



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

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: March 30, 2012
To: Interested Person
From: Mark Bello, Land Use Services
503-823-7810 / Mark.Bello@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The 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 12-114020 DZ (Stark & 102nd Starbucks)

GENERAL INFORMATION

Applicant: Marjorie L. Zeigler
P O Box 629
Ontario, OR 97914

Renee Strand
Holst Architecture
110 SE 8th Aveune
Portland OR 97214

Site Address: 10215 SE STARK ST

Legal Description: TL 1800 0.36 ACRES, SECTION 34 1N 2E
Tax Account No.: R942340680
State ID No.: 1N2E34CC 01800
Quarter Section: 3041

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.

Zoning: CXd (Central Commercial base zone with the "d" or Design overlay zone), Gateway Plan District

Case Type: DZ, Design Review

Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant proposes exterior alterations to an existing Starbucks Coffee Drive-Thu location on this block bounded by SE 102nd Avenue, SE 103rd Drive, and SE Stark Street. A new storage room will be constructed, extending the building footprint to the north. The addition will match the existing width and height of the existing building. Also, the existing employee entrance door will be relocated from the north side of the building to the east side. New display windows will be added to west and east elevations.

The entire building will be repainted and exterior decorative lighting will be added to the east side. An existing masonry planter will be replaced with pavers and built-in benches for pedestrian use. No signage subject to design review is proposed with this application.

Because the proposal is for exterior alterations to an existing structure, design review is required.

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

- ***Gateway Regional Center Design Guidelines***

ANALYSIS

Site and Vicinity: The site is located on a small 'island' parcel surrounded by three streets: SE 102nd Avenue and SE 103rd Drive to the west and east, and SE Stark Street to the south. The small, single-story drive-through building on the site was originally constructed in 1990, and is located on the westerly central section of the property. Three separate driveways on the south half of the property provide access to all three adjacent streets, and a landscaped perimeter surrounds the paved and developed portion of the site on all sides.

The surrounding area includes a variety of commercial and residential uses and developments. Directly north of the site, within a small triangular traffic island between SE 102nd and 103rd, a historical marker set amidst lawn marks the old Russellville School. Nearby to the south and along SE Stark Street are located a variety of automobile-oriented commercial uses, including a gas station, bank, several restaurants, and an auto dealership. Directly north of the site, in a several block area east of 102nd Avenue, is the Russellville mixed-use development.

The site is surrounded by multi-lane one-way streets, with traffic heading south on 102nd, north on 103rd, and west on Stark. Curb-tight sidewalks are found at the perimeter site frontage, except adjacent to the arcing northernmost lot line, across from the traffic island, where only a curb is located (pedestrians must use crosswalks in SE Stark Street). In the City of Portland's adopted Transportation System Plan (TSP), all abutting streets are classified as transit streets and city bikeways, and the entire site lies within the Gateway Pedestrian District.

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

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition,

design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

Land Use History: City records indicate three prior land use reviews at the site. In 2007, the City approved a design review application for site improvements and signage (LU 07-111723 DZM). In 1990, a site review (SRZ 007-90) was approved for development at the site, with conditions of approval regarding street trees. In 1978, a Multnomah County Review (MCF 78-09-10) approved a proposal for the site, but no information is found in City records for this case.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **February 27, 2012**. The following Bureaus have responded with no issues or concerns:

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
7. Life Safety Plans Examiner, BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 27, 2012. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site’s location, the applicable design guidelines are the 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.

