



City of Portland, Oregon
Bureau of Development Services
Land Use Services
 FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
 Paul L. Scarlett, Director
 Phone: (503) 823-7300
 Fax: (503) 823-5630
 TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: Monday, January 27, 2014
To: Interested Person
From: Kate Marcello, Land Use Services
 503-823-7538 | kate.marcello@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 the version located on the BDS website, via this link: <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the district coalition and then scroll to the relevant neighborhood and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 13-232176 DZ
New Aluminum Storefront System
GENERAL INFORMATION

Applicant: Scott Miller, Lever Architecture | 503-928-6040
 239 NW 13th Ave, Suite 303 | Portland, OR 97209

Owner: Robert P Foster | 503-286-9199
 175 N Lotus Beach Dr | Portland, OR 97217-8021

Tenant: Patrick Fisher, Hive | 503-242-1967
 1025 SW Stark St | Portland OR 97205

Site Address: 820-824 NW Glisan Street

Legal Description: BLOCK 60 LOT 7, COUCHS ADD **Tax Account No.:** R180205390
State ID No.: 1N1E34CB 01700 **Quarter Section:** 3029
Neighborhood: Pearl District Neighborhood Assoc; Patricia Gardner at 503-243-2628
Business District: Pearl District Business Association; Adele Nofield at 503-223-0070
District Coalition: Neighbors West/Northwest; contact Mark Sieber at 503-823-4212
Plan District: Central City Plan District; River Subdistrict
Zoning: Central Commerical (CX) base zone; Design (d) overlay zone
Case Type: Design Review (DZ)
Procedure: Type II, which is an administrative decision with appeal to the Design Commission

PROPOSAL: The applicant requests Design Review approval to remove the existing wood storefront system and replace it with a new aluminum storefront system. The new storefront system will have two entry doors, each in the same location as the existing entry doors to be removed. The east entry door will feature a large custom-made perforated metal panel.

Because the proposal is for non-exempt exterior alterations to an existing building on a site with Design (d) overlay zoning in the Central City Plan District, Design Review is required prior to the issuance of building permits.

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:

- *The Central City Fundamental Design Guidelines*, and
- *The River District Design Guidelines*.

ANALYSIS

I. Site and Vicinity: The subject site is a 5000-square-foot lot located on the block bounded by NW Glisan Street, NW Park Avenue, NW Flanders Street, and NW 9th Avenue in the Pearl District neighborhood. The site is also located within the boundaries of the Northwest Triangle Pedestrian District, which is a pedestrian district designated by the City of Portland's Transportation System Plan.

The subject building was constructed around 1947. It is 2,000 square feet in area. It is one story tall. It currently contains one retail tenant, Hive, which sells mostly mid-century Modern-style furniture.

The immediately surrounding area boasts a variety of uses, including office, residential, restaurants, taverns, and high-end retail. There are several art galleries in the area, including the Blackfish Gallery and the Elizabeth Leach Gallery.

II. Zoning:

Base Zone: The Central Commercial (CX) 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.

Overlay Zone: 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.

III. Land Use History: City records indicate two prior land use reviews at the subject site:

1. LUR 99-00424 DZ (reference file number LU 99-016829 DZ): Design Review approval for new signage, and "to replace an existing door and an exterior wall partition with a new door and new storefront glazing (or new glazing only) to match the adjacent existing storefront."
2. LU 05-123763 DZ: Design Review approval for a new mechanical unit on the rooftop.

IV. Public Notice: A *Notice of Proposal in Your Neighborhood* was mailed on December 11, 2013.

Neighborhood Review: No written comments in response to the proposal have been received from the neighborhood association (Pearl District Neighborhood Association) or notified property owners.

Agency Review: The Life Safety/Building Code Section of the Bureau of Development Services responded with comments and with no objections to the proposal (Exhibit E-1).

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.

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

A4. Use Unifying Elements.

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

C4. Complement the Context of Existing Buildings.

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

Findings for A4 and C4: The proposal integrates unifying elements of the neighborhood and complements the context of existing buildings. The neighborhood is characterized by a high level of visual transparency at the ground floor of buildings. The expansive glazing of the new storefront system contributes to this desirable pattern of development. The Pearl District is also characterized by a wide variety of storefronts, with regard to architectural style. Some buildings feature traditional wood storefronts, whereas other buildings boast modern metal storefronts. The proposal is for a new aluminum storefront system with butt-glazing, few vertical divisions, and tall entry doors. This modern storefront system will be unified with other similar storefronts in the neighborhood, contributing to the architectural variety of storefronts in the neighborhood. *Therefore these guidelines are met.*

A5-4. Incorporate Works of Art.

