



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

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Date: June 28, 2011
To: Interested Person
From: Mieke Keenan, Land Use Services
503-823-0624 / Mieke.Keenan@portlandoregon.gov

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 11-136904 DZ
STOREFRONT IMPROVEMENTS: LIGHTING, PAINT, WINDOW

GENERAL INFORMATION

Owner: Everett Street LLC
1532 SW Morrison St #1000
Portland, OR 97205

Applicant: Lorraine Guthrie
Lorraine Guthrie Architect
2748 SW Patton Ct
Portland, OR 97201

Site Address: 1140 NW EVERETT ST
Legal Description: BLOCK 79 LOT 5-8, COUCHS ADD
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:

The applicant requests design review for improvements to a portion of two storefronts facing NW 11th Avenue. The applicant is proposing new external light fixtures, window improvements, and a new paint color. Six new lights are proposed above the existing storefront windows that will project out 1-2 feet off the face of the wall with a gooseneck style arm. Light fixtures will also be replaced in each of the two of the recessed entryways with 8 – 12 inch flush mount

globe style lamps. Existing in-fill of one of the window bays will be removed and replaced with an aluminum storefront system to match the existing windows. In addition, a portion of the storefront will be repainted a similar color.

Relevant Approval Criteria:

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

- 33.825 Design Review
- River District Design Guidelines
- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The building is 19,982 square feet in size occupying a half block. The site is bound by NW 11th Avenue, NW Everett Street, and NW 12th Avenue. The single-story building was constructed in 1926 and contains street level retail spaces.

The painted brick building maintains much of its original character. Aluminum storefront systems were installed in the windows several years ago and recessed entries were created for multiple tenants. At that time a couple of window bays were in-filled with framing and plastered on the outside. The original brick sills and columns between the openings are still evident on the exterior. The structure of the infill areas was not affected by that in-fill.

Portland's Transportation System Plan classifies NW 11th, NW 12th, and NW Everett as Traffic Access, Transit Access Streets. NW 11th is also designated as a Central City Transit Pedestrian Street. NW Everett is classified as a City Walkway. All of the streets that abut the site are designated as Local Service Bikeways and the entire site is located within the Northwest Triangle Pedestrian District. TriMet provides bus service via line 17 on NW Everett Street. The Portland Streetcar runs along NW 10th and NW 11th Avenues.

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

The design (d) overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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

- **DZ 8-86:** Approval of Design Review for storefront improvements.
- **LUR 96-00409 DZ:** Approval of Design Review for exterior alterations.
- **LUR 98-00823 DZ:** Approval of Design Review for alterations to a corner tenant space, including signs, lighting, and new paint.
- **LU 08-147194 DZ:** Approval of Design Review for design review to alter a storefront opening by replacing three fixed window units with operable ones and install a 42" high guardrail constructed of metal and outside the glass.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **May 26, 2011**. The following Bureaus have responded with no issues or concerns:

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on May 26, 2011. 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

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.

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

Findings: The proposal allows for the continued use of an existing one story structure. Removing existing infill over one of the storefront windows will rehabilitate the storefront at this location. *This guideline is therefore met.*

B2. Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

Findings: The six new lighting units on the exterior building façade combined with the new globe-style lights over the recessed store entrance will protect and improve the pedestrian environment from vehicular movement. It will enhance safety along the street by illuminated the sidewalk and recessed doorway. The proposed new paint color, along with opening and updating an existing covered window will create a more interesting and diverse streetscape. Uncovering the window will also promote safety by putting more eyes on the street. As a result the pedestrian environment will be protected by enhancing safety through new lighting and opening the window, and will create a more interesting streetscape overall. *This guideline is therefore met.*

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

C3. Respect Architectural Integrity. Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

C5. Design for Coherency.

Findings for C2, C3, C5: The new light fixtures, paint color and window improvements are proposed in a way that will respect the character of the building. The lights are proposed to be mounted to the mortar. This will respect the

architectural integrity of the building by preventing large holes in the brick that could be difficult to repair. In addition all conduits are proposed for the inside of the building. In order to ensure that these guidelines are met a condition of approval is necessary.

The applicant is proposing to remove infill from one storefront window and replace it with an aluminum storefront system to match the other windows. Removing the infill at the existing window and replacing it to match the other storefront windows will create a coherent building façade. The proposed building color will respect the character of the building.

With the condition that the 6 exterior gooseneck style lights are affixed to the mortar and not the brick and all conduits be inside the building these guidelines are met.

A4. Use Unifying Elements.

A8. Contribute to a Vibrant Streetscape.

Findings for A4 and A8: The window system will be improved by removing the infill and improving it with an aluminum system that will match the adjacent windows. Exposing the covered window and improving it with the same materials will unify the building. The new light fixtures and paint color will contribute to a vibrant streetscape. *These guidelines are therefore met.*

C12. Integrate Exterior Lighting.

