



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

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Date: May 6, 2020
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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 20-113638 DZM AD **ALTERATIONS TO EXISTING BUILDING IN CENTRAL EASTSIDE**

GENERAL INFORMATION

Applicant: Michael Parshall | Woodblock Architecture
827 SW 2nd Ave #300 | Portland, OR 97204

Owner: 602 SE 11th LLC
819 SE Morrison St #110 | Portland, OR 97214

Site Address: 602 SE 11TH AVE

Legal Description: BLOCK 243 LOT 1&2, EAST PORTLAND; BLOCK 243 N 1/2 OF LOT 3, EAST PORTLAND; BLOCK 243 S 1/2 OF LOT 3 LOT 4 EXC S 47', EAST PORTLAND

Tax Account No.: R226516270, R226516290, R226516300
State ID No.: 1S1E02BA 07200, 1S1E02BA 07300, 1S1E02BA 07400
Quarter Section: 3131

Neighborhood: Buckman, contact Richard Johnson at buckmanlandusepdx@gmail.com

Business District: Central Eastside Industrial Council, contact ceic@ceic.cc.
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010 x313
Plan District: Central City Plan District - Central Eastside Subdistrict

Zoning: EXd – Central Employment with “d” Design Overlay Zoning
Case Type: DZM AD – Design Review with Modification and concurrent Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant proposes to remodel the existing building and reconfigure the parking lot to a loading zone with one entrance and one exit. Alterations to the building include restoring the original larger openings in the existing storefronts; adding a new larger opening to the south of these openings matching the three being restored; a new overhead door at the southern loading dock; adding a pair of steel canopies along the length of the west façade; and replacing existing windows and doors. New mechanical equipment on the roof of the southernmost part of the building will be screened by a new 42-inch parapet in that area. New sign areas are proposed for the building and each future tenant; the signs are exempt from Design Review

An expansion to the original parking lot between the building and the street was approved through a Design Review with Adjustment Review in 1991 (LUR 91-00075 DZ AD). The applicant is asking to waive conditions of that review to enable the reconfiguration of this vehicle area to a loading through-zone with sidewalk by the building and landscaping at the rights-of-way. To alter previous conditions of approval, a Modification to Design Review is required per Zoning Code Section 33.730.140.A. For the same change, a Modification to Zoning Code Section 33.266.310.E is required to allow a loading area between the building and the street.

The project qualifies as a Major Remodel. Therefore, all street-facing façades must have windows that cover at least 50 percent of the length and 25 percent of the ground level wall area per Zoning Code Section 33.510.220.B and 33.140.230.B. The applicant is not proposing to expand the northern wall windows to meet this standard. Zoning Code Section 33.510.220.B.3 allows the applicant to propose artwork on the wall in lieu of additional window area through an Adjustment Review. Therefore, the applicant proposes an Adjustment to the Ground Floor Window standard of 33.510.220.B to add a mural through a partnership with the Portland Street Art Alliance on the north wall of the building in lieu of increasing the window length and area.

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
- Central Eastside Special Design Guidelines
- 33.825.040 Modifications That Will Better Meet Design Review Requirements
- 33.805.040.A-F Approval Criteria (Adjustments)
- Oregon Statewide Planning Goals

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. This land use review is being reviewed under the March 16, 2020 Code, which includes the previous PCC 33.510 version that was in effect prior to July 9, 2018.

ANALYSIS

Site and Vicinity: The 15,300-square-foot site is developed with a one-story warehouse-style building totaling approximately 9,750 square feet. The original building, roughly 6,550 square feet, was constructed in 1958 of cast-in-place concrete walls with a wood bowstring truss roof. An addition to the south of the building was constructed in the early 1990s, which added roughly 3,200 square feet with similar concrete walls, but a simple, flat wood roof. The original building had three large overhead doors that were filled in at the same time as the addition, reducing these openings to smaller storefront windows.

SE 11th Ave is classified as a Traffic Access Street, Transit Access Street, Major Emergency Response Street, City Bikeway, Major City Walkway, and a Major Truck Street. SE Washington St north of the site is classified as Local Service for Traffic, Transit, Bikes, and Pedestrianways. It is a Minor Emergency Response Street and a Freight District Street.

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

The “d” overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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

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

- *LUR 91-00075 DZ AD:* Approval for a Design Review for an addition to the south end of the building, with Adjustments to allow for a parking lot between the building and SE 11th Ave in the area of the addition, and to reduce the required perimeter parking lot landscaping from 5 feet to 3 feet along SE 11th Ave. The conditions of approval placed on the site in this review are at issue in the current review.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **March 18, 2020**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E.1);
- Bureau of Transportation (Exhibit E.2);
- Water Bureau (Exhibit E.3);
- Fire Bureau (Exhibit E.4);
- Site Development Section of BDS (Exhibit E.5); and
- Life Safety (Building Code) Plans Examiner (Exhibit E.6).

Neighborhood Review: One written response was received from a notified neighbor in response to the proposal. The letter was in support of the proposal, with the hope that the refresh of the building would contribute to neighborhood safety.

