



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

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**Date:** July 21, 2009  
**To:** Interested Person  
**From:** Noelle Elliott, 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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

**CASE FILE NUMBER: LU 09-124001 DZM**  
**RENOVATION OF A FRED MEYER STORE**

**GENERAL INFORMATION**

**Applicant:** Mike Van Kirk, Store Rep  
Fred Meyer Stores, Inc.  
3800 SE 22nd Ave  
Portland, OR 97202  
Duane Co  
PO Box 35547  
Tulsa, Ok 74153-0547  
Andrew Jones, M & T Partners, Owner  
15350 SW Sequoia Pkwy #300  
Portland OR 97224

**Representative:** Amy Vohs, Mulvannyg2 Architecture, 503-419-4729  
601 SW 2nd Avenue, Suite 1200  
Portland, OR 97204

**Site Address:** 1111 NE 102<sup>nd</sup> Avenue

**Legal Description:** LOT 3, PARTITION PLAT 1992-124  
**Tax Account No.:** R649727440  
**State ID No.:** 1N2E33AA 00800  
**Quarter Section:** 2940,2941  
**Neighborhood:** Hazelwood, contact Arlene Kimura at 503-252-9429  
**Business District:** Gateway Area Business Association, contact Fred Sanchez at 503-256-3910  
**District Coalition:** East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550  
**Plan District:** Gateway  
**Zoning:** CXd – Central Commercial with Design Overlay  
**Case Type:** DZM – Design Reviews with Modifications  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission

**Proposal:** The applicant seeks Design Review approval to renovate an existing Fred Meyer store located within the Gateway Plan District at the intersections of NE 102<sup>nd</sup> Avenue, NE Pacific Street, and E 99<sup>th</sup> Avenue. The proposal includes the following:

- Replace existing metal overhead doors with new glazed overhead doors located on the south, north, and east facades;
- Add a new metal and polycarbonate canopy structure measuring 116'-0" long, 25'-0" wide and 20'-0" tall on the west façade;
- Add parking lot perimeter and interior landscaping;
- Replace an existing bottle-return facility with a new bottle-return facility on the south elevation with an associated storage room;
- Add a new screened enclosure for garbage and recycling collection on the north elevation; and
- Add new storefronts on the south, east, and west elevations

In addition, the building will be repainted with a new five-color paint scheme and a new pedestrian pathway will be inserted within the existing parking lot linking NE 102<sup>nd</sup> Avenue and the east entrance of the store as part of upgrades to meet Zoning Code standards for the site. As described below, the applicant also requests three modifications to code standards.

Because the proposal is for an alteration to development in a Design overlay zone, Design Review is required.

### **Three modifications requested through Design Review, PZC 33.825.040**

#### **1. Ground Floor Windows 33.526.290 & 33.130.230**

The standard requires that all exterior walls that face a street lot line, sidewalk, plaza, or other public open space or right-of-way contain windows that are 50% of the length and 25% of the area of the ground level wall area. The applicant proposes new building square footage in the form of a new storage room and an entry vestibule that prompt the need to address the ground floor window standards for the building as a whole. The applicant proposes alterations to the building envelope that change the percentage of window on the east façade from 37% to 38% of the length and from 18% to 36% of the area; on the south façade from 25% to 23% of the length and from 17% to 23% of the area; and on the north elevation from 5% to 7% of the area. In most cases, there is an increase of window area and length on these three facades, but the standard of 50% of the length and 25% of the area required by code is not met. In the case of the east façade, the proposed changes result in a window area that does meet the standard, at 36% of the area.

#### **2. Screening 33.130.235**

The standard requires that all exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Screening must comply with at least the L2 or F2 standards. The applicant proposes removing an existing bottle-return facility and building a new bottle-return facility along the same façade, further to the west. The bottle-return facility will not be screened from the street or neighboring properties, although the actual storage of the recycled materials will be screened from view.

#### **3. Parking Area Layouts, 33.266.130.F.2 (Table 266-4)**

The standard requires that 45-degree angled parking spaces measure 17'-0" deep and 8'-6" wide. The existing parking spaces are placed at a 54-degree angle to the drive aisle, and their required measurements can be extrapolated from the standards in Table 266-4 to have a stall depth of 17'-2". The applicant proposes adding landscape islands to the existing surface parking lot that would impact sixty (60) 54-degree angled parking spaces, and alter their dimensions to 14'-0" deep and 8'-6" wide.

**Relevant Approval Criteria:**

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

- Chapter 33.825 Design Review
- Chapter 33.825.040 Modifications Through Design Review
- Gateway Regional Center Design Guidelines

**ANALYSIS**

**Site and Vicinity:** The subject site occupied by the NE 102<sup>nd</sup> Avenue Fred Meyer store is within the Gateway Plan District and is a major part of the Gateway Regional Center, which is comprised of the Gateway shopping center and Mall 205. The site is bordered by medical offices, the MAX light rail line, and the Gateway transit center to the west, residential development to the south, retail and restaurant uses to the north, and commercial, retail, and restaurant uses along NE 102<sup>nd</sup> Avenue to the east.

