



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: May 22, 2015
To: Interested Person
From: Staci Monroe, Land Use Services
503-823-0624 / staci.monroe@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 mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition 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 15-144699 DZ

ROOF DECK

GENERAL INFORMATION

Applicant: Sara Ruzomberka | Scott Edwards Architecture
2525 East Burnside | Portland OR 97214

Tenant: Garrett Wales | 10 Barrel Brewing Company
62970 NE 18th S | Bend OR 97701

Owner: W&D Flanders LLC
2839 SW 2nd Ave | Portland OR 97201-4711

Site Address: 1411-1417 NW FLANDERS STREET

Legal Description: BLOCK 98 LOT 1-4, COUCHS ADD
Tax Account No.: R180209030, R180209030
State ID No.: 1N1E33DA 01800, 1N1E33DA 01800
Quarter Section: 3028
Neighborhood: Pearl District, contact Patricia Gardner at 503-243-2628.
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 zone with a Design overlay
Case Type: DZ - Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission

The applicant seeks Design Review approval to enlarge a rooftop addition previously approved for 10 Barrel Brewing as part of a larger remodel (LU 14-183650 DZ) in the River Sub District of the Central City Plan District. The rooftop addition for two stair enclosures, a seating area, and

metal railing that was previously approved will be altered to include an outdoor bar area between the two stair enclosures. The modifications to the original design includes a timber and metal deck cover and rear wall that spans the space between the stair enclosures, the addition of steel posts and wire to the metal railing for hops/vines to grow on, and new light fixtures. Changes to previously approved lighting along the ground level façade are also proposed.

Exterior building alterations that do not meet the exemptions of Section 33.425.041 required Design Review.

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:

- Central City Fundamental Design Guidelines
- River District Design Guidelines

ANALYSIS

Site and Vicinity: The 20,000 SF site encompasses the southern half of Block 98 in the River sub district of the Central City plan district. The I-405 freeway is immediately west of the block. Neither NW 14th nor Flanders is classified as a transit street. The site is across the street and west of the NW 13th Avenue Historic District. The building is located with the Northwest Triangle Pedestrian District.

A single-story, commercial building occupies the entire site that contain numerous retail tenant spaces. The proposal affects the easternmost space at the corner of NW 14th and NW Flanders. Surrounding development include residential, mixed-use and warehouse buildings.

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 “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. 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.

The Central City Plan District implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation management Plan. The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area. The site is within the River Subdistrict of this plan district.

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

- CU 100-80: A 1980 Conditional Use Approval to utilize a 50’x100’ portion of the existing 1-story structure for a 20-space parking facility.
- DZ 29-83: A 1983 Design Review Approval for a sign.
- LU 14-183650 DZ – A 2014 Design Review approval for storefront remodel and rooftop deck for this tenant (10 Barrel).

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **April 16, 2015**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (no written response provided)
- Water Bureau (Exhibit E-1)
- Fire Bureau (Exhibit E-2)
- Plan Review Section of BDS (Exhibit E-3)
- Site Development Section of BDS (no written response provided)
- Bureau of Transportation (Exhibit E-4)
- Bureau of Parks-Forestry Division (no written response provided)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on April 16, 2015. A total of four written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Sam Millidgan, 4/22/15, noting concerns of potential noise impacts.
2. Diana & Matt Tomseth, 5/6/15, noting concerns of potential noise, odor and light impacts.
3. Heidi Dethloff, 5/6/15, noting concerns of potential noise, odor, light, and traffic impacts.
4. Eva & James Pearson, 5/7/15, noting concerns of potential noise and odor impacts.

Staff Response: Zoning Code Chapter 33.262 establishes thresholds for off-site impacts, including noise, odor and glare. The applicant provided a response to these issues during the original design review for the storefront remodel and roof deck (see Exhibit A.3). This statement indicates how the tenant will attempt to avoid these impacts and comply with the regulations of the chapter. The light fixtures proposed on the roof deck will focus the light downward towards the surface on the roof. Should the off-site impacts arise once the business is operating, concerns may be directed to the Code Compliance section of BDS.

