



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

Ted Wheeler, Mayor  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** April 14, 2020  
**To:** Interested Person  
**From:** Tim Heron, Land Use Services  
503-823-7726 / [Tim.Heron@portlandoregon.gov](mailto:Tim.Heron@portlandoregon.gov)

## **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 19-265385 DZ**

#### **GENERAL INFORMATION**

**Owner/Agent:** Safeway Inc  
1371 Oakland Blvd #200  
Walnut Creek, CA 94596-4349  
Natacha Epley, Safeway Inc  
11555 Dublin Canyon Way  
Pleasanton, CA 94588

**Applicant:** Kevin Mohr, Tiland/Schmidt Architects, P.C., 503-220-8517  
3611 SW Hood Ave, Ste 200  
Portland, OR 97239

**Site Address:** 8222 N IVANHOE ST  
**Legal Description:** BLOCK 32 INC PT VAC ST LOT 1-3 LOT 6&7, LOT 8 EXC PT IN STS,  
JAMES JOHNS 2ND ADD  
**Tax Account No.:** R426002000  
**State ID No.:** 1N1W12AB 06400  
**Quarter Section:** 2122

**Neighborhood:** Cathedral Park, contact Steve Capoccia at [cpna.landuse@gail.com](mailto:cpna.landuse@gail.com).  
**Business District:** St. Johns Business Boosters, contact at [info@stjohnsboosters.org](mailto:info@stjohnsboosters.org).  
**District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-8877.

**Plan District:** St. Johns

**Zoning:** CM2(MU-U)d, Mixed Commercial 2 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 approval for the adding a new 10' x 21' covered trash enclosure, with a new fence and gate to restrict access to the rear alley between two buildings.

The trash enclosure will consist of matching brick walls to the adjacent buildings and covered by a steel canopy roof with the support columns and yellow painted bollards for protection and visibility.

Because the proposal is for new development in a design overlay zone, Design Review is required.

**Relevant Approval Criteria:**

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

- Community Design Guidelines

## ANALYSIS

**Site and Vicinity:**

The site is an 11, 438 square foot commercial building in an auto-oriented shopping center development with frontages on N. Ivanhoe Street, N. Princeton Street and N. Richmond Avenue. The surrounding uses include a US Postal Service facility, as well as commercial, single and multi-family development. It is directly across the street from the National Cash Register Building, a Historical Landmark and a few blocks from the St. John’s Bridge.

N. Richmond is a designated Neighborhood Collector Avenue, Transit Access Street and City Bikeway. N. Ivanhoe Street is a designated District Collector Street, Transit Access Street, and City Bikeway. The site is within the St. John’s Pedestrian District.

**Zoning:**

Commercial/Mixed Use 2 zone. The Commercial/Mixed Use 2 (CM2) zone is a medium scale zone intended for sites in a variety of centers, along corridors, and in other mixed use areas that have frequent transit service. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to four stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.

The Design Overlay Zone [d] promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. 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.

**Land Use History:** City records indicate prior land use reviews for this site.

- V 33-65 Approved request to vacate portions of N. Syracuse Street and N. Charleston Avenue.
- LUR 00-00253 AD Approved with Conditions on Appeal adjustment requests to increase the length of the vehicle area along the North Ivanhoe Street frontage of the site from 50 percent to 67 percent and reduce the length of the ground level building wall within 25 feet of the curb along North Richmond Avenue to 50 percent to 33 percent.
- LUR 02-155584 UD Requested a Use Determination review necessary to change driveway location to the west. Case void or withdrawn.
- LU 05-164423 DZ - Design Review Approval of an exterior wall-mounted sign.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **February 27, 2020**. The following Bureaus have responded with no issues or concerns:

- Fire Bureau

- Site Development Section of BDS
- Bureau of Environmental Services

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **February 27, 2020**. 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 Community Design Guidelines.

### Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other movement systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

*Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.*

**D5: Crime Prevention.** Use site design and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground level uses, and outdoor areas.

**D6: Architectural Integrity.** Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

**D8: Interest, Quality, and Composition.** All parts of a building should be interesting to view, of long-lasting quality, and designed to form a cohesive composition.

**Findings for D5, D6, and D8:** The trash area is currently in the back of a deep U-shaped alley condition created by the original building and one added in 2003. The previous trash enclosure was removed at the request of the tenants due to frequent illegal activity.