Findings for A1 and A2: The building is currently a “pill-shaped” drive through structure with existing landscaping within the site and along all frontages. The proposed project enhances the plaza area for outdoor seating and pedestrian use, and provides amenities such as new built-in benches and café tables. Extending the east and west building facades increases the presence of the building on the street. *Therefore, these criteria are met.*

B Development Design

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

Finding: The new building addition will match the existing structure and finish, and the entire building will be repainted to enhance and maintain the exterior materials. The CMU planter will be removed and new exterior furniture will be provided. *Therefore, this criterion is met.*

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

Finding: The proposed alteration will extend the building 8'-0" to the north, and aligned with existing east and west elevations. Existing architectural features such horizontal banding will be extended the full length of the building. On the west elevation, a new display window is symmetrically positioned in the additional wall area. *Therefore, this criterion is met.*

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

Finding: This project will salvage and reuse as many components as possible including the existing downspout, roof access ladder and the exterior door, door frame, and hardware. New pavers for the patio will be comprised of recycled materials and sand-set in the landscape. The new lighting meets high standards for efficiency. *Therefore, this criterion is met.*

C Context Enhancement

C1. Provide Opportunities for Active Uses at Major Street Intersections.

Integrate flexible, active-use space opportunities at building corners facing major street intersections.

Finding: This is an existing small building on a small block with three frontages and high traffic volumes. Proposed exterior alterations will improve the pedestrian experience by adding exterior furniture, including built-in benches and artwork in new recessed display cases at the building exterior. *Therefore, this criterion is met.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

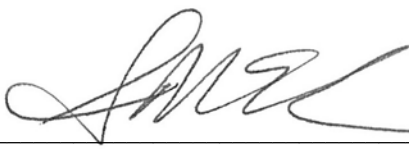
This addition enhances the street presence of the building. The proposed design is coherent and respectful of the better architectural qualities of the new building. This proposal meets the applicable design guidelines and may be approved via this land use review.

ADMINISTRATIVE DECISION

Approval of exterior alterations to the existing building to add storage space and outdoor seating, located at 10215 SE Stark Street within the Gateway Plan District, per the approved site plans, Exhibits C-1 and C-2, signed and dated March 28, 2012, subject to the following condition:

- 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.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-114020 DZ. No field changes allowed."

Staff Planner: Mark Bello

Decision rendered by:  **on March 28, 2012**

By authority of the Director of the Bureau of Development Services

Decision mailed: March 30, 2012

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 17, 2012, and was determined to be complete on February 23, 2012.

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 17, 2012.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: June 22, 2012.**

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 April 13, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA

at 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 **April 16, 2012**.
- 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

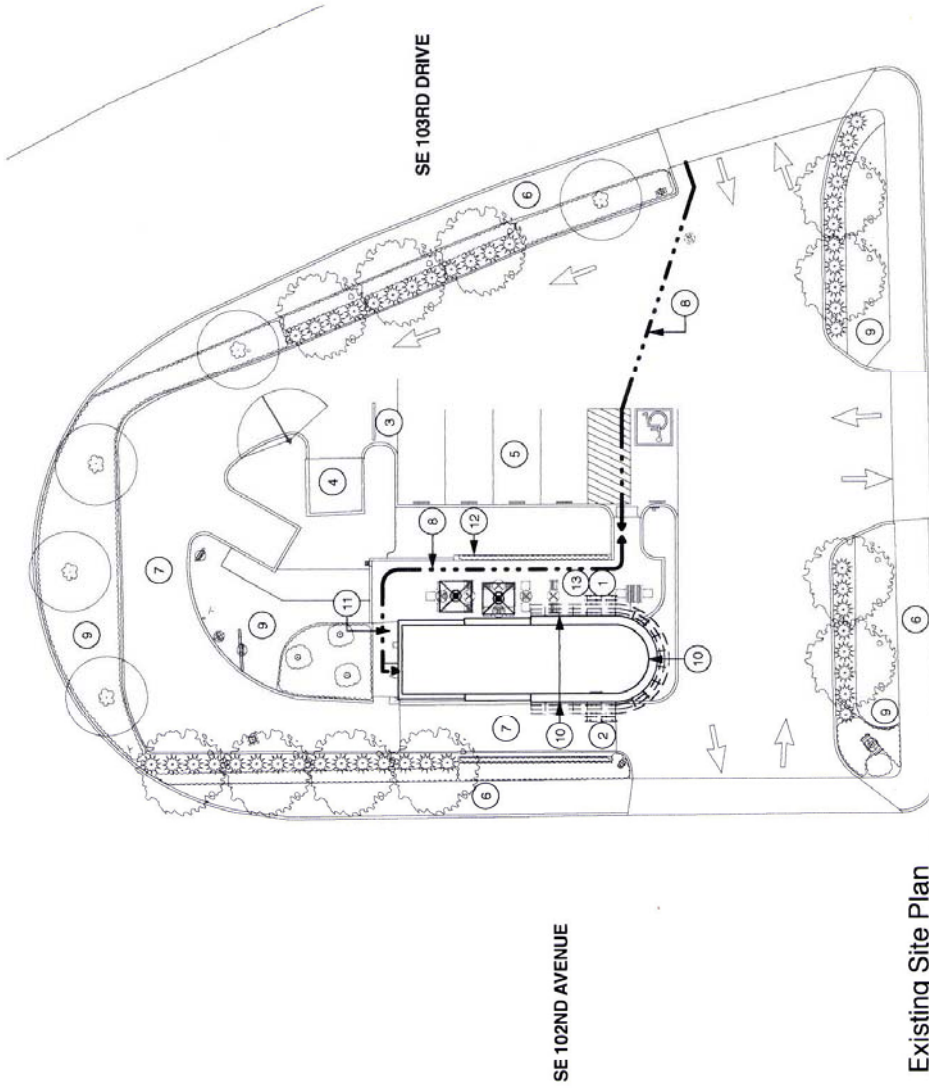
- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevations (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety Plans Examiner, BDS
- F. Correspondence: (none)
- 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. 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).

