



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

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Date: 10/13/2020
To: Interested Person
From: Tanya Paglia, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a 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 20-122638 DZ – WENDY’S EXTERIOR ALTERATIONS

GENERAL INFORMATION

Applicant: Jennifer Rinkus | Baysinger Partners Architects
1006 SE Grand Ave Suite 300 | Portland, OR 97214
jenniferr@baysingerpartners.com

Tenant: Jason Graber
Aksan United Fortune Inc; Bodan Aksan IA LLC;
Group W Aksan IA LLC
6850 W 52nd Ave, #200 | Arvada, CO 80002

Owner: Alta Home Properties LLC
PO Box 256 | Dublin, OH 43017-0256

Site Address: 1421 NE GRAND AVE

Legal Description: BLOCK 69 LOT 1-4 EXC PT IN ST LOT 5-8, HOLLADAYS ADD
Tax Account No.: R396203030
State ID No.: 1N1E35BB 01000
Quarter Section: 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 Jessica Rojas at jessica@necoalition.org.

Plan District: Central City - Lloyd District
Zoning: CXd – Central Commercial with 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 approval for exterior alterations to an existing Wendy’s restaurant located in the Lloyd Sub District of the Central City Plan District. The project will include:

- upgrading the existing trash enclosure to add a roof, a drain and new metal gates;
- adding two new interior landscape planter islands;
- reworking the existing ADA parking stalls to bring them into compliance with ADA regulations;
- adding two long term bike lockers;
- adding a new 30’ flagpole and light; and
- Replacing a rooftop light fixture.

Note: New signs will be placed on the building as part of the remodel, but will not undergo design review (per 33.420.041 *When Design Review is Required*; F. *Exterior signs larger than 32 square feet, except in the South Auditorium plan district, where all signs are subject to design review*).

Design review is required because the proposal is for exterior alterations in a design overlay zone.

Relevant Approval Criteria:

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

- Special Design Guidelines for the Design Zone of the Lloyd District of the Central City Plan
- Central City Fundamental Design Guidelines
- Oregon Statewide Planning Goals

ANALYSIS

Site and Vicinity: The subject property is developed with a one-story building in the middle of the site and surface parking around. The building includes a drive-through facility on the west portion of the site. The full block site is located in the Lloyd sub-District of the Central City Plan District and is bordered by NE Halsey St to the north, NE Clackamas St to the south, NE Martin Luther King Jr Blvd to the west, and NE Grand Ave to the east. Within this pedestrian district, the site is located between a major north/south retail corridor of the district, the NE Grand and MLK couplet. In the immediate vicinity, the established character of this retail corridor consists of a majority of one-story and two-story retail buildings with surface parking lots. However, much of the new development in this area is more intensive with a strong emphasis on the pedestrian. This shift in development can be attributed in part to the transit system with the streetcar running adjacent to the site along NE Grand, as well as two blocks east along NE 7th Ave and a Max line four blocks south, in addition to a bus line running on both sides of the site on Grand and MLK.

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 District Subdistrict of this plan district.

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

- LU 02-110619 DZ: Replacement of a glass solarium.
- LUR 99-00799 DZ: Withdrawn Design Review application to add two lines of border tube neon along the red reveal area of the existing decorative mansard roof.
- VZ 019-84: Denial of landscaping variance on the north. Approval of the balance [of the proposal] with the conditions that 1. All landscaping on the plan must be installed before the issuance of a certificate of occupancy. 2. All landscaping must be continually maintained by watering, weeding and replacement as necessary. 3. Applicant shall install a 2nd menu board located so that drive-thru patrons can view the board before arriving at the order station. 4. Applicant shall install signage near the NE Grand Ave curb cut indicating that alternative drive-thru access is available on NE Clackamas St.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed on 8/28/2020. The following three Bureaus, Divisions and/or Sections responded with no objections and two of these included comments found in Exhibits E.1-E.3:

- Bureau of Environmental Services (Exhibit E.1)
- Bureau of Transportation Engineering (Exhibit E.2)
- Fire Bureau (Exhibit E.3)
- Life Safety Division of the Bureau of Development Services (Exhibit E.4)
- Site Development Review Section of Bureau of Development Services
- Water Bureau

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on 8/28/2020. 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

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.

