



City of Portland, Oregon
Bureau of Development Services
Land Use Services

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

Date: September 23, 2010
To: Interested Person
From: Kara Fioravanti, Land Use Services
503-823-5892 / kfioravanti@ci.portland.or.us

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

AND

NOTICE OF A POTENTIAL PUBLIC APPEAL HEARING

**IF AN APPEAL IS FILED, AN APPEAL HEARING WITH THE
PORTLAND DESIGN COMMISSION WILL BE HELD:** Thursday,
October 21, 2010, 1:30PM at 1900 SW 4th Avenue Building, Room
2500a, Second Floor, Portland, Oregon 97201.

The Bureau of Development Services has approved 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 10-141570 DZM
STOREFRONT REMODEL, PARKING LOT UPGRADES

GENERAL INFORMATION

Applicant: Tobias Investment Co., Listed Owner
1900 SW River Drive #1101 / Portland, OR 97201

Representative: Jeff Smith, Oracle Contracting Services
640 Garfield Street / Sumas, WA 98295

Site Address: 1016 W BURNSIDE STREET
Legal Description: BLOCK 67 TL 2000, COUCHS ADD
Tax Account No.: R180206170
State ID No.: 1N1E34CC 02000 **Quarter Section:** 3029
Neighborhood: Portland Downtown, contact Jennifer Geske at 503-750-9843.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - Downtown
Zoning: CXd, Central Commercial with design overlay
Case Type: DZM, Design Review with Modification request
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal: The applicant requests design review approval for a storefront remodel. The east elevation will have updated storefronts, an entrance canopy, entry lights, and 2 small projecting elements above 2 other storefronts. The primary building material, stucco, will be improved with new. The parking lot will be restriped for a maximum of 10 vehicles. The parking lot will also be upgraded to include required parking lot landscaping, required pedestrian connections and required bike parking. The only building signage proposed includes two internally illuminated individual letter wall signs, each measuring 38.82 SF in area – one will be centered over the main entry at the east elevation and one will be centered at the north elevation.

(Staff note: A pole sign is shown on the site plan, but no sign information/ drawings have been submitted in the application. The pole sign is therefore allowed without Design Review only if the pole sign area is less than 32 SF and the entire pole sign meets other relevant development standards in Title 32 (33.420.041 F. exempts signs 32 SF and less from Design Review requirements). If a pole sign larger than 32 SF is desired, another Design Review to consider the sign design would be required.)

Modification Request: Nonconforming upgrade regulations require the existing surface parking lot to be upgraded to meet perimeter landscaping (as well as other Zoning Code standards). The proposed surface parking lot layout meets all perimeter landscaping regulations except for the required 5' perimeter landscape buffer along the south property line, adjacent to the Living Room Theaters building. A Modification to this standard, in Table 266-5, along the south property line is therefore requested.

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 Section 33.825.040.

ANALYSIS

Site and Vicinity: This site is at an important intersection of downtown Portland – fronting SW 10th Avenue, the Portland Streetcar alignment, and SW Burnside Street, one of the City's major transit, pedestrian, vehicle streets. It is a busy intersection with a good deal of transit, pedestrian and vehicle traffic. Across SW Oak Street is a traffic island with an interactive public art piece. The site is about a quarter of a block, about 10,800 SF and is angled to follow the change in grid with SW Oak Street. The site includes an atypical downtown development pattern – a building setback from the street with surface parking between the building and the street. The building is a modest one-story building used for retail in the recent past. The main building elevation, facing SW 10th, is a jumble of materials, storefront systems, etc. The elevation facing SW Oak/W Burnside is blank. The site is substandard in parking lot landscaping and public right-of-way sidewalk widths.

Zoning: The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together.

The design (d) overlay zone 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 must meet the Community Design Standards (Chapter 33.218) or are subject to design review.

Land Use History: City records indicate one prior land use review since 1990. LUR 95-00393 DZ approved a reader board sign.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **July 8, 2010**. The following Bureaus have responded with no issues or concerns: BDS Site Development, Bureau of Environmental Services. The Fire Bureau did not respond.

The Bureau of Transportation Engineering responded with the following comment: Exhibit E-1.

Portland Bureau of Transportation/Development Review (PBOT) has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.

STREET CLASSIFICATION

The site has frontages along SW Oak St and SW 10th Ave. At this location, the City’s Transportation System Plan classifies the streets as follows: SW Oak: Traffic Access street and a Local Service street for all other modes. SW 10th Ave: Traffic Access street, Transit Access street, Local Service Bikeway, Central City Transit/Pedestrian street and a Community Main Design street. The site is also located within the Downtown Pedestrian District.

DESIGN REVIEW APPROVAL CRITERIA

There are no applicable transportation related approval criteria associated with the proposed Design Review.

TITLE 17 REQUIREMENTS

Transportation System Development Charges (Chapter 17.15)

System Development Charges (SDCs) may be assessed for this development. The applicant can receive an estimate of the SDC amount prior to submission of building permits by contacting Rich Eisenhauer at (503) 823-6108.

Driveways and Curb Cuts (Section 17.28)

Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits.

Street Improvements (Section 17.88.010)

17.88.020.A states as follows; “No single family, multiple dwelling, industrial or commercial building shall be constructed, or altered so as to increase its number of occupants, or make significant alterations to a building without resulting in increased occupancy, on property that does not have direct access by frontage or recorded easement with not less than 10-ft width of right of way to a street used for vehicular traffic.”

17.88.010.C states that “Significant alterations” are changes to property that are 35% or greater than the assessed value of all improvements on the site. Mandatory improvements for fire, life safety and accessibility do not count toward the threshold.

It is PBOT’s understanding that proposed project valuation is \$240,000 which is much greater than the above referenced 35% assessed value of all improvements on the site (\$56,740). Accordingly, the applicant will be required to provide the following frontage improvements.

It is typical Portland Transportation procedure to review existing roadway configurations by referring to City GIS database resources in order to determine the necessary dedications and/or improvements related to proposed land use cases. City staff may receive different information from the applicant’s engineer with regard to the existing condition of the subject roadways based on the actual survey of the site.

