City of Portland, Oregon
Bureau of Development Services
Land Use Services

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

Date: April 15, 2010

To: Interested Person

From: Chris Caruso, Land Use Services
503-823-5747 / Christine.Caruso@ci.portland.or.us

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

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

CASE FILE NUMBER: LU 10-117226 DZ – NEW AWNINGS AT THE MALL 205 MCMENAMINS RESTAURANT

GENERAL INFORMATION

Applicant: Coleen Hardenbrook
Mcgee Blinds & Awnings, Inc.
620 SE Water Ave
Portland, OR 97214

Tenant: Brian McMenamin
McMenamins Pubs & Breweries
430 N Killingsworth
Portland OR 97217

Owner: 205 Place Associates, LLC
19767 SW 72nd Ave #100
Tualatin, OR 97062-8352

Site Address: 9710-9740 SE Washington Street

Legal Description: TL 1300 5.26 ACRES, SECTION 04 1S 2E
Tax Account No.: R992044410
State ID No.: 1S2E04A 01300
Quarter Section: 3140
Neighborhood: Hazelwood, contact Arlene Kimura at 503-252-9429.
Business District: Gateway Area Business Association, contact Fred Sanchez at 503-256-3910.
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.
Plan District: Gateway
Zoning: CXd, Central Commercial zone with a design overlay
Case Type: DZ, Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:
The applicant seeks design review approval to install two new fabric awnings on the south façade of the Mall 205 McMenamin's Pub building in the Gateway Plan District facing an existing parking lot. The awnings are triangular in profile and project 5'-0" from the face of the building, measuring 3'-6" tall with a 1'-0" rigid valence. The awning frames are constructed of 1" black painted square metal tubing and covered with black Sunbrella fabric. The westernmost awning measures 26'-0" wide and the easternmost awning measures 36'-8" wide. They are placed above existing storefront windows and below a stucco banding detail on the fascia. The awnings will incorporate heat lamps attached to their horizontal struts to condition the existing walkway for outdoor seating. The eight new heat lamps each measure 4'-0" L x 0'-10" H x and 8" D, are spaced 2'-0" apart and do not project below the bottom edge of the rigid awning valances.

Because the proposal is for a site with a design overlay zone and exterior alterations are proposed, design review 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:

- Chapter 33.825 Design Review
- Gateway Regional Center Design Guidelines

ANALYSIS

Site and Vicinity: The existing building is a freestanding structure in the west central portion of the 205 Place Shopping Center. The single-story, hip-roofed structure is surrounded by surface parking, but is located approximately 20 feet from the easterly lot line of the center, abutting Interstate 205. The 205 Place Shopping Center is bordered on the north by SE Washington Street, on the east by a curving segment of SE 96th Avenue, and on the west by I-205.

The shopping center and the majority of nearby development are primarily automobile-oriented in character, with single-story commercial buildings amidst large, landscaped surface parking lots. All abutting streets are improved with paved roadways, curbing, and concrete public sidewalks. The City's adopted Transportation System Plan (TSP) designates the site as being within the Gateway Pedestrian District. The TSP also designates both SE 96th Avenue as a Community Transit Street, and SE Washington Street as a Major Transit Priority Street.

Zoning: The Central Commercial (CX) base zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape. Commercial restaurant use is allowed by right in this zone.

The Gateway Plan District regulations encourage the development of an urban level of housing, employment, open space, public facilities, and pedestrian amenities that will strengthen the role of Gateway as a regional center. The regulations also ensure that future development will provide for greater connectivity of streets throughout the plan district. At the crossroads of several major transportation facilities and high-quality transit service, Gateway is positioned to become the most intensely developed area outside of the Central City.

The "d" or 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 high-quality development adjacent to transit facilities. This is achieved through the creation of design districts and applying the overlay as part of community planning

projects, by developing design guidelines for each district, and by requiring design review or compliance with the Community Design Standards. In the Gateway Plan District, new buildings and most exterior alterations must receive approval through the design review process.

