



City of Portland  
**Bureau of Development Services**  
Land Use Services Division

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**Date:** October 24, 2008  
**To:** Interested Person  
**From:** Staci Monroe, 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 08-110145 DZM - DESIGN REVIEW FOR BUILDING AND SITE IMPROVEMENTS WITH MODIFICATIONS**

**GENERAL INFORMATION**

**Applicant:** Tom Peabody, (503) 806-7034  
Work Body LLC  
4835 N Albina Avenue  
Portland OR 97217

**Representative:** David Spitzer, (503) 335-9040  
Dms Architects Inc.  
2440 NE MLK Blvd. #202  
Portland, OR 97212

**Site Address:** 1125 SE DIVISION STREET

**Legal Description:** LOT 7-9 BLOCK 130, STEPHENS ADD  
**Tax Account No.:** R794016030  
**State ID No.:** 1S1E02CD 08400  
**Quarter Section:** 3231  
**Neighborhood:** Hosford-Abernethy, contact Kina Voelz at 971-207-9243.  
**Business District:** Central Eastside Industrial Council, contact Chris Hammond at 503-309-1971.

**District Coalition:** Southeast Uplift, contact Cece Hughley Noel at 503-232-0010.  
**Plan District:** Central City - Central Eastside  
**Zoning:** EXd - Central Employment zone with a Design overlay  
**Case Type:** DZM - Design Review with a Modification  
**Procedure:** Type II, an administrative decision with appeal to the Landmarks Commission.

**Proposal:**

The applicant seeks Design Review for exterior building and site improvements to accommodate retail, office and storage tenants. The building's plywood, T1-11 and concrete exterior materials will remain with the following building and site improvements:

- Black anodized aluminum storefronts with roll-up doors, windows and wood entry doors on the south and east facades;
- Steel frame sunbrella fabric awnings above entries, each 4'-0" deep and 0'-11" tall;
- Five new building wall signs totaling 33 SF above each storefront. Signs consist of an internally illuminated sheet metal surround painted to match the storefront with translucent cutout plexiglass letters and an overall thickness of 0'-5" from the face of the building;
- A 4'-4"(h) x 4'-8"(l) monument sign located in the southeast landscape at the corner of SE 12<sup>th</sup> and SE Division Streets. It will consist of a tube steel frame with attached steel plates with steel cut out letters for each tenant. Illumination of the sign will be from Kichler in-ground uplighting;
- A raised concrete and trex deck along the south and east facades approximately 3'-3" tall with metal cable railing to allow access to the raised storefronts;
- A 20'-0' (l) x 6'-0"(w) x 8'-8" (h) trash enclosure at the southwest corner of the site comprised of CMU block and tube steel and cedar boards;
- 5'-0 deep landscape planters along the west, south and east property lines to screen existing parking and trash enclosure; and
- Bike racks (inverted-U) for 6 short-term required bike parking spaces located along the east side of the building and just west of the parking area.

The value of the improvements does not exceed the \$124,850 therefore no non-conforming upgrades are required. However, due to the change in use 6 short-term and 4 long-term bike parking spaces are required and are provided on the site and floor plans.

#### Modification through Design Review – Section 33.825.040

1. Exceed the 126 SF maximum sign area allow allowed for the site for a total of 689 SF, which includes existing banana mural and new site signage (32.32.020.A); and
2. Reduce the pedestrian connection width from 6'-0" to 4'-0" for the new storefront entrances (33.140.240.2.a).

Proposals for alteration to existing development within the Central City Plan District 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 and Title 32, Sign Code. The relevant criteria are:

- Central City Fundamental Design Guidelines
- Central Eastside Design Guidelines

## **ANALYSIS**

**Site and Vicinity:** The 13,231 SF site is located at the northwest corner of SE 12<sup>th</sup> and SE Division. The property is along the east boundary of the Central Eastside Subdistrict and the Central City Plan District with Ladd's Addition Historic District immediately east across 12<sup>th</sup> Avenue. Adjacent development consists of older commercial and industrial structures, some of which has been renovated in the recent years.

The property is developed with a 2-story, 12,896 SF warehouse building currently occupied by a discount retailer. The L-shaped building is setback along the west and north property lines with an asphalt parking lot between the building and both streets. The building is comprised

of concrete block and T1-11 siding with 4 roll-up doors and windows on the south and inner east elevations. A banana ("Art fills the void") mural is on the eastern wall fronting SE 12<sup>th</sup> and proposed to remain.

**Zoning:** The EX – Central Employment 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 "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review.

**Land Use History:** City records indicate the following prior land use reviews for this site:

- **VZ 034-64:** Approval of a 1964 Variance to permit parking in the required front setback.
- **VZ 277-68:** Approval of a 1968 Variance to reduce the north, rear yard from 6'-0" to 0'-0" for a 50'-0"x35'-10" addition to the existing warehouse.
- **VZ 025-74:** Approval of a 1974 Variance to increase the maximum gross floor area from 10,000 SF to 13,400 SF, reduce the east front setback from 10'-0" to 0'-0", reduce the north, rear setback from 7'-0" to 0'-0" for a 2<sup>nd</sup> story addition to an existing warehouse.
- **VZ 055-75:** Approval of a 1975 Variance to amend the committee action on VZ 025-74 from "Approval per plan submitted which showed a 4' wide east front setback adjacent to the proposed addition" to "Approval on the condition that a 4' wide east front setback be provided" in order to retain an older portion of the existing building.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **March 26, 2008**.

The following Bureaus have responded with no issues or concerns:

- Water Bureau
- Fire Bureau
- Bureau of Parks-Forestry Division
- Bureau of Transportation Engineering

The Bureau of Environmental Services responded with the following comment (see Exhibit E-1 for additional details):

- BES has reviewed the Stormwater Calculations report dated April 24, 2008 provided by the applicant and finds that the stormwater management issues raised during the first review of LU 08-110145 DZM have been adequately addressed. BES has no objections to the request for Design Review approval for the proposed exterior site improvements.
- PLEASE NOTE: Stormwater management facilities will be reviewed in more detail at the time of building permit application. Be aware, as identified in comment #3 under the Future Building Permit Application Requirements of the initial BES response, a sanitary (waste line) drain is required for the garbage area. A separate connection to the curb is required for the waste line from the garbage area, so it cannot be tied to stormwater overflow from the proposed stormwater planters (as identified on the first page of the Stormwater Calculations report).

