



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

Date: September 17, 2009
To: Interested Person
From: Kara Fioravanti, Land Use Services
503-823-5892 / kfioravanti@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 09-149199 DZ **KEY BANK WINDOW REPLACEMENT**

GENERAL INFORMATION

Applicant: Key Bank, Listed Owner
P O Box 167928
Irving, Tx 75016-7928

Linda Hong, Listed Owner
Keybank Real Estates Services
626 SE Morrison
Portland, OR 97214

Representative: Jim Leavitt, 503-624-3022
Jacobs Architectural Services
5005 SW Meadows Road, Suite 100
Lake Oswego, OR 97035

Site Address: 726 SE MORRISON STREET

Legal Description: BLOCK 165 LOT 1&2&5-8 TL 6300, EAST PORTLAND
Tax Account No.: R226511180
State ID No.: 1S1E02BB 06300
Quarter Section: 3131

Neighborhood: Buckman, contact Susan Lindsay at 503-725-8257.
Business District: Central Eastside Industrial Council, contact Juliana Lukasik at 503-287-5886.
District Coalition: Southeast Uplift, contact Leah Hyman at 503-232-0010.

Plan District: Central City - Central Eastside
Zoning: EXd, Central Employment 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 the replacement of the existing single-pane gasketed window system with new Oregon Energy Code compliant window components. The exterior glazing being replaced consists of a combination of fixed windows, curtain wall and sloped fenestration. The existing steel frame will be reused in place to support all of the new window components. As part of this alteration, gutters are proposed to be lined – the gutter liner will be contained within the existing gutter.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are: Central City Fundamental Design Guidelines, Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan.

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 August 6, 2009 and determined to be complete on August 20, 2009.

ANALYSIS

Zoning: The EX zone allows mixed uses and is intended for areas in the center of the City that have predominantly industrial-type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

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 that prior land use reviews since 1995 include the following: LUR 96-00846 Approval of exterior alterations. The approved alterations include: the removal of an existing drive-up teller window, and the addition of an exterior infill wall for the provision of a new automatic teller machine [ATM].

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed August 21, 2009. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Section of BDS

The **Fire-Life Safety Division** responded with the following comment: “A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. More information regarding building code requirements can be obtained by visiting the Bureau of Development Services Development Services Center -1900 SW 4th Ave, 1st floor (no appointment is necessary.) Building Code information is also available online at: <http://www.portlandonline.com/bds/>, or by calling (503) 823-1456.

Alterations to the building exterior envelope shall meet the prescriptive requirements Energy Code. Exception: When up to 25 percent of the glazing in any one wall is being replaced, it may be replaced with glazing with a U-factor and shading coefficient equal or better than the existing glazing. OSSC 1312.3.2.”

The **Bureau of Parks-Forestry Division** responded with the following comment: “Street trees may be required if project exceeds \$25,000.”

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 21, 2009. 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 the site is located generally within the Central City Plan District, the applicable design guidelines are the Central City Plan Fundamental Design Guidelines. As the site is also specifically located within the Design Zone of the Central Eastside District, the Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan also apply.

Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan and Central City Fundamental Design Guidelines

The Central Eastside is a unique neighborhood. The property and business owners are proud of the district’s heritage and service to the community and region. Light industry, distribution/warehousing, and transportation are important components of the district’s personality. To the general public, retail stores and commercial businesses provide the central focus within the district.

The underlying urban design objective for the Central Eastside is to capitalize on and emphasize its unique assets in a manner that is respectful, supportive, creative and compatible with each area as a whole. Part of the charm and character of the Central Eastside District, which should be celebrated, is its eclectic mixture of building types and uses. An additional strength, which should be built on, is the pattern of pedestrian friendly retail uses on Grand Avenue, East Burnside and Morrison Streets, as well as portions of 11th and 12th Avenues.

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 Eastside Design Goals

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

- Encourage the special distinction and identity of the design review areas of the Central Eastside District.

- Provide continuity between the Central Eastside and the Lloyd District.
- Provide continuity between the Central Eastside and the river, downtown, and adjacent residential neighborhoods.
- Enhance 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.

A6. Reuse/Rehabilitate/Restore Buildings.

C2. Promote Quality and Permanence in Development.

C3. Respect Architectural Integrity.

C5. Design for Coherency.

Findings: The project meets the above applicable criteria for the following reasons:

- The proposed work refurbishes an older building, resulting in a new energy efficient building envelope.
- The proposed materials are permanent and will add to the life of the building.
- The existing steel frame is a primary architectural element defining the building's original integrity - the proposal maintains that frame.
- The proposed details are compatible with the existing language of the building and provide an overall coherent design.

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 approval criteria are met.