ZONING CODE APPROVAL CRITERIA

(1) DESIGN REVIEW (33.825)

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 the site is located generally within the Central City Plan District, the applicable design guidelines are the Central City Plan Fundamental Design Guidelines. As the site is also specifically located within the Design Zone of the Central Eastside District, the Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan also apply.

Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan and Central City Fundamental Design Guidelines

The Central Eastside is a unique neighborhood. The property and business owners are proud of the district's heritage and service to the community and region. Light industry, distribution/warehousing, and transportation are important components of the district's personality. To the general public, retail stores and commercial businesses provide the central focus within the district.

The underlying urban design objective for the Central Eastside is to capitalize on and emphasize its unique assets in a manner that is respectful, supportive, creative and compatible with each area as a whole. Part of the charm and character of the Central Eastside District, which should be celebrated, is its eclectic mixture of building types and uses. An additional strength, which should be built on, is the pattern of pedestrian friendly retail uses on Grand Avenue, East Burnside and Morrison Streets, as well as portions of 11th and 12th Avenues.

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.

Central Eastside Design Goals

The following goals and objectives define the urban design vision for new development and other improvements in the Central Eastside

- Encourage the special distinction and identity of the design review areas of the Central Eastside District.
- Provide continuity between the Central Eastside and the Lloyd District.
- Provide continuity between the Central Eastside and the river, downtown, and adjacent residential neighborhoods.
- Enhance the safety, convenience, pleasure, and comfort of pedestrians.

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.

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.

A5-4. Incorporate Works of Art. Incorporate works of art into development projects.

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.

Findings for A2, A5, A5-4, and B5: The proposed design includes the replacement of existing windows facing SE Washington St with new windows in existing openings, except the two windows on the westernmost bay will be increased in size somewhat (see Exhibits A.8 and A.9). On the remaining areas of the north wall, the applicant proposes a wall mural installed through a partnership with the Portland Street Art Alliance (PSAA) (see Exhibit A.4). This new public art, while satisfying the Ground Floor Windows standards in the Zoning Code through Adjustment Review, will be designed by a local artist and will help to enliven the sidewalk along SE Washington St, giving it special character within the Central Eastside District and helping to give a new vitality to an otherwise unremarkable street. The inclusion of unique public art will help this stretch of street, dominated by street parking on both sides, to develop more of an identity within the district by contributing to the burgeoning public art scene in the Central Eastside.

With the condition of approval that a covenant for the public art will be required, following the regulations of Section 33.700.060, Covenants with the City, to ensure the installation, preservation, maintenance, and replacement of the public art; *these guidelines are met.*

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

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

Findings for A4 and A6: The existing building will remain in place. The existing storefront windows and doors on the west façade will be dramatically expanded to create a new porousness between the building and the street for the new office and manufacturing tenants. The existing masonry on the western façade will also be retained and rehabilitated, and two new canopies extending the length of the western façade will more successfully integrate and unify the original building with the 1990s addition. *Therefore, these guidelines are met.*

A7. Establish and Maintain a Sense of Urban Enclosure. Define public rights-of-way by creating and maintaining a sense of urban enclosure.

A7-1. Maintain a Sense of Urban Enclosure When Single-Story Buildings are Set Back. Maintain a sense of urban enclosure, through the use of landscaping and other

means, when single-story buildings are set back from the property line. Do not set buildings back from the property line within the East Portland Grand Avenue Historic District.

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.

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 A7, A7-1, A-8, and C1: The proposal is to remodel an existing building from the mid-1900s that is set back from SE 11th Ave approximately 34 feet. The 1991 Design Review approved a reduction in the landscaping depth along SE 11th from 5 feet to 3 feet, so that there was less screening between the street and the parking lot than required by code. The current proposal changes the parking lot to a loading area and reclaims that 5 feet for landscaping. Since the existing building is already set back from the street, the increased landscape depth and the opportunity to grow larger plants within the landscape buffer will maintain a sense of urban enclosure along SE 11th Ave.

Further, the remodel reopens large expanses of the west façade, restoring original large openings to accommodate large overhead doors as had been on the building originally, and adding a fourth matching opening. This significant increase in transparency in the west façade will better connect the active interior spaces with the sidewalk on SE 11th Ave, especially at the curb cuts where no landscaping will be present.

Along SE Washington St, the new mural on the north wall that is at the north property line will enliven and provide additional visual interest along the street, while providing the desired sense of urban enclosure. *These guidelines are met.*

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 Pedestrian Rain Protection. Rain protection is encouraged at the ground level of all new and rehabilitated commercial buildings located adjacent to primary pedestrian routes. In required retail opportunity areas, rain protection is strongly recommended.

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 for B6, B6-1, and C12: As noted, the building is set back from its longest frontage along SE 11th Ave, so the proposed rain protection in the form of a 4-foot-deep canopy serves pedestrians traversing the proposed internal pedestrian path along the building, not the public right-of-way. However, the canopy does support pedestrians onsite and brings the development closer to the right-of-way. Working within the existing conditions of this site with vehicle area between the building and the street along the western façade, *these guidelines are met.*

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

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

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

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.

