



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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Date: May 2, 2019
To: Interested Person
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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 mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 19-130040 DZ

GENERAL INFORMATION

Applicant/Owner: TMT Lloyd Retail, Inc.
4 Embarcadero Ctr #3300 | San Francisco, CA 94111-4184

Representative: Zac Horton | Faster Permits
2000 SW 1st Ave, Ste 420 | Portland, OR 97201

Architect: Chris Wilk | Hue Architecture & Design
20 NW 3rd Street | Gresham, OR 97030
(503) 343-4242

Site Address: **1423 Lloyd Center**

Legal Description: BLOCK 201-204 TL 13100, HOLLADAYS ADD
Tax Account No.: R396213980
State ID No.: 1N1E26CD 13100
Quarter Section: 2831 & 2931
Neighborhood: Lloyd District Community, contact Ziggy Lopuszynski at zlopuszynski@cportland.com
Business District: Lloyd District Community Association, contact at admin@lloyddistrict.org
District Coalition: Northeast Coalition of Neighborhoods, contact Laura Becker at 503-388-6088.
Plan District: Central City - Lloyd District
Other Designations: None
Zoning: CXd – Central Commercial with a 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 for:

- The installation of two new ATMs in the exterior façade, to replace an existing service door facing a surface parking area;
- Limited replacement of existing storefront;
- New storefront glazing on north façade;
- New diagonal transit street main entrance at northwest corner;
- New illuminated signage (under 32sf, and therefore exempt from Design Review);
- Removal of west-facing storefront doors;
- Installation of new east-facing door.

Design Review is required for all non-exempt exterior alterations in the Lloyd District.

Relevant Approval Criteria:

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

- *Lloyd District Design Guidelines*
- *Central City Fundamental Design Guidelines*
- *Oregon Statewide Planning Goals*

ANALYSIS

Site and Vicinity: The site is located in the Lloyd Sub-district of the Central City Plan District. The site is considered a "Superblock" as it is made up of multiple blocks with vacated streets – specifically for this site, three and three quarters typical 200' x 200' blocks with three 60'-wide vacated streets (NE 11th Avenue, NE 12th Avenue and NE 13th Avenue). The northern boundary is NE Weidler Street (Major Transit Priority Street, Major City Traffic Street, City Walkway, Major Emergency Response Street, Bus Line, City Bikeway), the southern boundary is NE Halsey Street (Local Service Walkway, Minor Emergency Response Street, Local Service Bikeway), the eastern boundary is NE 14th Avenue (Local Service Walkway, Minor Emergency Response Street, Local Service Bikeway), and the western boundary is NE 10th Avenue (Local Service Walkway, Minor Emergency Response Street, Local Service Bikeway). The site is located in the Lloyd Pedestrian District.

The site consists of a large surface parking lot to the west, a 2-story commercial building currently housing a Dollar Tree store and a sloped structure parking area with surface and below-grade parking to the east, and the 1-story building proposed receive a new northwest entrance, new exterior ATMs, and alterations to the existing storefront to facilitate a new Credit Union tenant. The building identified in this proposal is located between the vacated NE 11th Avenue and vacated NE 12th Avenue (now a pedestrian plaza between the two commercial buildings on site) and fronts NE Weidler Street.

NE Weidler Street is a Major Transit Priority Street; a Major City Traffic Street, a Major City Bikeway, a City Walkway, a Major Emergency Response Street. Bus lines on this street include the 17 and the 77. A bus stop is located at the northeast corner of this tenant space, at the intersection of NE Weidler and the pedestrian plaza through vacated NE 12th Avenue. The site is located within the Lloyd Bicycle District and the Lloyd Pedestrian District

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

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. This is achieved through the creation of design

districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The Central City Plan District implements the Central City 2035 Plan. The regulations address the unique role the Central City plays as the region’s premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river. The site is within the Lloyd Subdistrict of this plan district.