The Site Development Section of BDS responded with the following comment (see Exhibit E-2 for additional details):

- Site Development has reviewed the Stormwater Calculations dated April 24, 2008 and finds that conceptual design for flow-through planters with overflow to the combination sewer is acceptable, with BES approval (please refer to BES' Addendum to Land Use Response dated May 15, 2008). Encroachment into the right-of-way would be contingent upon PDOT approval. Please direct questions regarding this matter to George Helm, (503) 823-7201.

The Plan Review Section of BDS responded with the following comment (see Exhibit E-3 for additional details):

- 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.
- Exterior accessible route - At least one accessible route shall be provided within the boundary of the site from public transportation stops, accessible parking spaces, passenger loading and drop off zones, and public streets or sidewalks to an accessible entry. OSSC 1103.1. Walks paralleling vehicular ways shall be separated from the vehicular way. OSSC 1103.2.4.
- A Building Permit is required to change the use of a building to a different occupancy classification, and the building must be made to comply with building code requirements for the proposed new use or occupancy. It is recommended that the applicant contact Peter Drake (503) 823-7717 or Raphael Goodblatt (503) 823-1017 for more information. OSSC 3406

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on March 26, 2008. One written response has been received from a notified property owner in response to the proposal.

- R.E. Carter, Carter Machine & Tool, Inc., March 31, 2008, concerns with sufficient on-site parking. On-street parking has increased with recent remodels and building expansions in the area, which have resulted in vehicles blocking his driveway.

*Staff Response:* The applicant is reducing the existing on-site parking from 14 to 7 spaces. However, there is no minimum parking requirement for this site due to its proximity to frequent bus service (The 4, Division bus line). Additional bus lines (70) also run along both SE 11<sup>th</sup> and SE 12<sup>th</sup>. The close proximity to adjacent residential (Ladd's Addition) will also encourage non-vehicle access to the site.

## ZONING CODE APPROVAL CRITERIA

### 1. DESIGN REVIEW - CHAPTER 33.825

#### 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 the site is located generally within the Central City Plan District, the applicable design guidelines are the Central City Plan Fundamental Design Guidelines. As the site is also specifically located within the Design Zone of the Central Eastside District, the Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan also apply.

**Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan and Central City Fundamental Design Guidelines**

The Central Eastside is a unique neighborhood. The property and business owners are proud of the district's heritage and service to the community and region. Light industry, distribution/warehousing, and transportation are important components of the district's personality. To the general public, retail stores and commercial businesses provide the central focus within the district.

The underlying urban design objective for the Central Eastside is to capitalize on and emphasize its unique assets in a manner that is respectful, supportive, creative and compatible with each area as a whole. Part of the charm and character of the Central Eastside District, which should be celebrated, is its eclectic mixture of building types and uses. An additional strength, which should be built on, is the pattern of pedestrian friendly retail uses on Grand Avenue, East Burnside and Morrison Streets, as well as portions of 11<sup>th</sup> and 12<sup>th</sup> Avenues.

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 Eastside Design Goals**

The following goals and objectives define the urban design vision for new development and other improvements in the Central Eastside

- Encourage the special distinction and identity of the design review areas of the Central Eastside District.
- Provide continuity between the Central Eastside and the Lloyd District.
- Provide continuity between the Central Eastside and the river, downtown, and adjacent residential neighborhoods.
- Enhance the safety, convenience, pleasure, and comfort of pedestrians.

**Central City Plan Design Goals**

This set of goals are 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.

**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.

**C3-1. Design to Enhance Existing Themes in the District.** Look to buildings from throughout the district for contextual precedent. Innovation and creativity are encouraged in design proposals, which enhance overall district character.

**C3-2. Respect Adjacent Residential Neighborhoods.** Respect the architectural character and development patterns of adjacent residential neighborhoods.

**Findings:** The building faces the intersection of SE Division and SE 12<sup>th</sup> and is located within the Central Eastside Subdistrict. All the buildings at this intersection are commercial and industrial in design, materials and use as are most within the subdistrict. The building features and materials mostly respond to the building character surrounding and facing the site. The existing roll-up door openings will be retained and converted into storefronts with smaller glass roll-up doors and a person door. The decking added along the storefront facades is reminiscent of loading docks typical on industrial buildings. The awnings and signage and outdoor seating areas are common features on commercial buildings. The aluminum storefronts, metal signs, awning frames and deck railings and concrete deck base and trash enclosure are materials integrated from the adjacent industrial buildings in the Central Eastside subdistrict.

The nearest residence is located immediately north of the site and northeast in Ladd's Addition. The building's back wall faces a residence to the north which sits on the property line and no changes are proposed. The proximity and location of the residential in the immediate area and the warehouse character of the existing building is significant to warrant the commercial style improvements. However, the cedar wood on the trash enclosure doors, wood storefront doors and Trex decking are softer more residential materials that have been incorporated into the project.

*These guidelines are therefore met.*

**A7. Establish and Maintain a Sense of Urban Enclosure.** Define public rights-of-way by creating and maintaining a sense of urban enclosure.

**A7-1. Maintain a Sense of Urban Enclosure When Single-Story Buildings are Set Back.** Maintain a sense of urban enclosure, through the use of landscaping and other means, when single-story buildings are set back from the property line. Do not set buildings back from the property line within the East Portland Grand Avenue Historic District.

**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:** The building is setback at least 40'-0" from SE Division and contains a solid wall along portions of SE 12<sup>th</sup>. There is only a surface parking lot at the southeast corner intersection of Division and 12<sup>th</sup>. Although the building's location hinders its ability to activate the street and provide an urban edge several elements have been designed to enhance these intersecting right-of-ways. A 5'-0" deep landscape planter with a monument sign are located at this corner which provides an urban edge for this development. Stairs, ramps and pedestrian walkways link the building storefronts to both sidewalks on Division and 12<sup>th</sup>. Finally, the raised deck along the building facades will provide an area where dining, seating or other activities can occur which are visible and accessible from the street. *These guidelines are 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.