The local transportation system surrounding the site is defined by NE 102<sup>nd</sup> Avenue, NE 99<sup>th</sup> Avenue, Halsey Street, and Pacific Street. The section of NE 102<sup>nd</sup> Avenue that is adjacent to the site is classified as a District Collector, Major Transit Priority Street, and City Bikeway in the Portland Transportation System Plan. NE 99<sup>th</sup> Avenue is classified as a Local Service Street, Transit Access Street, and Local Service Bikeway. NE Pacific Street is classified as a Neighborhood Collector, Transit Access Street, and Local Service Bikeway. Halsey Street is classified as a Major City Traffic Street, Transit Access Street, and City Bikeway. The site is within the Gateway Pedestrian District and the Gateway transit center, with both light rail and multiple bus lines, is immediately to the west.

**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.

The Design (d) overlay zone 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 must meet the Community Design Standards (Chapter 33.218) or are subject to Design Review.

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

- MCF 43.79: Approval of a zone change.
- MCF, BA 29-79: Approval of the expansion of a shopping center.
- MCF 16-79 P: Denial of a shopping center expansion.
- MCF, HV 21-82: Approval of a variance request for a reduction in landscaping requirements.
- MCF, MC 4-82: Approval for the construction of a new shopping center.
- VZ 38-88: Denial of a variance request to reduce the number of trees required in the parking area.
- LUR 92-00140 MP: Approval of a minor partition for the creation of three lots.
- LUR 96-00406 DZ: Design Review approval for a new Hollywood Video Express illuminated sign.
- LUR 99-00190 DZ: Design Review approval for site and building alterations to the existing Fred Meyer store.
- LUR 00-00487 DZ: Design Review approval for the installation of a channel letter wall sign on the east elevation of the existing Fred Meyer store.
- LUR 00-00522 DZM: Design Review approval for the installation of an illuminated wall sign on the east elevation of the existing Fred Meyer store (revision to LUR 00-00487 DZ).

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **June 5, 2009**. The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation Engineering
  - Water Bureau
  - Fire Bureau
  - Bureau of Parks-Forestry Division
- The Bureau of Environmental Services responded with the following comment:

“A metal and polycarbonate canopy structure on the west side of the Fred Meyer building will extend into the 20’ public sewer easement, and appears to be located over a portion of the 8” CSP sewer. BES has requested additional detail from the applicant’s engineer about the extent of the encroachment, but has not received it yet. The BES evaluation of whether or not the encroachment is acceptable will depend on several factors, including the extent of the encroachment, the physical characteristics of the sewer line, and the nature of the structure itself (e.g. depth of footings). If the encroachment will have no adverse impact on the sewer, including the ability of BES to maintain it, then the applicant will be required to formalize an encroachment agreement with BES at the time of building permit. If BES determines the encroachment is not acceptable as proposed then the applicant must either modify the dimensions of the canopy so it does not adversely impact the sewer, or move the sewer and formally change the boundaries of the easement.

In addition, the proposed trash enclosure on the north side of the building may extend into the 25’ sewer easement, though it is difficult to determine with certainty since the Overall Site Plan (Sheet DD-1 dated 4/20/09) includes a disclaimer stating that exact locations of easements and other site conditions must be confirmed with a boundary and topographic survey. If the structure itself does not extend into the easement but the access doors swing into the easement, a formal encroachment agreement will not be required. If the structure is within the easement, the applicant will be required to formalize an encroachment agreement with BES at the time of building permit.

BDS has indicated that the applicant need only plant a certain number of trees to bring the parking lot on this site into conformance, and therefore only tree wells are proposed. Due to the discrepancy between the relatively small areas required by Title 33 and the minimum SWMM sizing requirements, staff does not find it feasible to utilize the new landscaped areas for stormwater management facilities. In addition staff recognizes the stormwater benefits provided by the proposed tree canopies. Note that the U.S. Forest Service warns against the use of American Sweet Gum trees when less than 8-10 feet is provided between the tree and sidewalks and other impervious surfaces, as this tree has aggressive roots that may damage paved areas. The applicant may wish to investigate other tree species in order to avoid potential future damage to the parking lot.” *Exhibit E.1 provides additional information.*

- The Site Development Section of BDS responded with the following comment:

“Site Development has no objection to the requested land use review.” *Exhibit E.2 provides additional information.*

- The Life Safety Section of BDS responded with the following comment:

“The structure is enrolled in the Facilities Permits Program (FPP). Please contact the assigned Facilities plans examiner/building inspector for building code requirements.” *Exhibit E.3 provides additional information.*

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **June 5, 2009**. One written response has been received from either the Neighborhood Association or from notified property owners in response to the proposal.

Arlene Kimura, Hazelwood Neighborhood Association President and Chair of the Land Use Committee responded on June 26, 2009 with comments concerning the requested adjustments. The Land Use Committee had three requests, the first being that either canvas or lightly tinted plexi-glass awnings might be installed on the 102<sup>nd</sup> Avenue façade to create a covered walkway and provide greater visual interest along the lengthy and relatively featureless façade. Secondly, that the bottle-return facility includes security cameras, as well as regularly scheduled security patrols to ensure patron safety. Thirdly, they requested that the smaller size parking spaces be labeled as for ‘compact cars only’.