Land Use History: City records indicate that prior land use reviews include the following:

- **LU 89-004795-** Approval of storefront remodel.
- **LU 93-010774-** Approval of installation of two signs.
- **LU 99-016411-** Approval of installation of two signs and removal of six existing signs.
- **LU 02-132455 DZM-** Approval of phased development plan to comply with non-conforming upgrades.
- **LU 03-120140 DZ-** Approval of the Master Plan for renovation of existing pedestrian plazas in vacated section of NE 12th Avenue.
- **LU 03-144231 DZ-** Approval of renovations to the exterior of the skybridge.
- **LU 04-048385 DZM-** Approval of exterior alterations to ‘Building K’ at Lloyd Center Mall.
- **LU 05-164741 DZ-** Approval of a new 47 sf wall-mounted, illuminated sign.
- **LU 07-183278 DZ-** Approval of an exterior remodel to Dollar Tree at Lloyd Center Mall.
- **LU 12-203941 DZ-** Approval of exterior restoration and alterations, including new cladding, storefronts, canopies, lighting and planters.
- **LU 13-154666 DZ-** Approval of two replacement signs.
- **LU 15-138068 DZ-** Approval of proposal to replace an exterior escalator with stairs at the Lloyd Safeway Center.
- **LU 17-116508 DZ** – Rooftop mechanical screened by parapet.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **March 28, 2019**. The following Bureaus have responded with no issues or concerns:

- Life Safety Section of BDS (exhibit E.1)
- Fire Bureau

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 28, 2019. 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

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 district guidelines.

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 and Lloyd District Special Design Guidelines.

Special Design Guidelines for the Design Zone of the Lloyd District of the Central City Plan and Central City Fundamental Design Guidelines

The Lloyd District is a unique, multi-dimensional neighborhood in the Central City, with special features and assets found nowhere else in Oregon.

With the recent completion of the Oregon Convention Center, the District now serves as the “front door for Oregon and our city.” The District as a whole is emerging as a special area in the state and the region, and the way it is developed will determine its comfort and continued use.

The purpose of design review is to carry out the urban design vision for the District by emphasizing unique district assets in a manner that is respectful, creative, supportive, and compatible with all its areas. Although the District is a complex urban environment, it can become a cohesive whole with the use of these design principles.

The Central City Fundamental 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.

Lloyd District Design Goals

The following goals and objectives define the urban design vision for new development and other improvements in the Lloyd District

- Encourage the special distinction and identity of the Lloyd District;
- Integrate the sub-areas of the District for a visual and functional coherence of the whole; and
- Improve the safety, convenience, pleasure, and comfort of pedestrians.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within all of the 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. Central City and Lloyd District Guidelines are addressed concurrently.

A2. Emphasize Portland Themes. When provided, integrate Portland-related themes with the development’s overall design concept.

A3. Respect the Portland Block Structures. Maintain and extend the traditional 200-foot block pattern to preserve the Central City’s ratio of open space to built space. Where superblocks exist, locate public and/or private rights-of-way in a manner that reflects the 200-

foot block pattern, and include landscaping and seating to enhance the pedestrian environment.

A8. Contribute to a Vibrant Streetscape. Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

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.

B1-3. Design Projects to Attract Pedestrians to the Broadway/Weidler Corridor.

Incorporate design features in new projects or building renovation which attract pedestrians and encourage their safe and enjoyable movement throughout the Broadway/ Weidler Corridor and which support the corridor as a neighborhood retail area.

B2. Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

B7. Integrate Barrier-Free Design. Integrate access systems for all people with the building's overall design concept.

C1-1. Integrate Parking.

Integrate parking in a manner that is attractive and complementary to the site and its surroundings. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

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.

C3-1. Design to Enhance Existing Themes in the Broadway/Weidler Corridor. Use special design features which reinforce architectural themes and elements within the Broadway/Weidler Corridor. Look to buildings from throughout the corridor for architectural precedent.

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

Findings for A2, A3, A8, B1, B1-3, B2, B7, C1-1, C3, C3-1 and C4: The proposal will retain the existing diagonal entrance at the northeast corner of the building and will add an additional main diagonal entrance at the northwest corner. Like the northeast entry, and an entrance into another tenant space at the southwest corner of the building, the northwest corner of the building will be remodeled to create a chamfered corner entrance. The corner entry will be flanked with glass, and framed by a deep existing canopy as well as the new recess above the canted entry doors. The new entrance is further emphasized by the existing tall decorative cornice detailing at the corner of the building. The location of this new transit street main entrance responds to the one-way traffic direction on NE Weidler, which is a Major Transit Priority Street, as well as a Major City Bikeway.

The new transit-oriented main entrance, and its adjacent short-term bike parking, respond to the transit, pedestrian, and bicycle-oriented development for which Portland is celebrated. The new entrance is simultaneously visible and welcoming to pedestrians, as well as those arriving by car and using the adjacent surface parking area. The single main entrance provides an equitable, accessible route for all visitors. It is convenient for those using the adjacent parking area while meeting all City code standards and guidelines that focus on a transit- and pedestrian-oriented architectural response.

