



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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www.portlandoregon.gov/bds

Date: August 8, 2016
To: Interested Person
From: Puja Bhutani, Land Use Services
503-823-7226 / Puja.Bhutani@portlandoregon.gov

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 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 16-153315 DZ – NEW WINDOWS

GENERAL INFORMATION

Applicant: Chris Tinnin
Portland State University, Capital Projects & Construction
617 SW Montgomery Street, Suite 302
Portland, OR 97201

Site Address: 1900 SW 4th Avenue

Legal Description: GENERAL COMMON ELEMENTS, URBAN CENTER CONDOMINIUM
Tax Account No.: R852300010
State ID No.: 1S1E03CB 90000
Quarter Section: 3229
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, South Auditorium Plan District- Downtown Subdistrict;
Halprin Open Space Sequence Historic District
Zoning: CXd, Central Commercial with Design Overlay
Case Type: DZ, Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant is proposing to add two new windows, 48" x 60", on the north elevation of the Portland State University's Fourth Avenue building. The new windows will match existing windows on that elevation.

Design review is required since the proposal is for non exempt exterior alterations to a building with the design overlay.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines

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. This application was submitted on April 15, 2016 and determined to be complete on June 22, 2016.

ANALYSIS

Site and Vicinity: The subject site is located in the south-east corner of SW 4th Avenue and SW Harrison Street. The 4 story, metal clad building is occupied by the Portland State University's College of Engineering and Computer Science. SW Harrison Street and SW 4th Avenue are both Regional Transit way and Major Transit Priority Streets.

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” 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:

- LUR 92-00414 DZ reviewed and approved the remodeling and upgrade of building façade, and the addition of windows, of the building at the corner of SW Harrison and Fourth Avenue (1900 SW Fourth Avenue);
- LUR 96-00702 DZ reviewed and approved the addition of windows on 1900 SW Fourth Avenue;
- LUR 96-00726 DZ reviewed and approved the addition of 123 Visitor Parking Spaces of 1900 SW Fourth Avenue; and
- LUR 98-00243 DZ, AD reviewed and approved the City Development Center Building at 1900 SW 4th Avenue.
- LU 01-00164 DZ reviewed and approved new rooftop equipment and added panels for screening.
- LU 01-00432 CU PR Conditional Use Review and Parking Review to change approved parking spaces
- LU02-106839: Approval of Conditional Use Review for 6 story student housing building with ground level classroom area.
- LU02-121346: Approval of Design Review for the 5 story, 87'-0" tall Portland State University Engineering Lab Building subject to conditions.
- LU 02-143292: Approval of the Walk of the Heroines Project
- LU 03-101009 DZ reviewed and approved rooftop mechanical screening and changes to granite bench locations.
- LU04-019080: Approval of a new artist's installation and various changes to the exterior of the previously approved Design Commission decision.
- LU06-110786: Approval to place two mechanical cooling towers on the roof of the subject building

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **July 8, 2016**. 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 Life-Safety Bureau responded with the following comment: Please 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. Energy code – replace windows - Alterations to the building exterior envelope shall meet the prescriptive requirements Energy Code. Exception: When up to 25 percent of the glazing in any one wall is being replaced, it may be replaced with glazing with a U-factor and shading coefficient equal or better than the existing glazing.”
- The Fire Bureau responded with the following comment: Please see Exhibit E-2 for additional details.
“A separate building permit is required for this proposal. All applicable Fire Code requirements shall apply at the time of permit review and development.”

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 8, 2016. 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 is 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.

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.

C1. Enhance View Opportunities. Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.

Findings for A8 & C1: The proposal to add two (2) new windows on the north elevation of the Portland State University's Fourth Avenue building will help activate the existing blank wall area facing a busy pedestrian pathway and transit street. The windows will strengthen the visual connection between adjacent public spaces and the interior of the Portland State University building. *These guidelines are therefore 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.

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, C5: The proposed windows are located at the ground floor level facing SW Harrison Street and are consistent with the pattern of window placement on this facade. The new windows have been located to be aligned, both horizontally and vertically, with existing windows on this level as well as those above. The size of the new windows, at 48" x 60", also matches that of the existing windows to the west. The proposed aluminum windows will match the color, material, and section profile of the existing windows. They will be located at the same depth in the wall as the existing windows, so as to maintain existing shadow lines. The window addition therefore respects the architectural integrity and quality of the existing development. *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 windows match the existing windows in size, color and profile and will activate a blank wall area next to an active transit street. The proposed improvements comply with the applicable design guidelines and therefore the proposal merits approval.

ADMINISTRATIVE DECISION

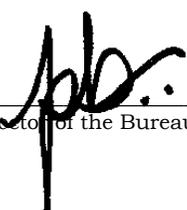
Approval of:

- Two (2) new windows, 48" x 60", on the north elevation of the Portland State University's Fourth Avenue building, to match color, material, size and section profile of the existing adjacent windows to the west.

Approved per Exhibits C-1 through C-4, signed and dated 8/3/2016, subject to the following conditions:

- 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.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-153315 DZ. No field changes allowed."

