



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

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Date: December 18, 2015
To: Interested Person
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision 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 14-241913 DZM: EXTERIOR ALTERATIONS

GENERAL INFORMATION

Applicant: Jennifer Rinkus and Paul Reed | Baysinger Partners Architects PC
1006 SE Grand Avenue Suite 300 | Portland OR 97214 | 503.546.1600

Owner: Qiu Sheng Jia and Jian Dong
2240 Summit Court | Lake Oswego, OR 97034-3618

Contract Purchaser: Kevin Murphy | Dutch Bros
8105 SW Carmel Court | Portland OR 97223

Site Address: 2057 W Burnside Street

Legal Description: BLOCK 30 TL 13500, KINGS 2ND ADD
Tax Account No.: R452304900
State ID No.: 1N1E33CA 13500
Quarter Section: 3027
Neighborhood: Goose Hollow, contact Jerry Powell @ 503-222-7173.
Business District: Nob Hill, contact Mike Conklin at 503-226-6126.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City, in the Goose Hollow SubDistrict
Zoning: CXd: Central Commercial (CX) with a design(d) overlay
Case Type: DZM: Design Review w/ Modification Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant seeks Design Review approval for exterior alterations to the existing single story building on West Burnside Street at the corner of NW 20th Place. The footprint of the existing structure will not be altered and current exterior materials such as concrete, concrete masonry units and wood will remain. The alterations to the existing building include:

- South elevation: New fully glazed aluminum storefront system and three new entryway doors.
- West elevation: Removal of existing deposit drawer, to be infilled with vertical wood siding to match existing, and installation of new walk-up and “cyclist” access window.
- North elevation: New glazed aluminum doors (at the center of the façade, for patrons) and new hollow metal door (at the west corner, for employees).
- East elevation: Two new fully glazed overhead aluminum doors, two new recessed in wall display windows.

Site alterations include:

- ADA improvements to the existing parking lot to the north.
- ADA improvements regarding access to the building along the north elevation.
- New short term bike parking at the southeast and southwest corners (for a total of 8 spaces).
- Walk-up and Bicycle access/service lane and transaction window (west elevation of building).
- Perimeter landscape improvements
- New screened and covered trash and recycling enclosure.
- Addition of two patio areas, to the southeast and southwest areas of the site, for approximately 1,250 square feet of designated exterior hardscape pedestrian active space.

One modification to the Zoning Code standards is requested:

- 33.266.130.G.2 *Parking Area Setbacks and Perimeter Landscaping*. This modification is requested for the area at the west lot line to reduce the quantity of required L2 landscape due to existing established trees and vegetation, and to maintain the current west perimeter landscape area that is less than (in some areas) the required 5 foot depth.

Per Zoning Code Section 33.420.041.B, Design review is required since the proposal includes exterior alteration to existing development.

Relevant Approval Criteria:

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

- Central City Fundamental Design Guidelines
- Goose Hollow District Design Guidelines
- 33.825.040 Modifications that will better meet Design Review Requirements

ANALYSIS

Site and Vicinity:

The existing one story 1,800 square foot concrete masonry building is located on a 10,000 square foot corner site within the Central City Plan District and Goose Hollow Sub-District. The site is adjacent to the southern edge of the Alphabet Historic District, and immediately adjacent to a contributing parking lot within that Historic District. The King’s Hill Historic District is less than 500 feet, across West Burnside Street, to the southwest. The building, previously a KeyBank, is located closest to the southern edge of the site, adjacent to W Burnside St. Parking is located on the north half of the site with vehicle access coming sole from NW 20th Place to the east. While additional floor area is not being added to the building two outdoor patio areas are proposed for the site. An approximately 750 square foot patio is to be located on the east edge of the building. A second patio, approximately 500 square feet in size, is to be located in the area of the previous vehicle egress to W Burnside Street at the south west corner of the site. Both patios contain pervious paving as a means to offset the proposed addition of hardscape to the site.

Existing development adjacent to the site includes a one-story Taco Bell restaurant with associated parking lot to the west. To the north is the previously mentioned parking lot (within the Alphabet Historic District). To the east, across NW 20th Place, is a three story Fred Meyers. Commercial and multi-dwelling construction make up the majority of the development on W. Burnside in this area. In the immediate vicinity to the north of W. Burnside is a variety of residential development, from high density (such as high-rise apartment buildings) to medium density (converted houses with several apartment units) to one-unit dwellings.

Regarding area amenities, the site is within a typical 5-minute walk (a quarter of a mile distance) from a number of retail, commercial and open space resources. Being located on West Burnside Street, the site is adjacent to both large and small retailers to the east and west. Businesses on Burnside range from Fred Meyers to Jim Fisher Volvo to the Marathon Taverna and Mazatlan. The site is also a short walk from the more local smaller shopping venues found on NW 23rd and NW 21st Streets, both within the Historic Alphabet District. Other areas of note within a 5 minute walk include the Multnomah Athletic Club, Couch Park and Providence Park: home of the 2015 MLS Champion Portland Timbers.

Regarding transportation amenities adjacent to the site: Burnside is designated as a Major Transit Priority Street within the Transportation Service Plan, while NW 21st Avenue is a Transit Access Street. Bus service is provided to the site by the #15, #18 and the #20. West Burnside, NW 21st Avenue, and NW 20th Place are all designated as Local Service Bikeways. The site is also within the Northwest Pedestrian District.