The addition of a second corner entrance on this long façade serves to maintain the typical Portland block structure, and introduces a more pedestrian-scale development pattern to an area notable for its superblocks and historically weak pedestrian

environment. The improvements to the NE Weidler frontage may serve to attract pedestrians to the Broadway/Weidler corridor.

The additional glazing on the north façade, facing the NE Weidler transit street, as well as the new primary entrance, will contribute to a vibrant streetscape and enhance the pedestrian environment. Increased glazing fronting a transit street allows views into active uses, and promotes a sense of pedestrian safety as well as visual interest. Existing canopies will be retained on the north, west and east facades, to provide shelter for pedestrians from rain and hot sun, and to mitigate glare that may interfere with internal work spaces. The new canted entrance matches two others on the building, and is compatible with the architecture of the existing building while reinforcing the theme of diagonal corner entrances that is common along the Broadway/Weidler corridor.

Therefore, these guidelines are met.

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

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.

C9. Develop Flexible Sidewalk-Level Spaces. Develop flexible spaces at the sidewalk-level of buildings to accommodate a variety of active uses.

Findings for A4, A5 & C9: The NE Broadway and Weidler corridor is notable for its diagonal corner entrances, celebrated by special, often taller, architectural corner elements at the top of the building. This building has an existing taller corner element that indicates a major entrance, but did not have a major transit-street entrance at the northwest corner. The addition of the new entrance serves to reinforce the significance of this corner, while utilizing the canted entry typology that is common in this area.

The replacement of existing opaque wall facing NE Weidler with new storefront glazing will highlight the flexible work spaces within the building. Regular and increased glazing along this façade creates a more commercial, pedestrian-oriented image that is consistent with the goals of the Lloyd District and recently approved development in the District.

Therefore, these guidelines are met.

A6. Reuse/Rehabilitate/Restore Buildings. Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

A7. Establish and Maintain a Sense of Urban Enclosure. Define public rights-of-way by creating and maintaining a sense of urban enclosure.

A7-1. Maintain a Sense of Urban Enclosure When Single-Story Buildings are Set Back.

Maintain a sense of urban enclosure, through the use of landscaping and other means, when single-story buildings are set back from the property line. Do not set buildings back from the property line within the East Portland Grand Avenue Historic District.

A9-1. Provide a Distinct Sense of Entry and Exit. Design and develop gateways into and within the Lloyd District that are appropriate and relate to the District's and sub-District's emerging characteristics.

B4. Provide Stopping and Viewing Places. Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

B5. Make Plazas, Parks and Open Space Successful. Orient building elements such as main entries, lobbies, windows, and balconies to face public parks, plazas, and open spaces. Where provided, integrate water features and/or public art to enhance the public open space. Develop locally oriented pocket parks that incorporate amenities for nearby patrons.

B6. Develop Weather Protection. Develop integrated weather protection systems at the sidewalk-level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

B6-1. Provide Pedestrian Rain Protection. Rain protection is encouraged at the ground level of all new and rehabilitated commercial buildings located adjacent to primary pedestrian routes. In required retail opportunity areas, rain protection is strongly recommended.

C6. Develop Transitions between Buildings and Public Spaces. Develop transitions between private development and public open space. Use site design features such as movement zones, landscape elements, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

C7. Design Corners that Build Active Intersections. Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.

Findings for A6, A7, A7-1, A9-1, B4, B5, B6, B6-1, C6 and C7: The proposal includes a new entrance at the northwest corner, which has been previously discussed in earlier findings. Critically, it also includes the retention of the existing canted entrance at the northeast corner. This entrance, at the intersection of NE Weidler and the public pedestrian plaza on the previously vacated stretch of NE 12th avenue, plays an important role in creating a pedestrian-friendly, human-scale environment linking NE Broadway with the Lloyd Center mall.

The NE 12th pedestrian plaza is a requirement of the 1988 Open Space Agreement between the Lloyd Center mall and the City of Portland. Prior to 1988, the mall had been an uncovered, open-air shopping center constructed around blocks of vacated public right-of-way. Its paths and concourses were widely used by pedestrians cutting through the neighborhood, as well as by shoppers visiting its stores. When the mall proposed covering all the buildings and vacated portions of right-of-way with a single roof, the agreement was intended to ensure that it would continue to serve as a publicly accessible pedestrian connection through the neighborhood, and that it would provide meaningful quantities of open space outside the mall building. The NE 12th pedestrian plaza is a critical component of the pedestrian network that facilitates connection between residential neighborhoods to the north and the MAX and transit options to the south.

