



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: November 2, 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

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 10-182395 DZ
WEST END BIKES STOREFRONT REMODEL

GENERAL INFORMATION

Applicant: City of Portland, Listed Owner

222 NW 5th Avenue / Portland, OR 97209

Representative: Timothy R. Eddy, Hennebery Eddy Architects, Inc

921 SW Washington / Portland, OR 97205

Site Address: 1103-1121 SW STARK STREET BLOCK 88 TL 200, PORTLAND

Tax Account No.: R667709170

State ID No.:1N1E33DD 00200Quarter Section:3028Neighborhood: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: DZ, Design Review

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

Commission.

PROPOSAL: The applicant seeks design review approval for a partial storefront remodel. The proposed scope of work includes: new ground level storefront windows for most of the SW 11th frontage, a glass panel overhead door at the SW 11th frontage, new ground level storefront windows for approx. half of SW Stark, and lighting at the building pilasters and entries.

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.

ANALYSIS

Site and Vicinity: The building was built in 1911 as multi-family housing with commercial on the ground floor. The tenant space has a partial mezzanine level and is characterized by a repetitive bay structure on the ground floor with a rhythm of punched openings on the upper floors. The exterior walls are glazed storefront on the ground floor and brick on the upper floors. The tenant space proposed for the current remodel has been renovated a number of times, in two cases affecting the appearance of the exterior on SW 11th Avenue:

- Aluminum storefront was added for one bay approx. 35' north of SW Stark St.
- Infill stud wall with closely spaced punched openings and an entryway was added to the bay directly adjacent on the north side to the above mentioned bay.

The site sits at an important intersection in downtown Portland's grid system. SW 11th, the southbound Streetcar lane, shifts at SW Stark Street. The immediate vicinity is a heavily travelled pedestrian neighborhood with active ground levels.

Zoning: The **RX zone** is a high-density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. The maximum size of buildings and intensity of use are regulated by floor area ratio limits and other site development standards. The major types of new housing development will be medium and high rise apartments and condominiums, often with allowed retail, institutional, or other service-oriented uses.

Per 33.510.118 H. 3., Retail Sales and Service uses in the RX zone of the West End of the Central City Plan District are allowed as follows: up to 20% of the floor area may be in Retail Sales and Service and Office uses. The building includes more than 20% of Retail Sales and Service and Office uses and is therefore nonconforming. The retail use in this building has maintained its <u>nonconforming status</u>. The previous tenant in the subject space left the building in 2007, which is within the timing requirement for nonconforming uses to not be discontinued for more than 3 continuous years (33.258.050 D.) The other retail tenant in the building is still occupying its space.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review.

Land Use History: City records indicate that no prior land use reviews since 1991.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **October 11, 2010**. The following Bureaus have responded with no issues or concerns: Site Development and Bureau of Environmental Services.

The <u>Bureau of Development Services</u>, <u>Fire Life Safety</u> responded with the following comment: Exhibit E.1

A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances.

If any work to the interior building is proposed, please be aware that a building code appeal will be required since the building is designated as a Chapter 13 structure.

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 Water Bureau responded with the following comment: Exhibit E.2

The Water Bureau has no objections to the proposed storefront remodeling for the building located at 1103 – 1121 SW Stark St.

There are four individual service addresses for this building and are as follows:

- 1. 319 SW 11th Ave 5/8" metered service (Serial #20503301, Account #2965440300)
- 2. 1103 SW Stark St 5/8" metered service (Serial #20503298, Account #2990519300)
- 3. 1117 SW Stark St 5/8" metered service (Serial #20503254, Account #2985799900) 1" metered service (Serial #20820463, Account #2978014900)
- 4. 1121 SW Stark St 5/8" metered service (Serial #20503300, Account #2995678100)

 The above mentioned services are provided water from the existing 6" CI main in SW 11th Ave.
- 5. 1117 SW Stark St 4" metered fire service (Serial #101561, Account #2984518000) This service is provided water from the existing 16" CI main in SW Stark St.

The estimated static water pressure range for this location is 58 psi to 73 psi at the existing service elevation of 61 ft. Conditions of Approval: None. Please call me if you have any questions or comments. My phone number is 503-823-7171.