Zoning:

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. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The Design (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.

Land Use History: City records indicate that prior land use reviews include the following:

- LU 66-034331 VZ (Ref File # VZ 236-66): Review approval to reduce setbacks
- LU 96-013512 DZ (Ref File # LUR 96-00625): Design Review approval to remove a drive-up window infill and install an ATM machine.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **November 3, 2015**. The following Bureaus have responded with the following issues or concerns:

- Water Bureau: Terry Wenz, November 16, 2015. No concerns. (Exhibit E-1).
- Bureau of Development Services Life Safety/Building Code Section: David Jones, November 09, 2015. Comments include issues regarding ADA parking, accessible routes, and required landings on both sides of a doorway. (Exhibit E-2).
- Bureau of Environmental Services: Emma Kohlsmith, November 23, 2015. Issues and concerns in regards to having not received a stormwater management plan for the project. (Exhibit E-3).
- Bureau of Environmental Services - Addendum: Emma Kohlsmith, December 09, 2015. Issues and concerns in regards to having not received a stormwater management plan for this project, and subsequent concerns with infiltration. However, in response to the

applicants proposal to used pervious materials in the hardscape patio areas BES states that adjacent landscape areas may be utilized for stormwater management. (Exhibit E-4).

- Bureau of Transportation: Robert Haley, November 24, 2015. The applicant will be required to dedicate right-of-way (ROW) along W Burnside and widen the sidewalk in accordance with an agreement between the applicant the PBOT. PBOT's Bureau of Maintenance will reconstruct the corner of W Burnside and NW 20th Place for a cost to the applicant agreed to not exceed in the agreement. The applicant will be required to widen the sidewalk along the W Burnside frontage under a separate permit. The required dedication appears to be accurately reflected in the site plans submitted for this proposal. The driveway on W Burnside will be closed as part of the required street improvements. PBOT has no objections. (Exhibit E-5).
- Fire Bureau: Dawn Krantz, November 09, 2015. No concerns. (Exhibit E-6).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 3, 2015. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

[1] 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 district guidelines.

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 and Goose Hollow Special Design Guidelines.

Goose Hollow District Design Guidelines and Central City Fundamental Design Guidelines

The Goose Hollow District is envisioned to be a predominantly urban residential, transit-oriented community located on the western edge of the Central City between Washington Park and Downtown Portland. When riding light rail through the West Hills tunnel to the Central City, it is the first neighborhood experienced before entering downtown Portland. The Urban Design Vision celebrates the sense of arrival from the west at Jefferson Street Station and Collins Circle, and from the north at the Civic Stadium Station and Fire Fighter's Park. This is done by integrating the history of the community with its special natural and formal (man-made) characteristics.

The Central City Fundamental 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.

Goose Hollow District Design Goals

The Goose Hollow District Design Goals are specific to the Goose Hollow District. These urban design goals and objectives are to:

- Enhance mixed-use, transit-oriented development around the light rail stations to make it a pedestrian-friendly station community.
- Provide open spaces to accommodate active public life.
- Strengthen connections to adjacent neighborhoods through light rail, bike and pedestrian access and assure a safe and pleasant bike/pedestrian environment.
- Preserve and enhance the community's history and architectural character.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within all of the Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

A2. Emphasize Portland Themes. When provided, integrate Portland-related themes with the development's overall design concept.

Findings: Traditional themes incorporating roses or salmon have not been proposed. However, as a result of the site losing its nonconforming rights to the previously established vehicle drive-through window (on the west elevation) along with the requirement by the Portland Bureau of Transportation (PBOT) that the Burnside curb-cut be closed, the west area of the site adjacent to these two features is proposed to accommodate and emphasize the Portland cultural theme of bicycling. In providing a patio area that is closed to motor vehicle traffic, is easy for users to access, and accommodates cyclists through the addition of bike racks and a walk-up/bike-up service window, this space is both emphasizing a valid Portland Theme and perhaps establishing a precedent. *Therefore this criterion is met.*

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

Findings: The proposed alterations to the building include the development of new patios, and required protective railing, on both the West Burnside St. and NW 20th Place elevations. The installation of programmed outdoor space with consistent railing along these façades helps to both activate and architecturally unify these two street facing elevations for a more collectively cohesive final building and site design. *Therefore this criterion is met.*

A5. Enhance, Embellish, and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

A5-3. Enhance West Burnside Street. Enhance West Burnside Street as a boulevard by extending and improving its boulevard treatment and its environment for pedestrians west of the Park Blocks. This guideline may be accomplished by any or all of the following:

- a. Buffering and separating the sidewalk from vehicular traffic by introducing street trees, plantings and protective bollards;
- b. Enhancing the pedestrian promenade along Burnside and making it a linear focus for safe pedestrian activity by widening the space used by pedestrians and locating sidewalk cafes and food vendors in the wider pedestrian space;
- c. Maintaining visual contact and surveillance between the inside of buildings and the adjacent public right-of-way space of West Burnside Street;
- d. Punctuating ground floors of buildings with many destination points such as entries for pedestrians and display windows;
- e. Locating driveways and garage entrances on side streets where feasible, rather than crossing sidewalks along West Burnside; or
- f. Providing pedestrian scale to buildings fronting the street by using awnings and/or balconies along the street.

