



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

1900 SW 4th Avenue, Suite 5000  
Portland, Oregon 97201  
503-823-7300  
Fax 503-823-5630  
TTY 503-823-6868  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** February 18<sup>th</sup>, 2009  
**To:** Interested Person  
**From:** Mark Walhood, City Planner 503-823-7806  
*mwalhood@ci.portland.or.us*

**FINAL DECISION BY THE DESIGN COMMISSION**  
**RENDERED ON February 5th, 2009**

**CASE FILE NUMBER: LU 08-161153 DZM - UNIVERSITY PLACE**

**GENERAL INFORMATION**

**Applicant:** William Wilson Architects PC (503) 223-6693  
Attn: Robert Brendle  
1010 SW 11<sup>th</sup> Avenue  
Portland, Oregon 97205

**Property Owner:** Housing Authority of Portland (503) 802-8311  
Attn: Patrick Rhea  
135 SW Ash Street  
Portland, Oregon 97204

**Site Address:** 1510 SW 13TH AVE

**Legal Description:** W 45' OF LOT 7&8 BLOCK S1/2C, PORTLAND  
**Tax Account No.:** R667735770  
**State ID No.:** 1S1E04AC 00200  
**Quarter Section:** 3128

**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.

**Zoning:** **RXd** (Central Residential base zone with the "d" or Design overlay zone),  
**Central City plan district/ Downtown Subdistrict.**

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

**Proposal:** The applicant requests Design Review approval for the construction of a five-story Group Living building at the corner of SW 13<sup>th</sup> Avenue and SW Clay Street. The existing three-story Luxor apartments, originally constructed in 1908, will be demolished. The project is being developed by the Housing Authority of Portland, and will provide transitional housing for the homeless and those at risk of homelessness. The first floor of the building would contain a commercial kitchen, dining room, offices for resident services, a nurse's station, bike storage, and utility rooms. The upper floors of the building would include 12 resident rooms per floor,

for a total of 48 residents/rooms. Each room would have a kitchenette and half bath, and each of the upper four floors would have three shared showers. Zoning Code regulations classify the use as Group Living, and a separate land use review (LU 08-166036 CU AD) was approved by the Hearings Officer on February 3, 2009 for the necessary Conditional Use and Adjustment Reviews.

**Building description:** The exterior of the building includes distinct materials and architectural features at the street level (base), the second through fourth floors (middle), and the fifth floor (top). Slightly different exterior materials are employed for the street-facing (north and west) versus interior (south and east) facades. The street-facing facades include an aluminum storefront window system, cast-in-place concrete, and ground face concrete masonry units (CMU) at the first floor, a brick skin at the middle floors, and painted cementitious siding at the top floor. Upper-story features include aluminum-clad wood windows, two projecting aluminum curtain wall bays with clear and spandrel glass, and a bracketed metal cornice which extends from all but the south side of the building. On the two interior (south and east) facades, upper floors include cementitious lap and panel siding, with ground face CMU at the first floor. Other exterior features include a projecting suspended metal canopy at the northwest corner. Exterior lighting includes downlights embedded in the street-facing first floor canopy, and exterior wall/sconce lights near building entries. Rooftop equipment includes an elevator over-run, an air conditioning unit, a make-up air unit, and eight projecting 'mushroom vents'.

The development is seeking to meet the Earth Advantage Silver and City of Portland "Greening Portland's Affordable Housing" standards. Sustainable construction elements include exterior insulation exceeding minimum standards, windows with a U value of 0.32, and insulated steel exterior doors. High-efficiency cooling and heating equipment is proposed, along with a minimum of 75% energy star lighting, sealed combustion water heaters, energy star bath fans, and low VOC paint.

Stormwater management includes discharge of all rooftop runoff into a series of four flow-through planters on the east side of the building. Sanitary connections, and stormwater overflow from the planters, would be separately connected to public facilities in SW Clay Street. Water connections would be made to the existing water main in SW 13<sup>th</sup> Avenue. New street trees are proposed along both streets, including four in SW 13<sup>th</sup> Avenue, and two in SW Clay Street.