**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.

**Findings:** Although the building is setback over 40'-0" from SE Division the addition of storefronts along the south and east facades provide visibility to the building's active interiors. The outdoor deck along the storefront adds another opportunity for visible activity on along the streetscape. The outdoor area west of the parking lot, which abuts the sidewalk along SE Division could accommodate other activities, such as outdoor seating thereby enhancing the vibrancy along Division. *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.

**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.

**Findings:** The new raised deck along the storefronts and adjacent walkways provides a safe a direct connection for pedestrians. With the first floor level 3'-0" above the sidewalk and parking area the raised deck provides a continuous path to access all of the storefront. Stairs to the deck are located within 2'-0" from SE 12<sup>th</sup>, down to the parking lot and at the southern edge of the building. A 4'-0" wide concrete path links the pedestrian directly to the sidewalk on SE Division. The raised deck separates the pedestrians from the vehicle area thereby enhancing their safety. Building lighting and street lights provide sufficient illumination for these paths.

The rooftop equipment is setback 15'-0" from all building edges. In addition to being setback, the 4'-0" tall units are screened by an existing 3'-0" tall parapet further reducing their visibility and impact on the pedestrian environment. The trash enclosure is setback 6'-0" from the front lot line on SE Division street and is screened from the sidewalk with 6'-0" deep landscape area. The area will be planted with tall evergreen shrubs that grow to at least 6'-0" tall and a tree to further reduce the visibility of the solid wall.

*These guidelines are 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.

**B6-1. Provide Pedestrian Rain Protection.** Rain protection is encouraged at the ground level of all new and rehabilitated commercial buildings located adjacent to primary pedestrian routes. In required retail opportunity areas, rain protection is strongly recommended.

**Findings for B6 and B6-1:** Five new awnings are proposed above each of the storefronts along the south and east facades. The awnings are 4'-0"

deep and extend the entire length of each storefront. They provide protection from weather and glare for those accessing the tenant spaces. *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 new raised deck along the storefront facades will contain a 3'-0" wide ramp that will provide direct access to both the sidewalk on SE 12<sup>th</sup> and the parking area. *This guideline is therefore met.*

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

**Findings:** All the building materials proposed are of durable design and long-lasting materials. The trash enclosure is comprised of CMU block and gates made of a tube steel frame and cedar panels. These materials will be able to withstand the frequency and type of use this structure will endure. The aluminum storefronts and windows are also long-lasting materials that are low maintenance. The awnings are comprised of steel rigid frames with a sunbrella fabric cover which is resistant to water and sun. The signs largely consist of steel and metal elements which is a durable design. The raised deck and railing consists of a concrete stem wall with trex composite decking and metal railings. All of these components are durable materials that are easily maintained. *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.

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

**C5. Design for Coherency.** Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

**Findings:** The existing building has an industrial character with 4 roll up doors with a raised first floor level and few windows. It has been used most recently for discount retail yet it was designed and functioned as an industrial warehouse building. The improvements to the building are consistent with its character thereby respecting its architectural integrity. The new storefronts will be located within the roll-up door bays retaining the proportions of these openings. The new raised deck along the new storefronts is reminiscent of a loading dock common on industrial buildings. The horizontal windows on the upper floor will be modified to more vertical proportions similar to the storefronts below. New windows of the same size will be added along the street-facing facades providing a consistent rhythm along the 2<sup>nd</sup> floor façade. The aluminum storefront and windows also complement the industrial character of the building. The fabric awnings and signs incorporate industrial designs yet are common elements found in the surrounding the commercial area. Each is set within the individual storefront creating a coherent façade.

The CMU block used for the trash enclosure match the CMU walls of the east, north west building walls as well as the concrete stem wall of the raised deck. Its metal doors with cedar panels complements the wood storefront doors and the Trex decking that has a wood appearance. The location of the trash enclosure at the southwest corner of the site allows the building to remain the dominant focal point of the site while screened from the sidewalk with evergreen shrubs.



*These guidelines are therefore met.*

**C1-1. Integrate Parking.**

- a. Integrate parking in a manner that is attractive and complementary to the site and its surroundings.
- b. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

**Findings:** The existing parking area is being reduced to accommodate the raised deck and an outdoor area. The existing surface lot is being enhanced with the addition of 5'-0" deep landscape planters along the street property lines. Trees, shrubs and groundcover will provide shade cover for the parking area and soften its impact on the adjacent streets and properties. *This guideline is therefore met.*

**C1-2. Integrate Signs.**

- a. Retain and restore existing signage which reinforces the history and themes of the district, and permit new signage which reinforces the history and themes of the East Portland Grand Avenue historic district.
- b. Carefully place signs, sign supports, and sign structures to integrate with the scale, color and articulation of the building design, while honoring the dimensional provisions of the sign chapter of the zoning code.
- c. Demonstrate how signage is one of the design elements of a new or rehabilitation project and has been coordinated by the project designer/architect. Submit a Master Signage Program as a part of the project's application for a design review.

**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:** The proposed building improvements will not impact the existing banana mural on the easternmost building wall facing SE 12<sup>th</sup>. This 47'x13.5' mural has been on this wall since 1982. Retaining the mural will ensure this artistic expression is kept and remains a part of this community's history.

To ensure compatibility with the new storefront improvements a sign program has been included in the proposal. The sign program consists of building signs above each tenant entrance and a monument sign at the southeast corner of the site in a landscape planter that complement the building in terms of design and materials. The building signs will total 33 SF and will each be 1'-0" tall with a length that corresponds to the width of the storefront above which they will sit, either 5'-0" or 7'-0" wide. They will consist of a sheet metal surround painted to match the black anodized aluminum storefront with translucent cutout plexiglass letters that are 0'-6" in height. The signs will be attached to a thin raceway to conceal the electrical connections for the internal lights that will only illuminate the plexiglass letters. Both the signs and raceway will have an overall profile of 0'-5" from the face of the building.

