



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

FROM CONCEPT TO CONSTRUCTION

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Date: March 30, 2012
To: Interested Person
From: Sheila Frugoli, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

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

CASE FILE NUMBER: LU 12-104779 AD

GENERAL INFORMATION

Applicant: Christopher Tallmadge, Architect
Soderstrom Architects P C
1200 NW Naito Parkway, Suite 410
Portland, OR 97210

Owner: On-Point Community Credit Union
2701 NW Vaughn St., Suite 800
Portland, OR 97210

Site Address: 2688 NW VAUGHN ST

Legal Description: BLOCK 15 LOT 10 EXC PT IN STS LOT 11 EXC PT IN ST, NORTH PORTLAND

Tax Account No.: R612702030

State ID No.: 1N1E29DD 03500

Quarter Section: 2826

Neighborhood: Northwest District, contact John Bradley at 503-313-7574.

Business District: Nob Hill, contact Patricia Fielder at 503-407-6163.

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Zoning: CS, Storefront Commercial

Case Type: AD, Adjustment Review

Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal: The On-Point Credit Union is currently in the process of constructing a new 9,400 square foot branch bank with 8 parking spaces at the back of the building. The applicant requested an Adjustment to waive the required 5-foot deep perimeter parking lot landscaping, that must include a continuous row of low shrubs, ground cover and trees (L2, low screen landscaping standard). In lieu of the landscaping, the applicant proposed to install an 8-foot tall fence made of painted corrugated metal panels. On the south side of the parking area, the fence would be installed on a new retaining wall. Except along approximately a 6.5 foot length, the proposed south fence would screen the entire length of the south property line.

The applicant is requesting this Adjustment in order to increase the vehicle maneuvering area and to provide a tall visual screen along the property lines.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that Section 33.805.040.A-F, Adjustment Approval Criteria have been met

ANALYSIS

Site and Vicinity: The approximate 9,200 square foot corner site abuts other commercially-zoned sites. A restaurant with surface parking is located south of the site. To the east, a metal fabrication business is located in a concrete block, industrial-like building that is built to the property lines. On the north side of NW Vaughn Street, there is a large surface parking lot that is enclosed with a tall chain link fence. Kitty corner from the site, at the northeast corner of the intersection is the 850,000 square foot Montgomery Park Building which houses a variety of office and retail spaces. And a video production company, with parking in front of the building, is located on the west side of NW 27th Avenue. Except for the large accessory surface parking area that serves Montgomery Park, all the parking areas identified above have no perimeter or interior landscaping.

Zoning: The site is zoned CS, Storefront Commercial. The Storefront Commercial zone is intended to preserve and enhance older commercial areas that have a storefront character, which is predominantly built-up, with buildings close to and oriented to the sidewalk, especially at corners. The zone allows retail, office and residential uses.

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

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **February 16, 2012**. The following Bureaus have responded with no issues or concerns:

- Water Bureau (Exhibit E.3)
- Fire Bureau (Exhibit E.4)
- Site Development Section of BDS (Exhibit E.4)
- Bureau of Parks-Forestry Division (Exhibit E.4)

The Bureau of Environmental Services response included the following key comments:

- There is a 10-inch VSP public combined sewer located in NW Vaughn Street that can serve the sanitary disposal needs of this project.
- There is no public storm-only sewer available to this property.
- The overall project to construct a new two-story building with 8 parking spaces is over 500 square feet of impervious surface, thus is subject to the requirements of the SWMM. Per the current Stormwater Management Manual (SWMM) projects that develop or redevelop more than 500 square feet of impervious surface are required to comply with the Flow Control and Pollution Reduction requirements of the SWMM and a disposal location is required for all development projects which will be assessed at the time of building permit review. The stormwater management process has been reviewed under permit 11-159663 CO.
- In regards to the request for Adjustment of the landscaping requirements: BES has reviewed the site plans previously submitted under permit 11-159663 CO which show perimeter parking lot landscaping, thus showing the landscaping requirements can be met at this site. BES highly recommends that the applicant use these previously submitted plans that meet the landscaping requirements, and incorporate as much native vegetation as practical on the site. While the intent of the code is to provide a

visual screen, vegetation also serves important watershed health functions. Landscaping lowers the temperature of stormwater runoff, facilitates infiltration of stormwater (which recharges groundwater and increases stream base flows), reduces erosion and total suspended solids in runoff, and intercepts rainfall (which reduces peak flows). All of these functions are important to maintaining a healthy watershed. (Exhibit E.1)

The Portland Bureau of Transportation responded with the following comments:

The proposed fence appears to be set back ~10-feet from the west property line. Additionally, the pedestrian corridor provides a minimum of a 12' width from face-of-curb to the west property line at the parking access approach for ingress and egress into the parking lot (adjacent to the proposed fence) for an unobstructed view of >10' to the back of sidewalk. Transportation does not anticipate visibility (line of sight) issues with ingress or egress based on the above and the low rate of speed associated with parking approaches associated with 90 degree turns for ingress and egress. A sight distance evaluation is not required at this time. Should there be public objections to this proposal based on sight distance concerns; one may be required at that time. (Exhibit E.2)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 16, 2012. A total of two written responses offered the following comments:

- A nearby neighbor raised concerns about the appearance of the proposed tall metal fence and its potential impacts on property values. (Exhibit F.1)
- Another neighbor opposed the proposal, stating the metal fence would be “offensive, unfriendly, and does not fit the image of the neighborhood and that of a community bank”. As an alternative, the neighbor suggested use of a metal trellis-like fence that would support landscaping in a narrow area. The “greens would help offset automobile exhaust, decrease heat islands effect, and help manage stormwater runoff.” (Exhibit F.2)

Staff Comment: *In response to these concerns, the applicant revised the proposal (Exhibits A.1, C.1 and C.2), replacing the metal fence with a continuous row of shrubs in the 2.5-foot wide setback area. The findings below respond to the revised proposal.*

ZONING CODE APPROVAL CRITERIA

33.805.040 Adjustment Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F., below, have been met.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The purpose of the parking setback and landscaping requirement, per Zoning Code Section 33.266.130.A, is as follows:

The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. 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;*
- *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.*

The intent of the L2 perimeter landscaping standard in Section 33.248.020.B.1 is:

The L2 standard is a landscape treatment that uses a combination of distance and low level screening to separate uses or development. The standard is applied where a low level of screening is adequate to soften the impact of the use or development, or where visibility between areas is more important than a total visual screen. It is usually applied along street lot lines.

The functional purpose of perimeter landscaping is to separate or screen parking areas from abutting uses. Equally important is its role, in concert with interior parking lot landscaping, to shade and cool parking areas, reduce the amount and rate of stormwater and decrease airborne and waterborne pollution. Because the parking area will not have more than 10 parking spaces, interior landscaping is not required.

Staff transmitted to the applicant the two letters that were sent from nearby property owners. Both raised objections to the proposed tall metal panel fencing. In response, the applicant revised the proposal, substituting plant material for the fence. The applicant proposes 31 Arborvitae (Green Emerald) shrubs, spaced 3 feet apart, to be planted along the southern property line, a 90-foot length. And seven Arborvitae shrubs will be installed within a 21.5 foot long planter area, along the eastern property line. Along the remaining east edge of the parking area, the applicant proposes an approximate 190 square foot landscape area which will include a tree, additional evergreen shrubs and groundcover.

Further, a 5-foot deep landscape area will separate the public sidewalk from the parking spaces along the western edge of the parking lot. The proposed rows of shrubs located along the south and east property lines will be planted within a 2.5-foot deep setback area. Given that the proposed parking will abut a 3-foot tall retaining wall and accessory parking located on the adjacent site to the south and will abut a tall solid concrete block wall of the building located on the eastern abutting site, the 5 foot setback is not needed. The parking area will not impact the adjacent uses.

Even though the proposed perimeter landscaping will lack trees which offer enhanced shade and cooling benefits, the proposed Arborvitae shrubs will provide a dense green visual screen that will soften the appearance of the lot and reduce the visual impact of the concrete and asphalt that abuts the parking area. In response to the original proposal, the bureau that implements stormwater management requirements, the Bureau of Environmental Services (BES), recommended the applicant incorporate landscaping, preferably native species, into the design of the parking area because:

While the intent of the code is to provide a visual screen, vegetation also serves important watershed health functions. Landscaping lowers the temperature of stormwater runoff, facilitates infiltration of stormwater (which recharges groundwater and increases stream base flows), reduces erosion and total suspended solids in runoff, and intercepts rainfall (which reduces peak flows). All of these functions are important to maintaining a healthy watershed. (Exhibit E.1)

The revised proposal will provide over 500 square feet of pervious area with over 40 evergreen shrubs that will intercept rainfall thus reducing impacts to the watershed. The revised proposal responds to concerns raised by two nearby neighbors. Rather than install

a metal panel fence, that could possibly attract graffiti and create an uninviting edge to the site, the landscape materials will soften the appearance of the commercial development.

For the reasons stated above, this criterion is met.

