

To:

City of Portland

Bureau of Development Services

Land Use Services Division

1900 SW Fourth Ave. Suite 5000 Portland, Oregon 97201 Telephone: 503-823-7300 TDD: 503-823-6868 FAX: 503-823-5630

www.portlandonline.com/bds

June 20, 2008 Date:

Interested Person From: Staci Monroe, Land Use Services

503-823-7870 / Staci.Monroe@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 08-127640 DZ - DESIGN REVIEW FOR A FENCE & GATE

GENERAL INFORMATION

Applicant: Morrison Street LLC (owner)

510 NW 23rd Ave, Unit #A

Portland, OR 97210

Dave Schrott (owner)

Morrison Street Partners LLC

1532 SW Morrison St. Portland, OR 97205

Representative: Lorraine Guthrie (architect), 503-804-5725

Lorraine Guthrie Architect, Inc.

2748 SW Patton Court Portland, OR 97201

Site Address: 1532 SW MORRISON STREET

Legal Description: W 75' OF LOT 7&8 BLOCK 317, PORTLAND

Tax Account No.: R667733610 State ID No.: 1N1E33DC 01800

Quarter Section: 3028

Neighborhood: Goose Hollow, contact Jerry Powell at 503-222-7173.

Business District: Goose Hollow Business Association, contact Angela Crawford at 503-

223-6376.

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

Plan District: Central City - Goose Hollow

RXd - Central Residential with a Design overlay Zoning:

Case Type: DZ - Design Review

Procedure: Type II, an administrative decision with appeal to the Design

Commission.

Proposal:

The applicant seeks Design Review to replace an existing 3'-6" tall guardrail along a basement stairwell in the sidewalk on the north side of the building. The stairwell leads to a required exit for the residential building that must be maintained. The guardrail would be replaced with a 5'-0" tall, metal picket fence with a gate to prevent the general public from accessing and using the stairwell for inappropriate activities. A woven metal mesh will be tack-welded to the inside of the fence along the western 3'-0" and to the gate to prevent reaching through the bars and unlocking the gate. The metal fence and gate would be comprised of ½" square steel pickets with ¾" steel horizontals and 1" square vertical supports. The fence and gate will be painted black to match the black iron grilles on the building's ground floor windows. A motion sensor would also be added to the existing light at the bottom of the stairs under the sidewalk as an additional deterrent for nonresidents attempting to use the area.

Proposals for exterior alterations and nonstandard improvements in the public right-of-way within a design overlay zone in Central City Plan District require Design Review.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant approval criteria are:

 Central City Fundamental Design Guidelines ■ Goose Hollow Design District Guidelines

ANALYSIS

Site and Vicinity: The subject building is located in the northwest corner of the block bounded by SW Morrison Street, 15th Avenue, Yamhill Street, and 16th Avenue in Goose Hollow neighborhood. The building is listed in the City of Portland's Historic Resources Inventory. It was constructed in 1906 in the Twentieth Century Classical style. The building was originally built as a clubhouse for the Concordia Club, which was founded in 1878 as a social organization for the growing Jewish community in Portland. The club was established because the city's Arlington Club barred membership to Jewish people. Since then the building as been occupied by the Elks Club, the Multnomah Club, and Portland Dance Theatre. Currently it is undergoing renovations for use as office space. The building is three stories tall and has red brick walls with quoining at the corners and rustication at the ground floor. Upper windows are large one-over-one double-hung, with flat brick arches. The ground-floor windows are casements with transoms, embellished with segmental brick arches. In 1954 the Doric columns, entablature, and roof balustrade at the main entrance were removed. The building's decorative sheet-metal cornice with block modillions and dentils was also removed.

Other buildings on the block include the Lafayette Apartments next door to the south, two Scottish Rite of Freemasonry facilities, and the Hotel Mallory, which is listed on the National Register of Historic Places. Nearby development includes Civic Stadium two blocks to the west and Lincoln High School two blocks to the south. West Burnside Street is two blocks north, and Interstate 405 is two blocks east. The west-bound MAX Blue Line light rail runs along SW Morrison Street in front of the building. Portland's Transportation System Plan classifies SW Morrison Street as a Regional Transitway/Major Transit Priority Street, Local Service Bikeway, and Community Main Street. SW 16th Avenue is classified as a Local Service Bikeway. The site is located in the Goose Hollow Pedestrian District.