Findings for A5 and A5-3: Per an agreement with the PBOT 7 feet of dedication with improvements is required along the W Burnside St. frontage. No dedication is required along the NW 20th Place frontage. Intersection improvements will be completed by PBOT to be reimbursed by the applicant. Improvements along the W Burnside St. frontage include sidewalk and planter areas to match the street section requirements consistent with the area. The collective right-of-way improvements will enhance this section of W Burnside Street adjacent to the site in providing a more comfortable and pedestrian-friendly environment. The proposed improvements will also reflect the local character of the area through using hardscape materials that are consistent with local material palette, such as concrete, pavers and porous paving.

The existing building provides visual contact and surveillance between the inside of the building and the adjacent public right-of-way space through large storefront systems with full glazing along the majority of the south and east facades which face the abutting street facing rights-of-way. The proposed alterations will replace the storefront systems with new more energy efficient glass that includes sections of roll-up doors. This will retain the visual contact and surveillance and allow for direct access to the new patio area proposed between the building and street along both the south and east facades. The proposed patio will enhance both rights-of-way; however, due to an existing grade difference between the building's finished floor and the rights-of-way the patio will be at finished floor level. *Therefore these criterion are met.*

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

Findings: The proposed alterations will maintain and reuse the existing building without adding floor area. While the envelop of the building will not be expanded, alterations to the exterior, such as new glazing and storefront systems, will allow the structure to better serve the new tenants while providing improved connections to the proposed outdoor patio areas and adjacent right-of-ways. The proposed new patio area will make use of existing underused and neglected areas on site providing increased activated spaces to the site that currently do not exist. *Therefore this criterion 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.

Findings: The proposed alterations do not include modifications to the building's street facing facades except for replacement of the existing storefront with new storefront systems, roll-up glass doors on the east elevation, and the installation of patio areas to the east and west of the building. The agreed upon right-of-way improvements along W. Burnside will dedicate 7 feet (except where existing building is within this area) and include walkway improvements. The dedication moves the right-of-way line closer to the building thereby both improving the sense of urban enclosure as the sidewalk and right-of-

way will be closer to the building while also providing increased pedestrian safety and comfort in the right-of-way due to the wider sidewalk. *Therefore this criterion is met.*

A8. Contribute to a Vibrant Streetscape. Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

B1-1. Provide Human Scale to Buildings along Walkways. Provide human scale and interest to buildings along sidewalks and walkways.

Findings for A8 and B1-1: The proposed alterations including new storefront systems, glazed overhead doors, exterior patios on the east and west sides and required PBOT dedication on the south side all contribute to providing increased indoor/outdoor space and activity on the site. While the proposed changes develop and activate new areas of the site for pedestrian use these areas are adjacent to the two street facing frontages and so contribute to the vibrancy of the private retailer as well as the public right-of-way. The increased width in the W Burnside sidewalk right-of-way immediately adjacent to the proposed patios provides additional ease and comfort for pedestrians while providing clear visual and physical connections from the site and building to the sidewalk right-of-way. *Therefore these criterion are met.*

B1. Reinforce and Enhance the Pedestrian System. Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

B1-2. Orient Building Entries to Facilitate Transit Connections. Orient primary building entries at pedestrian circulation points which conveniently and effectively connect pedestrians with transit services.

Findings for B1 and B1-2: The proposed alterations to the site include, per the agreement with PBOT, the W Burnside St. right-of-way to be improved with a 7 foot dedication, new sidewalk and landscape planter. New lighting will be installed per the lighting district requirements. This will noticeably enhance the sidewalk right-of-way along the south edge of the site providing improved pedestrian comfort and access. In addition to improved access to the site along the sidewalk right-of-way, with the location of the main entry to the building being directly off the W Burnside frontage pedestrian accessibility to transit is also strengthened. *Therefore these criterion are 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 proposed project is for the minor remodel of an existing building. Per the agreement with PBOT the W. Burnside vehicular driveway will be closed. This, in conjunction with the planned W. Burnside dedication and frontage improvements serve to improve the pedestrian environment and safety along W. Burnside. The existing pedestrian walkway along NW 20th is adequate and no modifications are required or proposed. Building lighting at the two proposed patios and entrances/service windows will provide ample lighting for safety. Mechanical units are currently located on the roof and will be replaced as part of the proposed project. *This criteria has been met.*

B4. Provide Stopping and Viewing Places. Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

Findings: The proposed alterations to the site and building provide a number of areas for stopping and viewing both in the public and private realm. The installation of new storefront systems on the south façade along with the fully glazed overhead doors leading to a new patio area on the east elevation provide greatly increased programming and activation of the south and east elevations of the building. The addition of a second patio area on the west side of the building, immediately adjacent to the sidewalk right-of-way, is another area on site that facilitates and encourages pedestrians to stop, interact and rest. The PBOT dedication requirement of 7 feet on the W Burnside right-of-way provides additional sidewalk area allowing for greater pedestrian ease and comfort in movement and area for activity on sidewalk that remains curb-tight to a very active four lane arterial. *This criteria has been met.*

B5. Make Plazas, Parks and Open Space Successful. Orient building elements such as main entries, lobbies, windows, and balconies to face public parks, plazas, and open spaces. Where provided, integrate water features and/or public art to enhance the public open space. Develop locally oriented pocket parks that incorporate amenities for nearby patrons.

