



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: April 08, 2020
To: Interested Person
From: Grace Jeffreys, Land Use Services
503-823-7840 / Grace.Jeffreys@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 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 19-250400 DZ – JIMMY MAK’S

GENERAL INFORMATION

Applicant: Laurie Simpson, Connect Architecture
4072 N Williams St #A, Portland OR 97227
503-367-8057, laurie@connectarchitecture.us

Owner: Leonard & Laura Di Gregorio,
7007 SW 7th Ave, Portland, OR 97219

Tenant/Renter: Doug Pitassi, Mo Steele LLC
PO Box 4772, Portland OR 97208

Site Address: 555 NW 12TH AVE

Legal Description: BLOCK 87 LOT 5&8, COUCHS ADD
Tax Account No.: R180207930
State ID No.: 1N1E33AD 03800
Quarter Section: 2928

Neighborhood: Pearl District, contact Reza Farhoodi at planning@pearldistrict.org.
Business District: Pearl District Business Association, contact at info@explorethepearl.com
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - Pearl District

Zoning: **EXd**, Centrla Employment
Case Type: **DZ**, Design Review
Procedure: **Type II**, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant is seeking Design Review approval to modify an existing building for the purposes of creating a restaurant/jazz club. The existing building is a one-story, quarter-block structure located in the Pearl District Subdistrict of the Central City Plan District. The proposed exterior alterations that are subject to Design Review include:

- New linear wall-grazing lighting the length of the east and north facades, fixed to a continuous upper steel angle with trim to conceal the lighting, and a continuous steel angle below attached above the windows to cut off wall graze light.
- Replacement of two existing fixed storefront windows with new operable windows with styles, rails and panels to match existing windows.
- Replacement of the existing main entrance canopy with a new metal canopy.
- Two new 50 square-foot painted letter signs, for a total of 100 square-feet maximum, one on each elevation adjacent to the corner, above the windows.
- Extension of the parapet walls for new roof and waterproofing, 1 foot on street frontages and 2 feet-6 inches on side property lines.
- Replacement of the roof.
- Mechanical rooftop upgrades with six (6) rooftop mechanical units and new exhaust vents.

Proposed alterations to existing buildings the Central City Plan District require Design Review approval prior to the issuance of building permits unless otherwise exempt per Chapter 33.420 Design Overlay Zone.

Some of the signage included in the initial proposal are under 32 sf, and are therefore exempt from Design Review per 33.420.041.F. These include:

- Changing image signage, for a total of 20 square-feet maximum, attached to the new metal canopy at the main entrance.
- A 30 square-feet maximum diagonal cabinet sign at the corner.

Please note: The decision to adopt the July 9, 2018 code (CC2035 Plan) was appealed to the Land Use Board of Appeals (LUBA). LUBA’s decision was then appealed to the Oregon Court of Appeals by multiple parties. While the particular code provisions this project relies on are not at issue in the appeal, the courts have remanded CC2035, therefore the City has reverted back to the version of PCC 33.510 that was in existence before July 9, 2018 until the Council is able to readopt CC2035.

Please be aware of the following. This land use review is being reviewed under the previous PCC 33.510 version that was in effect prior to July 9, 2018.

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*
- *River District Design Guidelines*
- *Oregon Statewide Planning Goals*

ANALYSIS

Site and Vicinity: The 10,000 square foot quarter-block lot is located at the southwest corner of the intersection of NW Hoyt Street and NW 12th Avenue, in the Pearl Subdistrict of the Central City Plan District. The site is developed with a 10,000 square foot, one-story commercial building constructed in 1941, and the existing structure is built to the property lines along both street frontages. The main entrance is located on NW 12th Avenue, and secondary and tertiary exits are located along NW Hoyt St. The surrounding Pearl District neighborhood is known for its mix of residential, retail, restaurant, nightlife, gallery and other uses.

The site is located within the Central City Pedestrian District. The City’s Transportation System Plan (TSP) classifies the abutting rights-of-way (ROWs) as follows:

- NW 12th Avenue is classified as a City Walkway and a City Bikeway, and a Local Service street for other modes of transportation.
- NE Failing is classified as a City Bikeway, and a Local Service street for other modes of transportation.

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 development standards are intended to allow new development which is similar in character to existing development.

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 2035 Plan. The regulations address the unique role the Central City plays as the region’s premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river. The site is within the Pearl Subdistrict of this plan district.

Land Use History: City records do not indicate relevant prior land use reviews.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **February 5, 2020**.

The following Bureaus submitted a written response with no issues or concerns:

- Bureau of Environmental Services (Exhibit E.1)
- Bureau of Transportation Engineering (Exhibit E.2)
- Life Safety Section of BDS (Exhibit E.3)
- Urban Forestry (Exhibit E.4)

The following Bureaus also responded with no issues or concerns:

- Water Bureau
- Fire Bureau
- Site Development Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 5, 2020. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site’s location, the applicable design guidelines are the Central City Fundamental Design Guidelines and River District Guidelines.

River District Design Guidelines and Central City Fundamental Design Guidelines

The River District is 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.

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

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.

A5-1. Reinforce Special Areas. Enhance the qualities that make each area distinctive within the River District, using the following “Special Area Design Guidelines” (A5-1-1 – A5-1-5).