**NOTE:** A Modification through Design Review has been added to the case, in order to address a vertical vent element atop the make-up air unit on the rooftop. The base zone requires that all rooftop equipment be surrounded with a screen or parapet as tall as all rooftop equipment, or that such equipment be set back 3'-0" for every 1'-0" of equipment height (33.120.250). The vent element at the western end of the make-up unit projects approximately 5'-0" above the rooftop, taller than the 3'-6" parapet, but is only approximately 9'-0" from the west parapet. In order to address this situation, a Modification has been included in this report.

Because the proposal involves new development within the Design overlay zone in the Downtown Design District, a Design Review is required. With a project valuation that exceeds \$348,450, the request is processed through a Type III procedure.

**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 the *Central City Fundamental Design Guidelines*, and **33.825.040**, Modifications That Will Better Meet Design Review Requirements.

## DESIGN COMMISSION DECISION


It is the decision of the Design Commission to **approve Design Review** for the construction of a five-story Group Living structure at the corner of SW 13<sup>th</sup> Avenue and Clay Street, including a kitchen, resident and staff services and lobby on the first floor, and a total of 48 units on the upper floors. The project includes the following specific elements:

- A building exterior of ground-face CMU, brick, vertically-seamed metal panel siding, cementitious lap and panel siding, and cast-in-place concrete;
- Aluminum storefront window systems at ground level with clear glazing, and metal-clad wood windows and doors elsewhere on the façade;
- A projecting metal pedestrian canopy at the northwest corner, a projecting metal cornice at the top floor, and a series of project metal brackets or struts;
- Exterior lighting including sconce-type wall lights at the main entry, downlights within the street-level canopy, and walkway downlights in the raised planter at the east building edge;
- Rooftop equipment including an elevator over-run, an air conditioning unit, a make-up air unit, and eight projecting 'mushroom vents';
- Metal building identification letters and address numbers mounted on the street-level canopy; and
- Raised planters with integrated benches along the east building face, except where interrupted by 3 pedestrian and service doors.

**Approval of a Modification through Design Review** to the rooftop equipment screening standard (33.120.250.A), allowing a single, 5'-0" tall make-up air unit on the building rooftop to be placed 5'-0" from the west building edge.

The above approval is granted based on the approved plans and details, Exhibits C.1 through C.28, each signed and dated February 5<sup>th</sup>, 2009, and subject to the following conditions:

- A. The approved siding solution for the attic story is consistent with drawing 11 of 27 dated 10-21-08 (see Exhibit C.27) from the previous hearing which shows metal siding and accompanying details referenced in that package - that is for west, north, and east elevations of the attic story. This material and the brick below shall return 3 feet on the south façade from the west façade as indicated on the 10-21 drawings, and that the tinted glass is acceptable at the upper floors but that the lower floor shall be clear low-e vision glass or similar. And the approved alternate for the siding at the attic story is as indicated on the drawings received 1-30-09.
- B. As part of the building permit submittal, all four permit drawing sets must include site plans and drawings that reflect the information and design approved by this land use review as indicated in Exhibits C.1 through C.28. The sheets on which relevant information appears must be labeled, "Proposal and design as approved in Case File #LU 08-161153 DZM. No field changes allowed."

By:   
Lloyd Lindley, Design Commission Chair

Application Filed: September 9, 2008  
Decision Rendered: February 5<sup>th</sup>, 2009  
Decision Mailed: February 18<sup>th</sup>, 2009

Decision Filed: February 6<sup>th</sup>, 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 September 11, 2008, and was determined to be complete on October 21, 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 September 11, 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 extended the 120-day review period on two occasions (Exhibits H.4 & H.9), both times by 30 days. With these two extensions, the 120-day review period will now expire on April 18, 2009.

**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 March 4<sup>th</sup>, 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 at our office, 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 \$12,850.50 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 **March 5<sup>th</sup>, 2009 – (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; *OR*
- *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 must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

