

City of Portland, Oregon

Bureau of Development Services

Land Use Services

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

Date: May 31, 2012

To: Interested Person

From: Mark Walhood, City Planner

503-823-7806

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

The Bureau of Development Services has **approve**d a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 12-115149 DZ - 631 NE GRAND AVE. REMODEL GENERAL INFORMATION

Applicant: Brett Schulz

Brett Schulz Architect 1111 E. Burnside, Ste. 303 Portland, OR 97214

Property Owner: Grand Avenue LLC

3250 NE Alameda Ter Portland, OR 97212-1634

Tenant: Dele Okedara

T.A.O. Events Center 300 NE Multnomah St. Portland, OR 97232

Site Address: 631 NE GRAND AVE

Legal Description: E 30' OF NW 1/4 OF BLOCK 9 NE 1/4 OF BLOCK 9 EXC PT IN ST,

WHEELERS ADD

Tax Account No.: R903700210

State ID No.: 1N1E35BC 03000

Quarter Section: 2931

Neighborhood: Lloyd District Community, contact Lisa Faust at 503-350-1205. Lloyd District Community Association, contact William Ruff at 503-

221-1121.

District Coalition: None

Zoning: CXd (Central Commercial base zone with Design overlay zone), Central

City Plan District/Lloyd District Subdistrict

Case Type: DZ (Design Review)

Procedure: Type II, an administrative decision by BDS Staff that can be appealed

to the Design Commission.

PROPOSAL: The applicant has proposed a series of exterior alterations to a building on a 12,000 square-foot corner parcel at the southwest corner of the intersection of NE Grand Avenue and

Irving Street. The single-story building, formerly a paint ball gaming venue, is being remodeled to function as an events center. To accomplish this occupancy change, and improve both emergency exiting and the appearance of the building, several exterior alterations are proposed. The proposed exterior alterations include the following:

- Replace two main entry doors facing NE Grand Ave. with four full-light wood and glass doors, with new transom windows above;
- Create a new inset entry alcove for an existing egress service door on the north elevation facing NE Irving Street;
- Install two new solid metal egress doors, inset into entry alcoves, with one on both the east and north elevations:
- Install seven new vertical storefront windows on the façade, with five facing NE Grand Avenue, and two facing NE Irving Street;
- Install new stucco and tile surfacing treatment on the primary/Grand Avenue façade and on a small portion of the façade facing NE Irving Street at the corner; and
- Re-paint and patch the existing structure.

Because of the central city location within a design overlay zone, and given the project valuation, the proposal requires consideration through a Type II Design Review.

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

- The Central City Fundamental Design Guidelines; and
- Special Design Guidelines for the Design Zone of the Lloyd District of the Central City Plan.

ANALYSIS

Site and Vicinity: The site is a rectangular parcel of 12,000 square feet at the southwest corner of the intersection of SE Grand Avenue and Irving Street. The property is developed with a single-story commercial building originally constructed in 1949, which fully occupies the entire site. The building includes boarded-up storefront window openings on almost the entire SE Grand Avenue Façade, with an inset main entry alcove still in place. The boarded-up storefront openings continue briefly westwards on the Irving Street façade from the corner, and all the storefront window areas on the building are marked by a projecting concrete fin. The projecting fin separates a finish of scored concrete panels on the upper portion of the building from a smooth stucco, painted-over tile, and concrete surfacing treatment below.

The site is directly across the street to the west from the Metro Regional Government headquarters building, and one block east of the Oregon Convention Center. The remainder of this particular block includes two smaller single-story commercial buildings and unlandscaped surface parking lots. Nearby development also includes a variety of hotels, restaurants, a nightclub, office buildings, and housing. Both abutting streets are improved with paved public sidewalks, curbing, on-street parking, and paved roadways.

Zoning: The Central Commercial (CX) base zone is intended to provide for a broad range of commercial activities within Portland's most intense and urban areas. Development standards allow for tall buildings with 100% building coverage, with an emphasis on a safe and attractive streetscape. The Central City plan district applies a set of additional use regulations and development standards for the Central City area, consistent with several adopted plans, including the Central City Plan and Downtown Plan. Design overlay zoning requires that new development and many exterior alterations to existing buildings receive prior approval through the Design Review process.

Land Use History: City records indicate no prior land use reviews at the site.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **April 27, 2012**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E.1);
- Development Review Section of Portland Transportation (Exhibit E.2); and
- Site Development Section of the Bureau of Development Services (Exhibit E.3).

The *Water Bureau* has reviewed the proposal and provided informational comments, but no objections or recommendations regarding the proposed Design Review. The site gets water service from a main in NE Irving Street. Exhibit E.4 contains staff contact and additional information.