C3-1. Design to Enhance Existing Themes in the District. Look to buildings from throughout the district for contextual precedent. Innovation and creativity are encouraged in design proposals, which enhance overall district character.

Findings for C2, C3, C4, C5, and C3-1: This proposal will remodel an existing building without changing its footprint. The existing building is constructed of cast-in-place concrete walls with wood bowstring truss roof on the original building, and similar concrete walls with a flat wood roof on the southern addition. The existing storefront system on the west façade, which took the place of the original overhead doors in the early 1990s, will be removed and replaced with much larger openings – new glass overhead doors with adjacent glass and aluminum person-doors. A fourth opening with matching overhead door will be cut to create a fifth tenant entrance on the south end of the original building. The windows on the north façade will be replaced within the same openings, except for the westernmost windows, the openings for which will be expanded somewhat.

The existing concrete, new steel canopies, and the storefront window and door system are durable materials suitable for use along the sidewalks. Reconditioning the existing masonry walls rather than adding a wood product as an accent material as originally proposed (Exhibit A.2) better matches the contextual precedents of the other buildings in the district. As stated in the Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan, the district is predominated by masonry buildings with large windows and understated ornamentation. The opening up of significant portions of the western façade, repairing and highlighting the understated detail of the existing concrete walls, and adding new design elements like the steel canopies with LED underlighting all work to bring the original building and later addition together using high-quality materials, while respecting the original character of the building itself and the larger district of which it is a part. All work well together compositionally and maintain the building's mid-twentieth century styling. *Therefore, these guidelines are met.*

C12. Integrate Exterior Lighting. Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.

Findings: The proposed exterior lighting through an LED strip on the underside of the steel canopies will enhance safety for pedestrians and gently illuminate the west façade without causing impacts to other properties. New security lights are proposed above the loading dock at the south end of the building and along the north façade. On the north, these lights will highlight the art mural in addition to providing security along SE Washington St. *This guideline is met.*

C1-1. Integrate Parking.

- a. Integrate parking in a manner that is attractive and complementary to the site and its surroundings.
- b. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

Findings for C1-1: Onsite parking is being removed from this property in lieu of a one-way loading zone, which will have the full required 5-foot landscape strip along the south, west, and north property lines. The new landscape strip will help the vehicle area integrate better into its surroundings. *This guideline is not applicable.*

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.

C1-2. Integrate Signs.

- a. Retain and restore existing signage which reinforces the history and themes of the district, and permit new signage which reinforces the history and themes of the East Portland Grand Avenue historic district.
- b. Carefully place signs, sign supports, and sign structures to integrate with the scale, color and articulation of the building design, while honoring the dimensional provisions of the sign chapter of the zoning code.
- c. Demonstrate how signage is one of the design elements of a new or rehabilitation project and has been coordinated by the project designer/ architect. Submit a Master Signage Program as a part of the project's application for a design review.

Findings for C13 and C1-2: The proposed signage includes a roughly 28-square-foot primary sign for the building, installed on a new parapet on the 1990s addition at the south end of the building. The parapet serves to screen new mechanical equipment for the building, but also forms a natural sign band for the proposed painted wall sign. Since the sign is 32 square feet or less, it is not subject to Design Review per Sign Code Section 32.34.020.B.1.

Also shown are individual tenant signs that are proposed to be hanging signs off the steel channel on the canopy or within the glass of the entry doors. Per Sign Code Section 32.32.020.A and Table 2, all ground floor tenants area guaranteed 32 square feet of sign area. All told, all signs individually and collectively are allowed by right and are not subject to Design Review. *These guidelines are not applicable.*

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 storm water management tools.

Findings: A new 3.5-foot concrete parapet is proposed to wrap much of the building to provide screening for new roof-mounted mechanical equipment. The parapet will extend the entire length of the building on the east and south façades, and on the west façade the parapet will run the length of the building addition at the south end of the building. As described above, this parapet will serve as a sign band for the primary building painted wall sign. This parapet, plus the arrangement of the mechanical equipment shown in Exhibit C.4, will prevent views of most of the new equipment. The new mechanical units will have a negligible impact on views from outside of the site, due to the height and placement of the units back from the edge of the roof and back from both the SE 11th Ave and SE Washington St rights-of-way. *Therefore, this guideline is met.*

(2) MODIFICATION REQUEST (33.825)

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.

An expansion to the original parking lot between the building and the street was approved through a Design Review with Adjustment Review in 1991 (LUR 91-00075 DZ AD). The applicant is asking to waive conditions of that review to enable the reconfiguration of this vehicle area to the existing loading dock at the south end of the building, and a loading through-zone in the former parking lot with sidewalk by the building and landscaping at the rights-of-way. To alter previous conditions of approval, a Modification to Design Review is required per Zoning Code Section 33.730.140.A.

