

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 9, 2008 **To:** Interested Person

From: Dave Skilton, Land Use Services

503-823-0660 / dave.skilton@ci.portland.or.us

CORRECTION

THE DECISION DOCUMENT IN THIS CASE THAT WAS MAILED TO YOU ON SEPTEMBER 3, 2008 CONTAINED AN INNACURATE DRAWING, EXHIBIT C-2, EXISTING AND PROPOSED ELEVATIONS, WHICH IS CORRECTED IN THIS MAILING.

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 08-147194 DZ – STOREFRONT ALTERATION

GENERAL INFORMATION

Applicant: Everett Street LLC, Owner

510 NW 23rd Avenue #A Portland, OR 97210

Representative: Ellen Cusick, Architect (503-230-2337)

Jean Pierre Veillet Siteworks Inc 1255 NW 9th Avenue #17

Portland, OR 97209

Site Address: 1140 NW Everett Street

Legal Description: Lot 5-8 Block 79, Couchs Addition

Tax Account No.: R180207300 **State ID No.:** 1N1E33DA 03000

Quarter Section: 3028

Neighborhood: Pearl District, contact Patricia Gardner at 503-228-3273.

Business District: Pearl District Business Association, contact Adele Nofield at 503-223-

0070.

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - River District

Zoning: EXd, Central Employment, with Design Overlay

Case Type: DZ, Design Review

Procedure: Type II, an administrative decision with appeal to the Design

Commission.

Proposal:

Applicant is seeking design review for a proposal to alter a storefront opening by replacing three fixed window units with operable ones. The floor in this location is well above grade at the existing window sill height, so a 42" high guardrail will be required. It will be constructed of metal and installed outside the glass. Design Review is required because the site has Design Overlay zoning.

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:

33.825 Design Review

River District Design Guidelines

 Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The subject property is a single story brick building occupying the north half of the block bounded by NW Everett Street, NW 11th Avenue, NW Davis Street, and NW 12th Avenue. The location of the proposed alteration is the tenant bay just west of the center of the block, facing NW Everett Street, and the opening proposed for alteration is a former vehicular entrance which has been filled in with a brick bulkhead and storefront glazing.

The built character in the immediate vicinity is varied, both in the age of structures and their physical character. Low-rise utilitarian structures similar to the subject property lie to the north and east, with larger buildings to the south and west. Across NW 12th Avenue the building adjoins the NW Thirteenth Avenue Historic District in the form of the whole block Fuller Building and another cluster of historic buildings lies to the southeast. Diagonally to the northwest is the new Elliott residential tower, which is reflective of the intense development which has occurred in the general area over the last decade.

NW Everett Street is classified as a transit and traffic access street and a local bikeway. The area is designated as a pedestrian zone. Deciduous street trees, twenty to thirty feet in height, line the block face in front of the site.

Zoning:

<u>Central Employment</u>. This zone implements the Central Employment map designation of the Comprehensive Plan. The 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 development standards are intended to allow new development which is similar in character to existing development.

<u>Design Overlay</u>. The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. 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 or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards

ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

Land Use History: City records indicate no land use reviews within the last ten years:

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **August 1, 2008**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 1, 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 and River District Guidelines.

River District Design Guidelines and Central City Fundamental Design Guidelines

The River District is planned to become a place that is remarkable within the region. The area is intended to grow rich with special and diverse qualities that are, or will become characteristic of Portland. Further, the River District will accommodate a significant portion of the region's population growth. The plan calls for the creation of a new community of dense neighborhoods, housing a resident population of over 15,000 people, and providing jobs, services, and recreation to this population and others. This area is intended to emphasize the joy of the river, connections to it, and create a sense of community. The goals frame the urban design direction for Central City and River District development.

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.

River District Design Goals

1. Extend the river into the community to develop a functional and symbolic relationship

- with the Willamette River.
- **2.** Create a community of distinct neighborhoods that accommodates a significant part of the region's residential growth.
- **3.** Enhance the District's character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.
- **4.** Strengthen connections within River District, and to adjacent areas.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven Central City policy areas. The nine goals for design review within the Central City are as follows:

- 1. Encourage urban design excellence in the Central City;
- 2. Integrate urban design and preservation of our heritage into the development process;
- **3.** Enhance the character of the Central City's districts;
- **4.** Promote the development of diversity and areas of special character within the Central City;
- **5.** Establish an urban design relationship between the Central City's districts and the Central City as a whole;
- **6.** Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
- **7.** Provide for the humanization of the Central City through promotion of the arts;
- **8.** Assist in creating a 24-hour Central City which is safe, humane and prosperous;
- **9.** Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

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

Findings: The proposal to replace a fixed existing storefront with an operable sliding window system will allow a significantly more intense connection between interior and exterior. *This quideline 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.
- **B1-1. Provide Human Scale to Buildings along Walkways.** Provide human scale and interest to buildings along sidewalks and walkways.
- **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.

