



City of Portland  
**Bureau of Development Services**  
Land Use Services Division

1900 SW Fourth Ave. Suite 5000  
Portland, Oregon 97201  
Telephone: 503-823-7300  
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FAX: 503-823-5630  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** June 6, 2008  
**To:** Interested Person  
**From:** Chris Caruso, Land Use Services  
503-823-5747 / [Christine.Caruso@ci.portland.or.us](mailto:Christine.Caruso@ci.portland.or.us)

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

The Bureau of Development Services has denied 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 08-122163 DZ – 910 NW 10<sup>TH</sup> AVENUE,  
BANNER BANK ATM**

**GENERAL INFORMATION**

**Applicant:** Melissa Stanton (architect)  
Myhre Group Architects  
700 SW Taylor St., Suite 400  
Portland, OR 97205  
(503) 236-6000

**Representative:** Mike McKenna  
Summit Real Estate  
5320 SW Macadam Ave  
Portland, OR 97239

**Site Address:** 900 NW LOVEJOY ST

**Legal Description:** LOT 55, PEARL BLOCK NO 4  
**Tax Account No.:** R652720880  
**State ID No.:** 1N1E34BC 00300  
**Quarter Section:** 2929

**Neighborhood:** Pearl District, contact Patricia Gardner at 503-228-3273.  
**Business District:** Pearl District Business Association, contact Adele Nofield at 503-223-0070.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Plan District:** Central City - River District Subdistrict  
**Zoning:** EXd – Central Employment with design overlay  
**Case Type:** DZ – Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission.

**Proposal:**

The applicant requests design review for the installation of an ATM machine within the existing concrete entry frame at the southwest corner of the Burlington Tower building located at NW 10<sup>th</sup> and NW Kearney. The ATM would serve the newly installed branch of Banner Bank which was recently approved under design review case LU 07-185754 DZ. The previous design review approval was for storefront renovations and the installation of a fireplace vent. The ATM was originally part of the earlier design review case but was removed so the tenant improvements could proceed. Design review is required for exterior alterations to buildings in design overlay zones.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant approval criteria are:

- 33.825 Design Review
- Central City Fundamental Design Guidelines
- River District Design Guidelines

**ANALYSIS**

**Site and Vicinity:** The 21,502 SF (0.49 acre) site is within the NW Triangle Pedestrian District of the River District, which is a subdistrict of the Central City Plan District. It is located at the NE corner of NW 10<sup>th</sup> Avenue and NW Kearney Street. The existing L-shaped 10-story brick and pre-cast concrete building is a mixed-use structure with retail shops on the ground floor and apartments above. The building occupies roughly three-quarters of the site. The remaining portion of the site to the east and south is used for surface parking. The southern boundary of the site opens up to NW Kearney Street which has been vacated and turned into landscaped open space with public seating and a paved pedestrian pathway. The SW corner of the site and building has an unobstructed view to Jamison Square and the boardwalk that runs along the west side of NW 10<sup>th</sup> Avenue and is also on the streetcar line.

The SW corner of the building features a dramatic two-story entry framed by large pre-cast concrete trim pieces. This treatment wraps around the south façade of the building and becomes a series of monumental pre-cast pilasters surrounding individual storefront bays. Two balconies supported by large brackets overhang the two storefront bays on the south façade. A number of the pilasters have metal wheels at the bottom, a nod to the industrial rail yards that once made up this area. There is also a large pre-cast concrete trim band running along the entire base of the building that ties the overall design scheme together.

**Zoning:** The Central Employment Zone (EX) implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.

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 prior land use reviews include the following:

DZ 91-89: Master Plan approval

ZC 7948: Landmark designation for fourplex

LUR 92-00798 MS LA: Master Plan amendments

LUR 93-00279 SU: Subdivision approval

LUR 93-00280 DZ: Design Review approval for the proposed 48-unit residential building