The conditions from that 1991 decision directly related to the increased vehicle area between the building addition and SE 11th Ave read as follows:

- A. *The planter originally proposed to be located in front of the office area windows of the new addition shall be built as part of this proposal.*
- B. *The two planters which are located adjacent to the building façade shall be planted with plant material which is to be as large as possible without obstructing windows or interfering with the location of awnings.*
- C. *The curb cut for the vehicle exit at the south end of the site shall be reduced from 24 feet to 20 feet in width. To coincide with this change, the planter to the north of this curb cut shall be extended 4 feet to the south.*
- D. *The surface of the proposed pedestrian walkway connecting the main building entry with SE 11th Ave shall be a minimum of 3 inches higher than the adjacent paved areas.*

The proposed change to the site results in converting the parking lot to a one-way loading zone. This requires a Modification to both change the previous conditions of approval (Modification to Zoning Code Section 33.266.130.C.1 and Table 266-3), and to allow vehicle loading spaces between a building and a street (Modification to 33.266.310.E).

Purpose Statement: The purpose for vehicle area locations is stated in the code section below:

33.266.130 Development Standards for All Other Development

A. Purpose. The development standards promote vehicle areas that are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones. Together with the transit street building setback standards in the base zone chapters, the vehicle area location regulations:

- *Provide pedestrian access that is protected from auto traffic;*
- *Create an environment that is inviting to pedestrians and transit users, especially on transit streets and in Pedestrian Districts;*
- *Limit the prominence of vehicle areas along street frontages and create a strong relationship between buildings and the sidewalk;*
- *Create a sense of enclosure on transit and pedestrian street frontages; and*
- *Limit the size of paved parking area and the type of paving material allowed in order to limit increases in temperature associated with asphalt and reduce impacts from urban heat islands.*

The purpose for the loading standards is stated in the code section below:

33.266.310 Loading Standards

A. Purpose. A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.

A. Better meets design guidelines. The resulting development will better meet the applicable design guidelines; and

Findings: The overall changes to the vehicle area will improve the sense of urban enclosure at both SE 11th Ave and SE Washington St by increasing the landscaping up to the minimum required 5 feet (2 feet more than the 3 feet approved back in 1991). The changes to the landscaping will better meet Guidelines A7 and A7-1 to establish and maintain a sense of urban enclosure, especially when viewed from the public right-of-way. Guideline A8, creating a vibrant streetscape, will also be better met with the proposal, both because of the deeper landscaping and the proposed mural on the north building wall at the property line along SE Washington St. The removal of the two triangular planters currently required by conditions of approval A and B, and seen on Exhibit A.7, will have little impact on the public realm. These planters currently host only single shrubs, and are set far back enough from the streets that their impact on the pedestrian realm is limited.

The proposal to convert the parking lot to a loading zone will serve the new tenants to the space, especially the three commercial kitchens proposed, so that they can easily move their products from the production space to the public. The benefit to the public will be better control over the direction of vehicles – vehicles wishing to access all tenant spaces but the southernmost loading dock will all enter at the north curb cut and exit through the southern one. Through a driveway design exception by PBOT (Exhibit G.4), the northern curb cut will be narrowed to 16 feet from its current 20 feet.

While the original condition of approval C noted above required that the southern curb cut be narrowed to 20 feet wide, this appears to not have been required during permit review. Further, a subsequent permit 07-104024 CO allowed a new retaining wall and loading dock to be installed at the south end of the site without required Design Review or reviewing this condition of approval. With the new change in grade at the retaining wall and the need for the southern curb cut to serve both the loading dock and the rest of the vehicle area, reducing the width of this curb cut below its current 24 feet is untenable. However, reducing the width of the northern curb cut per the PBOT driveway design exception; funneling vehicle traffic to a one-way configuration for all but the loading dock; and increasing the separation between the public sidewalk and the onsite vehicle area with additional landscaping will all serve to better protect the pedestrian (Guideline B2).

Condition D required that the pedestrian path from the building to SE 11th Ave be raised 3 inches above the level of the rest of the parking lot. It does not appear that the path was constructed to meet this condition. However, current standards for pedestrian paths in Employment zones allow an applicant to choose one of several options to differentiate a pedestrian path when it crosses a vehicle area:

33.140.240.B.2.b Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least 4 inches high.

The current standard is more restrictive in terms of elevation changes. Having the applicant meet current standards will better meet Guideline B2.

For the reasons above, converting the parking lot to a one-way loading area and waiving previous conditions of approval will better meet the applicable guidelines.

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: The loading standards purpose for location of loading areas focuses on safety in the right-of-way: “The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.” To keep the existing curb cuts, the applicant went through a driveway design exception with the Bureau of Transportation (Exhibit G.4). Through that process, PBOT reviewed the proposal and determined that, with the reduction in width of the northern curb cut and removal of onsite parking, the openings could remain along SE 11th Ave with no safety concerns.

With the changes to the northern curb cut and the conversion of the onsite parking to a pull-through loading area, the purpose for the limitation on vehicle area between a building and the street will also be consistent with the proposal. As discussed, with the increase in landscape depth along the west and north property line; the new public art mural on the north wall; the new pedestrian path adjacent to the building with canopy cover along its length; and a new pedestrian path to both adjacent streets that meet current standards, the removal of past conditions of approval and allowing the parking area to convert to a loading area will be consistent with the purpose of the vehicle area location limits. This includes providing protected pedestrian access; creating a welcoming environment and a sense of enclosure along streets, especially transit streets; limiting the prominence of vehicle areas; and reducing the size of vehicle areas.

