



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: June 9, 2008
To: Interested Person
From: Kate Marcello, Land Use Services
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**NOTICE OF A TYPE II DECISION ON A PROPOSAL IN
YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The 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 08-120337 HDZM - ALTERATIONS TO
CONVERT EXISTING COFFEE CART TO DUTCH BROS. COFFEE CART**

GENERAL INFORMATION

Applicant: Dennis Brown, Joejo LLC
3304 NE 76th Ave. / Portland, OR 97213
(541) 756-7603

Owner: Randy Bolliger, BBB Enterprises LLC
P.O. Box 14130 / Portland, OR 97293
(503) 488-4153

Site Address: 514 SE BELMONT ST

Legal Description: EXC PT IN ST LOT 1&2 BLOCK 126 LAND & IMPS ALSO SEE -0011,
PARK ADD TO E P; EXC PT IN ST LOT 3&4 BLOCK 126, PARK ADD
TO E P

Tax Account No.: R644500010, R644500030
State ID No.: 1S1E02BB 08100, 1S1E02BB 08000
Quarter Section: 3131
Neighborhood: Buckman, contact Susan Lindsay at 503-725-8257.
Business District: Central Eastside Industrial Council, contact Chris Hammond at 503-
309-1971.
District Coalition: Southeast Uplift, contact Gary Berger at 503-232-0010.
Plan District: Central City - Central Eastside
Zoning: Central Employment with design overlay (EXd)
Case Type: Historic Design Review (HDZ)
Procedure: Type II, an administrative decision with appeal to the Landmarks
Commission.

Proposal:

The applicant seeks Historic Design Review approval for alterations to an existing walk-up/drive-through coffee cart located at the corner of SE Belmont Street and Grand Avenue. The alterations are being made to convert the cart to a Dutch Brothers cart. No changes are

proposed to the drive-through layout, “stacking lane,” or parking lot. The proposed changes include the following:

- The existing person door will be removed and replaced with a new door with a slider window in it. The window will serve as the walk-up service window. It will have a metal service shelf.
- The slider window on the drive-up side (east façade) will be removed and replaced by a larger slider window.
- The existing asphalt-shingle roof will be replaced with a blue metal roof.
- The cart façade will be painted gray with a smooth finish; trim for the door and windows will be painted white; and the upper part of the north and south facades will be painted blue.
- A table with benches will be placed in the walk-up area.
- Two steel-clad concrete posts, each about six inches in diameter, will be installed to separate the existing patio from the “stacking lane” for the drive-up window. One post will have a hanging basket with flowers.
- Three raised circular planters will be placed on the site. Metal rain chains will collect rainwater from the roof gutters and direct it to the planters.
- The existing wooden storage boxes attached to the southern and northern ends of the cart will be re-built. The storage box at the southern end will be reduced in size by 16 square feet so the existing patio can be expanded. The top of the box will be cantilevered about 10 inches so it can serve as a counter. Barstools will be placed at the “counter” for use by patrons.
- The existing patio will be altered in the following ways:
 - The existing raised wooden deck will be replaced with at-grade concrete pavers.
 - The wooden seating will be replaced with a blue plastisol-coated steel bench.
 - A decorative fence about 20 feet long will be installed to separate the patio from the adjacent stacking lane and parking lot beyond.
 - Two existing small arborvitae trees in the patio area will be re-located elsewhere on the property.
 - Decorative rocks will be added to the southern end of patio.
 - An existing metal fence about 8 feet long at the southern end of patio, between the Grand Avenue sidewalk and the patio, will be removed and replaced with a post with a hanging basket of flowers.
- A total of 43.3 square feet of signage will be installed on the site.
 - Metal composite panel signs will be placed in the following locations: 1. on the south façade in approximately the same location as existing signage from the previous cart tenant (portion of the panel that is defined as “signage” is 12.6 square feet), and 2. on the west façade adjacent to the person door (6.6 square feet).
 - Two sign bands will be painted on the cart: One on the walk-up side and one on the drive-up side. Each row will be 10.75 square feet in size.
 - One 3.7-square-foot circular sign with a graphic of a man drinking coffee will be welded to pickets of the new decorative fence separating the patio from the “stacking lane” for the drive-up window.

Because the project includes exterior alterations to an existing structure in a historic district, Historic Design Review is required.

Modification: Per 32.32.020 of Portland’s Sign Code, the coffee cart is allowed to have 32 square feet of signage. The applicant proposes a total of 43.3 square feet of signage, which is 11.3 square feet more than the amount allowed. Therefore a Modification is required.

Relevant Approval Criteria:

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

- 33. 846 Historic Design Review
- *Central City Fundamental Design Guidelines*

- 33.846.070 Modification Considered During Historic Design Review
- Title 32 Sign Code
- *East Portland/Grand Avenue Historic District Guidelines*

ANALYSIS

Site and Vicinity: The site is an existing coffee cart located in the northwest corner of the surface parking lot on the western half of the block bounded by SE Grand Avenue, Belmont Street, 6th Avenue, and Yamhill Street. The cart is situated at an angle, with its walk-up side facing the intersection of SE Grand Avenue and Belmont Street, and its drive-up side facing southeast toward the parking lot. The cart consists of a metal trailer with wooden storage boxes attached to the north and south ends. The cart has been closed and unoccupied for several months. Previously it was the home of La Bella Bean Espresso.