The <u>Fire Bureau</u> responded with the following comment: Exhibit E-3 The applicant is required to obtain a separate building permit for the proposed work. All the requirements of the Fire Code will be identified during plan review and any requirements will apply at time of development.

The <u>Bureau of Transportation Engineering</u> responded with the following comment: Exhibit E-4 Portland Transportation/Development Review 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. The proposed work is estimated at a value that is <35% as compared to the assessed value of existing improvements. Based on this proposal - no impact to the public transportation system is anticipated, no work is to occur within the public ROW. Transportation has no objection to this proposal (as provided below) for on site exterior improvements. Any additional work outside of the scope of this proposal will need to be assessed for Transportation requirements, at the time of submittal (i.e. permitting).

The <u>Bureau of Parks-Forestry Division</u> responded with the following comment: *Street trees will be required.*

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **October 11**, **2010**. 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 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.

A2: Emphasize Portland Themes Findings:

- New ground floor storefront windows are installed to provide continuity to downtown Portland's active retail core.
- Further, a new glazed overhead door is installed in one ground level bay to enliven the sidewalk when it is open and encouraging interaction with the public realm. This guideline is met.

A4: Unifying Elements

A5: Enhance, Embellish and Identify Areas

C4: Complement the Context of Existing Buildings

Findings:

- Maintaining an active street level reinforces the rhythm of the surrounding neighborhood.
- The proposed improvements are consistent with building frontages that are found in several different districts within the Central City Plan district.
- New storefront is configured to be consistent with the original design of the building, and other buildings of like age and type.

 These guidelines are met.

A6: Re-Use/Rehabilitate/Restore Buildings Findings:

• The proposed improvements are rehabilitation measures to the existing tenant space. This guideline is met.

A7: Establish and Maintain a Sense of Urban Enclosure Findings:

- The existing building is built out to the property lines on both street facing elevations.
- The configuration of storefront and the glazed overhead door provide transparency with views into the building from the street and vice versa.

This guideline is met.

A8: Contribute to a Vibrant Streetscape Findings:

- Glazed areas are numerous and expansive adjacent to the sidewalk.
- The glazed overhead door provides an opportunity for activities from the tenant space to spill out onto the street.

This guideline is met.

B2: Protect the Pedestrian

Findings:

- Surface-mounted light fixtures on both building elevations will enhance pedestrians' perception of safety and add another layer of façade articulation that reinforces the bay configuration of the existing building.
- Soffit lighting at entries illuminates recessed entries and announces entries for enhanced pedestrian safety.
- Areas of blank wall and inactive frontage are minimized.

This guideline is met.

B6: Develop Weather Protection Findings:

• The existing building does not include pedestrian protection at this tenant space. The proposed entries are recessed for a bit of rain protection for those entering or exiting the tenant space.

This guideline is met.

B7: Integrate barrier-free design

Findings:

• ADA accessible entry will be located on SW Stark St.

This guideline is met.

C2: Promote Quality and Permanence in Development

C3: Respect Architectural Integrity

C5: Design for Coherency

Findings:

- New storefront will be anodized aluminum and glass.
- New glazed overhead door will match the storefront.
- The concrete stem wall is durable and includes a subtle level of detailing.
- All wood, metal and concrete components of this tenant remodel will be painted black for a consistent approach to the design.
- New ground floor storefront windows, doors and an overhead door are installed with a design to resemble the original configuration.

These guidelines are met.

C7: Design Corners that Build Active Intersections Findings:

• Maintaining the large expanse and tall height of clear glass at this high profile corner maintains the corner's retail presence and vibrancy. This guideline is met.

C8: Differentiate the Sidewalk Level of Buildings

• The inherent character of the building differentiates the sidewalk level from those above. This proposal maintains that distinction.

This guideline is met.

C9: Develop flexible sidewalk-level spaces Findings:

- The proposed storefront at the east and south elevations allows for flexible tenant space and tenant entrance configuration.
- The overhead door at the east elevation works for a diverse array of tenants. This guideline is met.

C12: Integrate Exterior Lighting Findings:

• The proposed exterior lighting will reinforce the bay configuration of the existing building. This guideline is met.

