



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Charlie Hales, Mayor
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www.portlandoregon.gov/bds

Date: May 16, 2013
To: Interested Person
From: Mark Walhood, City Planner
503-823-7806 / Mark.Walhood@portlandoregon.gov

NOTICE OF A PUBLIC HEARING ON A PROPOSAL
IN YOUR NEIGHBORHOOD

CASE FILE: LU 13-129180 DZ – SW 12th + Clay Apartments
Pre-App.: PC # 13-102319
REVIEW BY: Design Commission
WHEN: Thursday June 6, 2013 @ 1:30pm
WHERE: 1900 SW Fourth Ave., Room 2500A
Portland, OR 97201

It is important to submit all evidence to the Design Commission. City Council will not accept additional evidence if there is an appeal of this proposal.

Development has been proposed in your neighborhood requiring a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map are attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Applicant: Kurt Schultz (503) 445-7312
SERA Architects
338 NW 5th Ave.
Portland, OR 97209

Purchaser: Michael Mckenna
Mactrust, Llc C/O Summit Realty Group LLC
3831 SW Barbur Blvd
Portland, OR 97239

Owner: Clay Street Associates LLC
5125 SW Macadam Ave #125
Portland, OR 97239

Site Address: 1500-1520 SW 12TH AVE

Legal Description: BLOCK 266 LOT 7&8, PORTLAND
Tax Account No.: R667729640, R667729640
State ID No.: 1S1E04AD 04900, 1S1E04AD 04900

Quarter Section: 3128
Neighborhood: Portland Downtown, contact Jennifer Geske at 503-750-9843.
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Zoning: **RXd** (Central Residential base zone with Design overlay zone), **Central City plan district**
Case Type: **DZ** (Design Review)
Procedure: **Type III**, with a public hearing before the Hearings Officer. The decision of the Hearings Officer can be appealed to City Council.

Proposal: The applicant has proposed the development of a new eight-story apartment building on a quarter block downtown site at SW 12th and Clay, on the site of an existing two-story midcentury office building. The project would include 83 market-rate apartments, ground floor lobby, ground floor fitness room and outdoor courtyard, a single loading bay off of SW Clay Street, and long-term bike parking room.

NOTE: The applicant has revised the proposal slightly since the original application and agency Request for Response document. The number of units has been reduced from 86 to 83, the rooftop deck has been eliminated, and the basement level has been eliminated. An elevator over-run still goes up to the roof, allowing for future rooftop deck access, and the ground floor has been reconfigured to add the fitness room, a bike locker room, and equipment storage areas where apartments were previously located.

The building has an L-shaped plan, with an interior light well/courtyard, and a prominent inset corner entry bay at SW 12th & Clay. A large glass canopy extends over the corner pedestrian entry, which itself is pulled back from the street lot lines with a chamfered corner door at the entry lobby. Residential units are found on the balance of the first floor, two of which include recessed entry vestibules along SW 12th, except where a single loading bay and trash room are located along the eastern portion of the SW Clay Street frontage, and a long-term bike locker room and fire/water service room along the SW 12th Avenue frontage.

The exterior design takes design inspiration from the classic streetcar-era apartments in the neighborhood, with clear division of the facade into the classical base, shaft and attic/top elements. The primary exterior skin is a red brick, with an off-white brick used at the top two floor 'attic' story, and at the chamfered street corner bays above the entry. Rectangular panels under each window are made of painted fiber cement panel, and the upper-story windows are all fiberglass. Projecting shed-roofed fabric awnings are located at street level on both street facades, and a decorative metal railing encloses the entry vestibule for the two street-level units with access onto SW 12th Avenue. The building top is identified by a projecting metal cornice and stucco parapet, and stucco with metal roofing is also used on rooftop penthouse structure.

The project location and cost trigger a Type III Design Review. No concurrent modifications or adjustments are requested at this time.

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:

- *The Central City Fundamental Design Guidelines*

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. This application was submitted on March 19, 2013 and determined to be complete on April 16, 2013.

