



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

FROM CONCEPT TO CONSTRUCTION

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Date: Monday, August 12, 2013
To: Interested Person
From: Kate Marcello, 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 the version located on the BDS website, via this link: <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the district coalition and 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 13-171869 DZ **Front Façade Alterations at Portland Dialysis Center**

GENERAL INFORMATION

Applicant: Jim Smelser, JM Custom Construction | (503) 789-5517
P.O. Box 90132 | Portland OR 97290

Owner: JEG Investors | 10519 SE Stark St | Portland, OR 97216-2747

Site Address: 10595 SE Stark Street

Legal Description: TL 4200 0.26 ACRES, SECTION 34 1N 2E
Tax Account No.: R942341490
State ID No.: 1N2E34CC 04200
Quarter Section: 3041
Neighborhood: Hazelwood Neighborhood Association;
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 Plan District
Zoning: Office Commercial 2 (CO2) base zone; Design (d) overlay zone
Case Type: Design Review (DZ)
Procedure: Type II (an administrative decision, with appeal to the Design Commission)

PROPOSAL: The applicant requests Design Review approval to remove the existing wooden posts (located along the front/south façade of the building) and replace them with new wooden posts with brick cladding. The bricks on the new posts will match the existing brick cladding on the building façade. The proposal also includes removal of the existing arched wooden beams located between the posts. The arched wooden beams will be replaced with wooden beams that have a straight edge. Because the proposal is for non-exempt exterior alterations to an existing building on a site with design overlay zoning in the Gateway Plan District, Design Review is required prior to the issuance of building permits.

Note: The project includes new signage on the building façade. The signage is exempt from Design Review per 33.420.041.F. The project also includes removal of the decorative fence-type element located along the edge of the existing porch roof on the front façade. Removal of this decorative element is exempt from Design Review per 33.420.045.B.

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 the *Gateway Regional Center Design Guidelines*.

ANALYSIS

I. Site and Vicinity: The subject site is about 11,300 square feet in area. It is located at the northwest corner of SE Stark Street and SE 106th Avenue in the Hazelwood neighborhood. The subject building is about 7,300 square feet in area. It is rectangular and it is abutted by a large paved parking lot to the north and west. The building one story tall. It was constructed in 1962. The front façade faces SE Stark Street. The building is clad in tan-colored brick. The upper edge of each façade is lined with shallow brick dentils. The front façade features multi-light wood windows and a wood entry door.

The surrounding area contains a wide variety of uses such as restaurants, large-format retailers, medical offices, large apartment complexes, single-family houses, retirement homes for the elderly, and institutional uses such as a school, a police precinct, a hospital, parks, and a community recreation center.

Portland's Transportation System Plan (TSP) classifies SE Stark Street as a Regional Main Street, Major City Traffic Street, Transit Access Street, and City Bikeway. Also according to the TSP, Stark Street abutting the subject site and westward of the site is designated as a Local Service Walkway. Eastward of the site, beginning at the intersection of Stark Street and 106th Avenue, this classification changes to City Walkway.

II. Zoning:

Base Zone: The Office Commercial 2 (CO2) zone is a low- and medium-intensity office zone generally located on Major Traffic Streets as designated by the Transportation Element of the Comprehensive Plan. Uses are limited to those in the Office category and may have a local or regional emphasis. The zone is intended to prevent the appearance of strip commercial development by allowing office uses but not other commercial uses. Commercial uses are also restricted to limit detrimental impacts on nearby residential areas. Development is expected to be somewhat auto-accommodating. Where the site is adjacent to a transit street or in a Pedestrian District, development should be oriented to pedestrians. The development standards allow for more intense development than in the CO1 zone, but not so intense as the CG zone.

Overlay Zone: The Design (d) overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. 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.

III. Land Use History: City records indicate one prior land use review for the subject site. The case number is MCF 104-60 ZC (reference file number LU 60-100039). It granted approval for an “office and display room.”

IV. Public Notice: A *Notice of Proposal in Your Neighborhood* was mailed on July 5, 2013.

Neighborhood Review: No written comments in response to the proposal have been received from the neighborhood association (Hazelwood Neighborhood Association) or notified property owners.

Agency Review: The Life Safety/Building Code Section of the Bureau of Development Services responded with comments and with no objections to the proposal (Exhibit E-1).

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

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.

B2. Integrate Ground-Level Building Elements.

