



**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:** October 11, 2013  
**To:** Interested Person  
**From:** Staci Monroe, Land Use Services  
503-823-0624 / [staci.monroe@portlandoregon.gov](mailto:staci.monroe@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 13-199456 DZ –BUILDING ADDITION TO AN EXISTING RESTAURANT**

#### **GENERAL INFORMATION**

**Applicant:** Dominek Architecture, LLC  
330 SE MLK Jr. Blvd, Suite 350 / Portland, OR 97214

**Owner:** GBH LLC/ Gabe Dominek, 503-380-6143  
11411 NE Halsey St / Portland, OR 97220-2029

**Site Address:** 11411 NE Halsey Street

**Legal Description:** BLOCK 2 LOT 1 EXC PT IN ST, ERVIN AC  
**Tax Account No.:** R255800170  
**State ID No.:** 1N2E27DC 05400      **Quarter Section:** 2842  
**Neighborhood:** Parkrose Heights, contact Pete Natwick at 503-493-3612.  
**Business District:** Gateway Area Business Association, Fred Sanchez at 503-256-3910.  
**District Coalition:** East Portland Neighborhood Office, Richard Bixby at 503-823-4550.  
**Plan District:** Gateway  
**Zoning:** CN2d – Neighborhood Commercial 2 zone with a 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 an addition on the south façade to expand the dining area at the Breakfast House Restaurant in the Gateway Plan District. The single-story, 170 SF addition will be fully glazed to match the existing aluminum storefront and contain a pair of glass entry doors. The existing walkway will be relocated along the south side of the addition and will be widened to 6'-0".

Exterior alterations to buildings in the Gateway Plan District required a Design Review per Section 33.420.041.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:

- Gateway Design Guidelines

**ANALYSIS**

**Site and Vicinity:** The 13,068 SF site is located on the southwest corner of NE Halsey Street and NE 114th Avenue and is within the Gateway Plan District. An existing one-story 1,316 SF restaurant building built in 1967 fronts NE Halsey Street. The building employs an evocative modernist architectural form, combining a saw tooth roof, rounded narrow columns and what appears to be original clear storefront glazing spanning between the ceiling and floor. A large pole sign stands at the southwest corner of the site, and an existing surface parking lot wraps the southeast corner and northern portion of the site.

In this location, NE Halsey Street is characterized by low-density commercial development. Low and mid-density residential development and health services surround the commercial corridor. Glendover Golf Course is located approximately three blocks to the east on NE Halsey Street. The area has a number of older auto-oriented developments with large surface parking lots fronting the street, wide curb cuts, very little landscaping and numerous freestanding pole signs.

NE Halsey Street is designated within the Transportation System Plan of the City of Portland as a Transit Access Street, a City Bikeway, a City Walkway, a Regional Corridor, and a District Collector Street. Bus service is available along NE Halsey Street. NE 114<sup>th</sup> Street is designated with local classifications, and is characterized by single-family homes.

**Zoning:** The Neighborhood Commercial 2 (CN2) zone is intended for small commercial sites and areas in or near less dense or developing residential neighborhoods. The emphasis of the zone is on uses which will provide services for the nearby residential areas, and on other uses which are small scale and have little impact. Uses are limited in intensity to promote their local orientation and to limit adverse impacts on nearby residential areas. Development is expected to be predominantly auto accommodating, except where the site is adjacent to a transit street or in a Pedestrian District. The development standards reflect that the site will generally be surrounded by more spread out residential development.

The Gateway Plan District regulations encourage the development of an urban level of housing, employment, open space, public facilities, and pedestrian amenities that will strengthen the role of Gateway as a regional center. The regulations also ensure that future development will provide for greater connectivity of streets throughout the plan district. This development will implement the Gateway Regional Policy of the Outer Southeast Community Plan. Together, the use and development regulations of the Gateway plan district: promote compatibility between private and public investments through building design and site layout standards; promote new development and expansions of existing development that create attractive and convenient facilities for pedestrians and transit patrons to visit, live, work, and shop; ensure that new development moves the large sites in the plan district closer to the open space and connectivity goals of the Gateway Regional Center; create a clear distinction and attractive transitions between properties within the regional center and the more suburban neighborhood outside; and provide opportunities for more intense mixed-use development around the light rail stations.

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 no prior land use reviews.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **September 13, 2013**. The following Bureaus have responded with no issues or concerns:

- The Life-Safety Plans Examiner of BDS (*Exhibit E-1*)
- The Site Development Section of BDS (*Exhibit E-2*)
- The Bureau of Environmental Services (*Exhibit E-3*)
- The Water Bureau (*Exhibit E-4*)
- Fire Bureau (*Exhibit E-5*)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **September 13, 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 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**

**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:** The proposed renovation of the existing building retains storefront glazing on the NE Halsey Street façade, extending the building towards the street with new seating areas fronting NE Halsey Street. This allows views into active areas of the building. The public entry will also remain on the NE Halsey Street side of the building, oriented to the sidewalk and street. The generous entry will be shifted from a parking-lot orientation towards one facing NE Halsey Street, which enhances the visual and physical connection with this important community corridor. *This guideline is therefore met.*

## **B Development Design**

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

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

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

**Findings for B1, B2, and B3:** The project retains the dynamic building form and architectural parti of the existing building, characterized by an expressive roof form hovering over clear storefront glazing. This is accomplished by adding to the building square footage in an architecturally compatible manner by taking cues from the original building design. The new seating area is placed in the same plane as the existing entry portal, maintaining the height, architectural details, materials, and form of the original entry area. New storefront doors and glazing panels are aluminum frames with clear glazing in a color and profile to match the current storefront. By maintaining the building's original design intent and using compatible materials, a sense of quality and permanence is conveyed by the proposal. The new square footage, an extension of the existing eating area, is tucked within the existing building mass, suggesting a clear integration with the existing architecture. *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

The proposed alterations to the existing building are consistent with building's original architecture. Views into the building are retained with new storefront wrapping the new eating area. The new storefront system maintains characteristics of the building's original storefront system, and is placed unobtrusively between the existing entry portal and the southeast building corner. The reorientation of the entry doors from the parking lot to the NE Halsey Street frontage strengthens the physical connection between the building and the sidewalk, thereby reinforcing the pedestrian oriented goals of the Gateway Plan District.