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.

A5-1. Develop Identifying Features. Encourage the inclusion of features in the design of projects that give projects identity and a sense of place or significance within the District.

A5-6. Incorporate Landscaping as an Integral Element of Design. Incorporate landscaping as an integral element of design which is supportive of both the built and natural 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.

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

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

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.

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.

Findings for A4, A5, A5-1, A5-6, A8, B7, C2, C5, AND C10-1: This proposed project is for a minor remodel of an existing site; it is not new development. The building will remain as-is on the exterior except for replacement of the existing rooftop lighting with LED fixtures. While the site centers on an existing auto-centric commercial building surrounded by surface parking, the proposal will make the area more pedestrian-oriented with the addition of more landscaping and improved screening of trash. The project will improve upon the existing landscape, adding two new landscape islands, which is a key element of the site given the small size of the building and the large amount of vehicle area. The site’s existing and proposed landscaping together will continue to soften the parking area

The new flagpole and light will add visual interest and safety to the site. The addition of long-term bike parking will contribute to the pedestrian environment by encouraging bicycle commuting for people that work on site, contributing to the reduction of the auto centric nature of the property. Reworking the existing ADA parking stalls to bring them into compliance with ADA regulations will improve site access for those of all mobility types. The existing site and building provide two pedestrian pathways from the main rights-of-way, NE Grand Avenue and NE Martin Luther King Boulevard, to the main building entrances which reside on the facades facing those streets. The walkways are ADA compliant. The walkways also provide access to the outside patio area and bicycle parking. The project will retain these access systems.

The existing primary building material is brick. The proposed project will retain all of the brick and remain a coherent composition. The trash enclosure will be modified to meet BES standards with a new roof and gates added to the existing brick enclosure which will remain. All materials are durable, high quality materials that provide for easy maintenance and longevity.

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 IIx 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. *Staff finds the proposal is consistent with Goal 6.*

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 City’s public services bureaus found that existing public services are adequate to serve the proposal, as discussed earlier in this report.*

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). *As discussed earlier in this report, PBOT evaluated this proposal and had no objection to the proposal. Therefore, the proposal is consistent with Goal 12.*

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 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 proposal will foster a safer and more attractive pedestrian environment and visitor experience than the existing condition with more landscape to soften the extensive vehicle area, better screening for the trash enclosure, improved ADA conditions, and more bicycle parking. 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. As conditioned herein, the proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations to an existing Wendy’s restaurant located in the Lloyd Sub District of the Central City Plan District, per the approved site plans, Exhibits C-1 through C-7, signed and dated 10/9/2020, 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 20-122638 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: Tanya Paglia



Decision rendered by: _____ **on 10/9/2020.**

By authority of the Director of the Bureau of Development Services

Decision mailed: 10/13/2020

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 February 26, 2020, and was determined to be complete on August 21, 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 February 26, 2020.

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: 12/19/2020.**

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 **10/27/2020**. **Towards promoting social distancing during the COVID-19 pandemic, the completed appeal application form must be emailed to**

LandUseIntake@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 IIX 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 paper 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 **10/27/2020** 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:

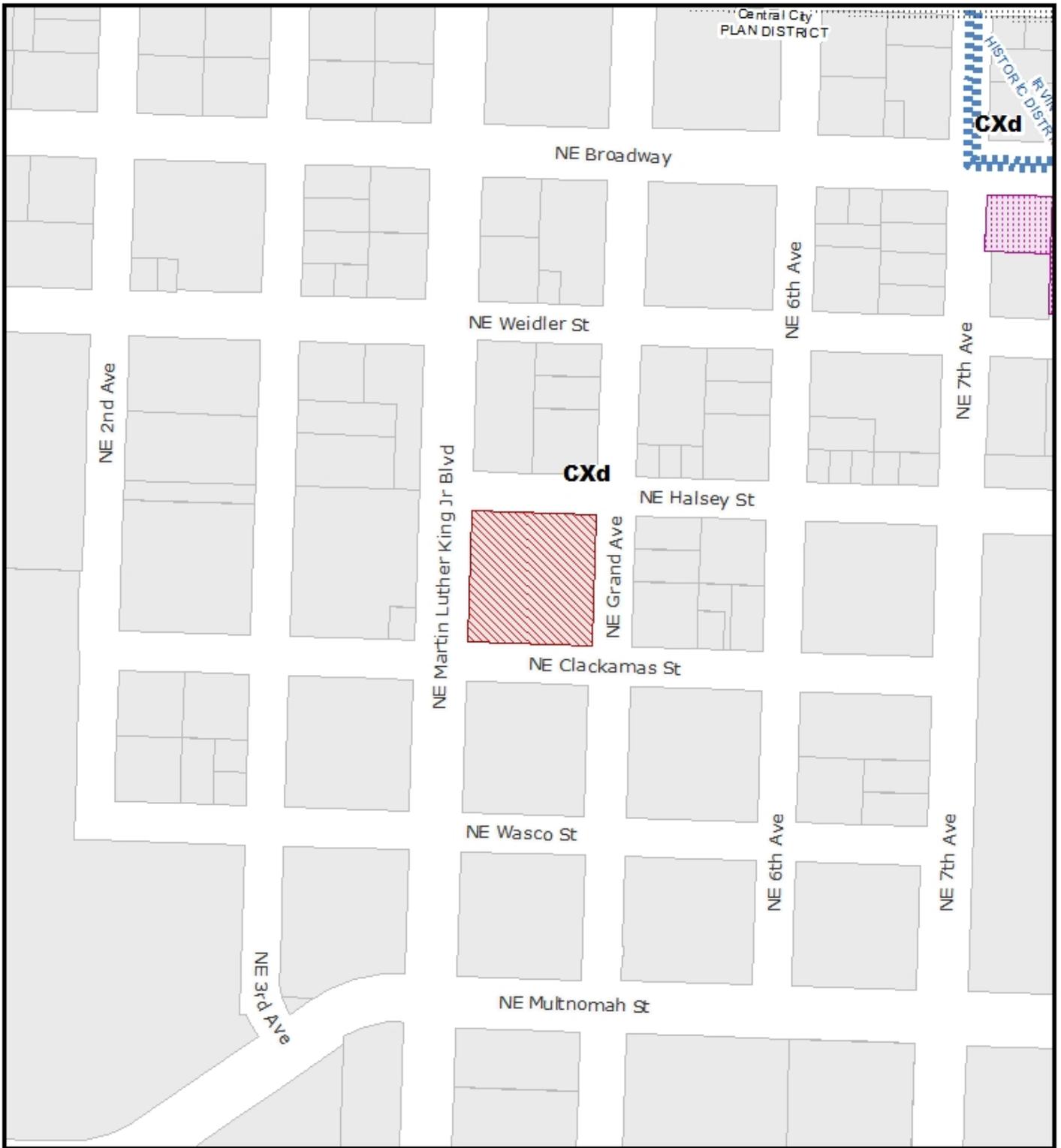
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Submittal
 - 1. Applicant’s original project narrative, zoning summary, and response to approval criteria
 - 2. Original plan set – NOT APPROVED/reference only
 - 3. Applicant’s updated project narrative, zoning summary, and response to approval criteria
 - 4. Cut sheets
 - 5. Materials Proposed
 - 6. Existing conditions photos
 - 7. Civil drawings
 - 8. Drainage Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan – Existing (attached)
 - 2. Site Plan – Proposed (attached)
 - 3. Trash Enclosure and Flag Pole Elevations, Section, and Detail (attached)
 - 4. Color Elevations – Proposed
 - 5. Black and White Elevations – Proposed
 - 6. Existing Floor Plan
 - 7. Elevations – Existing
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering
 - 3. Fire Bureau
 - 4. Life Safety Division of the Bureau of Development Services
- F. Correspondence: None received
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter
 - 3. EA Summary (EA 19-250422 APPT), January 24, 2020

