



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Ave. Suite 5000
Portland, Oregon 97201
Telephone: 503-823-7300
TDD: 503-823-6868
FAX: 503-823-5630
www.portlandonline.com/bds

Date: September 12, 2008
To: Interested Person
From: Chris Caruso, Land Use Services
503-823-5747 / Christine.Caruso@ci.portland.or.us

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

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

**CASE FILE NUMBER: LU 08-148217 DZ – KASSAB JEWELERS
529 SW BROADWAY**

GENERAL INFORMATION

Applicant: Dana Moore (architect)
Emerick Architects
208 SW 1st Ave #320
Portland, OR 97204
(503) 235-9400

Representative: Pierre Kassab (tenant)
Kassab Jewelers
529 SW Broadway
Portland, OR 97205
(503) 295-0705

Site Address: Kassab Jewelers in the Alderway Building at 529 SW Broadway

Legal Description: BLOCK 213 LOT 3&4 UND 1/4 INT, PORTLAND
Tax Account No.: R667722940
State ID No.: 1N1E34CC 06800U1
Quarter Section: 3029

Neighborhood: Downtown Cmty Assoc., contact Jennifer Geske at 503-750-9843.
Business District: Downtown Retail Council, contact Portland Business Alliance at 503-224-8684.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - Downtown
Zoning: CXd – Central Employment with design overlay
Case Type: DZ – Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The project an exterior remodel of the Kassab Jewelers entry bay that is mid-block on the east façade of the Alderway Building located at 529 SW Broadway in the Central City. The remodel includes the removal of an existing sign, awning and awning frame and exterior tile on the front elevation and entry floor. New floor tile will be installed along with new wall tile in two colors used to create a building base, frame the windows and delineate the outer edges of the Kassab space. A new black awning frame and new complementary awning fabric will also be installed. Existing windows and doors will remain in place and their frames will be painted black. No new exterior light fixtures or signage is being proposed at this time. A new piece of metal cap flashing to match existing flashing in color and profile will be installed directly above the new wall tile and will align with flashing located on either side of the Kassab space.

Exterior alterations to a building in a design overlay require design review.

Relevant Approval Criteria:

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

- 33.825 Design Review
- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The project site is the Kassab Jewelers tenant storefront located along the eastern mid-block face of the Alderway Building which sits at the northwest corner of SW Broadway and SW Alder Street. The storefront project is within the Central City Plan District and the Broadway Unique Sign District. West Broadway is designated as a traffic access street, city bikeway, city walkway and community main street. SW Alder Street is designated as a city walkway and local service bikeway. Additionally, the entire Central City Plan District is a pedestrian district. Existing development on the site includes the Alderway Building; a yellow 4-story brick retail and office building with dark green accents built in the 20th Century Commercial Style with distinctive Romanesque details across the top story. The site also includes the Jacoby Jewelry Clock that sits in the right-of-way along SW Broadway and is a designated local landmark. The proposal includes replacing both sides of the existing clock face, which is not original to the clock. This is considered content change to an existing sign and is therefore exempt from design review.

Zoning: The 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.

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 must meet the Community Design Standards (Chapter 33.218) or are subject to design review.

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

- DZ 119-84, Type I procedure approval for boiler.
- DZ 1-86, approved new 18" signs between columns.
- DZ 19-86, approved new storefront glazing.
- DZ 42-86, approved storefront remodel.
- DZ 57-86, approved storefront addition.
- DZ 80-86, wrought-iron work on Alder.
- DZ 23-88, approved satellite dish near roof penthouse.
- DZ 26-89, approved awning.

- CU 074-66, Conditional Use approval of off-street parking on Washington between Park and Broadway.
- LUR 91-00098 DZ, new building entrances along SW Park Ave with awnings and windows.
- LUR 91-00791 DZ, new double door entry.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **August 15, 2008**.

The Life Safety Section of BDS responded with the following comment: Please see Exhibit E-1 for additional details.

The following comments are intended to provide the applicant with preliminary Building Codes information that could affect the Land Use Review and/or future Building Permit reviews. The comments may not identify all conflicts between the Land Use proposal and the Building Codes. A complete Life Safety plan review will be provided at the time of Building Permit submittal. The comments are based on The Oregon Structural Specialty Code, The Oregon Mechanical Specialty Code, or The Oregon Residential Specialty Code.