While the applicant requested the replacement of the northeast entrance with opaque ATMs, staff emphasized the significance of this corner in responding to guidelines. Replacing the existing entrance with an opaque ATM would have benefitted only the bank patrons, while reducing the quality of the public realm and pedestrian experience. The retention of the entrance at the northeast corner allows for future interior flexibility, including additional demising into multiple tenant spaces. This will facilitate the ongoing reuse and rehabilitation of an existing building.

The recessed corner entrance at the northeast corner of the building is framed by canopies along the north façade and a covered loggia along the east façade, at the edge of the pedestrian plaza. The canopies provide a sense of urban enclosure for people to stop and rest or seek protection from the weather. The entrance facing the intersection with the pedestrian plaza provides a strong sense of entry into the pedestrian-oriented Lloyd Mall area and serves to reinforce the corner and enhance the public open space.

While the northeast corner entrance is no longer the primary entrance into the building, its retention is critical to continued architectural coherency of the building, which expresses a strong entrance condition at this corner through the raised roof detailing, and to maintaining a high-quality public realm along the pedestrian plaza.

Therefore, with the retention of the entrance at the northeast corner, these guidelines are met.

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

C10-1. Use Masonry Materials. Except for window glazing, use masonry types of materials as the predominant exterior material for building walls. Use modular stone or masonry materials on the building base or first floor of buildings whenever possible.

C10-2. Design Exterior Building Walls that are Transparent in Glazed areas and Sculptural in Surface. Design exterior building walls that are transparent or translucent in the glazed areas and which are textural, sculptural and articulated in surface character.

C10-3. Use Light Colors. The use of light color values is preferred for the predominant exterior building materials. Darker value materials should be used to accent or articulate the design.

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, C10-1, C10-2, C10-3 and C5: The proposal will entail limited reconfiguration of the facades utilizing the palette of existing materials. New exterior elements include the ATMs, located on the west façade in a recessed area currently utilized for a trash and service area. While multiple opaque ATMs on an exterior storefront can have negative impacts on the pedestrian realm, in this situation the ATMs are ideally located to avoid any negative impacts. The ATMs will replace opaque service doors, in a location that fronts the adjacent surface parking area and is approximately a half block from the public right-of-way. While it is visible from the public right-of-way, and located in a safe and accessible area, it does not reduce the quantity of glazing, or the architectural response to the public right of way. The wall area around the ATMs will be light-colored plaster, to match the existing adjacent masonry wall. The Kawneer aluminum entrance doors and new clear storefront glazing will be finished to match existing storefront. The materials proposed are of high quality and are appropriate for this high-traffic, pedestrian location.

Therefore, these guidelines are met.

Oregon Statewide Planning Goals

Goal 1: Citizen Involvement

Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.” It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

Findings: The City of Portland maintains an extensive citizen involvement program which complies with all relevant aspects of Goal 1, including specific requirements in Zoning Code Chapter 33.730 for public notice of land use review applications that seek public comment on proposals. There are opportunities for the public to testify at a local hearing on land use proposals for Type III land use review applications, and for Type II and Type Ix land use decisions if appealed. For this application, a written seeking comments on the proposal was mailed to property-owners and tenants within 150 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 400 of the site. There is also an opportunity to appeal the administrative decision at a local hearing.

The public notice requirements for this application have been and will continue to be met, and nothing about this proposal affects the City’s ongoing compliance with Goal 1. Therefore, the proposal is consistent with this goal.

Goal 2: Land Use Planning

Goal 2 outlines the basic procedures of Oregon’s statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan, and that suitable “implementation ordinances” to put the plan’s policies into effect must be adopted. It requires that plans be based on “factual information”; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals.

An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

Findings: Compliance with Goal 2 is achieved, in part, through the City’s comprehensive planning process and land use regulations. For quasi-judicial proposals, Goal 2 requires that the decision be supported by an adequate factual base, which means it must be supported by substantial evidence in the record. *As discussed earlier in the findings that respond to the relevant approval criteria contained in the Portland Zoning Code, the proposal complies with the applicable regulations, as supported by substantial evidence in the record. As a result, the proposal meets Goal 2.*

Goal 3: Agricultural Lands

Goal 3 defines “agricultural lands,” and requires counties to inventory such lands and to “preserve and maintain” them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

Goal 4: Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will “conserve forest lands for forest uses.”