Integrate the different ground-level building elements with the building's architecture.

Findings for A1, A2, and B2: The front façade of the subject building faces SE Stark Street. An existing covered porch runs the length of the façade, and is separated from the public sidewalk by a very narrow landscaped strip of groundcover and small shrubbery. These characteristics give the subject building a fairly strong visual and physical relationship with the pedestrian environment of Stark Street.

In contrast to the existing wooden posts to be removed, which are spindle-like and relatively thin, the new wooden posts with brick cladding are thicker and more substantial. These posts add definition to the front façade, fostering a stronger sense of pedestrian-scaled enclosure. Thus the proposal bolsters the existing relationship between the building and the street.

Therefore these guidelines are 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.

Findings for B1 and B3: The proposal conveys design quality and permanence as follows:

- The proposal employs durable materials: wood for the new beams, and wood with brick cladding for the new posts.
- The brick cladding on the new posts will match the existing brick cladding on the building façade, fostering a cohesive appearance.
- The straight lower edge of the new wooden beams (to be located between the new posts) is consistent with the overall design of the building, which has orthogonally oriented architectural features. This is in contrast to the existing wooden beams to be removed, which are arched. The new beams will strengthen the design coherency of the façade.
- The new posts will be placed in the same locations as the existing posts that are being removed, thus retaining the articulation of evenly spaced posts along the front façade.

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 proposal employs durable materials, strengthens the building's relationship with SE Stark Street, and increases the design coherency of the building. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION


Approval of the following, located at the existing building at 10595 SE Stark Street in Hazelwood neighborhood in the Gateway Plan District:

- new wooden posts with brick cladding, and
- new wooden beams with a straight lower edge, to be located between the posts.

Approval per the approved plans and drawings, Exhibits C-1 through C-3, signed and dated August 8, 2013, subject to the following condition:

- A. As part of the building permit application submittal, each of the four 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-3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-171869 DZ. No field changes allowed."

Staff Planner: Kate Marcello

Decision rendered by:  on August 8, 2013
By authority of the Director of the Bureau of Development Services

Decision mailed: August 12, 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 June 25, 2013, and was determined to be complete on July 2, 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 June 25, 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. Unless extended by the applicant, **the 120 days will expire on October 30, 2013.**

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 Monday, August 26, 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.

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 775 Summer St NE, Suite 330, Salem, OR 97301-1283, 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 **Tuesday, August 27, 2013 (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:

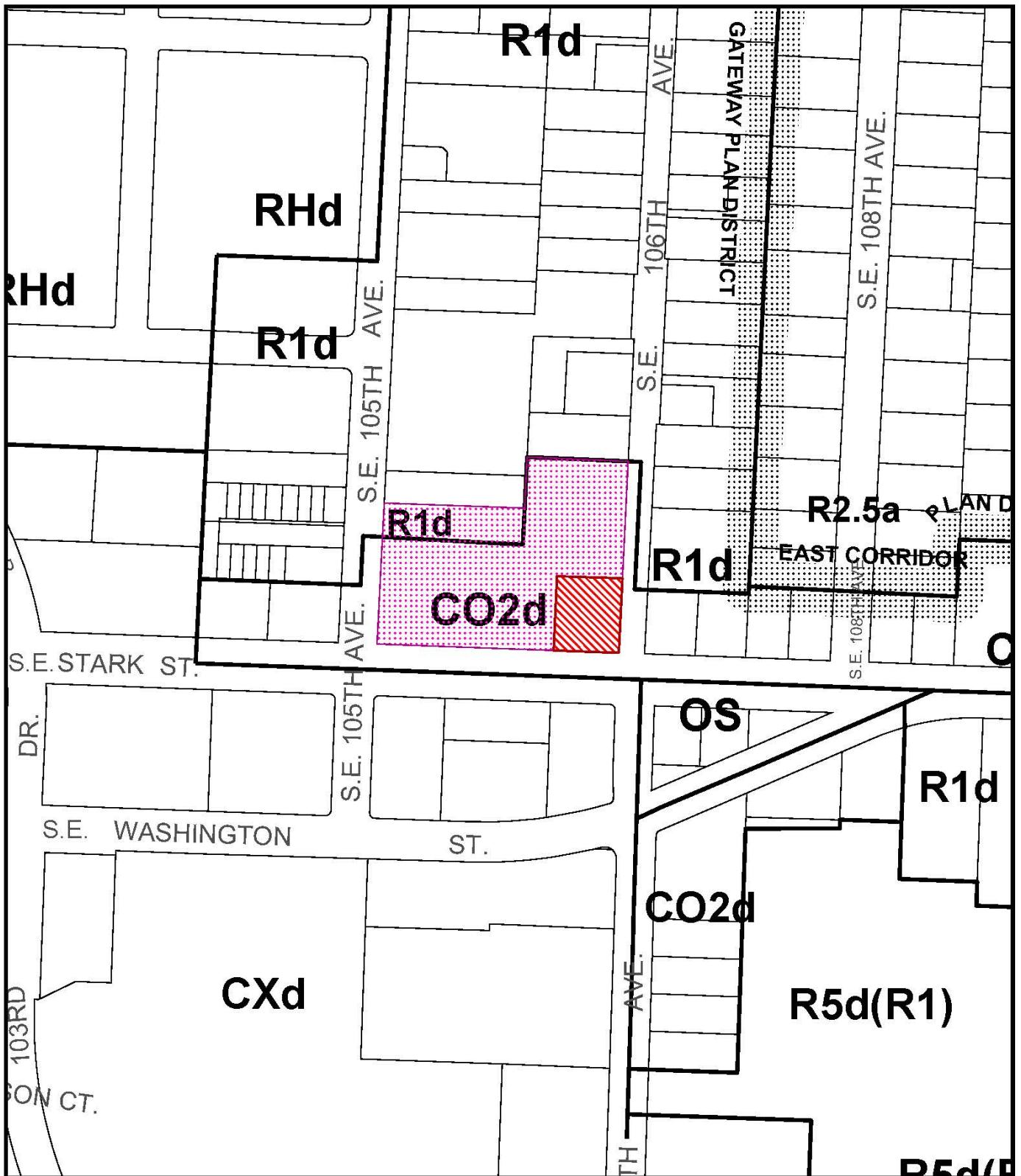
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement/Narrative
- B. Zoning Map (attached)
- C. Plans and Drawings:
 - 1. Site Plan (attached)
 - 2. South, West, and East Elevation Drawings (partially attached)
 - 3. Detail Drawings
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Response:
 - 1. Life Safety/Building Code Section of BDS
- F. Correspondence: None received.
- G. Other
 - 1. Original Land Use Review Application
 - 2. Photos of the Existing Building