Zoning: The <u>Central Residential (RX) zone</u> is a high-density multi-dwelling zone that 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 <u>design (d) overlay zone</u> promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. 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 the following prior land use review:

- LU 03-147593 DZ Approval of Design Review for the installation of a metal security gate at the bottom of the staircase leading to the basement, below the sidewalk on the north side of the building.
- 07-172123 DZ Approval of a 2007 Design Review for new doors, light fixtures and rooftop mechanical equipment.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **May 21, 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
- Bureau of Transportation Engineering

The <u>Plan Review Section of BDS</u> responded with the following comment (see Exhibit E-1 for additional details):

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, between the hours of 7:30 AM and 3:00 PM Monday through Friday and also 5:00 PM to 7:30 PM Thursday evening (no appointment necessary.) Building Code information is also available online at: http://www.portlandonline.com/bds/, or by calling (503) 823-1456.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on May 21, 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 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 Goose Hollow Special Design Guidelines.

Goose Hollow District Design Guidelines and Central City Fundamental Design Guidelines
The Goose Hollow District is envisioned to be a predominantly urban residential, transitoriented community located on the western edge of the Central City between Washington
Park and Downtown Portland. When riding light rail through the West Hills tunnel to the
Central City, it is the first neighborhood experienced before entering downtown Portland. The
Urban Design Vision celebrates the sense of arrival from the west at Jefferson Street Station
and Collins Circle, and from the north at the Civic Stadium Station and Fire Fighter's Park.
This is done by integrating the history of the community with its special natural and formal
(man-made) characteristics.

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.

Goose Hollow District Design Goals

The Goose Hollow District Design Goals are specific to the Goose Hollow District. These urban design goals and objectives are to:

- Enhance mixed-use, transit-oriented development around the light rail stations to make it a pedestrian-friendly station community.
- Provide open spaces to accommodate active public life.
- Strengthen connections to adjacent neighborhoods through light rail, bike and pedestrian access and assure a safe and pleasant bike/pedestrian environment.
- Preserve and enhance the community's history and architectural character.

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.

Findings: Basement access from the sidewalk is a common feature on buildings in

Central City. This is evident on the building immediately east of the subject site which contains a taller wrought iron fence around the basement stair. Replacing the existing metal railing with a 5'-0" tall wrought iron fence and gate will maintain the use of the basement while complementing the basement stair enclosure on the adjacent building. *These guidelines are therefore met*.

A7. Establish and Maintain a Sense of Urban Enclosure. Define public rights-of-way by creating and maintaining a sense of urban enclosure.

Findings: The building encompasses the entire property and is built on the lot lines. The replacement fence and gate will be in the same location as the existing rail and gate within the sidewalk. The basement stair fence and gate will continue to be located between the building and the public realm thus maintaining the sense of urban enclosure. *This guideline is 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. 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.
- **B1-1. Provide Human Scale to Buildings along Walkways.** Provide human scale and interest to buildings along sidewalks and walkways.
- **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.
- **B3.** Bridge Pedestrian Obstacles. Bridge across barriers and obstacles to pedestrian movement by connecting the pedestrian system with innovative, well-marked crossings and consistent sidewalk designs.
- **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: The new fence and gate will be located around an existing basement stair that projects 3'-0" from the building into the 18'-0" deep sidewalk. It will remain within the building frontage zone leaving 15'-0" clear and unobstructed for pedestrian use. The 5'-0" height is mitigated with an open work, transparent design. By using metal allows the fence elements (steel pickets and support bars) to all be less than 1" thick allowing for a lighter fence that is more pedestrian scaled than a solid, bulkier type. Maintaining the basement stair and coordinating the fence material and type provides for a coherent design that provides interest to the building and within the pedestrian system. *These guidelines are therefore met.*