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: As noted above, the site is located within the CS zone. For purposes of this review, the “proposal” is the requested Adjustment to the perimeter parking area setback and landscaping requirements. This criterion does not pertain to other elements of the project or the project as a whole. The Zoning Code defines “desired character” in Section 33.910 as follows:

Desired Character. The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted area plans or design guidelines for an area.

Section 33.130.030.F identifies the characteristics of the CS, Storefront Commercial zone as:

Storefront Commercial zone. *The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.*

The streets adjacent to the site are NW 27th Avenue, designated for local service and NW Vaughn designated as a Neighborhood Collector, Transit Access Street and City Bikeway. The site is located in a designated Pedestrian District. Portland Transportation (PDOT) has no concerns about the proposed Adjustment. The applicant’s revised proposal includes landscaping as a visual buffer which will enhance the experience for pedestrians. There will be a 6.5 foot area, adjacent to the curb cut that will not include landscaping. The unobstructed area will facilitate safe vehicle and pedestrian movement. Therefore, the revised proposal is consistent with the pedestrian district designation.

A reduced setback from 5 feet to 2.5 feet for the parking area will be consistent with the classification of the abutting streets and the desired character of the area, as long as there is landscaping to provide visual separation and interest. At maturity, the proposed Arborvitae shrubs will provide a continuous buffer and reach a height of 8 to 10 feet. The applicant selected the species because it is well suited for the constrained planting area and because the “Arborvitae is a low maintenance shrub that once established will keep its beauty year round.”

For the reasons stated above, the revised proposal satisfies this criterion.

- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Only one adjustment is being requested, therefore this criterion is not applicable.

D. City-designated scenic resources and historic resources are preserved; and

Findings: The site does not contain a city-designated scenic or historic resource, therefore this criterion is not applicable.

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: As explained under criterion A and B, the reduced setback and alternative landscape treatment will not create any discernable impacts. Therefore, no mitigation is needed. This criterion has been satisfied.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

Findings: The proposal is not within an environmental zone, therefore this criterion is not applicable.

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 applicant's revised design includes "green" relief to the impervious, built-up character of the commercial site and surrounding development. The linear planter areas will provide screening with a natural, living material and some 222 square feet of area that will intercept rainfall. Based on findings of this report, the applicable approval criteria are met.

ADMINISTRATIVE DECISION

Approval of an Adjustment to reduce the required setback from 5 feet to 2.5 feet and to modify the landscaping requirements of the required L2, low screen landscaping standard, per the approved site/landscaping plan, Exhibits C.1, signed and dated March 27, 2012, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition 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 12-104779 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Landscaping must be installed in substantial conformance with the approved site/landscape plan (Exhibit C.1) prior to the issuance of final occupancy permits

Staff Planner: Sheila Frugoli



Decision rendered by: _____ **on March 27, 2012**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 30, 2012

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on January 18, 2012, and was determined to be complete on February 13, 2012.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 18, 2012.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended 14 days (Exhibit A.4).

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 Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 13, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617,

to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee 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 Adjustment Committee 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 16, 2012– (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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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