A5-1-1. Reinforce the Identity of the Pearl District Neighborhood. This guideline may be

accomplished by:

- 1) Recognizing the urban warehouse character of the Pearl District when altering existing buildings and when designing new ones.
- 2) Recognizing the urban warehouse character of the Pearl District within the design of the site and open spaces.
- 3) Designing buildings which provide a unified, monolithic tripartite composition (base/middle/top), with distinct cornice lines to acknowledge the historic building fabric.
- 4) Adding buildings which diversify the architectural language and palette of materials.
- 5) Celebrating and encouraging the concentration of art and art galleries and studios with design features that contribute to the Pearl District’s “arts” ambiance. Consider features that provide connectivity and continuity such as awnings, street banners, special graphics, and streetscape color coordination, which link shops, galleries, entrances, display windows and buildings. Active ground level retail that opens onto and/or uses the sidewalk can contribute to the attraction of the “arts” concentration.

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, A5, A5-1, A5-1-1 and C4: The proposed alterations will reinforce the lively urban warehouse character of the surrounding Pearl district neighborhood.

- The proposal maintains the existing warehouse building street orientation, fenestration, sawtooth roof form and building's overall industrial character.
- The exterior improvements will maintain/repair ornamental steel awnings and will embellish the repaired facade with additional steel detailing at existing reveals above the windows. The upper linear steel angle will carry the lighting across both facades and the lower steel angle will provide a lighting cut off point. These new steel details will complement existing steel awnings and structure, maintaining the industrial aesthetic that typifies the Pearl and alludes to the Pearl's industrial warehouse history.
- The proposal maintains the consistent width and materiality of the sidewalk pedestrian scape of the Pearl and will add new paving to match existing along NW Hoyt St. at location of electrical work.
- The proposal will maintain the streetscape, street trees and existing awnings at street level and will enhance it with seasonal outdoor seating, continuing the thread of outdoor dining areas relevant to street life of the Pearl.

These guidelines are therefore met.

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

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.

Findings for A6 and C3: The project will rehabilitate an existing structure, while adapting it for a new use, and the proposed changes to the façade are minor in scope and will respect and enhance original building features. Generally, the character of the original building is preserved.

- The proposed exterior renovations will maintain the existing structure and façade, refreshing the facades with needed repairs and updating the color of the building with a two tone (charcoal-black) paint scheme. The existing steel awnings and gates will be repaired and repainted.
- The proposal's exterior improvements will enhance the buildings' existing character, enhancing the existing horizontal facade banding with new steel linear angles and lighting.
- Exterior improvements also include two replacement windows at the south lounge which will match existing windows (matching the stile and rail placement) but instead of being fixed in place, the windows will be operable. This will allow the building interior to be seasonally open to the elements and interact with the street. Patrons of the restaurant/lounge would connect to the street activity and such a connection would provide a lively restaurant use. The rest of the building is designed as a music

venue, respecting both the structure and facade while adding a new program to the interior.

- The cornice band zone for the exterior lighting, framed by the two horizontal steel ledges integrated into the building design, reflects the industrial construction and detail of the building and the area. The steel ledges will be integrated into the existing reveals on the building facade, adding interest.

These guidelines are therefore 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.

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.

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 for A7, A8, B1, B1-1, B1-2 and C6: Overall, the project supports the pedestrian system and adds to the vibrant streetscape atmosphere of the Pearl.

- The proposed exterior alterations maintain existing entries and window orientation toward the surrounding cityscape.
- The proposal's main entry space is a recessed exterior space with an existing gate which will be open to the sidewalk during business hours. This space is effectively a transition between the public pedestrian zone and the restaurant/music venue, allowing possible patrons a sneak peek into the venue. Adding visual interest will be provided by feature lighting and an internal mural along the restaurant's south wall, within this space. This space will also increase building accessibility via a lift and widened steps.
- During the day the south lounge will operate as a stand-alone restaurant that will welcome all ages and seasonally operate sidewalk cafe seating. Seasonal cafe seating will enhance the sidewalk experience while maintaining the pedestrian width requirement.
- Two new proposed operable windows will attract pedestrians from the street level into the restaurant and allow for a much better interior-exterior connection than what currently exists.
- The new linear steel angles above the windows will create a sign band area, and the proposed painted lettering signage at the corner has been placed within it, integrating it into the overall design of the building.

These guidelines 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.

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.

B6. Develop Weather Protection. Develop integrated weather protection systems at the sidewalk-level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

B6-1. Provide Outdoor Lighting at a Human Scale. Provide outdoor lighting at a human scale to encourage evening pedestrian activity.

Findings for B2, B4, B6 and B6-1: The proposal provides for pedestrian enhancement, protection and safety.

- The proposal maintains existing canopies at entryways.
- The main entry is a semi-public space that is entered through an existing gate, and pedestrians will be offered a small-scale view into the entry and the venue beyond from this accessible space.
- The proposal's two operable windows will allow pedestrians to easily see into the lounge/restaurant, and give patrons a visual connection with the sidewalk, keeping “eyes on the street”.
- The proposal's outdoor cafe seating offers a stopping place to socialize and view the lively lounge interior.
- Building services, such as recycling and trash, will be located off the street within the footprint of the existing building so they do not negatively impact the pedestrian environment.
- Proposed exterior lighting, in the form of integrated canopy lighting and the new linear band illumination, will enhance safety at night and contribute to the facade articulation.
- All existing and replaced building mechanical is on the rooftop and will be out of sight of the sidewalk/pedestrian zone.
- The proposal's scope maintains on street parking to continue protection of pedestrians.

These guidelines are met.