According to City database sources, at this location, SW Oak is improved with 36-ft of paving within an 60-ft right-of-way (r.o.w.). The site’s SW Oak frontage is also improved with a 0-12-0 sidewalk corridor [12-ft curb-tight sidewalk]. According to City database sources, at this location, SW 10th is improved with 42-ft of paving within an 60-ft right-of-way (r.o.w.). The site’s SW 10th frontage is also improved with a 0-9-0 sidewalk corridor [9-ft curb-tight sidewalk]. Based on the

CX zoning of the site, the street classification for SW Oak and the fact that the site is within a pedestrian district, the City's Pedestrian Design Guide recommends a 12-ft wide pedestrian corridor comprised of a 0.5-ft curb, 4-ft planter area, 6-ft sidewalk and 1.5-ft setback to the property line. The existing 12-ft wide curb-tight sidewalk satisfies the recommended overall width for the sidewalk corridor, but lacks the suggested elements of the corridor. Therefore, prior to the issuance of a Building Permit, the applicant will be required to cut tree wells and plant the appropriate number of street trees along the existing sidewalk corridor (along the site's SW Oak frontage). The prevailing sidewalk corridor along both sides of SW10th Ave and south of Burnside St (except for the subject block) is 0-15-0 [15-ft curb-tight sidewalk]. The City's Pedestrian Design Guide recommends a 15-ft wide pedestrian corridor comprised of a 0.5-ft curb, 4-ft planter area, 8-ft sidewalk and 1.5-ft setback to the property line. The existing 9-ft wide curb-tight sidewalk is therefore insufficient. Therefore, prior to the issuance of a Building Permit, the applicant will be required to dedicate 6-ft of property to accommodate the 15-ft wide sidewalk corridor. Additionally, the applicant will be required to widen the existing sidewalk by 3.5-ft to accommodate the 8-ft pedestrian through zone and tree wells. The applicant will be required to plant the appropriate number of street trees along the existing sidewalk corridor (along the site's SW 10th Ave frontage). The applicant will need to complete the dedication process prior to the issuance of a Building Permit. The applicant is encouraged to contact David Kuhnhausen of PBOT's Right-of-Way Acquisition section, at (503) 823-1287, to initiate the process. If the applicant disagrees with the above referenced frontage improvements, a Public Works Appeal can be filed for consideration by the City. A decision on such an appeal will have to be made prior to a decision being rendered on the subject Design Review request. The applicant should contact BDS staff to determine whether or not the land use process should be placed on hold in order to allow for the processing of a Public Works Appeal. Further information regarding the Public Works Appeal process and application form can be found at the following link: <http://www.portlandonline.com/index.cfm?c=43826>.

RECOMMENDATION

PBOT has no objections to the proposed Design Review. However, the applicant is advised that there will be right-of-way improvements required at the time of Building Permit review along both of the site's frontages and a property dedication requirement along the site's SW 10th Ave frontage, as discussed in the body of this response.

The BDS Fire Life Safety responded with the following comment: Exhibit E-2.

A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. More information regarding building code requirements can be obtained by visiting the Bureau of Development Services Development Services Center - 1900 SW 4th Ave, 1st floor. The Development Services Center is open Tuesday through Friday from 8:00 a.m. to 3:00 p.m. (closed on Mondays). No appointment is necessary. Building Code information is also available online at: <http://www.portlandonline.com/bds/>, or by calling (503) 823-1456.

The vertical clearance from the public right-of-way to the lowest part of an awning, including valances, shall be 7 feet minimum. OSSC 3202.2.3

Awnings, canopies, marquees and signs with less than 15 feet clearance above the sidewalk shall not extend into or occupy more than two-thirds the width of the sidewalk measured from the building. OSSC 3202.3.1

The Water Bureau responded with the following comment: Exhibit E-3.

The Water Bureau has no objections to the proposed building storefront remodel and addition of a canopy, signs and entry lights for the property located at 1016 W Burnside St. There is an existing 1" metered service (Serial #98044841, Account #2966484300) which provides water to

this location from the existing 20" CI main in SW 10th Ave. The estimated static water pressure range for this location is 60 psi to 76 psi at the existing service elevation of 54 ft. Conditions of Approval: None. Please call me if you have any questions or comments. My phone number is 503-823-7171

Urban Forestry responded with the following comment: *Street trees will be required with street improvements.*

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 8, 2010. Doug Klotz with the Portland Pedestrian Coalition participated in the review of this case and offered comments about how the initial project could be improved. The approved site plan includes responses to all concerns raised.

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 of the site's location, the applicable design guidelines are the Central City Fundamental Design Guidelines.

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City. 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 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.

A6. Reuse/Rehabilitate/Restore Buildings.

Findings: The proposal allows for the continued use of an existing one-story structure in Portland's downtown. This guideline is met.

A7. Establish and Maintain a Sense of Urban Enclosure.

B2. Protect the Pedestrian.

Findings: The project "protects the pedestrian environment from vehicular movement", "defines public rights-of-way" and "maintains a sense of urban enclosure" in the following ways: the parking lot is redesigned to include required planters and perimeter landscape, the parking lot is redesigned to accommodate required pedestrian paths, the sidewalk along SW 10th is widened to meet minimum Portland Transportation standards, and the sidewalk along SW 10th will include street trees to meet minimum City Forester standards. The sign and lighting at the east elevation announce the main entrance. The current proposal does not include exterior building equipment or mechanical exhaust routing systems; if proposed in the future these mechanical elements on the exterior of the building would be subject to another Design Review. These guidelines are met, in part, due to the proposed landscaping which is expected to provide ground cover, shrubs and trees; however, in the absence of a submitted landscape plan, a **condition of approval 'B'** must require: (1) all landscape areas shown on Exhibit C.1 to comply with (at least) the L2 standard of 33.248.020 B. and (2) all landscape areas shown on Exhibit C.1 to comply with installation and maintenance, including irrigation, listed in relevant sections of Chapter 33.248. With Conditions of approval these guidelines are met.

B1. Reinforce and Enhance the Pedestrian System.

B3. Bridge Pedestrian Obstacles.

B4. Provide Stopping and Viewing Places.

Findings: Through required non-conforming upgrades, specifically required pedestrian connections, the building will finally become well connected to the existing public sidewalk system; clearly depicted 6'-wide pedestrian paths will connect the main entrance through the existing surface parking lot to SW Oak/W Burnside and to SW 10th Avenue. The path to SW Oak/W Burnside is enhanced with a generous planter area, and a space wider than 6' to accommodate customers by foot, bike and car. These paths/spaces allow for safe pedestrian travel.

Additionally, the site will finally be improved to meet required public sidewalk width standards at SW 10th, a major pedestrian/transit street in downtown Portland. It is appropriate this widening occur given the amount of foot traffic along this street and in the immediate vicinity. The new right-of-way at SW 10th will also be required to meet street tree standards per the City Forester. Street trees will provide ample separation between pedestrians and moving vehicles.

These guidelines are met.

B6. Develop Weather Protection.

Findings: While the existing building is set back from the sidewalk and currently does not provide sidewalk-level weather protection, the proposed project does include a modest overhead canopy at the front entrance to protect patrons as they approach the main retail entrance. New landscaping, including required parking lot trees, and street trees will certainly improve shade opportunities for patrons and pedestrians. This guideline is met.

