

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

Date: September 19, 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 08-145989 DZ - DESIGN REVIEW FOR CANOPY, LIGHTS AND STOREFRONT ALTERATIONS

GENERAL INFORMATION

Applicant: Jason Stegner (contractor)

Walsh Construction Co. 2905 SW First Ave Portland OR 97201

Janet Graaff (owner) Stancorp Real Estate LLC One SW Colombia #300 Portland, OR 97258

Representative: Breese Watson (architect), 503-227-4860

Hennebery Eddy Architects 921 SW Washington #250

Portland OR 97205

Site Address: 1009 SW 6TH AVENUE

Legal Description: LOT 1-4 BLOCK 182, PORTLAND

Tax Account No.: R667718690 **State ID No.:** 1S1E03BB 02500

Quarter Section: 3129

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 - Downtown

Zoning: CXd – Central Commercial zone 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 for new glass awnings and lighting along the east façade of the Sixth Avenue Garage. The proposal includes removal of the continuous barrel vaulted awning that extents along the entire east elevation. Portions of the tube-steel support structure will remain, be refurbished, and incorporated in the new awning design. The center of the frame in front of the garage entrance will be removed and the ends would be flush finished. The new awning consists of new glass canopies on portion of the façade that coincide with ground level tenant entries and outdoor seating areas along SW 6th Avenue. LED lighting is also proposed to be concealed in the upper awning frame to wash the street level structural columns with light.

Also included in the proposal is to close off an existing alcove within the ground floor just south of northeast corner tenant (Starbuck's). The alcove has been used for illicit activities in the recent past due to its size, weather protection, and accessibility. The applicant proposes an aluminum storefront in dark bronze to match the adjacent storefront system. Opaque glass will be used and louvered vents will be located in the upper transoms to allow the required ventilation. A matching access door will be placed just south of the column to allow for vent maintenance.

Exterior alterations to existing development within the Central City Plan District and Design overlay zone 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 site contains a nine-story parking garage with ground-floor retail. The garage occupies the eastern half of the block bounded by SW 6th Avenue, Salmon Street, Broadway, and Main Street. The garage was constructed in 1963. Current ground-floor retail tenants include McDonald's restaurant, Joe Brown Caramel Corn, and Starbucks Coffee.

According to the City of Portland's *Transportation System Plan*, SW 6th Avenue at this location is classified as a Regional Transitway/Major Transit Priority Street, Local Service Bikeway, and Community Main Street. SW Salmon Street is a designated Transit Access Street and Local Service Bikeway. SW Main Street is classified as a City Bikeway. The site is located in the Downtown Pedestrian District. When transit mall renovations are completed in 2009, several Tri-Met bus routes and MAX light rail will run along SW 6th Avenue in front of the site.

Zoning: The <u>Central Commercial CX zone</u> 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.

The <u>Design "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.

Land Use History: City records indicate that prior land use reviews include the following:

- CU 080-61: Approval for facilities, repair shop and off-street parking for a rental car business.
- CU 016-71: Approval with conditions for auto rental agency use.
- DZ 24-79: Approval of exterior renovation.

- DZ 41-83: Approval for construction of McDonald's restaurant.
- DZ 79-83: Approval for demolition of rental car office/storefront & construction of new storefront.
- DZ 44-85: Approval of mechanical work for venting ovens at A Pizza The Pie.
- LUR 91-008464 DZ (reference file # 91-00210): Approval with conditions for a soil vacuum remedial system in order to decommission 2 underground storage tanks to conform with DEQ requirements.
- LUR 94-010946 DZ (reference file # 94-00044): Approval with condition for premanufactured equipment shelter and antennas.
- LUR 98-016244 DZ (reference file # 98-00938): Approval with condition for four panel antennas and two GPS antennas flush-mounted to façade.
- LUR 98-016330 DZ (reference file # 98-01024): Approval for re-location of existing cell antennas.
- LUR 99-016611 DZ (reference file # 99-00206): Approval for commercial tenant improvement with 170.5-square-foot addition and minor alteration to exterior walls
- LUR 00-006882 DZ (reference file # 99-00-00327): Approval with condition for nine antennas flush-mounted with radio transmitter equipment.
- LU 04-067811 DZ: Approval for three antennas flush-mounted on façade.
- LU 06-123106 DZ: Approval for two panel antennas flush-mounted on façade.
- LU 07-163010 DZ: Approval for 2 panel antennas (one on the south and one on the east façade), one microwave dish and one GPS unit.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **July 30, 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):