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

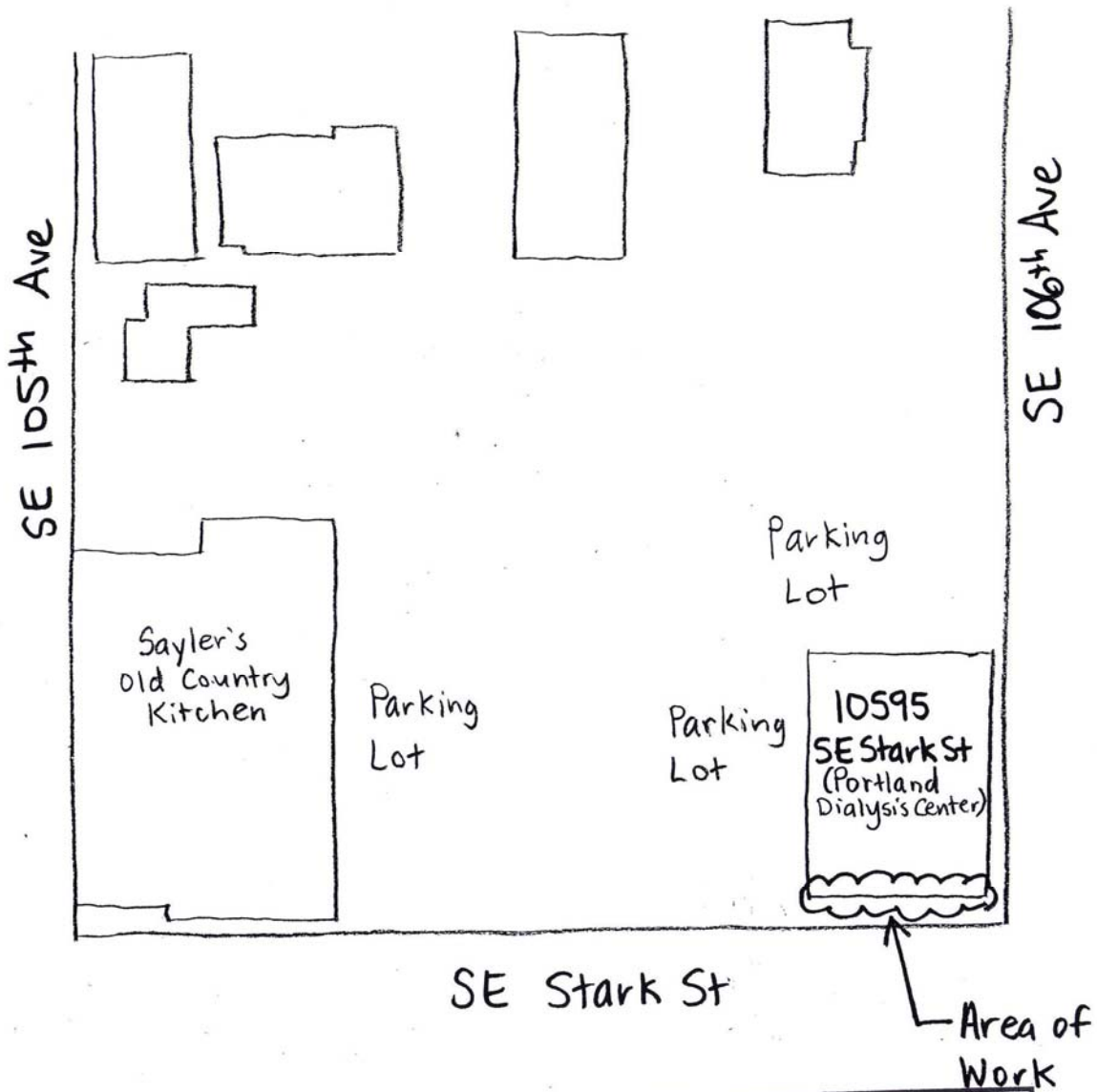
 Site
 Also Owned



This site lies within the:
GATEWAY PLAN DISTRICT

File No. LU 13-171869 DZ
 1/4 Section 3141
 Scale 1 inch = 200 feet
 State_Id 1N2E34CC 4200
 Exhibit B (Jun 27, 2013)

Site Plan



Approved

City of Portland - Bureau of Development Services

Planner Katello Date August 8, 2013

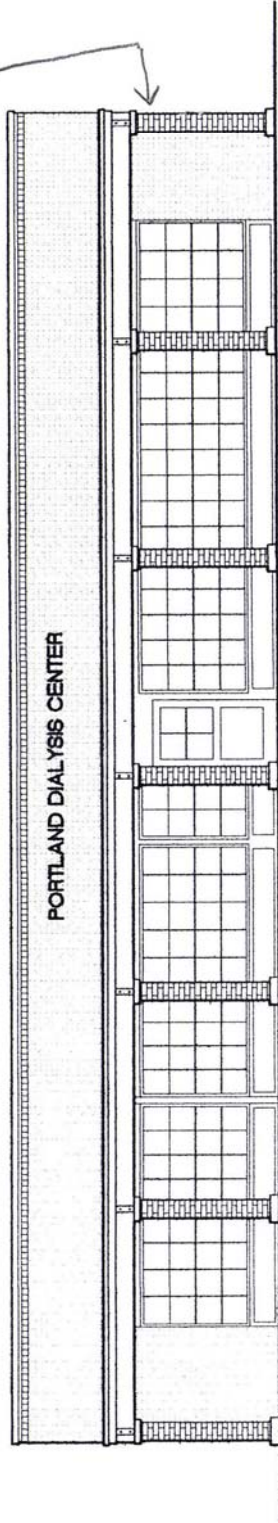
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



address: 10595 SE Stark St
case number: LU 13-171869 DZ

Exhibit C-1

New Column, Typical:



1 SOUTH ELEVATION (9E. STARK ST. FACADE)
A2

Scale: 1/2" = 1'-0"

Note: Reduced sheet size.

Note: "Portland Dialysis Center"
signage exempt from
Design Review per
33.420.041.F.

case number: LU 13-171869 DZ
address: 10595 SE Stark Street

Exhibit C-2 (partial)

City of Portland - Bureau of Development Services
 Planner *K. Kelly*
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.
 Date August 8, 2013
 Approved*