B7. Integrate Barrier-Free Design.

Findings: The site design (including parking lot reconfiguration) and building design (including the main entry) integrate access systems for all people. The renovated building will have fully accessible entry into the building as well as fully accessible travel routes from the adjacent sidewalks in compliance with the Americans With Disabilities Act (ADA). This guideline is met.

C2. Promote Quality and Permanence in Development.**C3. Respect Architectural Integrity.****C5. Design for Coherency.**

Findings: The materials proposed are standard and durable. The building is currently a jumble of materials, storefront systems, etc. This project is an attempt to unify the east elevation with consistent materials, finishes and systems. Existing openings are being used for the new storefront, which explains the organizations of openings. These guidelines are met.

A4. Use Unifying Elements.**A5. Enhance, Embellish, and Identify Areas.****A8. Contribute to a Vibrant Streetscape.****A9. Strengthen Gateways.****C4. Complement the Context of Existing Buildings.****C6. Develop Transitions between Buildings and Public Spaces.****C7. Design Corners that Build Active Intersections.**

Findings: The site is at a designated downtown Gateway. While the project doesn't necessarily announce the gateway in any special or unique way, the proposal does improve the existing conditions of the site. The proposal offers the following elements to improve this intersection's vibrant activity: parking lot landscape screening, including trees; wide concrete pedestrian paths connecting to both streets of this corner; street trees; a widened sidewalk, to meet PBOT minimum standards; clear glass storefront; entry lighting; an entrance canopy; and an interior tenant improvement to allow for a variety of retail tenants.

These guidelines are met, in part, due to the proposed landscaping which is expected to provide ground cover, shrubs and trees; however, in the absence of a submitted landscape plan, a **condition of approval 'B'** must require: (1) all landscape areas shown on Exhibit C.1 to comply with (at least) the L2 standard of 33.248.020 B. and (2) all landscape areas shown on Exhibit C.1 to comply with installation and maintenance, including irrigation, listed in relevant sections of Chapter 33.248.

The guidelines speak to ground level retail activating the street and the importance of a relationship between the inside of a building and the surrounding public realm. The way in which this project fulfills these goals is to provide clear glass storefront. Clear glass storefront is coherent with the immediate area, and many parts of Portland's downtown. To ensure compliance with these guidelines (and Zoning Code standards relating to ground floor windows 33.130.230) a **condition of approval 'C'** will require all storefront glass (except areas depicted "EL-11" on Exhibit C.4) to be clear. This condition will maintain that this project "develops visual and physical connections into buildings' active interior spaces from adjacent sidewalks."

With Conditions of Approval, these guidelines are met.

C11. Integrate Roofs and Use Rooftops.

Findings: The application does not include a proposal to alter the roof in any way. If, in

the future, new rooftop mechanical units and/or other rooftop elements are requested another Design Review would be required before that work can be done. This guideline is not applicable at this time.

C12. Integrate Exterior Lighting.

Findings: The only exterior lighting depicted, and therefore the only exterior lighting allowed to be installed, includes 2 wall sconces – one at either side of the main entry. These lights provide adequate announcement of the public entrance. In concert with right-of-way street lighting and light spill through the clear glass storefront from interior lights, this site should provide adequate safety at night. This guideline is met.

C13. Integrate Signs.

Findings: The only building signage proposed includes two internally illuminated individual letter wall signs, each measuring 38.82 SF in area – one will be centered over the main entry at the east elevation and one will be centered at the north elevation. This is a modest one-story retail building close to or at designated pedestrian streets in Portland's downtown, and because of this context, the limited signage proposed (letter height restricted to 20" and a sign made of individual letters) is appropriate. **Condition of approval 'D'** will require that any wall sign for this building maintain a letter height of 20" or less so that the proposed wall signs will remain at their proposed compatible proportion and any possible future changes to the sign copy (which is not subject to Design Review) will not be out of scale with this building and its context.

With regard to the signs' integration with the building, their placement (centered above the main entry at the east elevation and centered at the north elevation) is appropriate for this non-descript building.

As typically required through Design Review, the electric raceway elements to power the signs, should be located inside the building (not on the building's exterior skin as depicted in the submitted sign drawings). The façade would then be visible between the letters, the sign would appear more integrated with the building, and, overall, the sign would have a lighter touch on the building wall. **Condition of approval 'E'** will require that the raceway for both signs be located inside the building. For the same reasons, a **condition of approval 'F'** will require that the conduit for both signs not be visible beyond the outline of both signs. These specifically considered aspects of the signs' attachment to the building exterior (raceway and conduit) help integrate the sign by minimizing and/or eliminating views of mechanical aspects of the sign technology, leaving only the actual lettering exposed on the exterior of the building.

Staff note: A pole sign is shown on the site plan, but no sign information/drawings have been submitted in the application. The pole sign is therefore allowed without Design Review only if the pole sign area is less than 32 SF and the entire pole sign meets other relevant development standards in Title 32 (33.420.041 F. exempts signs 32 SF and less from Design Review requirements). If a pole sign larger than 32 SF is desired, another Design Review to consider the sign design would be required.

With Conditions of Approval, these guidelines are met.

33.825.040 Modifications That Will Better Meet Design Review Requirements:

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design

review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met: **A. Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and **B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Modification Request: Nonconforming upgrade regulations require the existing surface parking lot to be upgraded to meet perimeter landscaping (as well as other Zoning Code standards). The proposed surface parking lot layout meets all perimeter landscaping regulations except for the required 5' perimeter landscape buffer along the south property line, adjacent to the Living Room Theaters building. A Modification to this standard in Table 266-5 along the south property line is therefore requested.

Purpose Statement: *The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. The setback and landscaping standards:*

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and
- especially from adjacent residential zones;
- Provide flexibility to reduce the visual impacts of small residential parking lots;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

Findings: The proposed perimeter landscaping will be at all open sides of the lot not bounded with existing buildings to provide a vehicle area that is “safe and attractive for motorists and pedestrians”. The proposed landscaping provides a soft boundary to all surrounding ground surfaces, especially at the interface with the public sidewalk where it is needed most, and creates a natural visual screen while maintaining visual access for safety of those in and around the parking lot. There are no adjacent, ground level residences.

The proposed interior landscaping (which is not required by Code, but provided to counteract the impacts of this requested Modification) bounds the entry/exits along the streets thus directing the flow of traffic. The proposed, not required interior landscaping will further define the parking space boundaries. The addition and placement of bicycle parking nearby the building entry and alongside a new planter will reduce the traffic flow where pedestrians are most likely to be. A new planter protects the bicycle parking from internal parking lot traffic.

