



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

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**Date:** August 14, 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 of an Appeal to reverse the original decision of denial and APPROVE a Proposal in Your Neighborhood**

**PROCEDURAL PROCESS:** On June 6, 2008 staff issued a decision of denial on the proposal. On June 19, 2008 the decision was appealed by the applicant and heard before the Portland Design Commission on July 17, 2008 and continued to August 7, 2008 to review design changes.

The Portland Design Commission has reversed a staff decision of denial, and approved a proposal in your neighborhood. The reasons for the decision are included in this notice. The decision of the Portland Design Commission is final.

**CASE FILE NUMBER: LU 08-122163 DZ, 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 removal and replacement of one concrete base panel directly north of the NW 10<sup>th</sup> Avenue entrance to the Burlington Tower building located at the northeast corner of NW 10<sup>th</sup> Avenue and NW Kearney Street. The existing concrete base panel will be removed as one piece and securely stored at a specified on-site location. A new concrete panel will be fabricated to match the existing building base in both color and material. A new ATM, serving a branch of Banner Bank recently approved under design review case LU 07-185754 DZ, will sit within the new concrete panel. The original concrete base panel will be reinstalled if the ATM is ever removed.

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 helps tie the design 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.*

**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.

**Staff Note:** Staff initially determined that the development proposal did not fully meet certain Design Guidelines pertaining to architectural integrity, design coherence, quality and permanence. Therefore, staff denied the proposal on June 6, 2008 due to Guidelines A5-1-1(a), C2, C3, C4 and C5 not being met.

The applicant appealed the denial decision, and in the course of two subsequent appeal hearings with the Portland Design Commission on July 17 and August 7, 2008, additional information was provided to meet all the design guidelines as required for an approval. Additional information is provided in the findings below and in the attached drawings.

## 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 new concrete panel being installed on the inside face of the southwestern entry will match the existing building panels in both material and color and will maintain the overall composition of the building. The existing panel will be re-installed by the building owner if the ATM is ever removed, allowing the building to return to its original unified tripartite composition. *These guidelines are therefore 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 will maintain the large glazed storefront openings in the existing building’s southwest corner, allowing for views into active ground floor spaces. The sidewalk level of the building will 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.

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

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

**Findings for C2, C3 and C5:** A sample of the new concrete panel will be field-verified as a match to the existing concrete base in both color and material, thereby maintaining the building’s architectural integrity and compositional coherence. The new panel will also match the existing concrete panels in level of quality and perceived permanence as it will be made of the same material and installed in a similar manner as the original. The original panel will be stored on site and will be re-installed in its original location by the building owner if the ATM is ever removed. This will allow the building to maintain its architectural integrity over time. *These guidelines are therefore met.*

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

**Findings:** The location of the ATM near the bank’s main entrance, visible from the sidewalk is in keeping with other district ATM’s. The new ATM will sit within the opening in

the new concrete panel. Trim flanges will completely cover the panel opening and the face of the machine will project in front of the panel, similar to other ATM's in the area. *This guideline is therefore met.*

## **DEVELOPMENT STANDARDS**

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

## **CONCLUSIONS**

The fabrication and installation of a new concrete base panel to hold the Banner Bank ATM on the inside face of the building's southwestern corner enhances pedestrian activity along the sidewalk and maintains the architectural integrity and overall composition of the building. The new panel will be fabricated out of the same quality material as the existing building base and will not detract from the building's perceived permanence. The ATM machine's visibility, position within the concrete panel, and access directly from the sidewalk is in keeping with a pattern established by other ATMs within the district.

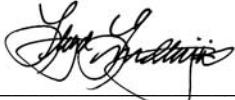
## **PORTLAND DESIGN COMMISSION DECISION on an APPEAL**

Portland Design Commission approval per Exhibits C-1 through C-6, signed and dated August 7, 2008:

- the revised proposal for a concrete replacement panel fabricated and installed on the inside face of the concrete entry frame, directly north of the Banner Bank entry;
- the location of the ATM within the new replacement panel;
- removal and storage of the existing concrete base panel;
- re-installation of the stored panel when the ATM is removed.

Approval subject to the following conditions:

- A. Applicant to provide a letter documenting the on-site storage location of the existing concrete panel and designating the building owner as responsible for replacement of the panel if the current tenant leaves.
- B. Applicant to provide a material sample of the replacement panel that will be reviewed and approved by design review staff. The sample will remain as part of the file record.
- C. Conditions A and B must be complete prior to issuance of a building permit.
- D. 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 through C-6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 07-122163 DZ. No field changes allowed."