For the reasons above, converting the parking lot to a one-way loading area and waiving previous conditions of approval will be consistent with the purposes of the regulations Modified. Therefore, these Modifications merit approval.

(3) ADJUSTMENT REQUEST (33.805)

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. below have been met.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: Zoning Code Section 33.510.220.B requires that major remodeling projects in EX-zoned properties meet the ground floor window standard of the base zone, or the optional artwork option described in 33.510.220.C, which reads as follows:

33.510.220.C, Optional Artwork. *Projects proposing to use artwork as an alternative to the ground floor window requirements may apply for this through the adjustment procedure. Projects may also apply for a modification through design review if they meet the following qualifications. Buildings having more than 50 percent of their ground level space in storage, parking, or loading areas, or in uses which by their nature are not conducive to windows (such as theaters), may be allowed to use the design review process. Artwork and displays relating to activities occurring within the building are encouraged. In these instances, the artwork will be allowed if it is found to be consistent with the purpose for the ground floor window standard.*

The base zone standard requires that all exterior walls on the ground level which are 20 feet or closer to a street lot line, sidewalk, plaza, or other public open space or right-of-way must have windows. The windows must be at least 50 percent of the length and 25 percent of the ground level wall area. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade.

In this case, the north façade is the only street-facing wall within 20 feet of the street lot line. The building is 65 feet in length, so the requirement is that windows extend at least 32.5 feet along the façade, and make up at least 146.25 square feet in area. The current proposal, with the slight increase in window size over current conditions, results in 126 square feet of qualifying windows which extend approximately 31 feet across the façade.

The purpose for the ground floor window standard is reproduced below:

33.510.220.A Purpose

In the Central City plan district, blank walls on the ground level of buildings are limited in order to:

- *Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;*
- *Encourage continuity of retail and service uses;*
- *Encourage surveillance opportunities by restricting fortress-like facades at street level; and*
- *Avoid a monotonous pedestrian environment.*
- *The plan district modifications to the base zone standards for ground floor windows are intended to promote ground floor windows in a larger number of situations that in the base zones and to provide additional flexibility in meeting the standard.*

The Ground Floor Windows standards are designed to provide a pleasant, rich, and diverse pedestrian experience and avoid a monotonous pedestrian environment. Public art along the SE Washington St façade, in addition to the windows, will meet these purposes by offering a compelling and large-scale piece of art with which pedestrians can interact. The connections between the activities within the building and the adjacent sidewalk areas will be continued along approximately 31 feet of the façade, which is close to the minimum standard of 32.5 feet; therefore, pedestrians will be able to view into the building for almost half the length of the north façade.

The standards also encourage continuity of service uses. The tenant space at the northern end of the building will be an office tenant and the existing window openings will be retained and made slightly larger. Office use will still be possible with a mural on the rest of the wall. The standards are also designed to encourage surveillance opportunities the replacement windows will allow for surveillance opportunities while not requiring large windows in what would otherwise be a somewhat static work environment.

The partnership with the Portland Street Art Alliance (PSAA) to use the north wall, minus the window areas, for a new public art mural will increase the growing number of such murals in the Central Eastside Subdistrict of the Central City Plan District. PSAA has worked with many artists and property owners to bring public art murals to the Central Eastside. The mural permit application (Exhibit A.4) shows that the proposed mural area on this building is the entire wall, not including the windows. The breadth of the mural will increase the opportunities for the pedestrian environment to be enlivened, in further support of the purpose for the standard. *This criterion is met.*

- B.** If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: Since the site is in the Central Employment (EX) zone, the applicant must demonstrate that the proposal is consistent with the classifications of the adjacent streets and the desired character of the area.

Street classifications

The classifications of the adjacent streets in the Transportation Element of the Comprehensive Plan are as follows:

	Traffic	Transit	Bikeway	Pedestrianway	Freight
SE 11th Ave	Traffic Access Street	Transit Access Street	City Bikeway	Major City Walkway	Major Truck Street
SE Washington St	Local Service	Local Service	Local Service	Local Service	Freight District Street

Adjusting the requirement for ground floor windows by allowing a mural to supplement for additional windows will not affect the intensity of the use on the site, the types of uses allowed, or the transit-oriented characteristics of the development, so the Adjustment will not affect traffic levels or demand for transit, bike, pedestrian, or freight facilities. The Portland Bureau of Transportation reviewed the proposal and responded with no concerns regarding the classifications of the adjacent streets (Exhibit E.2). For these reasons, staff finds the proposed Adjustment is consistent with the adjacent street classifications.