DECISION MAKING PROCESS

The Bureau of Development Services will be making a recommendation on this proposal; our report and recommendation will be available 10 days before the hearing. The Staff report will be posted on the Bureau of Development Services website. Look at www.portlandonline.com. On the

left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. 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 <http://www.portlandonline.com/auditor/index.cfm?c=28197>

The neighborhood association, listed on the first page of this notice, may take a position on this application and may have scheduled an open meeting prior to making their recommendation to the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

We are seeking your comments on this proposal. The evidentiary proceeding before the Design Commission will be the only opportunity for the parties to submit oral and written evidence in this matter. Any appeal to the City Council will be limited to legal arguments concerning the Design Commission decision and the evidence in the record compiled by the Design Commission in support of that decision.

To comment, you may write to the Bureau of Development Services, 1900 SW Fourth Ave., Suite 5000 or FAX your comments to 503-823-5630; or you may testify at the hearing. In your comments, you should address the approval criteria. Please refer to the file number when seeking information or submitting testimony. Written comments must be received by the end of the hearing. The applicant and Planning staff will be at the hearing to answer questions and respond to comments. The general order of appearance for oral testimony at the hearing is as follows: Bureau of Development Services staff report, applicant testimony, testimony of interested parties who wish to ask questions or testify, staff response and closing comments, and applicant's closing comments. The Design Commission will make a decision about this proposal at the hearing or will grant a continuance.

Comments for a Design Review or Historic Design Review should be sent directly to the Planning staff listed in this document.

The applicant and proponents have the burden of proof to show that each and every element of the approval criteria are satisfied. In order to prevail, the opponents must persuade the Design Commission to find that the applicant has not carried the burden of proof with regard to one or more of the approval criteria. The opponents may also explain to the Design Commission how or why the facts asserted by the applicant are not supported by evidence in the record. Opponents may wish to recommend conditions of approval which will make the proposal more acceptable, if approved.

Prior to the conclusion of the hearing before the Design Commission, any participant may request an opportunity to present additional evidence or testimony regarding the application. If such a request is made, the record will be held open for seven days to receive the new evidence and the record shall be held open for at least an additional seven days to provide the other parties an opportunity to respond to that new evidence.

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 extended at the request of the applicant.

APPEAL PROCESS

You can appeal the Design Commission decision to City Council. However, the appeal to City Council will be conducted as an on-the-record review of the Design Commission decision. The City Council will consider legal arguments (for example arguments pointing out ways the Design

Commission decision improperly interprets or applies relevant approval criteria). The City Council will also consider arguments that the Design Commission findings are not supported by the evidence submitted to the Design Commission. However, the City Council will not accept or consider new evidence that was not submitted to the Design Commission.

A fee is charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver. City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA).

Failure to raise an issue, in person or by letter, by the close of the record by the Design Commission in this case may preclude an appeal to LUBA on that issue. Also, if you do not provide enough detailed information to the Design Commission, they may not be able to respond to the issue you are trying to raise. In such a situation, an appeal to LUBA on that issue may not be allowed.

Thank you for any information you can provide to help us make this decision. Please call me if you have any questions. My name and number are on the first page of this notice.

