



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

FROM CONCEPT TO CONSTRUCTION

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** March 14, 2013  
**To:** Interested Person  
**From:** Chris Beanes, Land Use Services  
503-823-6979 / [Chris.Beanes@portlandoregon.gov](mailto:Chris.Beanes@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 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 13-101772 DZ, NEW ATM MACHINE**

#### **GENERAL INFORMATION**

**Applicant:** Jeremiah Sherwood, / TKO Installations Inc  
1287 Kyle Ct / Wauconda IL 60084  
  
Quality Plus Framing Inc /  
16037 SW Bowman Ln / Sherwood, OR 97140

**Representative:** Oregon State Board of Higher Ed  
121 SW Morrison St Ste 200 / Portland, OR 97204  
  
Francis McBride, Portland State University  
Po Box 751-Fac / Portland, OR 97207-0751  
  
Brian Chase,  
Po Box 751 / Portland, OR 97207

**Site Address:** 506 SW MILL ST

**Legal Description:** BLOCK 162 LOT 1-8 TL 3500, PORTLAND; BLOCK 200 99.88% NONTAXABLE, PORTLAND

**Tax Account No.:** R667716550, R667721330, R667716550

**State ID No.:** 1S1E03CB 03500, 1S1E04DA 06300, 1S1E03CB 03500

**Quarter Section:** 3129, 3229

**Neighborhood:** Portland Downtown, contact Jennifer Geske at 503-750-9843.

**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Plan District:** Central City - University District

**Zoning:** CXd, Central Commercial with Design Overlay

**Case Type:** DZ, Design Review

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

#### **Proposal:**

The applicant seeks design review approval for the installation of an ATM in the existing ground floor storefront within the PSU Urban Studies Plaza. The location of the ATM will be along the

east side of the Urban Center building annex. Removal of a 4'-4" x 8'-1" storefront window is proposed, with placement of the ATM within the opening, with a finished backing to match the existing storefront materials.

**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:

- Central City Fundamental Design Guidelines

**ANALYSIS**

**Site and Vicinity:** The location for the proposed sign is on a south-facing red brick wall running perpendicular to SW 6<sup>th</sup> Avenue just north of the vacated right-of-way of SW Montgomery Street. Traffic, including MAX Light Rail trains, is northbound on SW 6<sup>th</sup>, and the vacated right-of-way is open as a part of the plaza linking the PSU Urban Studies and Student Center buildings. Foot traffic is heavy in the area and the whole neighborhood is designated as a pedestrian zone. This makes the location prominently visible.

**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 Design Overlay Zone (d) promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. 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 or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

**Land Use History:** City records indicate there are prior land use reviews for this site. Those in the last ten years are:

- LU 00-006885, approving changes to east façade.
- LU 07-152104 DZ, approving attachment of a stainless steel eye bolt to support power cables for MAX Light Rail system.
- LU 07-184412 DZM, approving a clock in the plaza.
- LU 08-157391 AD, adjustment approval for alternative to the required bike parking spaces.
- LU 09-134357DZ, design review approval for signage.
- LU 09-162430 DZ, design review approval for stormwater planters.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **February 7, 2013**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS

The Life Safety Plans Examiner responded with the following comment "A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances". Please see Exhibit E-1 for additional details.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on February 7,

2013. 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 Central City Fundamental Design Guidelines.

#### **Central City Fundamental Design Guidelines**

These guidelines provide the constitutional framework for all design review areas in the Central City.

The Central City Fundamental Design Guidelines and the River District 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 City Plan Design Goals**

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven 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.*

**A8. Contribute to a Vibrant Streetscape.**

**B7. Integrate Barrier-Free Design.**

**C2. Promote Quality and Permanence in Development.**

- C3. Respect Architectural Integrity.**  
**C5. Design for Coherency.**  
**C9. Develop Flexible Sidewalk-Level Spaces.**

**Findings:** Existing storefronts facing the plaza help activate the space and include views into retail spaces. The space where the proposed ATM is to be located is a portion of storefront which does not have a view into a retail space. The space is used as a service hallway, and is dimly lit, thus vibrancy associated with a storefront is absent from this interior space. A retail space next to the proposed ATM includes associated vibrancy and is well lit, thus this portion of the storefront facing the plaza maintains pedestrian vibrancy. In addition, use of the ATM, by default, will include associated pedestrian interaction with storefront.