Desired character

The site is in the EX, or Central Employment, base zone. The Portland Zoning Code defines desired character as “the preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district,” and any adopted area plans. The Central Employment base zone has the following characteristics, per Zoning Code Section 33.140.030.B:

B. Central Employment. *This zone implements the Central Employment map designation of the Comprehensive Plan. The 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 purposes for the “d” Design Overlay Zone and the Central City Plan District are also relevant in defining the desired character of the area:

33.420.010 Purpose *The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. 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 or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.*

33.510.010 Purpose *The Central City plan district implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation Management Plan. The Central City plan district implements portions of these plans by adding code provisions that address special circumstances existing in the Central City area.*

The proposal is to remodel an existing industrial building into a building hosting Office and Manufacturing and Production uses for up to 6 tenants. The request to meet the Ground Floor Windows standard through the alternate path of providing public art is anticipated through the base zone standard as well, which has a similar allowance outside the Central City as long as the art is approved through the Regional Arts and Culture Council and a covenant is recorded ensure the installation, preservation, maintenance, and replacement of the public art. Choosing a public art mural and working with PSAA to secure a public art mural permit is a different process with less oversight; therefore, a condition of approval is warranted that requires a covenant consistent with the base zone standards. The covenant must follow the regulations of Section 33.700.060, Covenants with the City, to ensure the installation, preservation, maintenance, and replacement of the public art.

The mural will enhance the area with increased visual interest while maintaining existing development which is compatible with the area in scale and development pattern. The Adjustment does not affect the allowed uses of the building or the intensity of the development. The relatively limited Adjustment request to reduce the required Ground Floor Windows provided while adding public art is anticipated in both the base zone and the plan district as an acceptable alternative. *With the condition requiring a covenant for the public art, this approval criterion is met.*

- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Only one adjustment is requested. This criterion is not applicable.

- D.** City-designated scenic resources and historic resources are preserved; and

Findings: City designated resources are shown on the zoning map by the ‘s’ overlay; historic resources are designated by a large dot, and by historic and conservation districts. There are no such resources present on the site. Therefore, this criterion is not applicable.

- E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: There are no discernible impacts that would result from granting the requested adjustment. This criterion is met.

- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). As the site is not within an environmental zone, this criterion is not applicable.

(4) OREGON STATEWIDE PLANNING GOALS

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 Ix land use decisions if appealed. For this application, a written notice seeking comments on the proposal was mailed to property owners and tenants within 150 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 400 of the site. There is also an opportunity to appeal the administrative decision at a local hearing.

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. This site is not within any environmental or scenic overlay zones and is not part of any designated historic resource. Therefore, Goal 5 is not applicable.

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. Staff finds 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 primarily 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 found that public services can be extended for the proposal, as discussed earlier in this report. Since the City will require the proposal to conform to the City’s public facilities plan, 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). *As discussed earlier in this report, PBOT evaluated this proposal and had no objection to the request, noting requirements that would be part of the building permit review. 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 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 proposal to remodel the existing building at 602 SE 11th Ave in the Central City Plan District Central Eastside Subdistrict will restore an existing building and open up the building with significantly more transparency between the building and the street. The existing structure will remain largely unchanged: new exterior lighting will be installed; existing storefront systems will be replaced with new systems and overhead doors in much larger openings; a new pair of steel canopies will run the length of the west façade; and existing windows on the north elevation will be replaced, with a public art mural on the remainder of the façade. The building will still be constructed of durable materials, provide good pedestrian protection and transparency into the building, and maintain its simple mid-twentieth century massing and design. Further, previous conditions of approval will be removed to allow the parking lot to be converted to a loading area through two Modifications; and the public art meets the Adjustment criteria for the ground floor windows standards.

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

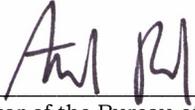
Design Review approval of alterations to an existing building in the Central Eastside Subdistrict of the Central City Plan District, including restoring the original larger openings with overhead doors in the existing storefronts; adding a new larger opening to the south matching the three being restored; adding a pair of steel canopies along the length of the west façade; and replacing existing windows and doors. New mechanical equipment on the roof of the southernmost part of the building will be screened by a new 42-inch parapet wrapping much of the roof. Adjustment approval to reduce Ground Floor Windows and install a public art mural on the north wall. Modification approval to remove previous conditions of approval A-D from LUR 91-00075 DZ AD and allow a loading area between the existing building and SE 11th Ave.

All approvals are per the approved plans, Exhibits C.1 through C.9, 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 20-113638 DZM AD." 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. A covenant for the public art will be required, following the regulations of Section 33.700.060, Covenants with the City, to ensure the installation, preservation, maintenance, and replacement of the public art.

Staff Planner: Amanda Rhoads

Decision rendered by:  **on May 4, 2020**
By authority of the Director of the Bureau of Development Services

Decision mailed: May 6, 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 February 3, 2020, and was determined to be complete on March 13, 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 February 3, 2020.