*Staff Note:* This response was shared with the applicant, who noted that many of the Committee’s concerns were being met by the current proposal. According to the applicant, a deep overhang exists along the 102<sup>nd</sup> Avenue façade that would make the addition of another overhanging element challenging to incorporate. The long façade will be visually “broken-up” by the addition of five new paint colors that follow the planes and indentations of the building wall, helping to alleviate the monotony of the lengthy façade. One security camera will be added to meet the security needs of the bottle-return facility, and according to the applicant, staff will be going in and out of the storage room behind the facility throughout the workday which should further reduce crime. Lastly, the applicant proposes to note the parking spaces with the word “compact” to indicate the smaller dimensions of these spaces.

## **ZONING CODE APPROVAL CRITERIA**

### **(1) 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 (d) overlay zoning; therefore, the proposal requires Design Review approval. Because of the site’s location, the applicable design guidelines are the Gateway Regional Center Design Guidelines.

#### **Gateway Regional Center Design Guidelines**

The Gateway Regional Center is the City of Portland’s only designated regional center. The area is envisioned to redevelop into a highly urbanized, pedestrian-oriented center, with an overall built size and scale second only to Portland’s Central City.

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.

#### **Gateway Regional Center Design Goals**

Ten goals for design review in the Gateway Regional Center have been established to enhance the area’s design quality, support its livability, and guide its transition to a pedestrian-oriented, active, urban regional center. They are:

1. Encourage urban design excellence.
2. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Gateway Regional Center as a whole.
3. Provide for a pleasant, rich, and diverse experience for pedestrians.

4. Assist in creating a regional center that emphasizes a mix of active uses and experiences and is safe, lively, and prosperous.
5. Provide for the humanization of the Gateway Regional Center through the promotion of parks, plazas, open spaces, public art, and trees.
6. Integrate and honor the diversity and history of Gateway.
7. Integrate sustainable principles into the development process.
8. Encourage the development of a distinctive character for subdistricts within the regional center, and link them.
9. Encourage and incorporate transit orientation and usage.
10. Enhance the physical and visual linkages between the Gateway Regional Center and adjacent neighborhoods.

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

#### **A Pedestrian Emphasis**

**A1. Strengthen Relationships Between Buildings and the Street.** Integrate building setback areas with adjacent streets.

**A2. Enhance Visual and Physical Connections.** Enhance visual and physical connections between buildings and adjacent sidewalks. Orient semi-public building spaces to the sidewalk and street.

**B6. Integrate Ecological / Sustainable Concepts.** Integrate ecological/sustainable features or concepts with site and development designs.

**C4. Develop Complementary Parking Areas.** Develop, orient and screen parking area to complement adjacent buildings and the pedestrian environment.

**Findings for A1, A2, B6, and C4:** The addition of new glazed area to the existing building along its street frontages, and the addition of new trees, landscape islands, and perimeter landscaping to the existing parking lot, improves the building's pedestrian relationship with the street and the surrounding sidewalks, as well as the pedestrian character of the existing surface parking lot. In addition, the new trees and pervious areas lessen the "heat island effect" of the site, thus improving the local ecology, and meeting the intent of the B6 Design Guideline requiring development to integrate ecological and sustainable characteristics with the project design. The addition of glazed doors and new storefront expands the visual connection between the interior activity of the building and the surrounding pedestrian environment, heightening the sense of pedestrian safety and activity along pedestrian pathways within the parking lot, and along the surrounding sidewalks. The addition of new glazed areas within the façade, and a more pleasant pedestrian experience within the existing surface parking lots with a new pedestrian pathway, trees and landscape islands, helps the existing suburban development reflect a stronger pedestrian orientation. The new shade trees and pervious areas within the parking lot reduce the amount of impervious area susceptible to the collection and storage of solar radiation, thereby reducing the "heat island effect" of the existing surface parking lot. *These guidelines are therefore met.*

**A3. Integrate Building Mechanical Equipment and Service Areas.** Incorporate building mechanical equipment and/or service areas in a manner that does not detract from the pedestrian environment.

**Findings:** The proposed trash enclosure and the relocation of the bottle-return structure are appropriately placed to limit their impact on the pedestrian experience of the site. The location of the new trash enclosure is placed at the rear of the building facing the northern edge of the property and the rear of an adjacent retail building. The rebuilt bottle-return structure has been relocated further from the main entry along the

building's south façade, allowing for greater separation between activities, and resulting in a more generous pedestrian entry experience along NE Pacific Street. The new trash enclosure is constructed of corrugated metal siding, which is fully sight obscuring, thereby limiting the impact of those utilitarian services on the pedestrian experience of the building. Furthermore, the new enclosure is located in the approximate center of the building, approximately equidistant from the east and west building ends, and NE 99<sup>th</sup> and NE 102<sup>nd</sup> Avenues, thereby limiting visibility of the structure from the street and pedestrian environment. The new bottle return incorporates a standing seam metal roof, and stucco and concrete siding, quality materials that ensure its longevity and integration with the building design. *This guideline is therefore met.*

## **B Development Design**

**B1. Convey Design Quality and Building Permanence.** Use design principles and building materials that convey quality and permanence.