The proposed ATM will be logically placed in the storefront module and will include a metal panel surround to match the existing metal storefront material found elsewhere on the ground floor of the building. Metal panel seam lines will coincide with existing seam lines adjacent to the proposed ATM. Typical halo treatment will not be used for this ATM in order to reduce visual clutter. Existing adjacent glass side lites will also be maintained. *Therefore these guidelines are met.*

## DEVELOPMENT STANDARDS

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

## CONCLUSIONS

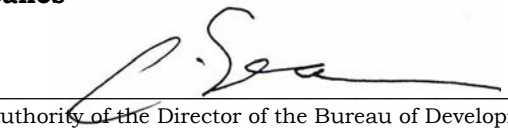
The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of an ATM, per the approved site plans, Exhibits C-1 through C-4, signed and dated March 11, 2013, 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 13-101772 DZ. No field changes allowed."

**Staff Planner: Chris Beanes**

**Decision rendered by:**  **on March 11, 2013**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: March 14, 2013**

**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 January 7, 2013, and was determined to be complete on **January 22, 2013**.

*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 January 7, 2013.

*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.

**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 March 28, 2013** 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](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 **March 29, 2013**.
- 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.

**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. Existing and Proposed Plan (attached)
  - 3. Existing and Proposed Elevation (attached)
  - 4. Photo Rendering (attached)