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

Findings: The new fence & gate will be constructed of durable and long-lasting metal materials. Both will be comprised of ½" square steel pickets with ¾" steel horizontals and 1" square vertical supports. Woven wire mesh will be tack-welded to the inside of the gate and the western 3'-0" of the fence to prevent unlatching of the gate from the sidewalk. The fence will be anchored to the sidewalk while the gate latch will be secured to the lower portion of the building with a 1"x38" flat metal bar with three 5/8" hex head bolts with epoxy into the brick joints. This installation will ensure a sturdy fence and gate that can endure constant interactions that will likely occur at this public location. *This guideline is therefore 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.
- **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 fence and gate type, location and attachment complement the existing building providing a coherent design. The steel material and open work design matches the window bars located on the ground floor windows of this building and specifically on the windows immediately behind the fence. It will also be painted Onyx (black) to match the window bars. Anchoring the fence and gate to the sidewalk limits the attachments to the building to a 1" wide flat metal bar with three bolts into the brick joints. The bar will sit just below the curved plaster cornice below the window allowing this feature to maintain it's horizontal read that acts as a base for the building. The method of attachment allows the architectural integrity of the building to be maintained. *These guidelines are therefore 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 design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The replacement fence and gate complements the windows bars on the building and on the adjacent basement stair providing an integrated design as well as maintains a safe and clear pedestrian walkway. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a 5'-0" tall metal picket fence and gate with wire mesh per the approved site plans, Exhibits C-1 through C-7, signed and dated 6/18/08, 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.7. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-127640 DZ. No field changes allowed."

Decision rendered by: ______ on June 18, 2008

By authority of the Director of the Bureau of Development Services

Decision mailed: June 20, 2008

Staff Planner: Staci Monroe

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 May 8, 2008, and was determined to be complete on **May 19, 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 May 8, 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 July 7, 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 July 8, 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

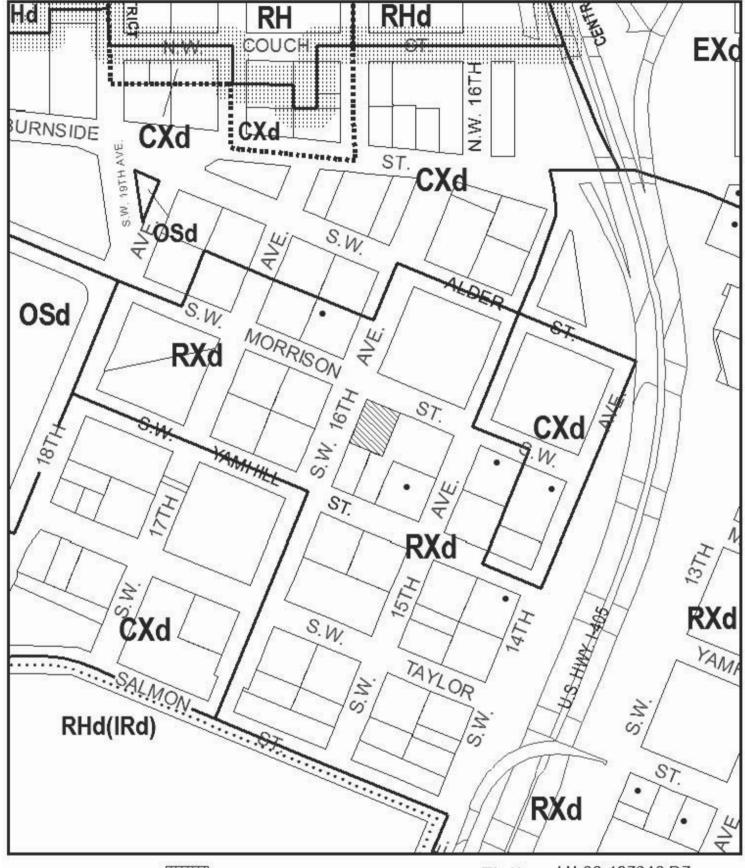
• All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. 1st & Basement Floor Plan
 - 3. Fence Detail & Elevations (attached)
 - 4. Photos of existing and adjacent fence
 - 5. North Building Elevation
 - 6. Onyx Paint Swatch
 - 7. Woven Wire Mesh Material
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Plan Review Section of BDS
- F. Correspondence: none
- G. 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