A 4'-4"(h) x 4'-8"(l) monument sign will be located in the southeast landscape at the corner of SE 12<sup>th</sup> and SE Division Streets. It will consist of a tube steel frame with attached steel plates with 4'-6" tall steel cut out letters for each tenant. These metal plates can be easily removed and replaced for new tenants without negatively impacting the sign. External illumination of the sign will come from Kichler in-ground uplights directed at the sign which will prevent any glare on passing pedestrians and vehicles.

The metal and steel materials of the both signs types are reminiscent of the industrial character of the building and those in the Central Eastside Subdistrict. The location of the wall signs are coordinated with the storefront entrances and are

in proportion with the width of each respective storefront. In addition, the letters on the signs are in scale with the sign face and plate. *These guidelines are 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 existing paint scheme of the building clearly denoted the 1<sup>st</sup> from the 2<sup>nd</sup> floor with vertical stripes above and a solid gray on the bottom. The new storefronts, awning and signs help to further define the ground floor of the building. In addition, the new raised deck along the storefront facades help provide a base for the structures which has a first floor level that is approximately 3'-0" above the grade of the adjacent parking area and sidewalk. *This guideline is therefore met.*

**C9. Develop Flexible Sidewalk-Level Spaces.** Develop flexible spaces at the sidewalk-level of buildings to accommodate a variety of active uses.

**Findings:** The raised deck along the storefront facades is 8'-0" deep along the southern elevation. This width could accommodate outdoor chairs and tables for dining or display of merchandise. The paved area west of the parking lot is approximately 30'x35' and could also accommodate an outdoor patio for dining or seating. This area is also accessible to the sidewalk on SE Division and buffered from vehicular traffic impacts with landscaping. *This guideline is therefore 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 storm water management tools.

**Findings:** The existing roof is rather clean with only a few small vents. The proposal includes up to 25 new flush skylights, 3 new HVAC units and an exhaust vent for the kitchen hood. The HVAC units are each 4'-0" tall, setback least 15'-0" from the street edges of the building and are organized in a rectilinear pattern. The existing 3'-0" parapet on the building along with the setback limits the visibility of these new units. *This guideline is therefore met.*

**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.

**Findings:** The monument sign will be externally illuminated with two in-ground landscape lights. The Kichler light fixtures are encased in a rubber black boot for protection and set within the landscape planter aiming at the sign. The six building fixtures (Luna Dark Sky lights) will be located adjacent to each of the doors on the front facades. Their modern and simple design complements the industrial look of the building and dark aluminum material matches that of the storefront system. Both of these fixtures are low level light fixtures that will provide sufficient light for safety purposes and highlight the building and unique metal sign while having minimal impact on the nighttime sky.

*This guideline is therefore met.*

## **2. MODIFICATION REQUESTS THROUGH DESIGN REVIEW (33.825)**

### **33.825.040 Modifications Considered During Design Review**

The approval criteria for modifications considered during design review are:

- A.** Better meets design review approval criteria. The resulting development will better meet the approval criteria for design review than would a design that meets the standard being modified; and
- B.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

#### **Modification #1: Exceed the 126 SF maximum sign area allow allowed for the site for a total of 689 SF, which includes existing banana mural and new site signage (32.32.020.A).**

*Purpose:* These regulations balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication and advertising. 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 the 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:** The site is allowed a total of 126 SF of sign area based on the length of its two primary building walls and the location of the monument sign. The 635 SF banana mural on the easternmost building wall facing SE 12<sup>th</sup> Avenue that is to remain automatically puts the site over its maximum sign allowance. The proposed building wall signs and monument signs provides this building with adequate and effective signage for its tenants meeting the intent of the sign guidelines. The building wall signs are 1'-0" tall with a length that corresponds to the width of their respective storefront entrance. The individual letters are only 0'-6" in height. These relatively small signs are of adequate size for each tenant yet are small enough and set back from both streets so as not to dominate the building or have an adverse impact on the surrounding properties. Due to the increased setback of the building from both streets, over 40'-0", the 4'-4" tall monument sign serves to provide communication to both pedestrians and vehicles. The proposed signage better meets Design Guideline C1-2 and C13 (Integrate Signs) in that allowing these signs provides for an integrated sign package that complements that scale, materials and design of the industrial building and character of the Central Eastside district. In addition, retaining the

banana mural reinforces the artistic history in this community. *This modification therefore warrants approval.*

**Modification #2: Reduce the pedestrian connection width from 6'-0" to 4'-0" for the new storefront entrances (33.140.240.2.a).**

*Purpose:* The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in developments in the employment zones. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.

**Findings:** In the EX zone, a 6'-0" wide pedestrian connection is required from the building entrances to each street as well as to internal areas such as the parking lot. The new raised deck along the building's south-facing storefront is 8'-0" wide. However, the ADA ramp and stairs to the parking area, raised deck and stair in front of the east-facing storefront and the walkway to Division Street are all 4'-0" wide. Although 2'-0" less than the required width these paths still provide direct, safe connections for pedestrians from both sidewalks and the internal parking area directly to each of the storefront entrances. The raised decks provide a physical separation between the parking area and the entrances ensuring the safety of pedestrians. The at-grade walkway from the deck to Division Street will be paved with a scored concrete pattern to differentiate it from the asphalt surface providing a clear path for pedestrians. *This modification therefore warrants 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 design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposed building and site improvements complement the industrial character of the building yet incorporate features and materials that are common in the surrounding commercial and residential areas. The two requested modifications meet the intent of the individual regulations as well as the applicable design guidelines. The proposal meets the applicable design guidelines and therefore warrants approval.

## **ADMINISTRATIVE DECISION**

Approval of the building and site improvements:

- Aluminum storefronts with roll-up doors, windows and wood entry doors on the south and east facades;
- Steel frame fabric awnings above entries;
- Five new building wall signs totaling 33 SF above each storefront;
- Monument sign (4'-4" x 4'-8") located in the southeast landscape planter;
- Raised concrete deck along the south and east facades with railing; and

- Site improvements including a trash enclosure at the southwest corner of the site, 4 bike racks and landscape planters along the west, south and east property lines.

Approval of the following Modification request:

1. Exceed the 126 SF maximum sign area allow allowed for the site for a total of 689 SF, which includes existing banana mural and new site signage (32.32.020.A); and
2. Reduce the pedestrian connection width from 6'-0" to 4'-0" for the new storefront entrances (33.140.240.2.a).