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

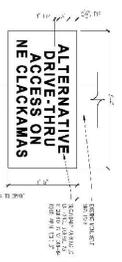
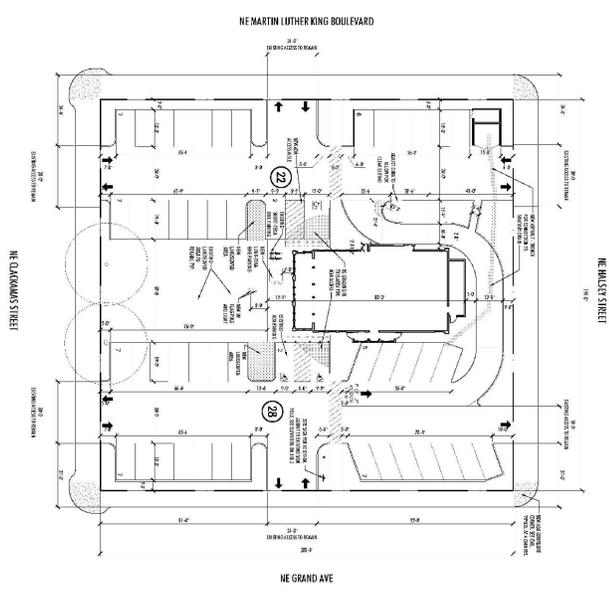

 NORTH
 CENTRAL CITY PLAN DISTRICT
 LLOYD SUB DISTRICT

-  Site
-  Also Owned Parcels

File No.	LU 20 - 122638 DZ
1/4 Section	2931
Scale	1 inch = 200 feet
State ID	1N1E35BB 1000
Exhibit	B Aug 26, 2020

Approval
 City of Portland
 Bureau of Development Services
 Planner: *[Signature]*
 Date: 10/26/2020
 *This approval applies only to the review requested and is subject to all conditions of approval. Additional conditions may be imposed during appeal.

01 SITE PLAN - PROPOSED
 SCALE: 1/8" = 1'-0"



02 SITE SIGNAGE - PER VZ - 019-84
 SCALE: 1" = 10'

PROPOSED SITE INFORMATION

PROJECT NAME:	1421 NE GRAND AVE
PROJECT ADDRESS:	1421 NE GRAND AVE
PROJECT CITY:	PORTLAND, OR
PROJECT COUNTY:	CLATSOP COUNTY
PROJECT ZIP:	97232
PROJECT PHONE:	(503) 473-1234
PROJECT FAX:	(503) 473-1234
PROJECT WEBSITE:	WWW.WENDYS.COM
PROJECT CONTACT:	JOHN D. SMITH
PROJECT TITLE:	OWNER
PROJECT DATE:	10/26/2020
PROJECT STATUS:	PROPOSED
PROJECT TYPE:	RESTAURANT
PROJECT ZONING:	OS 1.2
PROJECT DISTRICT:	OS 1.2
PROJECT NEIGHBORHOOD:	OS 1.2
PROJECT SUBDISTRICT:	OS 1.2
PROJECT PHASE:	OS 1.2
PROJECT PERMIT:	OS 1.2
PROJECT PLAN:	OS 1.2
PROJECT SHEET:	OS 1.2
PROJECT DATE:	10/26/2020
PROJECT SCALE:	1/8" = 1'-0"
PROJECT DRAWN BY:	JOHN D. SMITH
PROJECT CHECKED BY:	JOHN D. SMITH
PROJECT APPROVED BY:	JOHN D. SMITH
PROJECT REVIEWED BY:	JOHN D. SMITH
PROJECT REVISIONS:	OS 1.2
PROJECT COMMENTS:	OS 1.2
PROJECT NOTES:	OS 1.2
PROJECT LEGEND:	OS 1.2
PROJECT INDEX:	OS 1.2
PROJECT TITLES:	OS 1.2
PROJECT SYMBOLS:	OS 1.2
PROJECT DIMENSIONS:	OS 1.2
PROJECT COORDINATES:	OS 1.2
PROJECT ELEVATIONS:	OS 1.2
PROJECT VOLUMES:	OS 1.2
PROJECT AREAS:	OS 1.2
PROJECT PERIMETERS:	OS 1.2
PROJECT POINTS:	OS 1.2
PROJECT LINES:	OS 1.2
PROJECT POLYLINE:	OS 1.2
PROJECT TEXT:	OS 1.2
PROJECT DIMENSIONS:	OS 1.2
PROJECT COORDINATES:	OS 1.2
PROJECT ELEVATIONS:	OS 1.2
PROJECT VOLUMES:	OS 1.2
PROJECT AREAS:	OS 1.2
PROJECT PERIMETERS:	OS 1.2
PROJECT POINTS:	OS 1.2
PROJECT LINES:	OS 1.2
PROJECT POLYLINE:	OS 1.2
PROJECT TEXT:	OS 1.2