By:   
Lloyd Lindley, Portland Design Commission Chair

**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**.

On June 6, 2008 staff issued a decision of denial on the proposal. On June 19, 2008 the decision was appealed by the applicant and heard before the Portland Design Commission on July 17, 2008 and continued to August 7, 2008 to review design changes.

*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.** 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**

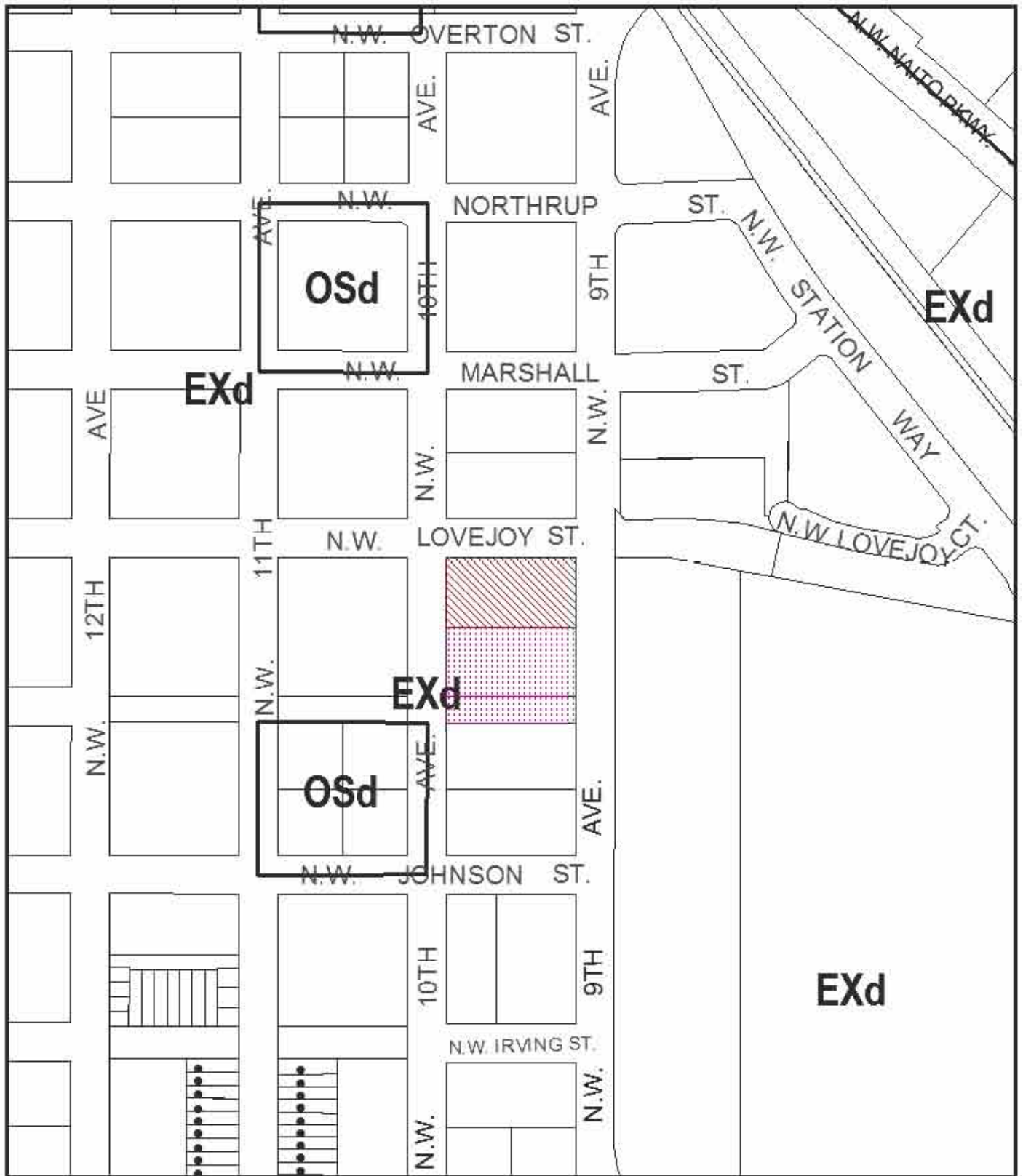
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)

- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. DR-1 Design Review Floor Plan – dated 07/24/08 [attached]
  - 3. DR-2 ATM Room – dated 07/24/08 [attached]
  - 4. DR3 Photo simulation in concrete base [attached]
  - 5. ATM specifications
  - 6. July 24, 2008 memo from Applicant describing concrete panel replacement method.
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed Notice of Proposal
  - 3. Mailing list for Decision
  - 4. Mailed Decision
  - 5. Mailing list for Appeal
  - 6. Mailed Appeal 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. Appeal application
  - 9. Staff Appeal presentation (7 pages)
  - 10. Applicant's/Appellant's appeal presentation (32 pages)