The immediate surroundings contain such uses as retail storefronts and offices. The Grand Café is located directly across SE Belmont Street from the coffee cart, in the ground-floor of a two-story building. The second floor contains offices for Bolliger Insurance Company. Directly across SE Grand Avenue from the cart, there is a surface parking lot. On the same block as the coffee cart, there is a dentist's office, a scooter shop, a daycare center for dogs, and a few vacant storefronts. Northeast of the site, eastbound traffic enters SE Belmont Street from the Morrison Bridge.

East Portland/Grand Avenue became a National Register Historic District in 1990. It is an approximately 20-block area roughly bounded by SE Ankeny Street, SE Main Street, Martin Luther King Jr. Boulevard, and 7th Avenue. The historic period of significance for the district is 1883 through 1930. There are four basic property types found within the district: commercial, industrial, social/cultural, and governmental. The district was originally the downtown area of the City of East Portland, which consolidated and became part of the City of Portland in 1891.

With regard to transportation surrounding the subject site, SE Grand Avenue is classified by Portland's Transportation System Plan as a Major City Traffic Street, Major Transit Priority Street, City Bikeway, Central City Transit/Pedestrian Street, and Regional Main Street. SE Belmont Street is classified as a Major City Traffic Street, Major Transit Priority Street, Local Service Bikeway, City Walkway, and Community Main Street.

Zoning: The Central Employment (EX) zone allows mixed uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area.

The design (d) overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. 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 in-fill development are compatible with the neighborhood and enhance the area.

The Historic Resource Protection overlay zone is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks. The regulations that pertain to these properties protect certain historic resources in the region and preserve significant parts of the region's heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

Land Use History: City records indicate one recent prior land use review:

- LUR 9900762 HDZM: Historic Design Review approval for existing coffee cart. Approval for Modifications to the following Zoning Code standards:

- 33.130.230 Ground-floor Windows
- 33.224.030 Drive-through Facilities
- 33.286.100 Signs
- 33.510.215 Required Building Lines

Agency Review: A *Notice of Proposal in Your Neighborhood* was mailed on April 25, 2008. The following Bureaus have responded with no issues or concerns:

- Portland Fire & Rescue;
- Portland Water Bureau;
- Bureau of Environmental Services;
- Bureau of Transportation Engineering & Development;
- Urban Forestry Division of Portland Parks & Recreation; and
- Site Development Section of the Bureau of Development Services.

The Life Safety (Building Code) Section of the Bureau of Development Services responded with the following comment. Please see Exhibit E-1 for additional details.

Based on the information provided, there appears to be no conflicts between this proposal and applicable building codes, for the purpose of this LU.

A separate Building Permit is required for the work described within the proposal and 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.

An accessible route is required providing access from the building to a public way. OSSC 1102

Accessible parking is required. Accessible parking spaces must be at least 9 feet wide with an adjacent access aisle at least 8 feet wide, located on the passenger side. OSSC 1104.1

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on April 25, 2008. No written comments in response to the proposal have been received from the neighborhood association (Buckman Community Association) or notified property owners.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846, Historic Reviews

Purpose of Historic Design Review

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Design Review Approval Criteria

Requests for historic design review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is located within the East Portland/Grand Ave. Historic District. Therefore the proposal requires historic design review approval. The relevant approval criteria are the East Portland Grand Avenue Design Zone Design Guidelines and the Central City Fundamental Design Guidelines.

East Portland/Grand Avenue Historic Design Zone Design Guidelines and Central City Fundamental Design Guidelines

The opportunity exists to re-establish the visual and developmental patterns that supported this District as a bustling, urban environment through sensitively designed infill, new construction and restoration. The goal is to integrate the old with the new to enhance the District's continuity. By building upon the basic design tenets historically established here, yet considering the functional needs of new but compatible uses, this goal can be reached and the future of a vibrant Historic District secured.

The Central City Fundamental Design Guidelines and East Portland/Grand Avenue Historic 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.

East Portland/Grand Avenue Historic Design Zone Goals

- Encourage urban design excellence in the Central City.
- Integrate urban design and preservation of our heritage into the process of Central City development.
- Enhance the character of Portland's Central City districts.
- Promote the development of diversity and areas of special character within the Central City.
- Establish an urban design relationship between the Central City districts and the Central City as a whole.
- Provide for a pleasant, rich and diverse pedestrian experience in the Central City.
- Provide for the humanization of the Central City through promotion of the arts.
- Assist in creating a 24-hour Central City which is safe, humane and prosperous.
- Assure that new development is on a human scale and that it relates to the character and scale of the area and the central City.

Central City Plan 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 considered all guidelines and has addressed only those guidelines considered applicable to this project. First, staff addresses the Central City Fundamental Design Guidelines. Then staff addresses the East Portland/Grand Avenue Historic Design Guidelines.

I. Central City Fundamental Design Guidelines

A1. Integrate the River.

Orient architectural and landscape elements including, but not limited to lobbies, entries, balconies, terraces, and outdoor areas to the Willamette River and Greenway. Develop access ways for pedestrians that provide connections to the Willamette River and Greenway.

B4. Provide Stopping and Viewing Places.

Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

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.

C7. Design Corners that Build Active Intersections.

Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.

Findings for A1, B4, C1, C7: The existing cart is located at the southeast corner of SE Grand Avenue and SE Belmont Street, about six blocks east of the Vera Katz Eastbank Esplanade along the Willamette River. The cart will provide an amenity for pedestrians and cyclists traveling between residential Buckman and the Eastbank Esplanade. It will bring increased human scale and pedestrian orientation to the area, making the path between the neighborhood and the river more pleasant to traverse.