D. Notification information:

1. Mailing list
2. Mailed notice

E. Agency Responses:

1. Site Development Review Section of BDS

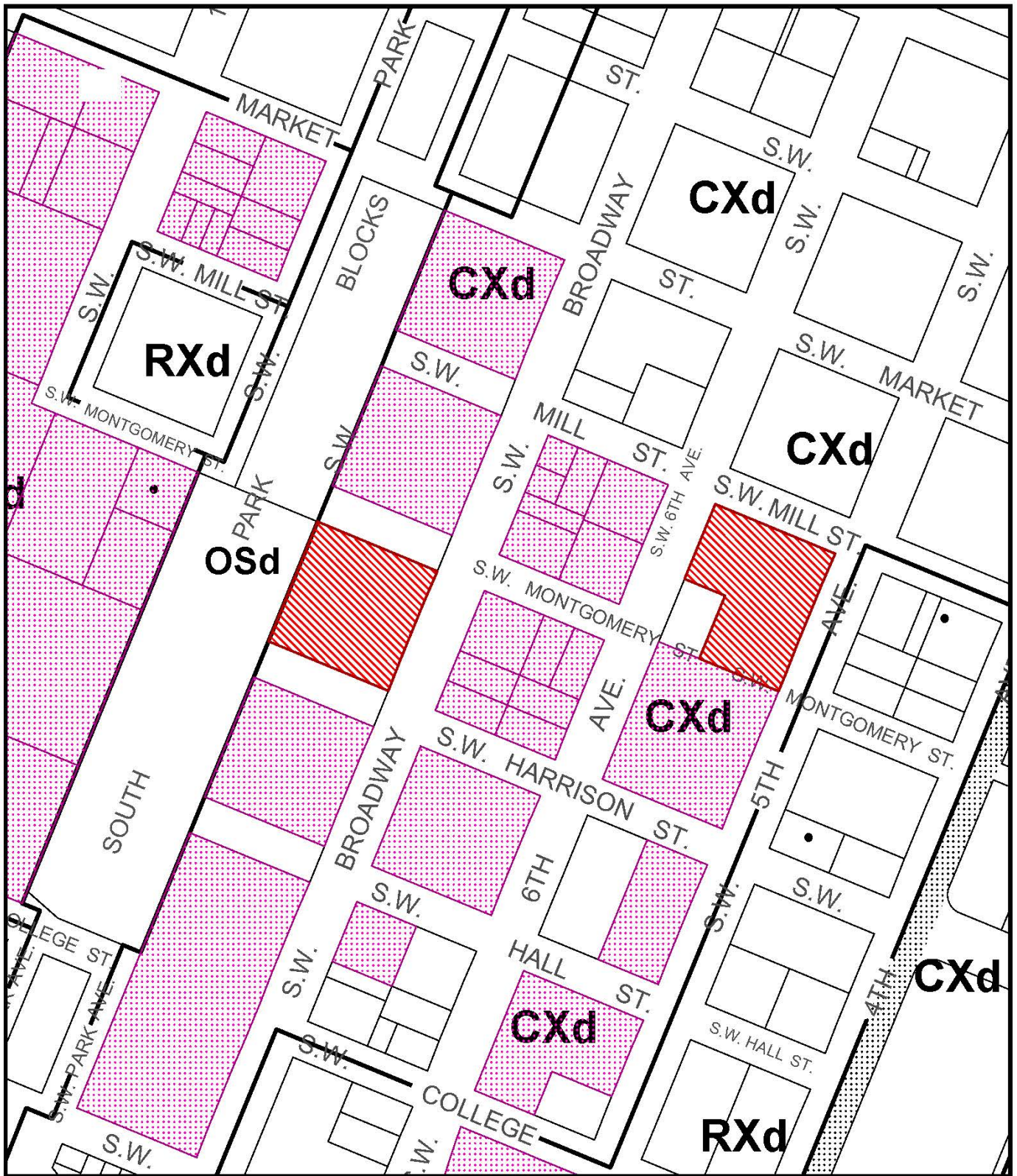
F. Correspondence: none received