The *Fire Bureau* has reviewed the proposal and provided informational comments, but no objections or recommendations regarding the proposed Design Review. A building permit is required for the work, and all applicable Fire Code requirements must be satisfied at that time. Exhibit E.5 contains staff contact and additional information.

The *Urban Forestry Division of Portland Parks and Recreation* has reviewed the proposal and provided comments, but no recommendations or objections regarding this proposed Design Review. Existing street trees must be protected. Exhibit E.6 contains staff contact and additional information.

The Life Safety Section of the Bureau of Development Services has reviewed the proposal and provided informational comments, but no objections regarding this land use review. A separate building permit is required for the project, and it is recommended that the applicant visit the Development Services Center to research the current occupancy classification and Building Code requirements associated with a possible change of occupancy, including but not limited to seismic upgrades and system development charges. A Preliminary Life Safety Meeting is recommended for the project. Exhibit E.7 contains staff contact and additional information.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on April 27, 2012. 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

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

Section 33.825.055, Design Review Approval Criteria

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

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

<u>Special Design Guidelines for the Design Zone of the Lloyd District of the Central</u> City Plan and Central City Fundamental Design Guidelines

The Lloyd District is a unique, multi-dimensional neighborhood in the Central City, with special features and assets found nowhere else in Oregon. With the recent completion of the Oregon Convention Center, the District now serves as the "front door for Oregon and our city."

The District as a whole is emerging as a special area in the state and the region, and the way it is developed will determine its comfort and continued use.

The purpose of design review is to carry out the urban design vision for the District by emphasizing unique district assets in a manner that is respectful, creative, supportive, and compatible with all its areas. Although the District is a complex urban environment, it can become a cohesive whole with the use of these design principles.

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. (A) Portland Personality, addresses design issues and elements that reinforce and enhance Portland's character. (B) Pedestrian Emphasis, addresses design issues and elements that contribute to a successful pedestrian environment. (C) Project Design, addresses specific building characteristics and their relationships to the public environment. (D) Special Areas, provides design guidelines for the four special areas of the Central City.

Lloyd District Design Goals

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

- Encourage the special distinction and identity of the Lloyd District;
- Integrate the sub-areas of the District for a visual and functional coherence of the whole; and
- Improve 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 the River District as well as to the other seven 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. Central City and Lloyd District Guidelines are addressed concurrently.

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 A6 & A8: The proposal will daylight and restore several areas of boarded-up storefront window glazing along both NE Grand Avenue and NE Irving Streets, within the original storefront window openings that existed on the building when originally constructed in 1949. These new windows, as well as the new entry doors and transom lights with clear glazing, will increase and re-create clear visual and physical connections between activities inside the building and the adjacent sidewalks. New stucco surfacing

over other previously boarded-up storefront areas will be given a new smooth stucco skim coat and tile sill/base treatment underneath the windows and bracketing the ends of the defined storefront area of the building with a vertical tile panel from grade to the projecting decorative concrete fin above the storefront. *Therefore, these guidelines are met.*

C1-2. Integrate Signs.

Carefully place signs and sign supports on and for buildings to integrate with the scale, color and articulation of the building design. Avoid large, excessively illuminated or freestanding signs that contribute to visual clutter.

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 every Design Review application.

Incorporate signage that compliments and supports the pedestrian scale and use of the Broadway/Weidler Corridor and Holladay Street. While recognizing the dimensional provisions in the Code, size and scale of signs should be moderated in these pedestrian-oriented areas.

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

Findings for C1-2 & C13: The applicant has provided a detail sheet for two proposed signs, with one sign at 32 square feet and another at 20 square feet. Proposed signage has not been identified as to location on the building elevations. Signage at or under 32 square feet at this location is exempt from Design Review. *Therefore, these guidelines do not apply.*

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

Findings for C1, C2, C3 & C7: The recreation of a significant portion of storefront window openings on both NE Grand Avenue and NE Irving Street will orient views and establish visual connections between activity occurring inside the building and adjacent sidewalks. Durable aluminum storefront window systems and transom windows, wood doors with clear glazing, ceramic tile material, and metal doors, and a simple smooth stucco surfacing treatment are all of a quality, permanent character that will improve the functionality and appearance of the building for years to come. The proposed alterations are respectful of the original architectural character of this 1949 building, by placing new clear glass doors and transom lights in the original recessed entry alcove to it's full original width, by the symmetrical arrangement of the new windows flanking the main entry alcove, and by improving and unifying the derelict storefront area with a ceramic tile sill/base treatment and flanking vertical tile bracket features within the original storefront area marked by a projecting concrete fin above. New inset egress doors and alcoves will be simply detailed with solid doors and smooth stucco siding matching the remainder of the lower level of the building. New storefront windows extending fully to the corner of the intersection of NE Grand Avenue and NE Irving Street will help to

activate that intersection with reciprocal visual connections between the building interior and adjacent pedestrian realm. *Therefore, these guidelines are met.*

C10-3. Use Light Colors. The use of light color values is preferred for the predominant exterior building materials. Darker value materials should be used to accent or articulate the design.

