



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: September 9, 2008
To: Interested Person
From: Chris Beanes, Land Use Services
503-823-7983 / chris.beanes@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 08-145228 DZ, JEFFREY APARTMENTS
FACADE ALTERATIONS**

Applicant: Gunnar Langhus, Architect 503-245-7100
Ankrom Moisan Architects
6720 SW Macadam
Portland OR, 97219

Applicant: The Jeffrey Apartments L.P.
1 SW Columbia St #950
Portland, OR 97258-2010

Site Address: 1201 SW 11th Avenue

Legal Description: BLOCK 262&263 TL 5500, PORTLAND
Tax Account No.: R667729160
State ID No.: 1S1E04AA 05500
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 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 alterations to the north and east transom bands of the previously approved Jeffrey Apartments, processed under LU 06-185191 DZ. The revisions include the following:

North Elevation:

- 2 new louvers and 4 overflow scuppers. The applicant is also proposing replacement of 2 sets of double doors with 2 single doors.

East Elevation:

- 2 new louvers, 2 overflow scuppers, and a metal panel.

Because the proposal is for exterior alterations to a building within a design overlay, Design Review is required.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines
- Design Overlay Zone

ANALYSIS

Site and Vicinity: The site is located within the Downtown Sub-District of the Central City Plan District, in an area further distinguished as the West End Sub-Area. The West End extends from SW 9th Avenue, west to I-405, and from the northern edge of Portland State University's campus at SW Market, north to West Burnside Street. The site fronts SW 11th Avenue and is adjacent to the Martha Washington building. Directly to the south of the site are 1920's apartment structures, including the Jefferson West low-income housing building. The area to the west of the site is occupied by an early 1980's high-rise apartment building and two wood constructed, single-family residential buildings. Across SW 11th Avenue from the site are the St. Francis Apartments, a Housing Authority of Portland project, and mixed-use developments, Madison Place and the Eliot Tower. Further to the east are the Historic Portland Art Museum and Masonic Temple, with the Robert Evan Sculpture Court between the two buildings. In general, the surrounding area is a mix of residential, commercial, institutional, community service, and open space uses. The buildings varying in height, mass and age. The site is easily accessible by public transit and is located on the southbound streetcar line on SW 11th Avenue. The site also aligns with and essentially terminates the vacated portion of Madison Street between SW 10th and 11th Avenues, which is now a pedestrian-way. SW 11th Avenue is a designated Traffic Access Street, a Transit Access Street, and a Central City Transit/Pedestrian Street. The site is located within the Downtown Pedestrian District.

Zoning: The Central Residential (RX) zone 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 design (d) overlay zone 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 that prior land use reviews include the following:

- LUR 00-007302 DZM (reference file # 00-00747): Approval of a one-story, 2,034 square-foot addition to an existing 6,754 square foot office building, and approval of modification for a reduced drive aisle from 24'-0" to 20'-0."
- LUR 00-00762 NU, NE: Approval of Nonconforming Status of Surface Parking Lot and Nonconforming Expansion of a one story, 2,034 square foot addition to an existing 6,754 square foot office building.
- LU 06-185191 DZM AD: Design review approval of a 6-story mixed-use affordable housing project that consists of 80 residential units with 3,777 square feet of office at the ground floor level. The proposal will also include one surface loading space on the north end of the property.

- LU 07-164554 DZ: Design review approval of exterior alterations to an adjacent building (the Martha Washington Building) as well as alterations to the previously approved courtyard between the Martha Washington Building and The Jeffrey.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **July 28, 2008**. The following Bureaus have responded with no issues or concerns:

- Portland Fire & Rescue;
- Portland Water Bureau;
- Urban Forestry Division of Portland Parks & Recreation;
- Bureau of Transportation Engineering & Development Review.

The Site Development Section of the Bureau of Development Services responded in TRACS with the following comment: “Revised plans must be submitted for review by BDS Commercial Plumbing Section regarding changes to scuppers.”

The Bureau of Environmental Services responded in TRACS with the following comment: “BES has no objections to the proposed project. Further development of the property would be subject to the Bureau of Environmental Services' standards and requirements during the building plan review process.”