- 1. 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.
- 2. A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes, ordinances and accepted engineering practices. 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.
- 3. 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
- 4. 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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 30, 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

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 infill storefront helps to unify the storefront system along the entire ground floor of the garage building. In addition, similar to other buildings in the downtown pedestrian district, the large canopy provides protection and shelter in the right-of-way. *These quidelines are therefore met.*

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

Findings: The proposed canopy alterations will utilize the steel frame of the existing awning. The fabric barrel awning will be removed as will portions of the steel frame in front of the garage entrance. The remaining steel frame will be painted and used to support the new glass canopies above the storefronts and pedestrian entrances. *This guideline is 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.
- **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.

Findings: The new storefront fills in a recessed alcove creating a continuous ground level storefront which provides a greater sense of urban enclosure along the garage's base. This small space cannot be occupied by a tenant due to it size and garage ventilation purposes. Although the glass in the new storefront is opaque the introduction of the actual storefront helps to provide a physical connection with the building and the streetscape. *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.
- **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.
- **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: All elements of the proposal enhance and protect the pedestrian system. The LED lighting at the five columns along the ground level provides night illumination of the sidewalk for pedestrian safety and adds interest by highlighting the structural columns of the building. The new storefront screens the large ground level vent by enclosing it with a storefront and providing a vent in the upper transoms away from the pedestrian environment. The new glass canopies are located specifically at the pedestrian entrances and outdoor seating area to provide protection from the weather elements. The transparency of the glass allows natural light to meet the sidewalk unlike the previous less translucent awning creating a more pleasant and well lit environment. *These guidelines have been met.*

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

Findings: All elements of the proposal include quality materials that promote permanence. The glass canopies to replace the vinyl framed awning is much more durable and a long lasting material that require minimal maintenance. The LED fixtures are comprised of a heavy duty aluminum housing, has extended lamp lumen output beyond that of a typical light fixture and uses less electricity. The infill storefront matches the durable aluminum system of the existing system along the ground level facade. *This guideline has therefore been 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: All three elements of this proposal complement the architecture and features of the existing garage structure. The infill storefront will match the existing aluminum bronze finish storefront on the ground level. The horizontal mullions will line up the adjacent system and the window dimensions will be comparable as well. This infill will provide for a cohesive storefront along the entire base.

Modifications to the 9'-0" deep steel frame include removing the center the portion above the garage and welding an inset flush plate on the end of the beams for a seamless finish. The break in the frame aligns with the structural columns and center of the building which provides some relief from the continuous horizontality of this ramped garage. Limiting the frame to locations above the storefronts only helps to emphasis the non vehicle aspects of this parking garage. The new glass canopies will sit atop the steel frame and project 0'-11" beyond its edge into the right-of-way. The glass locations on the frame correspond to pedestrian and tenant entries as well as outdoor seating area resulting in a coherent ground level composition.

The LED light fixtures will highlight the building's structural columns at the ground level providing interest and detail to this simple structure. The installation up in the steel awning frame will conceal the fixture itself and all associated conduit for a clean appearance.

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.
- **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 steel tube awning frame is an existing encroachment in to the pedestrian walkway. Retaining the frame and adding new glass canopies continues to enhance the pedestrian environment by providing a shelter from the weather while the new transparent glass canopies are unobtrusive and allow light down to the sidewalk. The awning also continues to distinguish the ground, sidewalk level of the building from the upper floors. *These guidelines are therefore met.*

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.

Findings: The LED light fixtures and all associated conduit will be concealed in the upper steel canopy frame. They will be directed towards the building's structural columns washing them with light and casting illumination down towards the sidewalk. This type of lighting and installation will highlight the structural columns along the base of the building, have no impacts on the nighttime skyline and provide for a safer, well-lit pedestrian environment. *This guideline is 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 canopy, lights and storefront alterations proposed result in a coherent composition and accentuate the non-vehicle areas and uses of the building. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of the canopy, lighting and storefront alterations per the approved site plans, Exhibits C-1 through C-6, signed and dated 9/17/08, 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.6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-145989 DZ. No field changes allowed."

Decision rendered by: ______ on September 17, 2008

By authority of the Director of the Bureau of Development Services

Decision mailed: September 19, 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 July 15, 2008, and was determined to be complete on **July 28, 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 15, 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 waived the 120-day review period (see Exhibit G.3).