Land Use History: City records indicate that prior land use reviews include the following:
- *V 9-89* - Approved variance from 1989. No further information in City records is available regarding this case.
- *LUR 95-00204 ZC* - Approved zoning map error correction from R5 to CG.
- *LUR 95-00475 DZ* - Approved adjustment to reduce the width of the required landscaped street setback, and to waive the requirement for perimeter parking lot landscaping along the west property line, subject to conditions of approval regarding additional interior parking lot trees.
- *LU 05-176200 DZ* - Withdrawn design review application for signage.
- *LU 07-120078 DZ* - Approved design review for (Verizon) signage.
- *LU 07-134779 AD* - Approved adjustment to modify tree-related standards for parking lot landscaping at the SE Powell and SE Main Street (MAX Green Line) Park-and-Ride Facilities (Main St. facility directly southwest of site in I-205 right-of-way).
- *LU 07-162871 DZ* – Aprroved design review application for signage.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **March 22, 2010**. The following Bureaus have responded with no issues or concerns:
- Life Safety Review Section of BDS (Exhibit E-1)
- Water Bureau (Exhibit E-2)
- Site Development Section of BDS (Exhibit E-3)
- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Fire Bureau
- Bureau of Parks-Forestry Division

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 22, 2010. 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 Gateway Regional Center Design Guidelines.

<u>Gateway Regional Center Design Guidelines</u>
The Gateway Regional Center is the City of Portland's only designated regional center. The area is envisioned to redevelop into a highly urbanized, pedestrian-oriented center, with an overall built size and scale second only to Portland's Central City.

The purpose of design review is to carry out the urban design vision for the District by emphasizing unique district assets in a manner that is respectful, creative, supportive, and compatible with all its areas. Although the District is a complex urban environment, it can become a cohesive whole with the use of these design principles.

Gateway Regional Center Design Goals

Ten goals for design review in the Gateway Regional Center have been established to enhance the area's design quality, support its livability, and guide its transition to a pedestrian-oriented, active, urban regional center. They are:

1. Enourage urban design excellence.
2. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Gateway Regional Center as a whole.
3. Provide for a pleasant, rich, and diverse experience for pedestrians.
4. Assist in creating a regional center that emphasizes a mix of active uses and experiences and is safe, lively, and prosperous.
5. Provide for the humanization of the Gateway Regional Center through the promotion of parks, plazas, open spaces, public art, and trees.
6. Integrate and honor the diversity and history of Gateway.
7. Integrate sustainable principles into the development process.
8. Encourage the development of a distinctive character for subdistricts within the regional center, and link them.
9. Encourage and incorporate transit orientation and usage.
10. Enhance the physical and visual linkages between the Gateway Regional Center and adjacent neighborhoods.

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

A Pedestrian Emphasis

A1. Strengthen Relationships Between Buildings and the Street. Integrate building setback areas with adjacent streets.

A2. Enhance Visual and Physical Connections. Enhance visual and physical connections between buildings and adjacent sidewalks. Orient semi-public building spaces to the sidewalk and street.

B2. Integrate Ground-Level Building Elements. Integrate the different ground-level building elements with the building's architecture.

> **Findings for A1, A2 & B2:** The two new ground floor awnings added to the south façade of the retail building highlight the building's relationship with the surrounding environment and provide covered outdoor seating areas, shelter for those entering and exiting the building, and a covered refuge for people to gather alongside the parking lot. By providing heat on cold days, the proposed heaters will increase the comfort of café patrons eating outside, which reinforces activity along the parking lot and helps humanize this suburban development. Thus the heaters support the exterior eating area as a comfortable, pleasant outdoor area on the site. While the primary wall of the building presents an uninterrupted plane at the edge of the existing walkway, the new awnings provide stopping places along the façade, adding a sense of rhythm and enclosure to the surrounding walkway that would otherwise offer little respite. The addition of awnings reinforces the sense of urban enclosure in this very suburban context by extending the presence of the building towards the parking lot and creating sheltered outdoor space. The location of the new awnings over the windows and entrance helps to highlight these building openings, thereby knitting the activity within the interior of the building with the pedestrian activity on the exterior. Furthermore, the new awnings augment the rhythm of the south façade and the building, which is characterized by solid walls, surface parking lots, and fast moving traffic. *These guidelines are therefore met.*

B Development Design

B1. Convey Design Quality and Building Permanence. Use design principles and building materials that convey quality and permanence.
B3. Design for Coherency. Integrate the different parts of a building to achieve a coherent design.

