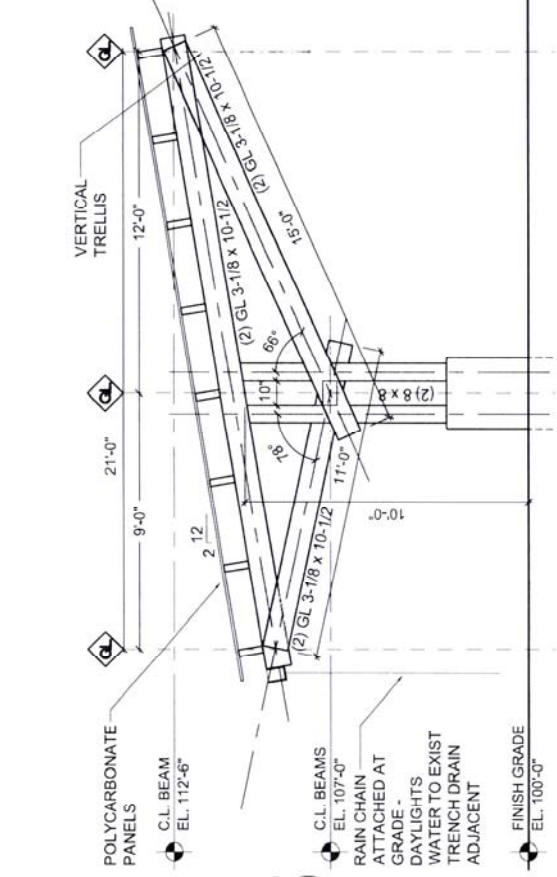
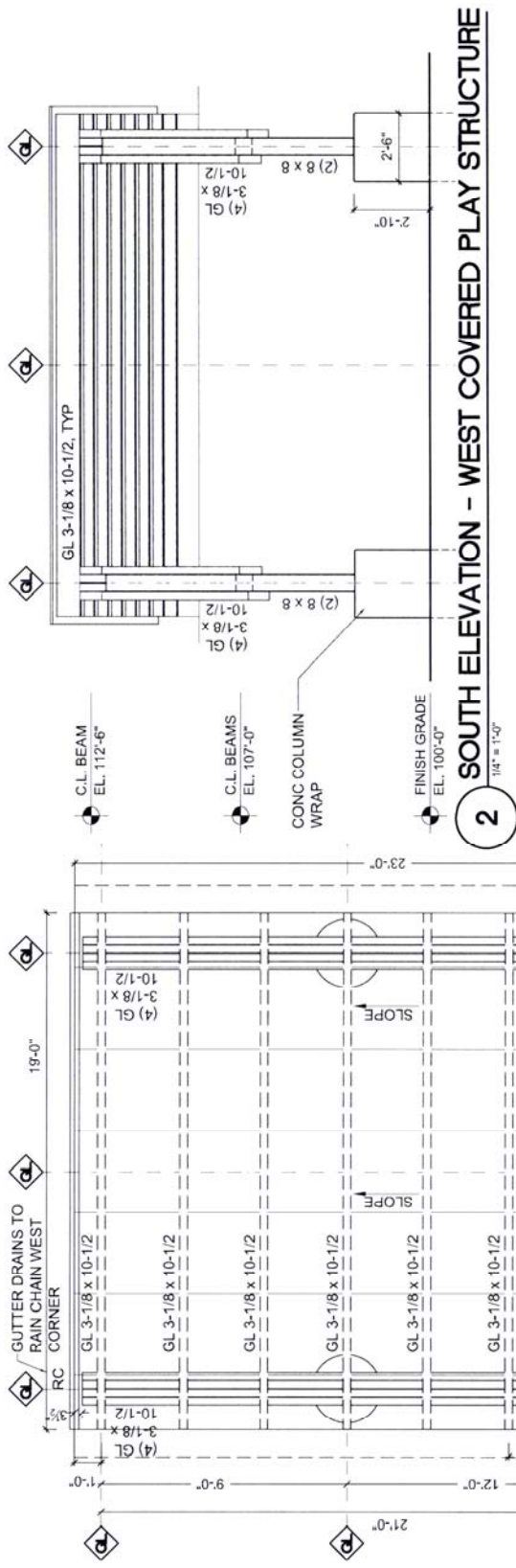
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

File No.	LU 14-106972 HR
1/4 Section	3128
Scale	1 inch = 200 feet
State_Id	1S1E04AC 1000
Exhibit	B (Jan 27, 2014)



LU14-106972 EXHIBIT C-1

= AREA OF PROPOSED WORK



LUI4-106972 EXHIBIT C-2