Findings: The option of opening the storefront will make the building frontage zone more interesting and allow restaurant patrons to engage directly with the people and events on the sidewalk without impeding pedestrian movement. At twelve feet in width, the sidewalk in front of the window can support an area where pedestrians can linger while engaging those indoors. *These guidelines are therefore met.*

C2. Promote Quality and Permanence in Development. Use design principles and

building materials that promote quality and permanence.

Findings: The proposed operable window system is made of heavy gage aluminum extrusions, configured and finished to blend with the remaining storefronts on the building. The welded steel guardrail is designed to be strong but visually unobtrusive. Both materials are durable and permanent in character. *This guideline is therefore met.*

C4. Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

Findings: The introduction of an operable storefront opening at this location continues a pattern of openness to the street that has developed in this area in recent years. Seen in both new construction and remodeling, this use of the open retail storefronts helps to unify the area. *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: The materials, configuration, and simplicity of the new operable window system intentionally continue the pattern of the existing windows in the building. Within the overall composition, three main window panels are divided from transom lights above by a wide mullion. Finishes will also be similar, helping to maintain coherency. The railing is kept straightforward and minimal in design and profile, and will be painted black to make it recede visually. *This guideline is therefore met.*

CONCLUSIONS

The modest intervention contemplated by this proposal, making it possible to open a storefront window, should have favorable consequences disproportionate to its cost. The resulting interaction between interior and exterior spaces will contribute strongly to the vitality of the adjacent streetscape. The proposal merits approval.

ADMINISTRATIVE DECISION

Approval of a proposal to proposal to replace three fixed storefront window units with operable ones and install a guardrail, per the approved drawings, Exhibits C-1 through C-6, signed and dated August 29, 2008, subject to the following condition:

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-6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-147194 DZ. No field changes allowed."

Decision rendered by:

on August 29, 2008.

By authority of the Director of the Bureau of Development Services

Decision mailed: September 4, 2008

Staff Planner: Dave Skilton

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 18, 2008, and was determined to be complete on **July 29, 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 18, 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 17, 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 18, 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