The cart will also support an active intersection at SE Grand Avenue and Belmont Street. The walk-up side of the cart is oriented to the intersection. The proposal increases the cart's orientation to the corner. The existing solid door will be replaced with a door featuring a slider window and service shelf. Walk-up service will occur at this window. A table with benches will be placed in the walk-up area, providing the opportunity for patrons to congregate and view the intersection of Grand and Belmont. The patio area at the south end of the cart will also contribute to the vitality of the corner by offering additional seating opportunities for patrons. *Therefore these guidelines are met.*

A4. Use Unifying Elements.

Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

A5. Enhance, Embellish, and Identify Areas.

Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

C4. Complement the Context of Existing Buildings.

Complement the context of existing buildings by using and adding to the local design vocabulary.

Findings for A4, A5, C4: Because the East Portland/Grand Avenue Historic District developed primarily in the late 1800s and early 1900s, before automobiles became the primary travel mode for Portlanders, most of the buildings in the District have strong pedestrian orientation and human scale. Many buildings feature ground-floor retail spaces, awnings, and generous storefront glazing. Before the existing parking lot was constructed on the block where the cart is located, a building was located there. The cart cannot possibly replace the previous building, but it can help to suggest the pedestrian orientation and human scale that presumably existed at this location in the District's formative years. The proposed signage and light fixtures are scaled and located properly to cater to pedestrians. The walk-up and patio areas will feature ample seating opportunities for customers on foot. The new door on the west façade will have a slider window for walk-up service, which will increase pedestrian interest by offering increased views of the cart's interior. *Therefore these guidelines are met.*

A6. Reuse/Rehabilitate/Restore Buildings.

Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

Findings for A6: The proposal calls for an existing cart to be renovated and re-used to accommodate a new coffee merchant. The cart will be repainted; the existing wooden storage boxes will be re-built; the roof will be replaced with a new, more durable metal roof; and a new door and window will be installed. These alterations will enable the cart to be successfully re-used. *Therefore, this guideline is met.*

A7. Establish and Maintain a Sense of Urban Enclosure.

Define public rights-of-way by creating and maintaining a sense of urban enclosure.

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.

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 for A7, A8, B1: The cart will lend a sense of urban enclosure along SE Grand Avenue and Belmont Street, add definition to the building frontage zone, and help to integrate the cart's setback with the adjacent sidewalks. The walk-up area and patio, which are located directly adjacent to the sidewalks along these two streets, will feature ample seating for patrons, planters with decorative rain chains, and posts with hanging baskets of flowers. The new door with glazing will increase views into the cart, thus developing a stronger visual connection between the cart and its surroundings. Additionally, the new decorative fence between the walk-up area and SE Belmont will provide a stronger northern edge to the cart site, helping to define it as a pedestrian-oriented space distinguishable from the larger asphalt parking in which it is located. *Therefore these guidelines are met.*

B2. Protect the Pedestrian.

Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

C12. Integrate Exterior Lighting.

Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.

C13. Integrate Signs.

Integrate signs and their associated structural components with the building's overall design concept. Size, place, design, and light signs to not dominate the skyline. Signs should have only a minimal presence in the Portland skyline.

Findings for B2, C12, C13: The signs are integrated with the design concept of the coffee cart. A sign will be mounted to the south façade of the cart in the same approximate location as a sign from the previous coffee tenant. The portion of it defined as "signage" is 12.6 square feet. The sign will feature a windmill graphic and letters spelling "Dutch Bros. Coffee" made of vinyl and mounted to a ½"-thick metal composite panel. A second sign will be located on the west façade of the cart, directly north of the new person door. The sign will feature a 6.6-square-foot vinyl graphic of a coffee cup, also mounted on a ½"-thick metal composite panel. Both panels will be attached to the cart façade using two threaded bolts with nuts, washers, and spacers. The spacers will allow the signs to stand off from the cart façade by ½". The signs are appropriately sized and located on the cart.

The sign on the south façade will be illuminated by the existing down-light used by the previous coffee tenant. The sign on the west façade will be illuminated by a down-light five inches in diameter, located directly above the sign, in the soffit of the roof overhang. The soffit will be flattened at this location to accommodate the light. Neither light fixture will impact views of the skyline. Through appropriate size and location, they both are integrated with the design of the cart. They will have no exposed electrical conduit.

Additionally, a circular 3.7-square-foot metal sign will be welded to the pickets of the new wrought-iron metal fence adjacent to the stacking lane for the drive-up window. The sign is appropriate in scale and proportion for the cart. The materials will help to unify the sign with the wall-mounted signs on the cart, fostering a cohesive appearance for the cart site.

Lastly, two horizontal sign bands will be painted on the cart and the wooden storage boxes – one band on the west elevation and one on the east elevation. Each band will be 10.75 square feet in size. The scale is pedestrian-oriented and provides diversity and interest to the sidewalk environment. They also help to integrate the wooden storage boxes with the metal trailer by acting as a unifying decorative element.

Therefore these guidelines are met.

B7. Integrate Barrier-Free Design.

Integrate access systems for all people with the building's overall design concept.

Findings for B7: The cart is fully accessible to pedestrians with physical disabilities. The walk-up area is at grade with the existing public sidewalks along adjacent SE Grand Avenue and Belmont Street. Additionally, the new table that will be placed in the walk-up area will easily accommodate people with disabilities. In fact, the applicant chose this particular type of table because it would be accessible to disabled patrons. *Therefore this guideline is 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.