HEARING CANCELLATION

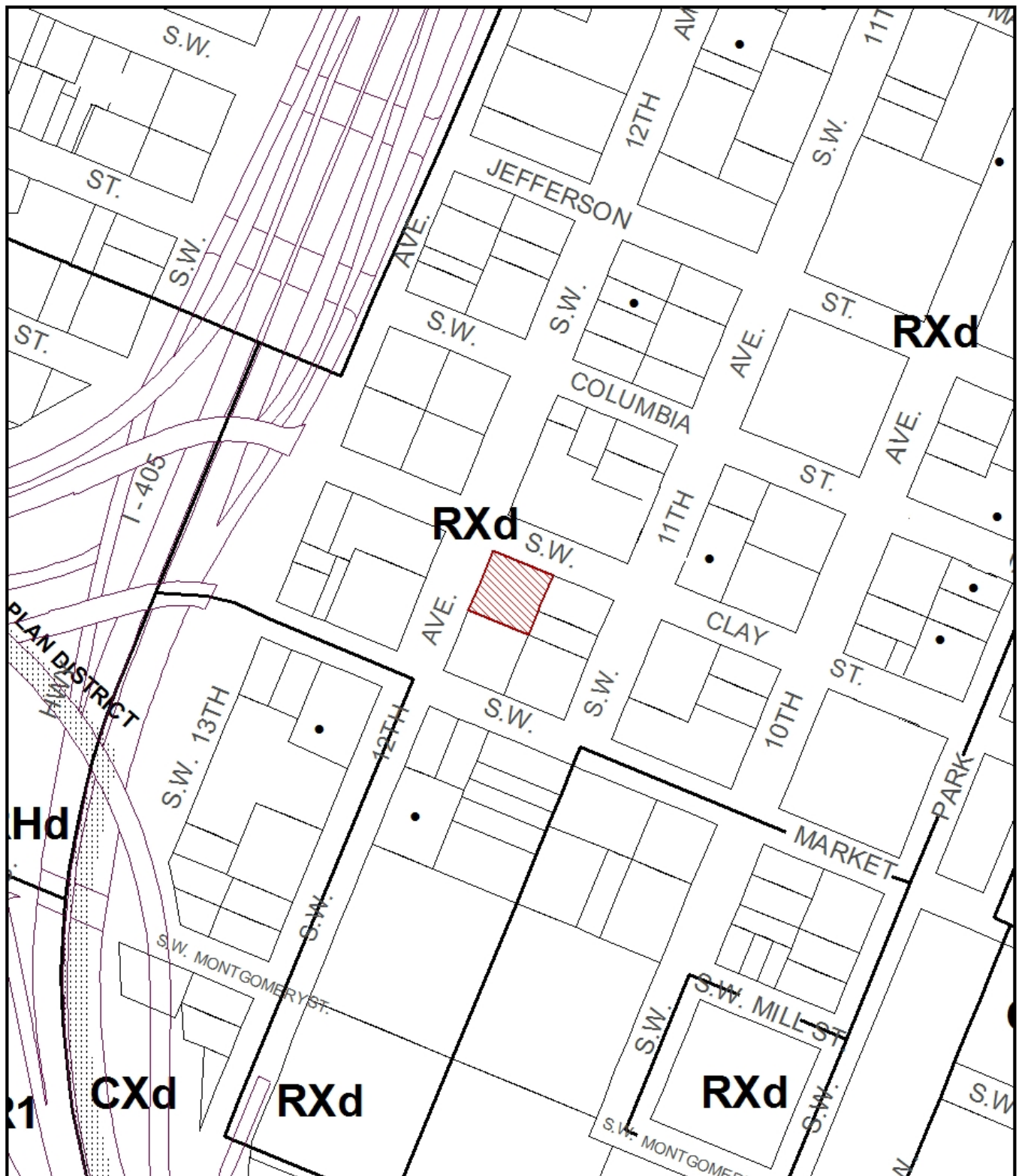
This public hearing will be cancelled if Portland Public Schools close due to inclement weather or other similar emergency. Check local television and radio reports for school closures. The hearing will be rescheduled for the earliest possible date. A renotification notice will not be sent. Please call the Bureau of Development Services at 503-823-7617, for information regarding cancellations or rescheduling.

To attend the hearing, public transportation is available. Tri-Met buses stop near the BDS building at SW Fifth or Sixth Ave. at SW Hall St. and SW Harrison St. Call Tri-Met at 503-238-7433 (or www.trimet.org/schedule/allroute.htm) for routes and times. Hourly rated public parking is available a half block south of the building on Fourth Ave.

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).

Enclosures:

Zoning Map
Ground Floor/Site Plan
West Elevation
North Elevation
View from Northwest