ADMINISTRATIVE DECISION

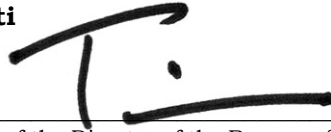
Approval of design review for the replacement of the existing single-pane gasketed window system with new Oregon Energy Code compliant window components. The exterior glazing being replaced consists of a combination of fixed windows, curtain wall and sloped fenestration. The existing steel frame will be reused in place to support all of the new window components.

As part of this alteration, gutters are proposed to be lined – the gutter liner will be contained within the existing gutter.

Approval per the approved plans, Exhibits C-1 through C-8, signed and dated September 15, 2009, subject to the following condition:

- 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 09-149199 DZ. No field changes allowed."

Staff Planner: Kara Fioravanti



Decision rendered by: _____ **on September 15, 2009**
By authority of the Director of the Bureau of Development Services

Decision mailed: September 17, 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 August 6, 2009, and was determined to be complete on August 20, 2009.

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 August 6, 2009.

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 October 1, 2009** 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 on Monday, 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 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 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 **October 2, 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.
- **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 may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

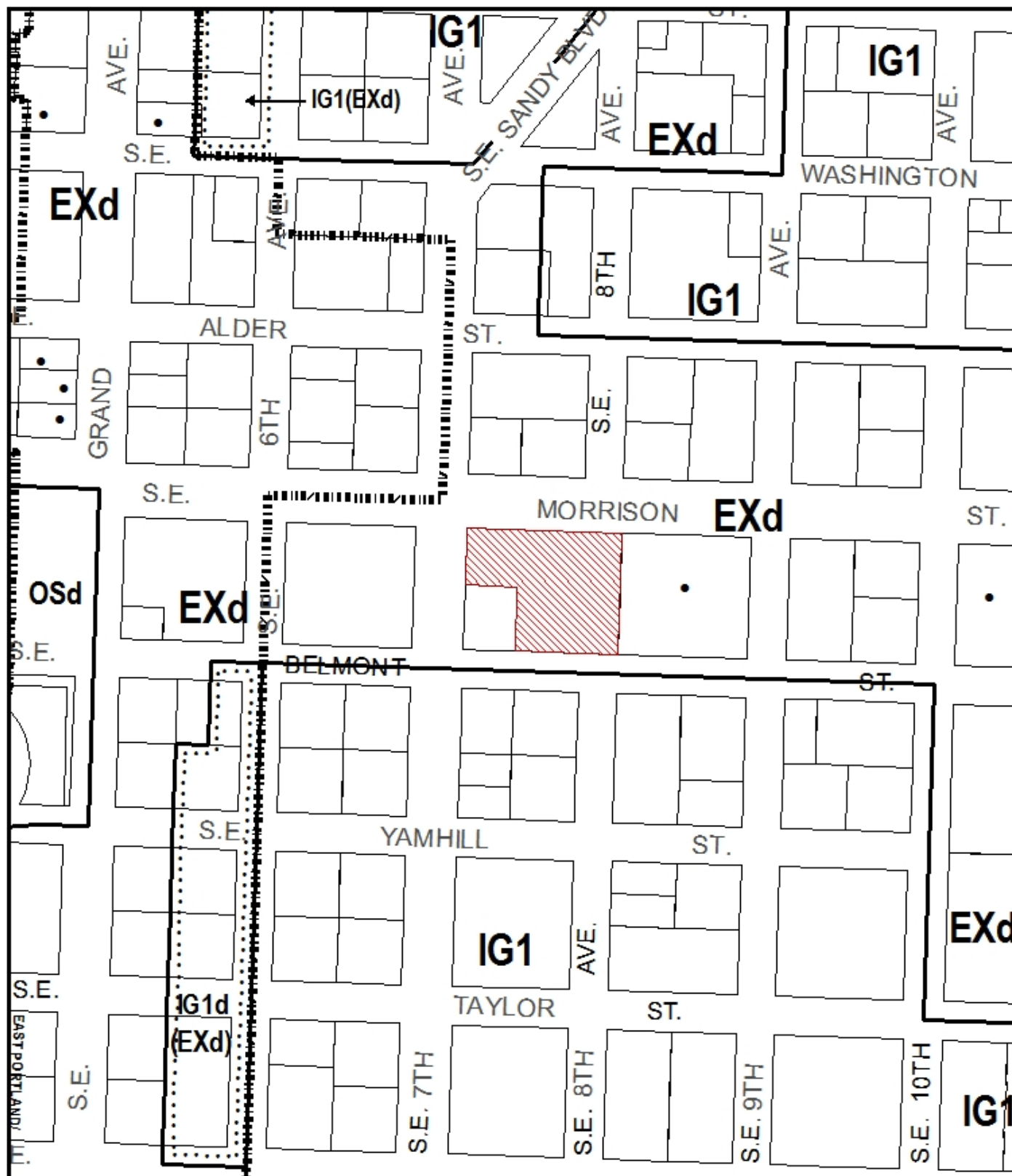
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 - 1. Statement
 - 2. Existing Photos and Existing conditions
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Lower level floor plan areas of work
 - 3. Upper level floor plan areas of work
 - 4. Building elevations [attached]
 - 5. Existing and new window system
 - 6. Existing and new corner details
 - 7. Existing and new window system mullion details
 - 8. Existing and new window system head detail
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
- F. Correspondence:
- 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 503-823-7300 (TTY 503-823-6868).