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

Findings: The proposal improves public accessibility by integrating a new lift and rebuilding the stairs at the main exterior entry and rebuilding and reconfiguring the ramp at exterior service entry. *This guideline is met.*

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

Findings: The exterior facade renovation will patch the facades and refresh the color. Painted steel details are durable and long lasting. The proposed remodel will utilize high-quality, long-lasting and durable materials. *This guideline is met.*

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.

C10. Integrate Encroachments. Size and place encroachments in the public right-of-way to visually and physically enhance the pedestrian environment. Locate permitted skybridges toward the middle of the block, and where they will be physically unobtrusive. Design skybridges to be visually level and transparent.

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.

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 for C5, C10, C12 and C13: The project maintains the existing warehouse building features and adds new ones to achieve a coherent composition.

- The proposed exterior repair, patch and paint work will refresh and coherently address both sidewalk elevations.
- The proposed new main exterior canopy has been designed to support future marquee signage, which, while exempt from this design review, places this important signage so that it does not interfere with the pedestrian experience, but still provides pedestrian and car passerby with information regarding the events at the music venue.
- The proposed linear lighting will enhance the nighttime pedestrian environment and highlights the building signage, corner signage and marquee. Because the linear lighting will be affixed to the top steel angle, concealed by an additional trim piece, point downward and be cut off by a lower light shelf element, it will be complementary to the building façade, will not dominate the night sky, and will provide a consistent and integrated lighting solution.
- The proposed 50 square feet of painted lettering signage at both sides of the corner are generally much larger than is typically supportable, however, because this is signage will be individual painted lettering, rather than raised lettering, and not boxes, especially internally lit ones, these signs will have a much less impact on the pedestrian realm. Additionally, this use, a well-known music venue, warrants signage that is larger than generally allowed. These painted signs will convey identity and information and also provide visual interest. They are integrated into the building facades and will be illuminated by the linear lighting above. *To ensure this signage remains painted lettering only, a condition of approval has been added.*

With the added condition of approval for the painted signage, these guidelines are 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.

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 for C7 and C8:

- While exempt from this design review, the proposal's new neon signage at the corner will replace the previous tenant’s neon sign in the same location at the corner intersection. Its design commemorates a significant musical establishment and celebrates a historic individual, it portrays a jazz player and alludes to Portland's rich musical history.
- The proposal's exterior repair, patch and paint work will refresh both elevations and respect the existing reveals which follow architectural tripartite. The proposed horizontal lighting that bands both elevations at the "cornice" band reinforces the architectural hierarchy and act as its demarcation.

These guidelines are 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 for C11: The proposed mechanical equipment is integrated with the building design in terms of size and rooftop placement.

- The proposed upgrades to the mechanical units and exhaust fans on the roof ensure that units are not visible from the sidewalk and the pedestrian zone.
- The proposal seeks to add to the height of the surrounding parapet to meet code and best practices for roof installation.
- The existing sawtooth roof form remains.

This guideline is met.

Oregon Statewide Planning Goals

Goal 1: Citizen Involvement

Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.” It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

Findings: The City of Portland maintains an extensive citizen involvement program which complies with all relevant aspects of Goal 1, including specific requirements in Zoning Code Chapter 33.730 for public notice of land use review applications that seek public comment on proposals. There are opportunities for the public to testify at a local hearing on land use proposals for Type III land use review applications, and for Type II and Type IIX land use decisions if appealed. *For this application, a written notice seeking comments on the proposal was mailed to property-owners and tenants within 100 feet of the site, and to recognized organizations in which the site is located.*

The public notice requirements for this application have been and will continue to be met, and nothing about this proposal affects the City’s ongoing compliance with Goal 1. Therefore, the proposal is consistent with this goal.

Goal 2: Land Use Planning

Goal 2 outlines the basic procedures of Oregon’s statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan, and that suitable “implementation ordinances” to put the plan’s policies into effect must be adopted. It requires that plans be based on “factual information”; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

Findings: Compliance with Goal 2 is achieved, in part, through the City’s comprehensive planning process and land use regulations. For quasi-judicial proposals, Goal 2 requires that the decision be supported by an adequate factual base, which means it must be supported by substantial evidence in the record. *As discussed earlier in the findings that respond to the relevant approval criteria contained in the Portland Zoning Code, the proposal complies with the applicable regulations, as supported by substantial evidence in the record. As a result, the proposal meets Goal 2.*

Goal 3: Agricultural Lands

Goal 3 defines “agricultural lands,” and requires counties to inventory such lands and to “preserve and maintain” them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

Goal 4: Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will “conserve forest lands for forest uses.”

Findings for Goals 3 and 4: In 1991, as part of Ordinance No. 164517, the City of Portland took an exception to the agriculture and forestry goals in the manner authorized by state law and Goal 2. *Since this review does not change any of the facts or analyses upon which the exception was based, the exception is still valid, and Goal 3 and Goal 4 do not apply.*

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 relates to the protection of natural and cultural resources. It establishes a process for inventorying the quality, quantity, and location of 12 categories of natural resources. Additionally, Goal 5 encourages but does not require local governments to maintain inventories of historic resources, open spaces, and scenic views and sites.