**B2. Integrate Ground-Level Building Elements.** Integrate the different ground-level building elements with the building's architecture.

**B3. Design for Coherency.** Integrate the different parts of a building to achieve a coherent design.

**B5. Integrate Roofs, Rooftop Lighting, and Signs.** Integrate rooftop components, functions and related screening elements with the building's architecture. Integrate exterior lighting, signs and any related structural equipment at or near the roof with the building's architecture. Orient lighting to highlight the building's architecture.

**Findings for B1, B2, B3 and B5:** The proposed changes to the ground floor storefront, the addition of a new canopy for a garden center, and the placement and construction of the trash enclosure and bottle-return, incorporate quality building materials and design principles that reinforce the building's permanence, architectural clarity, and pedestrian orientation. The addition of glazing to the street-facing facades increases the transparency of the building and reinforces the building's main entries. The new canopy, trash enclosure, and bottle return structure incorporate durable materials that promote the building's permanence and perception of quality, while reflecting the secondary, utilitarian nature of these new additions. The new storefront and glazed doors match the visual and material characteristics of the building's existing storefront system, thereby integrating seamlessly with the building design and maintaining architectural coherency throughout. The addition of new metal and acrylic fascia signage helps to emphasize the primary entries, and is consistent with the scale, design, and materials of existing signage on the building, thereby promoting a consistent signage vocabulary along all street-facing facades. *These guidelines are therefore met.*

### **(2) 33.825.040 Modifications That Will Better Meet Design Review Requirements:**

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the Design Review process. These modifications are done as part of Design Review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through Design Review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

1. Ground Floor Windows 33.526.290 & 33.130.230: The standard requires that all exterior walls that face a street lot line, sidewalk, plaza, or other public open space or right-of-way contain windows that are 50% of the length and 25% of the area of the ground level wall area. The applicant proposes new building square footage in the form of a new storage room and an entry vestibule that prompts the need to address the ground floor window standards for the building as a whole. The applicant proposes alterations to the building envelope that change the percentage of window on the east façade from 37% to 38% of the length and from 18% to 36% of the area; on the south façade from 25% to 23% of the length and from 17% to 23% of the area; and on the north elevation from 5% to 7% of the area. In most cases, there is an increase of window area and length on these three facades, but the standard of 50% of the length and 25% of the area required by code is not met. In the case of the east façade, the proposed changes result in a window area that does meet the standard, at 36% of the area.

*Purpose: In the C zones and the Gateway Plan District, blank walls on the ground level of buildings are limited in order to:*

- *Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;*
- *Encourage continuity of retail and service uses;*
- *Encourage surveillance opportunities by restricting fortress-like facades at street level; and*
- *Avoid a monotonous pedestrian environment.*

**Findings:** The proposal meets the intent of the applicable Design Guidelines (A1, A2, B2, and B3) and the purpose of the standard. The increase in glazing proposed along the east, west, and south frontages improves the building's connection with the surrounding pedestrian environment and helps to emphasize the building entrances. Due to the increase in building length with the rebuilding and relocation of the bottle-return facility, the development must address the ground floor window standards, which would otherwise have been exempt due to the existing nature of the development. While the proposal does not fully meet the standards of 50% of the length and 25% of the wall area as window along most street-facing facades, the proposed changes help the development achieve greater conformance with the standard. The new windows and glazed doors are appropriately placed alongside existing storefront and within existing building openings, thus supporting the building's architectural coherency (*Gateway Regional Center Design Guidelines A1, A2, B2, and B3*).

*Due to the increase in window area and length along most frontages, resulting in increased transparency between the building interior and the pedestrian environment of the sidewalk and pedestrian pathways, and the rational placement of the new storefront and glazed doors, the applicable design guidelines, A1, A2, B2, and B3, and the purpose of the standard are equally or better met. Therefore, this modification merits approval.*

2. Screening 33.130.235: The standard requires that all exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Screening must comply with at least the L2 or F2 standards. The applicant proposes removing an existing bottle-return facility and building a new bottle-return facility along the same façade, further to the west. The bottle-return facility will not be screened from the street or neighboring properties, although the actual storage of the recycled materials will be screened from view.

*Purpose: The screening standards address specific unsightly features that detract from the appearance of the commercial areas.*

**Findings:** The proposal meets the intent of the applicable Design Guidelines (A3, B1, B2, and B3) and the purpose of the standard. The screening modification applies to the rebuilding and relocation of a bottle-return facility, which is an existing use located



adjacent to the main entry on the south façade. The new bottle-return facility replaces the existing facility, and is constructed with durable materials including a standing-seam metal roof, stucco siding, and a concrete base (*Gateway Regional Center Design Guideline B1*). The structure is repositioned further from the main entrance, providing greater functional separation and visibility between the two activities. The design of the bottle return includes an overhanging eave (11'-0" deep) that provides weather protection for individuals accessing the bottle-return, and a perception of depth and shadow along this utilitarian portion of the façade (*Gateway Regional Center Design Guidelines B2 and B3*). In addition, the design of the bottle return facility expresses a simple, straight-forward architecture that complements the design of the larger retail building, and provides screening for the collection of recycled materials (*Gateway Regional Center Design Guidelines A3 and B3*).

