



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

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www.portlandonline.com/bds

Date: November 28, 2008
To: Interested Person
From: Breah Pike-Salas, Land Use Services
503-823-6825 / Breah.Pike-Salas@ci.portland.or.us

**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 08-165317 DZ, CENTURY TOWER
STOREFRONT REMODEL**

GENERAL INFORMATION

Applicant: Ernest Goble (Architect)
821 NW Flanders, Rm 245
Portland, OR 97209
503.221.1891

John Niemeyer (Owner)
15 82nd Avenue, Ste. 210
Portland, Oregon 97027-2549

Kelly Rea (Owner)
Mainlander Investments
310 SW 4th Avenue, Ste. 512
Portland, Oregon 97204

Site Address: 1201 SW 12TH AVE

Legal Description: BLOCK E & N1/2D TL 4400, PORTLAND
Tax Account No.: R667736090
State ID No.: 1S1E04AA 04400
Quarter Section: 3128

Neighborhood: Downtown Community Association, contact Jennifer Geske at 503-750-9843.

Business District: Downtown Retail Council, contact Portland Business Alliance at 503-224-8684.

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - West End

Zoning: RX, Central Residential with Design Overlay

Case Type: DZ, Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant requests Design Review approval for a pair of double doors to be installed in an existing storefront. The new doors being three feet by 7 feet each are designed to match the existing entry doors in the neighboring tenant spaces by having aluminum framing with single pane tempered glass.

Because the proposal is for alterations to existing development in a Design zone, Design Review is required.

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:

- Central City Fundamental Design Guidelines
- 33.825 Design Review

ANALYSIS

Site and Vicinity: The subject site is a six story building consisting of alternating rows of bandblasted concrete spandrel and gray glass having aluminum mullions. Columns of marble slice through the rows creating contrast in textures. The building was constructed before 1951 with revisions in the 60s consisting of adding cement plaster with wood siding along the base of the building and a parapet railing along the roofline. The Century Tower building sits between SW 13th Avenue and SW 12th Avenue. A courtyard plaza separates the base of the building adjacent to the sidewalk on SW 12th Avenue. The vicinity includes a mix of uses including residential apartments to commercial structures. Neighboring historic structures include the Beth Israel School and the Fried Durkheimer House.

Zoning: The RX zone is a high density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. The maximum size of buildings and intensity of use are regulated by floor area ratio limits and other site development standards. The major types of new housing development will be medium and high rise apartments and condominiums, often with allowed retail, institutional, or other service-oriented uses.

The “d” overlay 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.

Land Use History: City records indicate prior land use reviews:

1. VZ 314-67: Approval to have more than one identification sign in an “S” (Sign Control) zone.
2. VZ 030-68: Approval to have more than one identification sign in an “S” (Sign Control) zone.
3. DZ 81-84: Approval for a facility expansion (Horst Mager).
4. DZ 151-85: Approval for signage for Captain’s Corner Restaurant.
5. 96-00093 CU, AD, DZ: Approval of an unmanned, permanent cellular telephone broadcast facility consisting of nine antenna panels and associated equipment cabinets on the rooftop of an existing 6 story building.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **October 27, 2008**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **October 27, 2008**. 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 of Design Review

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 guidelines for the area.

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 Design Guidelines.

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City.

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.

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.

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.

A6. REUSE/REHABILITATE/RESTORE BUILDINGS. Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

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

Findings: The new storefront system installation will reuse an existing storefront system previously removed, restoring the original intent of this tenant space within the Century Tower. The new storefront system will be a replication of an existing storefront system found in adjacent tenant spaces maintaining a unified look to the building. The proposal will contribute to the streetscape by allowing pedestrians another access point from the tenant space to the sidewalk. *These guidelines are therefore met.*

B1. REINFORCE AND ENHANCE THE PEDESTRIAN SYSTEM. Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed.

B2. PROTECT THE PEDESTRIAN. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

B4. PROVIDE STOPPING AND VIEWING PLACES. Provide safe, comfortable places where people can stop, view, socialize and rest.

B5. MAKE PLAZAS, PARKS AND OPEN SPACE SUCCESSFUL. Orient building elements such as main entries, lobbies, windows, and balconies to face public parks, plazas, and open spaces.