Findings: The City complies with Goal 5 by identifying and protecting natural, scenic, and historic resources in the City’s Zoning Map and Zoning Code. Natural and scenic resources are identified by the Environmental Protection (“p”), Environmental Conservation (“c”), and Scenic (“s”) overlay zones on the Zoning Map. The Zoning Code imposes special restrictions on development activities within these overlay zones. Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts. *The subject site is not within any mapped environmental or scenic area or identified as a historic resource, so Goal 5 does not apply.*

Goal 6: Air, Water and Land Resources Quality

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

Findings: Compliance with Goal 6 is achieved through the implementation of development regulations such as the City’s Stormwater Management Manual at the time of building permit review, and through the City’s continued compliance with Oregon Department of Environmental Quality (DEQ) requirements for cities. *The Bureau of Environmental Services reviewed the proposal for conformance with sanitary sewer and stormwater management requirements and expressed no objections to approval of the application, as mentioned earlier in this report. Therefore, the proposal is consistent with Goal 6.*

Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 7 requires that jurisdictions adopt development restrictions or safeguards to protect people and property from natural hazards. Under Goal 7, natural hazards include floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires. Goal 7 requires that local governments adopt inventories, policies, and implementing measures to reduce risks from natural hazards to people and property.

Findings: The City complies with Goal 7 by mapping natural hazard areas such as floodplains and potential landslide areas, which can be found in the City’s MapWorks geographic information system. The City imposes additional requirements for development in those areas through a variety of regulations in the Zoning Code, such as through special plan districts or land division regulations. *The subject site is not within any mapped floodplain or landslide hazard area, so Goal 7 does not apply.*

Goal 8: Recreation Needs

Goal 8 calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expediting siting of destination resorts.

Findings: The City maintains compliance with Goal 8 through its comprehensive planning process, which includes long-range planning for parks and recreational facilities. *Staff finds the current proposal will not affect existing or proposed parks or recreation facilities in any way that is not anticipated by the zoning for the site, or by the*

parks and recreation system development charges that are assessed at time of building permit. Furthermore, nothing about the proposal will undermine planning for future facilities. Therefore, the proposal is consistent with Goal 8.

Goal 9: Economy of the State

Goal 9 calls for diversification and improvement of the economy. Goal 9 requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

Findings: Land needs for a variety of industrial and commercial uses are identified in the adopted and acknowledged Economic Opportunity Analysis (EOA) (Ordinance 187831). The EOA analyzed adequate growth capacity for a diverse range of employment uses by distinguishing several geographies and conducting a buildable land inventory and capacity analysis in each. In response to the EOA, the City adopted policies and regulations to ensure an adequate supply of sites of suitable size, type, location and service levels in compliance with Goal 9. The City must consider the EOA and Buildable Lands Inventory when updating the City’s Zoning Map and Zoning Code. *Because this proposal does not change the supply of industrial or commercial land in the City, the proposal is consistent with Goal 9.*

Goal 10: Housing

Goal 10 requires local governments to plan for and accommodate needed housing types. The Goal also requires cities to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Findings: The City complies with Goal 10 through its adopted and acknowledged inventory of buildable residential land (Ordinance 187831), which demonstrates that the City has zoned and designated an adequate supply of housing. For needed housing, the Zoning Code includes clear and objective standards. *Since this proposal is not related to housing or to land zoned for residential use, Goal 10 is not applicable.*

Goal 11: Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal’s central concept is that public services should be planned in accordance with a community’s needs and capacities rather than be forced to respond to development as it occurs.

Findings: The City of Portland maintains an adopted and acknowledged public facilities plan to comply with Goal 11. See Citywide Systems Plan adopted by Ordinance 187831. The public facilities plan is implemented by the City’s public services bureaus, and these bureaus review development applications for adequacy of public services. Where existing public services are not adequate for a proposed development, the applicant is required to extend public services at their own expense in a way that conforms to the public facilities plan. *In this case, the City’s public services bureaus reviewed the proposal and expressed no objections to approval of the application, as mentioned earlier in this report. Therefore, the proposal is consistent with Goal 11.*

Goal 12: Transportation

Goal 12 seeks to provide and encourage “safe, convenient and economic transportation system.” Among other things, Goal 12 requires that transportation plans consider all modes of transportation and be based on inventory of transportation needs.

Findings: The City of Portland maintains a Transportation System Plan (TSP) to comply with Goal 12, adopted by Ordinances 187832, 188177 and 188957. The City’s TSP aims to “make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs.” The extent to which a proposal affects the City’s transportation system and the goals of the TSP is evaluated by the

Portland Bureau of Transportation (PBOT). The scope of this project does not warrant transportation review; therefore Goal 12 is not applicable.

The Bureau of Transportation reviewed the proposal for conformance with transportation requirements and expressed no objections to approval of the application, as mentioned earlier in this report. Therefore, the proposal is consistent with Goal 12.

Goal 13: Energy

Goal 13 seeks to conserve energy and declares that “land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.”

Findings: With respect to energy use from transportation, as identified above in response to Goal 12, the City maintains a TSP that aims to “make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs.” This is intended to promote energy conservation related to transportation. Additionally, at the time of building permit review and inspection, the City will also implement energy efficiency requirements for the building itself, as required by the current building code. *For these reasons, staff finds the proposal is consistent with Goal 13.*

Goal 14: Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an “urban growth boundary” (UGB) to “identify and separate urbanizable land from rural land.” It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

Findings: In the Portland region, most of the functions required by Goal 14 are administered by the Metro regional government rather than by individual cities. The desired development pattern for the region is articulated in Metro’s Regional 2040 Growth Concept, which emphasizes denser development in designated centers and corridors. The Regional 2040 Growth Concept is carried out by Metro’s Urban Growth Management Functional Plan, and the City of Portland is required to conform its zoning regulations to this functional plan. *This land use review proposal does not change the UGB surrounding the Portland region and does not affect the Portland Zoning Code’s compliance with Metro’s Urban Growth Management Functional Plan. Therefore, Goal 14 is not applicable.*

Goal 15: Willamette Greenway

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

Findings: The City of Portland complies with Goal 15 by applying Greenway overlay zones which impose special requirements on development activities near the Willamette River. *The subject site for this review is not within a Greenway overlay zone near the Willamette River, so Goal 15 does not apply.*

Goal 16: Estuarine Resources

This goal requires local governments to classify Oregon’s 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those “management units.”