LUR 93-00819 DZ: Approval of Design Review for open space improvements  
 LUR 95-00144 MP: 3 Lot Partition approval  
 LUR 95-00241 SU: 20 lot subdivision approval  
 LUR 99-00939 DZ: Non-standard improvements in the right of way  
 LUR 00-00104 DZ: Design Review approval for a 6-story mixed-use building  
 LUR 01-00099 DZ AD: Adjustments to previous approval  
 LUR 01-00431 DZ AD: Design review approval of construction of a mixed-use building  
 LU 02-120718 DZM: Modifications to previous approval  
 LU 02-127082 DZM: Design Review approval of a 10-story mixed-use building  
 LU 03-101208 DZ: Approval of revisions to prior approvals  
 LU 03-144235 DZ: Approved building alterations  
 LU 04-029224 DZ: Approval of rooftop mechanical  
 LU 05-105714 DZ: Approved building alterations  
 LU 05-116002 DZM: Approved replacement of existing cooling tower  
 LU 07-145519 DZ: Refunded, application closed  
 LU 07-185754 DZ: Approval of storefront alterations and fireplace vent

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **May 9, 2008**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Fire Bureau
- Water Bureau
- Police Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

The Life Safety Division of BDS responded with the following comment: Please see Exhibit E-1 for additional details.

#### GENERAL LIFE SAFETY COMMENTS

The following comments are intended to provide the applicant with preliminary Building Codes information that could affect the Land Use Review and/or future Building Permit reviews. The comments may not identify all conflicts between the Land Use proposal and the Building Codes. A complete Life Safety plan review will be provided at the time of Building Permit submittal. The comments are based on The Oregon Structural Specialty Code, The Oregon Mechanical Specialty Code, or The Oregon Residential Specialty Code.

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. More information regarding building code requirements can be obtained by visiting the Bureau of Development Services Development Services Center -1900 SW 4<sup>th</sup> Ave, 1<sup>st</sup> floor, between the hours of 7:30 AM and 3:00 PM Monday through Friday and also 5:00 PM to 7:30 PM Thursday evening (no appointment necessary.) Building Code information is also available online at: <http://www.portlandonline.com/bds/>, or by calling (503) 823-1456.

**Neighborhood Review:** A “Notice of Proposal in Your Neighborhood” was mailed on **May 9, 2008**. 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 and River District Guidelines.

### **River District Design Guidelines and Central City Fundamental Design Guidelines**

The River District is planned to become a place that is remarkable within the region. The area is intended to grow rich with special and diverse qualities that are, or will become characteristic of Portland. Further, the River District will accommodate a significant portion of the region's population growth. The plan calls for the creation of a new community of dense neighborhoods, housing a resident population of over 15,000 people, and providing jobs, services, and recreation to this population and others. This area is intended to emphasize the joy of the river, connections to it, and create a sense of community. The goals frame the urban design direction for Central City and River District development.

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.

### **River District Design Goals**

1. Extend the river into the community to develop a functional and symbolic relationship with the Willamette River.
2. Create a community of distinct neighborhoods that accommodates a significant part of the region's residential growth.
3. Enhance the District's character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.
4. Strengthen connections within River District, and to adjacent areas.

### **Central City Plan Design Goals**

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.*

**A5. Enhance, Embellish, and Identify Areas.** Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or

qualities by integrating them into new development.

**A5-1. Reinforce Distinct Areas.** Enhance the qualities that make each area distinctive within the River District, using the following “Area Design Guidelines” (A5-1-1 – A5-1-8).

**A5-1-1. Reinforce the Identity of the Pearl District Neighborhood.** This guideline may be accomplished by:

- a. Recognizing the urban warehouse character of the Pearl District when altering existing buildings, and when designing new ones. Designs should provide a unified, monolithic tripartite composition (base/middle/top), with distinct cornice lines. Suburban dwelling forms should be avoided; or
- b. Celebrating and encouraging the concentration of art galleries and studios with design features that contribute to the Pearl District’s “arts” ambiance. Consider features that provide connectivity and continuity such as awnings, street banners, special graphics and streetscape color coordination, which link shops, galleries, entrances, display windows and buildings. Active ground level retail that opens onto and/or uses the sidewalk can contribute to the attraction of the “arts” concentration.

**Findings for A5 and A5-1-1:** The proposed ATM location at the base of the multi-story concrete pilaster violates the unified, monolithic tripartite composition of the building at this significant southwestern corner entry by breaking the continuous line of pre-cast concrete that surrounds the base of the building. *This guideline is therefore NOT met.*

**B1. Reinforce and Enhance the Pedestrian System.** Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

**B1-1. Provide Human Scale to Buildings along Walkways.** Provide human scale and interest to buildings along sidewalks and walkways.