The proposed landscaping will at least minimal required Zoning Code standards, per **condition of approval ‘B’**, to help shade the parking lot. The South edge of the property line, where the Modification is requested, is bound by a building to offset screening needs.

Proposed interior and perimeter landscaping will reduce the amount, rate, and temperate of stormwater runoff, by reducing the impervious surface area. It will also absorb airborne and water pollution.

The landscaping is focused where it is needed most: (1) along the 2 street frontages to improve the pedestrian environment (better meeting Guidelines B2 and B6), (2) within the surface lot to break up large expanses of asphalt (better meeting Guideline B2), and (3) nearby the main entrance to buffer pedestrians and create a pleasant building entry sequence (better meeting Guidelines B1-B4).

The criteria are 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

With the Conditions of Approval noted above, the approval criteria are met.

ADMINISTRATIVE DECISION

Approval of **design review** for a storefront remodel. The east elevation will have updated storefronts, an entrance canopy, entry lights, and 2 small projecting elements above 2 other storefronts. The primary building material, stucco, will be improved with new. The parking lot will be restriped for a maximum of 10 vehicles. The parking lot will also be upgraded to include required parking lot landscaping, required pedestrian connections and required bike parking. The only building signage proposed includes two internally illuminated individual letter wall signs, each measuring 38.82 SF in area – one will be centered over the main entry at the east elevation and one will be centered at the north elevation.

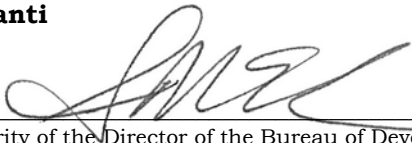
Approval of the following **modification request**: Nonconforming upgrade regulations require the existing surface parking lot to be upgraded to meet perimeter landscaping (as well as other Zoning Code standards). The proposed surface parking lot layout meets all perimeter landscaping regulations except for the required 5' perimeter landscape buffer along the south property line, adjacent to the Living Room Theaters building. A Modification to this standard, in Table 266-5, along the south property line is approved.

Approvals per the approved plans, Exhibits C-1 through C-7, signed and dated September 20, 2010, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through G) 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 10-141570 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. All landscape areas shown on Exhibit C.1 must comply with (at least) the L2 standard of 33.248.020 B. All landscape areas shown on Exhibit C.1 must comply with installation and maintenance, including irrigation, listed in relevant sections of Chapter 33.248. Demonstration of compliance with this condition is required prior to the sign-off of building permits.
- C. All storefront glass (except areas depicted "EL-11" on Exhibit C.4) must be clear. Demonstration of compliance with this condition is required prior to the sign-off of building permits.
- D. No individual letter will be greater than 20" in height for the proposed wall signs and any future copy changes of the proposed wall signs. Demonstration of compliance with this condition is required prior to the sign-off of sign and building permits.
- E. The raceway for both signs will be located inside the building. Demonstration of compliance with this condition is required prior to the sign-off of sign and building permits.

- F. The conduit for both signs will not be visible beyond the outline of both signs. Demonstration of compliance with this condition is required prior to the sign-off of sign and building permits.
- G. No field changes allowed.

Staff Planner: Kara Fioravanti

Decision rendered by:  **on September 20, 2010**
By authority of the Director of the Bureau of Development Services

Decision mailed: September 23, 2010

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 May 27, 2010, and was determined to be complete on June 30, 2010.

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 May 27, 2010.

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. However, the final drawings were not submitted until: 9-10-10 for the site plan, and 9-7-10 and 9-10-10 for the sign information. Unless further extended by the applicant, **the 120 days will expire on: October 28, 2010.**

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. If an appeal is filed, an appeal hearing is already set for October 21, 2010 at 1:30 PM. For this appeal hearing to happen, appeals must be filed **by 4:30 PM on**

October 7, 2010 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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 is already scheduled for October 21, 2010 at 1:30 PM. 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 **October 8, 2010 – (the day following the last day to appeal)**.
- 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 Submittal
 - 1. Existing site and vicinity photos
 - 2. Initial submittal of building/parking
 - 3. 6-10-10 initial sign submittal
 - 4. Revised drawing set 6-30-10
 - 5. Existing site and vicinity photos
- B. Zoning Map (attached)
- C. Plans/Drawings: (all attached)
 - 1. Site Plan
 - 2. Floor Plan
 - 3. Reflected Ceiling Plan
 - 4. East and North Elevation, Main Entry Section
 - 5. Details/Sections
 - 6. East and North Elevations with proposed signage
 - 7. Sign Elevation/Section
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Transportation Engineering and Development Review
 - 2. Bureau of Development Services, Fire Life Safety Division
 - 3. Water Bureau
- F. Correspondence: *None received*
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. 6-17-10 incomplete application letter
 - 4. 6-28-10 applicant's response to incomplete letter, received BDS 6-30-10
 - 5. 7-6-10 – 7-12-10 email correspondence regarding signage
 - 6. 8-6-10 recap of LU application status
 - 7. 9-3-10 preliminary revised site plan submitted
 - 8. 9-7-10 preliminary revised sign elevations submitted
 - 9. 9-7-10 staff response to preliminary revised site plan and 9-10-10 final site plan and sign details submitted