Goal 17: Coastal Shorelands

This goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for “water-dependent” or “water-related” uses.

Goal 18: Beaches and Dunes

Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

Goal 19: Ocean Resources

Goal 19 aims “to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.” It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19’s main requirements are for state agencies rather than cities and counties.

Findings: *Since Portland is not within Oregon’s coastal zone, Goals 16-19 do not apply.*

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 requirements of Title 11 can be met, and that all development standards of Title 33 can be met or have received an Adjustment or Modification via a land use review, prior to the approval of a building or zoning permit.

CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposed alterations will reinforce the urban warehouse character of the existing building and the surrounding area and will add to the vibrant streetscape of this Pearl district neighborhood. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations, including two new operable storefront windows to match existing, a new metal entrance canopy, two new 50 square-foot painted letter signs, new concealed linear lighting fixed to a continuous steel top angle above a continuous steel bottom angle, the extension of the parapets, the replacement of the roof and six (6) new rooftop mechanical units and new exhaust fans.

Approval per the approved site plans, Exhibits C-1 through C-28, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 19-250400 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

D. The two 50 square feet painted lettering signage either side of the corner above the windows are to remain as painted lettering only.

Staff Planner: Grace Jeffreys



Decision rendered by: _____ **on April 3, 2020**
By authority of the Director of the Bureau of Development Services

Decision mailed: April 8, 2020

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 7, 2019 and was determined to be complete on February 3, 2020.

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 7, 2019.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: June 2, 2020**

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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received by 4:30 PM on April 22, 2020. **Towards promoting social distancing during the COVID-19 pandemic, the completed appeal application form must be e-mailed to BDLUSTeamTech@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations for the appeal of Type

II and IIX decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **April 22, 2020** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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.

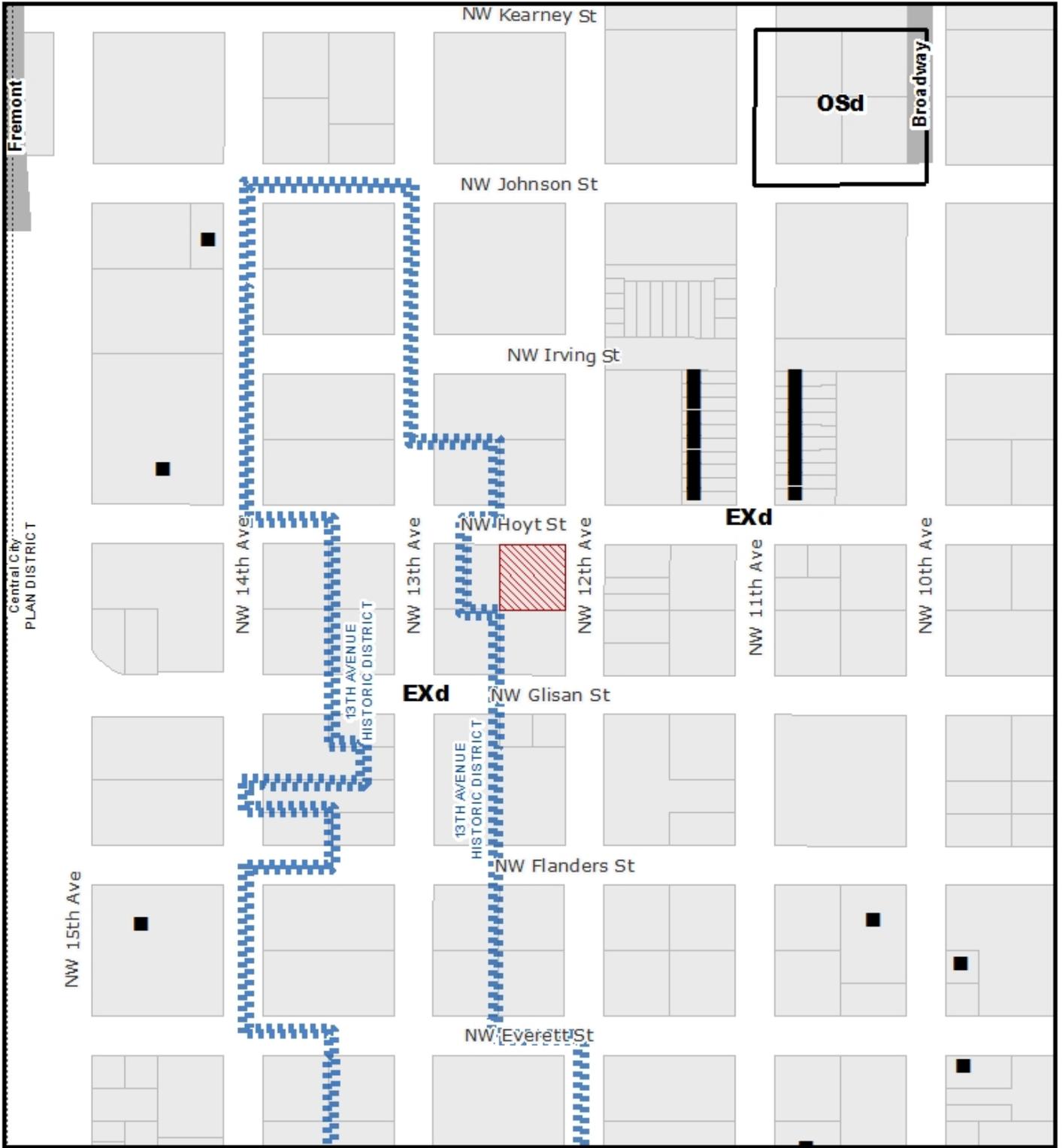
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement
 1. Initial Submittal
 2. Completeness Response, 11/22/19
 3. Revised Submittal response to approvability concerns, 12/12/19

