



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

Carmen Rubio, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7310
TTY: (503) 823-6868
www.portland.gov/bds

Date: January 19, 2023
To: Interested Person
From: Arthur Graves, Land Use Services
503.865.6517 | Arthur.Graves@portlandoregon.gov

NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has a approved 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 22-188793 DZ: DOOR REMOVAL

GENERAL INFORMATION

Applicant: Gerald Gotschall
Portland State University - Capitol Projects & Construction
617 SW Montgomery Str - Suite 302 | Portland OR 97201
503.725.4306 | grg4@pdx.edu

Owner: State Of Oregon | PO Box 751 | Portland, OR 97207-0751

Site Address: 2136 SW 5th Avenue

Legal Description: BLOCK 22 W 1' OF LOT 1&2 LOT 5 EXC PT IN ST, LOT 6-8, CARUTHERS ADD

Tax Account No.: R140902190
State ID No.: 1S1E04DD 00700
Quarter Section: 3228
Neighborhood: Portland Downtown, contact Marian DeBardelaben at debardelabenmarian@gmail.com

Business District: None
District Coalition: Neighbors West/Northwest, contact Darlene Urban Garrett at darlene@nwnw.org

Plan District: Central City Plan District and University Sub-District
Zoning: CXd: Central Commercial (CX) with Design (d) Overlay
Case Type: DZ: Design Review
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant requests Design Review for alterations to the Science and Education Center (SEC) building on the Portland State University campus. Specifically, the project proposes to

remove one exterior door and encloses the vestibule with an exterior wall to match the adjacent wall plane and finishes. Area of wall is ~33sf on the plane of the facade.

Design Review is required for proposed non-exempt alterations to development in the “d” Design overlay zone of the Central City Plan District.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity:

The 20,989 square foot site is located on the east side of SW 5th Avenue and bound by SW Lincoln to the north and SW Grant to the south. The property is developed with two, 2-story buildings and off-street parking along the south portion of the lot.

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 Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people's daily experience; and
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

The Central City Plan District implements the Central City 2035 Plan. The regulations address the unique role the Central City plays as the region's premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river. The site is within the University Sub-District of this plan district.

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

- **LU 07-124370 DZ:** Approval a new rooftop mechanical unit.
- **LUR 99-00649 DZ:** Approval of a 1999 Design Review for six new cell antennas and a change to the loading bay to construct cellular equipment enclosure.
- **LUR 92-00697 DZ:** Approval of a 1992 Design Review for 260' of sunbrella awning (4' height and 4' projection) with no lettering or lights.
- **VZ 423-64:** Approval of a 1964 review to have more than one sign in an “S” Zone.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **December 22, 2022**.

1. Bureau of Development Services Life Safety/Building Code Section: Chanel Horn, January 05, 2023. With the following response (Exhibit E-1):

Life Safety Plan Review does not object to the approval of this proposal. The applicant should be aware that several building code requirements may impact the final design of this building. For information regarding future compliance, see the GENERAL LIFE SAFETY COMMENTS below.

- Building Permit Required - A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. Information about submitting a permit application request is available online at <https://www.portland.gov/bds/permit-review-process/apply-or-pay-permits>.
- Facilities Permit Program - The structure is enrolled in the Facilities Permits Program (FPP). Please contact the assigned Facilities plan reviewer/building inspector for building code requirements. The FPP main telephone number is (503) 823-5996. Additional information for the FPP program may be found at <https://www.portland.gov/bds/commercial-permitting/fpp-facility-permit-program>.

2. Urban Forestry: Mariano Masolo, January 05, 2023. With no objection to the proposed project. (Exhibit E-2).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **December 22, 2022**. 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 implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces.

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.

Findings: The proposed removal and infill of the exterior door and its recessed vestibule maintains the two adjacent windows and overall bay structure of the building. In addition, proposed infill materials, cement plaster, are consistent with existing exterior materials on the building.

Therefore, this guideline is met.

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

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 for A6 and A8: Proposed alterations allow for continued use of the building while helping to reduce areas where trash can accumulate adjacent to the sidewalk.

Therefore, these guidelines are met.

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: There is not an existing canopy over this specific entrance/exit. Existing canopies on the building will be maintained and not removed. A large canopy will remain in place at the main entrance but the alcove at the secondary exit that is being closed off with this project is a source of several bigger safety, security and sanitary issues and is detrimental to the remainder of the building's success.

Therefore, this guideline is met.

B7. Integrate Barrier-Free Design. Integrate access systems for all people with the building's overall design concept.

Findings: Barrier-free access will not be impacted with the proposed alterations. Note: The proposed entrance to be infilled is the only entrance along the west elevation with two steps. The remaining main entrance and secondary entrance further south are both at grade.

Therefore, this guideline is met.

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

Findings: Work will use durable, weather resistant and energy efficient materials that will be more vandal resistant than current, deteriorated door & frame.

Therefore, this guideline is 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.

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 C3 and C5: The two existing window bays to the immediate north will be maintained. The proposed materials to be used (cement plaster) will match the existing wall color, finish & texture of the existing façade. No special features or new unique building elements will be added to the building with this work.

Therefore, these guidelines are met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all 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 proposed exterior alterations to the northern most entrance on the west elevation of the building in the University sub-district of the Central City Plan District maintains the architectural integrity of the building while providing continued use to the building and surrounding area.

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. As indicated in detail in the findings above, the proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of proposed removal and infill of the northern most door on the west elevation of the building located in the University sub-district of the Central City Plan District, per the approved site plans, Exhibits C-1 through C-2, signed and dated January 13, 2023, 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 four 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 22-188793 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: Arthur Graves



Decision rendered by: _____ **on January 13, 2023.**

By authority of the Director of the Bureau of Development Services

Decision mailed January 19, 2023.

Procedural Information. The application for this land use review was submitted on September 30, 2022 and was determined to be complete on December 19, 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 30, 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: April 18, 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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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 is

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>.

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 **January 19, 2023**, 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 for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 1. Initial Submittal: September 30, 2022
 2. Revised Drawings: December 08, 2022
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan: (attached)
 2. Enlarge Plan, Elevation, Details: (attached)
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Development Services Life Safety/Building Code Section: Chanel Horn, January 05, 2023.
 2. Urban Forestry: Mariano Masolo, January 05, 2023.
- F. Correspondence: None Received
- G. Other:
 1. Original LU Application
 2. Incomplete Letter: October 11, 2022

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).