



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

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**Date:** October 19, 2022  
**To:** Interested Person  
**From:** Tim Heron, Land Use Services  
503-823-7726 / [Tim.Heron@portlandoregon.gov](mailto:Tim.Heron@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 22-179858 DZ – ENTRY UPDATES**

#### **GENERAL INFORMATION**

**Applicant:** James Denney, [JDenney@jpd1.com](mailto:JDenney@jpd1.com)  
5711 Old Harding Pike, Suite 8  
Nashville Tn 37205

**Owner:** Vue Apartments Property Owner LLC  
11766 Wilshire Blvd #1500  
Los Angeles, CA 90025

**Owners Agent:** Matthew Fontaine, JRK Redevelopment  
11766 Wilshire Blvd, #15  
Los Angeles, CA 90025

**Site Address:** 1717 SW PARK AVE  
**Legal Description:** BLOCK 228 LOT 1-8, PORTLAND  
**Tax Account No.:** R667724480  
**State ID No.:** 1S1E04AD 08600  
**Quarter Section:** 3128  
**Neighborhood:** Portland Downtown, contact Marian DeBardelaben at [debardelabenmarian@gmail.com](mailto:debardelabenmarian@gmail.com)  
**Business District:** None  
**District Coalition:** Neighbors West/Northwest, contact Darlene Urban Garrett at [darlene@nwnw.org](mailto:darlene@nwnw.org)  
**Plan District:** Central City - University 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 requests Design Review approval for minor alterations to the front entrance of The Vue apartments at 1717 SW Park Avenue and facing the Historic South Park Blocks. The

full scope of work includes removing the existing planter walls, benches and portions of the existing plaza deck paving to confirm the water proofing integrity. Replacement includes new porcelain tile benches, larger landscape areas and a new high quality faux grass system. The existing fountain scope of work is to remove the existing tile, water proofing and reinstall new tiles. Lastly, new LED lighting to the underside of the existing canopy structure is also proposed.

The majority of the work proposed is exempt from Design Review and includes the replacement of comparable tile, decking and benches. However, the new high quality faux grass system and new LED lighting is subject to Design Review.

**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

## ANALYSIS

**Site and Vicinity:** Built in 1951, the subject building occupies a full city block between SW 9<sup>th</sup> and SW 10<sup>th</sup> Avenues and SW Montgomery and SW Mill Streets. The site is 40,000 square foot in size. The structure, called the Vue Apartments building, is a high-rise apartment building. It is adjacent to the Park Blocks and within the Portland State University campus. The area is characterized by high pedestrian volume, a result of the presence of the PSU campus, farmers' markets, and other frequent events.

The City's Transportation Plan designates SW Mill Street as a Neighborhood Main Street, a Central City Transit/Pedestrian Street, and a Major Transit Priority Street; and SW Park Avenue as a Major City Bikeway. All four streets that front the subject building are designated as City Walkway. The Streetcar Line runs along SW Mill Street. The site is located within the Downtown Pedestrian District.

**Zoning:** The Central Commercial (CX) zone is intended to provide for commercial and mixed-use development within Portland's most urban and intense areas, specifically, the Central City and the Gateway Regional Center. A broad range of uses are allowed to reflect Portland's role as a commercial, cultural, residential, 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 Design overlay zone is applied to this zone.

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.

The Central City Plan District implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation Management Plan. The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area. The site is within the University Subdistrict of this plan district.

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

- LUR 98-00393 CU: Approval of a removal of a Condition of Approval from the Hearing’s Officer decision for CU 145-86.
- LU 03-167418 DZ: Approval of Plaza improvements, storefront remodel, and canopy and pedestrian ramp addition.
- LU 04-093929 DZ: Approval of an existing vestibule removal, and storefront replacement.
- LU 06-180921 DZ: Type III Approval of two new vestibules, the replacement of a chain link fence guardrail at the roof deck with glass and aluminum railing system, alterations of an outdoor plaza that include landscaping, paving materials and a new water feature, and addition of glass and metal canopy systems for weather protection at two plaza areas.
- LU 18-161209 DZ: Approval of two new retractable fire escape ladders replacing two low-level retractable egress ladders at the west and east wings, tempered glass panels with metal support framing and security gates at the north and east wings of the building

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **September 19, 2022**. The following Bureaus have responded with no issues or concerns:

- The Life Safety Division of BDS responded with no concerns. Exhibit E1.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **September 19, 2022**. No written response has 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.*

**A4. Use Unifying Elements.** Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

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

**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.

**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:** The full scope of work includes removing the existing planter walls, benches and portions of the existing plaza deck paving to confirm the water proofing integrity and then replace with new porcelain tile benches, larger landscape areas and a new high quality faux grass system. The new benches and updated faux grass system will enhance the pedestrian plaza area, allowing for additional resting areas and additional “softer” plaza area to replace some of the concrete hardscape. The existing fountain scope of work is to remove the existing tile, water proofing and reinstall new tiles which is exempt from Design Review but additive to the overall project scope and continues to unify the newer plaza elements.

The new LED lighting added to the underside of the existing canopy structure has been detailed to provide additional lighting for the plaza while also accenting the existing canopy’s structural members. Linear frosted tracks shall be installed with integral LED strip lighting seamlessly to the bottom face of the structural members to provide an ambiance lighting along the pedestrian walk paths to the entrance of the building.

The Vue Apartment building is part of the character of this area of the University District. The building occupies the entire block. The proposed elements maintain the contemporary style of the building and its elements. Restoring the building entry plaza will help maintain the current building in the area for much longer. All components such as concrete and tile are durable, long-lasting materials. *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 requirements of Title 11 can be met, and 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.

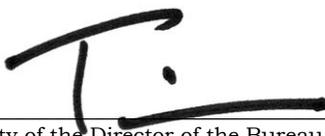
## ADMINISTRATIVE DECISION

**Approval** for minor alterations to the front entrance of The Vue apartments at 1717 SW Park Avenue and facing the Historic South Park Blocks. Approval includes a new high quality faux grass system and new LED lighting mounted within frosted tracks along the structural members of the existing canopy.

**Approval** per the approved Exhibits C-1 through C-4, signed and dated October 17, 2022, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 22-179858 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

**Staff Planner: Tim Heron**

**Decision rendered by:**  **on October 17, 2022**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: October 19, 2022**

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on September 2, 2022, and was determined to be complete on **September 12, 2022**.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on September 2, 2022.

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: January 10, 2023.**)

**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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on November 2, 2022. The completed appeal application form must be emailed to [LandUseIntake@portlandoregon.gov](mailto:LandUseIntake@portlandoregon.gov) and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIX decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

**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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **November 2, 2022** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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. Original Submittal
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Material Details (attached)
  - 3. Reflected Ceiling Plan
  - 4. Lighting details
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. BDS Life Safety
- F. Correspondence:
- G. Other:
  - 1. Original LU Application

**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).**