C13: Integrate Signs Findings:

- As a "copy change", new signage is incorporated into existing compliant sign structures that are mounted at 90 degrees from the building façade. Copy changes to compliant signs are not subject to design review.
- New signage less than 32 SF is located at the new transom windows, and may be located inside the building. Exterior signs less than 32 SF and interior signs of any size are not subject to design review.
- New signage less than 32 SF is located on the existing column covers adjacent to each entry. Exterior signs less than 32 SF are not subject to design review. This guideline does not apply at this time.

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 approval criteria are met.

ADMINISTRATIVE DECISION

Approval of design review for a partial storefront remodel. The proposed scope of work includes: new ground level storefront windows for most of the SW 11th frontage, a glass panel overhead door at the SW 11th frontage, new ground level storefront windows for approx. half of SW Stark, and lighting at the building pilasters and entries. Approval per the approved plans, Exhibits C-1 through C-10, signed and dated November 1, 2010, subject to the following condition:

A. 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.10. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-182395 DZ. No field changes allowed."

Staff Planner: Kara Fioravanti

Decision rendered by: ______ on November 1, 2010

By authority of the Director of the Bureau of Development Services

Decision mailed: November 2, 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 October 6, 2010, and was determined to be complete on October 8, 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 October 6, 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. Unless further extended by the applicant, **the120 days will expire on: February 5, 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. Appeals must be filed by 4:30 PM on November 16, 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 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 November 17, 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

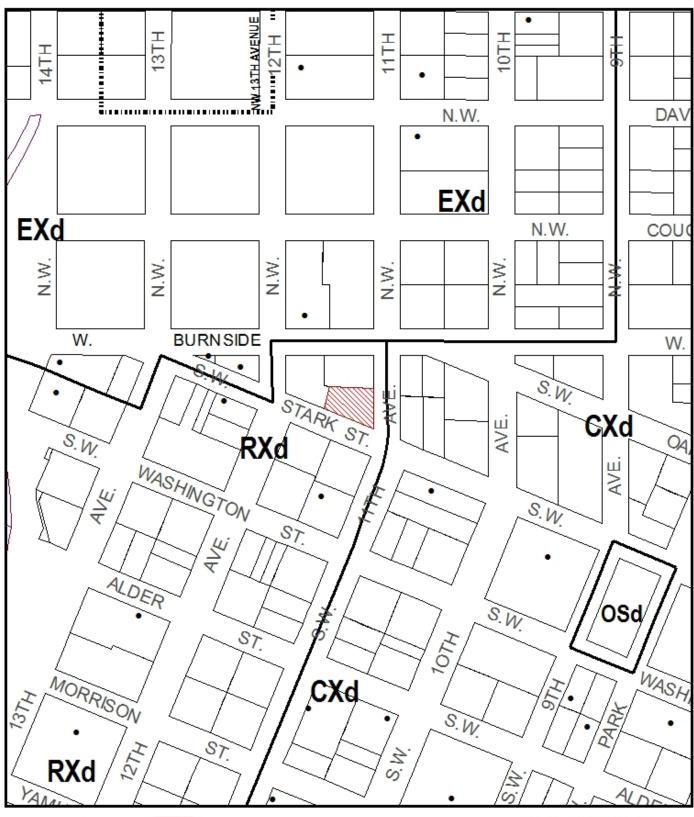
• All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 - 1. Original narrative
 - 2. Original drawings
 - 3. Revised narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Demo Plan South
 - 3. Demo Plan East
 - 4. Proposed Floor Plan
 - 5. Proposed South elevation (attached)
 - 6. Proposed East elevation (attached)
 - 7. Enlarged Elevation, typical storefront
 - 8. Typical Sections
 - 9. Light details
 - 10. Light details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Development Services, Fire Life Safety
 - 2. Water Bureau
 - 3. Fire Bureau
 - 4. Bureau of Transportation Engineering and Development Review
- F. Correspondence none received
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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 File No. LU 10-182395 DZ