The proposal is for a new trash area that effectively secures the alley access by the trash enclosure itself built to the face of the building wall, and a locked gate and fenced enclosure for the remainder of the opening between the two building wings. The trash enclosure will be secured on all sides with high brick walls, tall steel gates, and a steel

canopy. The distance between the top of the brick wall and bottom of the steel canopy has been minimized to prevent people from accessing the trash area through the gap. This will prevent unauthorized access to the area, increase safety for the tenants, and minimizes opportunity for criminal activity.

The trash enclosure uses similar materials and colors as the adjacent building, constructed around 2003, to provide interest and architectural integrity. The walls will be brick with a masonry cap to 8' with matching colors to the existing brick building. The trash enclosure canopy will be painted light green and supported by columns painted cream, similar to colors used on both buildings. The trash enclosure gates, and the new fence will be painted a mix of tan and cream. Tan for the posts and infill, and cream for the framing. The concrete and steel elements of the proposal are durable and long-lasting, and form cohesive composition by virtue of the integrated trash enclosure and fencing addition within the existing U-shaped building alley area.

*These guidelines are 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 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 review guidelines and therefore merits approval.

## **ADMINISTRATIVE DECISION**

**Approval** of a new 10' x 21' covered trash enclosure and gate using match materials and color of the adjacent buildings.

**Approval** per Exhibits C-1 through C-3 dated April 10, 2020, 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 19-265385 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: Tim Heron**



**Decision rendered by:** \_\_\_\_\_ **on April 10, 2020.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: April 14, 2020**

**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 December 16, 2019, and was determined to be complete on **February 24, 2020.**

*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 December 16, 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: June 23, 2020.**

**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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received by 4:30 PM on April 28, 2020. **Towards promoting social distancing during the COVID-19 pandemic, the completed appeal application form must be e-mailed to [BDSLUSTeamTech@portlandoregon.gov](mailto:BDSLUSTeamTech@portlandoregon.gov) and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. An appeal fee of \$250 will be charged. Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations for the appeal of Type

II and Ix decisions on property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

**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 **April 28 2020** 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:

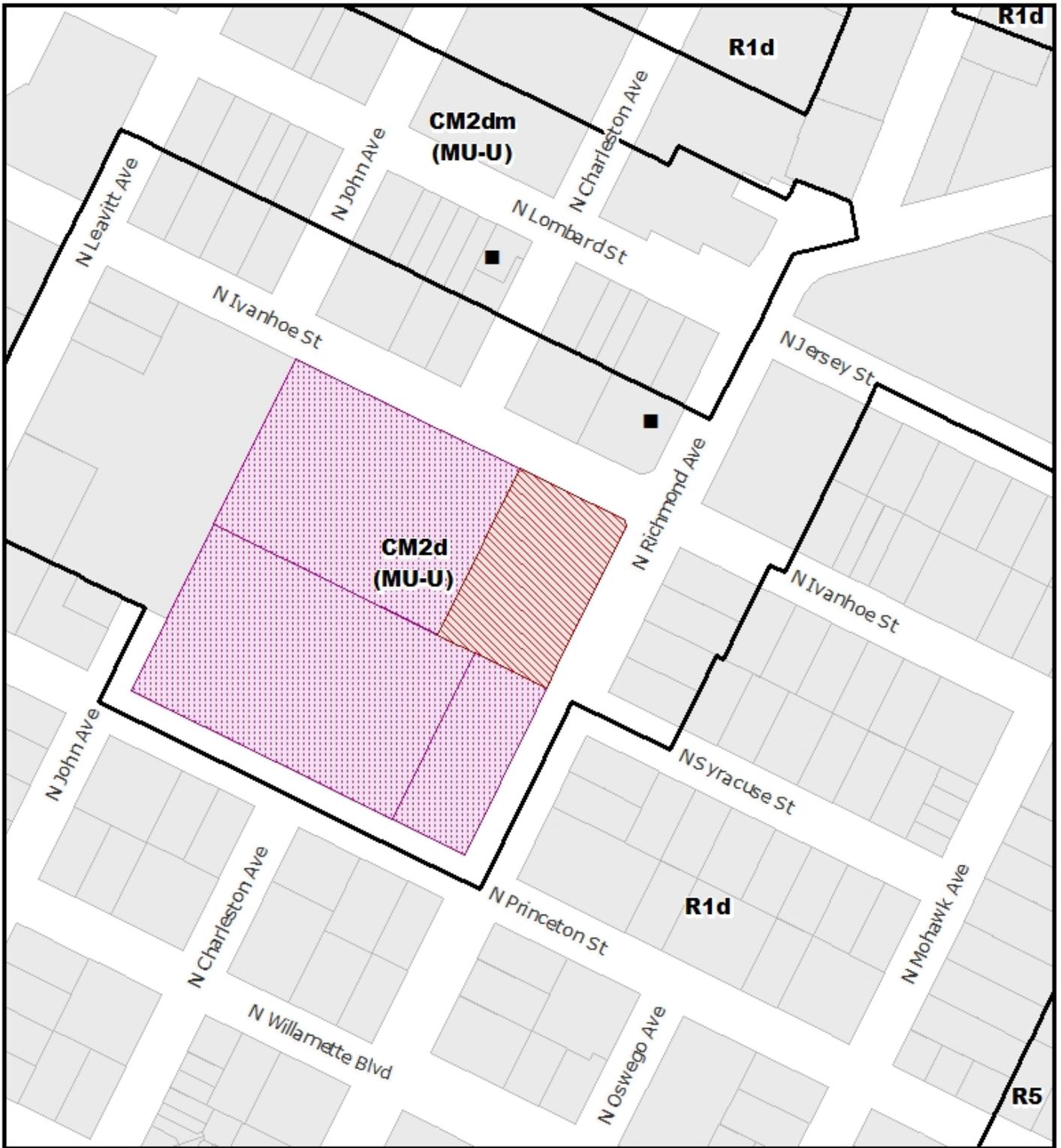
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Original Application and drawings
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Enlarged Floor Plans [attached]
  - 3. Elevations [attached]
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Fire Bureau
  - 2. Site Development Review Section of BDS
  - 3. Bureau of Development Services
- F. Correspondence: None received.
- G. Other:
  - 1. Original LU Application
  - 2. December 30, 2019 Incomplete Letter

