

City of Portland, Oregon Bureau of Development Services

Land Use Services

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FROM CONCEPT TO CONSTRUCTION

Date:November 6, 2012To:Interested PersonFrom:Mark Bello, Land Use Services
503-823-7810 / Mark.Bello@portlandoregon.gov

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 <u>http://www.portlandonline.com/bds/index.cfm?c=46429</u>. 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 12-189954 DZ LEFT BANK BUILDING EXTERIOR ALTERATION GENERAL INFORMATION

Applicant/Owner:	Beth German / Leftbank Development 240 N Broadway Suite 122 / Portland OR 97227
Architect:	Dennis Thompson / DMTA Architecture 3 Monroe Pkwy Suite P-303 / Lake Oswego OR 97035
Site Address:	222-240 N Broadway Street
Legal Description: Tax Account No.: State ID No.: Quarter Section: Neighborhood: Business District:	 BLOCK 3 LOT 1-3 EXC PT IN ST LOT 4-8, ELIZABETH IRVINGS ADD R244900530, R244900530 1N1E27DC 01700, 1N1E27DC 01700 2830 Lloyd District Community, contact Lisa Faust at 503-350-1205. Lloyd District Community Association, contact Gary Warren at 503-905-3318. Northeast Broadway Business Association, contact Murray Koodish at info@nebroadway.com.
District Coalition: Plan District: Zoning: Case Type: Procedure:	None Central City - Lloyd District Central Commercial (CXd) DZ , Design Review Type II, an administrative decision with appeal to the Design Commission.

Proposal: The applicant proposes improvements to the existing Left Bank Building at 240 N. Broadway. The entrance to this mixed use building fronts N. Wheeler Avenue and three new metal canopies are proposed. These canopies would extend 7 ft. into the 12 ft. Wheeler right-of-way. The canopies will shelter an existing entry door and two existing overhead glass doors that open from an existing café. The proposed materials for the canopies are steel c-channel faming with a metal deck roof and a wood decked ceiling. Canopy lighting is proposed as surface mounted metal lights in each of the three structural bays of each canopy. These canopies are supported by tie rods. The existing sign will be removed and not mounted on these canopies.

Design Review approval is required because this proposal is for exterior alterations in a design overlay zone.

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 Lloyd District Design 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 October 3, 2012 and determined to be complete on **October 8, 2012**.

ANALYSIS

Site and Vicinity: The site is a trapezoidal parcel bounded by N. Broadway, N. Weidler, N. Wheeler and N. Vancouver. The eastern portion of the site includes a paved loading and parking area of approximately 10,000 square feet, at the intersection of N. Vancouver and Broadway. A three- and four-story warehouse structure is located directly south of the loading and parking area, at the corner of N. Vancouver and Weidler. On the triangular western portion of the site, a three-story red brick warehouse structure faces N. Broadway and N. Wheeler. In the recent past, the structure has been used as a self-service storage facility, without at-grade retail or other active uses. In February 2008, a Design Review approved modifications to the building which include: new storefront and building entry alterations, including aluminum and clear glass windows, doors, sidelights, transoms, and multi-light roll-up garage doors as well as five new rooftop equipment units. The new canopies are proposed here, on the southwest façade, below the transoms.

The site is directly north of the Rose Quarter and Memorial Coliseum development, to the south across NE Weidler. Other nearby developments include commercial office buildings, hotels, motels, apartment buildings, and the administrative headquarters building for the Portland Public Schools. All surrounding streets are improved with paved roadways, curbing, and concrete public sidewalks. There are no existing street trees in any of the public sidewalks surrounding the site. The city's Transportation System Plan designates both N. Broadway and Weidler as Major Transit Priority Streets, City Walkways, and the site lies within the Lloyd District Pedestrian District.

Zoning: The <u>Central Commercial</u> (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.

The <u>"d" overlay</u> 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. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

Land Use History: City records indicate there are prior land use reviews for this site that include:

- *DZ 60-88 (88-004943)* Approved 1988 design review for a 60 square-foot fascia sign for the Red Lion Hotel on the north-facing wall of 'building B' at the at the site;
- LUR 97-00847 DZ Withdrawn design review proposal for new fascia signs at the site; and
- *LUR* 97-01207 *DZ* Withdrawn design review proposal for new fascia signs at the site; and
- LU 07-158366 DZ Approval of design review for the three adjacent warehouse buildings on the full block at 222-240 N Broadway, including: new storefront and building entry alterations and five new rooftop equipment units.
- *LU 08-133536 AD* Approval of adjustment to amount of manufacturing and production facilities.
- *LU 08-182558 DZM* Approval of a new loading dock, 2 loading spaces, 6 car parking spaces, bike parking, recycling area and fence

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **October 11, 2012**. The Life Safety Plans Examiner responded with information regarding the building code.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 11, 2012. 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

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 district guidelines.

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 and Lloyd District Special Design Guidelines.

<u>Special Design Guidelines for the Design Zone of the Lloyd District of the Central</u> <u>City Plan and Central City Fundamental Design Guidelines</u> The Lloyd District is a unique, multi-dimensional neighborhood in the Central City

The Lloyd District is a unique, multi-dimensional neighborhood in the Central City, with special features and assets found nowhere else in Oregon.

With the recent completion of the Oregon Convention Center, the District now serves as the "front door for Oregon and our city." The District as a whole is emerging as a special area in the state and the region, and the way it is developed will determine its comfort and continued use.

The purpose of design review is to carry out the urban design vision for the District by emphasizing unique district assets in a manner that is respectful, creative, supportive, and compatible with all its areas. Although the District is a complex urban environment, it can become a cohesive whole with the use of these design principles.

