



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

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Date: 7/26/22
To: Interested Person
From: Staci Monroe, Land Use Services
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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 21-085141 DZ *EXTERIOR ALTERATIONS*

GENERAL INFORMATION

Applicant: Thomas Ellicott | Architect & Planner
4314 NE 30th Ave | Portland OR 97211
thomasellicottt@aol.com

Owners: Ann & Jack Messick
1107 Laurel Street | Lake Oswego, OR 97034

Site Address: 1735 E BURNSIDE STREET

Legal Description: BLOCK 22 E 1/2 OF LOT 5 EXC PT IN ST S 5' OF E 1/2 OF LOT 6, LYDIA BUCKMANS ADD

Tax Account No.: R517503470

State ID No.: 1N1E35DB 06000

Quarter Section: 3032

Neighborhood: Kerns, contact Jesse Lopez at yosoyjay@gmail.com

Business District: None

District Coalition: Southeast Uplift, contact Matchu Williams at matchu@seuplift.org

Plan District: None

Other Designations: None

Zoning: CM2 (MU-U)d, m – Commercial/Mixed Use 2 zone with Design and Centers Main Street overlays

Case Type: DZ – Design Review

Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant seeks Design Review approval for exterior alterations to the building at 1735 E Burnside. The alterations will accommodate a new bar with a vinyl music focus and include:

- Extending the porch out closer to the property edges and enclosing with insulated butt-glazed window system, including operable doors, to create an interior occupiable space. Below the new glazing will be horizontal tongue and groove wood cladding above a concrete curb.
- Adding a 2nd floor deck with glass railing that aligns with extended porch below.
- Addition of new entry and awning at the southwest corner of the site.
- Addition of metal stairs from the 2nd floor deck on the eastern façade.
- New metal garage door.
- Relocation and replacement of several windows on the east and north façade of the existing building.
- Addition of a kitchen hood within a window opening on the north façade.
- Other minor building and site elements needed to meet fire and life/safety codes.
- All windows, doors and storefronts will be black anodized or coated semigloss black.

Signage is also proposed, but as currently designed is exempt from Design Review. The other elements above do not meet the exemptions of Section 33.420.045 and therefore Design Review is required.

Relevant Approval Criteria:

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

- Portland Citywide Design Guidelines

ANALYSIS

Site and Vicinity: The 2,250 SF site is located at the northwest corner of the intersection of E. Burnside and NE 18th. The property is developed with a 2-story Craftsman constructed in 1904, with an attached garage in front of the house along NE 18th and a wrap-around porch and similar upper deck. The residential structure has been converted on the interior for commercial use for some time. The surrounding area along Burnside consists of low-rise commercial structures with large single- and multi-dwelling structures in the neighborhood to the north.

The site is within a Pedestrian District. The street classifications along the frontages includes:

- E. Burnside – Major Transit Priority Street, District Collector Traffic Street, Major City Walkway, Local Service Bikeway
- NE 18th – Local Service Transit and Traffic Street, Local Service Bikeway and Walkway

Zoning: The Commercial/Mixed Use 2 (CM2) zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed use areas that have frequent transit service. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to four stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.

The Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people's daily experience; and

- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

The Centers Main Street “m” overlay zone encourages a mix of commercial, residential and employment uses on the key main streets within town centers and neighborhood centers identified in the Comprehensive Plan. The regulations are intended to encourage a continuous area of shops and services, create a safe and pleasant pedestrian environment, minimize conflicts between vehicles and pedestrians, support hubs of community activity, and foster a dense, urban environment with development intensities that are supportive of transit.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **January 10, 2022**. The following Bureaus have responded with no issues or concerns:

- Life Safety Plan Review Section of BDS (Exhibit E3)
- Bureau of Environmental Services (Exhibit E1)
- Water Bureau
- Fire Bureau (Exhibit E2)
- Site Development Section of BDS
- Bureau of Transportation Engineering (Exhibit E4)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on January 10, 2022. 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 of the site’s location, the applicable design guidelines are the Portland Citywide Design Guidelines.