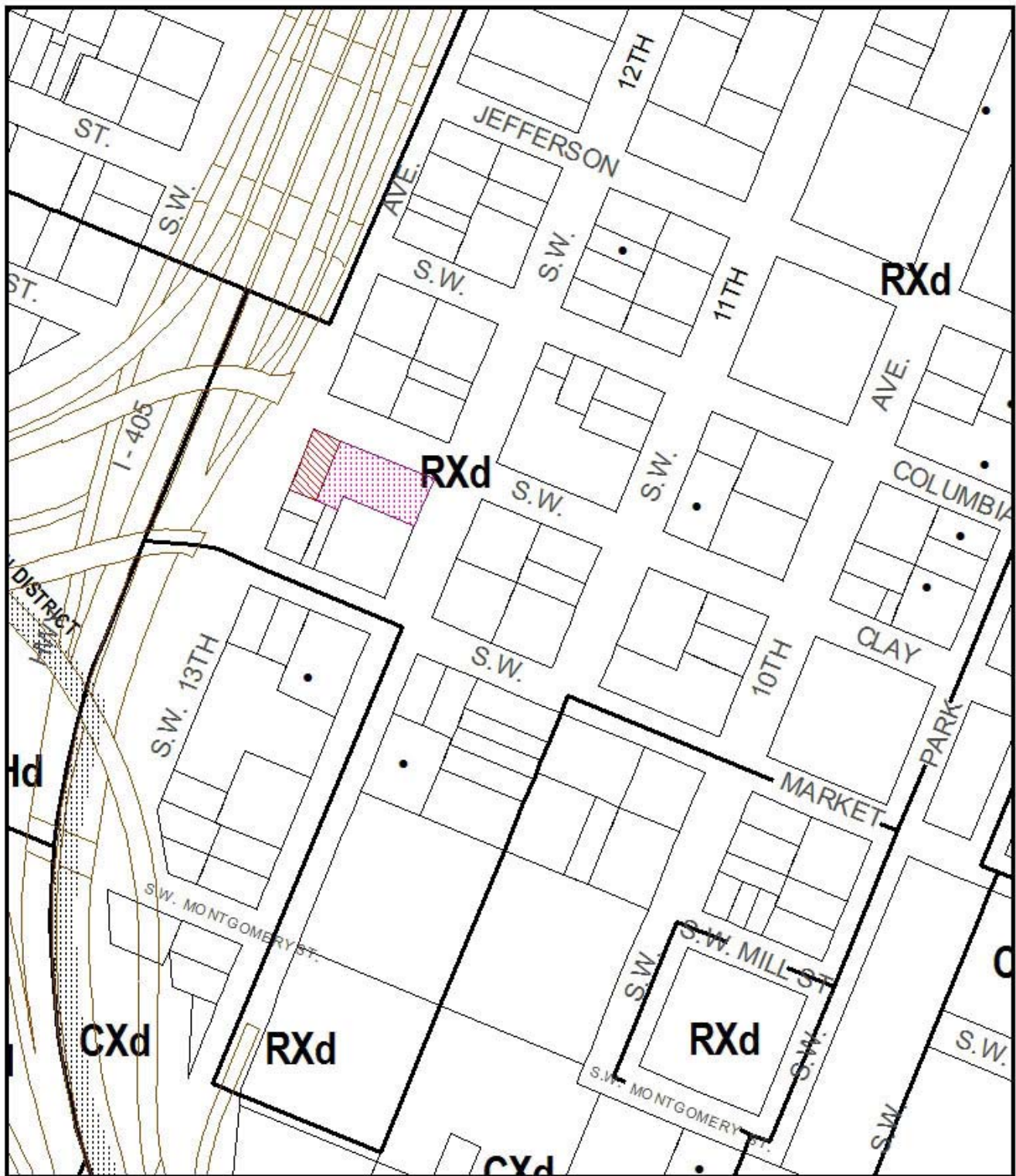
- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