ZONING



Site



Historic Landmark



NORTH

This site lies within the:
CENTRAL CITY PLAN DISTRICT
DOWNTOWN - WEST END

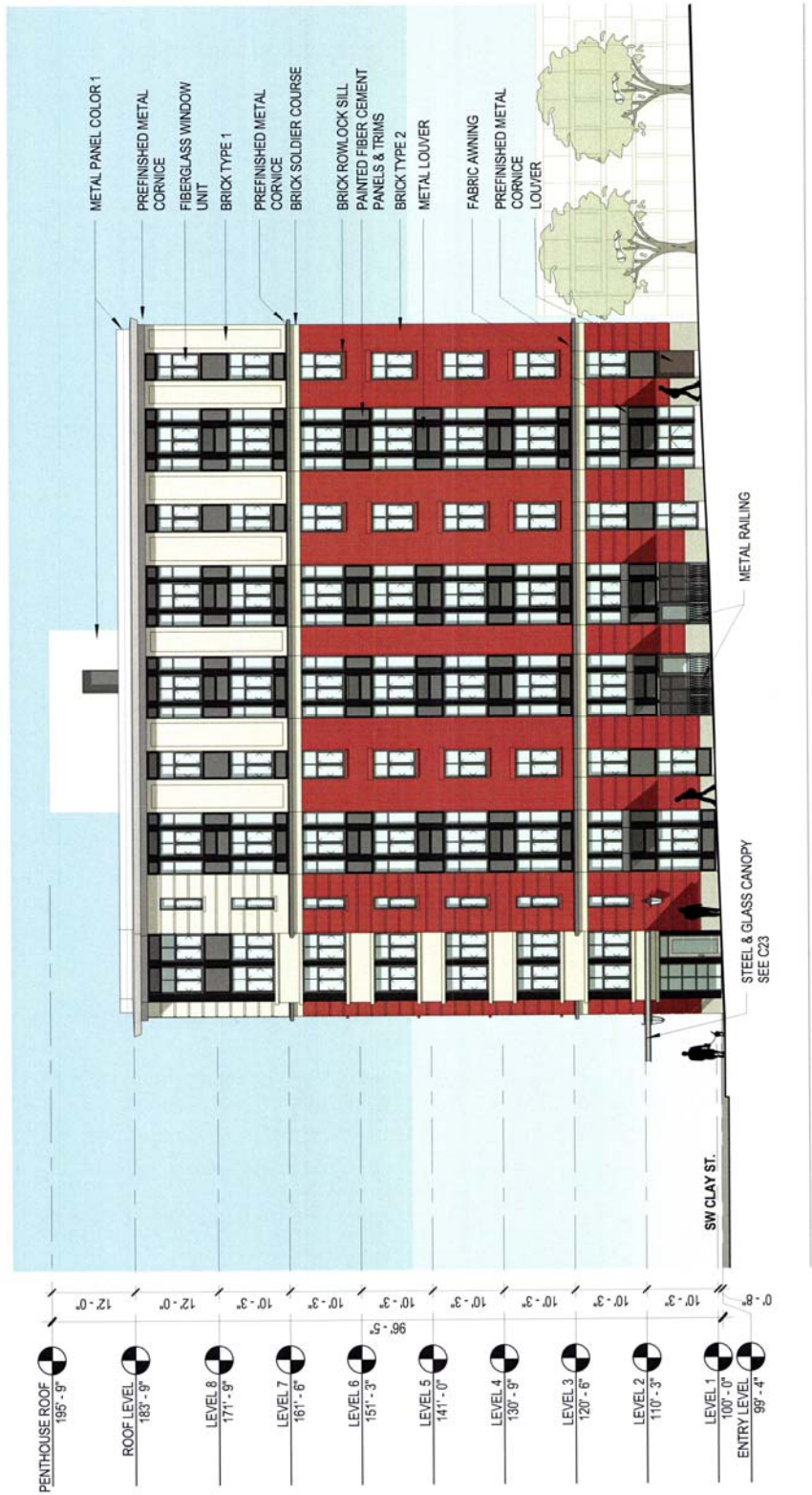
File No.	LU 13-129180 DZ
1/4 Section	3128
Scale	1 inch = 200 feet
State_Id	1S1E04AD 4900
Exhibit	B (Mar 21, 2013)