ZONING



Site



Historic Landmark



NORTH

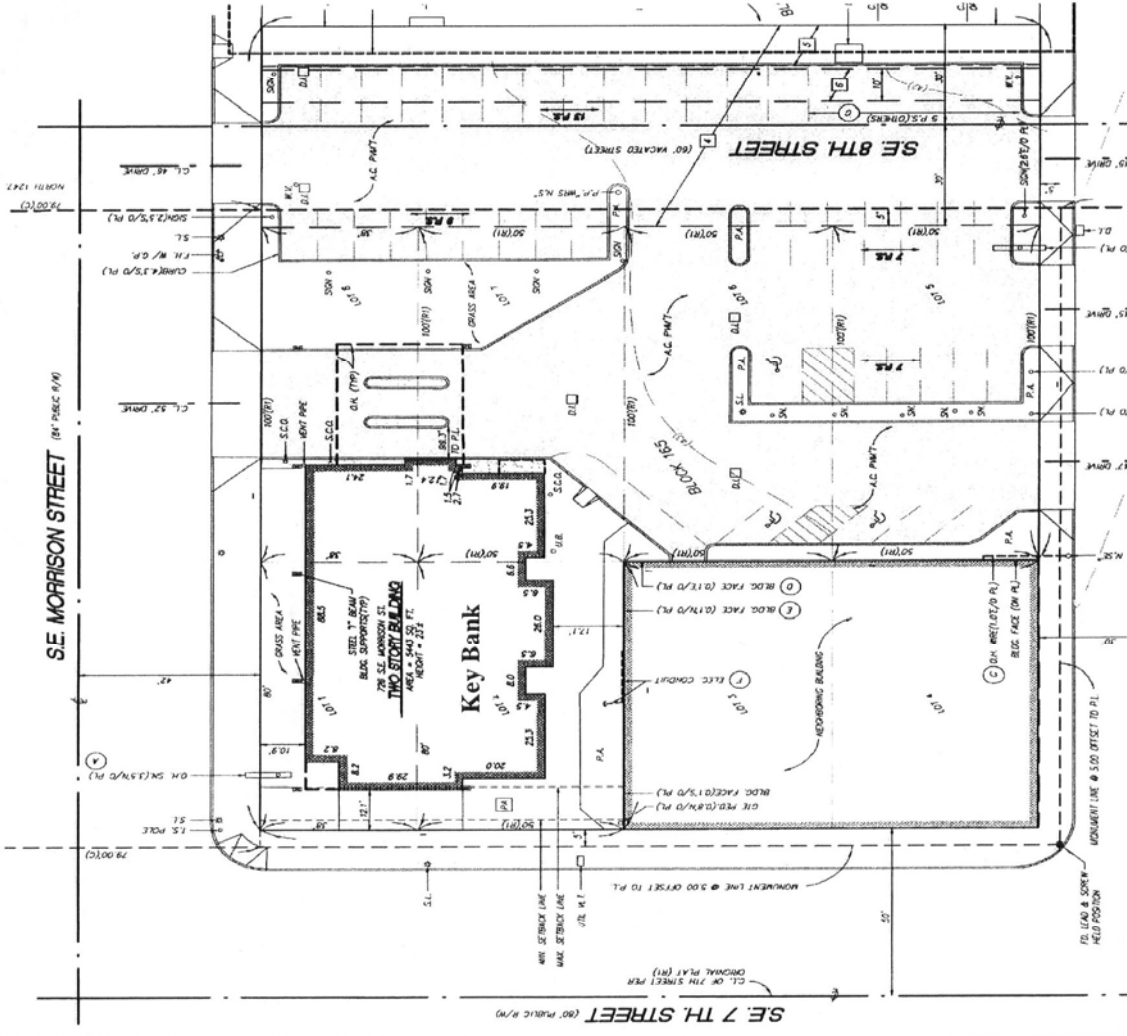
This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 09-149199 DZ
1/4 Section	3131
Scale	1 inch = 200 feet
State_Id	1S1E02BB 6300
Exhibit	B (Aug 11, 2009)



LAND USE REVIEW APPLICATION
EAST MORRISON BRANCH
723 SE MORRISON ST.