**Findings for B1 and B1-1:** The proposed location of the ATM would maintain the large glazed storefront openings in the existing building’s southwest corner. The sidewalk level of the building would continue to have a human scale. *This guideline is therefore met.*

**C2. Promote Quality and Permanence in Development.** Use design principles and building materials that promote quality and permanence.

**Findings:** Locating the ATM in the base of the existing multi-story concrete frame would require the removal of a portion of the pre-cast panel. While this is structurally possible, cutting a hole in the entry frame creates a sense of impermanence and weakness in the building structure. The ATM itself is not a permanent or high-quality architectural feature and would detract from the entry frame. Removal of the ATM is a possibility and would leave a large hole in the pre-cast concrete base panel which would be difficult to repair since any new concrete would be poured at a different time, with different batch materials, and would not have aged-in-place like the original panel. Replacement of the entire panel would suffer from the same problems of trying to match new material to old material that has been in place for a number of years. *This guideline is therefore NOT met.*

**C3. Respect Architectural Integrity.** Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal’s architectural integrity.

**Findings:** The southwest entry corner is an important feature of the building and was designed to feel structurally significant with its multi-story concrete frame and storefront system, detailed edges that lead the eye toward the doors, the large overhead brackets, and deep soffits. Placing the ATM within the multi-story concrete entry frame violates the original character of the existing building by making the base seem permeable instead of solid and also by interrupting the visual connection between the upper and lower portions of the frame. *This guideline is therefore NOT met.*

**C4. Complement the Context of Existing Buildings.** Complement the context of existing buildings by using and adding to the local design vocabulary.

**Findings:** There are a number of other banks within a one block walk of the project site. These banks all have exterior ATMs, all of which are placed within existing storefront systems. None of the nearby ATMs are placed within significant entry features. The proposed ATM location for Banner Bank within the most significant architectural feature of the building does not follow the local design vocabulary. The existing storefront system offers a minimum of four locations at or near the corner of the building in which to place an ATM machine that would avoid penetrating the pre-cast entry frame. *This guideline is therefore NOT met.*

**C5. Design for Coherency.** Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

**Findings:** The framed corner entry feature is a critical part of the overall building composition. It gives the building a sense of permanence, marks the entrances to retail spaces and is visible from several blocks away. Placing an ATM within the base of the framed corner entry violates the coherency of the original design and detracts from the perceived permanence and importance of the corner entry composition. *This guideline is therefore NOT met.*

## DEVELOPMENT STANDARDS

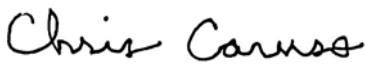
Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

The installation of an ATM machine within the pre-cast base of the dramatic two-story entry frame breaks the coherent architectural composition of the existing building. The proposed location is not typical of other nearby ATMs serving other local area banks. ATM machines are not high-quality or permanent architectural features and the proposed location for this particular ATM violates the permanence inherent in this significant and highly visible southwest corner entry. Repair or replacement of the compromised pre-cast panel with matching material would be extremely difficult if the ATM were ever removed, potentially permanently damaging the building's exterior. The existing storefront configuration at this corner of the building offers a minimum of 4 potential places to install an ATM without having to penetrate the pre-cast concrete entry frame.

## ADMINISTRATIVE DECISION

Denial.

**Decision rendered by:**  **on June 4, 2008.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: June 6, 2008**

**Staff Planner: Chris Caruso**

**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 April 15, 2008, and was determined to be complete on **May 6, 2008**.

*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 April 15, 2008.

*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.

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

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

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

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

**Appealing this decision.** This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on June 20, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., 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. Recognized neighborhood associations are not subject to the appeal fee. 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 contact the receptionist at 503-823-7967 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](http://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.