File No.	LU 12-114020 DZ
1/4 Section	3041,3141
Scale	1 inch = 200 feet
State_Id	1N2E34CC 1800
Exhibit	B (Feb 23,2012)

Sheet Notes

1. (E) Exterior Walk Up Counter to Remain.
2. (E) Drive Thru Window to Remain.
3. (E) Bike Parking to Remain.
4. (E) Trash Enclosure to Remain.
5. (E) Parking to Remain.
6. (E) Sidewalk to Remain.
7. (E) Drive Thru Lane to Remain.
8. (E) ADA Access
9. (E) Landscape to Remain UON.
10. (E) Signage. Modifications under separate signage permit.
11. (E) Gas meter to be relocated.
12. (E) Planter to be demolished.
13. (E) Exterior Furniture to be demolished



Existing Site Plan

Scale: 1" = 20'-0"

Starbucks Coffee Company
10215 SE Stark Street, Portland OR 97216

Design Review
Submission Date: February 17, 2012

Host Architecture

110 W 8th Portland, OR 97214
P: 503.233.0856 J: 503.232.7135



Sheet Number:
A1

Approved

City of Portland - Bureau of Development Services

Planner: WZ Date: 3/28/12

This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

CASE NO. 12-114020
EXHIBIT C

12-114020D2

Sheet Notes

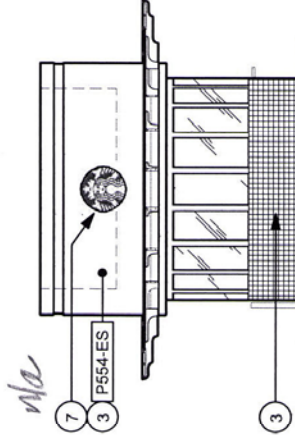
1. (E) Scupper Box and downspout to be removed. Scribe to extent possible.
2. (N) exterior wall sconce. See Electrical.
3. Paint existing building exterior. P-554 Intellectual Grey
4. New storage room addition. Match existing exterior finishes. 4" x 14'-0" x 8'-0" Align with existing.
5. Relocated gas meter. Shown for design intent. Under separate trade permit. See Mechanical for additional information.
6. Remove (E) Door frame and hardware and relocate to new east wall per plan. Keep existing structural back wall and opening. Patch & repair as required. Provide (N) corner guards at opening. (E) (N).
7. Update (E) exterior signage logo disk. Shown for design intent only. Under separate signage permit.
8. (E) Exterior Signage to be modified. Remove green vinyl on channel letters. Shown for design intent only. Signage under separate signage permit.
9. (E) Ladder to be removed and salvaged for re-use. Patch and repair parapet, wall and roof as required.
10. Relocate (E) Ladder. Provide blocking in new wall as required. Coordinate support with new parapet and flashing.
11. Not Used
12. Relocated (E) Security Camera.
13. Not Used
14. Match (E) Concrete Profile/Relief at (N) exterior wall.
15. (E) Electrical equipment to remain.
16. Demolish (E) Bollards
17. (N) Bollards. See Site plan.
18. (N) Scupper box and downspout. Reuse existing components to extent possible. GC to locate storm line and connect new scupper and downspout to drain. All work by separate trade permit.
19. (E) Storm drain connection. Modifications under separate trade permit.
20. Not Used
21. Relocate (E) wall pack. see Electrical for additional information.
22. (N) Hose bib. see Mechanical.
23. Recessed Display Window.