B5-1. Enhance the Design of Pocket Parks. Design pocket parks in residential areas with a variety of experiences that encourage their use all year round. This guideline may be accomplished by any or all of the following:

- a. Providing some shaded places protected from the wind and rain as well as generous sunny areas that will allow its use during different times of the day and year;
- b. Providing seating, trees, grass, flowering plants, paved or textured areas and/or water features; or
- c. Providing for children's play equipment with protected soft surfaces, seating and water fountains.

C1. Enhance View Opportunities. Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.

Findings for B5, B5-1 and C1: The alterations to the site and the building include two proposed patios adjacent to the W Burnside and NW 20th Place street frontages. The patio on the east frontage provides an outdoor space with views to the east down Burnside and an orientation to Providence Park, which is a block away to the south-east. The patio on the west side of the building, while not intended as a "pocket park", has many of the characteristics of this style of open space including: it is small, programmed for people to rest and socialize, is universally accessible directly off the sidewalk, includes seating and fencing for security, and is landscaped with trees, shrubs and groundcover in contrast to the urban and automobile detonated area that it is located. *These criteria have been met.*

B7. Integrate Barrier-Free Design. Integrate access systems for all people with the building's overall design concept.

Findings: The proposed project is for the minor remodel of an existing development that is not currently ADA accessible. Due to existing grade issues and limited area adjacent to the Burnside entry a new ADA accessible route will be added from NW 20th Place to the north entry. The existing drive aisle curbs will be retained and a new ADA accessible pathway will be installed. Additionally, an ADA accessible stall and access aisle will also be added to the parking lot. *This criteria has been 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 proposed exterior alterations to the existing building include new storefront systems primarily to the two street frontages. The proposed aluminum and glass storefront systems are constructed of durable, long lasting materials that promote quality and permanence while being consistent to the building's original character and architectural aesthetic. Additional features, including the proposed patios adjacent to the two street frontages, will also be constructed of quality materials such as: concrete, porous concrete and pavers. The patios will also incorporate decorative protective railing along the south and east edges, adding another architectural element that helps tie the building and site together. The integration of new storefront systems with full glazing along with the new hardscape patios to the east and west of the building provide an increased design coherency to the building and site as a whole. Incidentally, a secondary benefit to the development of the west patio area is that it removes vehicle area from the site for the benefit of pedestrian use and activity. *These criteria have been met.*

C1-1. Integrate Parking. Design surface parking and parking garage exteriors to visually integrate with their surroundings. This guideline may be accomplished by any or all of the following:

- a. Designing street facing parking garages to not express the sloping floors of the interior parking;
- b. Designing the sidewalk level of parking structures to accommodate active uses, display windows, public art or other features which enhance the structure's relationship to pedestrians; or
- c. Accommodating vending booths along sidewalks adjacent to parking facilities when active ground level uses are not possible.

Findings: The parking area on-site is existing. Proposed changes to the parking is a result of the PBOT requirement to close the W Burnside access. Due to this required closure the existing one-way parking lot is being restriped (with minor curb work) to provide two-way access from NW 20th only. There will be no new parking area added, only the reconfiguring of the existing parking area. The remaining reconfigured parking, particularly those two stalls next to the west patio area, have been integrated into the site while also being buffered from the pedestrian areas with new landscaping. *This criteria has been met.*

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

Findings: The local urban design vocabulary along W Burnside Street is in transition as the focus turns less from providing a convenient motor vehicle corridor to a street that pedestrians enjoy using in terms of safety as much as utility. To this end the proposed alterations add to the local design vocabulary in providing patios for increased outdoor areas, new storefront systems and fully glazed roll-up doors for additional access and views into and out of the building and a wider sidewalk right-of-way for greater pedestrian ease and comfort in accessing the building and site. *This criteria has been met.*

C6. Develop Transitions between Buildings and Public Spaces. Develop transitions between private development and public open space. Use site design features such as movement zones, landscape elements, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

Findings: The majority of the existing building along both street frontages is setback from the adjacent rights-of-way. There is a significant grade difference between the abutting rights-of-way and the finished floor of the building on both frontages. Thus today there is a retaining wall along the majority of the area abutting the public rights-of-way with landscaping between the building and street. The proposed project enhances the area between the building and retaining wall with a new patio and landscaping, thereby developing open spaces that serve as transition spaces to the building. The west side patio, located along the W Burnside frontage, also provides a transition between public and

private area. This patio is universally accessible, surrounded on two sides with a landscape buffer and on one side with a metal patio fence which collectively provides an area approximately 500 square feet in size, directly off the sidewalk right-of-way that provides a transition from the very active public space to the private outdoor space. *This criteria has been met.*

C7. Design Corners that Build Active Intersections. Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.

Findings: The existing footprint and floor area of the building will not be changed. The proposed alterations to the building include new storefront systems to the south façade and fully glazed overhead doors on the east elevation as a means to access the proposed patio area adjacent to the NW 20th Place street frontage. These alterations help to better program the site, highlight pedestrian use and entrances, and activate the corner of the building and by extension the corner of the site. *This criteria has been met.*

C8. Differentiate the Sidewalk-Level of Buildings. Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.