Staff Planner: Puja Bhutani

Decision rendered by:  on **(August 3, 2016)**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 8, 2016

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 April 15, 2016, and was determined to be complete on June 22, 2016.

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 April 15, 2016.

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: October 20, 2016.**

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 August 22, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 **August 23, 2016 – (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:

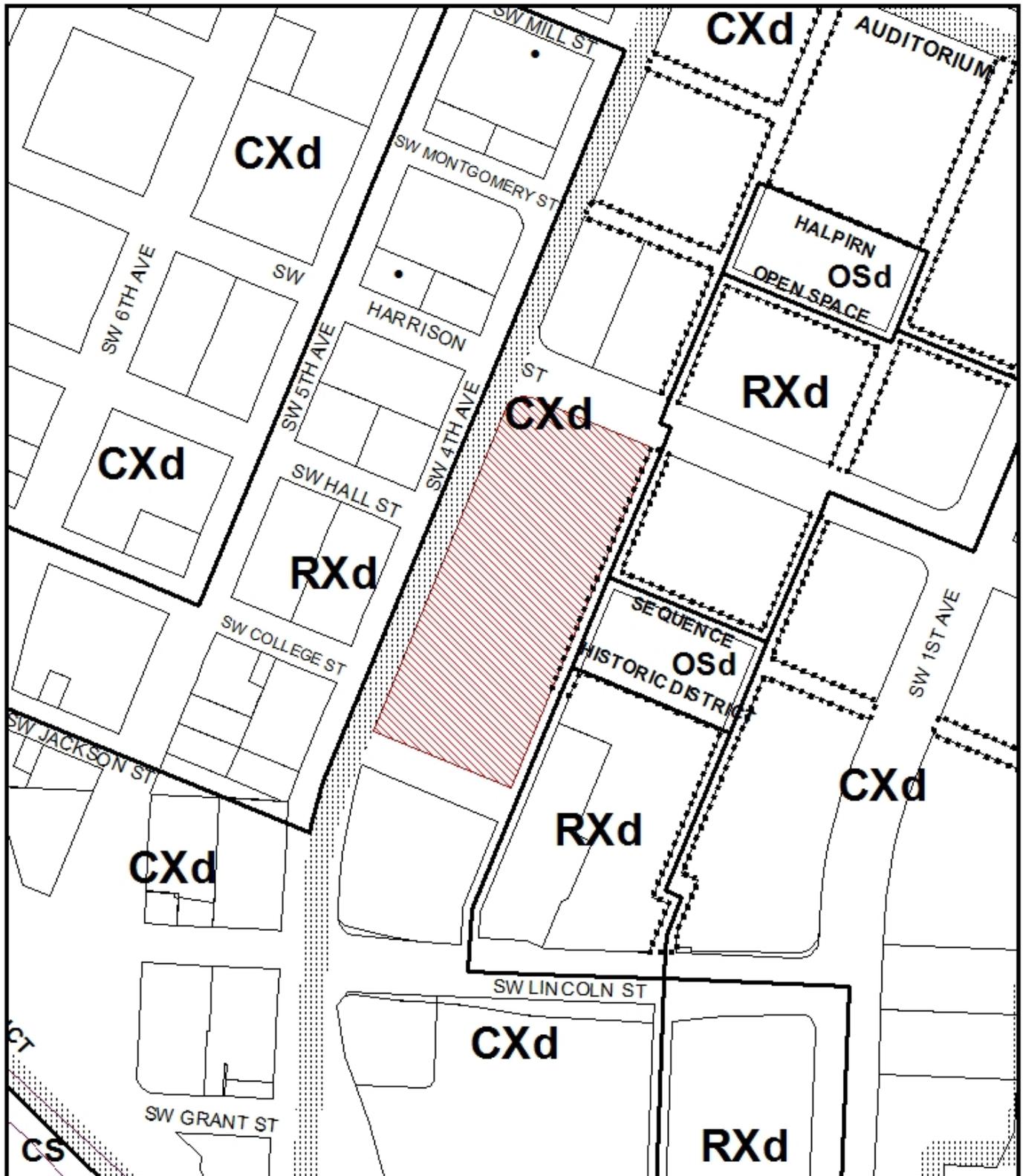
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Applicant Narrative
 - 2. Site photographs
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. North and East Elevation (attached)
 - 3. Existing and proposed window section
 - 4. Manufacturers cut sheet
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Life-Safety
 - 2. Fire Bureau
- F. Correspondence: None received
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete letter send by staff on 5/11/2016

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



NORTH

Site

Historic Landmark

This site lies within the:
 CENTRAL CITY/SOUTH AUDITORIUM PLAN DISTRICT
 DOWNTOWN SUBDISTRICT
 HALPRIN OPEN SPACE SEQUENCE HISTORIC DISTRICT

File No.	<u>LU 16-153315 DZ</u>
1/4 Section	<u>3229</u>
Scale	<u>1 inch = 200 feet</u>
State Id	<u>1S1E03CB 90000</u>
Exhibit	<u>B</u> (Apr 18, 2016)



FSU Capital Projects & Construction

FAB ADDITIONAL EXTERIOR WINDOWS

EXTERIOR ALTERATION
JESCA 070
1000 NE Oregon Ave
Portland, Oregon 97201

Sheet Notes

1. Typical Notes - See Specifications Sheet.
2. Verify and Protect Existing Structure - Foundations, and other existing structure shall be protected for existing conditions of new utilities below slab. Shave and remove slab as required to accommodate new construction.
3. AREA OF WORK - Verify and protect existing concrete wall to match existing windows.