#### **EXHIBITS**

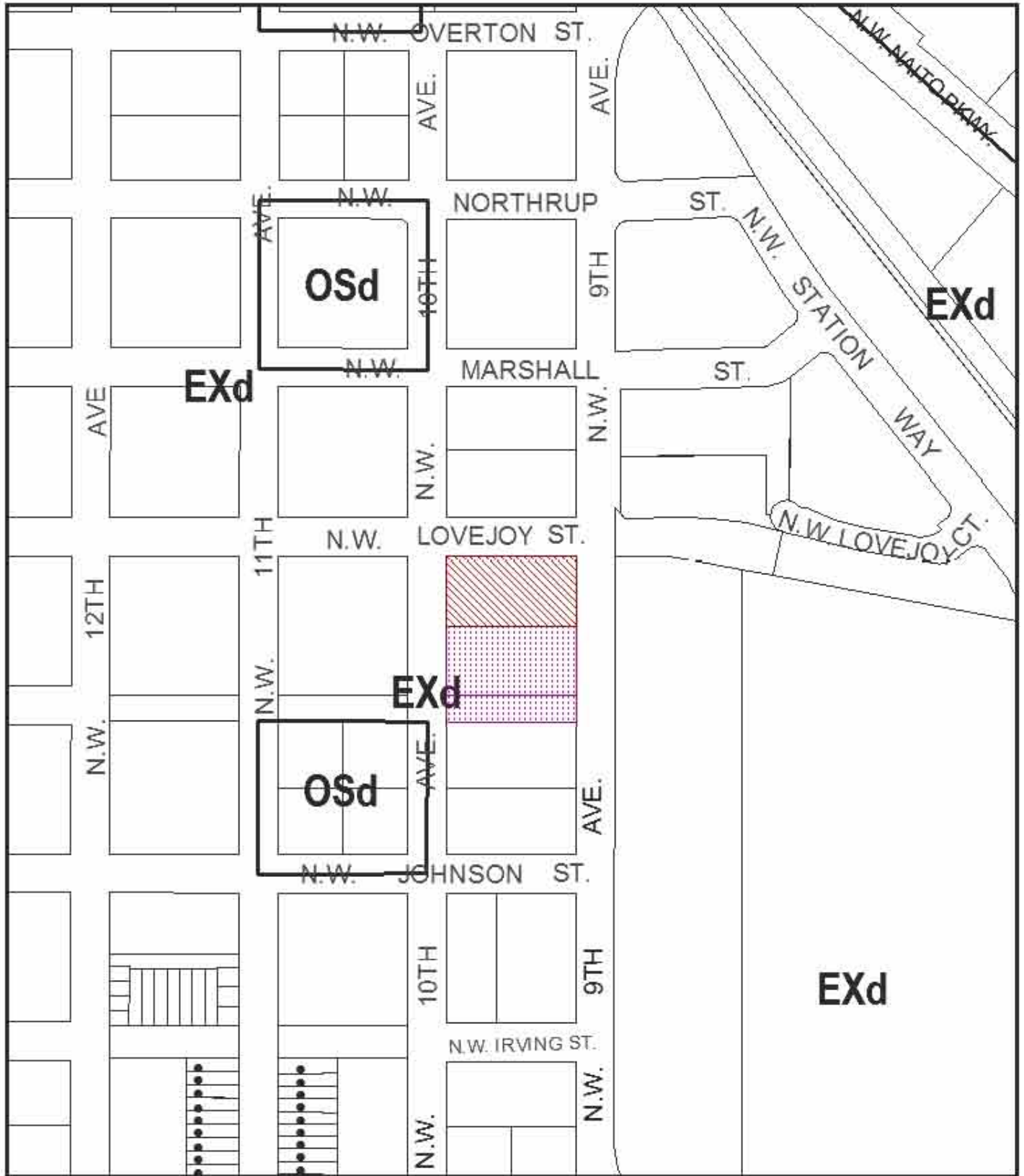
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. DR-1 Design Review Floor Plan [attached]
  - 3. DR-2 ATM Room [attached]
  - 4. DR3 Photo simulation in concrete base [attached]
  - 5. DR4 Photo simulation in storefront [attached]
  - 6. ATM specifications
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
- 1. Life Safety division of BDS
- F. Correspondence:  
None
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research
  - 3. Incomplete Letter
  - 4. May 6, 2008 applicant memo
  - 5. Supplemental Structural Calculations
  - 6. DR-1 Design Review Floor Plan 11x17
  - 7. DR-2 ATM Room 11x17
  - 8. Returned Notice