B6. DEVELOP WEATHER PROTECTION. Development 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.

B7. INTEGRATE BARRIER-FREE DESIGN. Integrate access systems for all people with the building's overall design concept.

Findings: The building currently exits onto a courtyard plaza adjacent to SW 12th Avenue. The new storefront system is located under cover, is lighted and recessed away from the main sidewalk walking zone creating a safe and comfortable stopping point for pedestrians. The new storefront system and entrance will provide another access route from the tenant space for the pedestrian onto this plaza reinforcing its use as a public space. *These guidelines are therefore met.*

C1. ENHANCE VIEW OPPORTUNITIES. Orient windows, entrances, balconies, and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building facades that create visual connections to adjacent public spaces.

C2. PROMOTE QUALITY AND PERMANENCE IN DEVELOPMENT. Use design principles and building materials that promote quality and permanence.

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.

C4. COMPLEMENT THE CONTEXT OF EXISTING BUILDINGS. Complement the context of existing buildings by using and adding to the local design vocabulary.

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: The original architecture is respected, complemented, and permanence of design is gained by using a design for the storefront currently found in the building facade among other tenant spaces. Coherency is achieved by having the aluminum framing proposed for the storefront system found elsewhere on the building. Matching dimensions and proportions found in the existing building's window mullion patterns and storefront systems. *These guidelines are therefore met.*

C6. DEVELOP TRANSITIONS BETWEEN BUILDINGS AND PUBLIC SPACES. Develop transitions between private development and public open space. Use site design features such as movement zones, landscape elements, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

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.

Findings: The transition between the building and public space is already achieved with the design of the courtyard plaza adjacent to SW 12th Avenue. The activity in the plaza will be heightened via the new tenant and main entrance. *Therefore, these guidelines are met.*

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.

C12. INTEGRATE EXTERIOR LIGHTING. Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impact on the skyline at night.

C13. INTEGRATE SIGNS. Integrate signs and their associated structural components with the building's overall design concept. Size, place, design, and light signs to not dominate the skyline. Signs should have only minimal presence in the Portland Skyline.

Findings: The building in which the storefront system is to be located currently does not encroach into the public right-of-way. No new exterior lighting or signs

are associated with this proposal. *Therefore, 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 design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval for a pair of double doors to be installed in an existing storefront. The new doors are 3' x 7' each and are designed to match entry doors in the neighboring tenant spaces by having aluminum framing with single pane tempered glass; Approval per Exhibits C-1 and C-2, signed and dated November 19, 2008, 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 and C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-165317 DZ. No field changes allowed."

Decision rendered by:  on November 28, 2008.

By authority of the Director of the Bureau of Development Services

Decision mailed: November 21, 2008.

Staff Planner: Breah Pike-Salas

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 24, 2008, and was determined to be complete on **October 16, 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 24, 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 did not waive or extend the 120-day review period.

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 December 11, 2008** 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. **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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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 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 **December 12, 2008– (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.

