



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

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Date: May 15, 2023
To: Interested Person
From: Tim Heron, Land Use Services
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NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has a approved 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 23-025766 DZ – NEW ATM

GENERAL INFORMATION

Applicant: Ariane Sanders, PM Design Group Inc, asanders@pmdginc.com
3860 Broadway, Suite 110
American Canyon, CA 94503

Owner: Loca Investors
1615 SE 3rd Ave #100
Portland, OR 97214

Property Manager: Jeff Olson, Commercial Realty Advisors Northwest LLC
15350 SW Sequoia Pkwy
Portland, OR 97224

Site Address: 1036 SE BELMONT ST
Legal Description: BLOCK 246 LOT 1&2 EXC PT IN ST LOT 7&8, SPLIT MAP R176896 (R366702370), HAWTHORNE PK
Tax Account No.: R366702290
State ID No.: 1S1E02BA 04000
Quarter Section: 3131
Neighborhood: Buckman, contact Nick Olson at buckmanlandusepdx@gmail.com
Business District: Central Eastside Industrial Council, contact ceic@ceic.cc.
District Coalition: Southeast Uplift, contact Matchu Williams at matchu@seuplift.org

Plan District: Central City - Central Eastside
Zoning: EXd, Central Commercial with design overlay
Case Type: DZ, Design Review
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant requests Design Review approval for a new walk-up Automatic Teller Machine [ATM], new entry door, replacing storefront glazing with new spandrel glazing, and louver vent at existing storefront windows.

Because the proposal is for exterior improvements to an existing building in the design overlay zone, Design Review is required.

Relevant Approval Criteria:

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

- *Central City Fundamental Design Guidelines*
- *Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan*

ANALYSIS

Site and Vicinity: The subject site consists of a large superblock, in addition one half-block east of SE 11th Avenue. Located between SE Belmont and Taylor Streets east of SE 10th Avenue, the large superblock includes two standard-sized downtown blocks as well as a vacated segment of Yamhill Street between SE 10th and SE 11th. The easterly portion of the site includes a 20,000 square-foot parcel at the southeast corner of SE 11th & Belmont. The LOCA/ Goat Blocks mixed-use development (approved by the design Commission in 2014 through LU 14-125908 DZM, AD) consists of approximately 110,000 square feet of retail space, 247 apartments, 339 parking spaces, and a public access easement over the internal Yamhill Alley and public plaza area.

The surrounding area has a mixture of commercial, industrial, and residential uses, largely following the pattern indicated on the zoning map. The east-west commercial corridor along Belmont and Morrison just north of the site is characterized by commercial uses, including office, retail, and entertainment uses. A storefront-style commercial character is evident along Belmont, with buildings that hug the street lot line and usually including active ground floor space at the sidewalk. To the south and east of the building the neighborhood quickly turns industrial in character, with industrial office spaces, manufacturers and warehouse uses, and larger, simpler buildings with fewer windows and less orientation towards active sidewalk engagement. Directly east of the east block is a single-story auto servicing use, but the remainder of the area to the east, especially on the other side of SE 12th Avenue, is primarily residential. Aerial photos of the central city in this neighborhood show a clear dividing line at 12th Avenue between the leafy, green residential streets east of SE 12th Avenue and the more built-up, urban and industrial character found in areas west of SE 12th Avenue.

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

The “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 Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Central City Transportation management Plan.

The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area. The site is within the Central Eastside Subdistrict of this plan district.

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

- **VZ 361-63** In 1963 a variance was granted to allow a large billboard on the east block where the existing surface parking lot is located. This billboard has since been removed from the site.
- **EA 13-203772 PC** Pre-Application Conference for a Type III Design Review for a mixed-use project.
- **EA 13-224797 DA** Design Advice Request for new mixed-use project.
- **LU 14-125908 DZM AD** Design review approval with modifications and adjustments for the LOCA/Goat Blocks project, in the Central Eastside Subdistrict of the Central City Plan District, including approximately 110,000 square feet of retail space, 247 apartments, 339 parking spaces, and a public access easement over the internal Yamhill Alley and public plaza area.
- **EA 14-168895 PC** Pre-application conference for Central City Parking review, associated with development currently under Design review, 14-125908 DZM
- **LU 14-212949 PR** Approval of a Central City Parking Review the construction of 139 Residential and 246 Growth Parking Spaces for the multi-block mixed-use project on the site, identified for purpose of this decision and conditions of approval as LOCA.
- **LU 15-234298 DZM** Design Review Approval with Modifications for two large projecting blade signs and two canopy signs in the Central Eastside Subdistrict of the Central City Plan District.
- **LU 18-161462 DZ** Design Review Approval of exterior alterations to an existing building to include a new rooftop mechanical “doghouse” and the option to replace the existing louver along the pedestrian alley with storefront to match adjacent conditions.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **April 26, 2023**. The following Bureaus have responded with no issues or concerns:

- Fire Bureau (See Exhibit E-1)
- Life Safety Division of BDS (See Exhibit E-2)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 26, 2023**. 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 the site is located generally within the Central City Plan District, the applicable design guidelines are the Central City Plan Fundamental Design Guidelines. As the site is also specifically located within the

Design Zone of the Central Eastside District, the Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan also apply.

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

The Central Eastside is a unique neighborhood. The property and business owners are proud of the district's heritage and service to the community and region. Light industry, distribution/warehousing, and transportation are important components of the district's personality. To the general public, retail stores and commercial businesses provide the central focus within the district.

The underlying urban design objective for the Central Eastside is to capitalize on and emphasize its unique assets in a manner that is respectful, supportive, creative and compatible with each area as a whole. Part of the charm and character of the Central Eastside District, which should be celebrated, is its eclectic mixture of building types and uses. An additional strength, which should be built on, is the pattern of pedestrian friendly retail uses on Grand Avenue, East Burnside and Morrison Streets, as well as portions of 11th and 12th Avenues.

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.

Central Eastside Design Goals

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

- Encourage the special distinction and identity of the design review areas of the Central Eastside District.
- Provide continuity between the Central Eastside and the Lloyd District.
- Provide continuity between the Central Eastside and the river, downtown, and adjacent residential neighborhoods.
- Enhance 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.

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.

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.

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.

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

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

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

Findings: The Automatic Teller Machine [ATM] is appropriately integrated within the existing storefront pattern of the mixed-use building. The ATM, being centered within the window bay, maintains the existing mullion pattern and window bay division, respecting the architectural integrity of the building. The spandrel panels above and below the ATM (where the window area previously exists) and adjacent brake metal finish, have been designed and will be installed so that in the future the entire ATM can be removed, and the window bay brought back to the original building design.

The ATM located at this location of the building and in relation to the street is appropriate, providing adequate queuing area for users without blocking pedestrian traffic along the adjacent sidewalk of SE 11th Avenue due to the width of the sidewalk at 12'-0".

The louver is appropriately integrated within the existing storefront pattern of the mixed-use building. The louver, being installed in the upper left quadrant within the window bay, maintains the window bay division, is painted to match the adjacent storefront material, and respects the architectural integrity of the building. The spandrel panels adjacent to the louver (where the window area previously exists) have been designed and will be installed so that in the future the louver and spandrel panels can be removed, and the window bay brought back to the original building design.

These guidelines are therefore met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all 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 a new walk-up Automatic Teller Machine [ATM], new entry door, new spandrel glazing, and louver vent at existing storefront windows.

Approval per Exhibits C-1 through C-4, signed and 5/11/2023 subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 23-025766 DZ."
- B. No Field Changes allowed.

Staff Planner: Tim Heron



Decision rendered by: _____ **on May 11, 2023**

By authority of the Director of the Bureau of Development Services

Decision mailed May 15, 2023

Procedural Information. The application for this land use review was submitted on March 24, 2023, and was determined to be complete on **April 21, 2023**.

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 24, 2023.

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: August 19, 2023.**

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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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.

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 15, 2023** 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 it is rendered unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.

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 for 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 submittal narrative and drawings
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. West Elevation (attached)
 - 3. North Elevation (attached)
 - 4. West and North Elevation Renderings
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Fire Bureau
 - 2. Life Safety Division of BDS
- F. Correspondence: none.
- G. Other:
 - 1. Original LU Application
 - 2. 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).