**The Bureau of Development Services is committed to providing equal access to information and hearings. If**



**you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).**



# ZONING

-  Site
-  Also Owned



This site lies within the:  
CENTRAL CITY PLAN DISTRICT

File No.	LU 08-122163 DZ
1/4 Section	2929
Scale	1 inch = 200 feet
State_Id	1N1E34BC 300
Exhibit	B (Apr 21, 2008)



MYRE GROUP  
ARCHITECTS



REGISTERED ARCHITECT  
STATE OF CALIFORNIA

BALCONY PLAN



DESIGN REVIEW

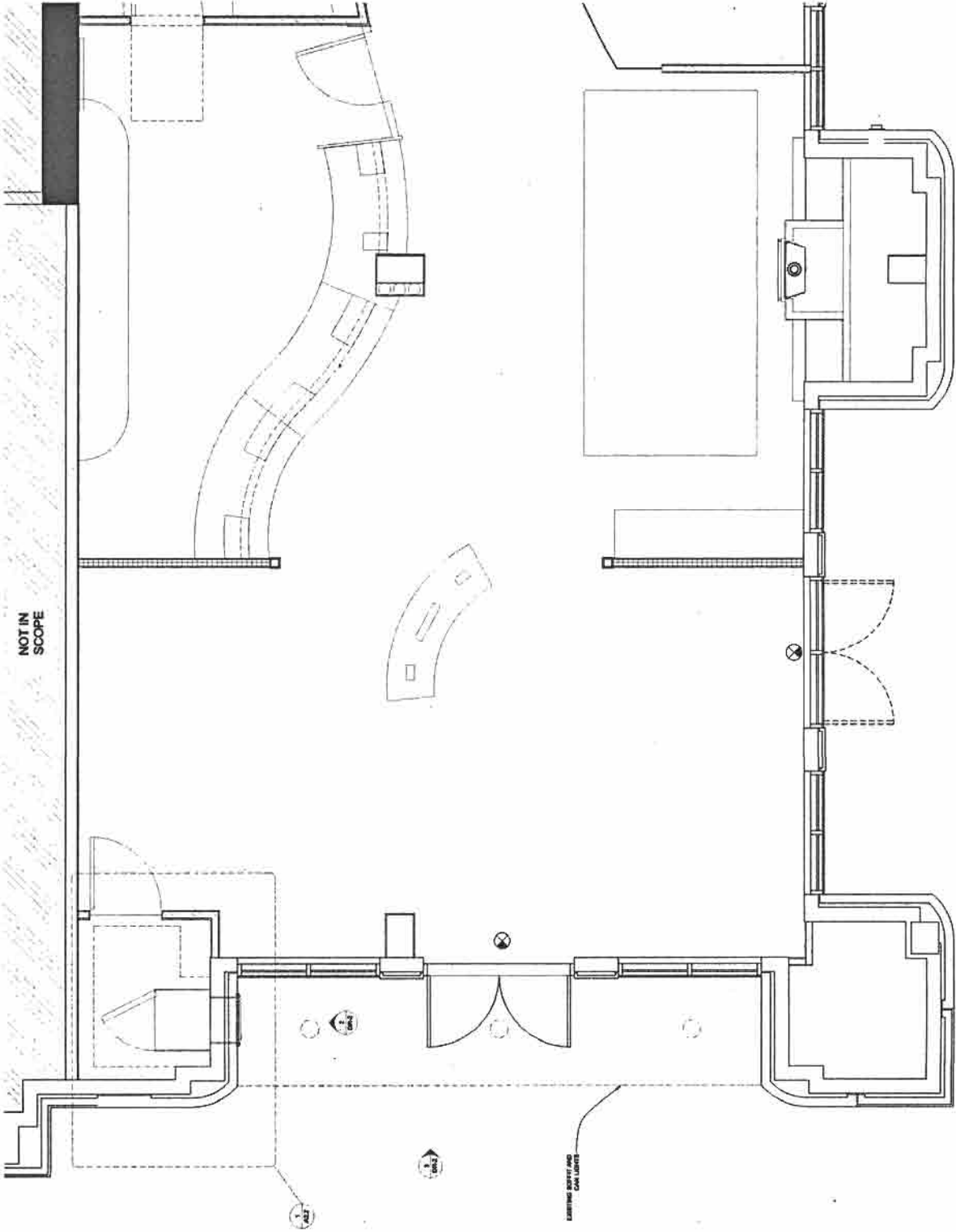


BANNER BANK  
SAN JOSE OFFICE BUILDING

199 WEST 10TH AVENUE  
SAN JOSE, CA 95128  
PHONE: (408) 435-7200

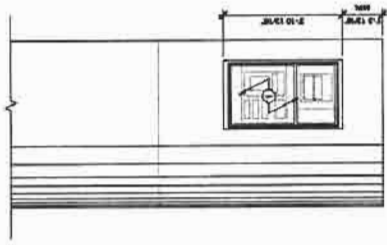
NO.	DATE	DESCRIPTION

**DR-1**  
DESIGN REVIEW  
FLOOR PLAN

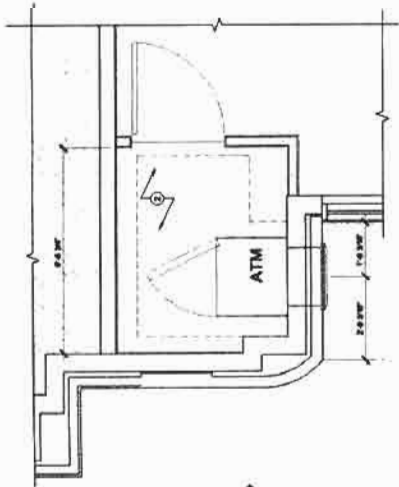


ENLARGED FLOOR PLAN

LU 08-122163 DZ



2 EXTERIOR ATM WALL ELEVATION  
SCALE: 1/2" = 1'-0"



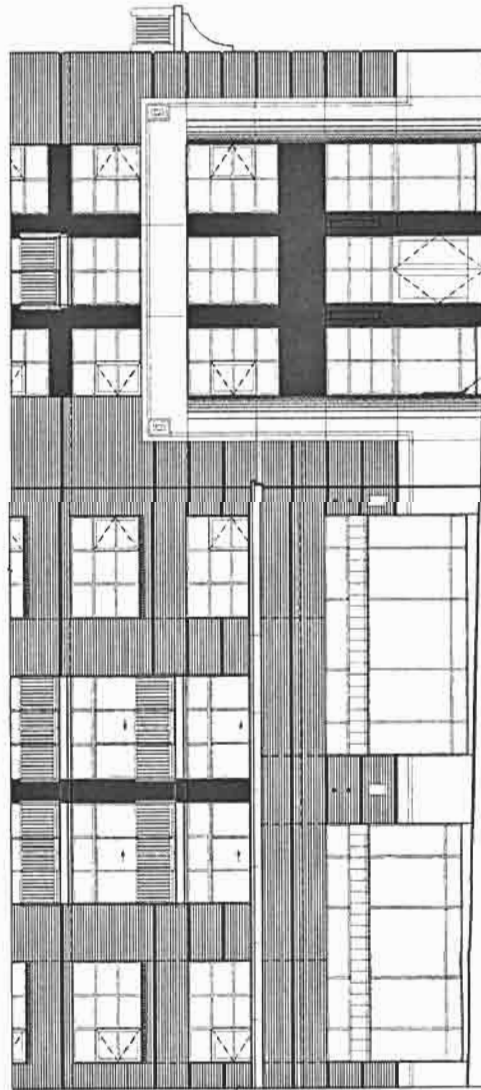
1 ENLARGED ATM PLAN  
SCALE: 1/2" = 1'-0"