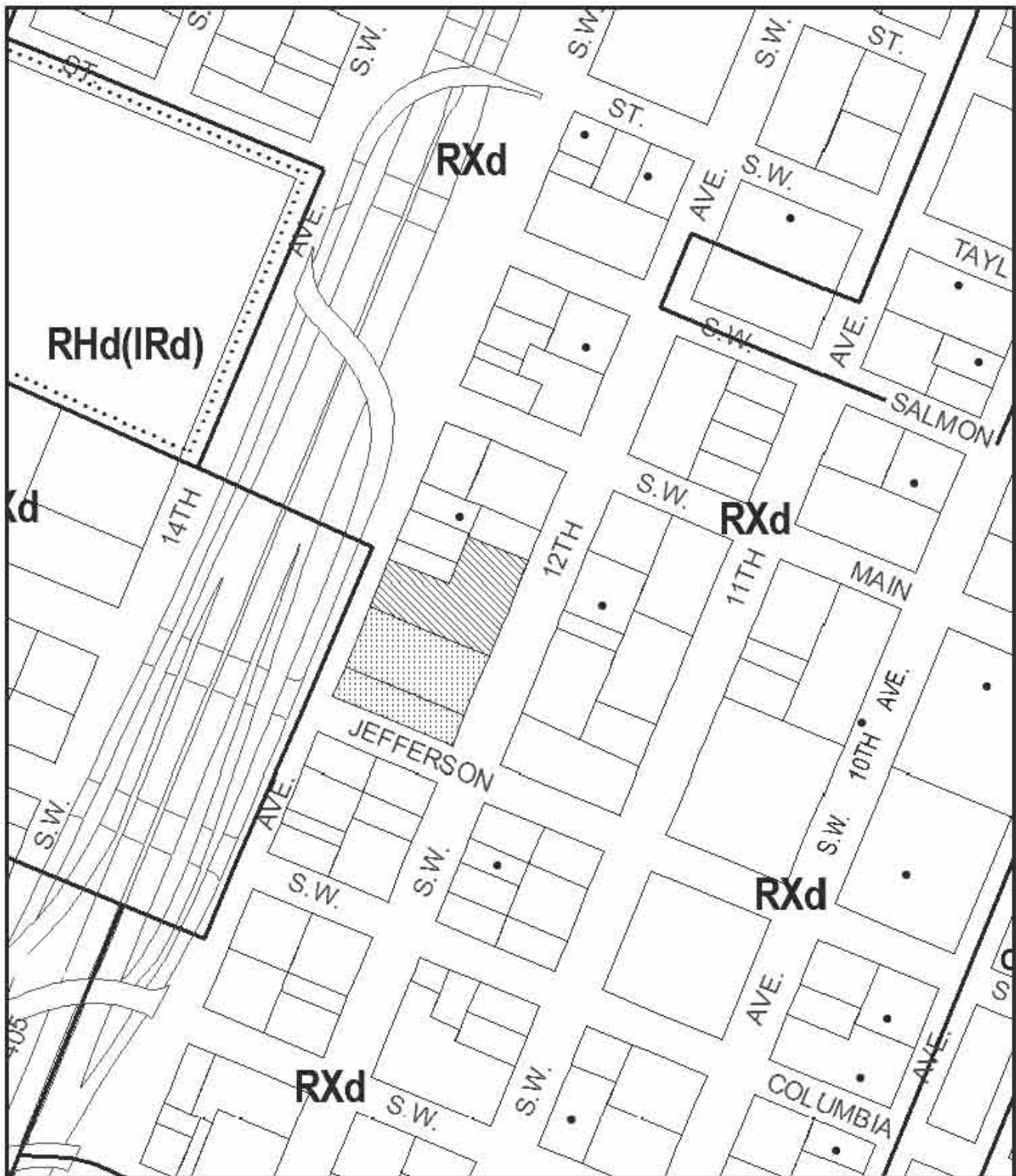
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevation
- D. Notification information:
 - 1. Mailing list

- 2. Mailed notice
- E. Agency Responses: None
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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).



