



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

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

Date: September 3, 2010
To: Interested Person
From: Dave Skilton, Land Use Services 503-823-0660
dave.skilton@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 10-160224 DZ – STOREFRONT REMODEL

GENERAL INFORMATION

Applicant: Gregory D Geist, Manager
Old Ghost Investments Geist
2400 SW Augusta Place
Aloha, OR 97006-1695

Representative: Paul Ries, Architect 503-701-6467
P.O. Box 3677
Portland, OR 97208

Site Address: 10334-10346 NE Halsey Street

Legal Description: BLOCK 2 E 21.64' OF LOT 6 LOT 7-9, POWERS ADD
Tax Account No.: R673900310
State ID No.: 1N2E34BB 01200
Quarter Section: 2941
Neighborhood: Hazelwood, contact Arlene Kimura at 503-252-9429.
Business District: Gateway Area Business Assoc, 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: DZ, Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:
The applicant is seeking Design Review approval for a proposal to alter the front facade and part of the side of a single story commercial building. The proposed alterations include new windows and doors, new cedar board and cultured stone cladding, and new signs and lighting. Design Review is required because the proposal is for non-exempt exterior alterations and the site is within the Gateway Plan District and has Design Overlay zoning.

Relevant Approval Criteria:

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

- Gateway Regional Center Design Guidelines

ANALYSIS

Site and Vicinity: The subject property is a single story commercial building, facing north onto NE Halsey Street and occupying approximately 6500 square feet of the 9664 square foot lot. It was built in 1950, but the facade appears to have been altered, perhaps several times, over the intervening years. There is a small parking lot at the rear, accessed by a narrow drive at the east or via an alley at the rear property line.

Put in place in 2004, the vision for the Gateway Regional Center is for it to transition from a low-density, automobile-oriented area to a high-density, pedestrian-oriented community. The Regional Center as defined by the urban renewal area boundaries is the new Gateway Plan District. Most of the changes in the Gateway Project focus on the Regional Center. These changes include an urban design concept, based on previous Gateway urban design plans, which describes how the future development and urban form of Gateway should evolve, as well as *Comprehensive Plan* and zoning amendments, revisions to the *Zoning Code*, and new design review provisions to implement the development concept.

NE Halsey Street is a Transit Access Street with regular bus service, a Major City Traffic Street, and a City Bikeway. The entire Gateway area is designated as a Pedestrian Zone.

Zoning: The commercial zones implement the commercial policies and plan map designations of the Comprehensive Plan. The zones are for areas of the City designated by the Comprehensive Plan for commercial uses. The differences in the zones reflect the diversity of commercial areas in the City. The zones are distinguished by the uses allowed and the intensity of development allowed. Some of the zones encourage commercial areas that are supportive of surrounding residential areas, while other zones allow commercial areas which have a community or regional market. The regulations promote uses and development which will enhance the economic viability of the specific commercial district and the city as a whole. In general, a wide range of uses is allowed in each zone. Limits on the intensity of uses and the development standards promote the desired character for the commercial area. The development standards are designed to allow a large degree of development flexibility within parameters which support the intent of the specific zone. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. 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 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 no prior land use reviews for this site.

Public Notice: A “Notice of Proposal in Your Neighborhood” was mailed **August 10, 2010**.

Agency Review: None of the notified Bureaus has responded with concerns.

Neighborhood Review: Three written responses have been received from notified property owners in response to the proposal.

- On August 20, 2010, a letter in support of the proposal was received from Harlan Horvath.
- On August 20, 2010, a letter in support of the proposal was received from Joe Helgersen.
- On August 30, 2010, a letter in support of the proposal was received from Bradford Fouts.

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 sub-districts 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 addressed only those applicable to this proposal.