**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 Statement
- B. Zoning Map (attached)
- C. Plan & Drawings
  - 1. Vicinity Plan
  - 2. Site Plan
  - 3. Utility Feasibility Plan
  - 4. Landscape Plan
  - 5. FAR and building summary - 1 of 2
  - 6. FAR and building summary - 2 of 2
  - 7. First Floor Plan (attached)
  - 8. Second Floor Plan
  - 9. Third-Fifth Floor Plan
  - 10. Roof Plan
  - 11. West Elevation (attached)
  - 12. East Elevation (attached)
  - 13. North Elevation (attached)
  - 14. South Elevation
  - 15. Section Looking East
  - 16. Section Looking South
  - 17. Enlarged Partial West Elevation and Section - 1 of 2
  - 18. Enlarged Partial West Elevation and Section - 2 of 2
  - 19. Typical Section Details - Residential Windows
  - 20. Typical Section Details - Storefront
  - 21. Typical Details - Awning
  - 22. Typical Details - Cementitious Panel
  - 23. Typical Details - Flashing
  - 24. Typical Details - Building Signage
  - 25. Interior Elevation - Kitchen
  - 26. Entrance Render
  - 27. Metal Siding Details from original package (8 pages)
  - 28. Canopy Lettering, Light Fixture, and Rooftop Equipment Details (5 pages)
- D. Notification information:
  - 1. Request for response
  - 2. Posting information and notice sent to applicant
  - 3. Applicant's statement certifying posting
  - 4. Mailed hearing notice
  - 5. Mailing list for hearing notice
- E. Agency Responses:
  - 1. Portland Water Bureau
  - 2. Development Review Division of Portland Transportation
  - 3. Urban Forestry Division of Portland Parks and Recreation
  - 4. Fire Bureau
  - 5. Life Safety (Building Code) Section of the Bureau of Development Services
  - 6. Police Bureau

7. Site Development Section of the Bureau of Development Services
8. Bureau of Environmental Services
- F. Letters (none received at time of staff report)
- G. Other
  1. Original LUR Application Form, tax account information and receipt
  2. Site History Research
  3. Incomplete letter from staff to applicant, sent 10/3/08
  4. ODOT information and Land Use Compatibility Statement
  5. Context photos provided by applicant
  6. Pre-Application Conference Memo - PC 08-111941
  7. Pre-Application Conference Memo - PC 08-151493
- H. Hearing Exhibits
  1. Staff Report and Recommendation, November 24, 2008
  2. Staff Powerpoint, December 4, 2008
  3. Housing Authority Response to Police Issues, rec'd. 12/9/08
  4. First 30-day extension of 120-day review period, rec'd. 12/16/08
  5. Design Commission Discussion Topics Handout, 12/4/08
  6. Written applicant response to first hearing, rec'd. 1/9/09
  7. Staff memo to Design Commission, 1/16/09
  8. Design Commission Discussion Topics Handout, 1/22/09
  9. Second 30-day extension of 120-day review period, rec'd. 1/23/09
  10. Design Commission Discussion Topics Handout, 2/5/09
  11. Revised Staff Report and Recommendation, 2/3/09