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).**





# ZONING

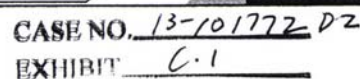
-  Site
-  Also Owned
-  Historic Landmark

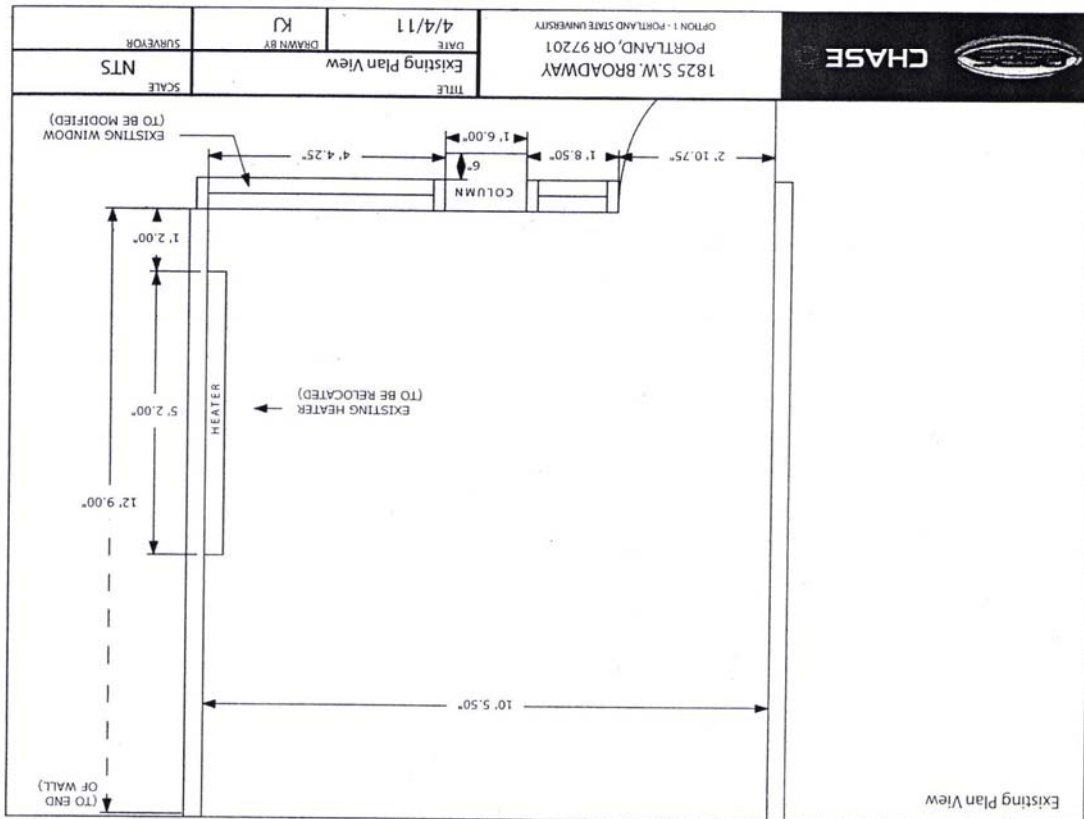
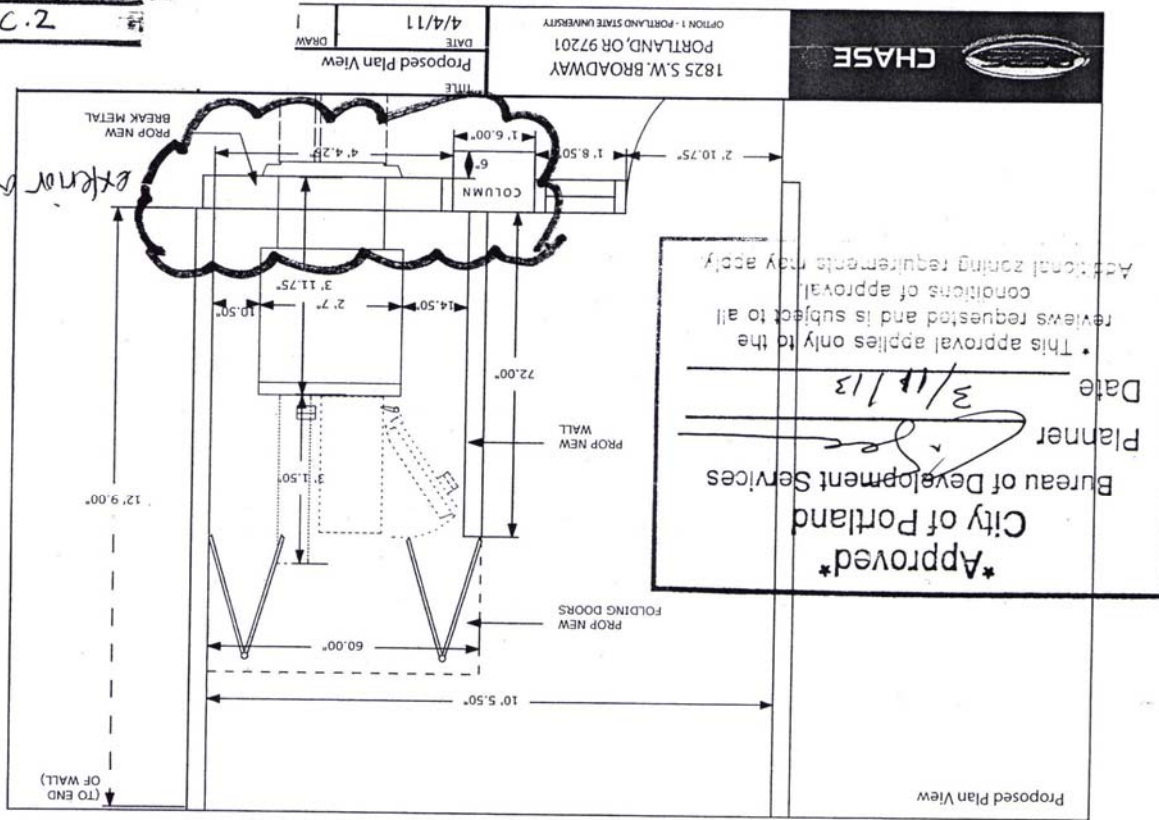