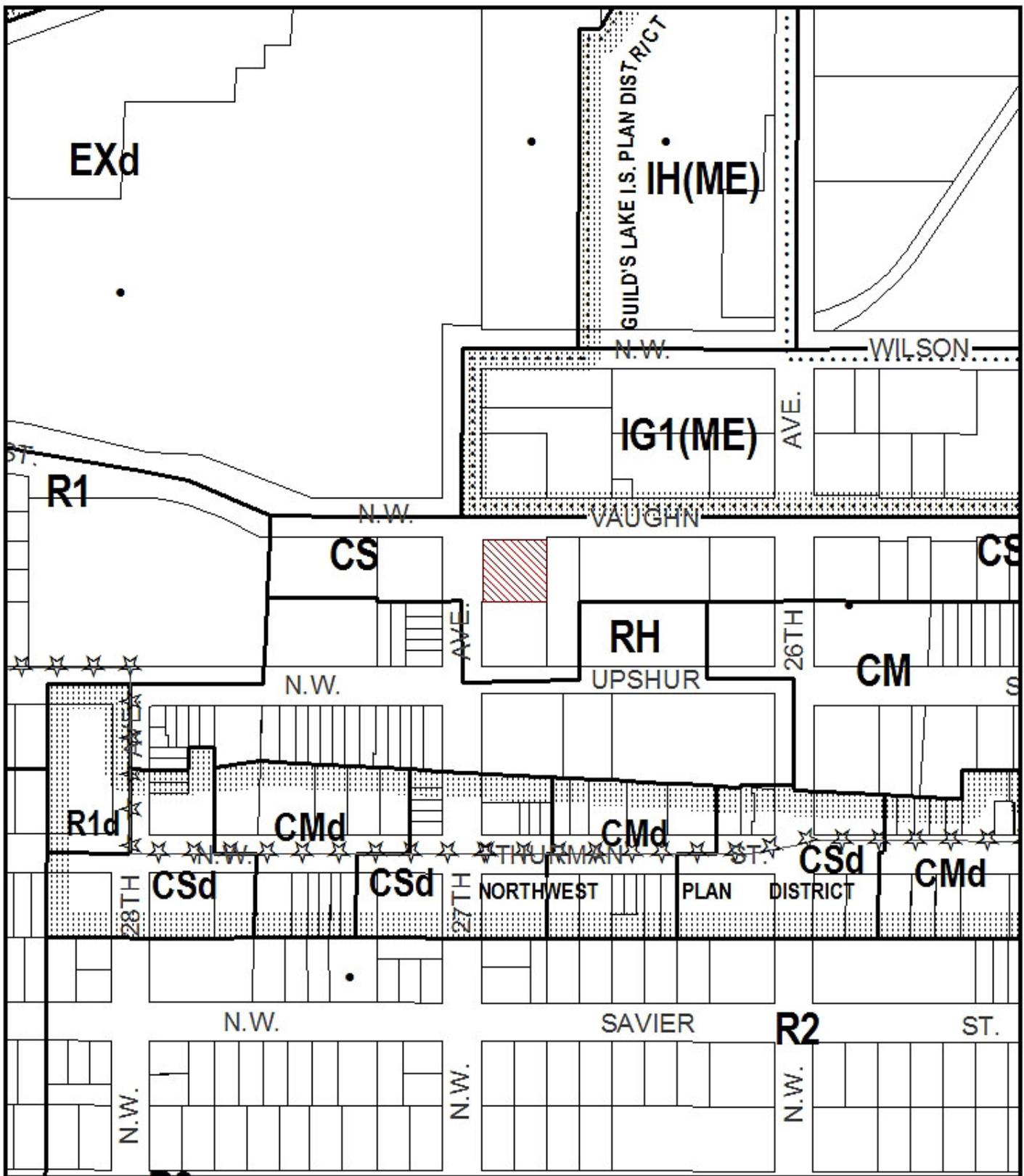
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Revised Proposal and Response to Approval Criteria, submitted March 23, 2012
 2. Original Application, submitted Jan. 18, 2012
 3. Updated Application, submitted Feb 10, 2012
 4. 120-Day Review Extension, submitted March 9, 2012
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Revised Site Plan/Landscaping Plan, submitted March 23, 2012 (attached)
 2. Revised East and South Elevation, submitted March 23, 2012
 3. Site Plan, submitted Feb. 10, 2012
 4. Fence East and South Elevations, submitted Feb. 10, 2012
 5. Fence Details, submitted Jan. 18, 2012
 6. Retaining Wall Detail, submitted Jan. 18, 2012
 7. Site Plan, approved for building permit #11-159663 CO (new bank)
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Bureau of Transportation Engineering and Development Review
 3. Water Bureau
 4. TRACS Print-out: No Concerns noted from: Fire Bureau, Site Development Review Section of BDS, Bureau of Parks, Forestry Division
- F. Correspondence:
 1. Amber Craver, March 6, 2012, raised objections
 2. Fujiko Shono, Feb. 23, 2012, raised objections
- G. Other:
 1. Original LU Application
 2. Site History Research
 3. Incomplete Application Letter to Applicant

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).