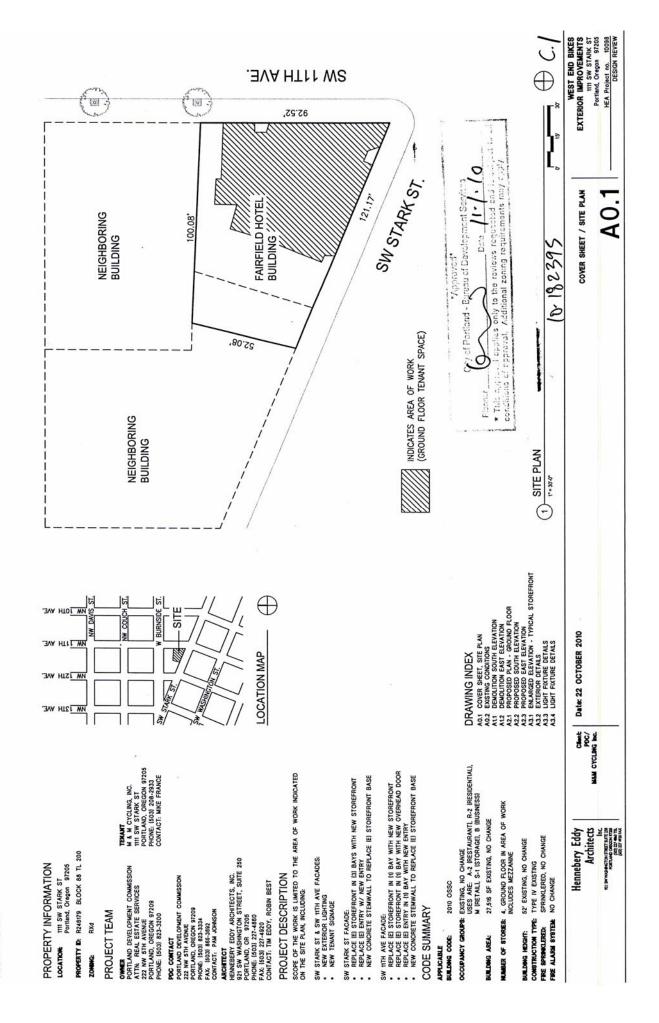
1/4 Section 3028

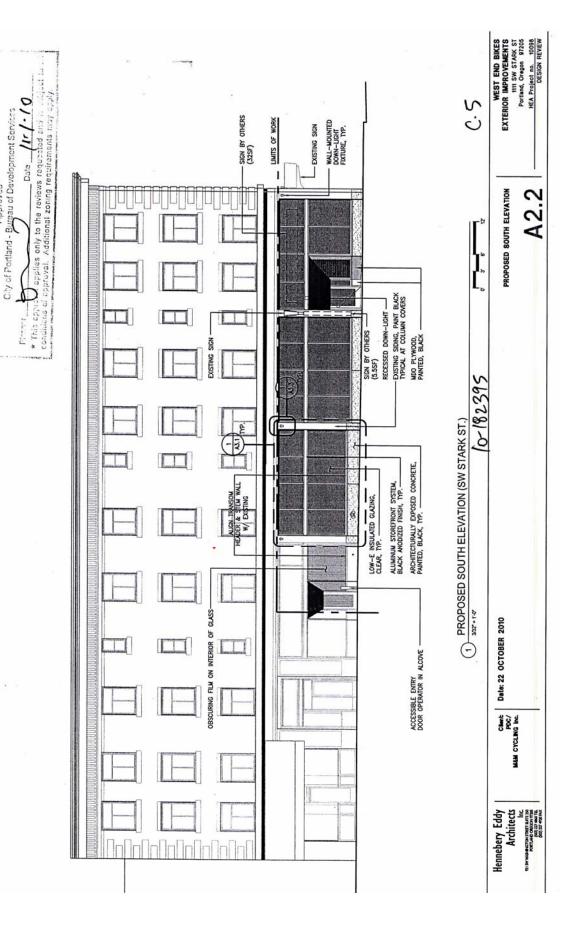
Scale 1 inch = 200 feet

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Exhibit B (0ct 08,2010)

WEST END BIKES - STOREFRONT IMPROVEMENT DESIGN REVIEW





Approved