> **Findings for B1 & B3:** The two new awnings are designed with sensitivity to the architectural order of the one-story building by being placed below the dominant horizontal stucco band that wraps the building and above the tops of the existing window frames. The awning material, placement on the facade, and general form of the proposed awnings reflects aspects of other awnings in the Gateway Plan District. The addition of the new awnings reflects an investment in the appearance and continued economic vitality of the building. The new awnings are constructed of durable materials, a sturdy fabric cover and metal frame with a rigid valence. The incorporated heaters are properly sized to fit beneath the awnings will not protrude below the bottom of the valances. By maintaining a consistently height and depth between the two awnings, a perception of visual consistency is reinforced across the façade. *These guidelines are therefore met.*

B6. Integrate Ecological / Sustainable Concepts. Integrate ecological/sustainable features or concepts with site and development designs.

> **Findings:** The two new awnings augment the building by providing pedestrian weather protection and shading to the building's south-facing windows. This helps with passive interior cooling and encourages diners to utilize the outdoor seating area – both of which support ecological sustainability and are visual reminders of how building's can constructively interact with the natural world. The durable quality of the new awnings suggests that they may provide long-lasting weather protection that will serve the building for years to come, and limit the need for future upgrades. By providing a durable and functional design, material resources may be conserved in the future and ecological sustainability supported. *This guideline is therefore met.*

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The 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 awnings represent a welcome addition to the retail building by helping to reinforce the commercial character of the ground floor and the location of the main entrance. The awnings provide a transitional zone between the building interior and the sidewalk environment, with covered areas for patrons to eat, gather and enter the building. This helps to soften and humanize a portion of the suburban mall development that is lacking in pedestrian amenities or significant architectural transparency and interaction along the sidewalk. The placement and proportion of the new awnings respects the building's architectural order, and provides solar shading to the building interior. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of two new fabric awnings on the south façade of the Mall 205 McMenamin's Pub building in the Gateway Plan District that consist of the following:

- Awnings that are triangular in profile and project 5'-0" from the face of the building, measuring 3'-6" tall with a 1'-0" rigid valence;
- Awning frames that are constructed of 1" square metal tuning, painted black, and covered with black Sunbrella fabric;
- A westernmost awning measuring 26'-0" wide;
- An easternmost awning measuring 36'-8" wide;
- Both awnings installed above existing the storefront windows and below a stucco banding detail that wraps around the building fascia; and
- Eight new heat lamps each measuring 4'-0" L x 0'-10" H x and 8" D, spaced 2'-0" apart that do not project below the bottom edge of the rigid awning valances, and attached to the horizontal awning struts.

Approval per the approved drawings, Exhibits C-1 through C-7 signed and dated April 15, 2010, subject to the following conditions:

A. As part of the building permit application submittal, each of the 4 required drawings and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.7. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-117226 DZ. No field changes allowed."

Staff Planner: Chris Caruso

Decision rendered by: Chris Caruso **on April 13, 2010.**
By authority of the Director of the Bureau of Development Services

Decision mailed: April 15, 2010

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 March 9, 2010, and was determined to be complete on **March 18, 2010**.

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 March 9, 2010.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the120 days will expire on: September 15, 2010.**

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 April 29, 2010** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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 call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, 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 **April 30, 2010 – (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:

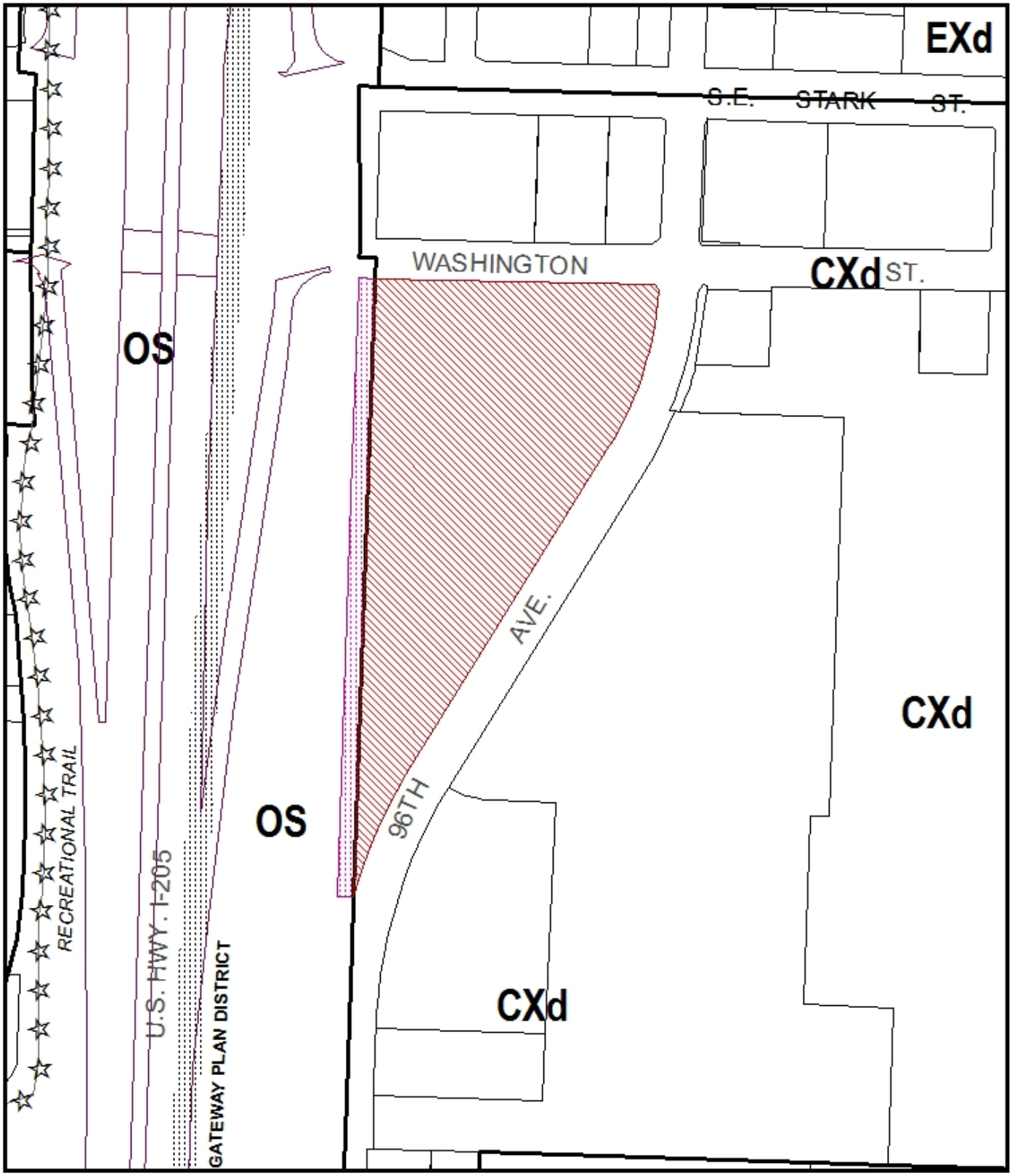
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS
NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement
B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plan (attached)
   2. Awning Plan, Elevation, Section (attached)
   3. Building Photos
   4. Enlarged Awning Plan, Elevation, Section
   5. Structural Sketches
   6. Structural Calculations
   7. Heater unit specifications
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses:
   1. Life Safety Review Section of BDS
   2. Site Development Review Section of BDS
   3. Water Bureau
   4. Bureau of Environmental 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. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