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



Site



Historic Landmark



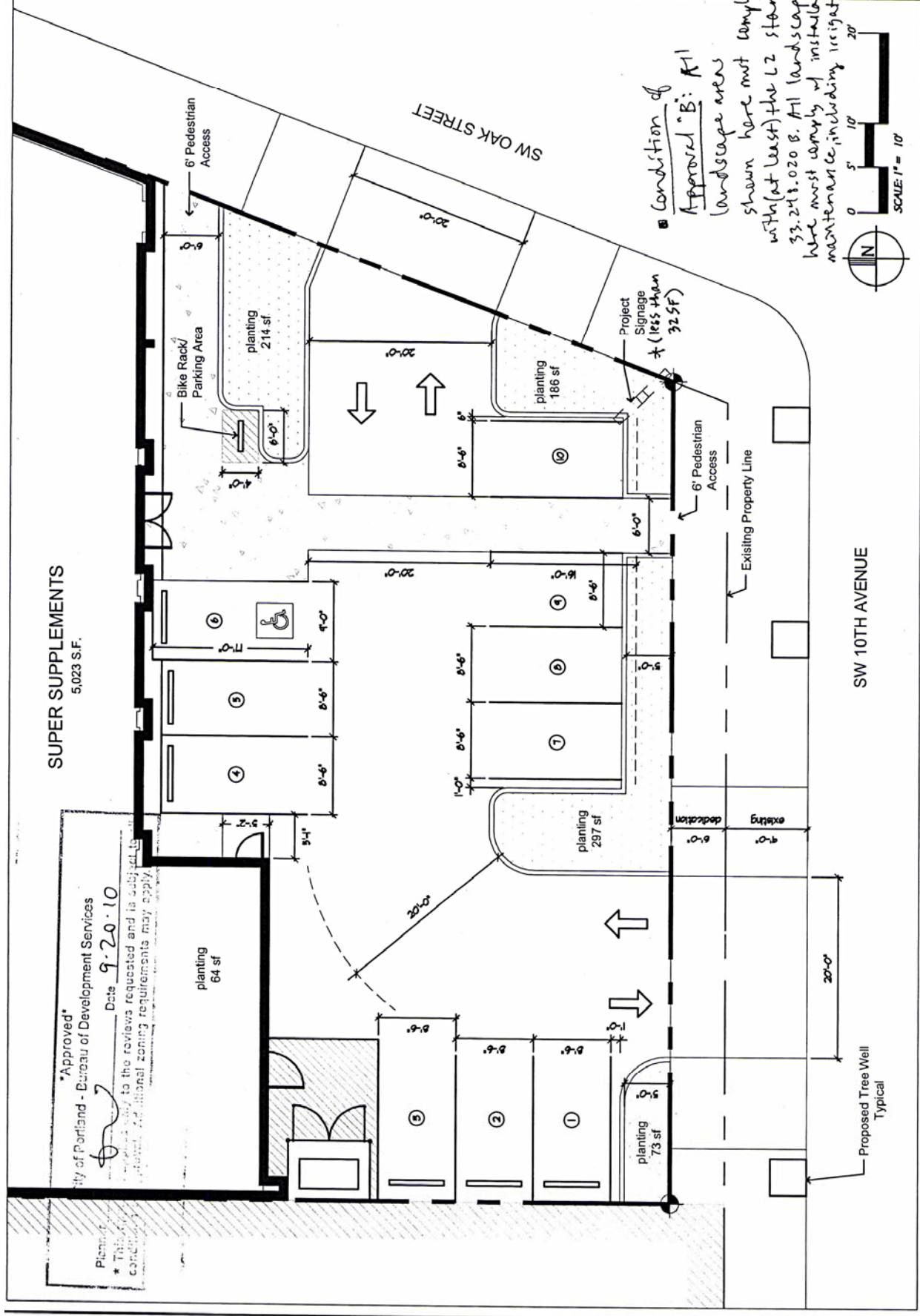
NORTH

This site lies within the:
CENTRAL CITY PLAN DISTRICT

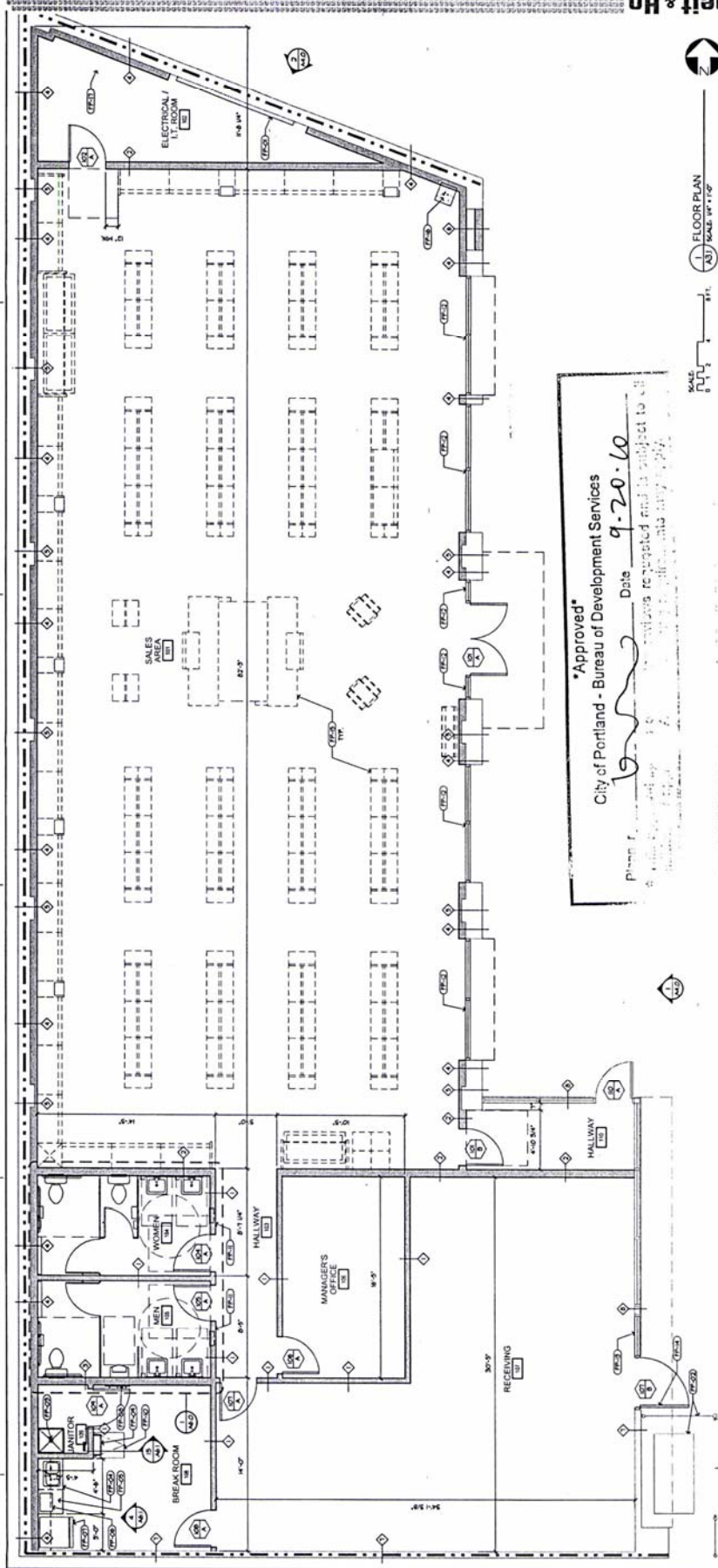
File No.	LU 10-141570 DZ
1/4 Section	3029
Scale	1 inch = 200 feet
State_Id	1N1E34CC 2000
Exhibit	B (Jun 01,2010)

Super Supplements Portland Preliminary Site Layout Portland, OR






Job #: 10-108
 Date: 10-14-10
 Condition of
 Approval "B": A1
 (landscape area
 shown here not comply
 with (at least) the L2 standards of
 33.248.020 B. A1 landscape areas shown
 here must comply with installation &
 maintenance, including irrigation, of 33.248.