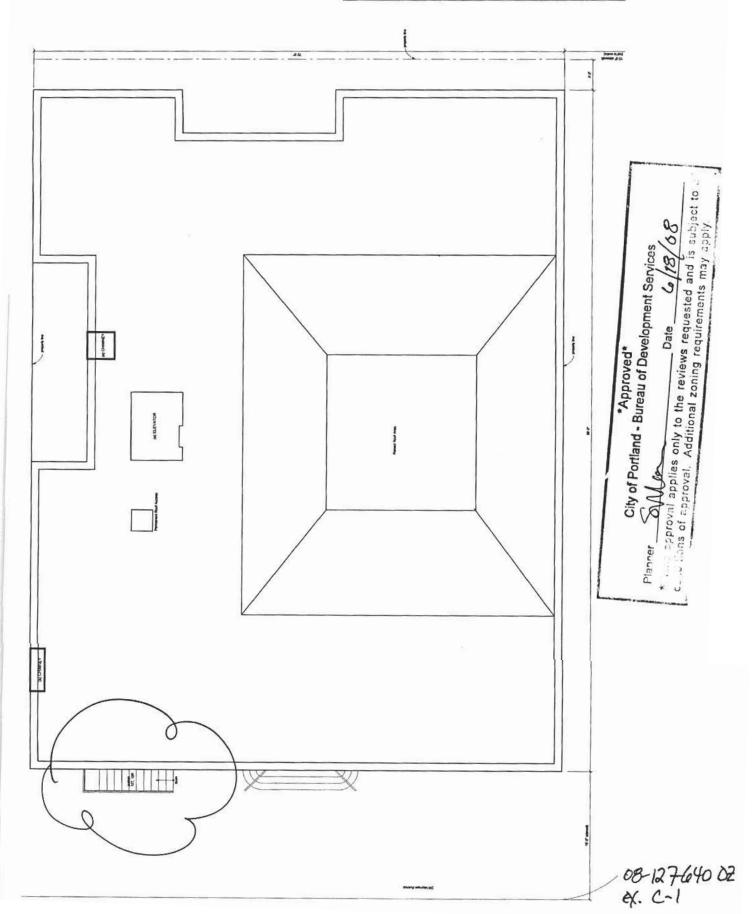


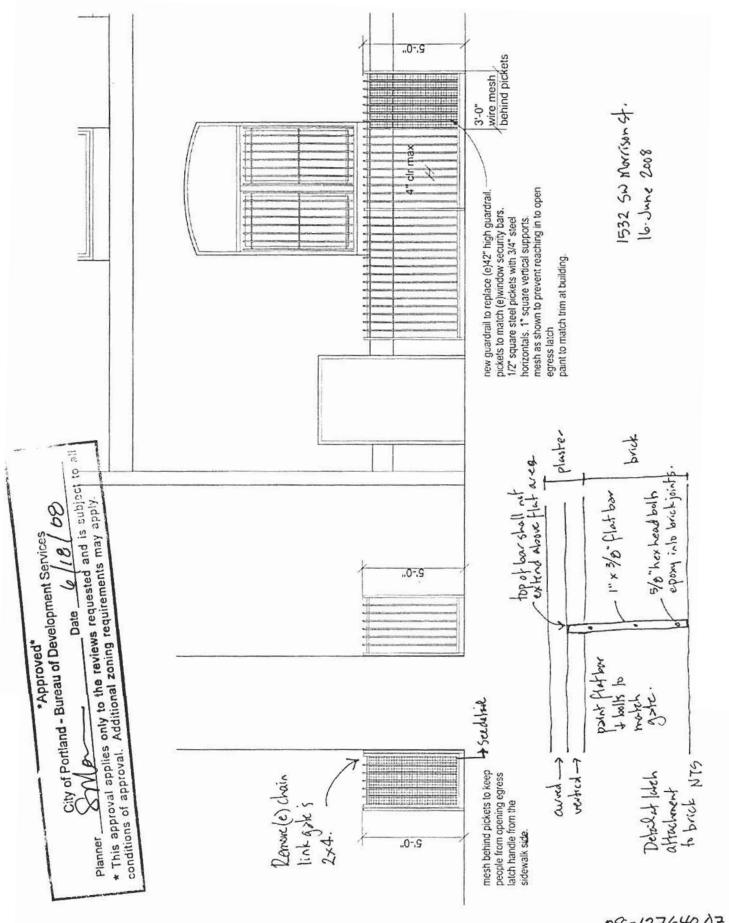
Historic Landmark



This site lies within the: CENTRAL CITY PLAN DISTRICT

LU 08-127640 DZ File No. _ 3028 1/4 Section 1 inch = 200 feet Scale. 1N1E33DC 1800 State Id В (May 14,2008) Exhibit.





08-127640DZ EX.C-3