# ZONING

-  Site
-  Also Owned
-  Historic Landmark



This site lies within the:  
CENTRAL CITY PLAN DISTRICT

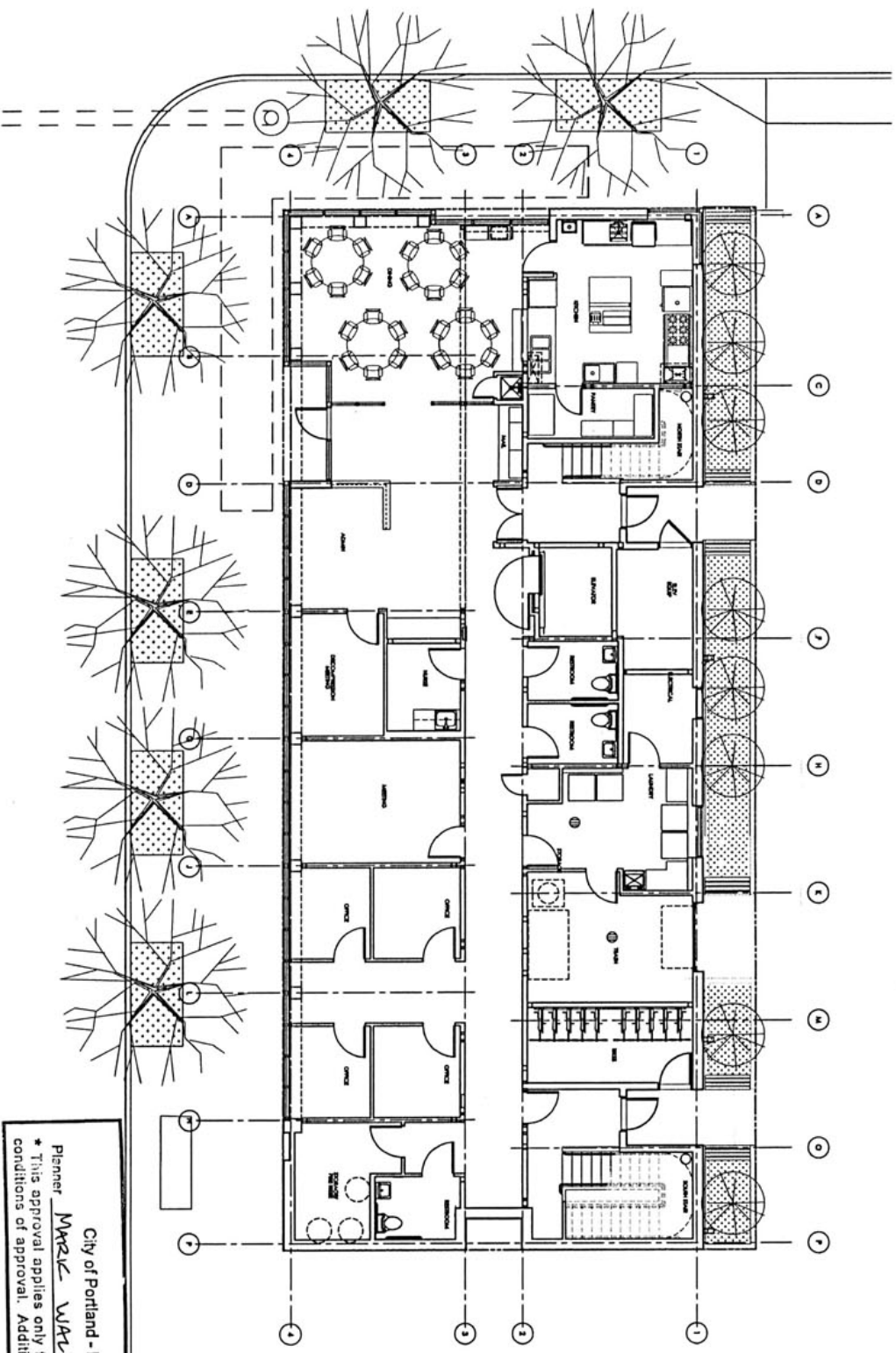
File No.	<u>LU 08-161153 DZM</u>
1/4 Section	<u>3128</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E04AC 200</u>
Exhibit	<u>B (Feb 17, 2009)</u>



# University Place

First Floor Plan  
Scale 3/32" = 1'-0"

W 08-161153 P2M EXH. C.7



Proposal and design as approved  
in case file # LU 08-161153 P2M  
No field changes allowed.

\*Approved\*  
City of Portland - Bureau of Development Services  
Planner MARK WATKINS Date FEB 5 2009  
\* This approval applies only to the reviews requested and is subject to the conditions of approval. Additional zoning requirements may apply.

1  
423  
FIRST FLOOR PLAN



# University Place

West Elevation  
Scale: 3/32" = 1'-0"

Proposal and design as approved  
in case file #LU 08-161153 D2M  
No field changes allowed. \*

