



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: December 9, 2008
To: 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 08-164855 DZ – DESIGN REVIEW FOR NEW AWNINGS

GENERAL INFORMATION

Applicant: Cedar Sinai Park-Clay Tower (owner)
6125 SW Boundary St
Portland, OR 97221-1019

Representative: Larry Butcher (contractor), 503-226-2761
Rose City Awning
1638 NW Overton
Portland, OR
97209

Site Address: 1430 SW 12TH AVENUE

Legal Description: BLOCK 265 LOTS 3-6 S 20' OF LOT 7 N 30' OF W 1/2 OF LOT 7; S 10' OF W 1/2 OF LOT 8, PORTLAND

Tax Account No.: R667729450
State ID No.: 1S1E04AD 01700
Quarter Section: 3128
Neighborhood: Downtown Cmty Assoc., 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: RXd – Central Residential zone with a 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 for two new awnings along the ground floor of the east facade of the Clay Tower Apartment building as follows:

- Retail Tenant Awning - 22'-0.5" (l) x 1'-5" (h) x 4'-5" (d) with a 0'-6" tall valence.
- Building Entry Awning - 7'-11.5" (l) x 1'-5" (h) x 4'-5" (d) with a 0'-6" tall valence.

Both awnings will be brown sunbrella fabric wrapped around a 0'-1" x 0'-1" aluminum frame with a rigid valence. The awnings will be attached to the concrete wall above the door and tenant space with two z-brackets and bolts on each side. The existing signage above the entry door will be replaced with 0'-4" tall cream vinyl letters on the awning valence. No signage is proposed for the retail tenant awning.

Exterior alterations to existing buildings within the Design overlay zone of the 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

ANALYSIS

Site and Vicinity: The 240,000 square foot site is located along the north side of SW Clay between 11th and 12th Avenues. The 17 story residential building sits parallel with Clay with a small surface parking lot at the northwest corner of the site and a service/loading area along the northeastern portion of the building. Extensive, mature landscaping is found within the building setbacks along all three of its street frontages. Surrounding zoning is also RX (Central Residential) with similar high-rise residential development, such as The Benson and The Eliot.

Zoning: The "RX" (Central Residential) 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" (Design) 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 include the following:

- **PC 4485 (90-022712 LU):** A modification to Ordinance No. 118962, to change the use limitations for the C2 zone to allow office buildings with additional height.
- **PC 6102 (90-024352 LU):** A zone change to allow for residential building not to exceed 18 stories, subject to the Downtown Plan Review procedure and approval, FAR not to exceed that of the interim Density Plan.
- **07-174687 DZM:** Approval of a 2007 Design Review with modifications for new sun shades on all of the balconies on the south and west elevations, landscape improvements, bike parking, a monument sign and building lighting.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **October 22, 2008**.

The following Bureaus have responded with no issues or concerns:

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

The Plan Review Section of BDS 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.
- The vertical clearance from the public right-of-way to the lowest part of an awning, including valances, shall be 7 feet minimum. OSSC 3202.2.3
- Awnings, canopies, marquees and signs with less than 15 feet clearance above the sidewalk shall not extend into or occupy more than two-thirds the width of the sidewalk measured from the building. OSSC 3202.3.1

The Fire Bureau responded with the following comment (see Exhibit E-2 for additional details):

- The applicant will be required to meet NFPA, Chapter 13 regarding canopies. The requirement is that sprinklers be installed under exterior canopies. This would apply for canopies that exceed 4ft in width if they are of combustible construction. Sprinklers can be omitted if the canopy construction assembly is comprised totally of noncombustible or limited combustible materials and the area underneath is essentially restricted to pedestrian use. The reference to noncombustible and limited combustible construction applies to the entire canopy assembly and not just the exposed surface.
- The applicant shall contact the Fire Marshal's Office at 1300 SE Gideon Street to determine if a permit is required.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 22, 2008. One written response has been received from a notified property owner in response to the proposal.

- E. Paul Janssen, October 27, 2008, owner on adjacent property, concerns with the color of the fabric awning and that it not be too loud or be of an unusual color.

Staff Response: The color of the fabric awning was not indicated in the notice, however it is proposed to be brown to match the fabric shades recently approved on each of the balconies on the south and west elevations. Staff concludes that a matching awning color provides for a cohesive color scheme of the shade elements on the building.