Approval per the approved site plans, Exhibits C-1 through C-12, signed and dated 10/22/08, 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-C.12. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-110145 DZM. No field changes allowed."



**Decision rendered by:** \_\_\_\_\_ **on October 22, 2008**

By authority of the Director of the Bureau of Development Services

**Decision mailed: October 24, 2008**

**Staff Planner: Staci Monroe**

**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 February 20, 2008, and was determined to be complete on March 24, 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 February 20, 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 waived the 120-day review period, as stated with Exhibit (Exhibit G-3).

**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 November 7, 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](http://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 **November 10, 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**

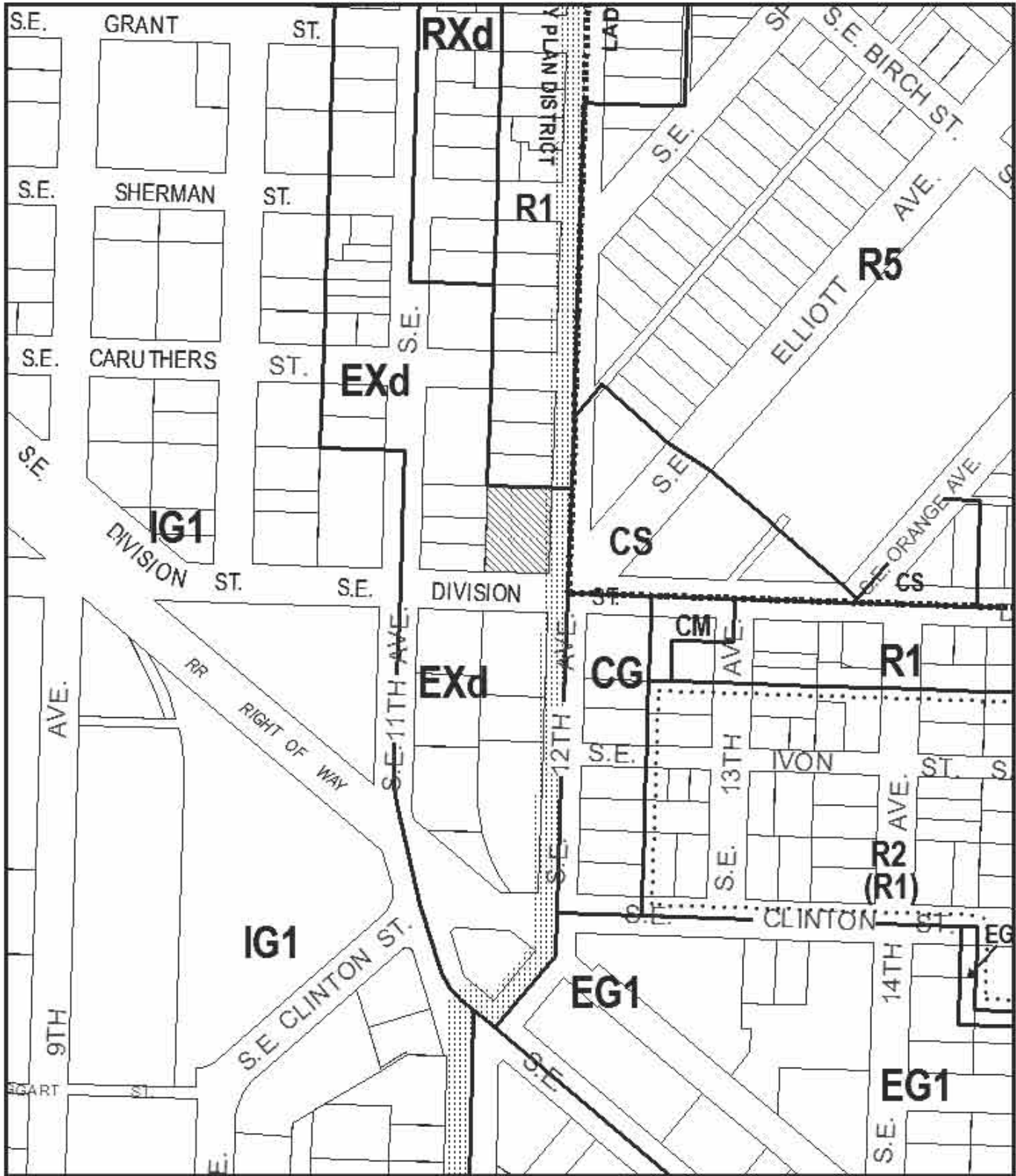
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. South & East Building Elevations (attached)
  - 3. Roof Plan (attached)
  - 4. Trash Enclosure Detail (attached)
  - 5. Ground Floor Plan
  - 6. 2<sup>nd</sup> Floor Plan
  - 7. Awning Detail & Building Sections
  - 8. Sign Details
  - 9. Window and Door Details
  - 10. Existing Floor Plans & Building Elevations
  - 11. Light Details – landscape & building
  - 12. Fabric Sunbrella Awning Material
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Site Development Review Section of BDS
  - 3. Plan Review Section of BDS
  - 4. Trimet
- F. Correspondence:
  - 1. R.E. Carter, Carter Machine & Tool, Inc., March 31, 2008, concerns with sufficient on-site parking.
- G. Other:
  - 1. Original LU Application

2. Site History Research
3. 120-Day Waiver

**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



This site lies within the:  
CENTRAL CITY PLAN DISTRICT

File No.	LU 08-110145 DZM
1/4 Section	3231
Scale	1 inch = 200 feet
State Id	1S1E02CD 8400
Exhibit	B (Mar 24, 2008)

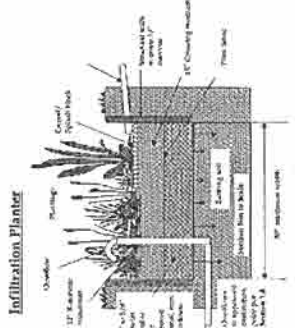
\*Approved\*  
 City of Portland - Bureau of Development Services