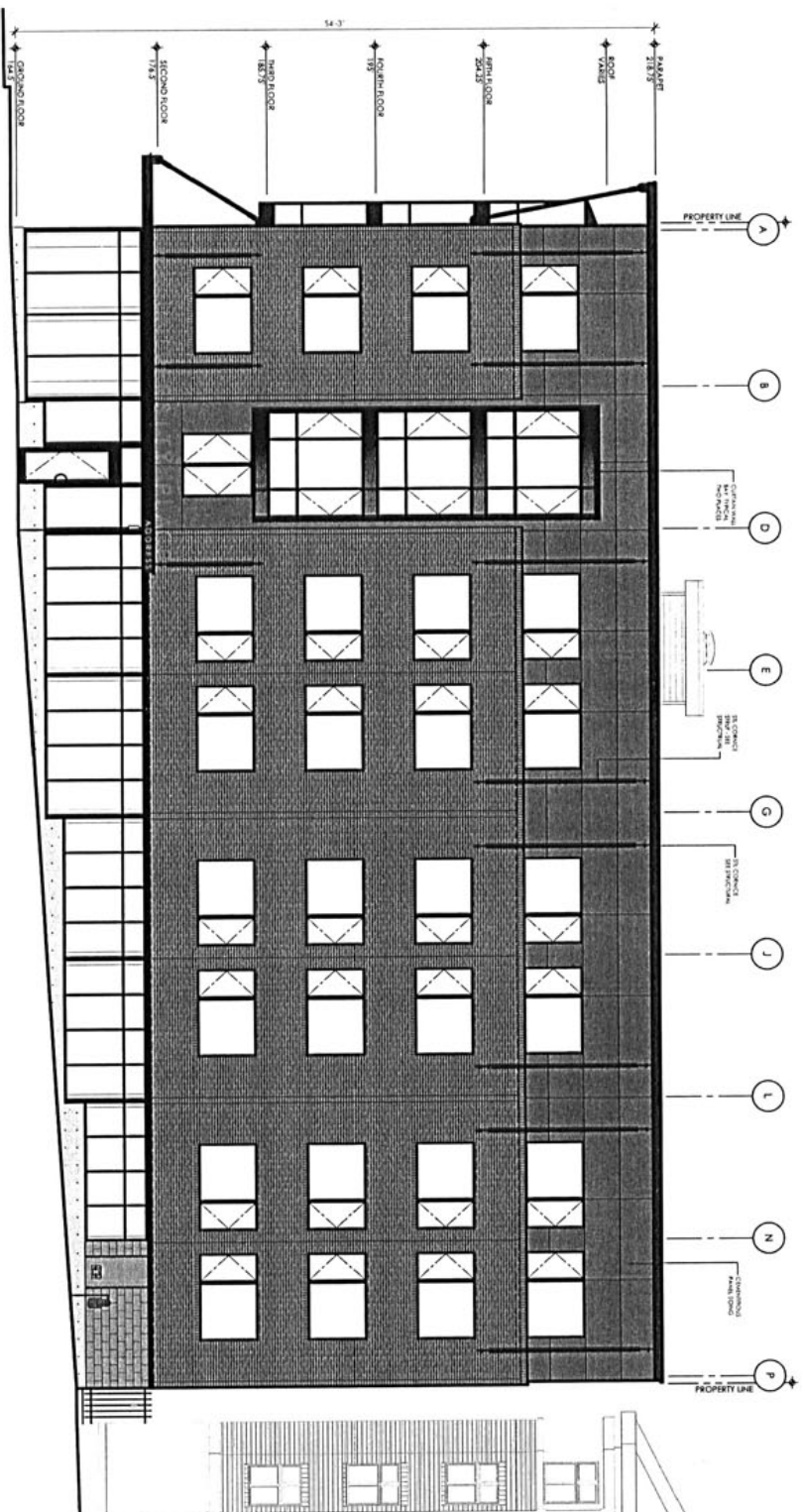
\*N3 - VISION GLASS REQUIRED  
ON FIRST FLOOR, MIDDLE  
PANEL & TOP FLOOR  
ENCOURAGED ETC. - SEE  
CONDITION A.

Forecast - Newport 88540-01E1 Surface  
(11" x 7")

Lithonia - WFL2 Surface  
(18-1/2" x 11-3/4" x 6-3/4")



\*Approved\*  
City of Portland - Bureau of Development Services  
Project Univ. Plac Date Feb 5, 2004  
\* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