*Due to the quality of the design and materials of the replacement facility, the deep overhanging eave that provides architectural layering and shelter for building users, and the screening providing by the collection of recycled materials, the applicable design guidelines, A1, A2, B2, and B3, and the purpose of the standard are equally or better met. Therefore, this modification merits approval.*

3. Parking Area Layouts, 33.266.130.F.2 (Table 266-4): The standard requires that 45-degree angled parking spaces measure 17'-0" deep and 8'-6" wide. The existing parking spaces are placed at a 54-degree angle to the drive aisle, and their required measurements can be extrapolated from the standards in Table 266-4 to have a stall depth of 17'-2". The applicant proposes adding landscape islands to the existing surface parking lot that would impact sixty (60) 54-degree angled parking spaces, and alter their dimensions to 14'-0" deep and 8'-6" wide.

*Purpose: The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:*

- *Improve and soften the appearance of parking areas;*
- *Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;*
- *Provide flexibility to reduce the visual impacts of small residential parking lots;*
- *Direct traffic in parking areas;*
- *Shade and cool parking areas;*
- *Reduce the amount and rate of stormwater runoff from vehicle areas; and*
- *Decrease airborne and waterborne pollution.*

**Findings:** The proposal meets the intent of the applicable Design Guideline (C4) and the purpose of the standard. The purpose of the standard is to promote a safe and efficient parking area layout, and the alteration of 60 parking stalls within the larger 672 parking stall lot, has a relatively minor impact on the functionality of the lot as a whole. While the close proximity of the site to mass transit exempts the site from required parking, the applicant wishes to maintain the functionality of the majority of the existing parking stalls while upgrading the site to meet City code requirements for interior parking lot landscaping. While the altered spaces have a shorter depth than the code requirement, their shallow depth is mitigated by their placement within the lot fully interspersed between full-sized stalls. The altered stalls will be labeled "compact", allowing parking lot users to choose between the shallower stalls and the full-sized stalls on either side. In addition, the width of the two-way drive aisles ranges from the 20'-0" width required by code, to a much larger 28'-0", providing ample room for cars to navigate the lot. The impact of the reduced stall depth should not impact the functionality of the driveway exists due to their small percentage of the total lot area, and their dispersal throughout the lot. Thus their modification to size should not impact the public right-of-way or pedestrian movement within and surrounding the site. The addition of new interior landscape islands and trees helps to shade the parking lot,

which provides a more pleasant pedestrian experience and reduces the solar heat gain potential of the parking lot, thereby benefiting the local ecology and the surrounding urban environment (*Gateway Regional Center Design Guideline C4*).

*Due to the relatively small percentage of parking stalls altered by the proposal, the dispersal of the altered stalls throughout the parking lot, the labeling of the shallower stalls as “compact”, and the benefits of added tree cover to the parking lot, the applicable design guideline, C4, and the purpose of the standard are equally or better met. Therefore, this modification merits approval.*

## **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 renovation of the existing Fred Meyer’s building and surface parking lot improves the pedestrian characteristics of the site, reinforces a visual connection between the building and the surrounding pedestrian environment, and improves the environmental aspects of the site with increase parking lot landscaping and tree cover. The proposal meets the applicable design guidelines and therefore warrants approval.

## **ADMINISTRATIVE DECISION**

Approval of Design Review for the renovation of an existing Fred Meyer’s retail store located within the Gateway Plan District including:

- Replace existing metal overhead doors with new glazed overhead doors located on the south, north, and east facades;
- Add a new metal and polycarbonate canopy structure measuring 116’-0” long, 25’-0” wide and 20’-0” tall on the west façade;
- Add parking lot perimeter and interior landscaping;
- Replace an existing bottle-return facility with a new bottle-return facility on the south elevation with an associated storage room;
- Add a new screened and roofed enclosure for garbage and recycling collection on the north elevation;
- Add new storefronts on the south, east, and west elevations; and

Approval of the following three Modifications:

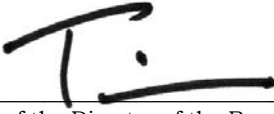
1. Ground Floor Windows [33.526.290 & 33.130.230]
2. Screening [33.130.235]
3. Parking Area Layouts, [33.266.130.F.2 (Table 266-4)]

Approved per the drawings, Exhibits C-1 through C-31, signed and dated July 17, 2009 subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required drawings and any additional drawings must reflect the information and design approved by this land use

review as indicated in Exhibits C.1-C.30. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-124001 DZM. No field changes allowed."

**Staff Planner: Noelle Elliott**

**Decision rendered by:**  **on July 17, 2009**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: July 21, 2009**

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on April 24, 2009, and was determined to be complete on June 2, 2009.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on April 24, 2009.