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, C5: The proposal utilizes durable materials well-suited for a cart. The wall-mounted signs are composed of metal composite panels; the circular sign is made of metal; the horizontal sign bands are painted with exterior-grade paint; the new slider window is vinyl to match the existing windows on the cart; the raised circular planters are ceramic; and the re-constructed storage boxes are wooden. The new roof, door, down-light fixture, service shelves, decorative fences, rain chains, and circular sign are all composed of metal. These materials are compatible in size, scale, and proportion with the existing cart. They are unified with each other and with the original character of the cart, rendering a cohesive composition. *Therefore these guidelines are met.*

C11. Integrate Roofs and Use Rooftops.

Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

Findings for C11: The existing asphalt-shingle roof will be replaced with a metal roof. The new roof will be blue, which will match other elements such as the seating in the patio area, the bollards and decorative posts, the planters and rain chains, and the signage. The material change from asphalt shingles to metal will strengthen the integration of the roof with the existing cart, which is made of metal. The proposed rain chains and ceramic planters will work in conjunction with new roof gutters to mitigate stormwater runoff from the roof. No mechanical equipment is proposed for the roof of the cart. *Therefore this guideline is met.*

II. East Portland/Grand Avenue Historic District Guidelines

Guidelines for Alterations

A61. Use Special East Portland/Grand Avenue Historic Design Zone Guidelines Scale and Proportion

A building's bulk in conjunction with its proportional height and width will have a significant impact on the degree to which it fits in with its historic neighbors. Structures which are much wider, taller or just are significantly bigger than neighboring structures will disrupt the continuity of the area and may damage the area's historic integrity.

A61a. Scale and Proportion

1. The added height or width of an alteration should be compatible with the original scale and proportion first of the affected building and second of adjacent buildings.
2. The scale and proportion of altered or added building elements, such as the size and relationship of new windows, doors, entrances, columns and other building features should be visually compatible with the original architectural character of the building.
3. The visual integrity of the original building should be maintained when altering or adding building elements including the vertical lines of columns, piers, the horizontal definition of spandrels and cornices, and other primary structural and decorative elements.

Findings for A6-1a: The proposal includes replacement of the existing solid door on the walk-up (west) façade with a new door. The new door will have a service window with a metal service shelf. The new door will be the same size as the existing door. The service window in the new door will be compatible in size and proportion to the existing windows on the cart, which are all at a human scale consistent with the scale of the cart. Additionally, the proposal includes replacement of the existing drive-up window with a larger window. This new window will also have a service shelf. The bottom of the new window will be lower than that of the existing window in order to more easily provide service to drive-up customers. This new window will also be compatible in size and proportion to the existing windows and the overall cart. The proposal maintains the visual integrity of the existing cart. *Therefore this guideline is met.*

Exterior Building Materials

After issues of height, mass and bulk the building characteristic having the greatest impact on the District's character will be its exterior materials. Maintaining the integrity of exterior materials is important to protecting the character of the District.

A6-1b. Exterior Building Materials.

Exterior surfaces need to be repaired and maintained in a manner that is compatible first with the original building and second with the District.

Findings for A6-1b: The cart, which is a metal trailer, will be repainted in gray with a smooth finish. The existing wooden storage boxes on the north and south ends of the cart will be replaced with new wooden storage boxes and painted the same gray with a smooth finish. This simplified and more coherent appearance is an improvement for the site and its surroundings. *Therefore this guideline is met.*

Rear and Side Walls

Portland and the East Portland/Grand Avenue Historic District share a pattern of orienting corner building entrances to the adjacent north-south street. Within the Historic District city blocks are small resulting in most buildings extending to one or more of the block's corners. Orientations to King Boulevard and Grand Avenue are characteristic of the East Portland/Grand Avenue District. Building alterations should respect this pattern.

A6-1c. Rear and Side Walls

Side and rear walls should be compatible with building facades or public street elevations, but can be simple and basically blank.

New window and door openings may be added in moderation and when compatible in size, scale, proportion and detailing with the original building. New openings should be designed to be subtly distinguishable from the original building.

Where possible, avoid filling openings with concrete block, wood or other material that will change the overall appearance of the wall and/or create blank walls along pedestrian ways.

Findings for A6-1c: Because the proposal is for alterations to a cart and not an actual building, it is unclear whether there is a "rear" wall. If there is a "rear" wall, it would be the drive-up side, which is the cart's east façade. The rear wall will be compatible with the rest of the cart. It will receive the same paint treatment as the other three facades. There will also be a horizontal sign band that matches the condition on the walk-up side. The drive-up window will be replaced with a slightly larger window. It will be a slider window, similar to the slider window located in the proposed new door on the walk-up side.

The side walls of the cart are the north and south façades. The only changes to these façades include rebuilding the existing wooden storage boxes. They will be rebuilt to the same shape as the existing boxes. The box at the south façade will be reduced in size to accommodate a larger patio area. Additionally, the upper surface of the box will be cantilevered about 10 inches south to create a counter. Barstools will be placed at the counter for patrons' use. *Therefore this guideline is met.*

Exterior Mechanical Systems and Auxiliary Service Elements

The character of the district may be damaged by the introduction of distracting visual elements which clutter building exteriors. When updating a building's mechanical systems, locating its trash areas and installing electronic communications equipment, care must be taken to avoid visual clutter.

A61-d. Exterior Mechanical Systems and Auxiliary Service Elements.

Avoid unnecessary clutter and unsightliness of mechanical systems, auxiliary structures, and service elements such as trash containers, storage sheds, satellite dishes, etc.