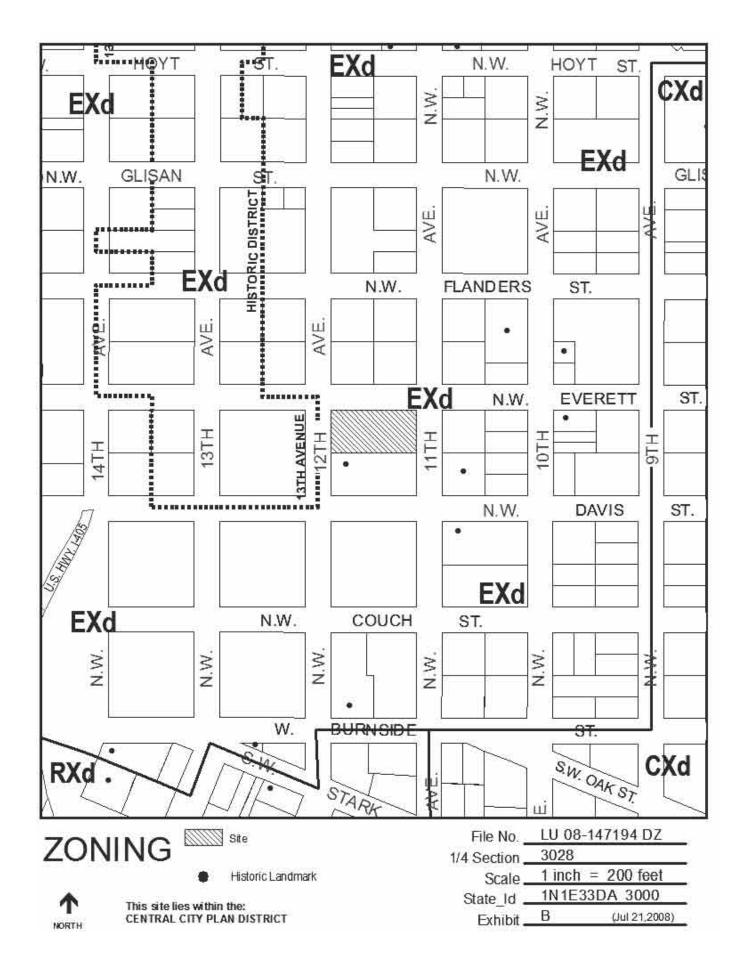
NOT ATTACHED UNLESS INDICATED

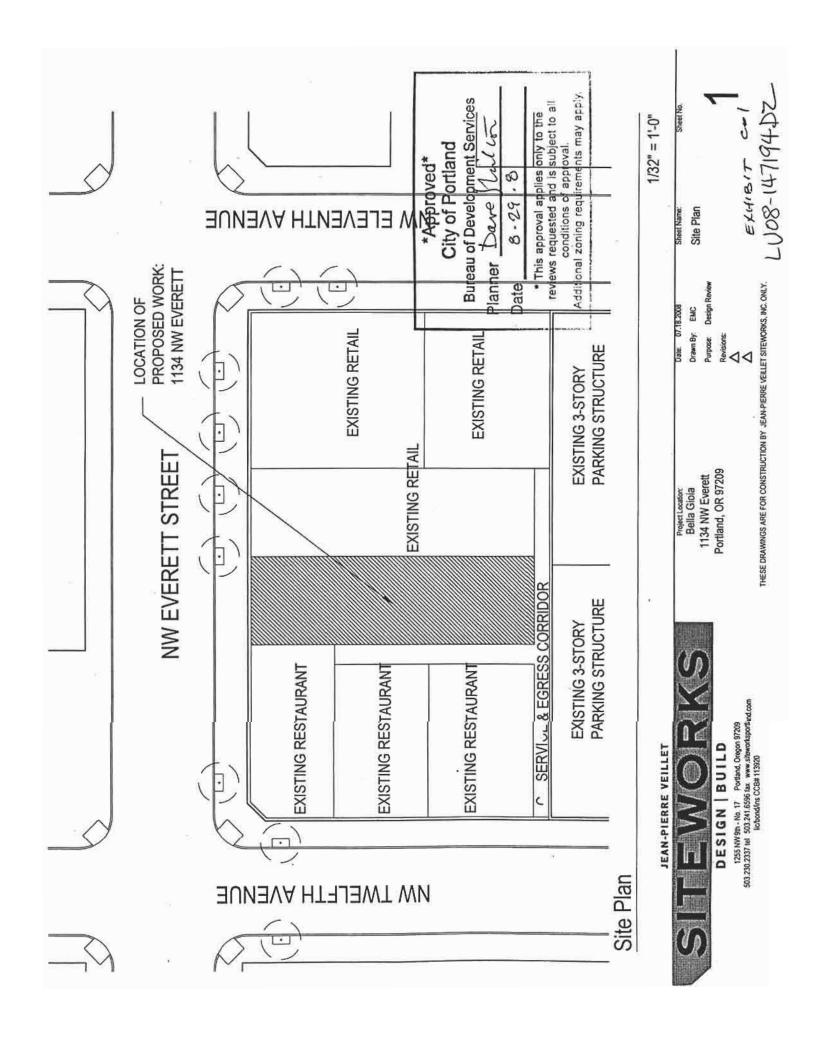
- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Existing and Proposed Elevations (attached)
 - 3. Elevation with Window in Open Position.
 - 4. Window Bay Plan
 - 5. Window Bay Sections
 - 6. Window Bay Elevation
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None

Correspondence: None

- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Case Contact Log

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).





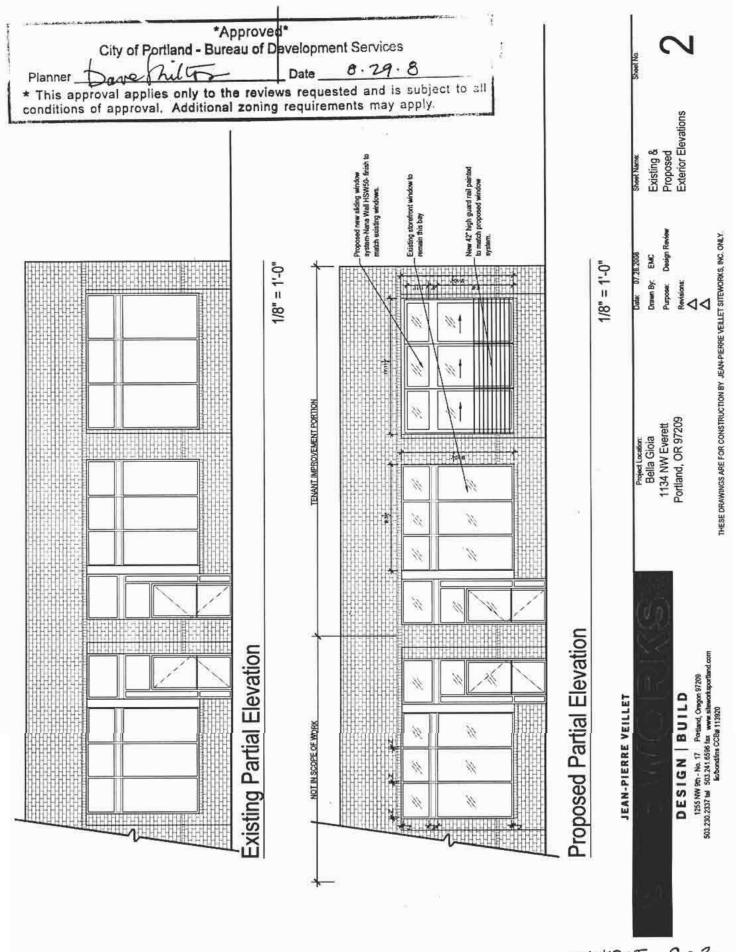


EXHIBIT C-2 LU 08-14194 DZ