*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 waived the 120-day review period, as stated with Exhibit A.3.

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 4, 2009** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth

floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 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](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed,* The final decision may be recorded on or after **August 5, 2009 – (the day following the last day to appeal).**
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034  
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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**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.

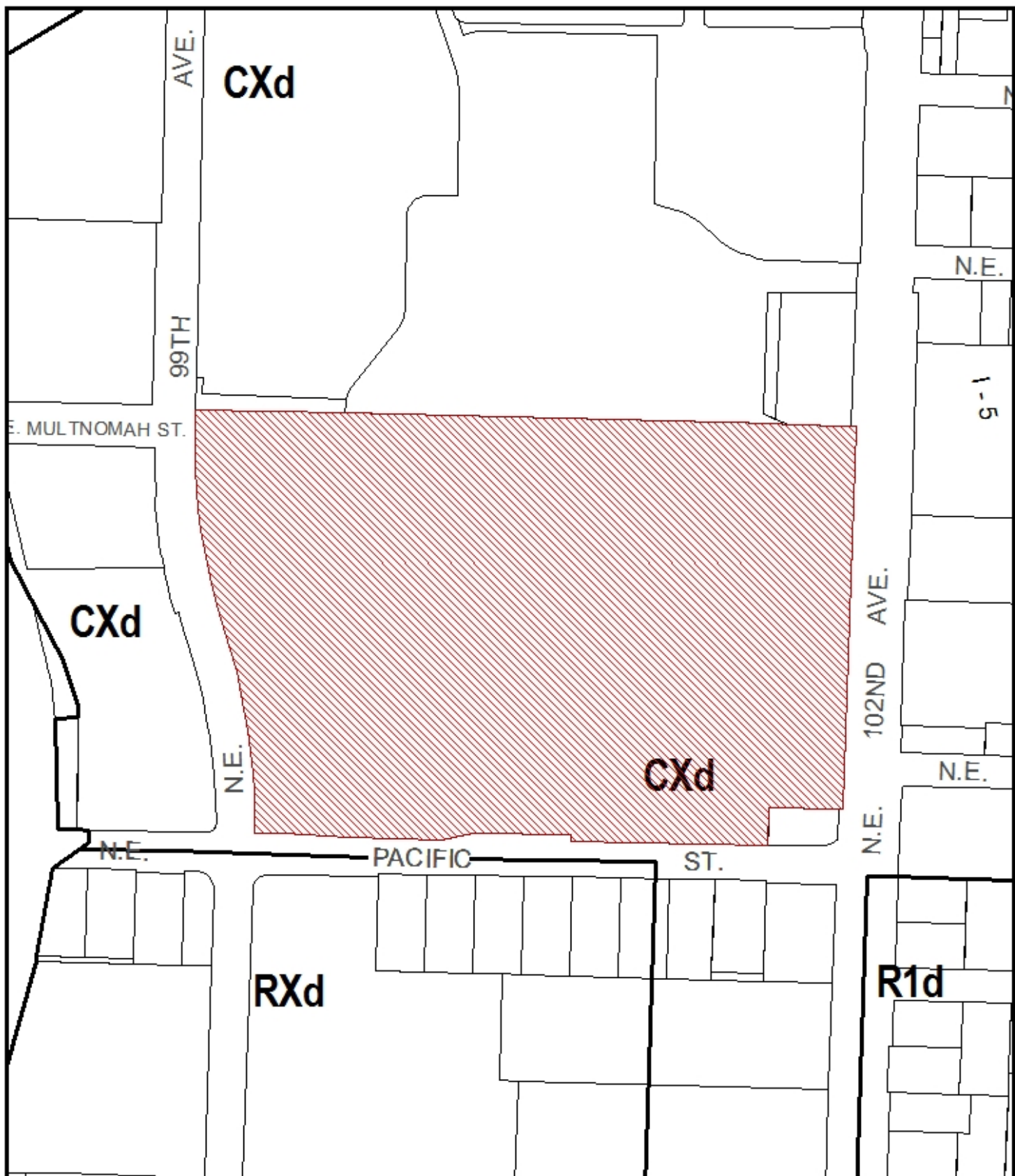
#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Statement and Drawings
  - 2. Additional Information
  - 3. Letter requesting the application be put on hold.
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Landscape Plan
  - 3. Landscape Plan
  - 4. Stormwater Plan
  - 5. East Elevation (facing NE 102<sup>nd</sup> Avenue) and North Elevation (attached)
  - 6. West Elevation (facing NE 99<sup>th</sup> Avenue) (attached)
  - 7. South Elevation (facing NE Pacific Street) (attached)
  - 8. Existing Conditions Site Plan
  - 9. Storefront Details
  - 10. Storefront Details and Elevations
  - 11. Storefront Details
  - 12. Storefront Details
  - 13. Signage Elevations
  - 14. Enlarged East Elevation Signage
  - 15. Enlarged Signage Elevation
  - 16. Enlarged Signage Elevation
  - 17. Enlarged Garden Center Signage
  - 18. Enlarged Free-Standing Sign Elevation
  - 19. Manufacturer's Cutsheet – Storefront
  - 20. Garden Center Canopy Plan
  - 21. Garden Center Canopy Elevation
  - 22. Garden Center Canopy Details
  - 23. Garden Center Canopy Truss Details
  - 24. Wall Sections
  - 25. Bottle Return Plans and Elevations
  - 26. Site Photometric Plan
  - 27. Site Photometric Plan