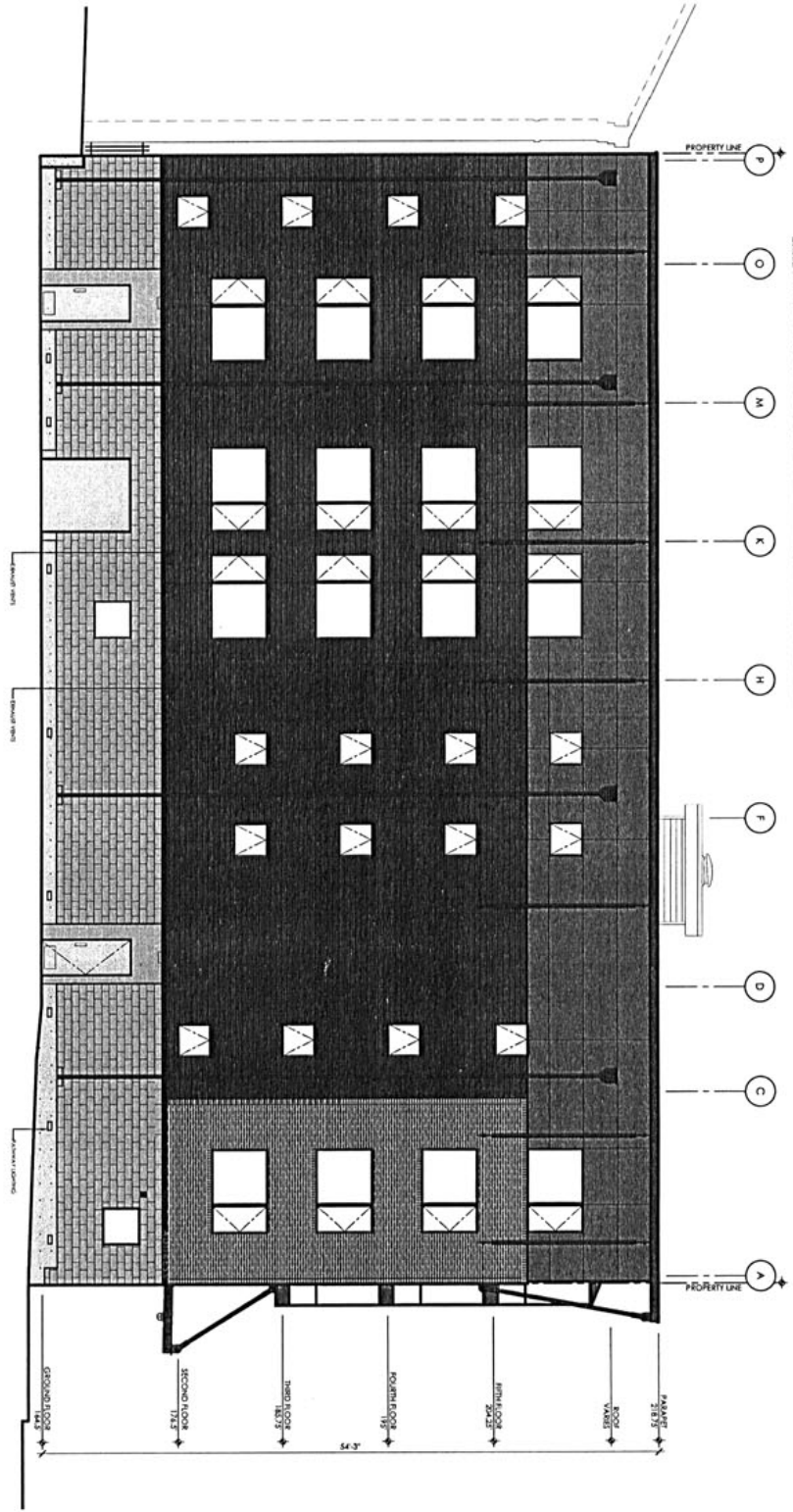


1 WEST ELEVATION (SW 13TH AVE.)  
AS1

SCALE 3/32" = 1'-0"

W 08-161153 D2M EX# C.11

Approved\*  
 City of Portland - Bureau of Development Services  
 Planner MARC WATKINS Date FEB 5 2009  
 \* This approval applies only to the reviews requested and is subject to the conditions of approval. Additional zoning requirements may apply.



1 EAST ELEVATION  
 AS3

SCALE 3/32" = 1'-0"

# University Place

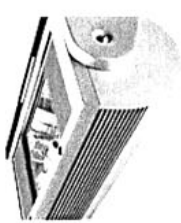
East Elevation  
 Scale: 3/32" = 1'-0"

Proposal and design as approved  
 in case file # LU 08-161153 0271  
 No field changes allowed.\*

