

City of Portland, Oregon

Bureau of Development Services

Land Use Services

FROM CONCEPT TO CONSTRUCTION

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

Date: March 31, 2014 **To:** Interested Person

From: Chris Caruso, Land Use Services

503-823-5747 / Chris.Caruso@portlandoregon.gov

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

The Bureau of Development Services has approved a proposal in your neighborhood. The 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 14-100237 DZ – BIWA RENOVATION GENERAL INFORMATION

Applicant: Kina Voelz/BIWA Inc.

215 SE 9th Avenue, Ste. 102/Portland, OR 97214

Owners: Kenton Wiens

5726 SE Lincoln/Portland, OR 97215

Pine Street Studios LLC / c/o Bluestone & Hockley Real Estate

9320 SW Barbur Blvd, Ste. 300/Portland, OR 97219

Site Address: 215 SE 9TH AVE

Legal Description: BLOCK 184 LOT 5, EAST PORTLAND; BLOCK 184 LOT 6&7&8, EAST

PORTLAND

Tax Account No.: R226511780, R226511790 **Quarter Section:** 3031

State ID No.: 1N1E35CC 05900, 1N1E35CC 05800

Neighborhood: Buckman, contact Matthew Kirkpatrick at 503-236-6350.

Business District: Central Eastside Industrial Council, contact Peter Fry at 503-274-

1415.

District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.

Plan District: Central City - Central Eastside

Zoning: EXd – Central Employment with design overlay

Case Type: DZ – Design Review

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

Commission.

Proposal:

The applicant requests design review approval for exterior alterations to the BIWA restaurant located in the Pine Street Studios building in the Central Eastside subdistrict of the Central City Plan District. The exterior alterations will include installing glass panels on top of the existing BIWA entry canopy in place of the fabric panels, four new strip LED light fixtures underneath the canopy against the outer wall, Option A for one new aluminum-framed wood window and intake-only metal louver in an original opening on the east façade, or Option B for the window only and no louver in the same area. The color and mullion pattern of the new

window and the color of the new grille would match the existing ground level windows. Design Review is required for exterior building alterations in the Central City Plan District.

Note: Option A was removed from the proposal during the review process. Only Option B is moving forward.

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:

- 33.825 Design Review
- Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan
- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: The site is a 15,000 square foot lot located at the southwest corner of SE Ash Street and SE 9th Avenue, just off of Sandy Boulevard. The lot is currently developed with a multi-story brick building constructed in 1928. The surrounding context consists primarily of one-story structures with on-site vehicle areas that are a mix of industrial (warehouse, manufacturing) and commercial (retail) development. SE Ash Street is classified in the Transportation System Plan as a Local Service Walkway and Local Service Bikeway. Despite this local service designation, SE Ash Street is a major east-west bicycle commuter route to and from downtown. SE 9th Avenue is classified as a Local Service Walkway and Local Service Bikeway. The site itself is located in a designated Freight District.

Zoning: Central Employment (EX): The EX zone is a high-density zone characterized by a very high percentage of building coverage. The major types of new development will be light industrial, commercial, and mixed-use buildings with pedestrian oriented design. EX zones will be located near the center of the city where transit is readily available and where other commercial and employment opportunities are nearby. EX zones will usually be applied in combination with the Central City plan district.

<u>Design Overlay (d)</u>: The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, and development of design guidelines for each district.

<u>Central City Plan District</u>: 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 Downtown Parking and Circulation Policy. The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area.

Land Use History: City records indicate that prior land use reviews include the following:

- LUR 92-00694 DZ Approval of a reduction in the required width of perimeter parking lot landscaping along the west side of the parking area from the required 5 foot width to 3 feet and the landscaping area at the southeast corner of the site will measure 20' x 20' (exclusive of the adjacent 5' width of perimeter landscaping.
- LU 05-161775 DZ Approval of two new anodized aluminum casement windows in the upper level of the south façade of the building, and a black steel fence along the south side of the site.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **February 4, 2014**. The following Bureaus have responded with no issues or concerns:

• Life Safety Review Section of BDS (Exhibit E-1)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 4, 2014. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review Section 33.825.010 Purpose of Design Review

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

Section 33.825.055, Design Review Approval Criteria

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

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because 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 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.

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 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.