1. A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. More information regarding building code requirements can be obtained by visiting the Bureau of Development Services Development Services Center -1900 SW 4th Ave, 1st floor, between the hours of 7:30 AM and 3:00 PM Monday through Friday and also 5:00 PM to 7:30 PM Thursday evening (no appointment necessary.) Building Code information is also available online at: <http://www.portlandonline.com/bds/>, or by calling (503) 823-1456.
2. The vertical clearance from the public right-of-way to the lowest part of an awning, including valances, shall be 7 feet minimum. OSSC 3202.2.3
3. Awnings, canopies, marquees and signs with less than 15 feet clearance above the sidewalk shall not extend into or occupy more than two-thirds the width of the sidewalk measured from the building. OSSC 3202.3.1

The following agencies had no comments:

- Site Development Section of BDS
- Water Bureau
- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Bureau of Parks-Forestry Division
- Fire Bureau
- Police Bureau
- Bureau of Planning

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **August 15, 2008**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

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 Plan Fundamental Design Guidelines

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

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

Central City Plan Fundamental Design Goals

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 only addressed those guidelines considered applicable to this project.

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

Findings: The proposed renovation of the Kassab jeweler's storefront reuses an existing retail space within the Alderway Building. The addition of new cap flashing that will match existing flashing just below the 2nd story window sills will restore a portion of the original building fabric removed during previous renovations. *This guideline is therefore met.*

A8. Contribute to a Vibrant Streetscape. Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

Findings: The pedestrian-oriented environment along SW Broadway will be enlivened by this project. The proposal retains the large clear glazed storefront windows that allow views into active retail spaces. New colored tile on the entry floor and existing storefront walls that angle toward the retail door lead customers into the space and provide visual interest for pedestrians. The proposed awning and are aptly located at the entrance vestibule, and announce its presence. *This guideline is therefore met.*

B1. Reinforce and Enhance the Pedestrian System. Maintain a convenient access route

for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

Findings: The area of SW Broadway directly in front of the Kassab space has wide sidewalks that conform to current pedestrian standards. None of the proposed work will compromise the existing public right-of-way. *This guideline is therefore 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: A new fabric awning that projects into the public right-of-way and protects pedestrians from bad weather will be installed across the front of the Kassab façade. *This guideline is therefore met.*

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

Findings: The renovated Kassab façade will retain the existing entry door which is located at sidewalk grade. The entry is currently accessible from the public sidewalk allowing for easy connectivity to the right-of-way and other businesses. *This guideline is therefore met.*

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

Findings: The proposed material for the façade renovation is porcelain tile and metal cap flashing. The new fabric awning will be constructed out of heavy-duty outdoor awning fabric and will be mounted on a new aluminum frame. All of the proposed materials are durable and high quality, giving the storefront area a sense of permanence. *This guideline is therefore 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.

Findings: The Kassab façade renovation of new tile, painted storefront frames and a new awning is consistent in material and scale with existing retail façades at the sidewalk level of the Alderway Building along both SW Broadway and SW Alder Street. The new cap flashing between the top of the wall tile and below the 2nd floor window sills is an addition that will reintroduce a strong horizontal line that was removed in a previous renovation and will further define the divide between the upper and sidewalk-level floors. *This guideline is therefore met.*

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: Each retail space along the Alderway Building's SW Broadway elevation is distinct and is a comprehensive design in itself. The Kassab façade renovation is done in brown tones with black accents at the building base, around each window, on the sides of the tenant space, and in the painted window frames. The new fabric awning will also be a brown tweed material, picking up on the colors of the floor and wall tiles. The new metal cap flashing at the top of the wall tiles will match the existing flashing band across this portion of the building in profile and color. *This guideline is therefore met.*

C8. Differentiate the Sidewalk Level of Buildings. Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.