Findings: The elevation of both abutting rights-of-way are lower than the finished floor of the existing building and results in very little of the building at sidewalk-level. The sidewalk level of the site is defined primarily by a retaining wall. However, it should be noted that while the existing building is located higher on the site than the adjacent sidewalks, the single story building includes large storefront systems including considerable glazing which helps to provide visibility as well as a human scale to the building elevations. *This criteria has been met.*

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

Findings: Along the southwest portion of the W Burnside frontage a patio and walk-up/bike-up service window will be located directly off of the sidewalk right-of-way. This patio and service window help to activate the area immediately adjacent to the right-of-way which is to be expanded per PBOT dedication requirements. *This criteria has been met.*

C11. Integrate Roofs and Use Rooftops. Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

Findings: The proposed alterations to the building do not include a new roof or redesign of the existing parapet. There are no planned changes to the building's existing roof shape, design or materials. All mechanical equipment for the site is located on the roof and will be replaced as part of the proposed project. The mechanical equipment will continue to be behind and below the existing parapets and so will be fully screened from view by the existing parapets and will not detract from area views. *This criteria 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: Existing exterior lighting on the building will not be altered or added to. *Therefore this guideline does not apply.*

C13. Integrate Signs. Integrate signs and their associated structural components with the building's overall design concept. Size, place, design, and light signs to not dominate the skyline. Signs should have only a minimal presence in the Portland skyline.

Findings: There are no signs proposed that are greater than 32 square feet in area (signs less than 32 square feet are exempt from Design Review). *Therefore this guideline does not apply.*

[2] 33.825.040 Modifications That Will Better Meet Design Review Requirements:

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. **Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. **Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Modification #1:

Modification to Required Building Lines 33.510.215:

33.266.130.G.2 *Parking Area Setbacks and Perimeter Landscaping.* This modification is requested for the area at the west lot line to reduce the quantity of required L2 landscape due to existing established trees and vegetation and, to maintain the current west perimeter landscape area that is less than (in some areas) the required 5 foot depth.

- A. **Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines; and*
- B. **Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

Findings: While the L2 landscape buffer and setback requirements will be met in all other areas of the site, the west edge, which contains existing established trees and vegetation, has constraints that make meeting this requirement difficult. For one, this landscape area which varies in width from approximately 3.5 feet at the northern end to approximately 6.5 feet in width at its widest at the south end, is surrounded by hardscape. The surrounding hardscape includes an existing curb and parking area to the east and retaining wall to the west (less than a foot away) varying in height from 2 to 8 feet. As a result of this the existing established trees (London Plane Trees, approximately 18 inch diameter breast height) have thoroughly rootbound the landscape area they are in making digging in this area difficult, inconsistent and problematic to the health of existing trees. Also of note, the site to the west has an established 4 foot high arborvitae hedge in front of a 4 foot high wood fence that is built on top of the previously mentioned retaining wall. Staff feels that the value provided by the mature trees to the immediate and surrounding sites is greater than what would be provided if new and complete L2 landscaping were fully required in this area. In addition, staff does not wish to jeopardize any of the existing trees through construction to meet the L2, 5 foot width requirement, which may possibly lead to the loss of one or more along this property line. *Therefore these Modifications merit approval.*

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of alterations to the single story structure and surrounding site within the Central City Plan District and Goose Hollow Sub District including the installation of new fully glazed doors and storefront aluminum storefront systems to the south façade, new fully glazed overhead doors and inset display windows on the east façade, new fully glazed doors and ADA access ramp to the north elevation, and new walk-up access window on the west elevation. Alterations to the site include the installation of new concrete patios adjacent to the east and west of the building, landscaping and screening of onsite vehicle areas from adjacent sites, CMU trash enclosure in the northwest corner of the site, and installation of eight short term bicycle parking spaces to the site along the W Burnside frontage.

Approval, per the approved site plans, Exhibits C-1 through C-12, signed and dated Wednesday, December 16, 2015, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.12. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-241913 DZM. No field changes allowed."

Staff Planner: Arthur Graves



Decision rendered by: _____ **on Wednesday, December 16, 2015.**

By authority of the Director of the Bureau of Development Services

Decision mailed: Friday, December 18, 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 November 24, 2014, and was determined to be complete on May 19, 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 November 24, 2014.

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 (Exhibit A-4 and A-5) Unless further extended by the applicant, **the 120 days will expire on: Friday, April 01, 2016.**

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 Monday, January 04, 2016** 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 **Tuesday, January 05, 2016 – (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.