Findings for A6-1d: The proposal does not include any exterior mechanical equipment or service elements. The newly rebuilt wooden boxes at the north and south ends of the cart will provide storage for the coffee cart. The boxes will be painted the same color and finish as the metal trailer. The top surface of the box at the southern end will be cantilevered 10 inches into the patio area to provide a

counter for patrons seated on barstools, effectively integrating the storage box with the design and function of the cart. *Therefore this guideline is met.*

Color

All new color schemes should be reviewed. To choose appropriate colors, it is best to start with a paint analysis on the building to determine its original color. Though it may not be possible to duplicate that color, the color should at least be compatible with the original color. (See Appendix B for guidance on how to do a paint analysis and consult local paint companies for assistance). Experimenting with colors in small sample locations is encouraged. For additional guidance, consult the State Historic Preservation Office in Salem at 1 (503) 378-6508, or the East Portland Historic District Advisory Board.

A6-1e. Color

1. When painting a building or making color changes, colors chosen should be visually compatible with the architectural character of the District represented by both the primary (1870-1914) and secondary (1915-1935) historic periods of development. A broad range of color schemes may be acceptable.
2. The colors should be compatible with the original architectural style of the building. If the building has no apparent style, use the surrounding buildings and any character-defining features on the building itself as a guide.

Findings for A6-1e: The cart and the attached storage boxes will be painted gray; the signage area on the south façade will be painted blue; and trim will be painted white. All painted surfaces will have a smooth finish. The colors are compatible with the original style of the cart and the character of the District. *Therefore this guideline is met.*

Signs

All exterior signs are reviewed. Signs must meet all applicable provisions of the City of Portland's ordinances and guidelines.

A6-1f. Signs

1. Exterior building signs should be visually compatible in size, scale, proportion, color and materials with the original architectural character of the building.
2. A variety of signs within the District are encouraged, incorporating excellence in graphic design and lettering, careful color coordination with the building, mounting, and readability.
3. Prominent signs that are creative yet compatible with the building and the District are encouraged, particularly on simple concrete buildings.
4. Sign lighting that is creative and compatible with the building and the District is acceptable. Plastic signs and backlit plastic signs are generally not acceptable.

Findings for A6-1f: The proposed signage will be visually compatible with the cart. The two wall-mounted signs are made of metal composite panels and exhibit proper size, scale, proportions, and color. Each sign will be illuminated by a down-light. The down-light on the south façade is existing, from the previous coffee tenant. The one on the west façade will be a new 5"-diameter fixture recessed into the soffit of the roof overhang. Both fixtures are compatible with the cart and respectful of its design. *Therefore this guideline is met.*

Guidelines for Street System and Parking Improvements

Landscaping of Off-Street Parking Lots

Surface parking lots were not part of the District's original fabric. Their introduction has often diluted and disrupted the District's character. The East Portland/Grand Avenue Historic District's character is urban and built up. When surface parking is included in

the District an effort to enhance the sense of urban enclosure along the street must be made.

A6-1p. Landscaping of Off-Street Parking Lots.

Off-street parking lots should be defined by hedges, low walls, or ornamental fences along their perimeters to provide a sense of enclosure for pedestrians on the sidewalk and to partially buffer automobiles from view, while allowing for surveillance of the parking lot.

Findings for A6-1p: A wrought-iron fence, a post with a hanging basket of flowers, and a circular raised planter will be placed between the patio and the stacking lane for the drive-up window. Automobiles are buffered from view while still allowing surveillance of the parking lot. A decorative fence and a raised planter will be located between the sidewalk on SE Belmont Street and the cart site. Two posts with hanging baskets will provide additional enclosure for pedestrians along the SE Grand Avenue sidewalk and the Belmont Street sidewalk, respectively. *Therefore this guideline is met.*

III. Modification

33.846.070 Modification Considered During Historic Design Review

The approval criteria for modifications considered during historic design review are:

- A. Better meets historic design review approval criteria.** The resulting development will better meet the approval criteria for historic design review than would a design that meets the standard being modified; and
- B. Purpose of the standard.**
 1. The resulting development will meet the purpose of the standard being modified; or
 2. The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.

The following modification is requested:

The applicant requests a Modification to 32.32.020 (Title 32: "Signs and Related Regulations"). Per 32.32.020, the coffee cart is allowed to have 32 square feet of signage. The applicant proposes a total of 43.3 square feet of signage, which is 11.3 square feet more than the amount allowed.

As stated in the zoning code, the purposes of 32.32.020 are as follows:

The regulations for signs and awnings have the following specific objectives:

- A. To ensure that signs and awnings are designed, constructed, installed, and maintained according to minimum standards to safeguard life, health, property, and public welfare;*
- B. To allow and promote positive conditions for sign communication while at the same time avoiding nuisances to nearby properties;*
- C. To reflect and support the desired character and development patterns of the various zones, overlay zones, and plan districts and promote an attractive environment;*
- D. To allow for adequate and effective signs in commercial and industrial zones while preventing signs from dominating the appearance of an area; and*
- E. To ensure that the constitutionally guaranteed right of free speech is protected.*

The regulations allow for a variety of sign types and sizes for a site. The provisions do not ensure or provide for every property or business owner's desired level of visibility for the signs. The sign standards are intended to allow signs to have adequate visibility from streets and rights-of-way that abut a site, but not necessarily to streets and rights-of-way farther away.

Findings: With the Modification to 32.32.020, the proposal better meets historic design review approval criteria. The Modification allows for the inclusion of the two horizontal sign bands.

The sign bands enable the proposal to better meet Central City Fundamental Design Guideline C13: *Integrate Signs* and East Portland/Grand Avenue Historic District Guideline A6-1-f: *Signs*. The sign bands are located and scaled for pedestrian orientation, and offer “interest and diversity” in the pedestrian environment. The sign bands also help to integrate the wooden storage boxes with the metal trailer by acting as a unifying element.