Findings for C10-3: The proposal includes plans to patch and repair the existing concrete surface of the building, install new stucco or tile treatment in areas of the original storefront, and provide a new paint treatment on the stucco, concrete, and projecting concrete fin of the building. No paint or tile colors have been identified by the applicant. In keeping with the spirit of this guideline, and in the absence of color information from the applicant, a condition of approval will mimic the language of this guideline, requiring the use of a light color value for the predominant exterior building façade, with darker colors use only as accents or articulations to the overall design. With this condition regarding light coloration, this guideline can be 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 exists to ensure the preservation, enhancement, and continued vitality of areas of the city with special scenic, architectural, and cultural values.

The applicant has proposed an extensive interior remodel and exterior renovations to a single-story 1949 commercial building in the Lloyd District. Boarded-up and plywood-covered storefront window openings will be partially restored, and the full width of the original inset entry opening will be updated with clear glass and wood entry doors with clear glass transom windows above. New smooth stucco surfacing and tile on the building will refresh and unify the building. With a condition of approval that light colors be used on the exterior, consistent with design objectives for the Lloyd District, the proposal is able to meet the relevant design guidelines and should be approved.

ADMINISTRATIVE DECISION

Approval of **Design Review** for exterior alterations to the building at 631 Grand Avenue, in the Lloyd District of the Central City, including the following specific elements:

- Replace two main entry doors facing NE Grand Ave. with four full-light wood and glass doors, with new aluminum transom windows above;
- Create a new inset entry alcove for an existing egress service door on the north elevation facing NE Irving Street;
- Install two new solid metal egress doors, inset into entry alcoves, with one on both the east and north elevations;
- Install seven new vertical storefront windows on the façade, with five facing NE Grand Avenue, and two facing NE Irving Street;
- Install new stucco and tile surfacing treatment on the primary/Grand Avenue façade and on a small portion of the façade facing NE Irving Street at the corner; and
- Re-paint and patch the existing structure.

This approval is granted based on the approved plans and drawings, Exhibits C-1 through C-9, all signed and dated May 27, 2012, and subject to the following conditions:

- A. The predominant exterior building façade shall be painted and maintained in a light color value, with darker colors used only as accents or articulations to the overall design.
- B. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.9. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-115149 DZ. No field changes allowed."

Staff Planner: Mark Walhood

Decision rendered by: ______ on May 27, 2012.

By authority of the Director of the Bureau of Development Services

Decision mailed: May 31, 2012

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 March 20, 2012, and was determined to be complete on **April 23, 2012**.

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 March 20, 2012.

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 August 22, 2012.**

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

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

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

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

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on June 14, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged**. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- Unless appealed, The final decision may be recorded on or after June 15, 2012 -
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope; OR
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034 For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a

new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements
 - 1. Original narrative statement
 - 2. Original plan set reference only NOT APPROVED
 - 3. Future signage detail sheets reference only exempt/not approved
 - 4. Photos of existing exterior conditions provided by applicant
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Proposed Elevations (attached)
 - 3. Existing Floor Plan
 - 4. Proposed Floor Plan (attached)
 - 5. Large/Scalable Site Plan
 - 6. Large/Scalable Existing Floor Plan
 - 7. Large/Scalable Proposed Floor Plan
 - 8. Large/Scalable Existing Elevations
 - 9. Large/Scalable Proposed Elevations
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Development Review Section of Portland Transportation
 - 3. Site Development Section of the Bureau of Development Services
 - 4. Water Bureau
 - 5. Fire Bureau
 - 6. Urban Forestry Division of Portland Parks and Recreation
 - 7. Life Safety Section of the Bureau of Development Services
- F. Correspondence:
 - 1. (none received at time of decision mailing)
- G. Other:
 - 1. Original LU Application Form and Receipt
 - 2. Site History Research
 - 3. Incomplete Letter from staff to applicant, sent April 3, 2012
 - 4. Contact Letter from Pamela Johnson, PDC, received April 9, 2012

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).