The Life Safety (Building Code) Section of the Bureau of Development Services responded with the following comment: “Based on the information provided, there appears to be no conflicts between this proposal and applicable building codes for the purpose of obtaining an LU approval. A 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.” *Please see Exhibit E.1 for additional details.*

Neighborhood Review: A “Notice of Proposal in Your Neighborhood” was mailed on **July 28, 2008**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site’s location, the applicable design guidelines are the Central City Fundamental Design Guidelines.

Central City Plan 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 Fundamental Design Goals

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 only addressed those guidelines considered applicable to this project.

A8. Contribute to a Vibrant Streetscape. Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

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.

Findings: The proposed louvers, scuppers, and revised doorways are consistent with the exterior architectural design of the larger Jeffrey project, as reviewed and approved by the Design Commission in 2007. Along the street-facing (east) building elevation, two new louvers will be installed within the cementitious composite paneled areas above the southernmost storefront system. In addition, two overflow scuppers will be installed above this storefront, and an approximately 4'x4' metal panel will be installed next to the double doors within the storefront system. The louvers will be located approximately 12' above the adjacent sidewalk and measure approximately 2' wide by 1' tall.

At the building's north elevation, which fronts onto a plaza, one set of previously approved double doors will be replaced with a single door and sidelite. The other previously approved double doors at this elevation have been removed from the plans and an additional single door will be added within the cementitious composite panel system at this elevation. Additionally, two new louvers and four overflow scuppers will be installed within the metal panel system above the ground level. These louvers are the same size as those proposed at the east elevation, and again, will be located approximately 12' above the adjacent grade.

Thus, the addition of the louvers at the east building elevation will still provide large

pedestrian-oriented windows, which maintain the vibrancy and scale of the previously approved street- and plaza-facing walls of the project. Furthermore, the placement of the louvers well above sidewalk level will keep mechanical equipment placed behind the louvers from detracting from the pedestrian environment. *Therefore, these guidelines are met.*

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

C3. Respect Architectural Integrity. Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

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 for C2, C3, and C5: The ground level north and east building facades are developed with glazed aluminum storefront systems and cementitious composite panels. The proposed louvers and scuppers will be installed within the area of the ground floor system, below the change in exterior materials at the residential floors above. The louvers will be placed in an orderly manner on each elevation. Given the high clearance between the lowest point of any individual louver and the adjacent sidewalk, at approximately 12', any individual louver will not obstruct the coherency of the storefront systems below.

The proposed louvers and scuppers have been designed to match the materials and color palette of the previously approved building. Similarly, the new doorways along the north elevation, abutting the plaza, are consistent in design and materials with existing door conditions elsewhere on the building. The new single door and side lite will be fully glazed and the additional single metal door that matches previously approved metal doors at this elevation. *Therefore, these guidelines are met.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The 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 proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of the following revisions to the Jeffrey Apartments façade:

Along the north elevation:

- 2 new louvers and 4 overflow scuppers. The applicant is also proposing replacement of 2 sets of double doors with 2 single doors; and

Along the east elevation:

- 2 new louvers, 2 overflow scuppers, and a metal panel.

Approval per the approved site plans, Exhibits C-1 through C-3, signed and dated September 5, 2008, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-145228 DZ. No field changes allowed."

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

Decision mailed: September 9, 2008

Staff Planner: Chris Beanes

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 July 11, 2008, and was determined to be complete on **July 23, 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 July 11, 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 September 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 **September 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:

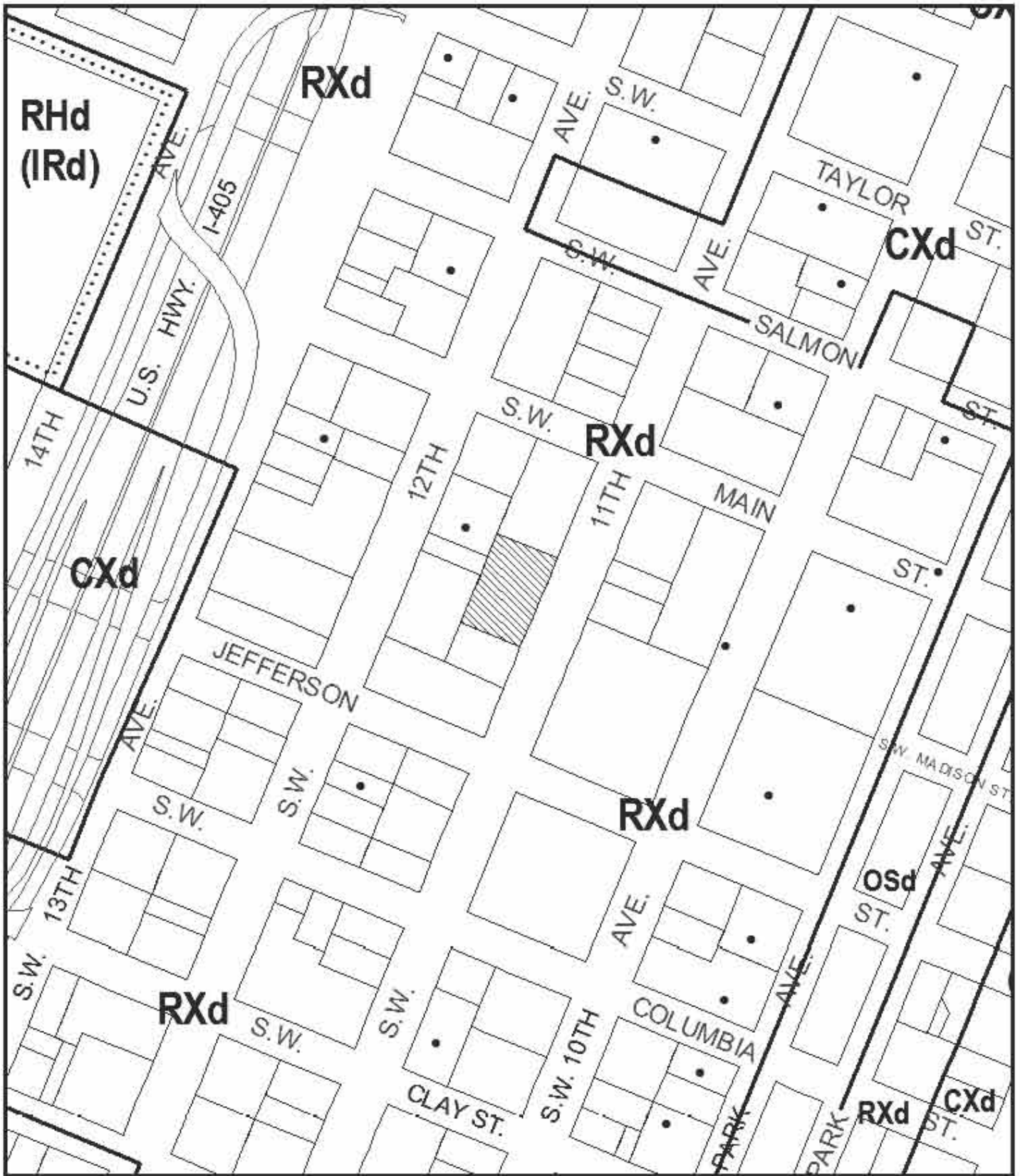
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED


- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. East Elevation (attached)
 - 3. North Elevation (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Site Development Review Section of BDS
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. 11x17 Color Renderings

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 08-145228 DZ
1/4 Section	3128
Scale	1 inch = 200 feet
State_Id	1S1E04AA 5500
Exhibit	B (Jul 18, 2008)