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this

information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed by 4:30 PM on October 3, 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 October 6, 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.

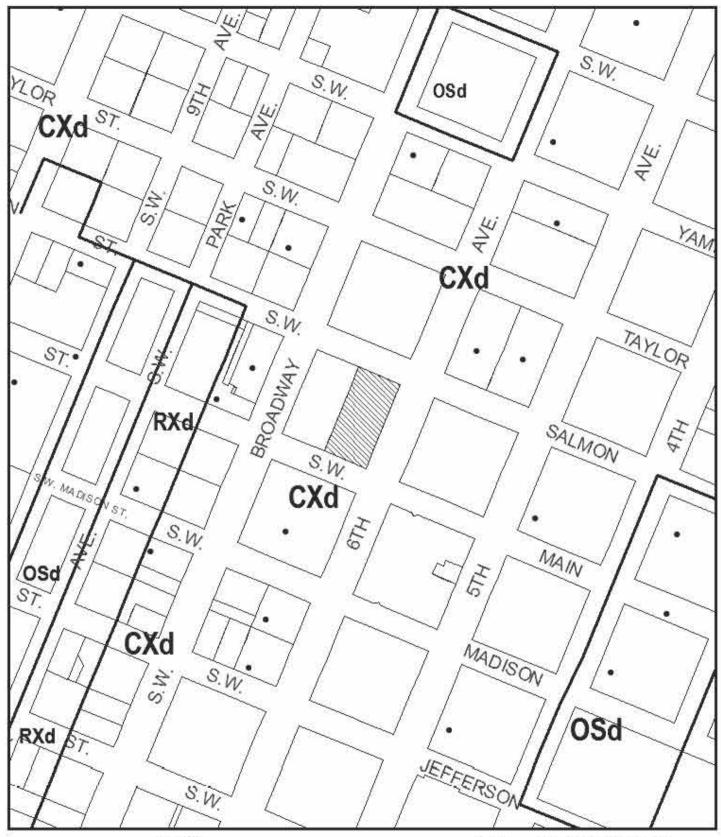
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Enlarged Site Plan & Elevation (attached)
 - 3. West Elevation (attached)
 - 4. Storefront Infill Details
 - 5. Canopy Details
 - 6. Light Fixture Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Plan Review Section of BDS

- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. 120-Day Waiver

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 08-145989 DZ

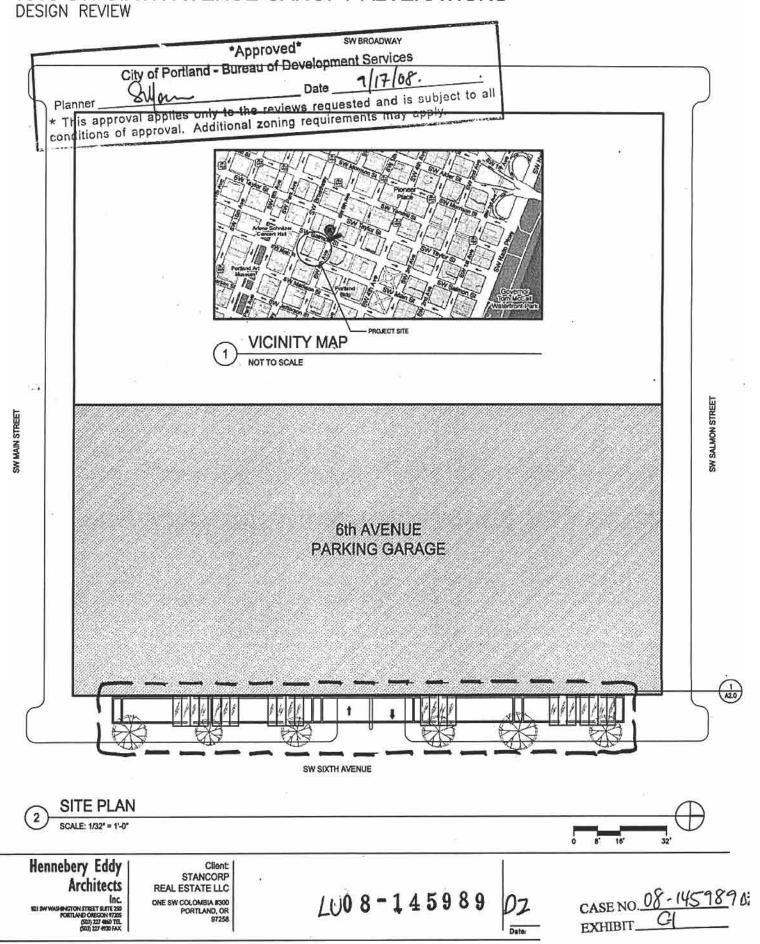
1/4 Section 3129

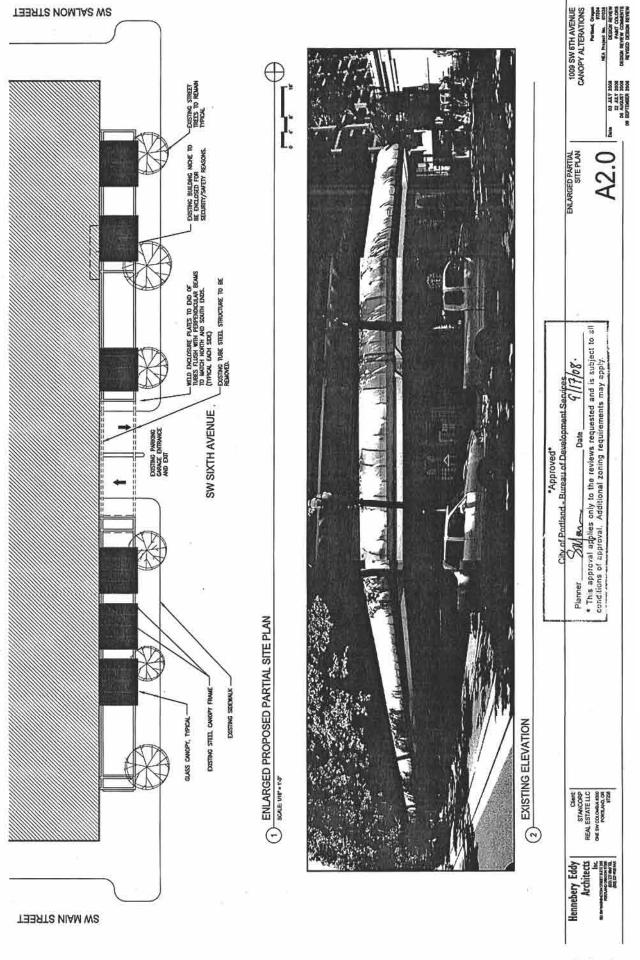
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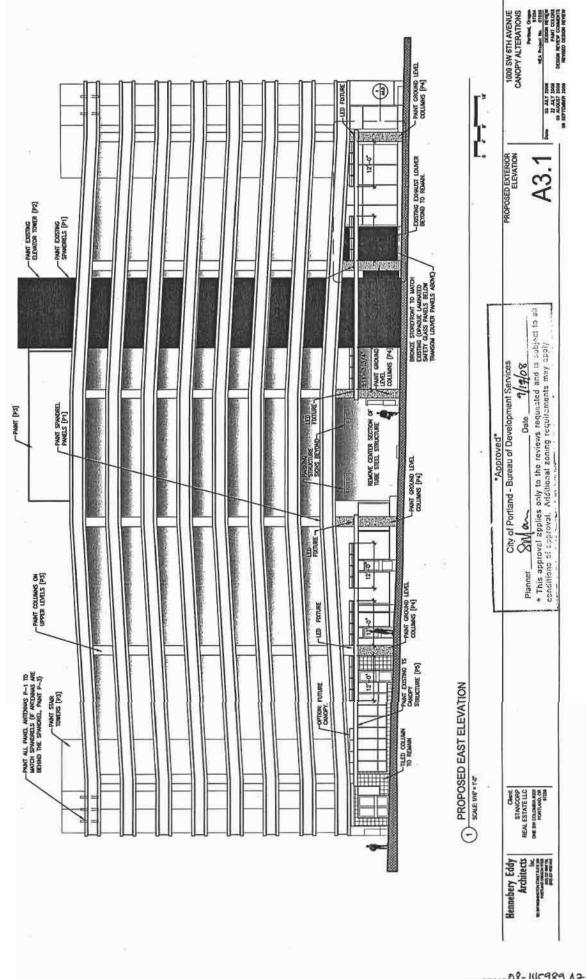
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Exhibit B (Jul 17,2008)

1009 SW SIXTH AVENUE CANOPY ALTERATIONS







CASE NO. 08-145989 02 EXHIBIT C-3