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: Two aspects of the proposal will serve to significantly improve the physical and visual connections between the interior of the building and the sidewalk. Windows and two glazed doors will be provided in the street facade, which at present is mostly opaque to the street, providing 136 square feet of new openings; and a new, glazed, recessed, horizontally oriented display box of 87 square feet will carry the sense of opening over onto an additional area of the wall. The proposal exceeds ground floor window requirements. *This guideline is met.*

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

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, B3, and B5: Quality, coherency, and integration are achieved in the revised facade composition by the use straightforward and proven design methods, i.e. limiting and coordinating the palette of materials, using a consistent head height and window/door sizes, wrapping the exposed corner with the facade materials, and using externally illuminated signs of modest size and logical location. The cultured stone base provides durability where the building is most vulnerable to collision damage, and the display box and cedar boards reinforce the generally horizontal character of the facade. *These guidelines are therefore met.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all 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

Although the limited scope of this storefront renovation proposal cannot begin to address the desired density characteristics of the Gateway Plan District, simply by opening new windows in the facade it does make a marked improvement in how the building is perceived from the sidewalk and the street. The proposal also has the wholehearted support of several neighbors. 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 exterior alterations to a single-story building in the Gateway Plan District;

Approval per Exhibits C-1 through C-9, signed and dated September 1, 2010, 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 through C-9. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-160224 DZ. No field changes allowed."

Staff Planner: Dave Skilton

Decision rendered by:  **on September 1, 2010.**

By authority of the Director of the Bureau of Development Services

Decision mailed: September 3, 2010

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 July 27, 2010, and was determined to be complete on **August 6, 2010**.

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 July 27, 2010.

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 September 17, 2010** 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. 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 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 **September 20, 2010**.
- 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. Cover Sheet/Index
 - 2. Site Plan (attached)
 - 3. Existing Floor Plan
 - 4. Existing North and East Elevations
 - 5. Existing South and West Elevations
 - 6. Proposed Floor Plan
 - 7. Proposed North and East Elevations (attached)
 - 8. Details and Materials
 - 9. Perspectives
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Transportation
 - 2. Water Bureau
- F. Correspondence:
 - 1. Harlan Horvath, August 20, 2010, in support of the proposal
 - 2. Joe Helgerson, August 20, 2010, in support of the proposal
 - 3. Bradford Fouts, August 30, 2010, in support of the proposal
- 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



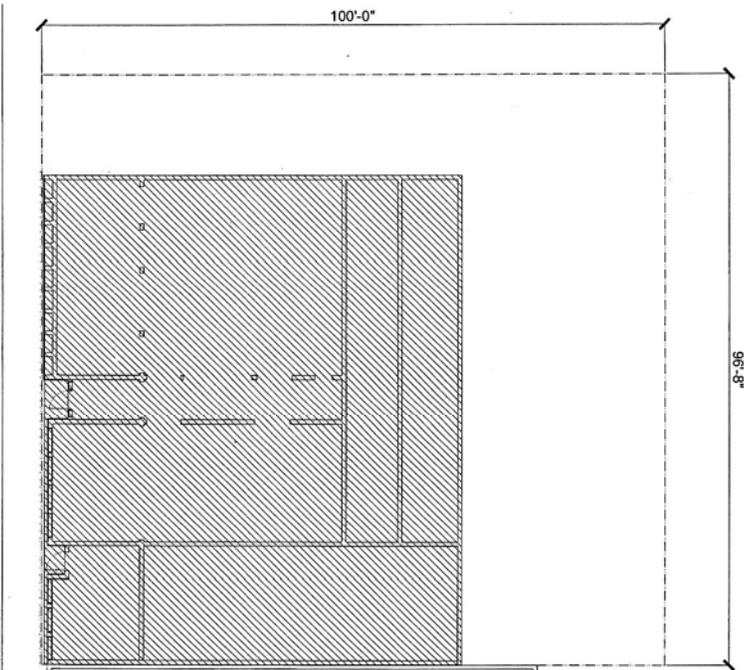
This site lies within the:
GATEWAY PLAN DISTRICT

File No.	LU 10-160224 DZ
1/4 Section	2941
Scale	1 inch = 200 feet
State_Id	1N2E34BB 1200
Exhibit	B (Jul 29, 2010)

PROPERTY ADDRESS: 10334 NE Halsey
Portland, OR 97220

LEGAL DESCRIPTION: PROPERTY ID: R249982
COUNTY: MULTNOMAH
STATE ID: N2E348B 1200
ALT ACCOUNT #: R873900310
TAX ROLL: POWERS ADD: E 21.64' OF LOT 6 BLOCK 2;
LOT 7-9 BLOCK 2, LOT 7-9

ZONING: ZONE: CX
OVERLAY: d
COMP PLAN: CX
ZONING MAP: 2941
PLAN DISTRICT: GA
URBAN RENEWAL AREA: Gateway
ZONING MAP: 2941



Paul Ries
Architect

Community
Development
& Environment

PRELIMINARY!
NOT YET FOR
CONSTRUCTION.