4/15/2016

FOR ALL STRUCTURAL, MECHANICAL, ELECTRICAL, PLUMBING, AND FIRE PROTECTION/ALARM/REGISTRATION SEE ENGINEER'S DRAWINGS AND SPECIFICATIONS.

Elevations

Scale: 1/8" = 1'-0"

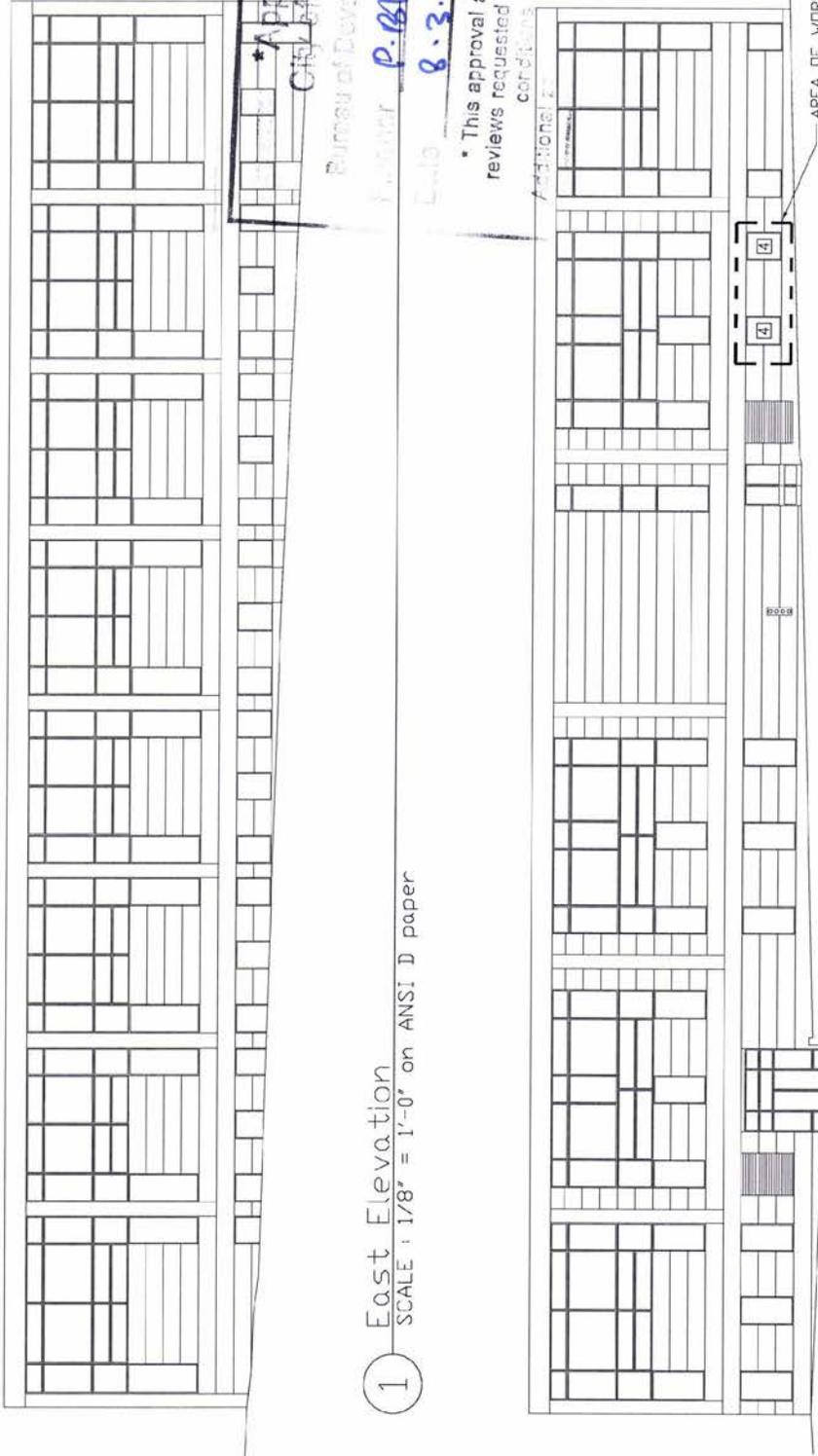
Revisions: _____ Date: _____

Drawn: _____

Checked: _____

A2.0

EXHIBIT C-2



1 East Elevation
SCALE : 1/8" = 1'-0" on ANSI D paper

1 North Elevation
SCALE : 1/8" = 1'-0" on ANSI D paper

W 16-153315 02