Planner *SM* Date *10/22/08*

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

REGISTERED ARCHITECT  
 STATE OF OREGON  
 DMS  
 1125 SE DIVISION ST.  
 PORTLAND, OREGON 97202

**2 Schematic Drainage Plan**  
 N/A

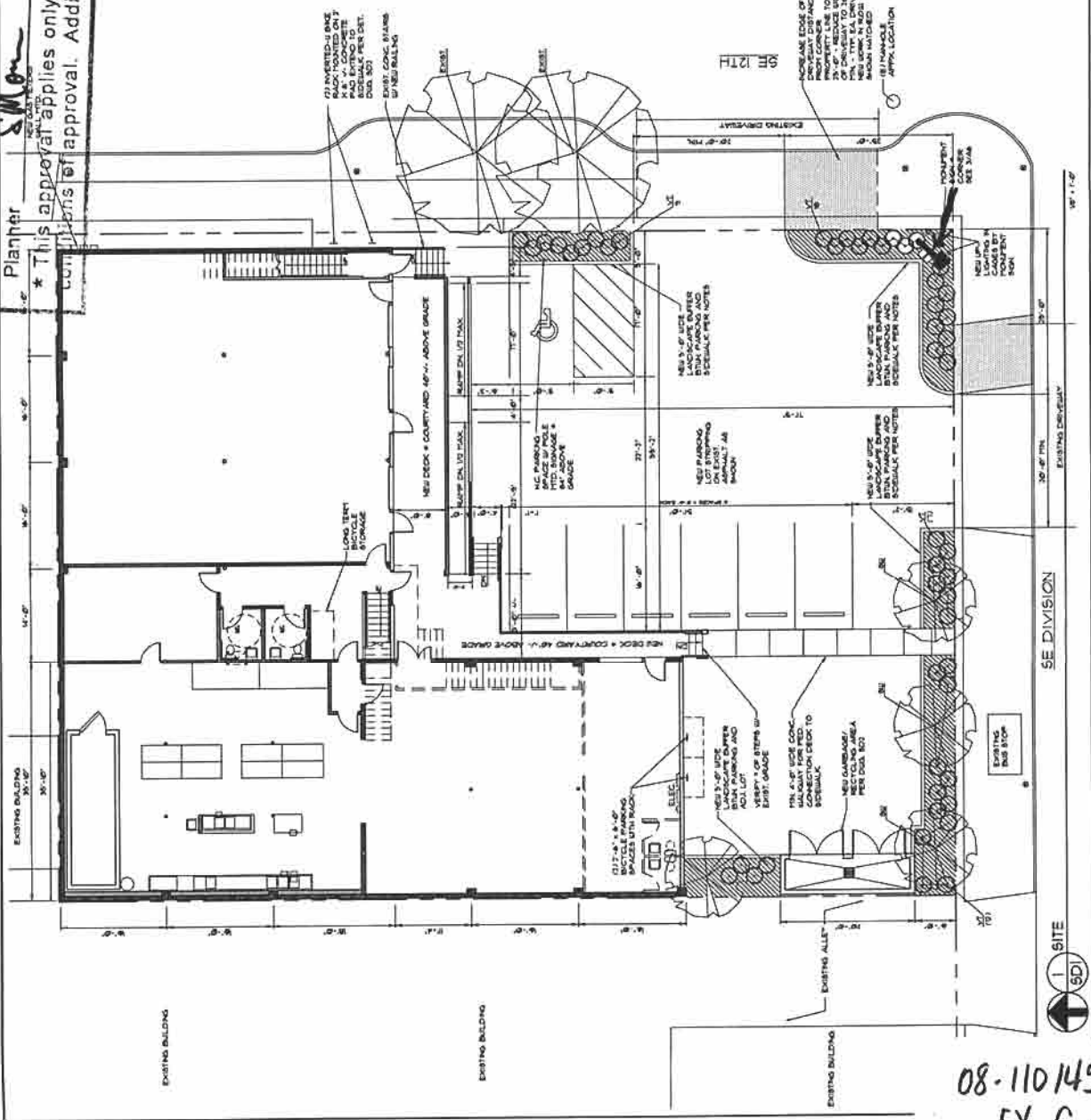


**3 Infiltration Planter**  
 N/A

**LANDSCAPE REQUIREMENTS:**  
 PROVIDE FRONTIER PARKING LOT LANDSCAPING BETWEEN THE PARKING LOT AND THE ADJACENT STREETS (LJ) AND (L) LANDSCAPING BUFFER.  
 1. LANDSCAPING BUFFER: 3' WIDE, 3' TALL, 100% PERMEABLE CURB AND GUTTER WITH 3" TALL 1/2" GEOTEXTILE COVER & REINFORCING.  
 2. NEW PLANTING: 100% PERMEABLE CURB AND GUTTER WITH 3" TALL 1/2" GEOTEXTILE COVER & REINFORCING.  
 3. NEW PLANTING: 100% PERMEABLE CURB AND GUTTER WITH 3" TALL 1/2" GEOTEXTILE COVER & REINFORCING.  
 4. NEW PLANTING: 100% PERMEABLE CURB AND GUTTER WITH 3" TALL 1/2" GEOTEXTILE COVER & REINFORCING.



NEW PLANTING: 100% PERMEABLE CURB AND GUTTER WITH 3" TALL 1/2" GEOTEXTILE COVER & REINFORCING.