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.

Findings: The addition of awnings at the ground level entries are common elements on mixed use buildings throughout the downtown area. The awnings announce the entries and highlight the retail aspect of the mixed use building as well as providing protection for pedestrians. The awnings proposed help to unify this building with other similar buildings in the district. *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. 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.

Findings: The addition of the awnings at the retail and tenant entries help to define building access for visitors thus reinforcing the pedestrian system. *This guideline is therefore 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.

Findings: Both awnings are located at entrances to a retail tenant space and to the building for the residences. Both awnings fully span both entries providing weather protection for those entering and exiting the building. *This guideline is therefore*

met.

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

Findings: The awning frames are comprised of a 0'-1" x 0'-1" thick aluminum tube, which is a durable yet light material that does not require excessive anchoring into the building beyond two z-brackets. The fabric cover is a Sunbrella material, which is known for its weather resistance that reduces fading and sheds water and is a quality long-lasting material that requires minimal maintenance. *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.

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: Both awnings are located on the walls of the residential balconies immediately above the two bays and extend the entire width of each bay. With their low pitch and full length they are scaled appropriately for the each wall and entry. Both awnings are of the same slope, height and depth providing a consistency in the only ground level awnings on the building. The brown sunbrella fabric material complements the brown roll-up sunshades previously approved on the west and south side residential balconies. The awnings have been integrated in to the design of the building resulting in a coherent composition. These guidelines are therefore 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: They help to further define the sidewalk level of the building by providing a strong horizontal element associated with pedestrians. This element provides a base to this façade of the building, which has a rather simple and consistent composition along its entire elevation. *This guideline is therefore 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: The awnings are located entirely on the property and do not encroach into the sidewalk or public right-of-way. *This guideline is therefore not applicable.*

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 proposed awnings are appropriately scaled with the wall area above the entries and match the sunshades previously approved on the west and south-facing balconies providing a coherent composition. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of an awning per the approved site plans, Exhibits C-1 through C-8, signed and dated 12/5/08, 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.8. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-164855 DZ. No field changes allowed."

Decision rendered by:  on December 5, 2008
By authority of the Director of the Bureau of Development Services

Decision mailed: December 9, 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 September 23, 2008, and was determined to be complete on **October 20, 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 23, 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 23, 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 24, 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. Awning Frame Details (attached)
 - 3. Awning Frame Section (attached)
 - 4. Awning Section & Connection Detail
 - 5. Partial East Building Elevation
 - 6. Partial Floor Plan
 - 7. Awning Fabric Sample (Sunbrella in Brown)
 - 8. Awning Photo Simulation
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Plan Review Section of BDS
 - 2. Fire Bureau
- F. Correspondence:
 - 1. E. Paul Janssen, October 27, 2008, owner on adjacent property, concerns with the color of the fabric awning and that it not be too loud or be of an unusual color.
- 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