JACOBS



Approved

City of Portland

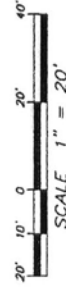
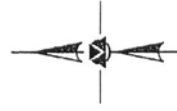
Bureau of Development Services

Planner

Date

9-15-09

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



SITE PLAN

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LAND USE REVIEW APPLICATION
8/4/09

Jacobs
Key Bank / Project No. F3W83901

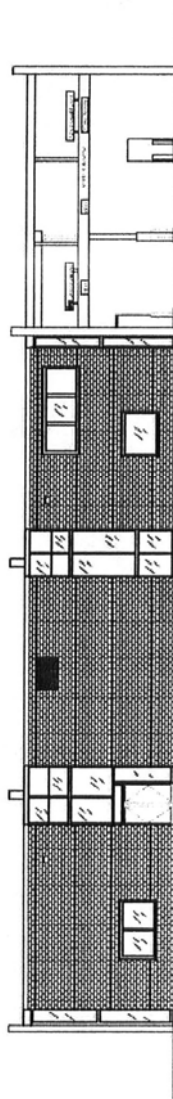
LU 09 - 149199 DZ

C-1



LAND USE REVIEW APPLICATION
EAST MORRISON BRANCH
723 SE MORRISON ST.

JACOBS

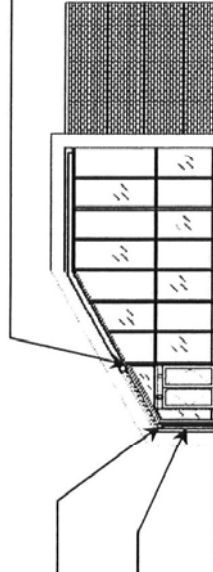


1 SOUTH - ELEVATION
SCALE 1/8" = 1'-0"

SEE WINDOW SYSTEM
DETAILS 1 / 22 & 2 / 22

SEE CORNER DETAILS
3 / 23 & 4 / 23

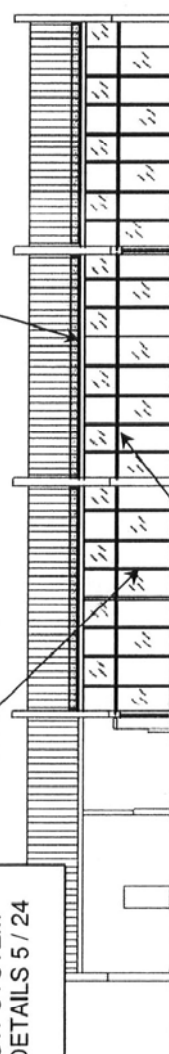
SEE GUTTER DETAILS
7 / 25 & 8 / 25



2 WEST - ELEVATION
SCALE 1/8" = 1'-0"

SEE WINDOW SYSTEM
MULLION DETAILS 5 / 24
& 6 / 24

SEE GUTTER DETAILS 7
/ 25 & 8 / 25

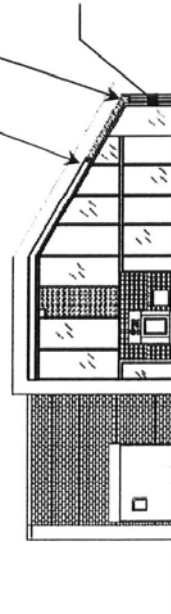


3 NORTH - ELEVATION
SCALE 1/8" = 1'-0"

SEE WINDOW SYSTEM
DETAILS 1 / 22 & 2 / 22

SEE GUTTER DETAILS 7
/ 25 & 8 / 25

SEE WINDOW SYSTEM
DETAILS 1 & 2 City of Portland
Bureau of Development Services
SEE CORNER DETAILS
3 & 4 Planner



4 EAST - ELEVATION
SCALE 1/8" = 1'-0"

GENERAL NOTES

1. ALL EXISTING GLASS AND GLAZING STRIPS SHALL BE REMOVED AND RECYCLED.
2. PREP EXISTING STEEL WINDOW SUPPORT SYSTEM AND REPAINT. COLOR TO BE ANODIZED BRONZE.
3. EXISTING DOORS AND FRAMES TO REMAIN.
4. EXISTING DOWNSPOUT TO BE ALIGNED WITH NEW WINDOW FRAMING.
5. EXISTING GUTTER TO REMAIN. PROVIDE NEW GUTTER LINER SYSTEM BY UNIFOLD.
6. PROVIDE SNOW/ICE RETENTION SYSTEM MODEL SNOJAX II, CLEAR POLYCARBONATE AS MANUFACTURED BY ICEBLOX, INC (800) 766-5291. PROVIDE QUANTITY AND PLACEMENT AS RECOMMENDED BY MANUFACTURER. ADHERE TO EXISTING METAL ROOF W/ SUREBOND SP-190.

EXTERIOR BUILDING ELEVATIONS

9/15/09

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

Jacobs
Key Bank / Project No. F3W83901