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: July 11, 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 May 20, 2020. **Towards promoting social distancing during the COVID-19 pandemic, the completed appeal application form must be e-mailed to BDSLUSTeamTech@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 **May 20, 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. Original Applicant Narrative
 - 2. Original Plan Set
 - 3. Revised Applicant Narrative
 - 4. Mural Permit Application prepared by PSAA
 - 5. Narrative for Adjustment to Ground Floor Windows
 - 6. Narrative for Modification to previous conditions
 - 7. Existing Site Plan
 - 8. Demolition Plan
 - 9. Demolition Elevations
 - 10. Utility Plan
 - 11. Perspective drawings
 - 12. Signage Details
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. North and West Elevation Drawings (attached)
 - 3. Floor Plan
 - 4. Roof Plan
 - 5. Canopy and Parapet Details
 - 6. Building Sections
 - 7. Storefront Sections
 - 8. Specification sheets for mechanical equipment
 - 9. Specification sheets for overhead doors and storefront
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Life Safety (Building Code) Plans Examiner
- F. Correspondence:
 - 1. Carissa Mylin, March 28, 2020, in support with questions
- G. Other:
 - 1. Original Land Use Application and Receipt
 - 2. Incomplete Letter, February 20, 2020
 - 3. Receipt for additional reviews
 - 4. PBOT Driveway Design Exception approval 20-102282 TR

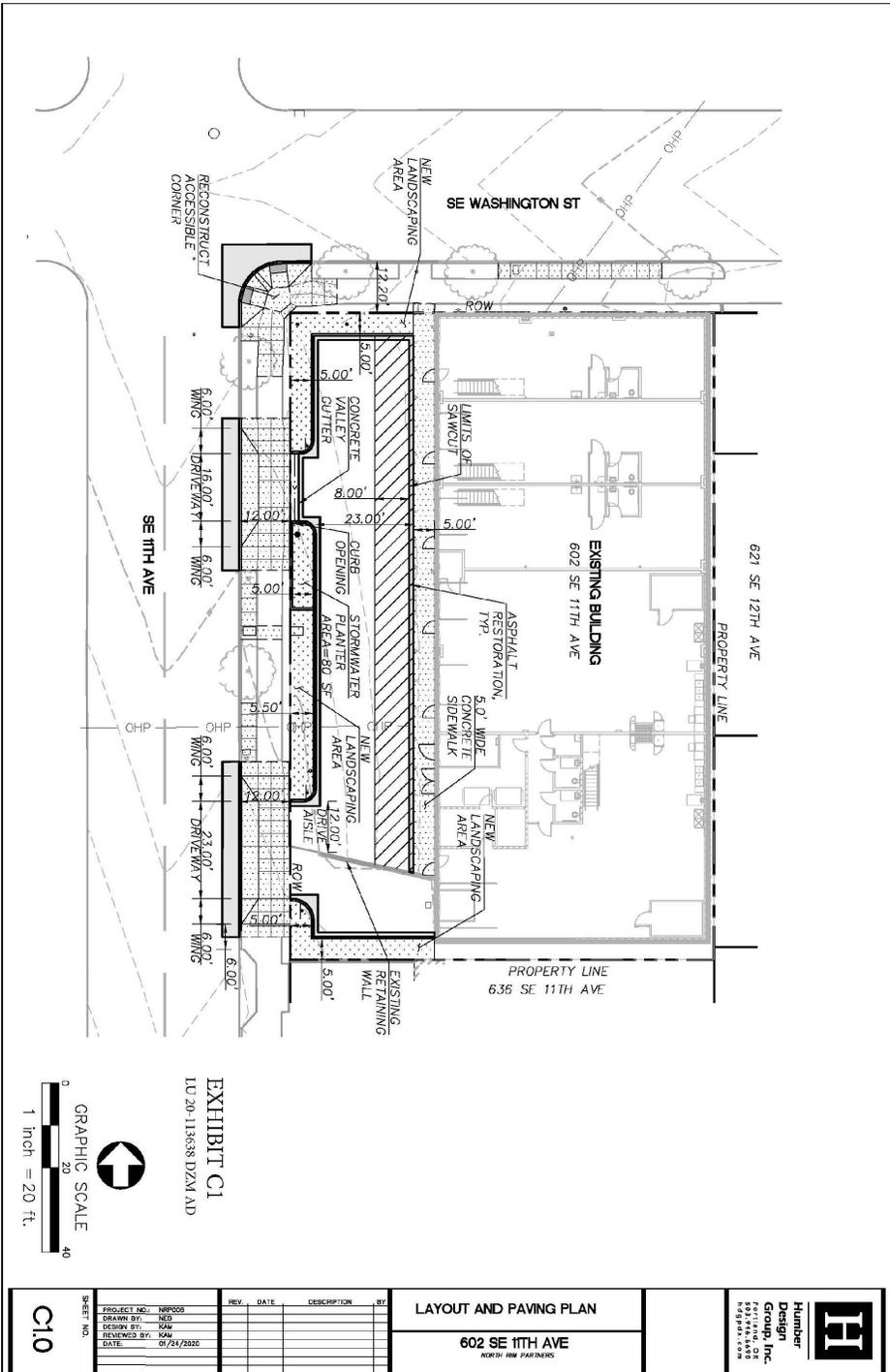
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING 
 CENTRAL CITY PLAN DISTRICT
 CENTRAL EASTSIDE SUB DISTRICT