**1 SITE**  
 N/A

SHEET	SD1 of 2
DATE	4-30-08
REVISIONS	80-000016
DRAWN	DMS
CHECKED	
DATE	4-30-08
REVISIONS	
REV 1	8-14-08
REV 2	8-14-08
REV 3	8-14-08
REV 4	8-14-08
REV 5	8-14-08
REV 6	8-14-08
REV 7	8-14-08
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08-110145 DZM  
 EX. C-1

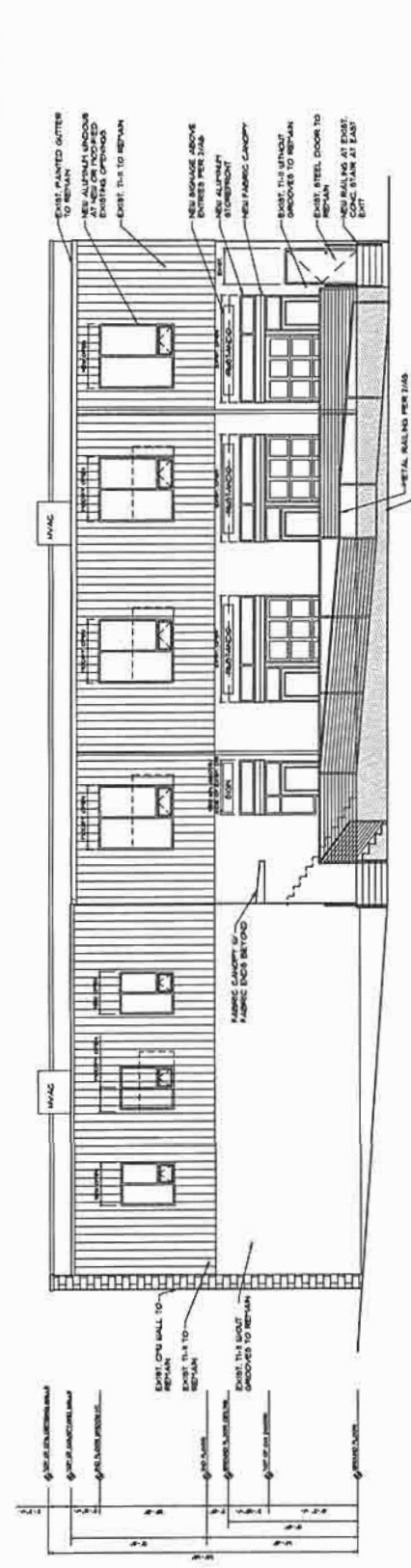
REGISTERED ARCHITECT  
DWAYNE WATSON  
STATE OF OREGON

CMBS  
1125 SE DIVISION ST  
PORTLAND, OREGON 97202  
503.288.2330  
dwatson@cmbs.com