- 28. Manufacturer's Cutsheet – Bench
- 29. Manufacturer's Cutsheet – Parking Lot Light Fixtures
- 30. Manufacturer's Cutsheet – Bike Racks
- 31. Garbage & Recycling Collection Enclosure – Plan & Elevations
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Bureau of Parks, Forestry Division
- F. Correspondence:
  - 1. Arlene Kimura, Hazelwood Neighborhood Association President and Chair of the Land Use Committee responded on June 26, 2009 with comments concerning the requested adjustments.
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research

**The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).**



# ZONING

 Site

File No. LU 09-124001 DZM

1/4 Section 2940,2941

Scale 1 inch = 200 feet

State\_Id 1N2E33AA 800

Exhibit B (Apr 29,2009)



This site lies within the:  
GATEWAY PLAN DISTRICT



A diagram showing a cross-section of a roof structure. On the left, a gable roof is shown with a horizontal line indicating a section cut. To the right of the cut, a vertical section of the roof is shown, labeled with  $r = 40$ . The section shows a series of horizontal lines representing the roof's profile.

 $\tau = 40^\circ$ 

11

**DISCLAIMER:** This information is not intended to be used for medical or other professional purposes. It is not a substitute for professional medical advice, diagnosis or treatment. Always seek the advice of your physician or other qualified health provider with any questions you may have regarding a medical condition. Never disregard professional medical advice or delay in seeking it because of something you have read in this article. If you are pregnant or breastfeeding, consult your doctor before taking any supplement. This article is for informational purposes only and is not intended to be used for medical or other professional purposes.

[illegible]DESIGN REVIEW  
04.20.09

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DATE: 4/25/08

OVERALL  
SITE PLAN

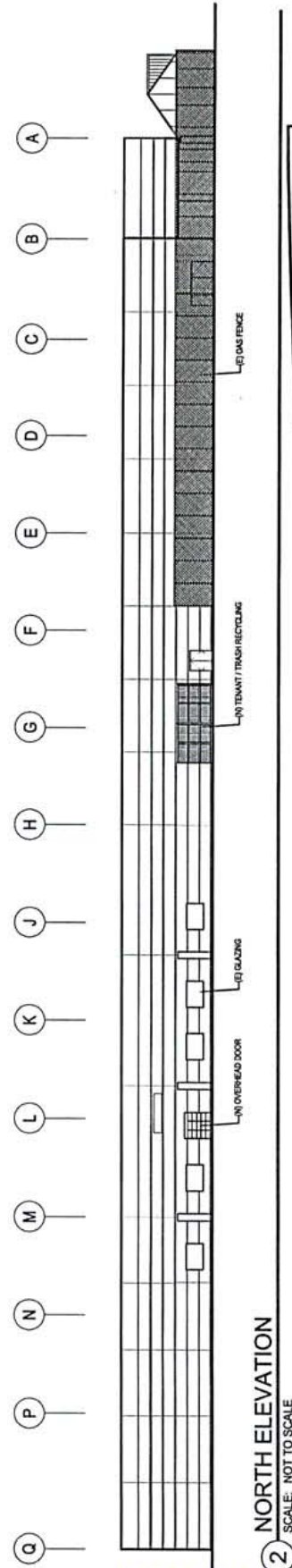
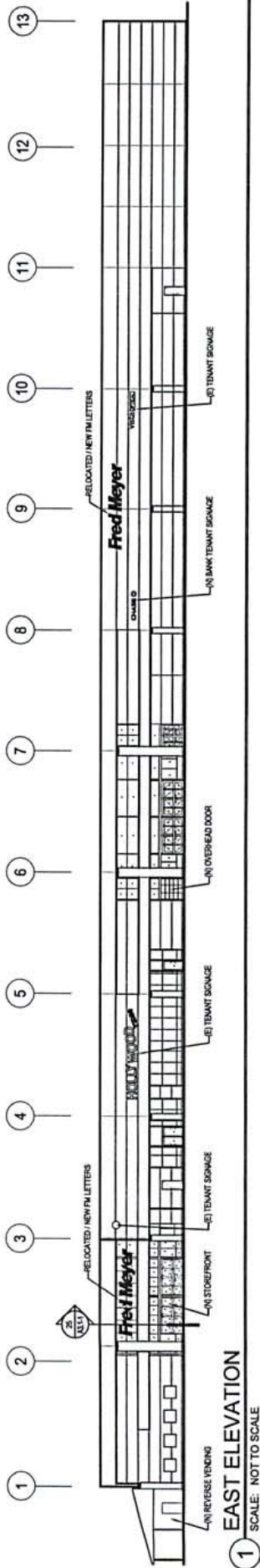
DD-1

NEW 6'x8' PLANTER AND PARKING SPACE

NEW 6"x8"

LU 09-124001 DZM Exhibit C.1





\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner *[Signature]*  
 Date 7.17.09  
 \* This approval applies only to the  
 reviews requested and is subject to all  
 conditions of approval.  
 Additional zoning requirements may apply.