Incorporate works of art or other special design features that increase the public enjoyment of the District.

Findings for A5-4: The proposal includes a custom-made perforated metal panel, which will be installed over the east entry door. This unique decorative element amounts to a de facto work of art. By virtue of its location, the metal panel will be incorporated directly into the form and function of the storefront, transforming a utilitarian feature – an entry door – into a visually engaging artistic element directly abutting the sidewalk right-of-way on NW Glisan Street. *Therefore this guideline is met.*

A7. Establish and Maintain a Sense of Urban Enclosure.

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

A8. Contribute to a Vibrant Streetscape.

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

B1. Reinforce and Enhance the Pedestrian System.

Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone,

street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

B1-1. Provide Human Scale to Buildings along Walkways.

Provide human scale and interest to buildings along sidewalks and walkways. This guideline may be accomplished by:

- 1) Providing street furniture outside of ground floor retail, such as tables and chairs, signage and lighting, as well as large windows and balconies to encourage social interaction.
- 2) Providing stoops, windows, and balconies within the ground floors of residential buildings.

Findings for A7, A8, and B1, and B1-1: The new storefront system maintains the subject building's existing sense of urban enclosure, contributes to a vibrant streetscape, reinforces the existing pedestrian system of the neighborhood, and provides human scale and interest along NW Glisan Street, in the following ways:

- The new storefront system features ample glazing that invites views of the building's active interior space. This fosters a visual connection between the private sphere of the building's interior and the public sphere of the streetscape.
- The regularity and steady visual rhythm of the building's two storefront bays – with their evenly spaced mullions and similarly located door openings – add definition to the building frontage zone.
- The custom-made perforated metal panel adds a finely scaled decorative element to the building's front façade. Through sight and touch, passersby and building patrons can directly interact with this humanly scaled decorative element.

Therefore these guidelines are met.

C2. Promote Quality and Permanence in Development.

Use design principles and building materials that promote quality and permanence.

C3. Respect Architectural Integrity.

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

C5. Design for Coherency.

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

Findings for C2, C3, and C5: The proposal uses design principles that promote quality; respects the subject building's architectural integrity; employs durable materials; and achieves a coherent composition, in the following ways:

- The new storefront system will be installed within the existing, original storefront bay openings on the building. The new doors will be evenly spaced and face the sidewalk directly, replicating the condition of the existing doors. Thus the proposal maintains the building's commercial storefront typology.
- The existing dentils along the upper edge of the front façade – the chief architectural feature of this simply designed late 1940s-era building – will not be affected by the proposal.
- The new storefront system features high-quality aluminum and butt-glazing. At the east entry door, a decorative custom-made perforated metal panel will be installed. These materials are durable and long-lasting.
- The regularity of vertical divisions at each of the two equally sized storefronts – with evenly spaced expanses of glazing and entry doors of the same size – result in a cohesive composition.
- The location of the proposed decorative metal panel, the panel's appropriate size relative to the rest of the front façade, and the panel's function as an additive element, render it an architecturally respectful feature.

Therefore these guidelines are met.

C9. Develop Flexible Sidewalk-Level Spaces.

Develop flexible spaces at the sidewalk-level of buildings to accommodate a variety of active uses.

Findings for C9: The new storefront system maintains the existing flexibility of the subject building. The proposal maintains entry doors and expansive windows facing the street, allowing the building to retain its typology as a storefront commercial structure. Thus the building can accommodate a variety of active uses in the future, such as retail store, restaurant, or gallery space. *Therefore this guideline is 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 purpose of the Design Review process is to promote the conservation, enhancement, and continued vitality of areas in the City of Portland that have special scenic, architectural, and/or cultural value. The proposal introduces a modern storefront system to the subject building without negatively affecting the building's architectural integrity. The proposal employs high-quality materials, including a custom-made perforated metal panel, which will provide humanly scaled visual and tactile interest within the sidewalk environment of NW Glisan Street. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval to remove the existing storefront system, which includes two entry doors, and install a new storefront system with two entry doors in the same locations as the previous doors, with a custom-made perforated metal panel over the east entry door, at 820-824 NW Glisan Street, located in the River Subdistrict of the Central City Plan District.

Approval per the approved plans and drawings, Exhibits C-1 through C-5, signed and dated January 23, 2013, subject to the following condition:

- A. As part of the building permit application submittal, each of the four required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-232176 DZ. No field changes allowed."