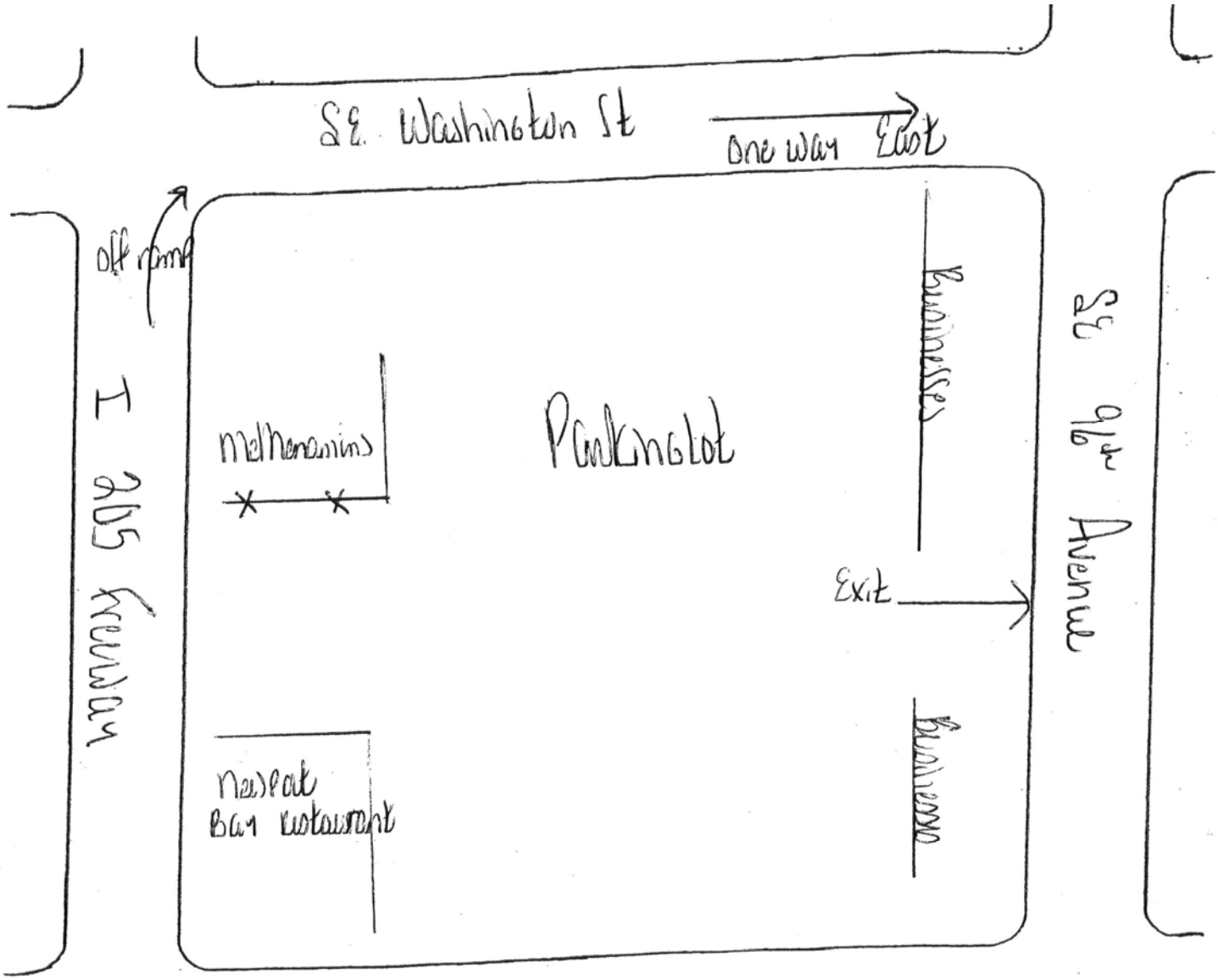
Site

Also Owned

NORTH

This site lies within the:
GATEWAY PLAN DISTRICT

File No.	LU 10-117226 DZ
1/4 Section	3140
Scale	1 inch = 200 feet
State_Id	1S2E04A 1300
Exhibit	B (Mar 10,2010)