Note: signage is not part of this proposal

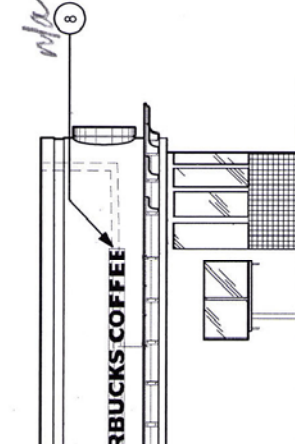


Sheet Number:
A4

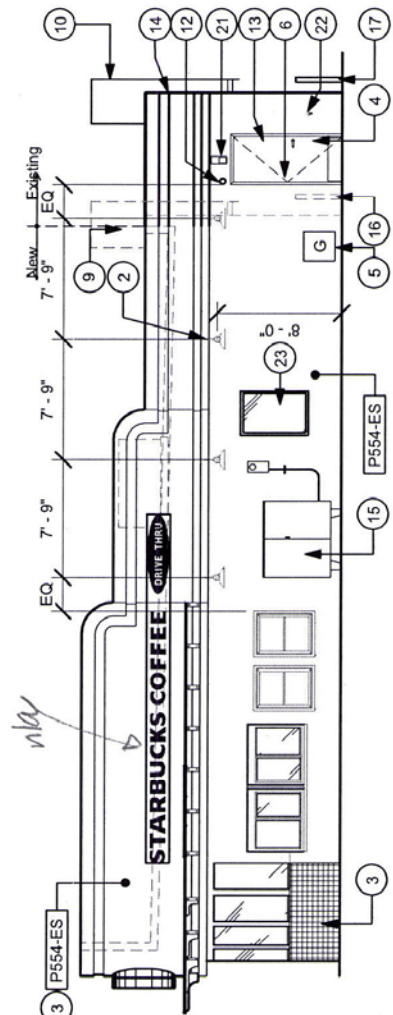
CASE NO. 12-114020
EXHIBIT C2



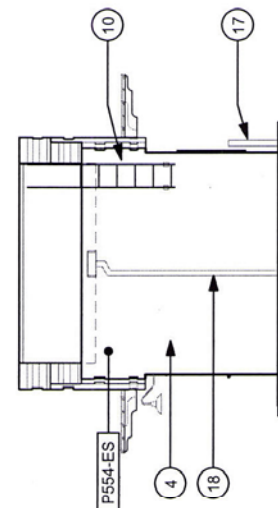
2 Proposed West Elevation
Scale: 1/8" = 1'-0"



4 Proposed South Elevation
Scale: 1/8" = 1'-0"



1 Proposed East Elevation
Scale: 1/8" = 1'-0"



3 Proposed North Elevation
Scale: 1/8" = 1'-0"

Starbucks Coffee Company
10215 SE Stark Street, Portland OR 97216

Design Review
Submission Date: February 17, 2012

Hobit Architecture

Approved
110 see 8th Portland or 97214
hobit.com

City of Portland - Bureau of Development Services

Planner UB Date 3/28/12

* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