Findings: The sidewalk level of the Alderway Building along this stretch of SW Broadway has a variety of retail storefront treatments. Each tenant space has its own awning style, sign, light fixtures, façade materials and color palette. These are distinct from the upper floor of the building which is tan brick with dark green metal panel decoration. The proposed material for the renovated Kassab façade includes tan and brown floor and wall tile, a new brown fabric awning, and repainting of the storefront frames in black. This new façade will maintain the distinct look between the upper floors and the sidewalk level of the Alderway Building. *This guideline is therefore met.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The proposed project will enliven this heavily pedestrian and retail-oriented area of SW Broadway, one of the downtown Portland's main retail corridors. The original storefront door and large glazed windows will be maintained, allowing views into the active retail space inside Kassab Jewelers. The public right-of-way will remain unobstructed. The new porcelain floor and wall tile of neutral brown with a black base, black side trim bands, black window and door trim as well as the brown tweed awning fabric are high-quality, durable materials that work together in a cohesive tenant storefront design. The project will continue the established pattern of distinct retail entrances along the sidewalk level of the Alderway Building. The fully accessible recessed retail entrance, with its angled storefront side windows, activates the street-level and leads the pedestrian to the tenant space. Installation of a new horizontal metal cap flashing that matches the existing flashing on either side of the Kassab façade reintroduces a piece of the original building's design that was removed during previous ground-level renovations. This reinforces the division of materials and styles seen in the building's street-level facades and the upper floors. The design supports the applicable guidelines of the Central City and should be approved.

ADMINISTRATIVE DECISION

Approval of a remodel of the Kassab Jewelers entry bay in the mid-block, east façade of the Alderway Building located at 529 SW Broadway in the Central City, including:

- The removal of the existing sign, awning and awning frame as well as existing floor and wall tile;
- Installation of new floor tile, new wall tile in two colors that creates a base, frames the windows and delineates the outside edges of the Kassab space;
- A new black awning frame and complementary awning fabric;
- New black paint on existing window and door frames and;
- A new piece of metal cap flashing to match existing flashing in color and profile, installed directly above the new wall tile to align with flashing located on either side of the Kassab space;

per the approved site plans, Exhibits C.1 through C.6, signed and dated September 10, 2008, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use

review as indicated in Exhibits C.1-C.6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-148217 DZ. No field changes allowed."

Decision rendered by:  **on September 10, 2008.**

By authority of the Director of the Bureau of Development Services

Decision mailed: September 12, 2008

Staff Planner: Chris Caruso

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

Procedural Information. The application for this land use review was submitted on July 22, 2008, and was determined to be complete on **August 13, 2008**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on July 22, 2008.

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

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 September 26, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with

the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **September 29, 2008**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

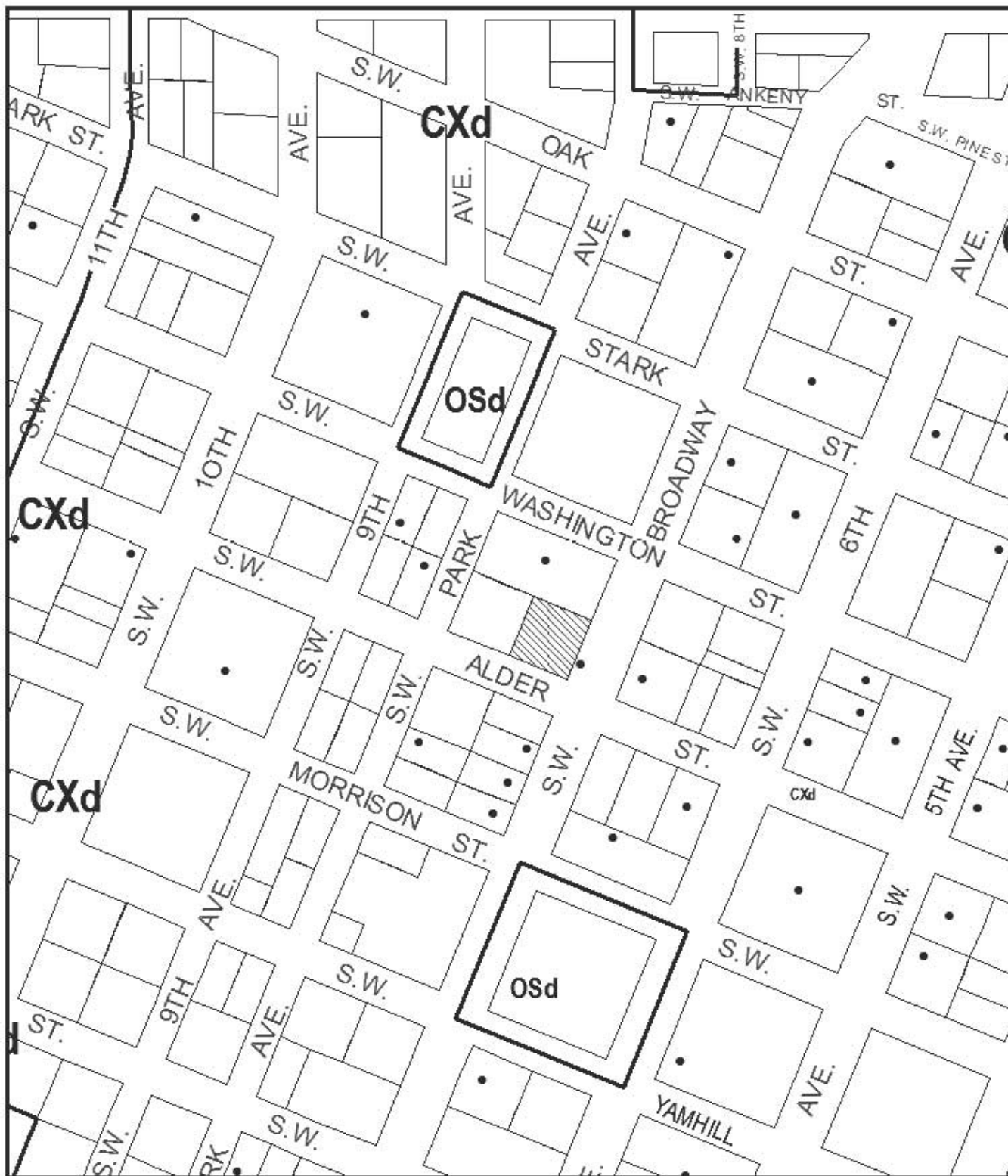
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan/Demo Site Plan (attached)
 - 2. Demo West Elevation
 - 3. Floor Plan (attached)
 - 4. Proposed West Elevation (attached)
 - 5. Canopy and Sign Detail
 - 6. Colored Rendering & Floor Plan
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Division if BDS
- F. Correspondence: none.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Incomplete Letter
 - 4. Historic Resources Inventory
 - 5. Landmarks Commission Inventory Form
 - 6. Existing Photos (4 pages)
 - 7. Portland maps printout
 - 8. Tax Map
 - 9. Clock Face Replacement
 - 10. Material Samples