Baysinger

1421 NE GRAND AVE
 PORTLAND, OR 97232

Wendy's

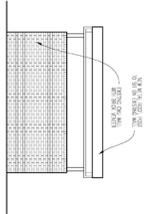
1421 NE GRAND AVE
 PORTLAND, OR 97232

AS1.2

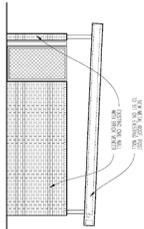
ARCHITECTURAL SITE PLAN
 DRINK OR CONSTRUCTION
 GUIDE FOR CONSTRUCTION

LU 20-12638 DZ

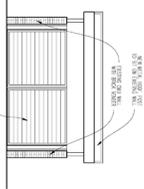
Exhibit C-2



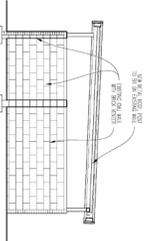
01 TRASH ENCLOSURE ELEVATION
SCALE: 1/4" = 1'-0"



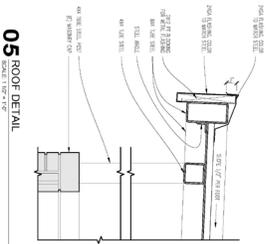
02 TRASH ENCLOSURE ELEVATION
SCALE: 1/4" = 1'-0"



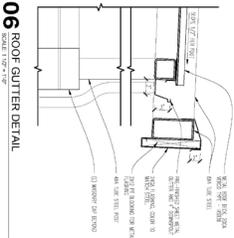
03 TRASH ENCLOSURE ELEVATION
SCALE: 1/4" = 1'-0"



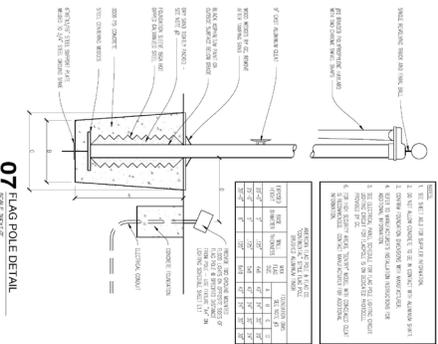
04 TRASH ENCLOSURE SECTION
SCALE: 1/4" = 1'-0"



05 ROOF DETAIL
SCALE: 1/4" = 1'-0"



06 ROOF GUTTER DETAIL
SCALE: 1/4" = 1'-0"



07 FLAG POLE DETAIL
SCALE: 1/4" = 1'-0"

Approved:
City of Portland
Bureau of Development Services
Palmer
Date: 10/28/2020
*This signature is in full compliance with the conditions of approval. Additional zoning requirements may apply.

DATE MODEL	4/2019
DATE TYPE	COMPLIANCE
DATE REVISION	2/2019
DATE VERSION	2/2019
PROJECT TEAM	2019
PROJECT NUMBER	2019
PROJECT NAME	RENDERER LITE



PROJECT TYPE: RENDERER LITE

Wendy's
1421 NE GRAND AVE
PORTLAND, OR, 97232

DRINK ONLY
GUIDE FOR
CONSTRUCTION

ARCHITECTURAL
SITE ELEMENTS

AS1.3

Exhibit C-3

LU 20-122638 DZ