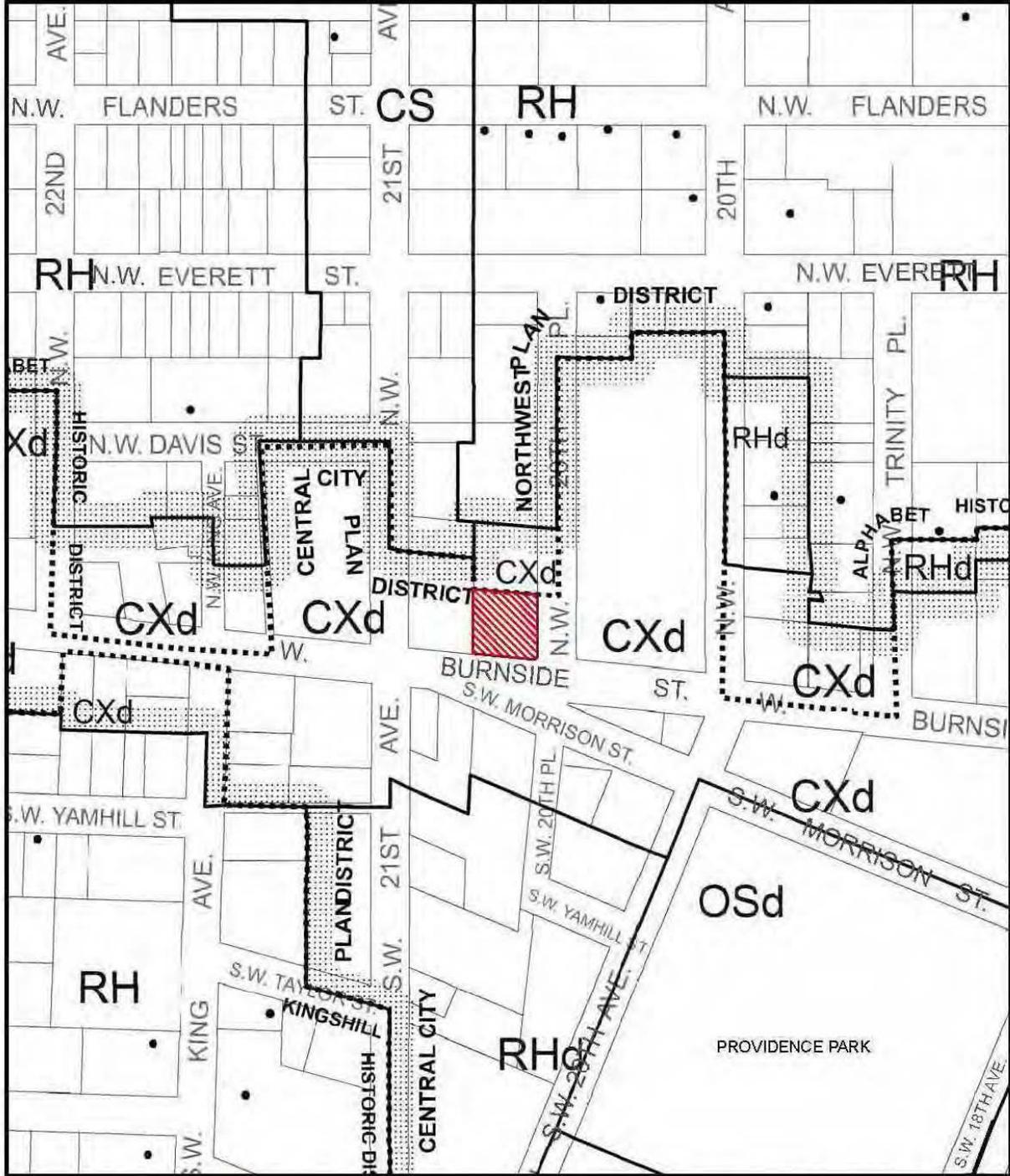
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 1. Applicant's Statement: October 20, 2015
 2. Modification Request: October 20, 2015
 3. Context/ Site Photographs
 4. Extension: June 19, 2015
 5. Extension: November 23, 2015
 6. Preliminary Stormwater Memo: December 02, 2015
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Set Title Page
 2. Site Plan: Existing
 3. Site Plan: Proposed (attached)
 4. Landscape Plan
 5. Floor Plans: Existing and Proposed

6. Elevations: Existing North and East (attached)
 7. Elevations: Proposed North and East (attached)
 8. Elevations: Existing South and West (attached)
 9. Elevations: Proposed South and West (attached)
 10. Elevations Rendered: Proposed North and East
 11. Elevations Rendered: Proposed South and West
 12. Manufacture's Cut Sheets
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Water Bureau: November 16, 2015.
 2. Life Safety/Building Code Section of the Bureau of Development Services: November 09, 2015.
 3. Bureau of Environmental Services: November 23, 2015.
 4. Bureau of Environmental Services - Addendum: December 09, 2015.
 5. Bureau of transportation: November 24, 2015.
 6. Fire Bureau: November 09, 2015.
- F. Correspondence: None received.
- G. Other:
1. Original LU Application
 2. Site Photographs
 3. Incomplete Letter: December 23, 2014
 4. Correspondence regarding completeness: May 19, 2015.
 5. Correspondence regarding putting the project on hold: July 01, 2015.