\* N.B. - DESIGN CLMS, METAL  
 PANELS, ETC., PER  
 CONDITION A

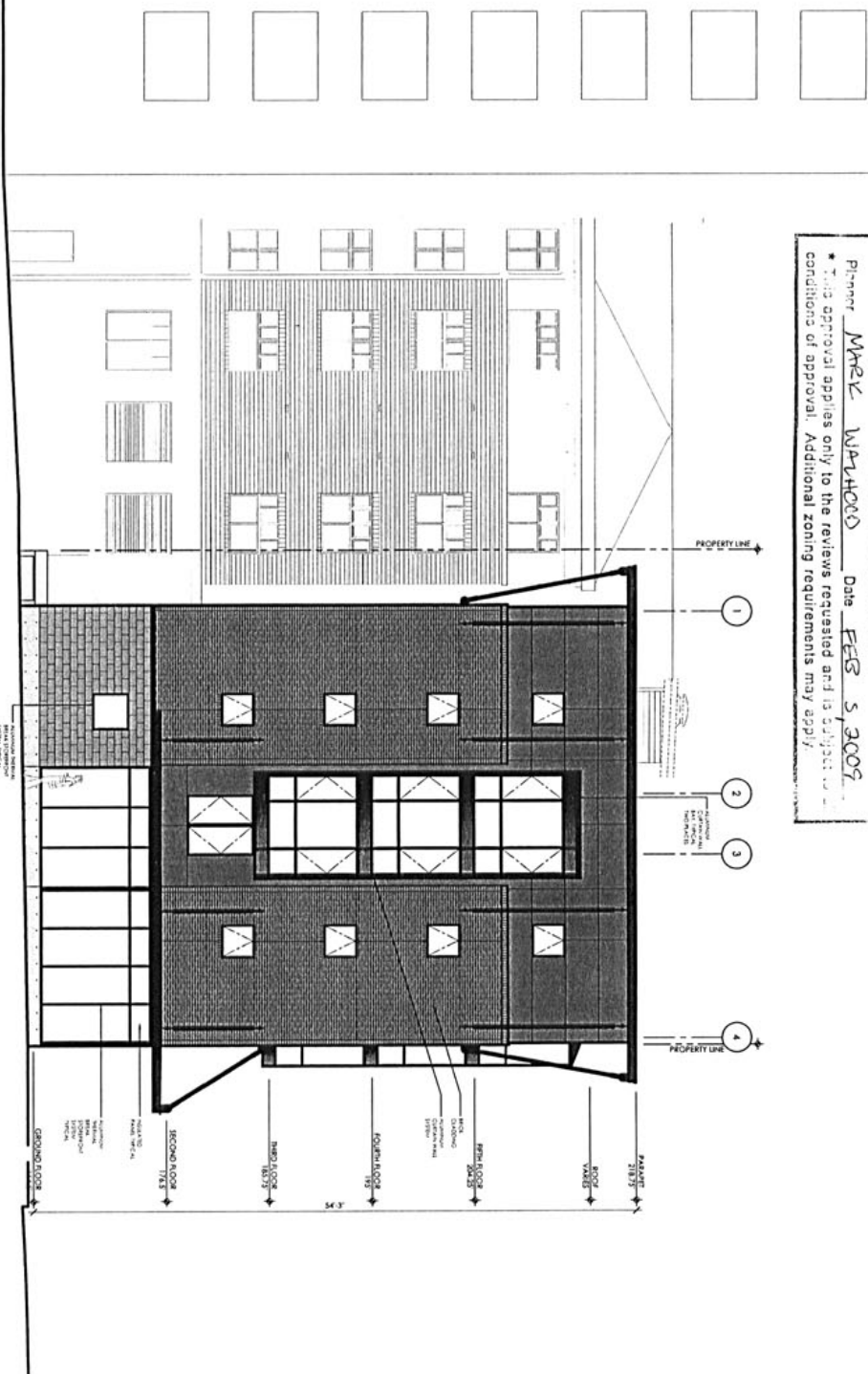
Forecast - Newport F8540-01E1 Surface  
 (11" x 7")

Lithonia - WFL2 Surface  
 (18-1/2" x 11-3/4" x 6-3/4")



LU 08-161153 0271 EXH. C.12

\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner Mark Whitford Date FEB 5, 2009  
 \* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.



1 NORTH ELEVATION (SW CLAY ST.)  
 AS2

SCALE 3/32" = 1'-0"

# University Place

North Elevation  
 Scale: 3/32" = 1'-0"

Proposal and design as approved  
 in case file #LU 08-161153 02M  
 No field changes allowed.\*

\* N.B. - VISION GLASS REQUIRED  
 @ FIRST FLOOR, NETTL  
 PAVERS, ETC. PER  
 CONDITION 4

Forecast - Newport F8540-01E1 Surface  
 (11" x 7")

Lithonia - WFL2 Surface  
 (18-1/2" x 11-3/4" x 6-3/4")

