



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

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Date: March 25, 2015
To: Interested Person
From: Gina Tynan, Land Use Services
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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 mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 14-243759 DZ - EXTERIOR SECURITY GATE AT FREIGHT ELEVATOR ALCOVE

GENERAL INFORMATION

Applicant: Centurylink / 421 SW Oak Street / Portland OR 97204-1817
Representative: Jeff Wright / MCA Architects
813 SW Alder Street / Portland OR 97205
Site Address: 735 SW STARK ST
Legal Description: BLOCK 85 LOT 16&17 DEPT OF REVENUE, PORTLAND
Tax Account No.: R667708820
State ID No.: 1N1E34CC 03300
Quarter Section: 3029
Neighborhood: Portland Downtown, contact Rani Boyle at 503-725-9979.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - Downtown
Zoning: CXd, Central Commercial with Design Overlay Zone
Case Type: DZ, Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicants request Design Review approval for new exterior alterations. The proposed exterior alteration is limited to installation of a two-door wrought iron security gate to enclose the existing alcove at the location of the freight elevator on the west building elevation along SW Park Avenue. The new gate will be painted to match the existing storefront window frames and louvers of the building. Design Review is required for exterior alterations in the 'd' Design overlay.

Relevant Approval Criteria:

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

- Chapter 33.825 Design Review
- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The subject property is located at the intersection of SW Stark Street and SW Park Avenue in the Central City Plan Area. It is a modern concrete panel and glass addition to the 1914 Beaux-Arts style building, a registered historic landmark, at 310 SW Park Avenue. The two buildings are joined internally along the SW Park Avenue elevation. However, due to the stark contrast in architectural styles, the addition reads as a separate building at street-level. SW Park Avenue is a designated City Walkway within the Central City Pedestrian District. SW Stark and SW Oak Streets are Traffic Access Streets in the Central City Transportation Master Plan.

Zoning: The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The '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. 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:

- DZ 47-88 Design Review approval of a satellite dish;
- DZ 107-88 Design Review approval of replacement of windows and sash;
- LUR 92-00178 DZ Design Review approval of new satellite dish and relocation of an existing dish;
- LUR 99-00286 DZ Design Review approval to replace four exterior windows with louvers;
- LU 03-122752 DZ Design Review approval to replace ten exterior windows on the fourth floor with louvers; and
- LU 04-010186 HDZ Historic Design Review approval to replace twenty-eight windows with louvers on the third, fifth, eighth, and ninth floors at the west and south facades at the subject site and replacement of one exterior window with a louver on the east façade of the Historic Building at 310 SW Stark.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **February 12, 2015**. The following Bureaus have responded with no issues or concerns:

- Site Development Section of BDS

The Bureau of Transportation Engineering responded to the proposal with the comment that approval of an encroachment permit to allow the proposed door-swing of the north half of the security gate into the right-of way will be required prior to issuance of a building permit. There were no other issues or concerns.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 12, 2015. 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 Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City.

The Central City Fundamental 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 all of the 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.

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.

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 for C2, C3, C4 and C5: The proposed security gate and framing will be wrought iron, painted to match the louvers and window surrounds of the existing building façade. The design of the gate is simple and will not detract from the existing architectural features; its height will be consistent with the adjacent pedestrian entrance on the west building elevation. The gate will enclose an existing freight elevator alcove to provide increased security at the site and will enhance the appearance of the alcove by incorporating durable and long-lasting materials at the street façade that complement the existing architectural details. The design and materials will match those of the existing window framing system to respect the architectural integrity of the original building design. *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

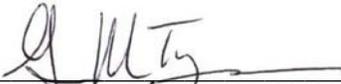
The proposed security doors are well integrated with the existing building façade, match the color, scale and materials of the existing window framing system and respect the architectural integrity of the original building design. The design review process exists to promote the conservation, enhancement, 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 a two-door wrought iron security gate to enclose the existing alcove at the location of the freight elevator on the west building elevation along SW Park Avenue in the Central City Plan District, per the approved site plans, Exhibits C-1 through C-2, signed and dated March 18, 2015, 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.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-243759 DZ. No field changes allowed."

Staff Planner: Gina Tynan

Decision rendered by:  **on March 20, 2015.**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 25, 2015

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 December 1, 2014, and was determined to be complete on **January 29, 2015.**

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 December 1, 2014.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: May 29, 2015.**

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 April 8, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 **April 9, 2015 – (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.

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 | E. Agency Responses (None) |
| B. Zoning Map (attached) | F. Letters (None) |
| C. Plans/Drawings: | G. Other: |
| 1. Site Plan (attached) | 1. Original LU Application |
| 2. Elevation (attached) | 2. Incomplete Letter, dated December 16, 2014 |
| D. Notification information: | |
| 1. Mailing list | |
| 2. Mailed notice | |