- **A4.** Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.
- **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 A4 & C3-1:** The proposal is to add new glazing, light fixtures, one window, and an optional intake louver to the ground level of the north and east sides of the building. The new window will enhance the appearance of the east building façade by reusing an original wall opening that had been filled in at some point. The new window will also allow views into active interior spaces. This pattern of ground floor windows that open onto active interior spaces and of projecting canopies that indicate retail entries are common features of multi-use buildings in this area. While projecting canopies are common features of nearby buildings, they do vary in style. The proposal to replace fabric with custom glass panels allows this canopy to fit into the local context while also providing a creative design that enhances the district. *These guidelines are therefore 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.
 - **Findings for B6 & B6-1:** The existing canopy that projects out from the southern corner of the building over the sidewalk will be retained and will continue to provide the current level of weather protection at this location. *These quidelines are therefore 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. **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, C3 & C5: The proposed materials include aluminum, metal, and glass, all of which are durable materials that will last for many years. These materials are an appropriate choice for this old industrial and manufacturing district and will convey a sense of quality and permanence. The materials and proportions of the window are compatible with the color, scale, and details of similar ground floor windows present on the building today. The replacement glazing at the south canopy will fit into the existing canopy frame as unobtrusively as the current fabric panels do, allowing the thin profile of the canopy to remain the main focal point of this element. The thin profile of the light fixtures and their placement tight to the underside of the canopy and against the exterior wall minimize their appearance and potential visual impact on the pedestrian realm as well as on the building facade. The organized conduit runs to the new light fixtures, that will be painted to match the building wall per Condition of Approval B will allow these necessary elements to move to the background. All of the proposed additions and renovations fit into the architectural design of the building and help improve overall design coherence. With Condition of Approval B, these guidelines are therefore met.

- **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.
- **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 C8 & C12: The sidewalk level of the building will be further differentiated from the upper floors by the installation of the new window and louver in the east wall. The new window and louver will follow the existing pattern of sidewalk openings in the ground floor that are materially different from the upper story openings. The new window will also allow views into active interior spaces. The new canopy light fixtures are thin in profile and located tight to the underside of the existing south canopy and to the exterior wall. Their narrow width, painted metal cover and location will highlight the glass canopy and building walls below while having no impact on the skyline at night. *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 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 new canopy materials, light fixtures, window and louver will fit into the context of the existing building and will add quality features to the sidewalk level of the plan district. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of design review for exterior alterations to the BIWA restaurant located in the Pine Street Studios building in the Central Eastside subdistrict of the Central City Plan District to include:

- Glass panels installed on top of the existing BIWA entry canopy in place of the fabric
- Four new strip LED light fixtures with painted steel shields located underneath the canopy, mounted against the outer wall, with conduit serving these fixtures coming out above the center of the entry door; and
- Option B for one new aluminum framed window on the east façade, to match the existing windows ground level windows on this same façade in type, mullion pattern and color.

Approved, per the approved site plans, Exhibits C-1 through C-10 signed and dated March 25, 2014, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B) 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 14-100237 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Exposed conduit serving the new light fixtures under the canopy will be painted to match the adjacent wall surface.

Staff Planner: Chris Caruso

Decision rendered by: Chris Caruse by: On March 25, 20
By authority of the Director of the Bureau of Development Services on March 25, 2014.

Decision mailed: March 31, 2014

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 January 2, 2014, and was determined to be complete on January 31, 2014.

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 January 2, 2014.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, the 120 days will expire on: June 1, 2014.

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 April 14, 2014** 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 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 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 April 15, 2014.
- 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.
- 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:

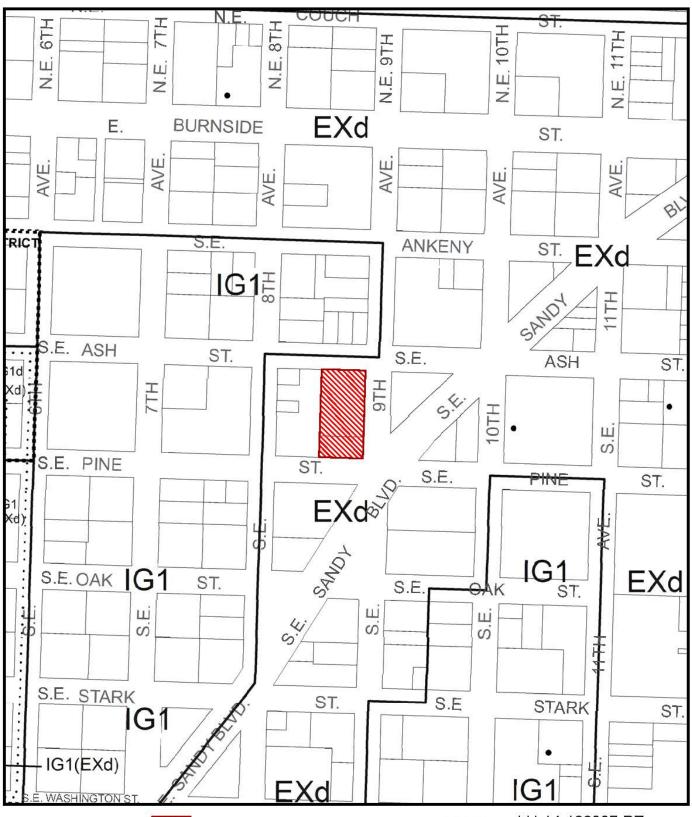
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Information
 - 1. Narrative
 - 2. Valuation
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Zoning/Cover
 - 3. NOT USED
 - 4. Option B Elevations (attached)
 - 5. Canopy Details
 - 6. Canopy Sections
 - 7. Window Details
 - 8. East Window with Conduit location (attached)
 - 9. West Window with Conduit location
 - 10. Light Fixture Information
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Review Section of BDS
- F. Correspondence: none received
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter

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



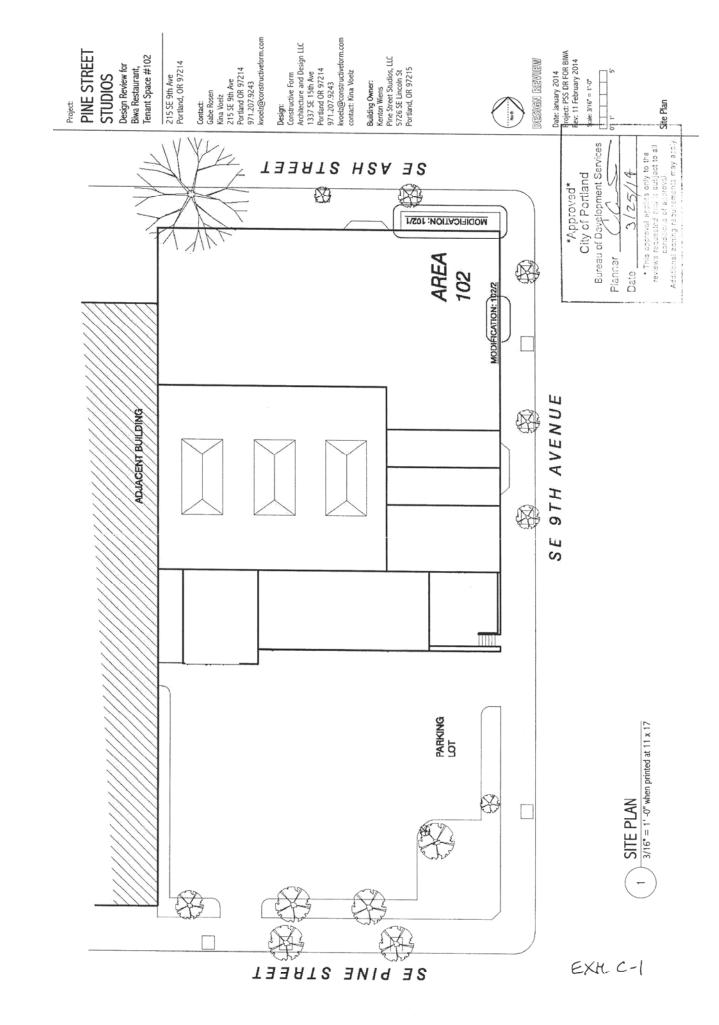
Historic Landmark

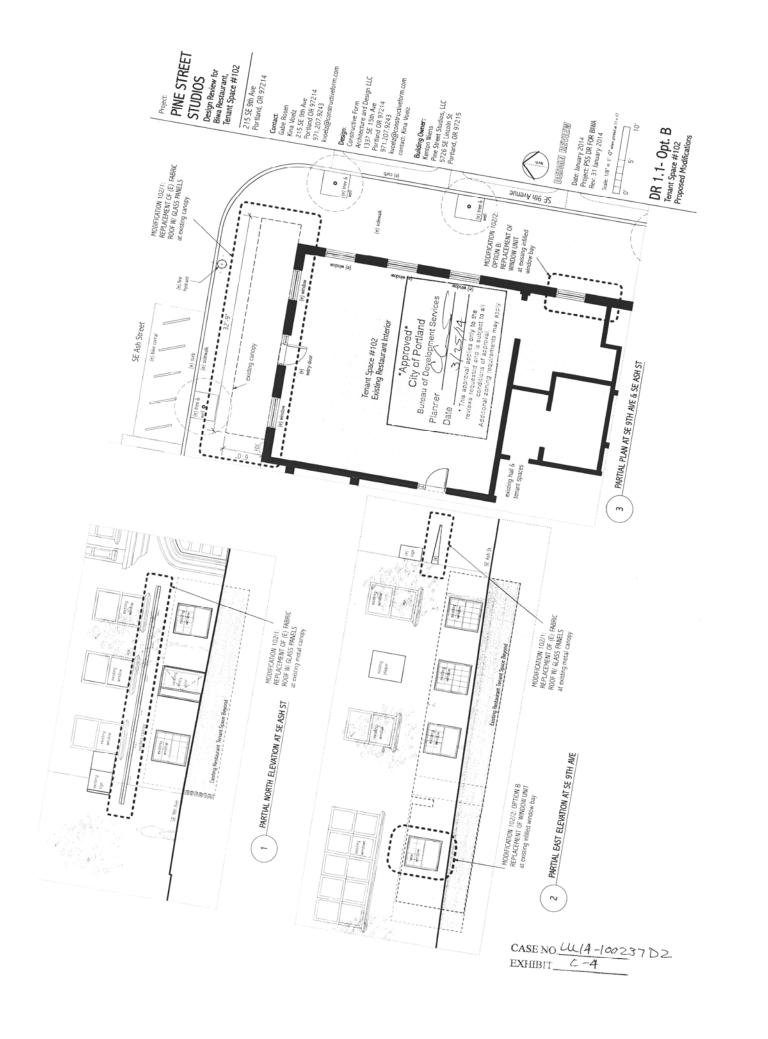


This site lies within the: CENTRAL CITY PLAN DISTRICT **CENTRAL EASTSIDE**

LU 14-100237 DZ File No. 3031 1/4 Section 1 inch = 200 feet Scale 1N1E35CC 5800 State_Id В (Jan 06,2014)

Exhibit.





• existing entry door existing window • NEW CONDUIT; to be centered above the entry door & painted same color as building canopy frame; appr. 1'-10" to 2'-2" in length x 2" to 3" in height HOUSING, typ. to be painted gray to match adjacent steel • NEW STEEL CHANNEL FOR LED FIXTURE • 0 0 0 0 0 0 0 0 existing window existing window 0. 0 0 NEW CONDUIT; to be painted same color as building 0 canopy frame; appr. 1'-10" to 2'-2" in length x 2" to 3" in height HOUSING, typ. to be painted gray to match adjacent steel (e) C8 NEW STEEL CHANNEL FOR LED FIXTURE 0 0 existing sign 0 0

Contact:
Gabe Rosen
Aran Voetz
21 5 SE 9th Ave
Portland OR 97214
971.207.9243
kvoetz@constructiveform.com

PINE STREET

Fenant Space #102

Design Review for Biwa Restaurant,

STUDIOS

215 SE 9th Ave Portland, OR 97214

Architecture and Design LLC 1337 SE 15th Ave Portland OR 97214

Design: Constructive Form

kvoelz@constructiveform.com contact: Kina Voelz

971.207.9243

Pine Street Studios, LLC 5726 SE Lincoln St Portland, OR 97215

Building Owner: Kenton Wiens

Date: January 2014 Project: PSS DR FOR BIWA Rev: 25 March 2014 DR 1.3 A Tenant Space #102 Proposed Mod.102/1 DESIGN REVIEW Bureau of Development Services only to the 3/25/14 City of Portland *Approved*

Planner Date Date ENLARGED PARTIAL CANOPY SECTION OF PROPOSED MODIFICATION 102/1 @ SE ASH FACADE: EXISTING EAST WINDOW SHOWING PROPOSED LED FIXTURE HOUSING LOCATION, TYPE & SPECIFICATIONS; WEST OF ENTRY DOOR- LAYOUT TO BE SIMILAR

Aptra form co.

EXH, C-S

Scale: 3/4" = 1' -0" when