10334 NE Halsey
July 27, 2010

EXHIBIT C-2

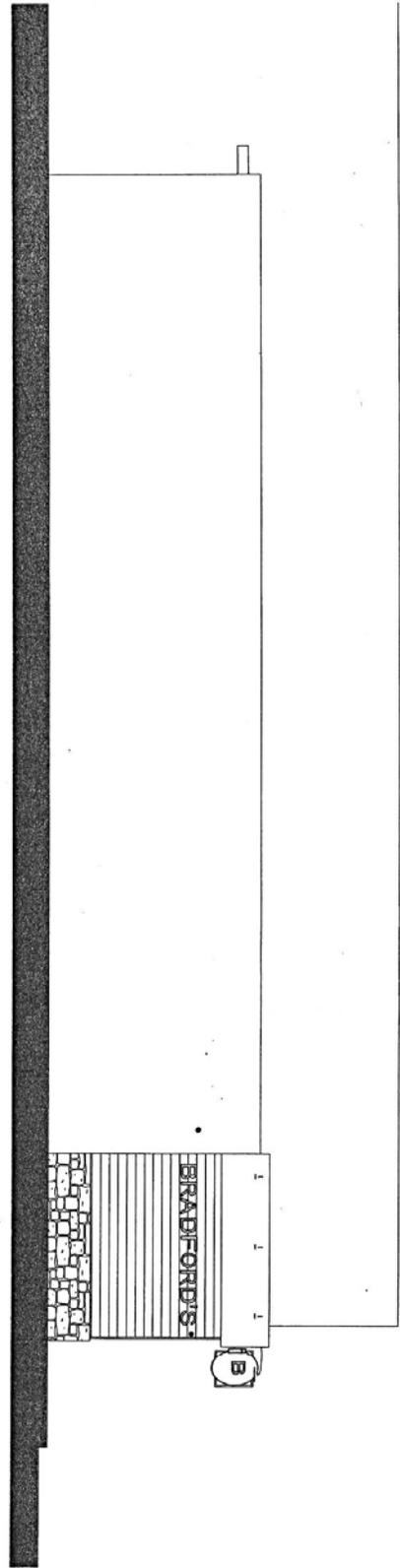
Approved*
City of Portland - Bureau of Development Services
Planner *Doree Salica* 9-1-10
*This approval applies only to the features represented and is subject to all conditions of approval. Additional zoning requirements may apply.

P.O. Box 3877
Portland, OR 97208
TEL 503.254.2330
FAX 866.936.1119

Paul Ries Architects
10334 NE Halsey
Portland, OR 97220
TEL 503.254.2330
FAX 866.936.1119
www.paulries.com

1 Site Plan
Scale: 1"=20'





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

AEP BREAK FORMED METAL
FASCIA, CHAMPAGNE-
NEW BILLBOARD LIGHT FIXTURES

3-1/2" HORIZ CEDAR RAIN
SCREEN WITH 1/2" GAPS. PAINT
BLACK. 1/2" GAPS TO BE
PLASTERED WITH 1/2" VERTICAL
PT OR CEDAR SLEEPER
CULTURED STONE VENEER SET
ON 4" CONCRETE SLAB BASE.
FASCIA TO BE SET ON TOP OF
RAIN SCREEN WITH BLACK CONTINUOUS
BREAK MOLD FLASHING

BRADFORD'S ON HALSEY



31 sf

22 sf

22 sf

22 sf

22 sf

13 sf

22 sf

22 sf

22 sf

PJ'S SALON

AREA
REQUIRED: 180.5 sf (25% AREA UP TO 9' HIGH + 722.25)
LENGTH: 285 sf (186 sf WINDOWS + 87 sf RECESSED DISPLAY BOX)
REQUIRED: 47' (50% LENGTH = 80.50)
PROVIDED: 57' (34.5 WINDOWS + 17.5 RECESSED DISPLAY BOX)

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

EXHIBIT G-7

Approved
City of Portland - Bureau of Development Services
Planner *Dore Pollock* Date *9/1/10*
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.