The signage will still meet the purposes of the standard being modified. The signage will be constructed and maintained according to minimum standards to protect life, health, property, and public welfare. The cart promotes positive conditions for sign communication, thanks to the proper location, scale, and proportions of its signage. Each sign is human-scaled and oriented to the immediately surrounding environment. The signage does not constitute a nuisance to nearby properties. Each individual sign is modestly sized and made of appropriate high-quality materials. The two light fixtures proposed to illuminate two of the signs are small, inconspicuous down-lights that will not result in light pollution to nearby properties. The cart reflects and supports the desired character and development patterns of the East Portland/Grand Avenue Historic District and the Central City Plan District, which calls for a pedestrian-oriented, human-scaled, mixed-use urban environment. Neither the cart nor its signage will dominate the appearance of the surrounding area. *Therefore this criterion is met.*

Therefore, as Modification approval criteria “A” and “B” are met, the Modification merits approval.

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 purpose of the historic design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposal employs durable materials to render a cohesively designed coffee cart that is in keeping with the pedestrian orientation of the East Portland/Grand Avenue Historic District. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of alterations to existing coffee cart and patio; approval of Modification to 32.32.020 of Portland’s Sign Code, to allow a total of 43.3 square feet of signage. Approval per the approved site plans, Exhibits C-1 through C-7, signed and dated 06/05/08, 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 through C-7. The sheets on which this information appears must be labeled, “Proposal and design as approved in Case File # LU 08-120337 HDZM. No field changes allowed.”

Decision rendered by:  **on June 5, 2008**
By authority of the Director of the Bureau of Development Services

Decision mailed: June 9, 2008

Staff Planner: Kate Marcello

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 4, 2008, and was determined to be complete on April 17, 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 April 4, 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 Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on June 23, 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. Recognized neighborhood associations are not subject to the appeal fee. 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 Landmarks 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 Landmarks 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 **June 24, 2008 – (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.

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;

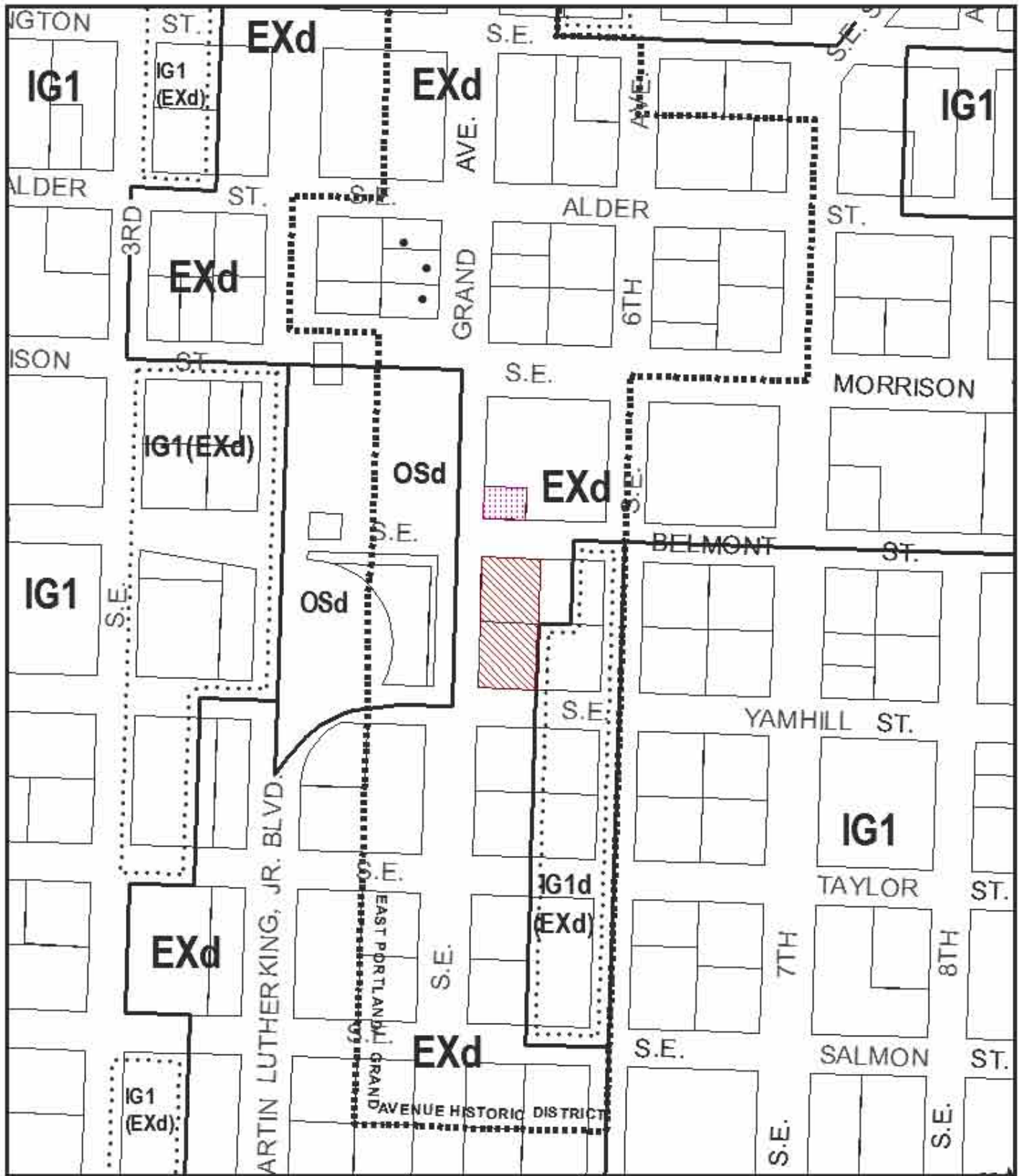
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (*attached*)
- C. Plans/Drawings:
 - 1. Enlarged Site Plan (*attached*)
 - 2. Cart Elevation Drawings (*attached*)
 - 3. Signage Elevation and Section Drawings (*attached*)
 - 4. Roof Plan and Floor Plan
 - 5. Site Plan [with View of Full Block]
 - 6. Section Drawing at Soffit Down-Light
 - 7. Specification Sheet for Light Fixture
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety (Building Code) Section of the Bureau of Development Services
- F. Correspondence: None received.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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
-  Also Owned
-  Historic Landmark