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
GOOSE HOLLOW SUBDISTRICT

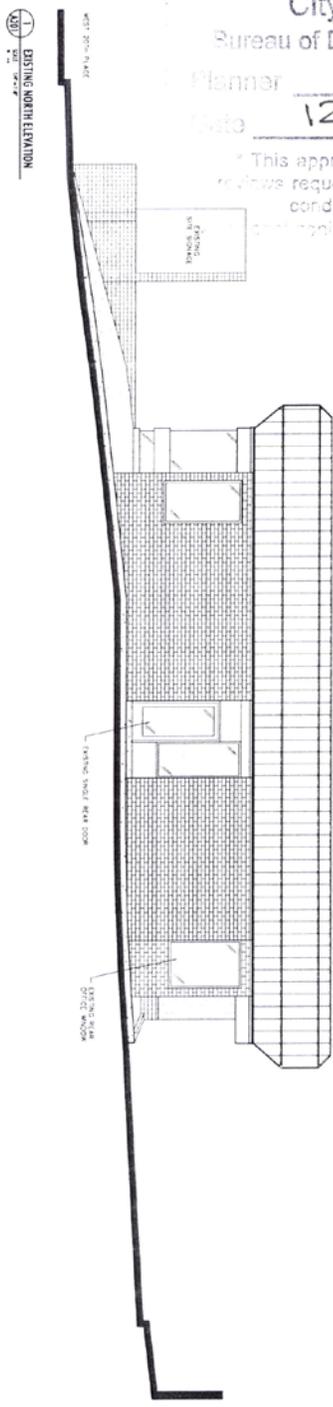
File No. LU 14-241913 DZM
 1/4 Section 3027
 Scale 1 inch = 200 feet
 State_Id 1N1E33CA 13500
 Exhibit B (April 28, 2015)

Approved
City of Portland
 Bureau of Development Services

Planner _____
 Date 12.16.15

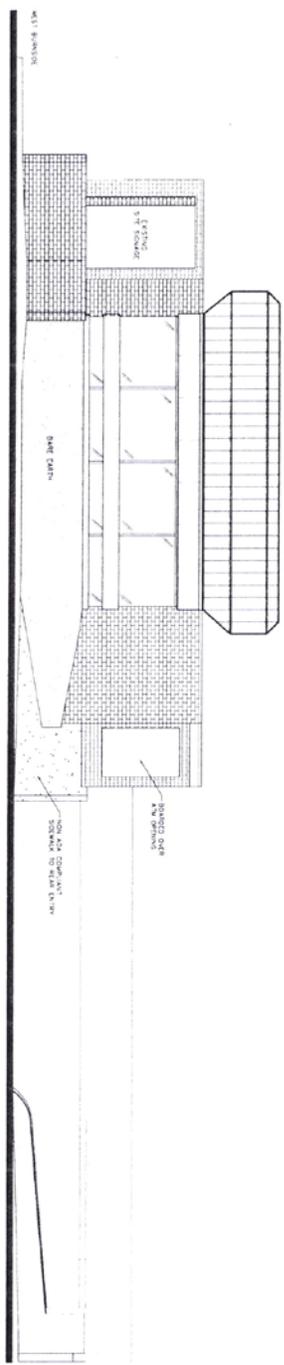
* This approval applies only to the reviews requested and is subject to all conditions of approval. Any other requirements may apply.

EXISTING NORTH ELEVATION



EXISTING NORTH ELEVATION

EXISTING EAST ELEVATION



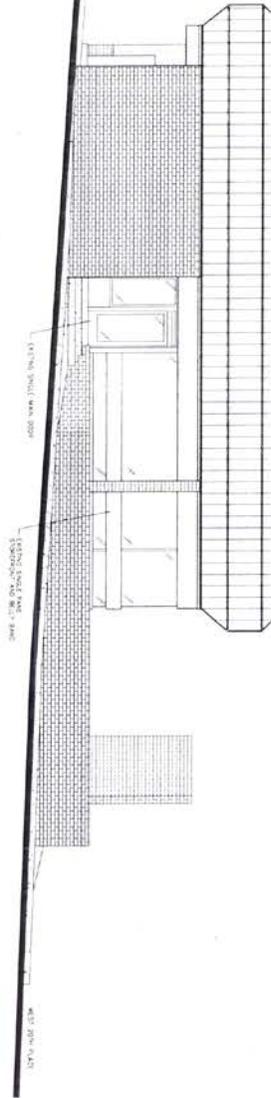
EXISTING EAST ELEVATION - W/JOH PLACE

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| A201 DESIGN REVIEW | EXISTING ELEVATIONS | FINAL DESIGN CONTRACT DESIGN PERMIT | ISSUED / REVISED DATE | KEVIN MURPHY 2057 W BURNSIDE ST 1221 MAIN STREET, # 1000 COLUMBIA, SC 29201 Phone: _____ Fax: _____ | DB 14047 BAYSINGER PARTNERS ARCHITECTURE 1006 SE Grand Ave., Suite 300, Portland, OR 97214 Phone: 503 546-1600 Fax: 503 546-1601 Paul.R. @ BaysingerPartners.com | EXH C-6 14-241913 DEM |
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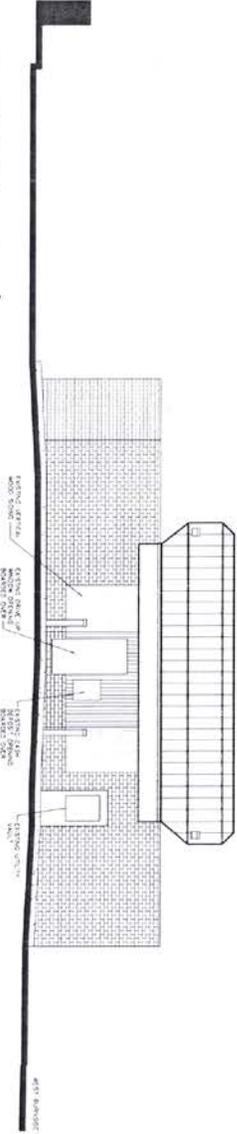
Approved
 City of Portland
 Bureau of Development Services
 Planner _____
 Date 12.16.15