This site lies within the:  
CENTRAL CITY PLAN DISTRICT  
UNIVERSITY DISTRICT

File No. LU 13-101772 DZ  
 1/4 Section 3128,3129,3228,3229  
 Scale 1 inch = 200 feet  
 State\_Id 1S1E04DA 3500, 6300  
 Exhibit B (Jan 08,2013)









CASE NO. 13-101772D2  
 EXHIBIT C.3

CHASE		1825 S.W. BROADWAY PORTLAND, OR 97201 OPTION 1 - PORTLAND STATE UNIVERSITY	
TITLE		DATE	4/4/11
PROPOSED ELEVATION		DRAWN BY	KJ

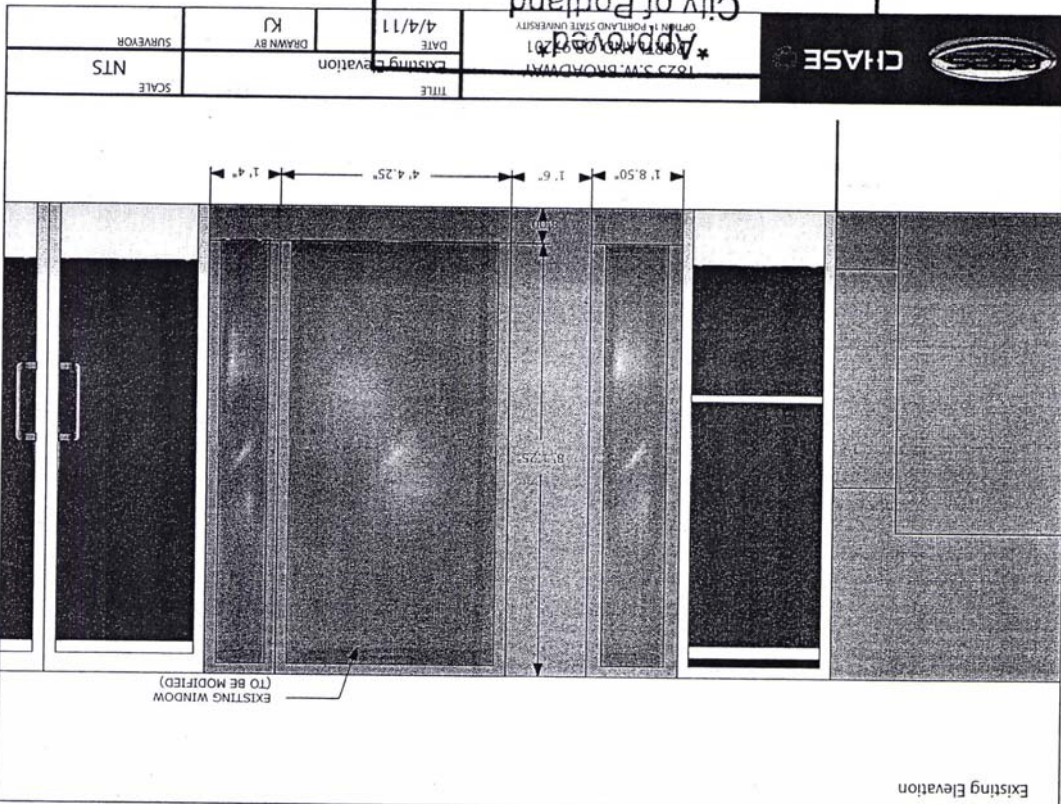
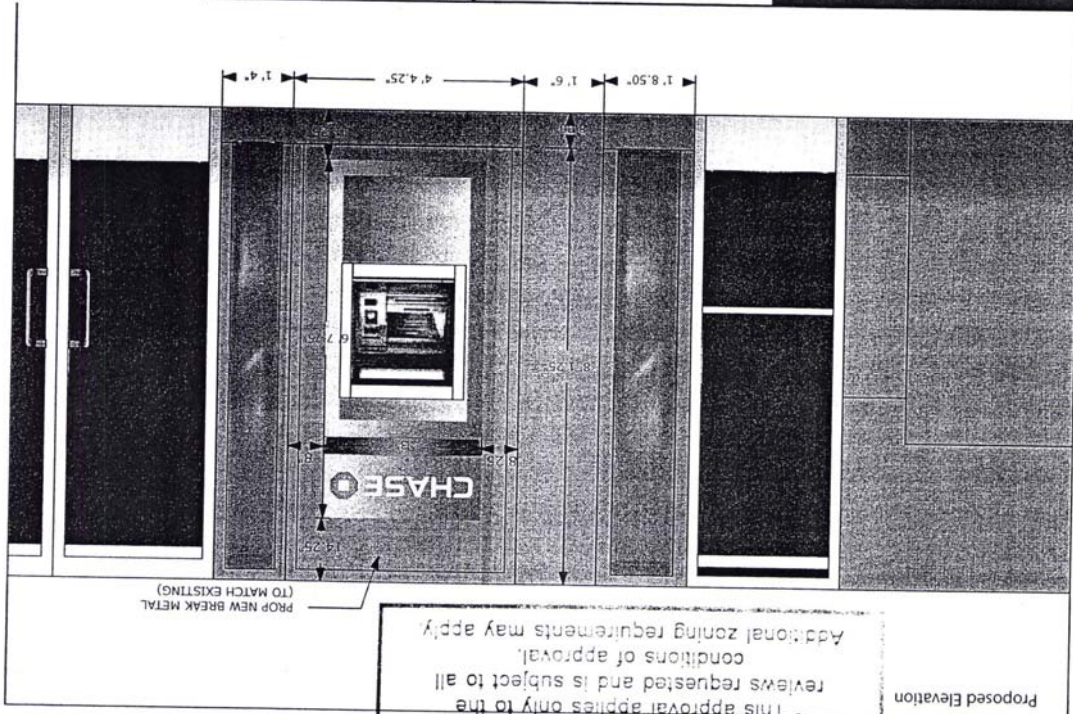
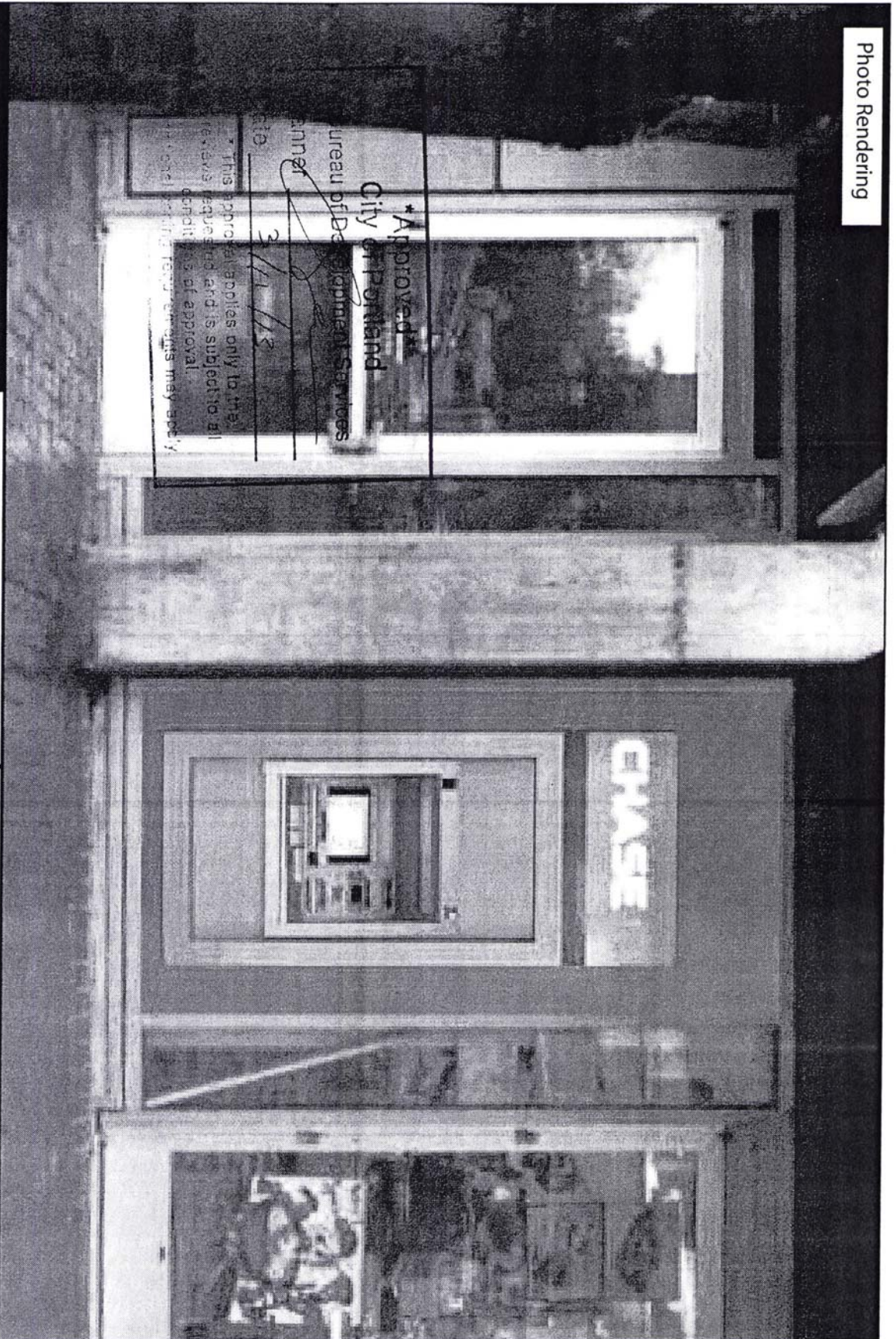




Photo Rendering



CHASE

1825 S.W. BROADWAY  
PORTLAND, OR 97201

OPTION 1 - PORTLAND STATE UNIVERSITY

TITLE		SCALE	
Photo Rendering		NTS	
DATE	DRAWN BY	SURVEYOR	
4/4/11	KJ		

CASE NO. 13-101772-02  
EXHIBIT C-4