GENERAL NOTES

1. CONTRACTOR TO VERIFY ALL DIMENSIONS. COORDINATE ROOM FINISHING WITH ELECTRICAL CONTRACTOR.

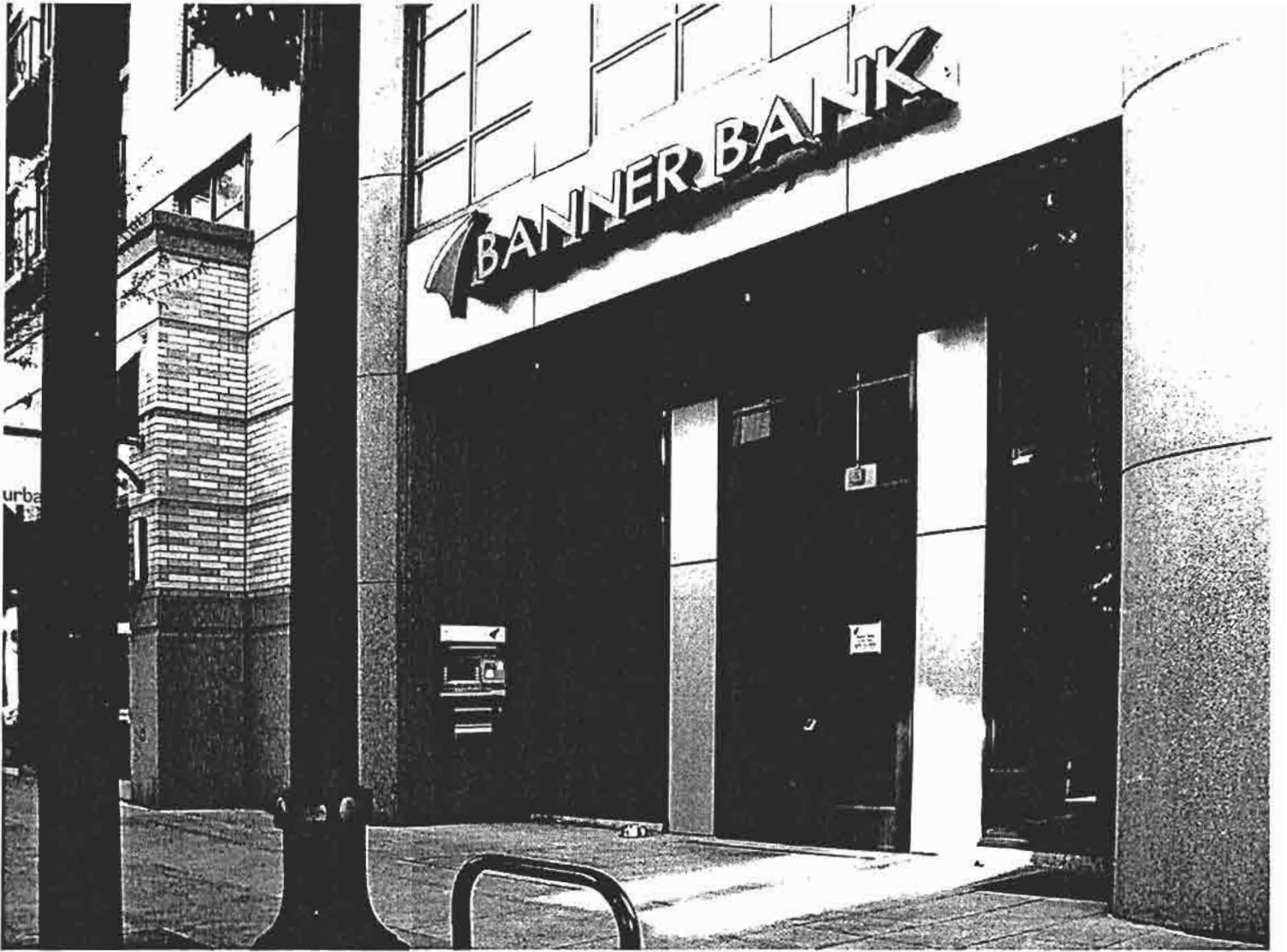
KEY NOTE LEGEND

1. ALL FINISHES SHOWN AND DIMENSIONS TO BE INSTALLED BY OTHERS UNLESS NOTED OTHERWISE. VERIFY ALL DIMENSIONS AND FINISHES WITH MANUFACTURER'S SPECIFICATIONS. VERIFY ALL DIMENSIONS AND FINISHES WITH MANUFACTURER'S SPECIFICATIONS. VERIFY ALL DIMENSIONS AND FINISHES WITH MANUFACTURER'S SPECIFICATIONS.
2. MINIMUM CLEARANCE AREA REQUIRED FOR ATM / MUST REPORT MAINTENANCE.