This site lies within the:
 EAST PORTLAND/GRAND AVE. HISTORIC DISTRICT
 CENTRAL CITY PLAN DISTRICT



File No.	LU 08-120337 HDZ
1/4 Section	3131
Scale	1 inch = 200 feet
State_Id	1S1E02BB 8100
Exhibit	B (Apr 14, 2008)

LU 08-120337 HDZEM

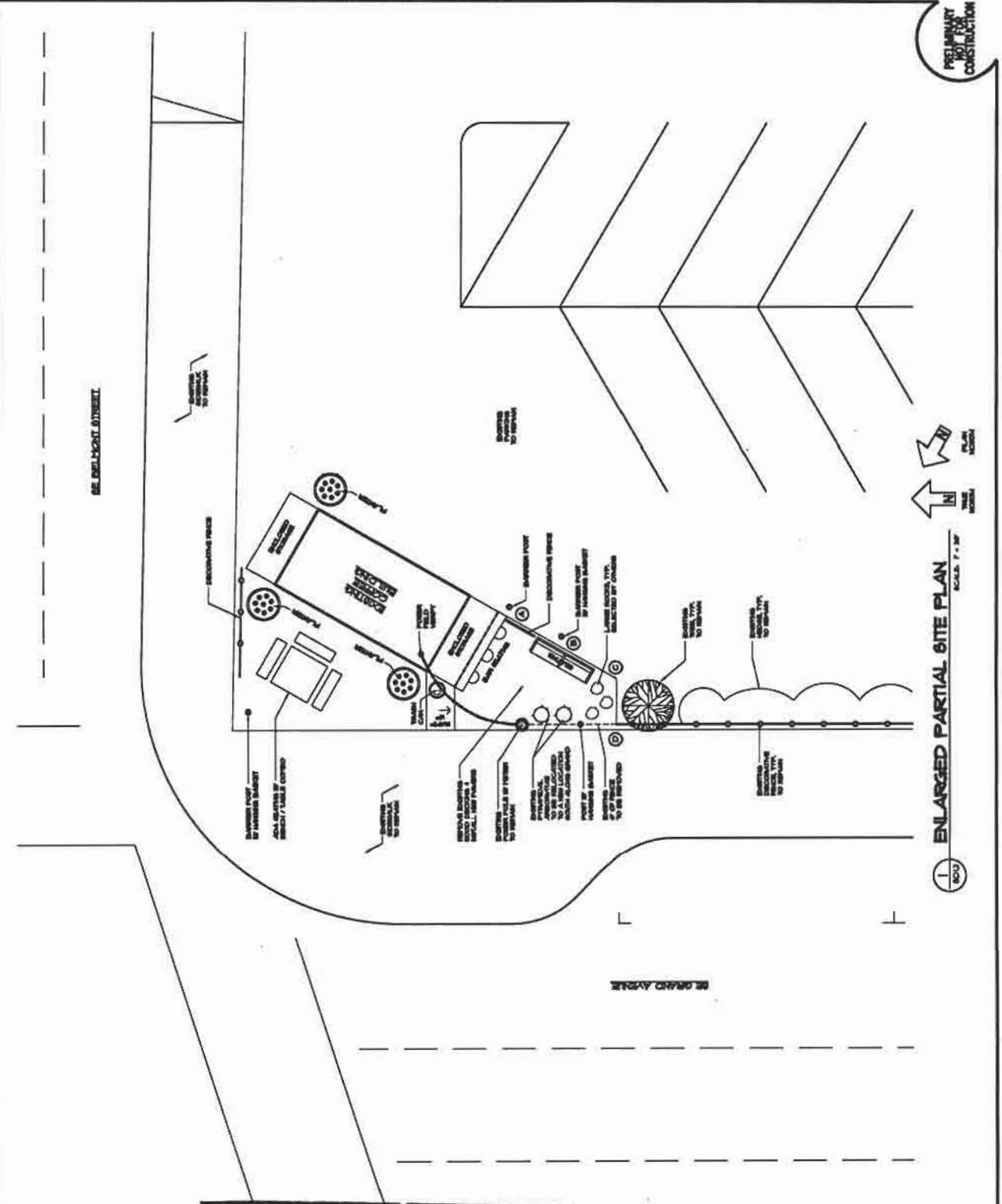
Exhibit C-1

ARCHITECTS and PLANNERS
 800 N. BAYVIEW DR. COOR BAY, OREGON
 514 SE BELMONT
 PORTLAND, OREGON

PROJECT TITLE:
 DUTCH BROS. COFFEE - A FRANCHISE
 FOR DENNIS, LAURIE & JOSEPH BROWN

ENLARGED PARTIAL SITE PLAN

DATE:	05-25-08
PROJECT #:	0811
SD1.2	



Approved

City of Portland - Bureau of Development Services

Planner Katherine Munn Date 6-5-08

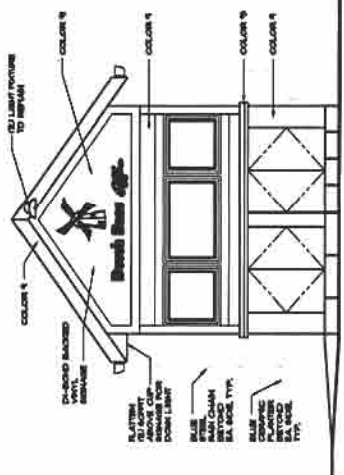
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Reduced Sheet Size.