4. Example, earlier Jimmy Mak’s, 1/13/20
 5. Revised Submittal, response to approvability concerns, 1/31/20
 6. Revised Submittal, response to approvability concerns, 2/21/20
 7. Revised Submittal, response to approvability concerns, 3/16/20
- B. Zoning Map (attached)
- C. Plans/Drawings:
1. Site Plan (attached)
 2. Roof Plan
 3. East Elevation (attached)
 4. North Elevation (attached)
 5. Wall Sections
 6. Roof Details
 7. Canopy 3-D
 8. Light fitting cutsheets
 9. Light fitting cutsheets
 10. Light fitting cutsheets
 11. Light fitting cutsheets
 12. Light fitting cutsheets
 13. Mechanical Cutsheets
 14. Mechanical Cutsheets
 15. Mechanical Cutsheets
 16. Mechanical Cutsheets
 17. Mechanical Cutsheets
 18. Mechanical Cutsheets
 19. Mechanical Cutsheets
 20. Mechanical Cutsheets
 21. Mechanical Cutsheets
 22. Mechanical Cutsheets
 23. Mechanical Cutsheets
 24. Mechanical Cutsheets
 25. Mechanical Cutsheets
 26. Mechanical Cutsheets
 27. Mechanical Cutsheets
 28. Mechanical Cutsheets
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 3. Life Safety Review Section of BDS
 4. Urban Forestry
- F. Correspondence: None received
- G. Other:
1. Original LU Application
 2. Incomplete Letter, 11/21/19
 3. Staff email, 12/5/19
 4. Staff email, 12/12/19
 5. Staff email, 1/16/20
 6. Staff email, 2/3/20
 7. Staff email chain, 3/10/20
 8. Staff email, 3/16/20

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).