Portland Citywide Design Guidelines

The Portland Citywide Design Guidelines consist of a set of guidelines for design cases in community planning areas outside of the Central City. The Portland Community Design Guidelines focus on three tenets: **Context**, balancing the aspirations of the future desired character with today’s setting; **Public Realm**, strengthening a building and site’s relationship with the public rights-of-way and open spaces; and **Quality And Resilience**, underscoring holistic site and building designs that benefit people and climate.

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

01: Build on the character, local identity, and aspiration of the place.

Possible design approaches may include, but are not limited to:

- Community - Relating to the local community’s identity, history, and cultural values and places.
- Architecture - Taking cues from desired character of existing architecture.

- Nature - Reflecting and enhancing local natural resources such as rivers, streams, buttes and vegetation.

03: Integrate and enhance on-site features and opportunities to contribute to a location’s uniqueness.

Possible design approaches may include, but are not limited to:

- Natural Resources - Minimizing site disturbance and integrating topography and natural resources found on-site.
- Viewpoints - Integrating views to community points of interest.
- On-site Older Buildings and Historic Resources - Retaining existing older buildings and historic resources.
- Social and Cultural Significance - Incorporating a site’s significant cultural or social history.

Findings for 01 and 03: The proposal builds on the past and present architectural character in the area. While the proposal does remove a primary character defining feature of the house (wrap around curved porch with basalt columns), the primary 2-story structure will remain intact. By retaining and encasing the 1904 residential structure in glass on the lower level, the craftsmanship and architectural elements that characterize the house itself can continue to be viewed as contributing to the character of older housing stock that exists along Burnside and in the neighborhood to the north. The addition of the modern elements (glass and metal) reflects the more contemporary development in the immediate area. Adapting older residential structures into commercial uses occurs along Burnside and other corridors to the north and south (Belmont, Hawthorne, etc.). The similar approach for this site supports the identity of such development along Burnside.

These guidelines are met.

02: Create Positive Relationship with surroundings.

Possible design approaches may include, but are not limited to:

- Building Massing - Developing effective placement and proportion of building massing toward adjacent lower-scale development and residential uses.
- Street Wall - Maintaining a vibrant street wall with continuous storefronts along historic main streets.
- Connectivity - Creating visual and physical links to adjacent pedestrian pathways and neighboring open spaces.
- Adjacent Historic Landmarks - Deferring to the neighboring historic landmark through massing and urban form.

Findings: The extension of the porch closer to the street and its enclosure supports the active street wall that occurs along E. Burnside. The fully glazed porch with operable sliders and the new entrance at the southwest corner enhance the visual and physical connections to and from the interior space and public realm along Burnside and 18th.

This guideline is met.

04: Design the sidewalk level of buildings to be active and human-scaled.

Possible design approaches may include, but are not limited to:

- Ground Floor Heights - Designing buildings with taller, more adaptable ground floors.
- Multiple Entries and Windows - Offering more than one entrance along the ground floors of buildings to provide “eyes on the street” and avoid blank expanses of walls.
- Weather Protection - Providing protection from wind, rain, and sun.
- Lighting - Enhancing safety and visibility for pedestrians and highlighting special building features.
- Residential Setbacks - Creating soft transitions while separating private spaces from public spaces.

05: Provide opportunities to pause, sit, and interact.

Possible design approaches may include, but are not limited to:

- Seating - Providing a variety of seating types for passersby and building users.
- Integrate Bicycles - Designing open spaces that accommodate parking for bicycles.
- Art/Water - Designing spaces that can integrate opportunities for art, stormwater or water features.
- Enclosure - Offering a comfortable buffer and distinction from the public realm.
- Trees and Landscaping - Promoting health and wellness by helping to mitigate the effects of urban heat island.