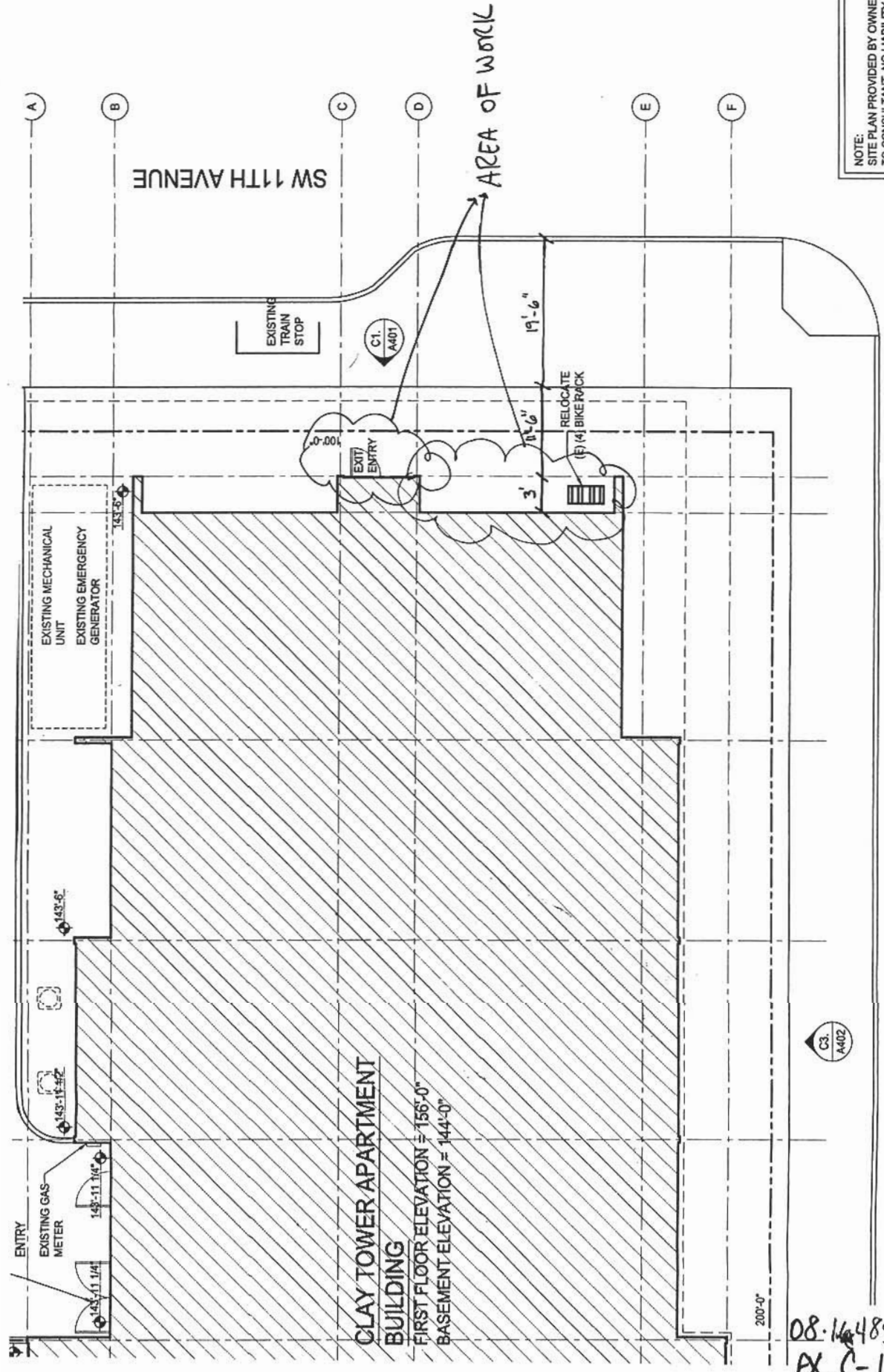
File No.	LU 08-164855 DZ
1/4 Section	3128
Scale	1 inch = 200 feet
State_Id	1S1E04AD 1700
Exhibit	B (Sep 25, 2008)

Approved
City of Portland - Bureau of Development Services

Planned by *SWM* Date *12/5/08*

Applies only to the reviews requested and is subject to the applicable zoning requirements that may apply.

★ This plan is subject to the applicable zoning requirements that may apply.

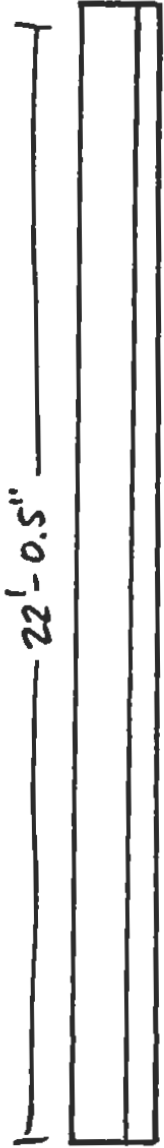


NOTE:
SITE PLAN PROVIDED BY OWNER
TO CONSULTANT. NO LIABILITY FOR
THE ACCURACY OF THE PLAN WILL
BE ASSUMED BY CONSULTANTS.

08-1648550Z
EX. C-1

1/4" = 1'-0"

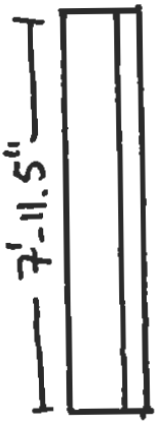
RETAIL TENANT AWNING



1'-5"
0'-4"

Approved
 City of Portland - Bureau of Development Services
 Planner: *JM* Date: 12/5/08
 * This approval applies only to the reviews requested and is subject to the conditions of approval. Additional zoning requirements may apply.