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING

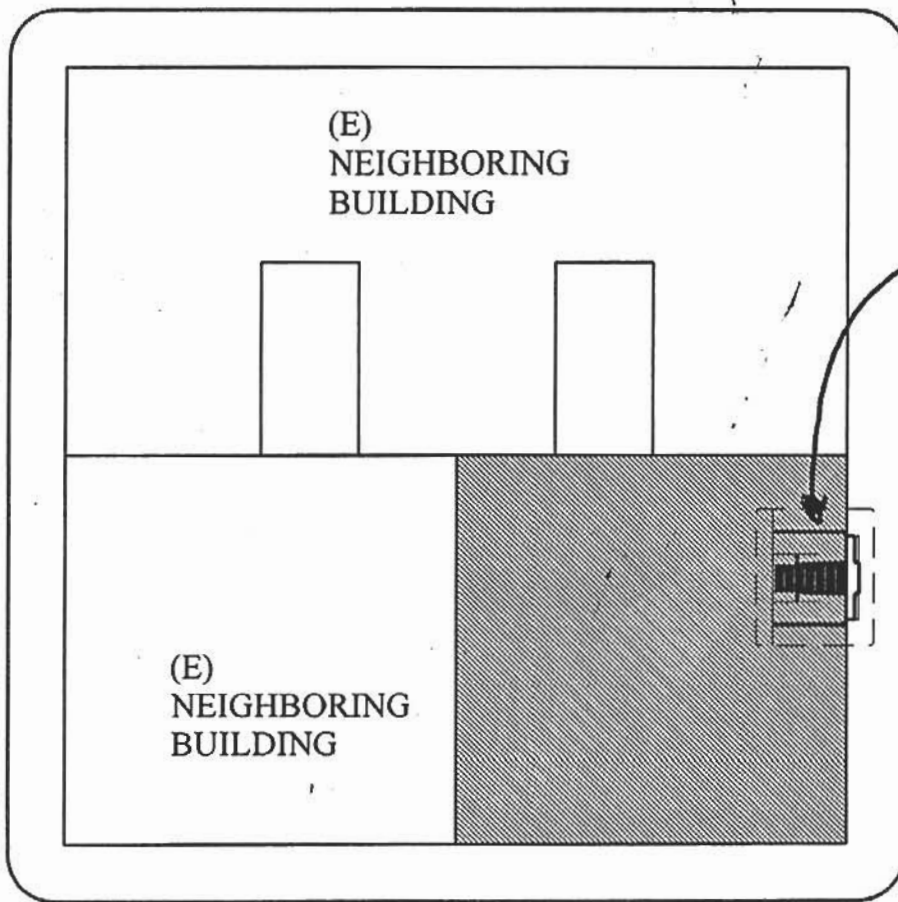
 Site

 Historic Landmark



This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	<u>LU 08-148217 DZ</u>
1/4 Section	<u>3029</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E34CC 6800</u>
Exhibit	<u>B (Jul 28, 2008)</u>



SW WASHINGTON STREET

SW BROADWAY AVENUE

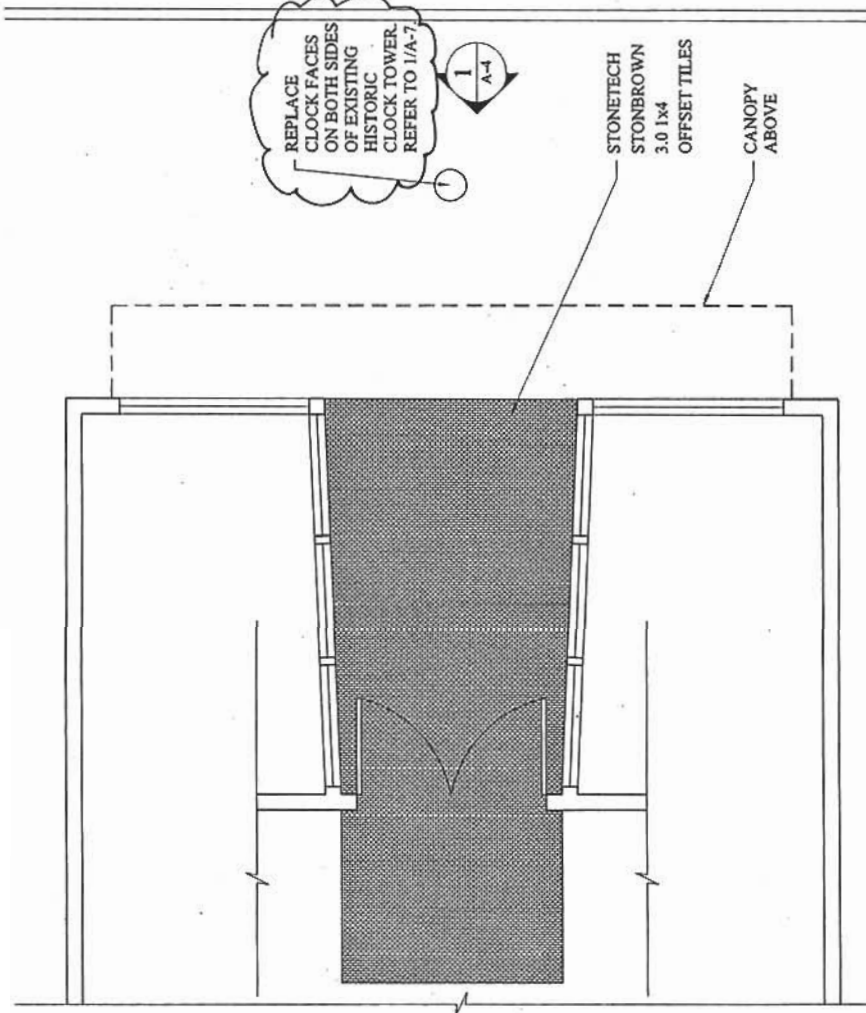
AREA OF WORK

2 SITE PLAN
SCALE: 1/64" = 1'-0"



Approved
City of Portland
 Bureau of Development Services
 Planner Chris Curtis
 Date 9/10/08
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 08-148217 DZ EXH C.1



REPLACE
CLOCK FACES
ON BOTH SIDES
OF EXISTING
HISTORIC
CLOCK TOWER.
REFER TO 1/A-7

COPY CHANGE ONLY,
NOT PART OF DESIGN
REVIEW APPROVAL

SW BROADWAY AVE

STONETECH
STONBROWN
3.0 1x4
OFFSET TILES

CANOPY
ABOVE

Approved
City of Portland
Bureau of Development Services
Planner *[Signature]*
Date 9/10/08