Findings for 04 & 05: The proposal addresses these guidelines as follows:

- The fully glazed lower porch, upper open-air deck and exterior stair will significantly increase activity and visibility along the street edge "increasing eyes on the street". Lighting set within the awning, within the setback and within a horizontal recessed channel below the wood siding along the porch will illuminate the frontage for safety and highlight the lower base of the building.
- Although signage is shown on the plans, the sizes does not require design review. Future signage, however, along with the lighting, horizontal ship deck wood cladding and new entrance provide human-scaled elements along the sidewalk.
- The 3' deep area between the back of the sidewalk and the extended porch enclosure will be concrete and expand the pedestrian realm. Benches at the southeast corner and adjacent to the entry along Burnside provide opportunities to sit, pause and interact along the sidewalk that does not impact the pedestrian through-zone.
- The setback of the building limits the ability to provide weather protection over the sidewalk. However, a new covered entry at the SW corner will provide shelter from the elements for those accessing the building.
- The new covered entry at the southwest corner also provides a sheltered area to interact. Together with the stair off NE 18th, these two areas provide a safe and buffered area for pedestrians and patrons that is distinct from the public sidewalk and several points of entry from the sidewalk.
- Given the small site that is almost fully built out, there is little room for landscaping, art/water features and bike parking. However, the fully glazed lower porch will be highly activated and internally illuminated providing interest along the public realm.

These guidelines are met.

06: Integrate and minimize the impact of parking and building services.

Possible design approaches may include, but are not limited to:

- Vehicles and Parking - Screening and buffering vehicle areas from pedestrians and integrating parking into the building design.
- Utilities, Trash and Recycling - Siting and screening utilities, trash, and recycling enclosures away from public realm.
- Vaults - Integrating and concealing vaults within open areas.
- Stormwater Planters - Integrating stormwater with multiple uses, such as buffering, placemaking, and seating opportunities.
- Long-Term Bicycle Parking - Designing bicycle parking to encourage use by adding bike lobbies and bike repair amenities.

Findings: The proposal addresses this guideline as follows:

- The existing single-story garage on NE 18th will no longer be used for vehicles, rather the trash and recycling will be stored there. The existing garage door will be replaced with a black metal overhead door with obscured laminate panels. The interior location and obscured panels will limit visibility along the sidewalk while the dark metal doors complement the modern metal aesthetic being introduced throughout the addition.
- The new hood exhaust for the kitchen will be placed within an existing window opening on the north façade and set back over 30' from the sidewalk on NE 18th. There is an

outdoor area between this wall and building to the north providing some distance from the mechanical wall unit and the adjacent property.

This guideline is met.

07: Support the comfort, safety, and dignity of residents, workers, and visitors through thoughtful site and building design.

Possible design approaches may include, but are not limited to:

- Internal Open Spaces - Offering a variety of multi-functional spaces such as balconies, stoops, plazas, play areas, and passive sitting areas.
- Internal Connections - Creating safe and visible pedestrian circulation through sites.
- Vehicles Areas - Ensuring that vehicle areas do not impair the usability and enjoyment of the site.
- Solar Access - Providing solar access to open areas.
- Windows and Entries - Orienting windows and entries toward on-site circulation and open areas.

Findings: The site is very small. At 2,250 and almost fully built out there is little room for onsite open areas, connections and amenities. That said, the proposal does provide pleasant areas for people including benches along the sidewalk, a lower porch fully enclosed with floor to ceiling glass and operable slider doors as well as an upper porch that is open-air.

This guideline is met.

08: Design for quality, using enduring materials and strategies with a coherent approach.

Possible design approaches may include, but are not limited to:

- Unity - Expressing a clear and coherent design approach to unify building.
- Articulation - Highlighting function, hierarchy, or spaces through small breaks in form.
- Application of Exterior Materials - Expressing the building design with hierarchy, shifts or repetition.
- Quality of Materials - Providing quality, resilience, and durability in construction and execution of details.
- Building Openings - Offering permeability, depth, and texture.

