



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

Dan Ryan, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portland.gov/bds

Date: January 28, 2022
To: Interested Person
From: Megan Sita Walker, Land Use Services
503-865-6515 / MeganSita.Walker@portlandoregon.gov

NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has a approved 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 21-112439 DZ - ALTERATIONS

GENERAL INFORMATION

Applicant: Max Brunke | KLK Consulting LLC
906 NW 23rd Ave
Portland, OR 97210
(503) 550-1639

Owner: 544 SE Oak St LLC
906 NW 23rd Ave
Portland, OR 97210

Site Address: 544 SE OAK ST

Legal Description: BLOCK 121 E 90' OF LOT 7&8, EAST PORTLAND
Tax Account No.: R226508240
State ID No.: 1N1E35CC 12000
Quarter Section: 3031

Neighborhood: Buckman, contact John Rose or Josh Baker at buckmanlandusepdx@gmail.com

Business District: Central Eastside Industrial Council, contact ceic@ceic.cc.
District Coalition: Southeast Uplift, contact Matchu Williams at matchu@seuplift.org

Plan District: Central City - Central Eastside
Zoning: EXd – Central Employment (EX) with Design (d) overlay
Case Type: DZ – Design Review
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is seeking Design Review approval for alterations to an existing building in the Central Eastside Subdistrict of the Central City Plan District. The proposed alterations include:

- Replace and reconfigure existing, sidewalk-grade door on SE Oak facade to accommodate new ADA door and entrance; and
- Install two (2) new windows measuring 10' tall and 15'6" wide to align with two (2) existing mezzanine windows along SE 6th.

Since the Notice of Proposal was mailed on December 21, 2021, the applicant has confirmed that the proposal has been updated to no longer include the replacement glass accordion door along SE 6th.

Design Review is required for non-exempt alterations in the Central City Plan District.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria specified in the Portland Zoning Code. The relevant approval criteria are:

- *Central City Fundamental Design Guidelines*
- *Special Design Guidelines for the Design Zone of the Central Eastside District*

ANALYSIS

Site and Vicinity: The site is an approximately 9,000 square foot lot located immediately east of the East Portland/ Grand Avenue Historic District, at the northeast corner of the block bound by SE Oak and SE Stark to the north and south and SE 6th and SE Grand to the east and west. The existing building was constructed in 1927 and is a two-story post and beam structure with an unreinforced concrete façade. The building has large groupings of windows at the ground level and upper mezzanine level. The surrounding context consists of one and two-story structures with a mix of industrial (warehouse, manufacturing) and commercial development.

The site is located in the Central City Pedestrian District and the SE 6th Avenue frontage is along the future Green Loop alignment in the Central Eastside. SE Oak and SE 6th are designated in the Transportation System Plan (TSP) as Local Service Traffic Streets, Local Service Transit Streets, Local Service Bikeways.

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 no prior land use reviews.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **December 21, 2021**. No responses were received.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **December 21, 2021**. 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 implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces.

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.

CONTEXT

A1. Integrate the River. Orient architectural and landscape elements including, but not limited to, lobbies, entries, balconies, terraces, and outdoor areas to the Willamette River and greenway. Develop accessways for pedestrians that provide connections to the Willamette River and greenway.

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

A2-1. Recognize Transportation Modes, Produce, and Commerce as Primary Themes of East Portland. Recognize and incorporate East Portland themes into a project design, when appropriate.

A3. Respect the Portland Block Structures. Maintain and extend the traditional 200-foot block pattern to preserve the Central City's ratio of open space to built space. Where superblock exist, locate public and/or private rights-of-way in a manner that reflects the 200-foot block pattern, and include landscaping and seating to enhance the pedestrian environment.

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.

A5-3. Plan for or Incorporate Underground Utility Service. Plan for or Incorporate Underground Utility Service to development projects.

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

A5-5. Incorporate Water Features. Enhance the quality of public spaces by incorporating water features.

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

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.