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.

Lloyd District Design Goals

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

- Encourage the special distinction and identity of the Lloyd District;
- Integrate the sub-areas of the District for a visual and functional coherence of the whole; and
- Improve 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. Central City and Lloyd District Guidelines are addressed concurrently.

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

Findings: New metal canopies at the existing entry will match the materials used in the interior of the lobby. The metal-framed canopies will be of similar materials to the seismic frame bracing and mezzanine construction framing in the interior of the building. This will unify exterior and interior design elements. *Therefore, this guideline is met.*

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.

A5-1. Develop Identifying Features. Encourage the inclusion of features in the design of projects that give projects identity and a sense of place or significance within the District.

Findings for A5 & A5-1: The proposal includes new metal canopies that will make a strong connection between the sidewalk and the existing building entry and sidewalk café. The canopies will enhance the entry by being well-lit and feature a warm wood ceiling. *Therefore, these guidelines are met.*

A6. Reuse/Rehabilitate/Restore Buildings. Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

Findings for A6: These alterations continue improvements to the re-use of this former industrial building into the Left Bank Building project, beginning in 2007 (LU 07-158366

Page 5

DZ). Therefore, this guideline is 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. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

B1-2. Incorporate Additional Lighting. Incorporate project lighting in a manner that reinforces the pedestrian environment and which provides design continuity to an area by enhancing the drama and presence of architectural features.

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 impacts on the skyline at night.

B1-3. Design Projects to Attract Pedestrians to the Broadway/Weidler Corridor.

Incorporate design features in new projects or building renovation which attract pedestrians and encourage their safe and enjoyable movement throughout the Broadway/ Weidler Corridor and which support the corridor as a neighborhood retail area.

Findings for B1, B1-2, B1-3, & C12: This proposal includes new metal canopies that will give the building more of a pedestrian scale, calling attention to the existing entries and providing shelter for people to gather during events. These canopies will be well-lit and provide texture and shadow at the pedestrian level. Overall, these canopies will make the building more inviting, an important consideration given the building's prominence as the terminus of views east from the Broadway Bridge. *Therefore, these guidelines are met.*

B6. Develop Weather Protection. Develop 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.

B6-1. Provide Pedestrian Rain Protection. Rain protection is encouraged at the ground level of all new and rehabilitated commercial buildings located adjacent to primary pedestrian routes. In required retail opportunity areas, rain protection is strongly recommended.

Findings for B6 & B6-1: These canopies extend across the three bays of the café, 7' out from the building. The main entry and café will be provided rain protection. *Therefore, these guidelines are met.*

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

Findings: The proposed metal canopies will be constructed with steel frames that are similar to the seismic bracing and mezzanine framing inside the building. The materials will be of an appropriate scale and detailing. *Therefore, this guideline is met.*

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.

Findings: The existing building is primarily masonry construction; however, the interior includes metal seismic bracing columns, beams and exposed metal mezzanine framing. The proposed new exterior entry canopies will be of similar steel frame design and construction. The support structure of r the metal canopies will be traditional rod and clevis suspension tied back to steel faceplates mounted to the masonry wall. The tiebacks will occur at the vaulting pints of the existing roman arched windows. This will

provide a familiar blending of metal construction with masonry construction. *Therefore, this guideline is met.*

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: This proposal includes new metal entry canopies that are fairly simple and elegant in design and will not distract form the composition of the existing building. The existing building has a very strong grid system of pilasters, brick header courses and large windows. The narrow scale of the proposed canopies is meant to blend with this and not overwhelm the existing integrity of the building. The existing sign will be removed and any future signage will be located within the vertical dimension of the canopies. *Therefore, this guideline is met.*

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.

Findings: The proposal includes metal canopies that will be visible from the corner of Wheeler Avenue and Broadway. The visibility of the canopies will strengthen the experience of the overall building from this corner. *Therefore, this guideline is met.*

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 existing building includes a broad two-story façade with large windows that lack a pedestrian scale. The proposed entry canopies will differentiate the sidewalk level and break down the existing façade into discernible visual elements of a more pedestrian scale. *Therefore, this guideline is 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.

Findings: This proposal includes new metal canopies on Wheeler Avenue that projection into the public right-of-way. This will give visual depth and texture to the existing broach two-story façade. A separate building permit will be required that ensures conformance with building code standards for encroachments. *Therefore, this guideline is 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 proposal will provide rain protection, and better mark the entrance of the building in a coherent and appropriately scaled design. All applicable design guidelines are met.

ADMINISTRATIVE DECISION

Approval of three metal canopies on the southwest facade of the Left Bank Building, in the Lloyd District subdistrict of the Central City plan district, per the approved site plans, Exhibits C-1 through C-3, signed and dated November 2, 2012, 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.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-189954 DZ. No field changes allowed."

Staff Planner: Mark Bello

Decision rendered by: on November 2, 2012

By authority of the Director of the Bureau of Development Services

Decision mailed: November 6, 2012

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 October 3, 2012, and was determined to be complete on October 8, 2012.

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 October 3, 2012.

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: February 5, 2012.

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 November 20, 2012** 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 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 **November 21, 2012.**
- 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 Statement
- B. Zoning Map (attached)
- C. Plans/Drawings: (attached)
 - 1. Vicinity Map/Site Plan and Elevations
 - 2. West Elevation
 - 3. Enlarged Entry elevation and Canopy Section, Roof Plan and Ceiling Plan
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Plans Examiner, Bureau of Development Services,
- F. Correspondence: (none)
- 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).