ZONING

-  Site
-  Also Owned
-  Historic Landmark



This site lies within the:
CENTRAL CITY PLAN DISTRICT

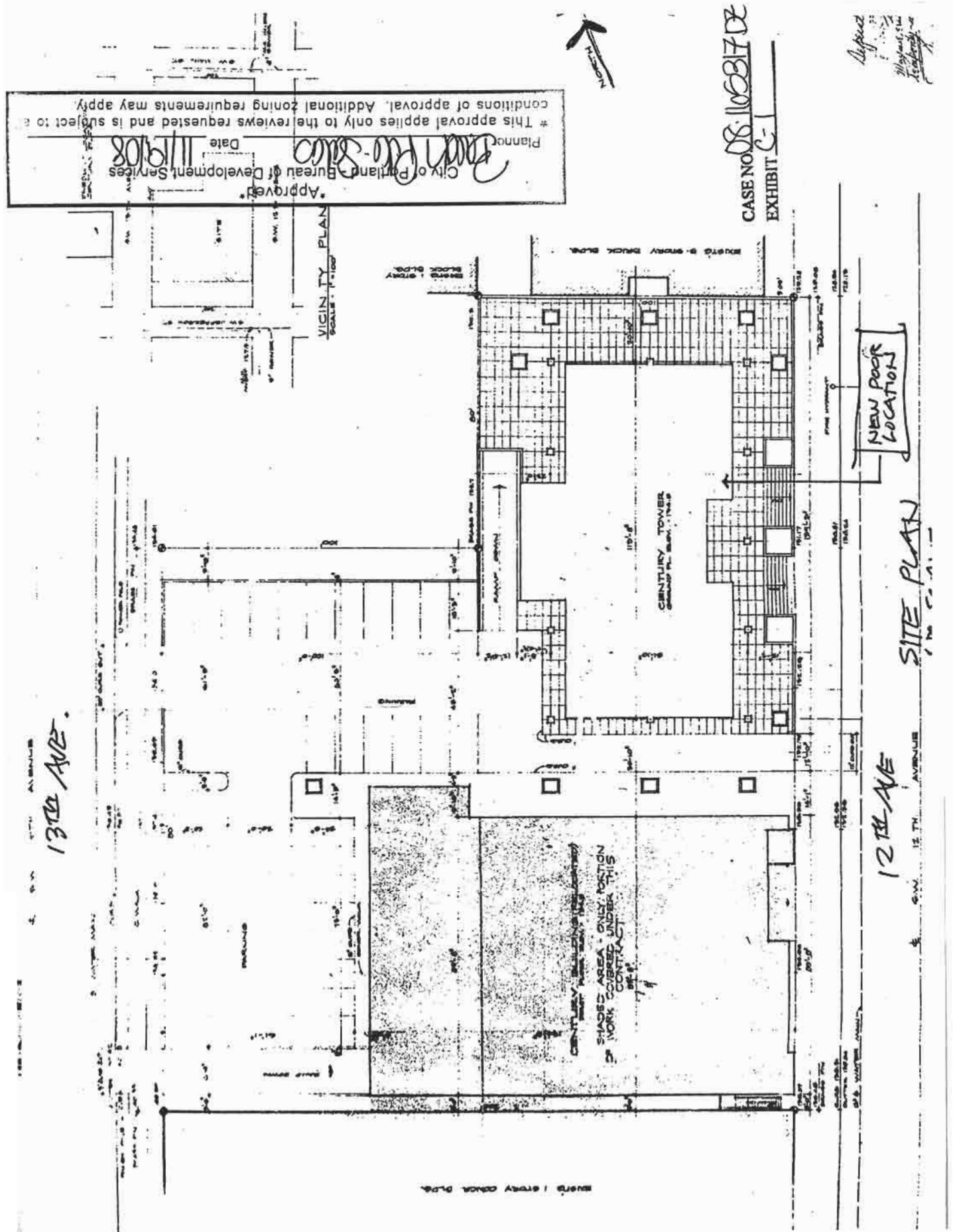
File No.	LU 08-165317 DZ
1/4 Section	3128
Scale	1 inch = 200 feet
State_Id	1S1E04AA 4400
Exhibit	B (Sep 25,2008)

13TH AVE.

12TH AVE

SITE PLAN

NEW POOL LOCATION



Planner: *Barry P. S. S. S.*
City of Portland - Bureau of Development Services
Date: 11/19/08
* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