Findings for A1, A2, A2-1, A3, A5, A5-3, A5-4, A5-5, A6, C1, C3-1 and C4: The proposal addresses the above-mentioned guidelines in the following ways:

- The building is not adjacent to the Willamette River and the river is not visible from the subject property. The proposed new accessible entry off of SE Oak connects the site to an existing connection to the Willamette River.
- The proposal includes the installation of two large groupings of windows along SE 6th Avenue, the future Green Loop alignment in the Central Eastside.
- The proposed alterations are designed to increase the usability of the existing interior spaces with the introduction of additional windows in alignment with existing bays of windows at the mezzanine level above.
- The placement and proportion of the new storefront openings maintain the existing rhythm of the façade with large, glazed openings punched with the concrete frame of the façade. This approach and the proportions of the openings to the expressed vertical and horizontal structure is a unifying element expressed in the surrounding area.
- The proposal enhances the continued use of the existing 1927 building while maintaining the character of the building and enhancing connections to the immediate area of the Central Eastside and Central City and future Green Loop alignment.
- With the introduction of new storefront bays and a new accessible entry, the proposal continues to contribute to a vibrant streetscape and reinforce the pedestrian system.

These guidelines are therefore met.

PEDESTRIAN REALM

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.

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.

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 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.

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

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.

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.

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

Findings for A7, A7-1, B1, B2, B4, B6, B6-1, B7, C6, C7, C8, and C9: The proposal addresses the above-mentioned guidelines in the following ways:

- The proposed façade improvements will help define the right-of-way and maintain the sense of urban enclosure in a way that improves the pedestrian realm experience with the introduction of additional storefront.
- The proposed alteration will further activate the ground level of the existing building and the street frontages which will help accommodate a variety of active uses.
- The new storefront and new accessible entry will help to reinforce activity at the corner of the site and will improve the accessibility of the building. In addition, the new recessed accessible entry will serve as pedestrian weather protection at the primary point of entry into the building and provides a stopping and viewing place for the existing zero-lot line building.
- The proposed alterations will improve pedestrian safety and comfort by connecting the activity of the pedestrian realm to the activity of the building and providing additional views into and out of the building.
- By maintaining the pattern and proportions of the storefront bays and the strongly expressed vertical and horizontal structure, the proposal is a unifying element expressed in the surrounding area.
- The detailing and finish of the proposed storefront and new accessible entry, are well integrated with the existing building. These elements will add visual interest at the base of the building and further differentiate the sidewalk level of the building.

These guidelines are therefore met.

QUALITY & PERMANENCE

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

C5. Design for Coherency. Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

Findings for C2 and C5: The proposal addresses the above-mentioned approval criteria in the following ways:

- By maintaining the pattern and proportions of the storefront bays and the strongly expressed vertical and horizontal structure, the proposed alterations help to better integrate the building and the site into the larger neighborhood context of the Central Eastside in a manner coherent with the design of the building.
- With the proposed “dark bronze” anodized aluminum storefront used within a regularized bay, the proposal employs the use of durable materials and is designed and detailed to relate to the building, thus achieving a coherent composition.

These guidelines are therefore met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all 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 proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations to an existing building in the Central Eastside Subdistrict of the Central City Plan District to include the following:

- Replace and reconfigure existing, sidewalk-grade door on SE Oak facade to accommodate new ADA door and entrance; and
- Install two (2) new windows measuring 10' tall and 15'6" wide to align with two (2) existing mezzanine windows along SE 6th.

Approved per Exhibits C-1 through C-7, signed and dated January 26, 2022, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the four 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 21-112439 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.

Staff Planner: Megan Sita Walker

Decision rendered by: _____  _____ **on January 26, 2022**

By authority of the Director of the Bureau of Development Services

Decision mailed January 28, 2022

Procedural Information. The application for this land use review was submitted on December 8, 2021, and was determined to be complete on December 16, 2021.

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 December 8, 2021.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless extended by the applicant, **the 120 days will expire on: April 15, 2022.**

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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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 paper 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>.

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 on or after **January 31, 2022** 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 for 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 Narrative
 2. Original Drawing Set
 3. Detail Drawing/ Specifications, Rec'd December 27, 2021
 4. Detail Drawings, Rec'd January 4, 2022
 5. Updated project description on Application Form, Rec'd January 26, 2022
 6. Updated Narrative, Rec'd January 26, 2022
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Vicinity & Site Plan (attached)
 2. Existing & Proposed East Elevations (attached)
 3. Existing & Proposed North Elevations (attached)
 4. Specifications
 5. Details
 6. Details
 7. Details
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence: none
- G. Other:
 1. Original LU Application
 2. Email Correspondence between staff and the applicant

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).