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

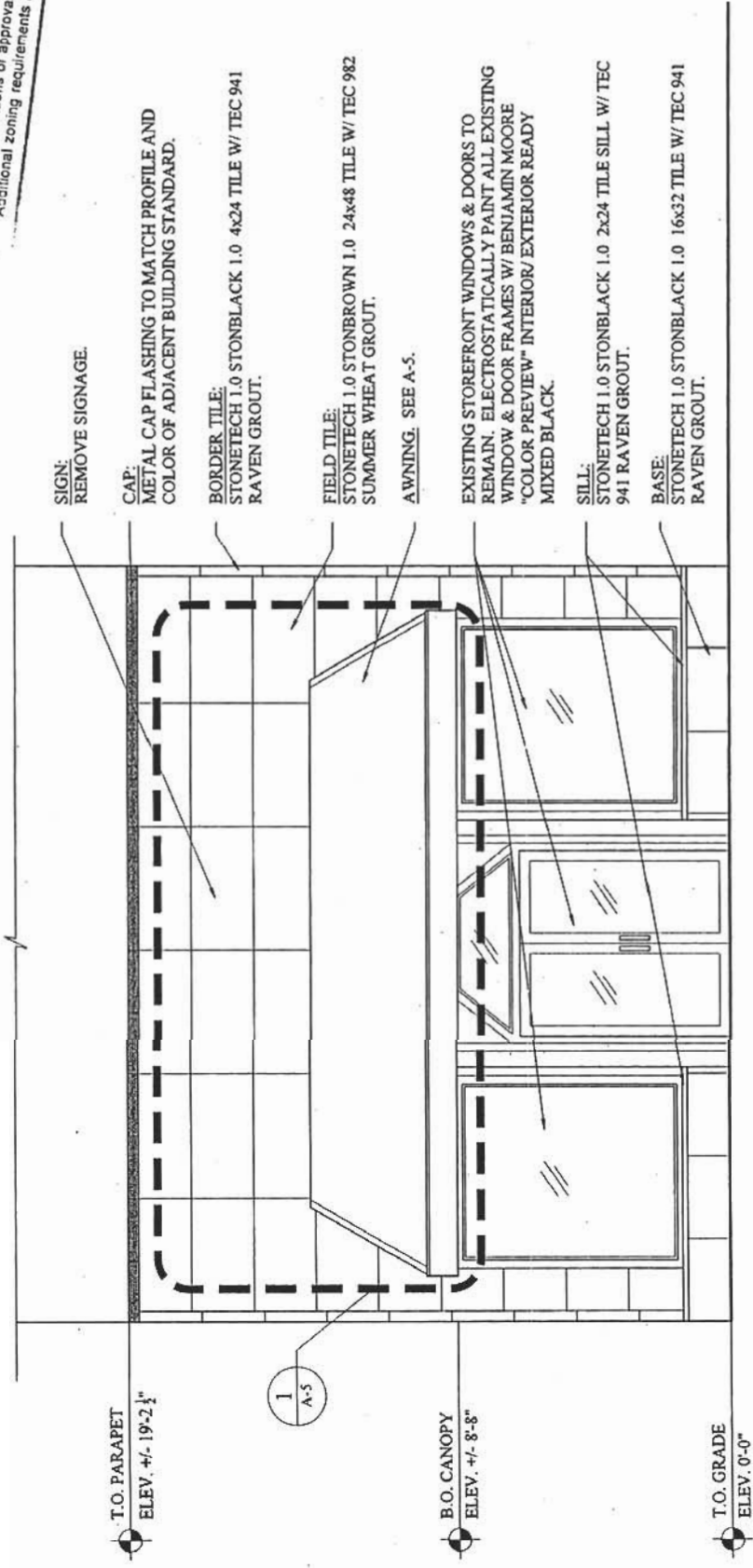
1 FLOOR PLAN
SCALE: 1/4" = 1'-0"



LU 08-148217 D2 CH. C.3 A-3

* Approved*
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 9/10/08

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



T.O. PARAPET
 ELEV. +/- 19'-2 1/4"

1
 A-5

B.O. CANOPY
 ELEV. +/- 8'-8"

T.O. GRADE
 ELEV. 0'-0"

1 PROPOSED WEST ELEVATION
 SCALE: 1/4" = 1'-0"

LU 08-148217 DZ EXH C. # A-4