Findings: The only exterior lighting depicted, and therefore the only exterior lighting allowed to be installed, includes 6 goose neck style lights on the face of the building, and two flush mounted globe style lights at the recessed store entrances. These lights provide adequate announcement of the public entrance. In concert with right-of-way street lighting and light spill through the clear glass storefront from interior lights, this site should provide adequate safety at night. *These guidelines are 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

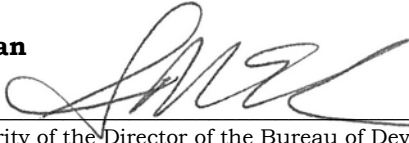
The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The storefront improvements including new paint, replacement lighting at two storefront entrances, 6 lights along the face of the building, and replacement of the infill at one window opening proposed on an existing building in the River District have been carefully considered. These improvements will protect the architectural integrity of the building and the surrounding pedestrian environment and improve the overall appearance of the building and the street. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of Design Review for 6 new exterior lights, two new entrance lights, new paint color, and removal of window infill and aluminum replacement to match adjacent windows in the River Subdistrict of the Central City Plan District per the approved site plans, Exhibits C.1 through C.4, signed and dated June 27, 2011, 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.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-136904 DZ. No field changes allowed."
- B. Lights mounted on the face of the building must be affixed to the mortar and not the brick. Conduits must be internal.

Staff Planner: Mieke Keenan

Decision rendered by:  **on June 27, 2011.**

By authority of the Director of the Bureau of Development Services

Decision mailed: June 28, 2011

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 May 4, 2011, and was determined to be complete on May 18, 2011.

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 May 4, 2011.

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 requested that the 120-day review period be extended by two weeks as stated with (Exhibit G3) Unless further extended by the applicant, **the 120 days will expire on: September 29, 2011.**

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 July 12, 2011** 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. 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 **July 13, 2011 – (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:

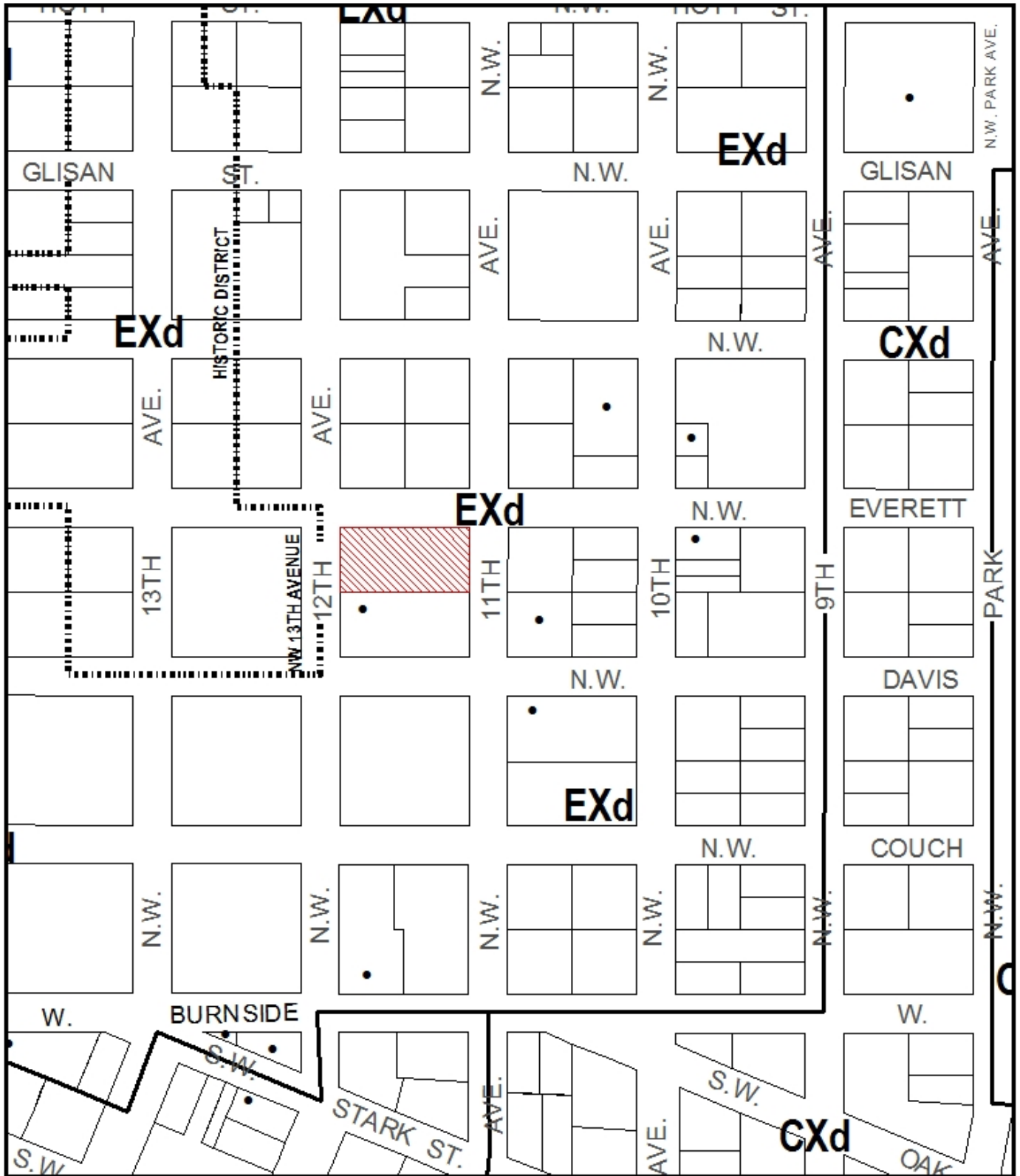
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Exterior lamps
 - 3. Recessed entrance lamps
 - 4. Building paint color
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety
- F. Correspondence: None submitted
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. 120-day extension
 - 4. Incomplete Letter

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

 Historic Landmark



This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 11-136904 DZ
1/4 Section	3028
Scale	1 inch = 200 feet
State_Id	1N1E33DA 3000
Exhibit	B (May 25, 2011)