Findings for Goals 3 and 4: In 1991, as part of Ordinance No. 164517, the City of Portland took an exception to the agriculture and forestry goals in the manner authorized by state law and Goal 2. *Since this review does not change any of the facts or analyses upon which the exception was based, the exception is still valid and Goal 3 and Goal 4 do not apply.*

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 relates to the protection of natural and cultural resources. It establishes a process for inventorying the quality, quantity, and location of 12 categories of natural resources. Additionally, Goal 5 encourages but does not require local governments to maintain inventories of historic resources, open spaces, and scenic views and sites.

Findings: The City complies with Goal 5 by identifying and protecting natural, scenic, and historic resources in the City’s Zoning Map and Zoning Code. Natural and scenic resources are identified by the Environmental Protection (“p”), Environmental Conservation (“c”), and Scenic (“s”) overlay zones on the Zoning Map. The Zoning Code imposes special restrictions on development activities within these overlay zones. Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts. *This site is not within any environmental or scenic overlay zones and is not part of any designated historic resource. Therefore, Goal 5 is not applicable.*

Goal 6: Air, Water and Land Resources Quality

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

Findings: Compliance with Goal 6 is achieved through the implementation of development regulations such as the City’s Stormwater Management Manual at the time of building permit review, and through the City’s continued compliance with Oregon Department of Environmental Quality (DEQ) requirements for cities. The Bureau of Environmental Services reviewed the proposal for conformance with sanitary sewer and stormwater management requirements and expressed no objections to approval of the application, as mentioned earlier in this report. *In this case, the scope of the project does not warrant review by the Bureau of Environmental Services; Goal 6 is not applicable.*

Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 7 requires that jurisdictions adopt development restrictions or safeguards to protect people and property from natural hazards. Under Goal 7, natural hazards include floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires. Goal 7 requires that local

governments adopt inventories, policies, and implementing measures to reduce risks from natural hazards to people and property.

Findings: The City complies with Goal 7 by mapping natural hazard areas such as floodplains and potential landslide areas, which can be found in the City’s MapWorks geographic information system. The City imposes additional requirements for development in those areas through a variety of regulations in the Zoning Code, such as through special plan districts or land division regulations. *The subject site is not within any mapped floodplain or landslide hazard area, so Goal 7 does not apply.*

Goal 8: Recreation Needs

Goal 8 calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expediting siting of destination resorts.

Findings: The City maintains compliance with Goal 8 through its comprehensive planning process, which includes long-range planning for parks and recreational facilities. Staff finds the current proposal will not affect existing or proposed parks or recreation facilities in any way that is not anticipated by the zoning for the site, or by the parks and recreation system development charges that are assessed at time of building permit. Furthermore, nothing about the proposal will undermine planning for future facilities. *Therefore, the proposal is consistent with Goal 8.*

Goal 9: Economy of the State

Goal 9 calls for diversification and improvement of the economy. Goal 9 requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

Findings: Land needs for a variety of industrial and commercial uses are identified in the adopted and acknowledged Economic Opportunity Analysis (EOA) (Ordinance 187831). The EOA analyzed adequate growth capacity for a diverse range of employment uses by distinguishing several geographies and conducting a buildable land inventory and capacity analysis in each. In response to the EOA, the City adopted policies and regulations to ensure an adequate supply of sites of suitable size, type, location and service levels in compliance with Goal 9. The City must consider the EOA and Buildable Lands Inventory when updating the City’s Zoning Map and Zoning Code. *Because this proposal does not change the supply of industrial or commercial land in the City, the proposal is consistent with Goal 9.*

Goal 10: Housing

Goal 10 requires local governments to plan for and accommodate needed housing types. The Goal also requires cities to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Findings: The City complies with Goal 10 through its adopted and acknowledged inventory of buildable residential land (Ordinance 187831), which demonstrates that the City has zoned and designated an adequate supply of housing. For needed housing, the Zoning Code includes clear and objective standards. *Since this proposal is not related to housing or to land zoned for residential use, Goal 10 is not applicable.*

Goal 11: Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal’s central concept is that public services should be planned in accordance with a community’s needs and capacities rather than be forced to respond to development as it occurs.