**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



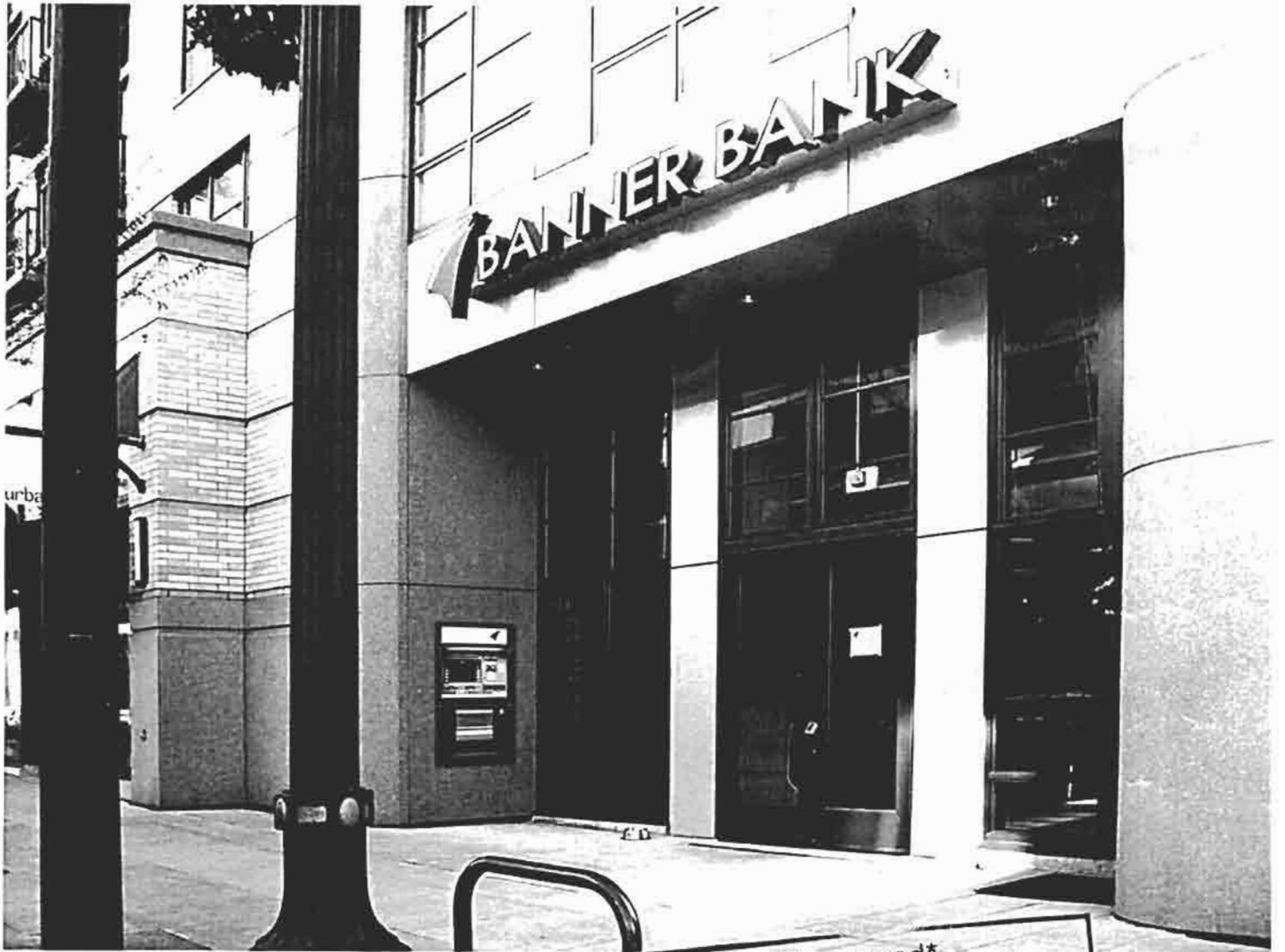
This site lies within the:  
CENTRAL CITY PLAN DISTRICT

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









**\*Approved\***  
City of Portland  
Bureau of Development Services  
Planner Chris  
Date 8/7/08  
• This approval is only to the  
reviews received. It is subject to all  
conditions that may apply.

**BANNER BANK - PEARL DISTRICT BRANCH**  
DR3      064500      04.14.08

EXH.  
LU 08-12243 DZ C-4