Staff Planner: Kate Marcello

Decision rendered by:  **on January 23, 2014**

By authority of the Director of the Bureau of Development Services

Decision mailed: January 27, 2014

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 November 26, 2013, and was determined to be complete on December 7, 2013.

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 November 26, 2013.

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 extended by the applicant, **the 120 days will expire on April 10, 2014.**

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 February 10, 2014** 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 **February 11, 2014**.
- 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.

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/Narrative
- B. Zoning Map (attached)
- C. Plans and Drawings:
 1. Site Plan (attached)
 2. Enlarged Plan View of New Storefront System
 3. Existing North Elevation Drawing (attached)
 4. Proposed North Elevation Drawing (attached)

5. Enlarged Elevation Drawing of New Metal Panel on East Entry Door, Wall Section Drawing at Door, Wall Section Drawing at Storefront Glazing
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Response:
1. Life Safety/Building Code Section of BDS
- F. Correspondence: None received.
- G. Other
1. Original Land Use Review Application Form
 2. Google Street-view Images of Existing Building

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

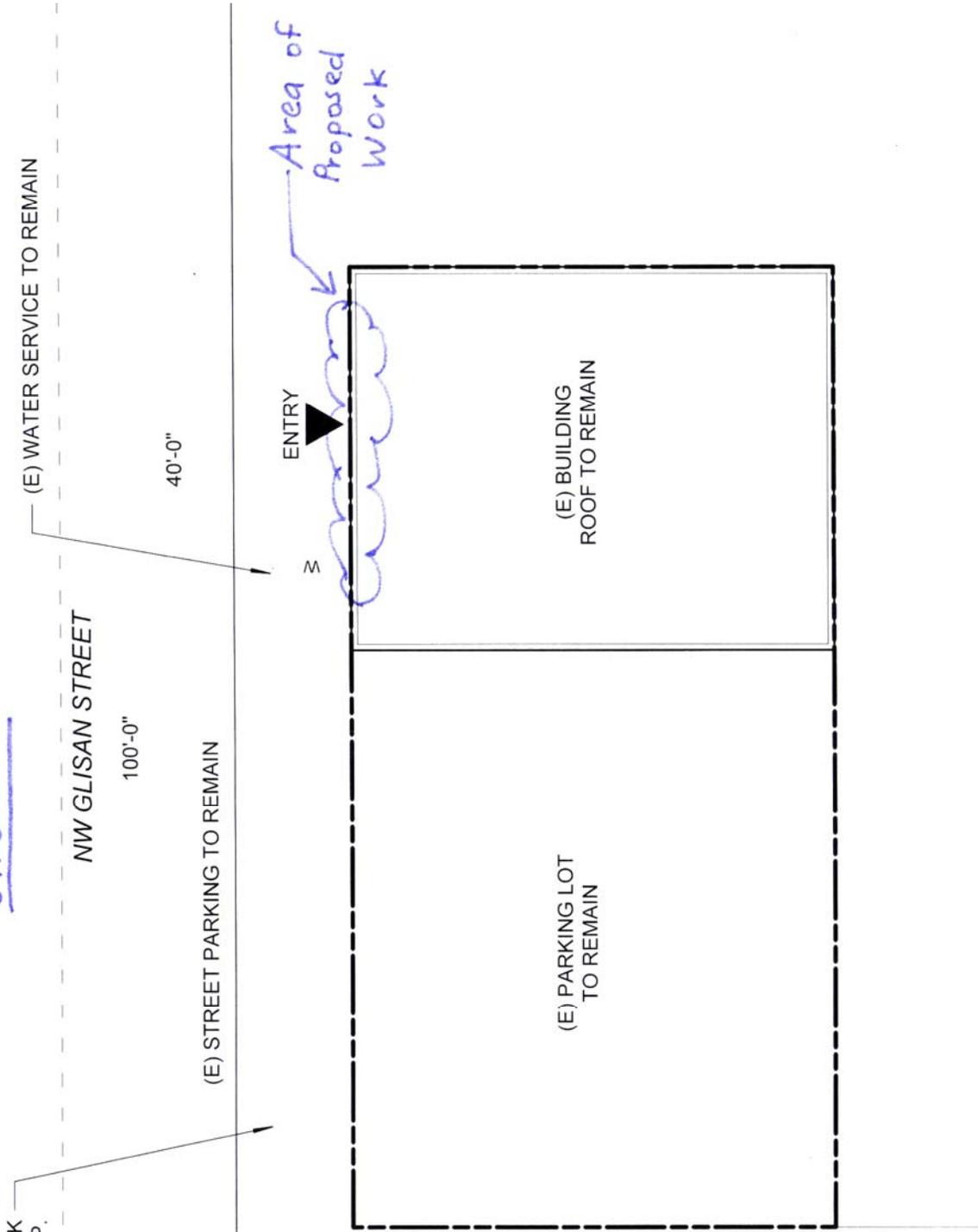
-  Site
-  Also Owned
-  Historic Landmark