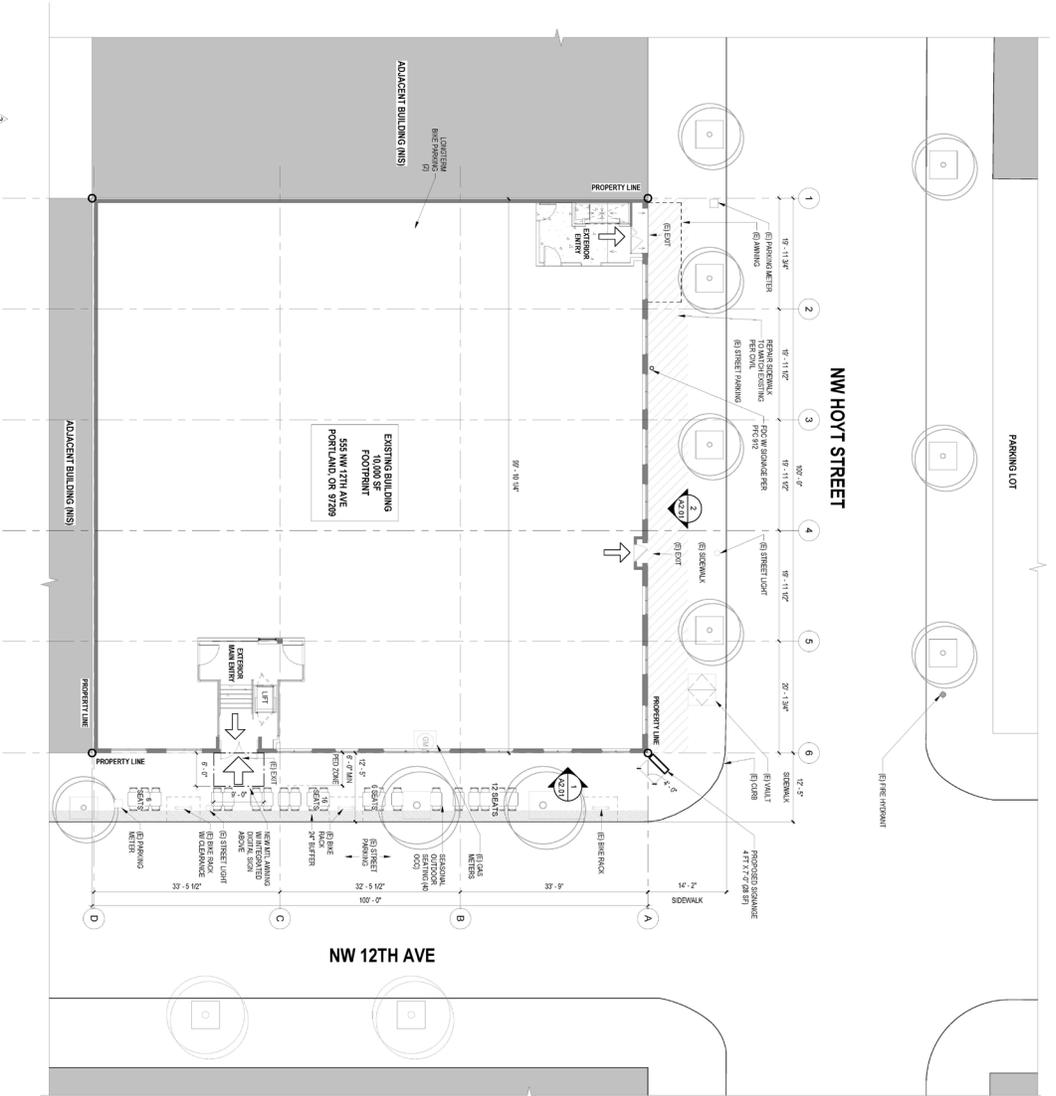
ZONING

CENTRAL CITY PLAN DISTRICT
PEARL SUB DISTRICT



-  Site
-  Historic Landmark
-  Bridge

File No.	LU 19 - 250400 DZ
1/4 Section	2928
Scale	1 inch = 200 feet
State ID	1N1E33AD 3800
Exhibit	B Nov 13, 2019



1 SITE PLAN - PROPOSED
 QAM SCALE: 1" = 8'-0"

NOTE: REFER TO ALL NOTES ON COVER SHEET AND PLAN



GENERAL SITE PLAN NOTES

1. ALL SETBACKS, WALLS, SCREENS, SIDEWALKS, AND LANDSCAPING IS EXISTING, REFER TO SHEET # 604111 FOR SETBACKS
2. CONSTRUCTION TO BE DONE EVERY ALL EXISTING DIMENSIONS NOTIFY ARCHITECT OR ENGINEER
3. CONSTRUCTION TO BE DONE EVERY EXISTING DIMENSIONS NOTIFY ARCHITECT OR ENGINEER
4. EXISTING DIMENSIONS (NOTHING TO BE MAINTAINED)
5. EXISTING DIMENSIONS (NOTHING TO BE MAINTAINED)

SITE PLAN - LINE TYPE LEGEND

- PROPERTY CONSENT DATA
- PROPERTY LINE
- CONSENT LINE

SITE PLAN SYMBOLS

- NORTH ARROW
- EXISTING STREET TREE
- PLANTING POINT OF TREE
- LOADING DOCK
- FIRE TRUCK
- DRIVEWAY

Exhibit C.1



CONNECT ARCHITECTURE
 4072 N. WILLIAMS, SUITE A
 PORTLAND, OREGON 97227
 503-357-5557

THESE DRAWINGS ARE THE PROPERTY OF
 CONNECT ARCHITECTURE AND SHALL NOT BE REPRODUCED OR USED
 IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE
 ARCHITECT