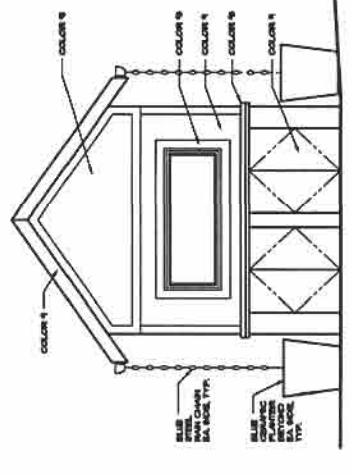
LU 08-120337 HDZM
Exhibit C-2

EXTERIOR FINISH NOTES:
 BODY -
 ROOF / FLASHING - (1) COATS ALCOBE ACRYLIC EMULSION.
 ENDOCO ACCENTS - ACRYLIC EMULSION (1) COATS ALCOBE ACRYLIC EMULSION.
 METAL FLASHING / BELLFLOWERS / COLLARS - ACRYLIC EMULSION (1) COATS.
 COLOR 1 - GRAY
 COLOR 2 - BLUE
 COLOR 3 - WHITE

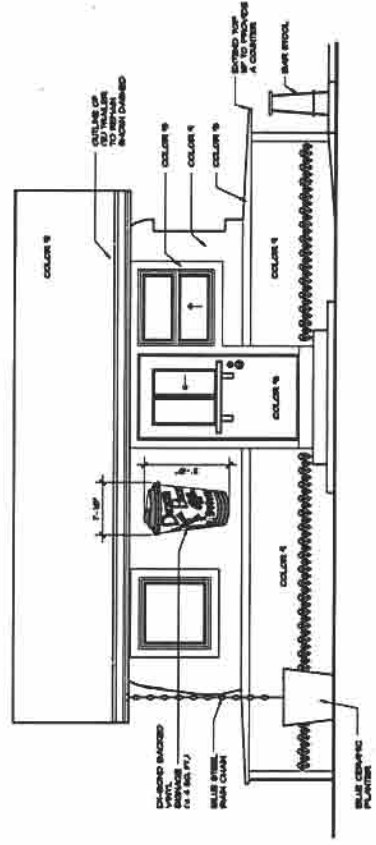
METAL FLASHING AROUND ALL WALL PENETRATIONS.
 FLASHING TO BE INSTALLED BEFORE FINISHING.



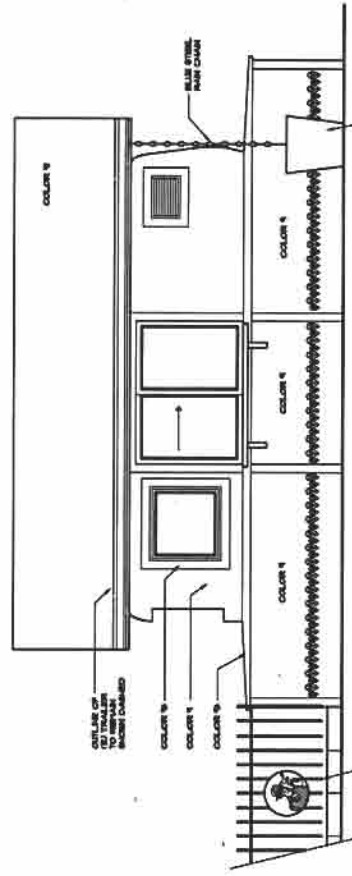
1 BUILDING ELEVATION SCALE: 1/4" = 1'-0"



3 BUILDING ELEVATION SCALE: 1/4" = 1'-0"



2 BUILDING ELEVATION SCALE: 1/4" = 1'-0"



4 BUILDING ELEVATION SCALE: 1/4" = 1'-0"

Approved
 City of Portland - Bureau of Development Services
 Planner Katherine [Signature] Date 6-5-08
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Structural Drawing

DUTCH BROS.



PROPOSED SIGNAGE non-illuminated vinyl graphics on routed plex surface

VINYL COLORS

-  Tomato Red
-  Brite Yellow
-  Intense blue

Vinyl Letters

1/2" DIBOND
attached to
facia



Threaded Bolt w/
Nut and Washer
And spacer

Wall Framework

Approved

City of Portland - Bureau of Development Services

Planner Katherine [Signature] Date 6-5-08

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

Signs will be mounted to building walls - 1/2" offset



Signs Etc.
INCORPORATED

THIS DESIGN AND ENGINEERING TO REMAIN THE EXCLUSIVE PROPERTY OF SIGNS ETC. INC. UNLESS EXCEPTED AND APPROVED BY PURCHASER. ALL RIGHTS RESERVED. REARRANGEMENT PUNISHABLE BY COPYRIGHT LAW.

Salesman Tom Dale	Designer Michael Sunday
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