This site lies within the:
CENTRAL CITY PLAN DISTRICT
RIVER DISTRICT

File No. LU 13-232176 DZ
 1/4 Section 3029
 Scale 1 inch = 200 feet
 State_Id 1N1E34CB 1700
 Exhibit B (Dec 03, 2013)

Site Plan



Site Plan W/ Utility Notes
SCALE 1/16" = 1'-0"



↑ N

DR-2

(E) CONC. SIDEWALK TO REMAIN, TYP.

NW GLISAN STREET

100'-0"

40'-0"

(E) STREET PARKING TO REMAIN

Area of Proposed Work

ENTRY

M

(E) PARKING LOT TO REMAIN

(E) BUILDING ROOF TO REMAIN

Approved
 City of Portland
 Bureau of Development Services
 Planner Kate C
 Date January 23, 2014

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

60'-0"

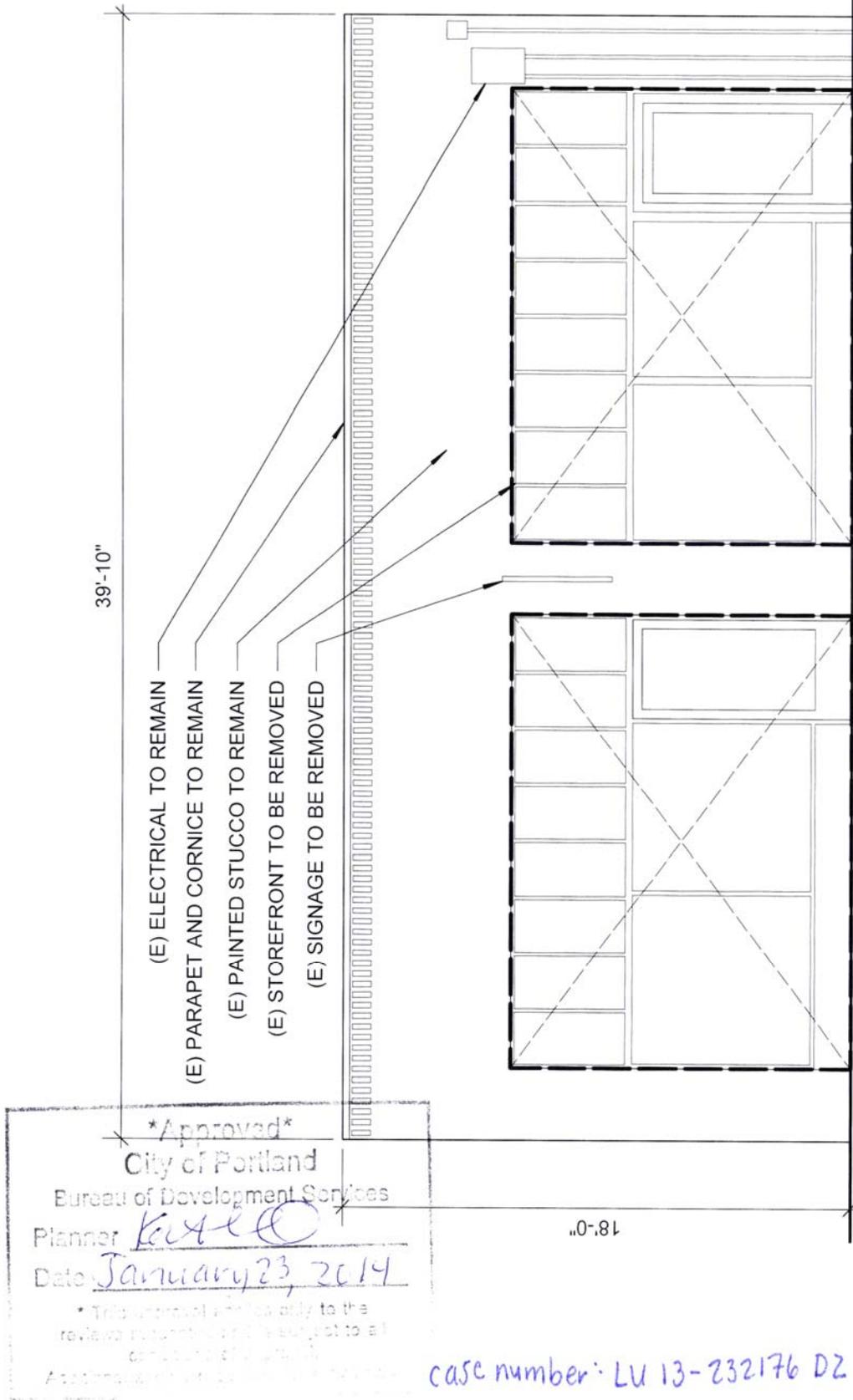
NW 9TH AVENUE

820-824 NW Glisan Street

Case number: LU 13-232176 DZ

Exhibit C-1