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

EXISTING SOUTH ELEVATION - WEARINGS



EXISTING WEST ELEVATION



EXISTING WEST ELEVATION

EXISTING SOUTH ELEVATION

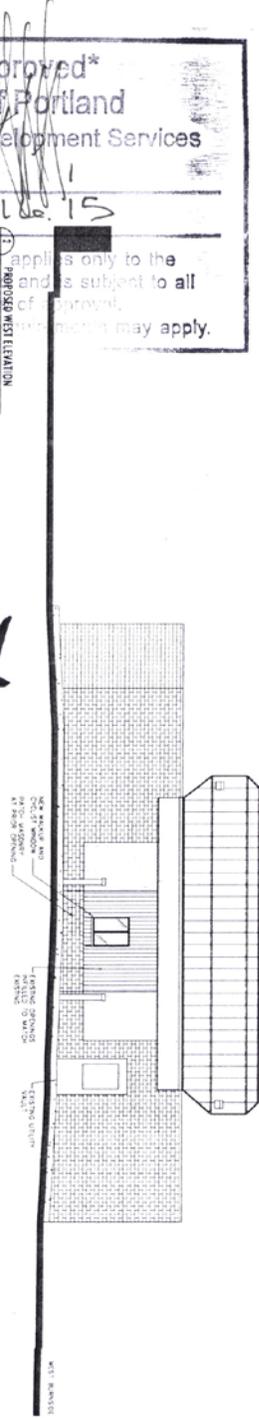
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| A202 DESIGN REVIEW | EXISTING ELEVATIONS | DESIGNED BY: _____ DATE: _____ | KEVIN MURPHY 2057 W BURNSIDE ST 1721 MAIN STREET, # 1000 COLUMBIA, SC 29201 Phone _____ Fax _____ | DB 14047 BAYSINGER PARTNERS ARCHITECTURE 1806 SE Grand Ave., Suite 300, Portland, OR 97214 Phone: 503-546-1800 Fax: 503-546-1801 Email: @baysingerpartners.com  |
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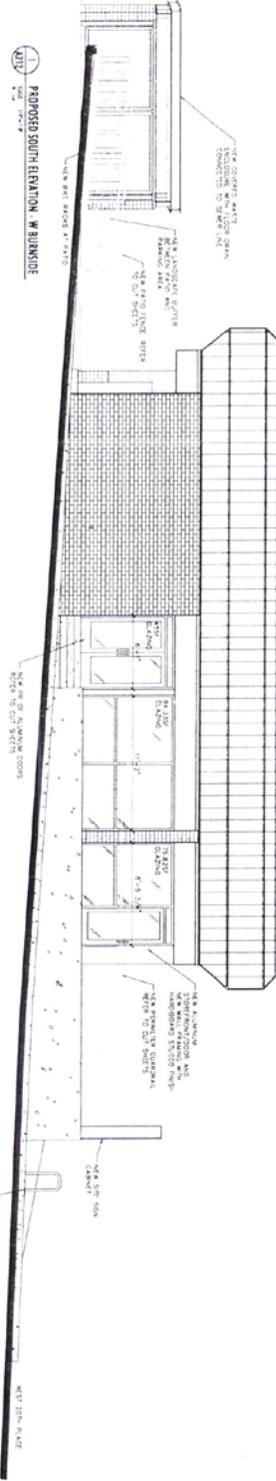
Approved
City of Portland
 Bureau of Development Services
 Planner 1
 Date 12.16.15

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

PROPOSED WEST ELEVATION.



RECORDED AND INDEXED MAPS (L) 10000, 10001, 10002, 10003, 10004, 10005, 10006, 10007, 10008, 10009, 10010, 10011, 10012, 10013, 10014, 10015, 10016, 10017, 10018, 10019, 10020, 10021, 10022, 10023, 10024, 10025, 10026, 10027, 10028, 10029, 10030, 10031, 10032, 10033, 10034, 10035, 10036, 10037, 10038, 10039, 10040, 10041, 10042, 10043, 10044, 10045, 10046, 10047, 10048, 10049, 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060, 10061, 10062, 10063, 10064, 10065, 10066, 10067, 10068, 10069, 10070, 10071, 10072, 10073, 10074, 10075, 10076, 10077, 10078, 10079, 10080, 10081, 10082, 10083, 10084, 10085, 10086, 10087, 10088, 10089, 10090, 10091, 10092, 10093, 10094, 10095, 10096, 10097, 10098, 10099, 10100



PROPOSED SOUTH ELEVATION

| | |
|------------------|----------|
| PROJECT NO. | A212 |
| DATE | 12/16/15 |
| ISSUED / REVISED | |
| DATE | |

KEVIN MURPHY
 2057 W BURNSIDE ST

DB 14047

BAYSINGER PARTNERS ARCHITECTURE
 1006 SE Grand Ave., Suite 300, Portland, OR 97214
 Phone: 503-546-1600 Fax: 503-546-1601
 Pp/AR @BaysingerPartners.com

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