LU 13-129180 DZ



12TH + CLAY
2013 MAY 14 - LU 13-129180 DZ
DESIGN REVIEW APPLICATION



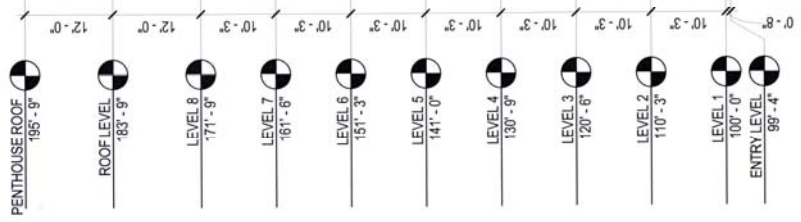


W 13-129180 P2

12TH + CLAY
2013 MAY 14 - LU 13-129180 DZ
DESIGN REVIEW APPLICATION



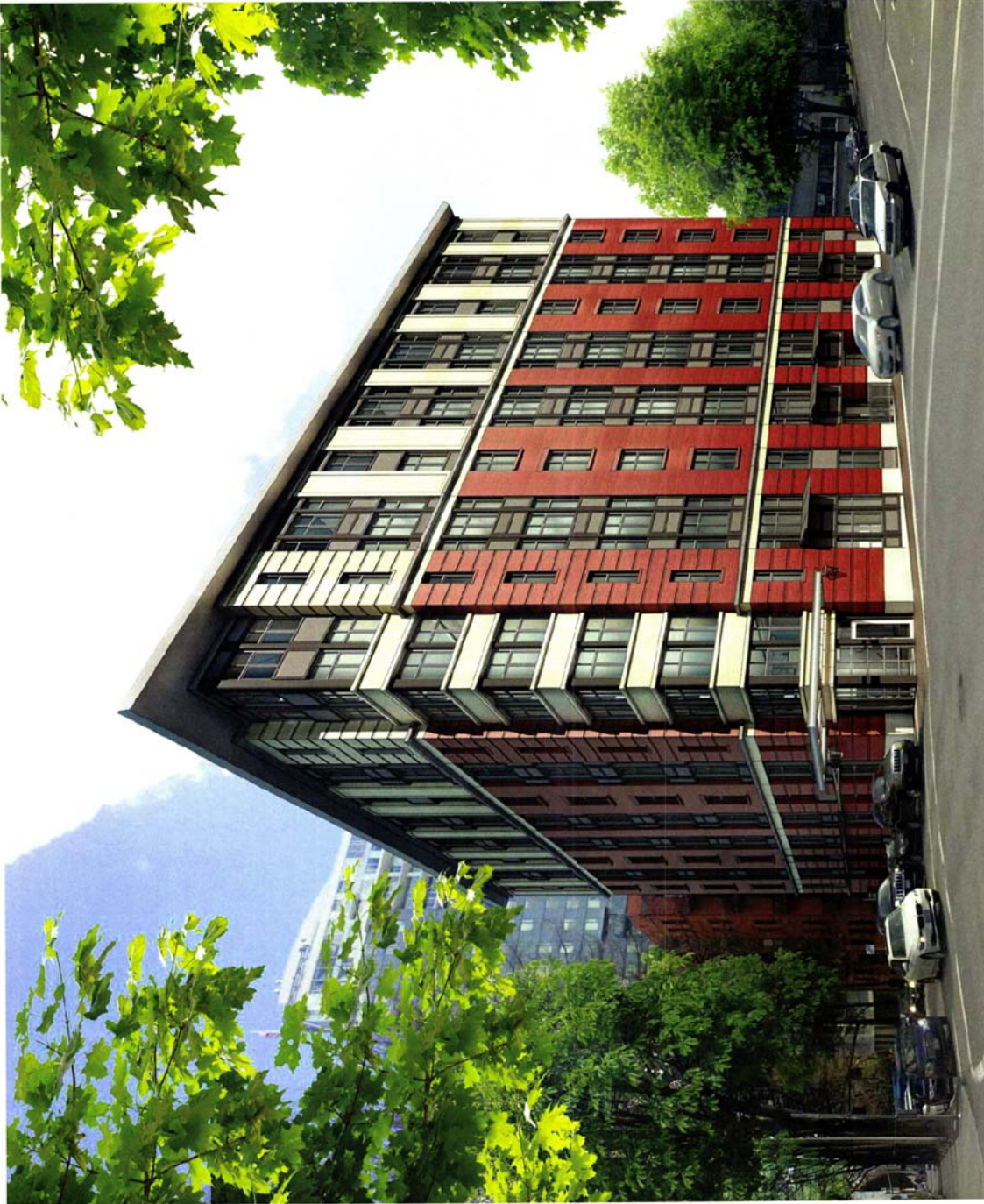
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12TH + CLAY
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DESIGN REVIEW APPLICATION



W 13-129180 DZ



W 13-129180 D2

12TH + CLAY

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DESIGN REVIEW APPLICATION



EXTERIOR VIEW FROM NORTHWEST CORNER

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