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



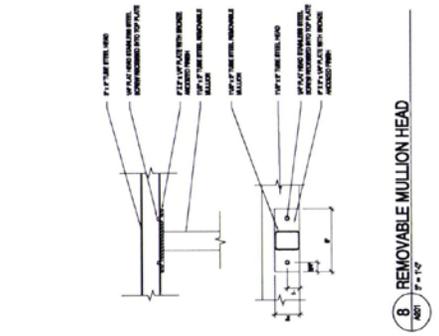
ZONING

-  Site
-  Also Owned
-  Historic Landmark

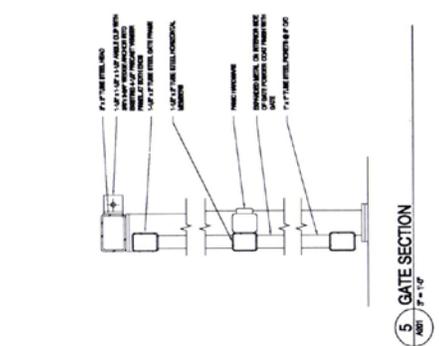


This site lies within the:
CENTRAL CITY PLAN DISTRICT
DOWNTOWN SUBDISTRICT

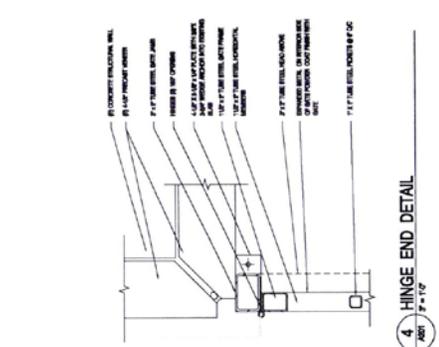
File No. LU 14-243759 DZ
 1/4 Section 3029
 Scale 1 inch = 200 feet
 State_Id 1N1E34CC 3300
 Exhibit B (Dec 03.2014)



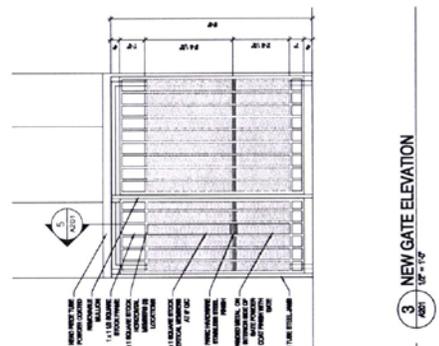
1 PARTIAL FLOOR PLAN
1/8" = 1'-0"



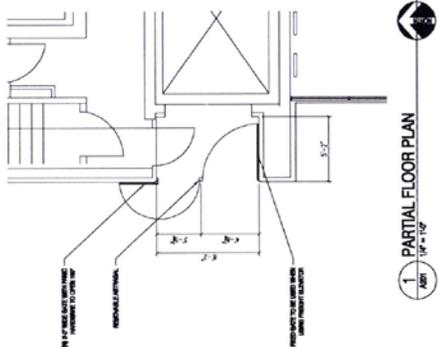
2 NEW GATE ELEVATION
3/8" = 1'-0"



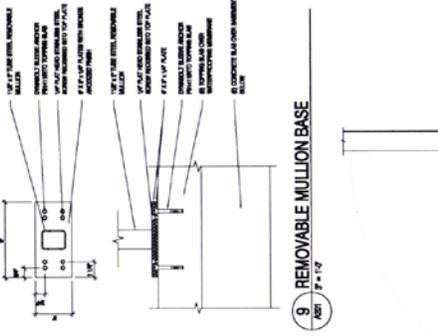
3 HINGE END DETAIL
3/8" = 1'-0"



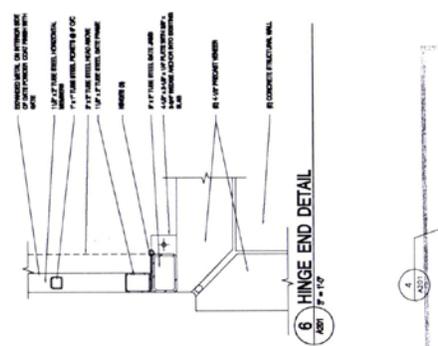
4 GATE SECTION
3/8" = 1'-0"



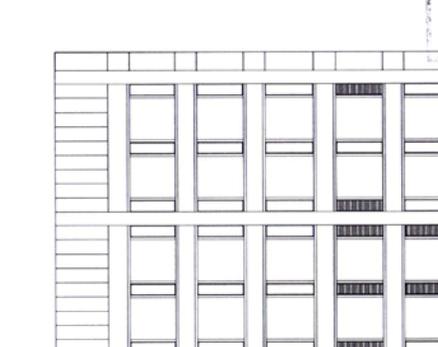
5 REMOVABLE MULLION HEAD
3/8" = 1'-0"



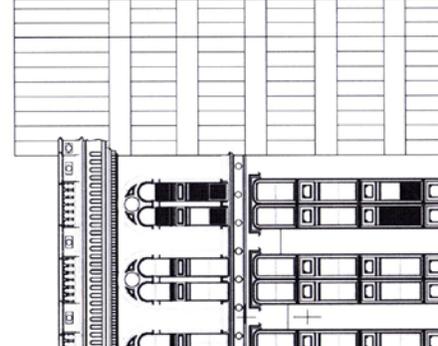
6 HINGE END DETAIL
3/8" = 1'-0"



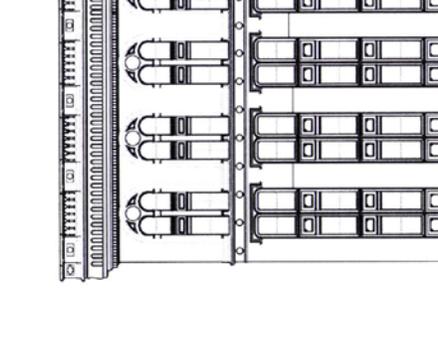
7 GATE PLAN
3/8" = 1'-0"



8 REMOVABLE MULLION BASE
3/8" = 1'-0"



9 HINGE END DETAIL
3/8" = 1'-0"



10 WEST ELEVATION
1/8" = 1'-0"

*** Approved**
City of Portland
Bureau of Development Services
Planner: *J. Tynen*
Date: *3/20/15*

** This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.*

MCA
MECHANICAL CONTRACTORS ASSOCIATION
1000 NE 10TH AVE, SUITE 100
PORTLAND, OREGON 97232
PHONE: 503.222.4000
FAX: 503.222.4004

PROJECT NO.: 14000001
DATE: 03/27/14