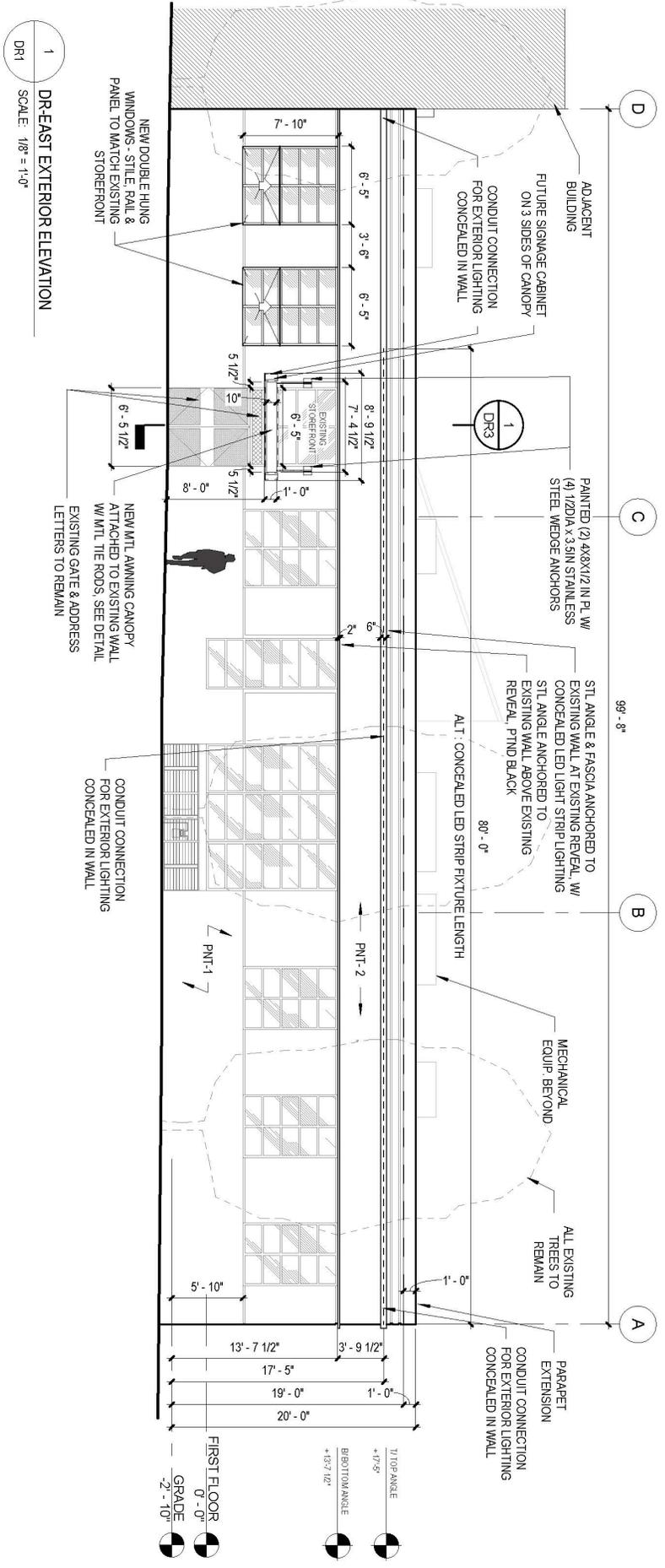


JIMMY MAK'S, DBA
 555 NW 12TH AVE
 PORTLAND, OR 97209

Job Number: 18105
DESIGN REVIEW
 01/31/2020

ARCHITECTURAL
SITE PLAN

G0.04

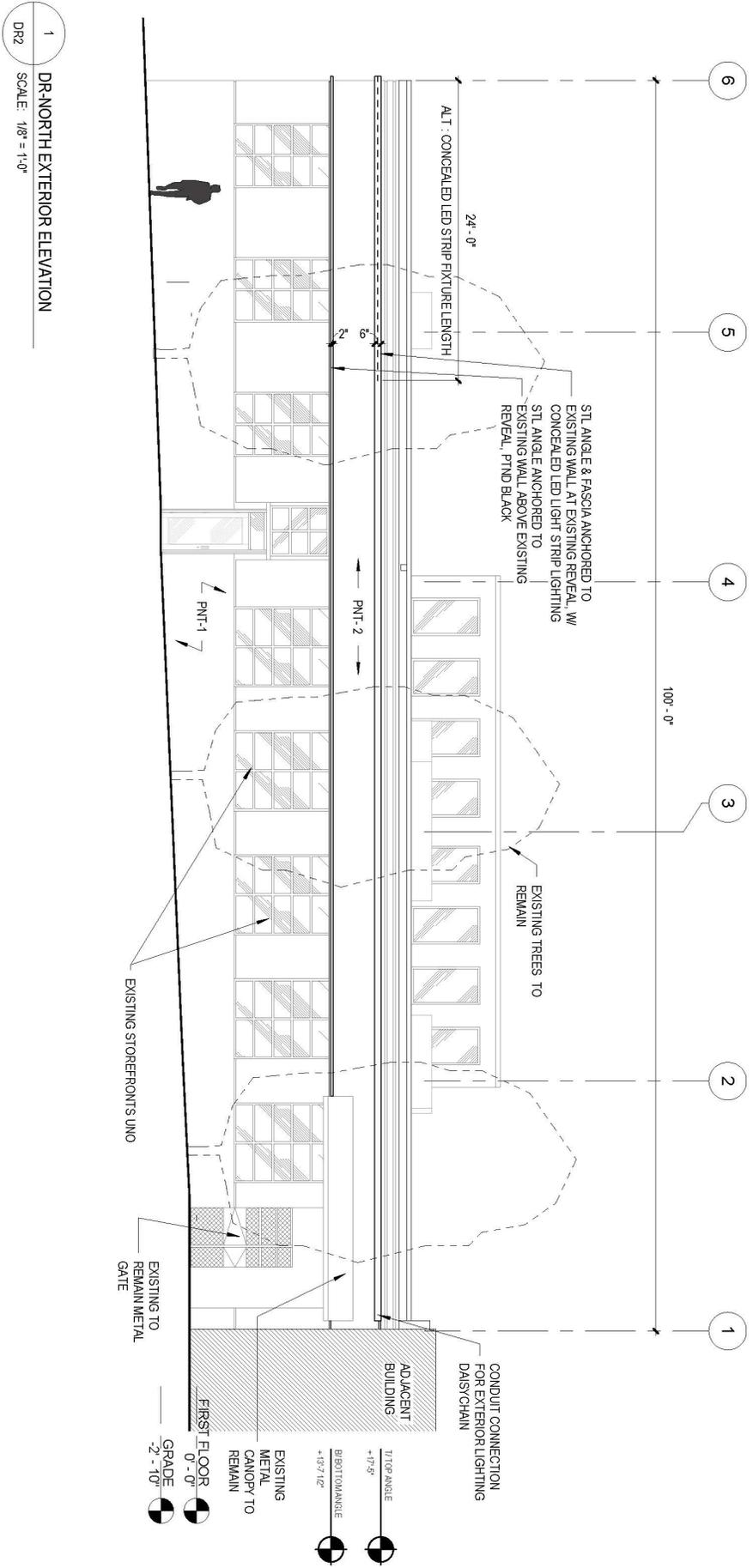


DR1
EXTERIOR ELEVATION - EAST

JIMMY MAK'S, DBA
CONNECT ARCHITECTURE
555 NW 12TH AVE
PORTLAND, OR 97209
2020.03.16

JIMMY MAK'S, DBA
CONNECT ARCHITECTURE
4072 N. WILLIAMS, SUITE A
PORTLAND, OREGON 97227
503-367-8057

Exhibit C.3



1 DR-NORTH EXTERIOR ELEVATION
 DR2 SCALE: 1/8" = 1'-0"

DR2
EXTERIOR ELEVATION -
NORTH

JIMMY MAK'S, DBA **CONNECT ARCHITECTURE**
 555 NW 12TH AVE 4072 N. WILLIAMS, SUITE A
 PORTLAND, OR 97209 PORTLAND, OREGON 97227
 2020.03.16 503-367-8057

Exhibit C.4