Neither the Zoning Code or approval criteria regulate or consider traffic congestion. Such impacts are evaluated by the Transportation Bureau at the time zoning is being considered, not on an individual tenant basis for an allowed use, which retail and restaurants are in the EX zone.

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 a remarkable place within the region. The area is rich with special and diverse qualities that are characteristic of Portland. Further, the River District accommodates a significant portion of the region’s population growth. This area emphasizes the joy of the

river, connections to it, and creates a strong 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, which is to alter a previously approved roof deck addition.

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.

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 stormwater management tools.

Findings for C2, C3, C5 and C11: The alteration to the previously approved roof deck is focused between the two stair enclosures. A roof cover is comprised of wood timbers and metal decking that complements the other approved rooftop elements in terms of materials and design. The infill between the two stair enclosures does not appear as additional bulk as it only contains one new wall, which is furthest from the street, and mostly open. As altered, the roof deck continues to provide potential view opportunities and activate the roof, helps conceal the building’s existing and newer mechanical units

from the street level, and utilize durable materials and textured finishes that are interesting to view. *This guideline has been 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 proposed wall-mounted fixtures attached to the rooftop enclosures are metal sconces that focus the illumination down toward the roof deck, thereby reducing potential impacts on the skyline and adjacent properties at night. The replacement fixtures along the east façade of the ground level match the fixtures at the tenant's entry and along the remainder of the storefront for a consistent lighting scheme. These fixtures help to illuminate the sidewalk and pedestrian environment providing a sense of safety. *This guideline has been 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. As indicated in the findings above, the proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval to enlarge a rooftop addition previously approved for 10 Barrel Brewing as part of a larger remodel (LU 14-183650 DZ) in the River Sub District of the Central City Plan District., per the approved site plans, Exhibits C-1 through C-8, signed and dated 5/20/15, 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.8. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-144699 DZ. No field changes allowed."

Staff Planner: Staci Monroe

Decision rendered by:  **on May 20, 2015**
By authority of the Director of the Bureau of Development Services

Decision mailed: May 22, 2015

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 April 3, 2015, and was determined to be complete on **April 14, 2015.**

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 April 3, 2015.

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

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on June 5, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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 **June 8, 2015 – (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.

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:

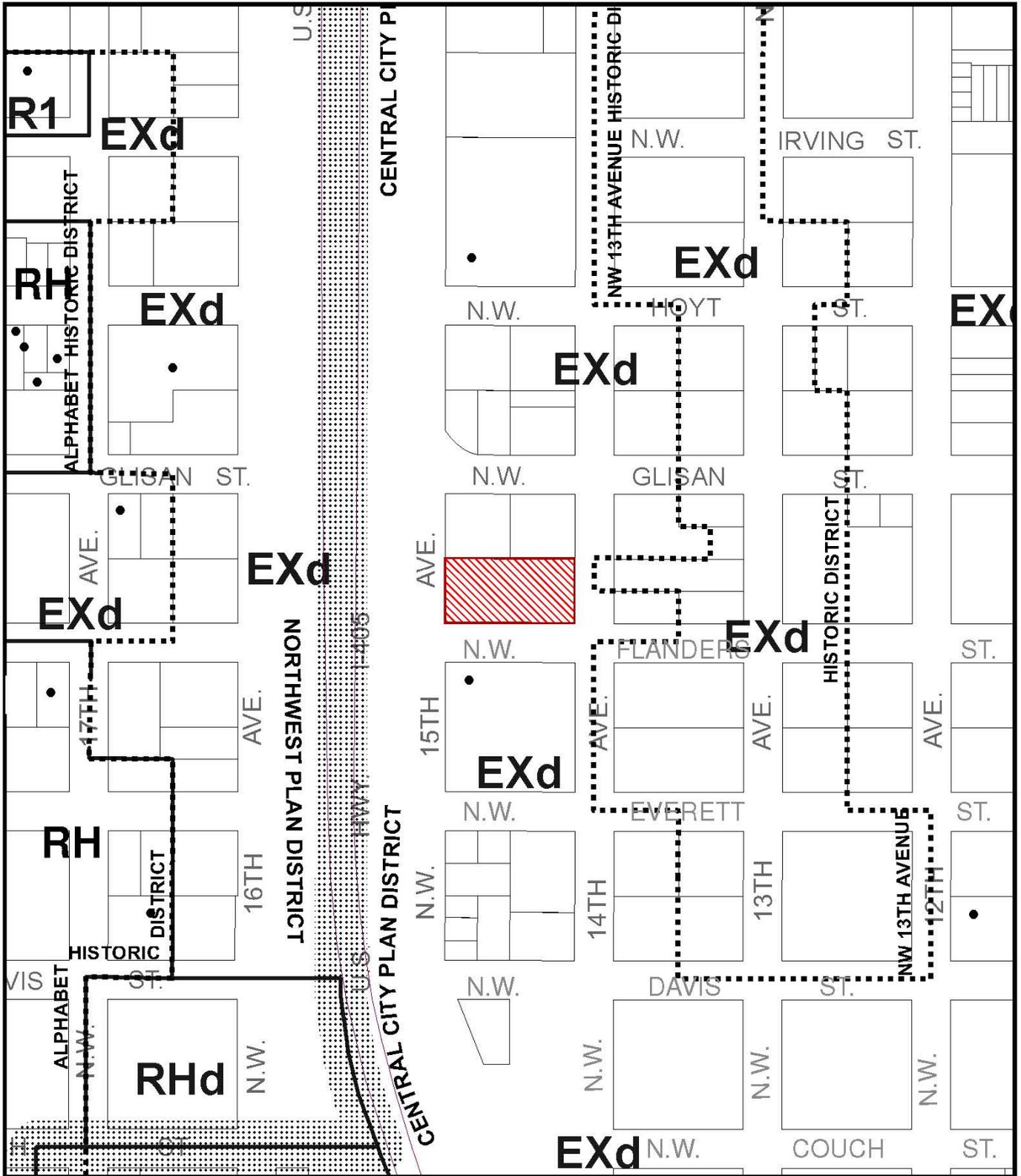
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Project Narrative & Responses to Approval Criteria
 - 2. First Floor Plan
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. First Floor Plan
 - 3. Roof Plan (attached)
 - 4. Building Elevations
 - 5. Exterior Details & Sections
 - 6. Colored Elevations/Exterior Finish/Material Details (attached)
 - 7. Color Exterior Renderings
 - 8. Light Fixtures Manufacturer Cutsheets (3 pages & types)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Water Bureau
 - 2. Fire Bureau
 - 3. Plan Review Section of BDS
 - 4. Bureau of Transportation
- F. Correspondence:
 - 5. Sam Millidgan, 4/22/15, noting concerns of potential noise impacts.
 - 6. Diana & Matt Tomseth, 5/6/15, noting concerns of potential noise, odor and light impacts.
 - 7. Heidi Dethloff, 5/6/15, noting concerns of potential noise, odor, light, and traffic impacts.
 - 8. Eva & James Pearson, 5/7/15, noting concerns of potential noise and odor impacts.
- G. Other:
 - 1. Original LU Application

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
RIVER DISTRICT SUBDISTRICT

File No. LU 15-144699 DZ

1/4 Section 3028

Scale 1 inch = 200 feet

State_Id 1N1E33DA 1800

Exhibit B (Apr 07, 2015)

BENJAMIN MOORE
 KENDALL CHARCOAL

SHERWIN WILLIAMS
 TRICORN BLACK

Approved
 City of Portland
 Bureau of Development Services
 10 BARREL PDX
 -PHASE 2
 Planner *SJM*
 Date *5/20/15*
 * This approval applies only to the 141 NW LANDERS ST PORTLAND, OR 97209 reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

205' of wire for
 tops / vines only,
 NOT APPROVED FOR LIGHTS



BENJAMIN MOORE
 HC-166
 KENDALL CHARCOAL

SHERWIN WILLIAMS
 TRICORN BLACK



No.	Description	Date

Drawing:
 MATERIAL INFORMATION

Project Number: 15048
 Date: 5.19.15
 Sheet No:

R 1.0

15-14469702

EX-GC