Approved*
 City of Portland - Bureau of Development Services
 Date: 9-20-10
 * This plan is subject to the reviews requested and is subject to change. Additional zoning requirements may apply.



FLOOR PLAN LEGEND

	EXISTING WALL CONSTRUCTION TO REMAIN
	NEW WALL CONSTRUCTION
	NEW HALF WALL CONSTRUCTION
	INTERIOR PARTITIONS BY OTHERS
	NEW CONCRETE FLOOR TO MATCH EXISTING

WALL INSULATION

EXISTING BALCONY PERIMETER FLEXITURON WALLS
NEAR FEET OF WALLS TO BE HEATED BY R-2 INSULATION

WALL SCHEDULE

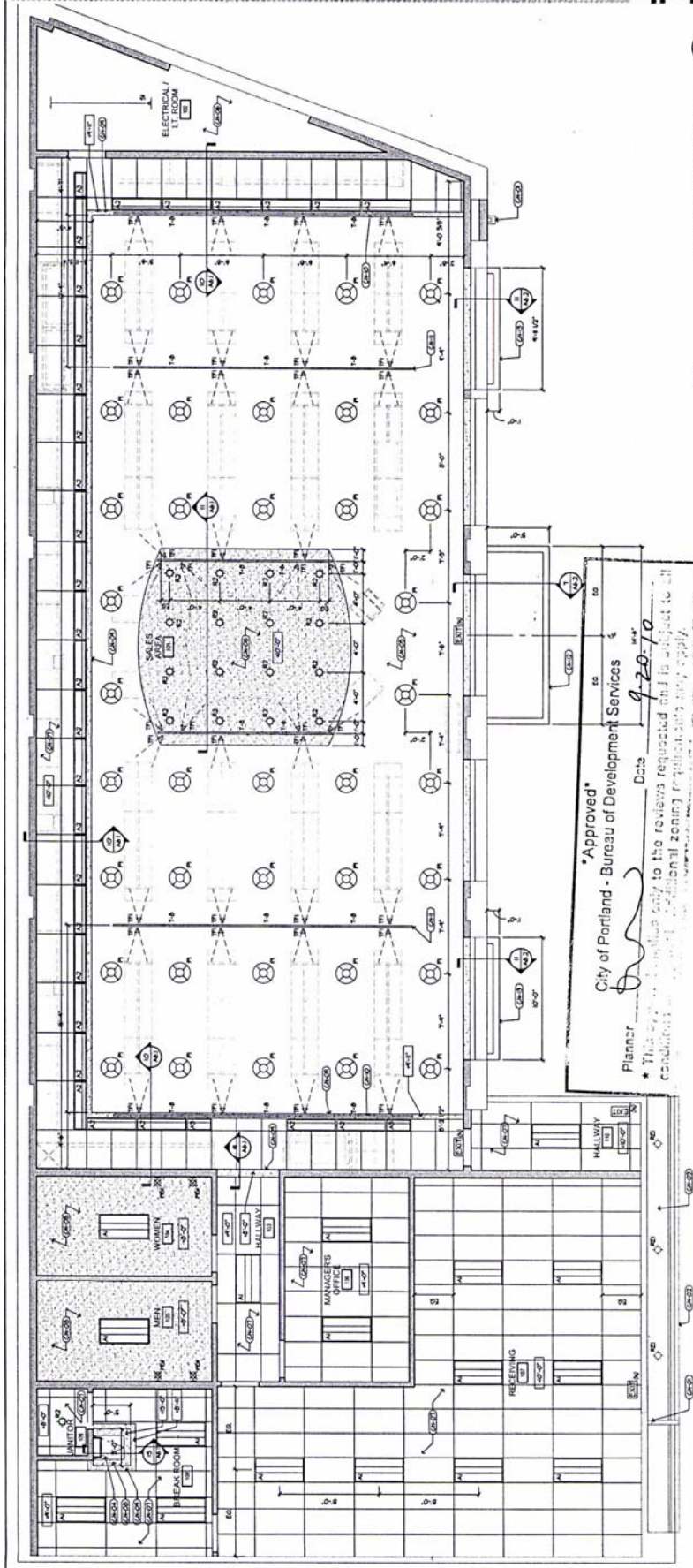
[illegible]

FLOOR PLAN KEY NOTES

[illegible]

FLOOR PLAN GENERAL NOTES

- PROVIDE THE EXTRASIES AS REQUIRED BY BLOOM'S REQUIREMENT.
- PROVIDE AND DO NOT FILL MARSHAL REQUIREMENTS. VERIFY LOCATION WITH OWNER AND THE MARSHAL.
- PROVIDE AND REPAIR EXISTING WALLS WITH 12" TYPE X AND WHERE ADJACENT WALLS HAVE BEEN DISCHARGED.
- EXISTING GROUND TO A MINIMUM OF 4" ABOVE AGRICULTURAL USE IN TILES.
- LEVEL OFF ALL UNPAVED AREAS AND PREPARE FLOOR FOR NEW FINISHES.
- PROVIDE IN UNPAVED 1" LAYER BLOOMING ON ALL PERIMETER WALLS IN THE SALES AREA AT 0' 10" AFF, 0' 10" AFF, AND 0' 10" AFF TO BOTTOM OF BLOOMING.
- CONTRACTOR TO VERIFY THAT EXISTING ROOF WAS BUILT IN FULL POLLATION. IF NO EXISTING POLLATION EXISTS, CONTRACTOR TO INSTALL A NEW ROOF POLLATION.
- ALL EXTERIOR WORK UNDER SIGNATURE PAVEMENT.



Approved* City of Portland - Bureau of Development Services	\$0 \$0	\$0
Planner _____	Date <u>9-20-94</u>	

* This fee is assessed only to the reviewers requested and is subject to an additional zoning application fee, if applicable.