Existing North Elevation



Existing North Elevation
SCALE 3/16" = 1'-0"

DR-4

820-824 NW Glisan Street

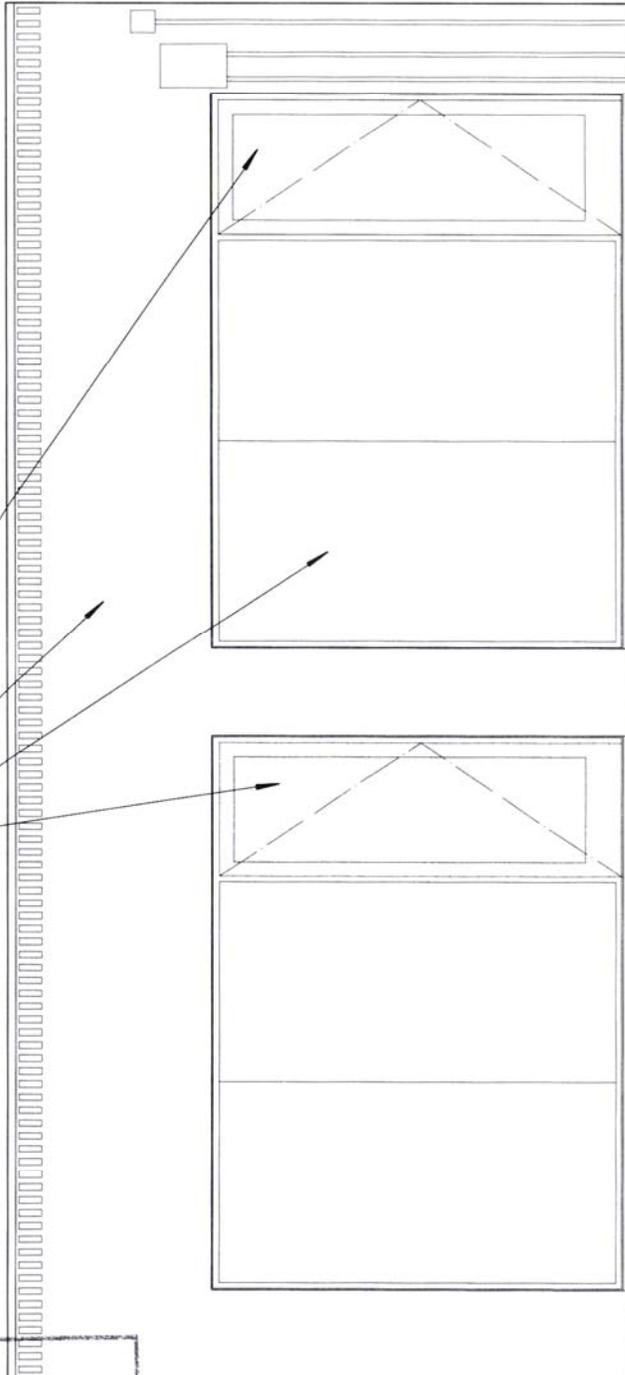
case number: LU 13-232176 DZ

Exhibit C-3

Proposed North Elevation

39'-10"

- (N) GLASS DOOR W/ PAINTED ALUMINUM FRAME
- REPAINT (E) STUCCO
- (N) PAINTED ALUMINUM STOREFRONT
- (N) DOOR W/ PERFORATED METAL PANEL



Approved
 City of Portland
 Bureau of Development Services
 Planner *Katello*
 Date January 23, 2014
 * This approval is only to the reviewed plans and is subject to all applicable laws and regulations.

18'-0"

Exhibit C-4

Case number: LY 13-232176 DZ

Repainting existing stucco is exempt from Design Review.

Proposed North Elevation
 SCALE 3/16" = 1'-0"
DR-5

820-824 NW Glisan Street