3 EXTERIOR ATM WALL ELEVATION  
SCALE: 1/2" = 1'-0"

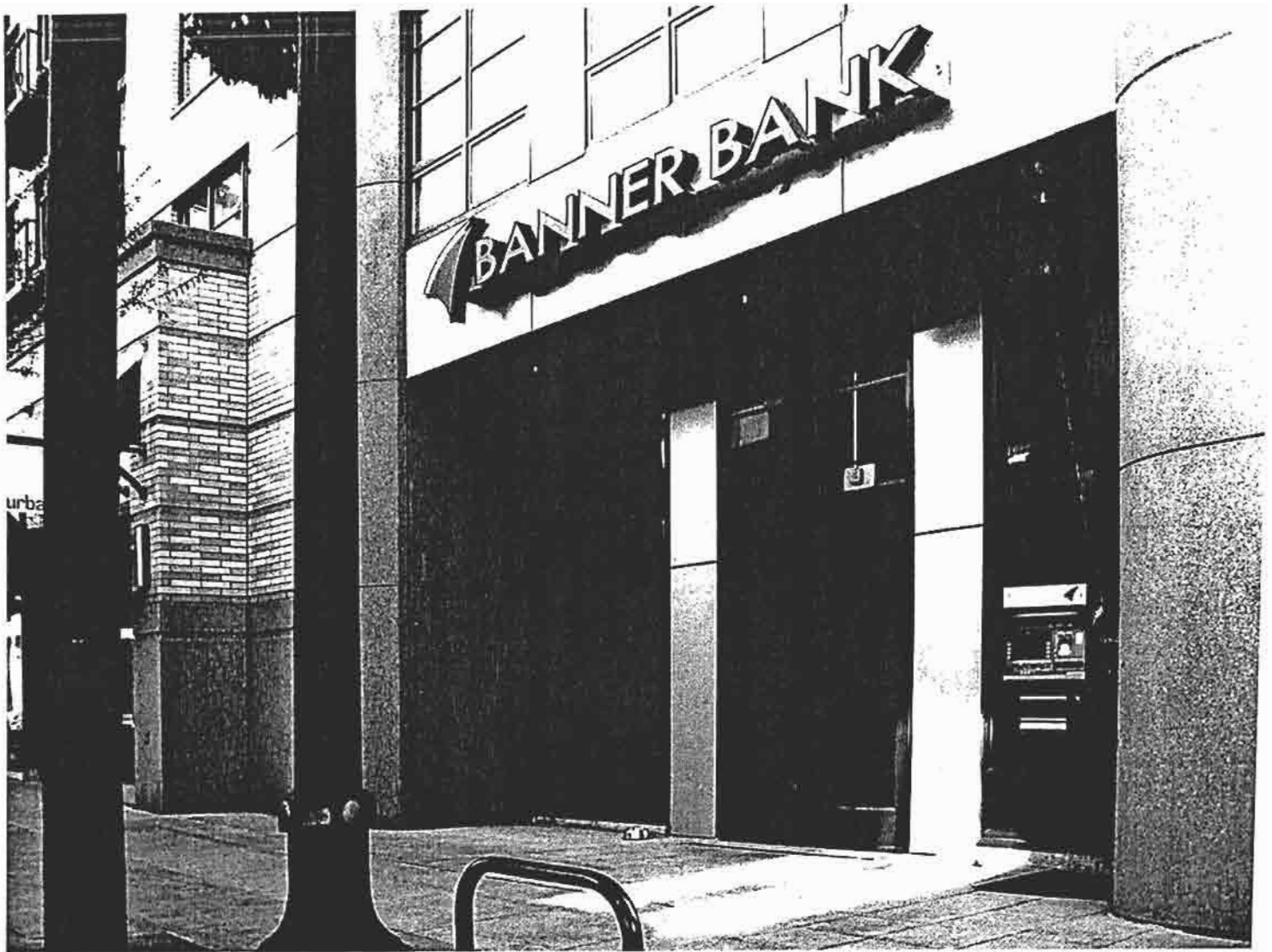
LU 08-122163 DZ



**BANNER BANK - PEARL DISTRICT BRANCH**

DR3      064500      04.14.08

LU 08-12243 DZ      EXH.  
C-4



**BANNER BANK - PEARL DISTRICT BRANCH**

DR4

064500

04.14.08

LU 00-122143 D2 EXH. C.