SCALE:

0' 1' 2'












































8 FT.

(1) REFLECTED CEILING PLAN

A7) SCALE: 1/8" = 1'-0"

Z

REFLECTED CEILING PLAN LEGEND	REFLECTED CEILING PLAN LEGEND CON'T	REFLECTED CEILING PLAN KEY NOTES	REFLECTED CEILING PLAN GENERAL NOTES
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- | | |
|---|---|
| 
EXISTING WALL CONSTRUCTION TO REMAIN

NEW WALL CONSTRUCTION PER FLOOR PLAN, SEE SHEET A-3

NEW BALCONY

EXISTING GLASS

NEW SKY TYPE X AND GLASS

EXISTING CEILING CONSTRUCTION TO REMAIN

NEW SOFFIT

NEW SUSPENDED ACOUSTICAL CEILING TILE AND GRID | 
EXISTING

LIGHT FIXTURE TYPE E1

LIGHT FIXTURE TYPE E2

LIGHT FIXTURE TYPE E3

LIGHT FIXTURE TYPE E4

LIGHT FIXTURE TYPE E5

LIGHT FIXTURE TYPE E6

LIGHT FIXTURE TYPE E7

LIGHT FIXTURE TYPE E8

LIGHT FIXTURE TYPE E9

LIGHT FIXTURE TYPE E10

LIGHT FIXTURE TYPE E11

LIGHT FIXTURE TYPE E12

LIGHT FIXTURE TYPE E13

LIGHT FIXTURE TYPE E14

LIGHT FIXTURE TYPE E15

LIGHT FIXTURE TYPE E16

LIGHT FIXTURE TYPE E17

LIGHT FIXTURE TYPE E18

LIGHT FIXTURE TYPE E19

LIGHT FIXTURE TYPE E20

LIGHT FIXTURE TYPE E21

LIGHT FIXTURE TYPE E22

LIGHT FIXTURE TYPE E23

LIGHT FIXTURE TYPE E24

LIGHT FIXTURE TYPE E25

LIGHT FIXTURE TYPE E26

LIGHT FIXTURE TYPE E27

LIGHT FIXTURE TYPE E28

LIGHT FIXTURE TYPE E29

LIGHT FIXTURE TYPE E30

LIGHT FIXTURE TYPE E31

LIGHT FIXTURE TYPE E32

LIGHT FIXTURE TYPE E33

LIGHT FIXTURE TYPE E34

LIGHT FIXTURE TYPE E35

LIGHT FIXTURE TYPE E36

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LIGHT FIXTURE TYPE E41

LIGHT FIXTURE TYPE E42

LIGHT FIXTURE TYPE E43

LIGHT FIXTURE TYPE E44

LIGHT FIXTURE TYPE E45

LIGHT FIXTURE TYPE E46

LIGHT FIXTURE TYPE E47

LIGHT FIXTURE TYPE E48

LIGHT FIXTURE TYPE E49

LIGHT FIXTURE TYPE E50

LIGHT FIXTURE TYPE E51

LIGHT FIXTURE TYPE E52

LIGHT FIXTURE TYPE E53

LIGHT FIXTURE TYPE E54

LIGHT FIXTURE TYPE E55

LIGHT FIXTURE TYPE E56

LIGHT FIXTURE TYPE E57

LIGHT FIXTURE TYPE E58

LIGHT FIXTURE TYPE E59

LIGHT FIXTURE TYPE E60

LIGHT FIXTURE TYPE E61

LIGHT FIXTURE TYPE E62

LIGHT FIXTURE TYPE E63

LIGHT FIXTURE TYPE E64

LIGHT FIXTURE TYPE E65

LIGHT FIXTURE TYPE E66

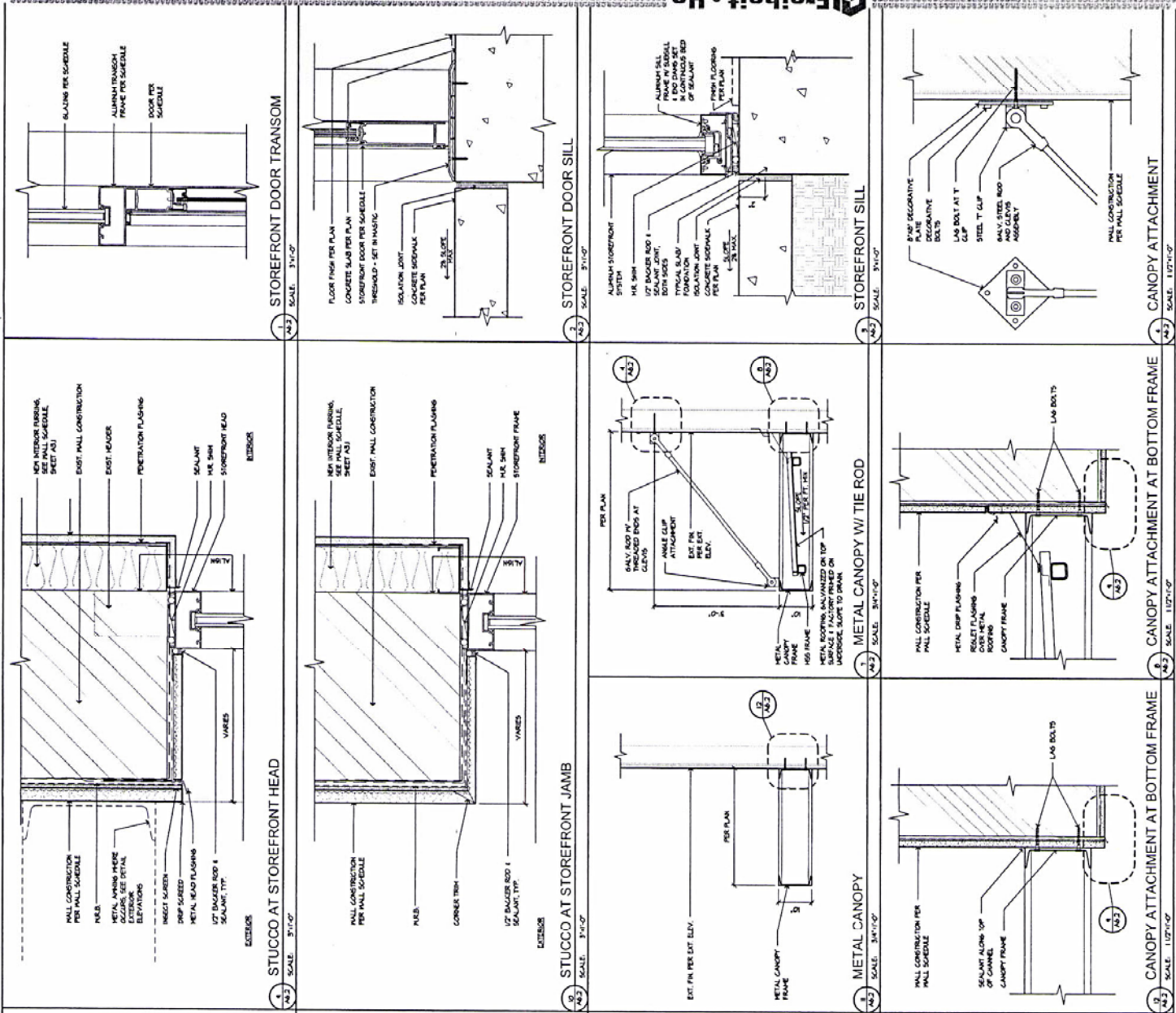
LIGHT FIXTURE TYPE E67

LIGHT |
|---|---|

0741520
e7nc5

6.30-10