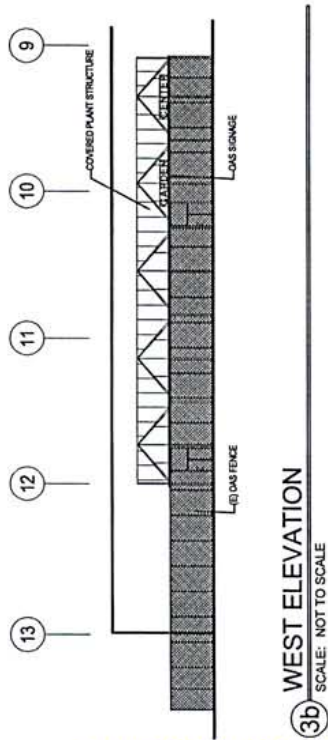
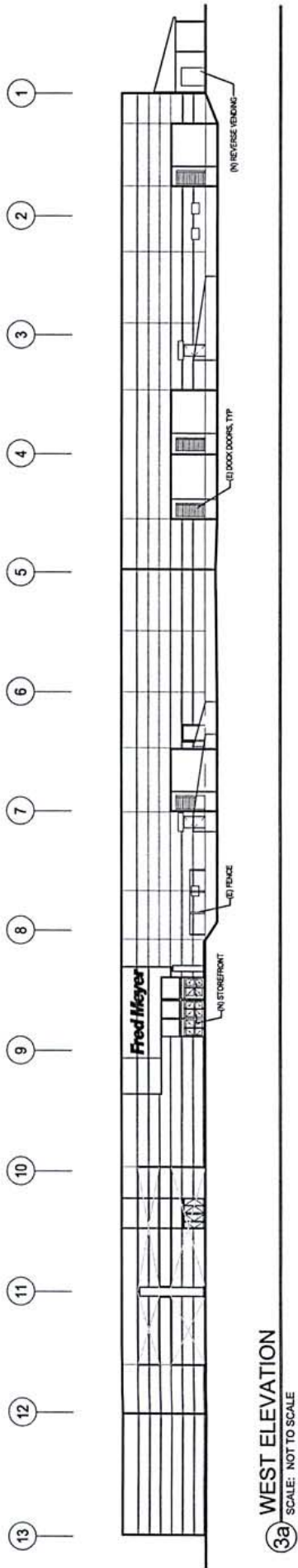
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 1.503.223.6030 | 1.503.223.8381

FRED MEYER - GATEWAY STORE # 128  
 1111 NE 102ND AVE PORTLAND OR 97220  
 08-0064-01  
 PM: AMY VOHS  
 05.29.09

EXTERIOR ELEVATIONS



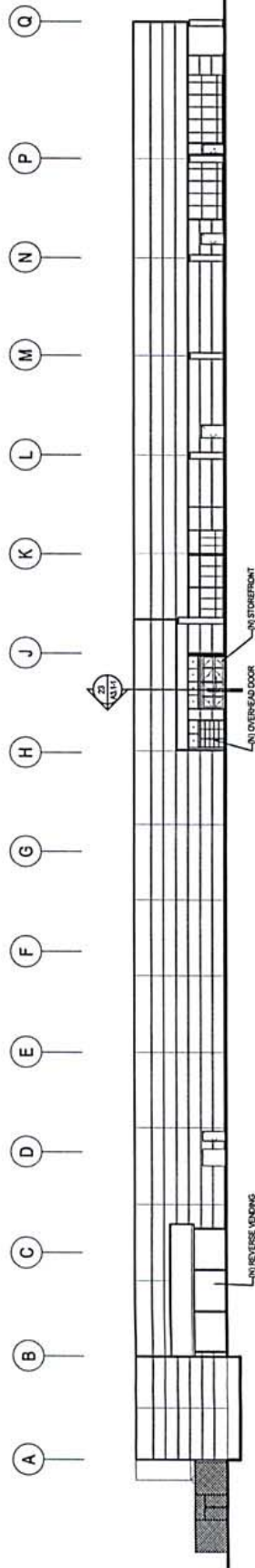
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Bureau of Development Services  
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Additional zoning requirements may apply.

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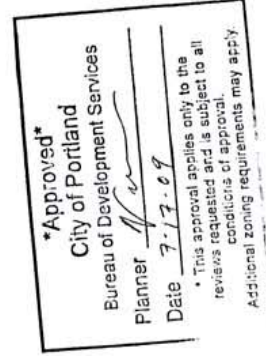
EXTERIOR ELEVATIONS



#### 4 SOUTH ELEVATION

SCALE: NOT TO SCALE

LU 09-124001 DZM Exhibit C.7



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