**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

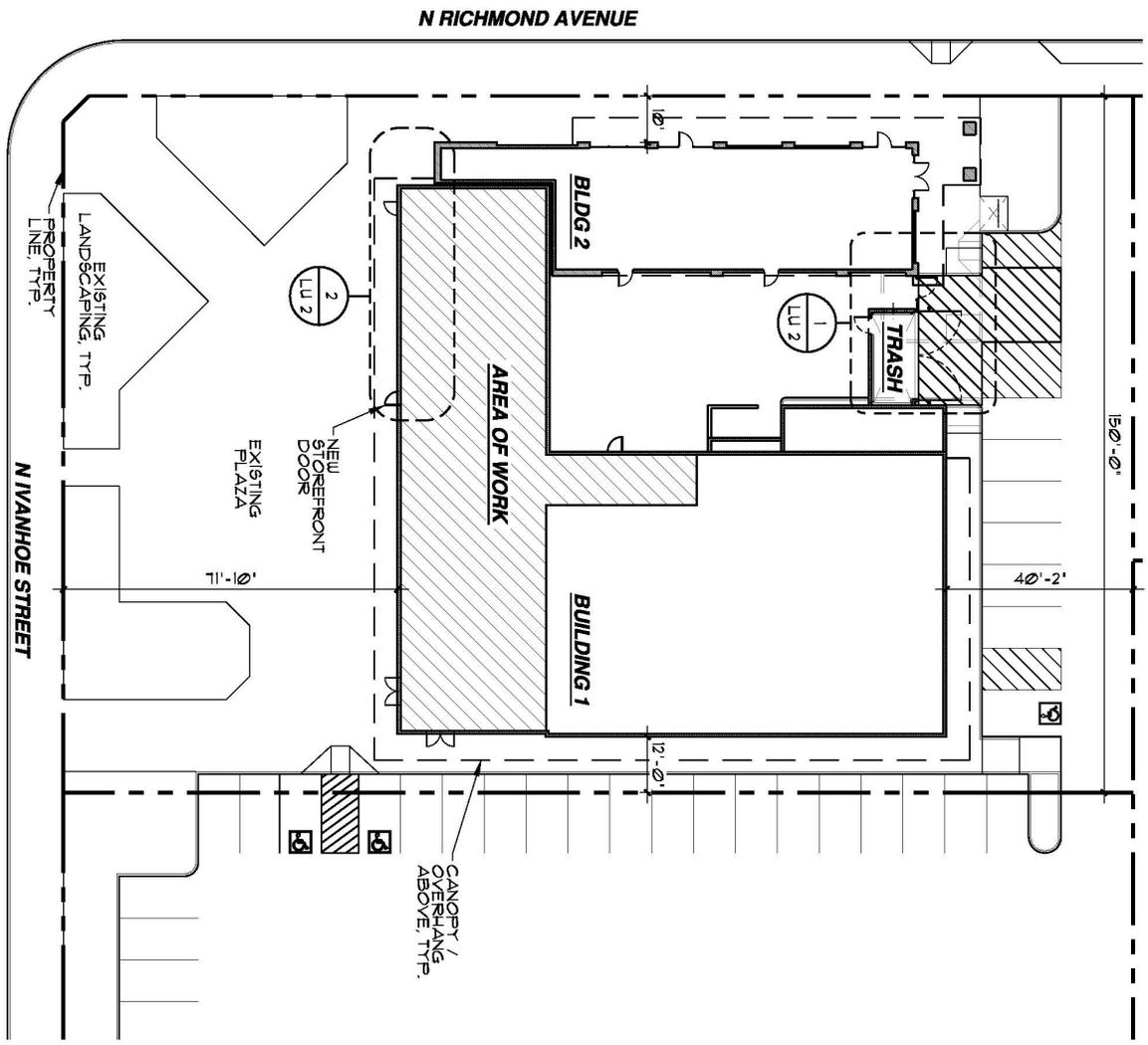
ST. JOHNS PLAN DISTRICT



-  Site
-  Also Owned Parcels
-  Historic Landmark

File No.	LU 19 - 265385 DZ
1/4 Section	2122
Scale	1 inch = 163 feet
State ID	1N1W12AB 6400
Exhibit	B Dec 18, 2019

**1**  
**LAND USE SITE PLAN EXHIBIT**  
 SCALE: 1" = 25'-0"

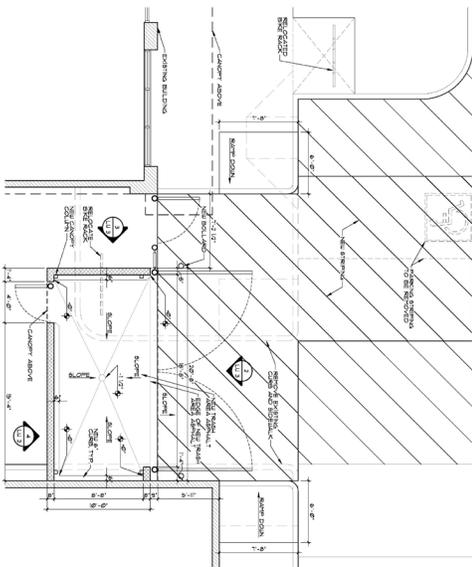


April 10, 2020  
 LU 19-265385 DZ  
 Exhibit C.1

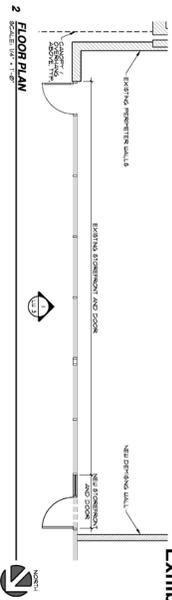
**BUILDING SHELL WORK FOR  
 THERAPEUTIC ASSOCIATES, INC.**  
 8222 NORTH IVANHOE STREET  
 PORTLAND, OREGON 97203  
**ALBERTSONS COMPANIES**

PROJECT NO. <b>19150</b>	DATE: 2/10/2020 DRAWN BY: JCH CHECKED BY: JCH
LU <b>1</b>	

TILAND / SCHMIDT ARCHITECTS PC 3611 S.W. 100th Ave. Suite 200 Portland, OR 97224-3811 Phone: (503) 250-8811 Fax: (503) 250-8815	
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1 TRASH ENCLOSURE PLAN  
SCALE: 1/4" = 1'-0"



2 FLOOR PLAN  
SCALE: 1/4" = 1'-0"



April 10, 2020  
 LU 19-265385 DZ  
 Exhibit C.2

PROJECT NO. 19150	
DATE APRIL 10, 2020	
OWNER THERAPEUTIC ASSOCIATES, INC.	
REVISIONS	

**BUILDING SHELL WORK FOR  
 THERAPEUTIC ASSOCIATES, INC.**  
 8222 NORTH IVANHOE STREET  
 PORTLAND, OREGON 97203  
 ALBERTSONS COMPANIES

TILANDT SCHMIDT ARCHITECTS 400 NE 11TH AVENUE PORTLAND, OREGON 97232 TEL: 503.253.1100 FAX: 503.253.1100	
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