A6.2

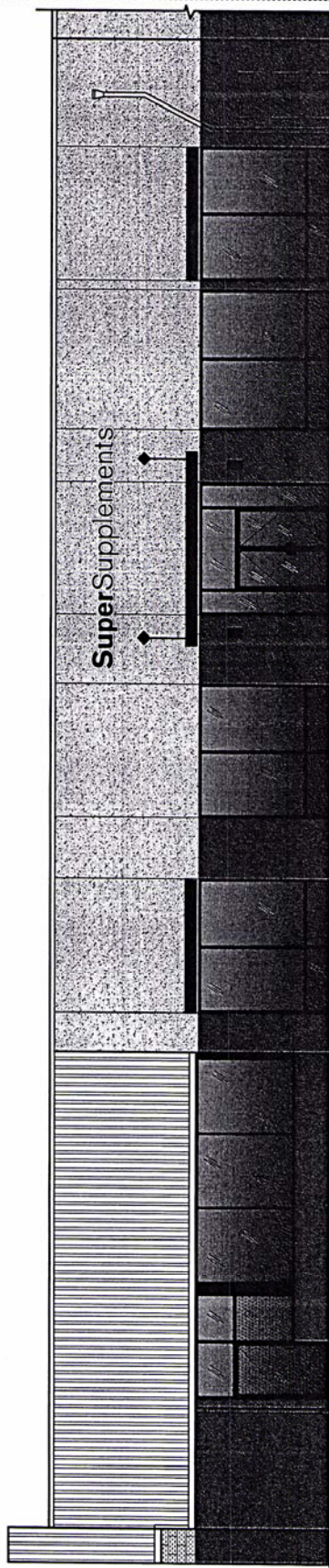
PROJECT NUMBER: 618-543
 PROPERTY & HQ ARCHITECTS, INC., P.A.P.C. 620810

Approved

City of Portland - Bureau of Development Services

Planner [Signature] Date 9-20-10

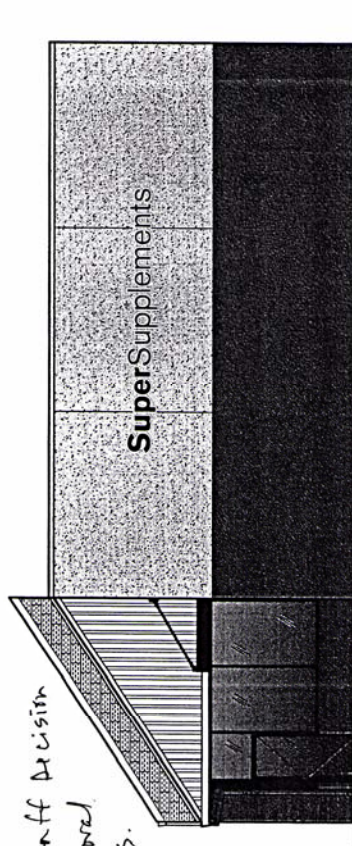
This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



SCALE 1/8" = 1'-0"
EAST ELEVATION

Condition of Approval "c": All storefront glass (except areas depicted "EL-11" on 201 C. 6) must be clear.

See Exhibit C.7 or Staff Decision for Conditions of Approval related to the signs.

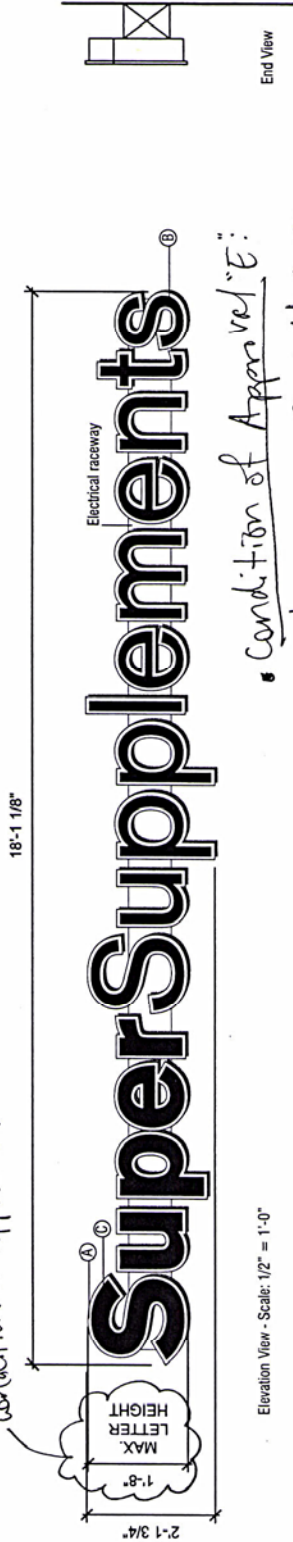


SCALE 1/8" = 1'-0"
NORTH ELEVATION

Approved
City of Portland - Bureau of Development Services
Planner: [Signature] Date: 9.20.10

Pan channel letters with plastic tricapped letters with vinyl overlay and a white scratch border on an exterior raceway.

Condition of Approval "D":



Elevation View - Scale: 1/2" = 1'-0"

Condition of Approval "E":

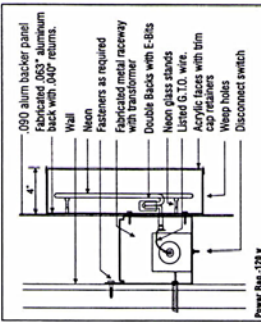
"The raceway for both signs will be located inside the building."

Manufacture and install one set of illuminated channel letters with a cutout aluminum backer panel

- ① Aluminum cutout .090 backer panel on logo only, satin finish. Exterior raceway, paint to match fascia, Rodda #866 - Smoke.
- ② Channel copy: "Supplements" channel letters will have white acrylic faces, with a teal translucent vinyl overlay, and a white scratch border. Bronze trimcap and returns, illuminate internally with 6500 white neon.
- ③ "Super" will have white acrylic faces, with a burgundy translucent vinyl overlay and a white scratch border. Bronze trimcap and returns, illuminate internally with 6500 white neon.

Condition of Approval "F":

"The conduit for both signs will not be visible beyond the outline of both signs."



Section View of Letter - NTS

Sign Area:
18.09 x 2.15 = 38.89 sq ft
Total sign area allowed per code: 103 square feet
(includes removal of existing readerboard sign on North elevation)

Verify color matches to corporate specifications

3M vinyl Burgundy 230-49	3M vinyl Teal 230-246
--------------------------------	-----------------------------

Approved
City of Portland - Bureau of Development Services
Planner: [Signature] Date: 9.20.10