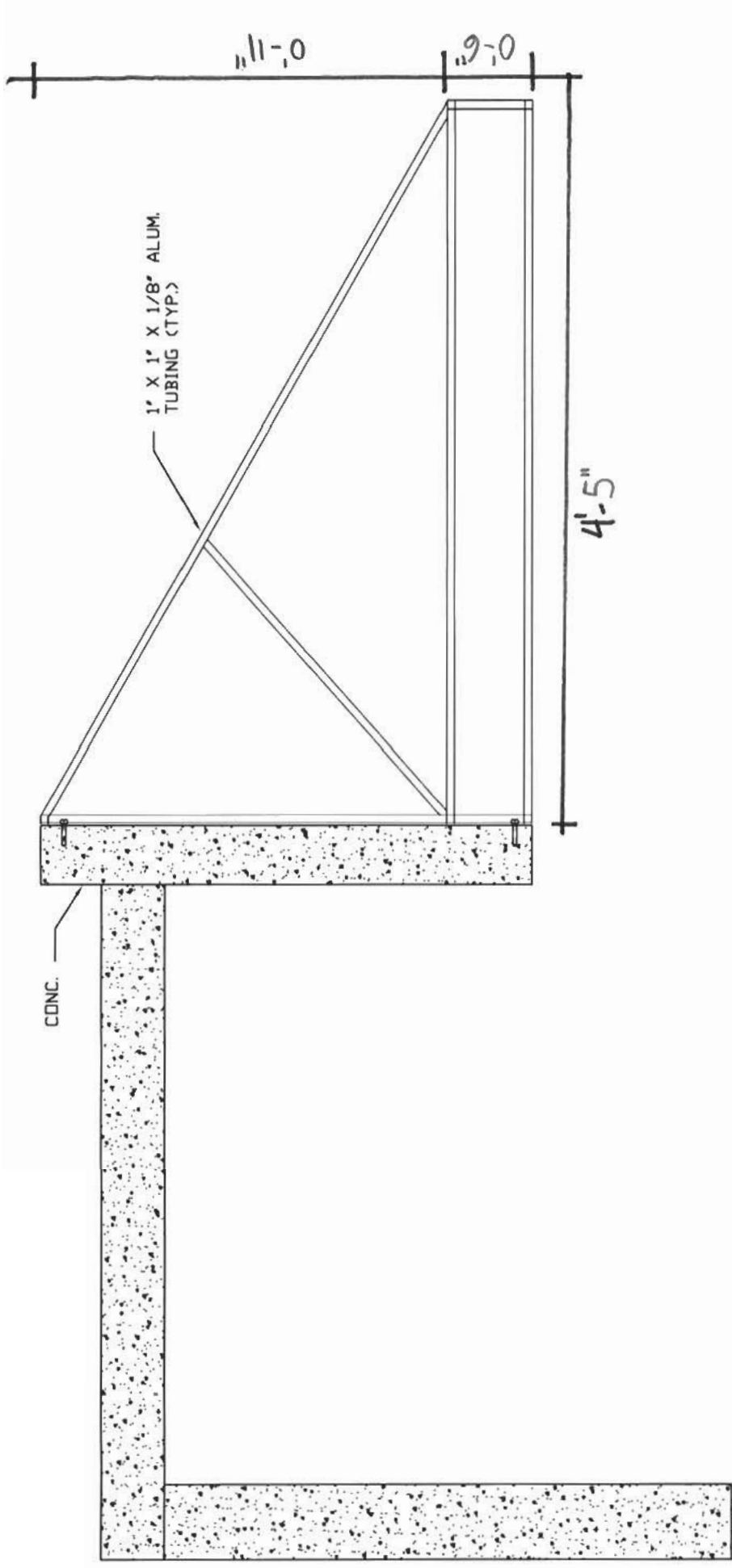
BUILDING ENTRY AWNING



1'-5"
0'-4"

#2

08.164855 DZ
EXC-2



AWNING FRAME
SECT. @ WINDOW

N.T.S.

City of Portland - Bureau of Development Services
 Approved*
 Planner *S. Ma* Date 12/15/68

CLAY TOWERS
 1430 SW 12TH AVE.
 PORTLAND, OR 97205

GLASS e STOREFRONT

08-164855 DZ.
 EX. C-3