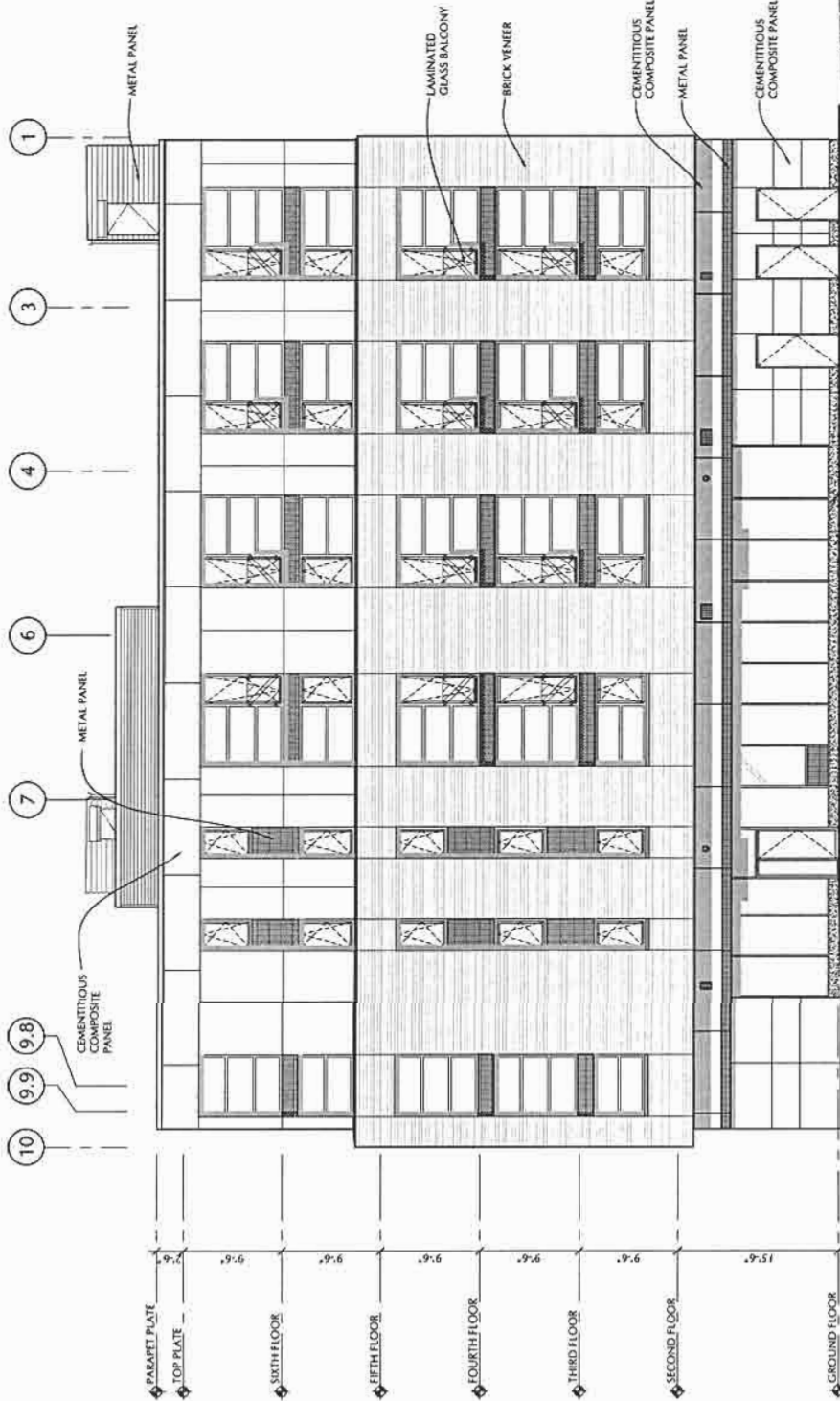


* Approved
 City of Portland - Bureau of Development Services
 Planner: *[Signature]* Date: 9/5/08
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

EAST ELEVATION
 1/16" = 1'-0"

1
 DR-02

LU08-145228DZ
 Exhibit C.2



CONCEPT APPROVED*
 City of Portland - Bureau of Development Services
 Planner: *[Signature]* Date: 9/5/08
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

NORTH ELEVATION
 1/16" = 1'-0"

1
 DR-03

LU # 08-145228 D2
 Exhibit C.3