Findings: The City of Portland maintains an adopted and acknowledged public facilities

plan to comply with Goal 11. See Citywide Systems Plan adopted by Ordinance 187831. The public facilities plan is implemented by the City's public services bureaus, and these bureaus review development applications for adequacy of public services. Where existing public services are not adequate for a proposed development, the applicant is required to extend public services at their own expense in a way that conforms to the public facilities plan. *In this case, the scope of the project does not warrant review by the City's public services bureaus; Goal 11 is not applicable.*

Goal 12: Transportation

Goal 12 seeks to provide and encourage "safe, convenient and economic transportation system." Among other things, Goal 12 requires that transportation plans consider all modes of transportation and be based on inventory of transportation needs.

Findings: The City of Portland maintains a Transportation System Plan (TSP) to comply with Goal 12, adopted by Ordinances 187832, 188177 and 188957. The City's TSP aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." The extent to which a proposal affects the City's transportation system and the goals of the TSP is evaluated by the Portland Bureau of Transportation (PBOT). *The scope of this project does not warrant transportation review; therefore Goal 12 is not applicable.*

Goal 13: Energy

Goal 13 seeks to conserve energy and declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

Findings: With respect to energy use from transportation, as identified above in response to Goal 12, the City maintains a TSP that aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." This is intended to promote energy conservation related to transportation. Additionally, at the time of building permit review and inspection, the City will also implement energy efficiency requirements for the building itself, as required by the current building code. *For these reasons, staff finds the proposal is consistent with Goal 13.*

Goal 14: Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

Findings: In the Portland region, most of the functions required by Goal 14 are administered by the Metro regional government rather than by individual cities. The desired development pattern for the region is articulated in Metro's Regional 2040 Growth Concept, which emphasizes denser development in designated centers and corridors. The Regional 2040 Growth Concept is carried out by Metro's Urban Growth Management Functional Plan, and the City of Portland is required to conform its zoning regulations to this functional plan. *This land use review proposal does not change the UGB surrounding the Portland region and does not affect the Portland Zoning Code's compliance with Metro's Urban Growth Management Functional Plan. Therefore, Goal 14 is not applicable.*

Goal 15: Willamette Greenway

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

Findings: The City of Portland complies with Goal 15 by applying Greenway overlay zones which impose special requirements on development activities near the Willamette River. *The subject site for this review is not within a Greenway overlay zone near the Willamette River, so*

Goal 15 does not apply.

Goal 16: Estuarine Resources

This goal requires local governments to classify Oregon’s 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those “management units.”

Goal 17: Coastal Shorelands

This goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for “water-dependent” or “water-related” uses.

Goal 18: Beaches and Dunes

Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

Goal 19: Ocean Resources

Goal 19 aims “to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.” It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19’s main requirements are for state agencies rather than cities and counties.

Findings: *Since Portland is not within Oregon’s coastal zone, Goals 16-19 do not apply.*

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 requirements of Title 11 can be met, and 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 design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of the installation of two new ATMs to replace an existing service door; new storefront glazing to replace stucco on the north façade; new diagonal northwest entrance; replacement of west-facing storefront doors with storefront glazing; new east-facing door; limited replacement of existing storefront with comparable storefront, per the approved site plans, Exhibits C-1 through C-10, signed and dated May 1, 2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) 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 19-130040 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Hannah Bryant

Decision rendered by:  **on May 1, 2019**
By authority of the Director of the Bureau of Development Services

Decision mailed: May 3, 2019

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 March 8, 2019, and was determined to be complete on March 22, 2019.

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 March 8, 2019.

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, **the 120 days will expire on: July 20, 2019.**

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 May 17, 2019** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **May 20, 2019** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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:

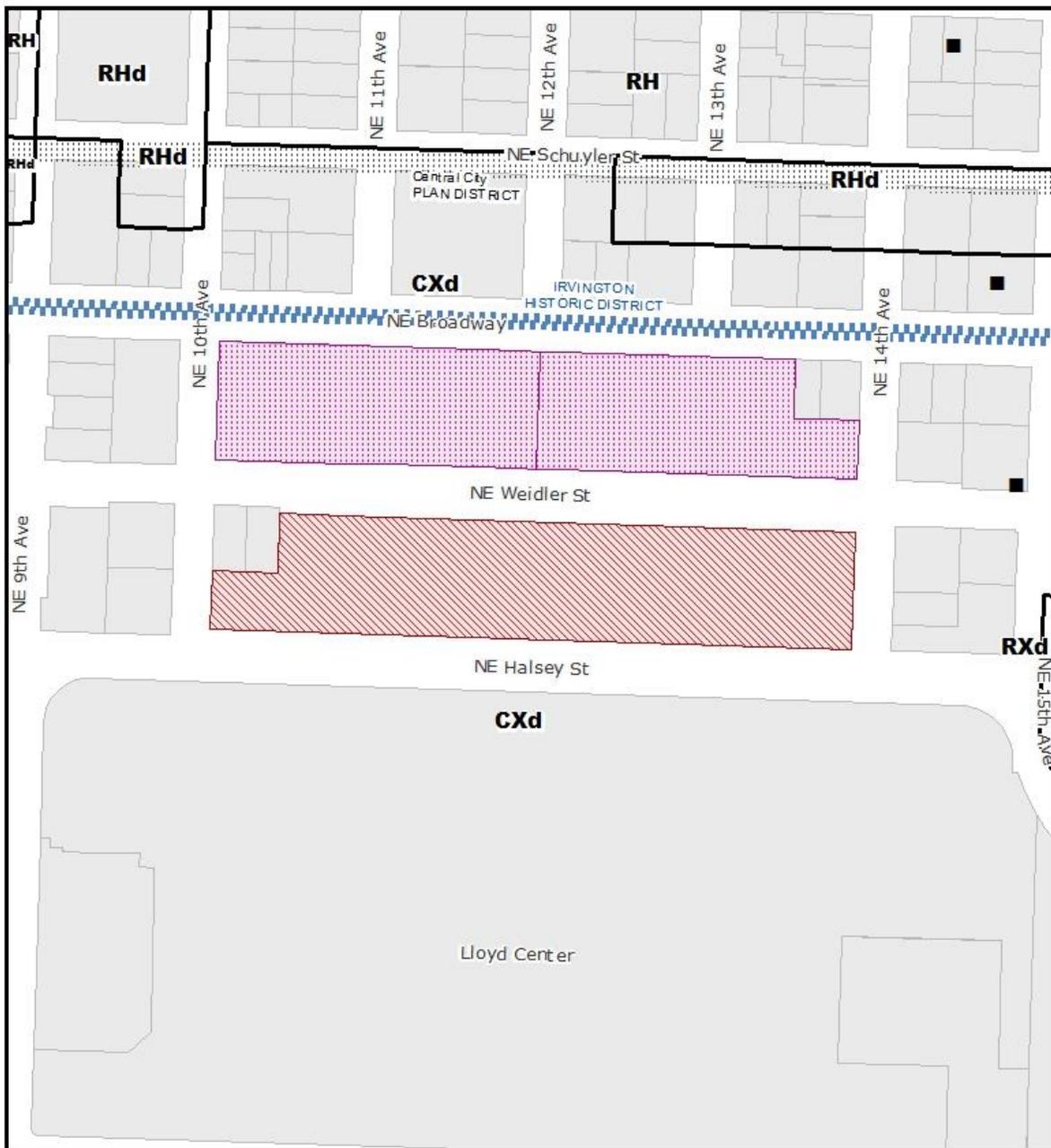
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 - 1. Original Submittal
 - 2. Revised Submittal, April 11, 2019
 - 3. Revised Submittal, April 22, 2019
 - 4. Revised Submittal, April 24, 2019
 - 5. Final Submittal
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Floor Plan
 - 3. North Elevation and Ground Floor Glazing Diagram
 - 4. East/West Elevations and Ground Floor Glazing Diagram
 - 5. Elevations – Demo
 - 6. ATM cutsheet
 - 7. Longterm Bike Cutsheet
 - 8. Shortterm Bike Cutsheet
 - 9. Exterior Stucco Cutsheet
 - 10. Aluminum Window Cutsheet
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Review Section of BDS
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Site Photos
 - 3. Definition of Plaza 33.910

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 
 NORTH
 THIS SITE LIES WITHIN THE:
 CENTRAL CITY PLAN DISTRICT
 LLOYD SUBDISTRICT

-  Site
-  Also Owned Parcels
-  Historic Landmark

File No.	LU 19-130040 DZ
1/4 Section	2831,2931
Scale	1 inch = 200 feet
State ID	1N1E26CD 13100
Exhibit	B Mar 12, 2019