PROJECT: SOUTH ELEVATION  
SHEET: A3 of A7

DATE: 4-30-08  
DMS  
JOB NO. 000016

REVISED:  
REV. 1 11-31-06  
REV. 2 8-16-06  
REV. 3 9-16-06

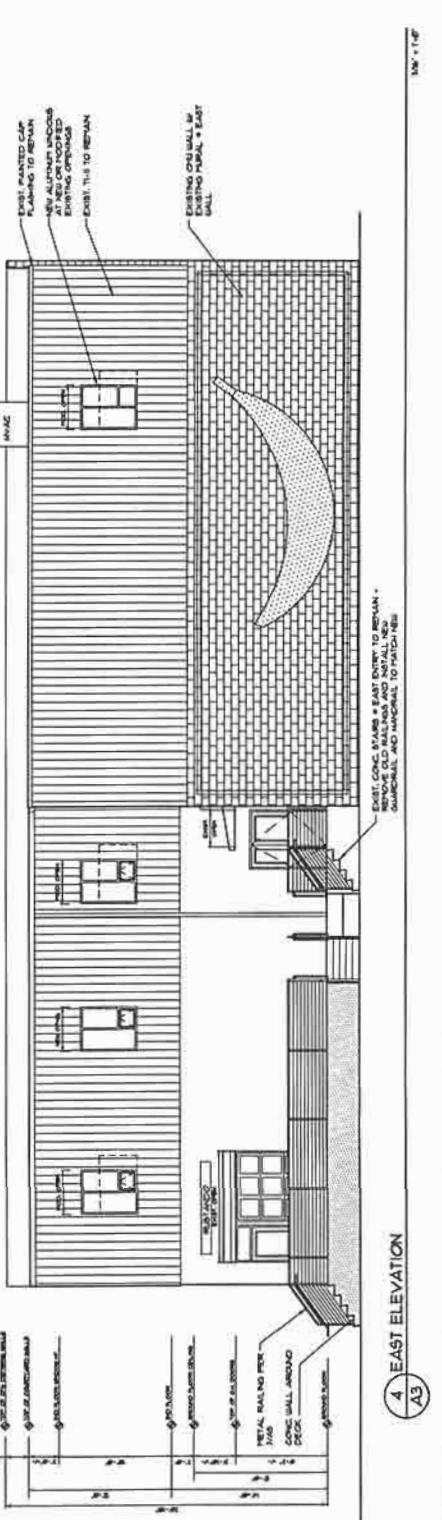


1 SOUTH ELEVATION  
A3

MATERIAL LEGEND

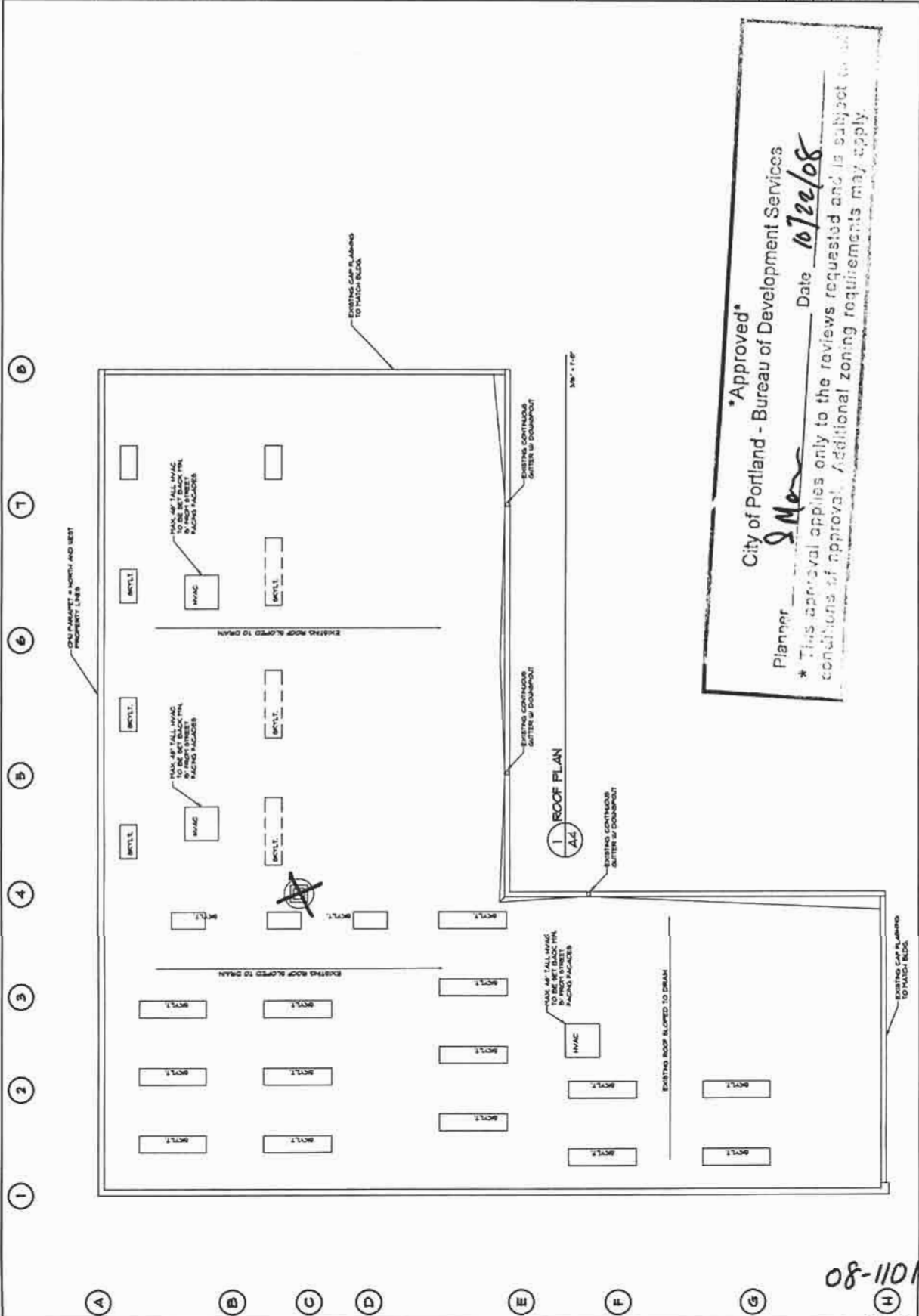
- EXISTING TILT-OUTS - PAINTED
- EXISTING CHU - PAINTED
- CONCRETE RET WALL AROUND DECK/STAIR AREA
- EXISTING RIGID SIGN PLATED - PAINTED

\* Approved\*  
City of Portland - Bureau of Development Services  
Date 10/22/08  
Planner *SM*  
\* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.



4 EAST ELEVATION  
A3

08-110145 DZM  
EX. C-2



\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner *J. Moore* Date *10/22/08*  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

EX. C-4  
 08-11014502M  
 H



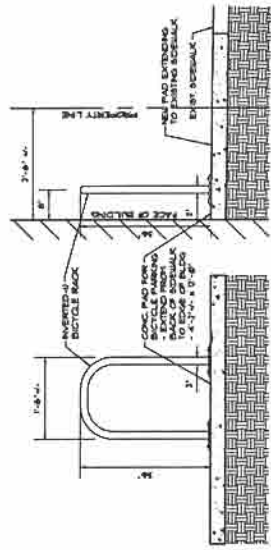
Planner SM Date 10/22/08  
 \*Approved\* City of Portland - Bureau of Development Services

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

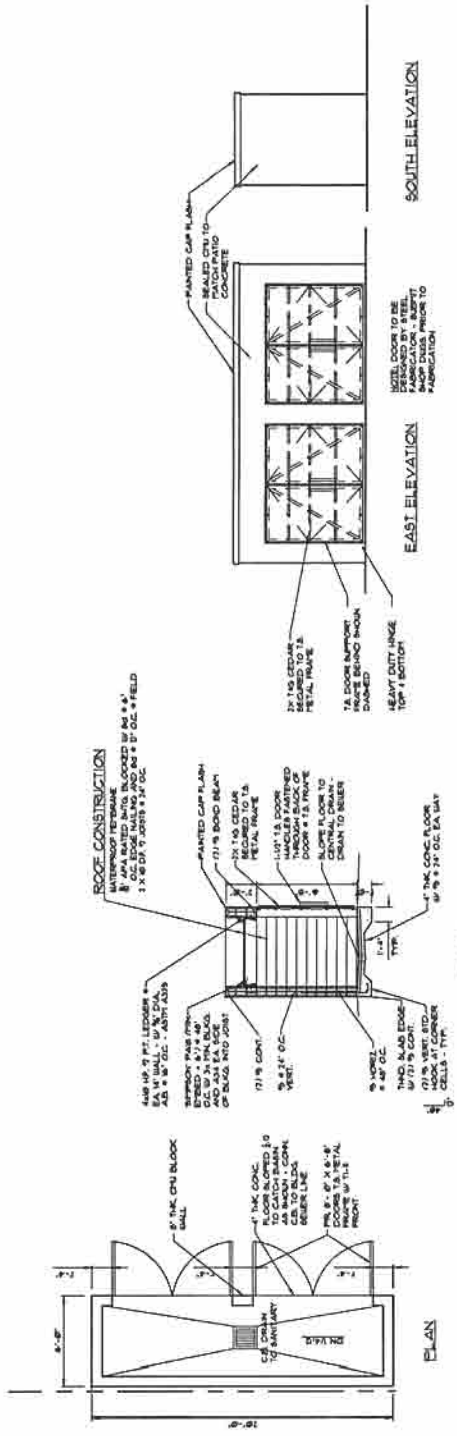
the 12-D  
 1125 SE DIVISION ST.  
 PORTLAND, OREGON 97202

SHEET CONTENTS  
 000016  
 DMS  
 DATE 4-1-08  
 REVISIONS  
 REV. 3 8-14-08  
 REV. 2 5-24-08  
 REV. 1 5-24-08

SHEET SD2 of 2



1 INVERTED-U BIKE RACK  
 3/4" = 1'-0"



SECTION

2 TRASH ENCLOSURE  
 3/4" = 1'-0"

08-110145 DZM  
 EX. C-4