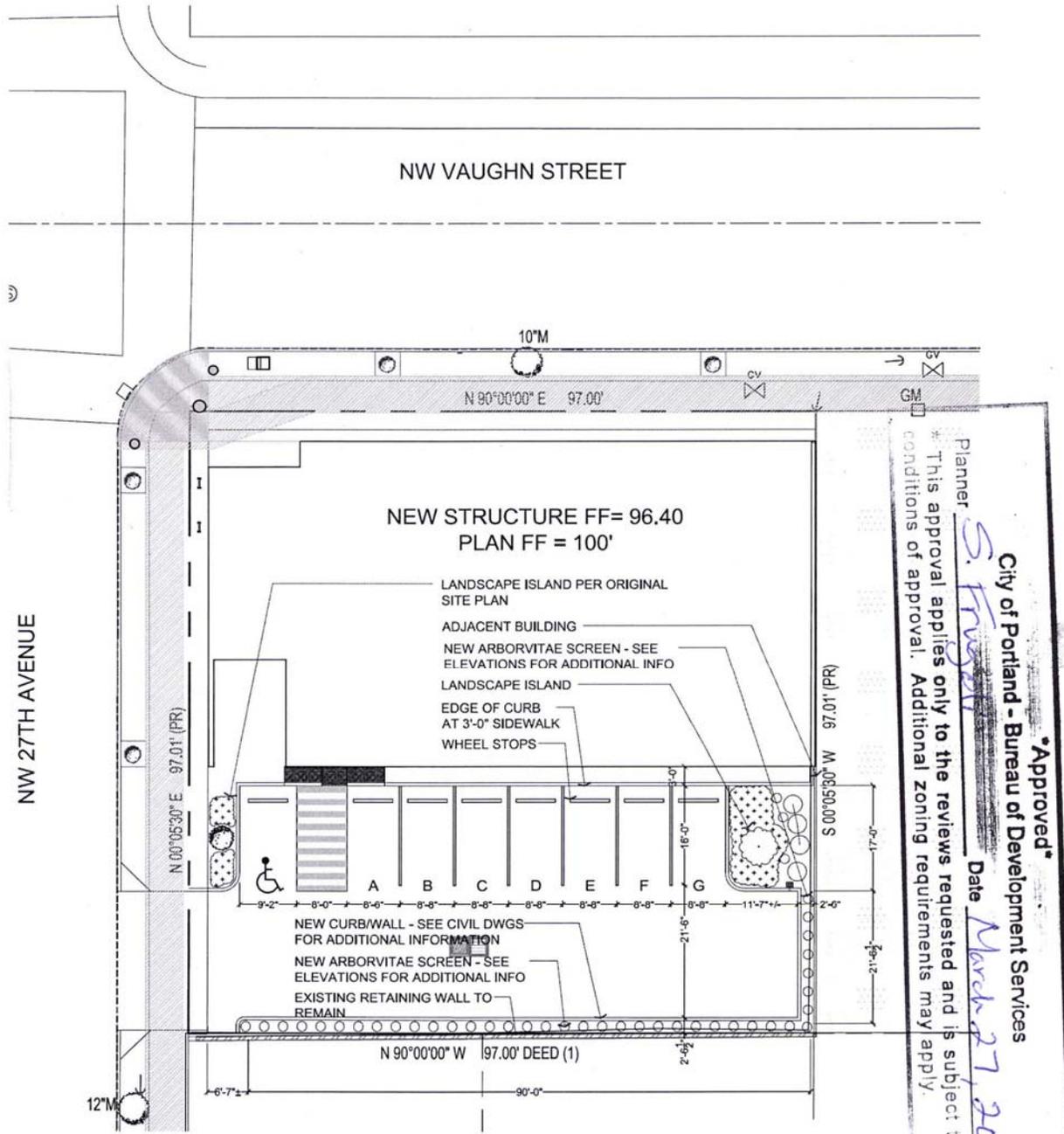


ZONING

-  Site
-  Historic Landmark



File No. LU 12-104779 AD
 1/4 Section 2826
 Scale 1 inch = 200 feet
 State_Id 1N1E29DD 3500
 Exhibit B (Jan 20, 2012)



Approved
 City of Portland - Bureau of Development Services
 Planner: S. Frost
 Date: March 27, 2012
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

- (41) EMERALD GREEN ARBORVITAE; (THUJA OCCIDENTALIS) 5 GALLON @ 36" O.C.
- LONDON PLANE TREE; (PLATANUS X ACERIFOLIA 'BLOODGOOD') 3" CAL.
- (4) BOX HONEYSUCKLE; (LONICERA NITIDA) 5 GALLON @ 48" O.C.
- BEARBERRY COTONEASTER; (COTONEASTER DAMMERI) 1 GALLON @ 30" O.C.

2 NEW SITE PLAN
 1/16" = 1'-0"



Sheet No.	SITE PLAN	date:	03.21.12
Sheet Title	2/A1.01 NEW SITE PLAN	drawn by:	CDT
Job No.	11038	rev:	
		LUR acj	

OnPoint Credit Union
 NEW BUILDING
 2684 NW Vaughn St.
OnPoint
 COMMUNITY CREDIT UNION
OnPoint Credit Union
 2701 NW Vaughn St., #100
 Portland, OR 97210

SODERSTROM ARCHITECTS, P.C.
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 1200 NW Naito Parkway, Suite 410
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 MAIN 503.228.5617 FAX 503.273.8584
 www.sdra.com
 LU 12-104779 AD
 Exhibit C.1