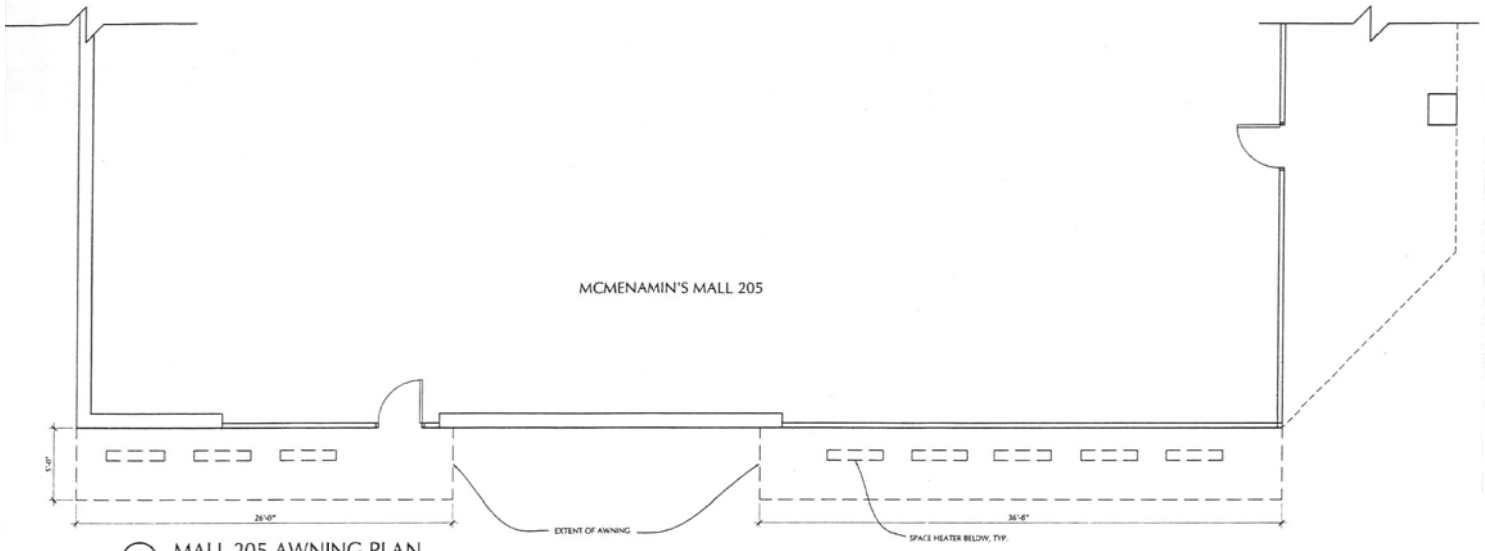


ADDRESS 9710 SE Washington

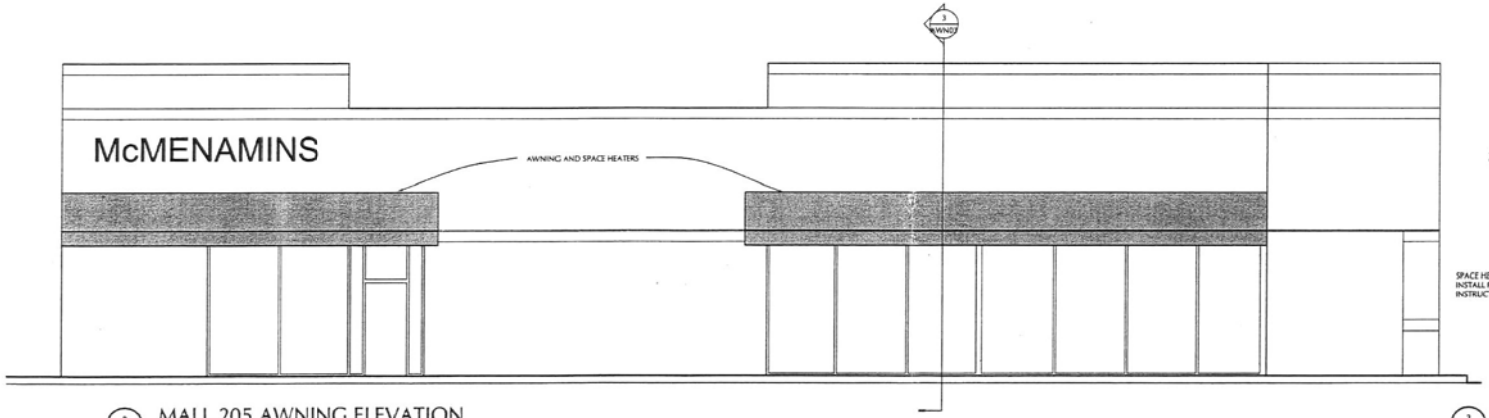
NORTH

Approved
City of Portland - Bureau of Development Services
Planner _____ Date 4/13/10
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

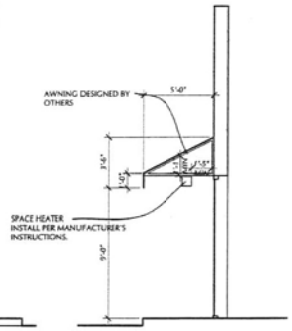
LU10-117226DZ EXH. C-1



1 AWN-03 MALL 205 AWNING PLAN
1/4" = 1'-0"



2 AWN-03 MALL 205 AWNING ELEVATION
1/4" = 1'-0"



3 AWN-03 MALL 205 AWNING SECTION
1/4" = 1'-0"

"Approved"
City of Portland - Bureau of Development Services
Planner
Date 4/13/10
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU10-117226DZ
C-2

REGISTERED ARCHITECT STATE OF OREGON

ANKROM MOISAN
ARCHITECTURE | INTERIORS | PLANNING
6720 SW MACADAM, SUITE 100, PORTLAND, OREGON 97219
PHONE 503-245-7100 | FAX 503-245-7110 | WWW.AMA.COM

MALL 205 PUB

McMenamins Incorporated

MARK	DATE

DATE: 11/19/09
JOB: 100240
FILE: AWN-03
DRAWN:
CHECKED:

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AWNING PLAN, ELEVATION, SECTION

AWN-03