 Site
 Historic Landmark

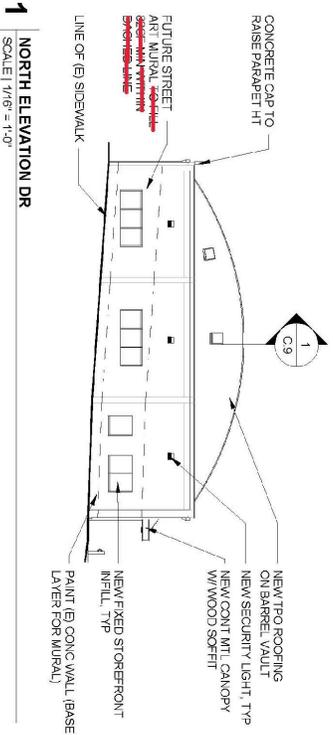
File No. LU 20 - 113638 DZM AD
 1/4 Section 3131
 Scale 1 inch = 200 feet
 State ID 1S1E02BA 7200
 Exhibit B Mar 06, 2020



GRAPHIC SCALE
 0 20 40
 1 inch = 20 ft.

EXHIBIT C1
 LU 20-13638 DZM AD

C10 SHEET NO.	PROJECT NO.: NRP008 DRAWN BY: NED DESIGN BY: KAN REVIEWED BY: KAN DATE: 05/24/2022	REV. DATE DESCRIPTION BY	LAYOUT AND PAVING PLAN 602 SE 11TH AVE NORTH RW PAVING	
	PROJECT NO.: NRP008 DRAWN BY: NED DESIGN BY: KAN REVIEWED BY: KAN DATE: 05/24/2022		REV. DATE DESCRIPTION BY	



1 NORTH ELEVATION DR
SCALE 1/16" = 1'-0"

CONCRETE CAP TO RAISE PARAPET HT

NEW TPO ROOFING ON BARREL VAULT

NEW SECURITY LIGHT, TYP

NEW COINT MTL CANOPY W/ WOOD SOFFIT

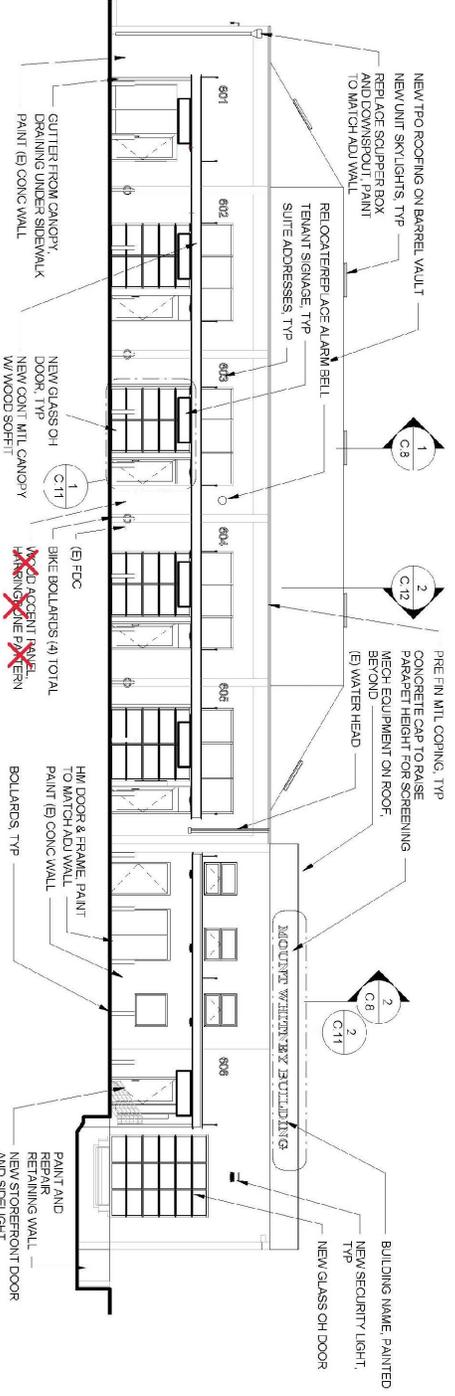
NEW FIXED STORERONT IN FILL, TYP

PAINT (E) CONC WALL (BASE LAYER FOR MURAL)

33 510.220 - GROUND FLOOR WINDOWS

NORTH ELEVATION:
GROUND FLOOR WINDOW AREA: 520 SF (FROM 2' - 10" ABOVE FINISHED GRADE)
40% OF 520 SF: 238 SF
EXISTING WINDOWS: 126 SF
MIN SF THAT MURAL MUST COVER WITHIN THE DASHED LINE (2'-20"): 82 SF

WEST ELEVATION:
GROUND FLOOR WINDOW AREA: 1,194 SF (FROM 2' - 10" ABOVE FINISHED GRADE)
40% OF 1,194 SF: 477 SF
NEW WINDOWS: 374 SF
THEREFORE WE MEET THIS STANDARD ON THE WEST WALL



2 WEST ELEVATION DR
SCALE 1/32" = 1'-0"

802 SE 11TH AVE PORTLAND, OR 97214

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EXHIBIT C2

LU 20-116399 D2M AD

C4

ELEVATIONS - PROPOSED