CASE NO. 08-106317 DE
EXHIBIT C-1

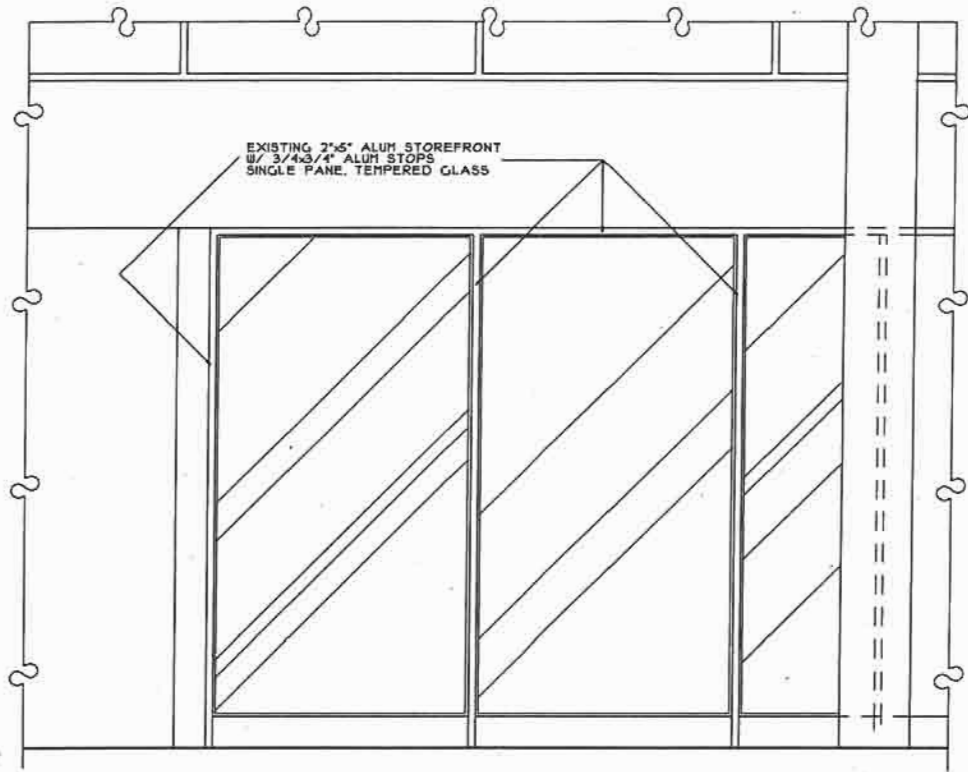
Approved
11/19/08
11/19/08

Approved

City of Portland Bureau of Development Services

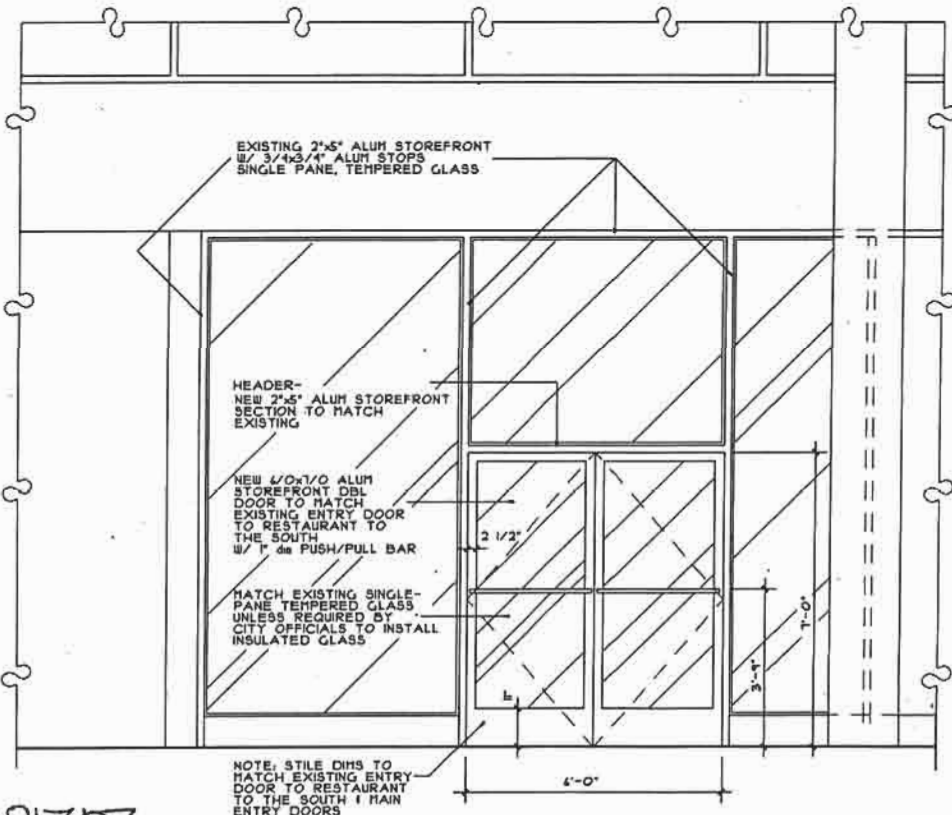
Planner *Paula Salvo* Date *11/19/08*

* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.



EXISTING STOREFRONT PARTIAL ELEVATION

1/2" = 1'-0"



PROPOSED STOREFRONT PARTIAL ELEVATION

1/2" = 1'-0"

CASE NO. *0810531702*
EXHIBIT *C-2*