Findings: A modern aesthetic is being employed on the addition to contrast with and allow the craftsmanship and architecture to shine. The addition utilizes glass for the porch enclosure and upper porch railing and metal for the stairs, storefront, fascia (20 gauge) and garage door. The butt-glazing minimizes mullions in the windows so as not to detract from the detailed façade of the original structure behind. The design pulls in horizontal shiplap siding along the base of the extended porch, cedar for the entry door and teak for the benches along the sidewalk to warm up the pedestrian realm and complement the ship deck wood siding and elements that are retained and visible through the glazed porch. These materials are all durable and provide a quality finish.

A stair landing on the upper porch on the south side is outboard of the façade by 3' or so, however, it is small and setback. It utilizes the same wood siding, door and trim so that it is a compatible appendage to the structure. The open metal stair with glass railing on the east façade has been located partially above the single-story garage and designed to be as light of an element as possible as it traverses the upper and lower elevations of this traditional craftsman structure. The fire-rated wall required along the west and north property lines (at the SW entry and atop of the single-story garage) have been minimized as much as possible and will be clad to match the adjacent surfaces (stucco on the garage and cedar battens on the west wall).

This guideline is met.

09: Design for resilience, health, and stewardship of the environment, ensuring adaptability to climate change and the evolving needs of the city.

Possible design approaches may include, but are not limited to:

- Adaptable Buildings - Providing flexibility in building programming, floor.
- Resource Conservation - Prioritizing the use of existing structures or reclaimed and recycled materials.
- Native Landscaping - Integrating native landscaping and large canopy trees to address heat island and provide for pollinators.
- Ecoroofs - Providing and integrating ecoroofs for pollinators and people.
- Bird-Safe - Reducing bird strikes through careful design.
- Daylight and Air - Providing daylight and ventilation and improving indoor air quality.
- On-Site Stormwater - Allowing rain to soak into the ground and filter through lush vegetation and landscaping.

Findings: The proposal converts the 1904 single family residential structure to a commercial music venue. The design approach, by expanding the porch and enclosing it with glass, allows the original structure and materials to be preserved and allow them, and their craftsmanship, to shine through. Preserving this structure and adapting the interior for another use is the ultimate resource conservation and low-carbon approach when it comes to development.

This guideline is met.

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The design review process 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. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations, per the approved site plans, Exhibits C-1 through C-18, signed and dated 7/21/22, 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 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 21-085141 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: Staci Monroe



Decision rendered by: _____ **on 7/21/22**

By authority of the Director of the Bureau of Development Services

Decision mailed: 7/26/22

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 September 9, 2021, and was determined to be complete on January 5, 2022.

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 September 9, 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 requested that the 120-day review period be extended 150-days, as stated with Exhibit A2. Unless further extended by the applicant, **the 120 days will expire on 10/2/22.**

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

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

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

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

Appealing this decision. This decision may be appealed to the Design Commission, 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 8/9/22. The completed appeal application form must be emailed to LandUseIntake@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 Office of Community and Civic Life 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 this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

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 **8/9/22** 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. Response to Incomplete Letter
 - 2. 120-day Extension Request
 - 3. Original drawing submittal
 - 4. Perspective Image from SE corner
 - 5. 2nd drawing set (revised)
 - 6. Response to revision dated 6-27-22
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. 1st Floor Plan
 - 3. 2nd Floor Plan
 - 4. 3rd Floor Plan
 - 5. South Elevation (attached)
 - 6. East Elevation (attached)
 - 7. North Elevation (attached)
 - 8. West Elevation (attached)
 - 9. Enlarged Sections
 - 10. Enlarged Sections
 - 11. Enlarged detail
 - 12. Garage door cutsheets
 - 13. Window wall cutsheets
 - 14. Window wall cutsheets
 - 15. Kitchen hood cutsheets
 - 16. Double hung windows cutsheets
 - 17. Double hung windows cutsheets
 - 18. Sliding door cutsheets
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Fire Bureau
 - 3. Life Safety Plan Review Section of BDS
 - 4. Bureau of Transportation Engineering and Development Review
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter dated 9/28/21

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).