## ADMINISTRATIVE DECISION

Approval of the following exterior renovations to the existing building and site:

1. New 170 SF glazed building area;
2. Reorientation of the entry doors to face NE Halsey Street; and
3. New 6'-0" wide walkway immediately south of the new building area.

Per the approved site plans, Exhibits C-1 through C-4, signed and dated 10/9/13, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required drawings and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-199456 DZ. No field changes allowed."

**Staff Planner: Staci Monroe**



**Decision rendered by:** \_\_\_\_\_ **on October 9, 2013**

By authority of the Director of the Bureau of Development Services

**Decision mailed: October 11, 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 August 30, 2013, and was determined to be complete on **September 9, 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 August 30, 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 October 25, 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 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 **October 28, 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.

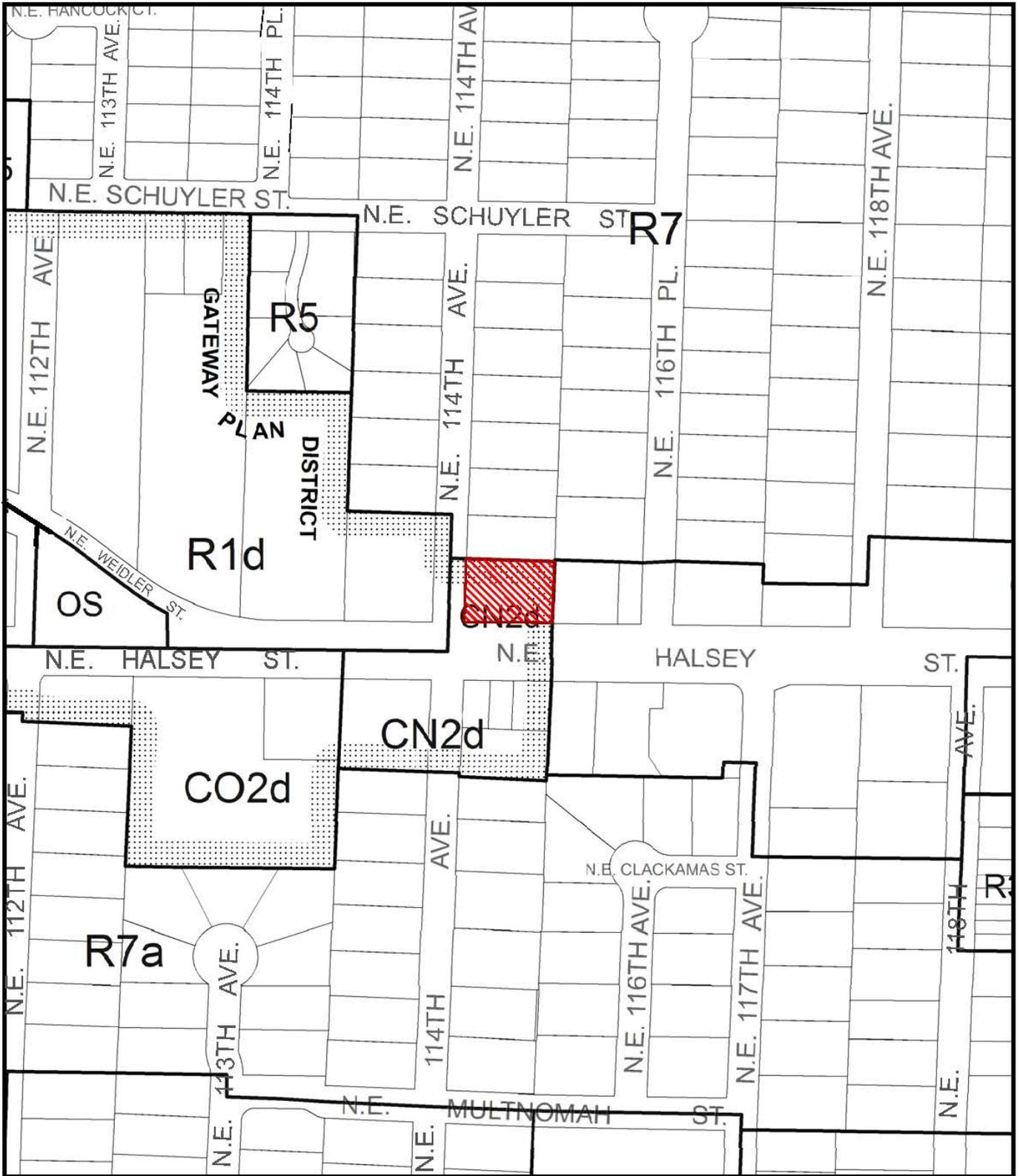
#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Project Summary and Responses to Approval Criteria
  - 2. Site and Context Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. First Floor Plan (attached)
  - 3. South and Partial East Elevation (attached)
  - 4. Storefront & Wall Section (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life-Safety Plans Examiner of BDS
  - 2. Site Development Review Section of BDS
  - 3. Bureau of Environmental Services
  - 4. Water Bureau
  - 5. Fire Bureau
- F. Correspondence: None
- G. Other:

1. Original LU Application

**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**



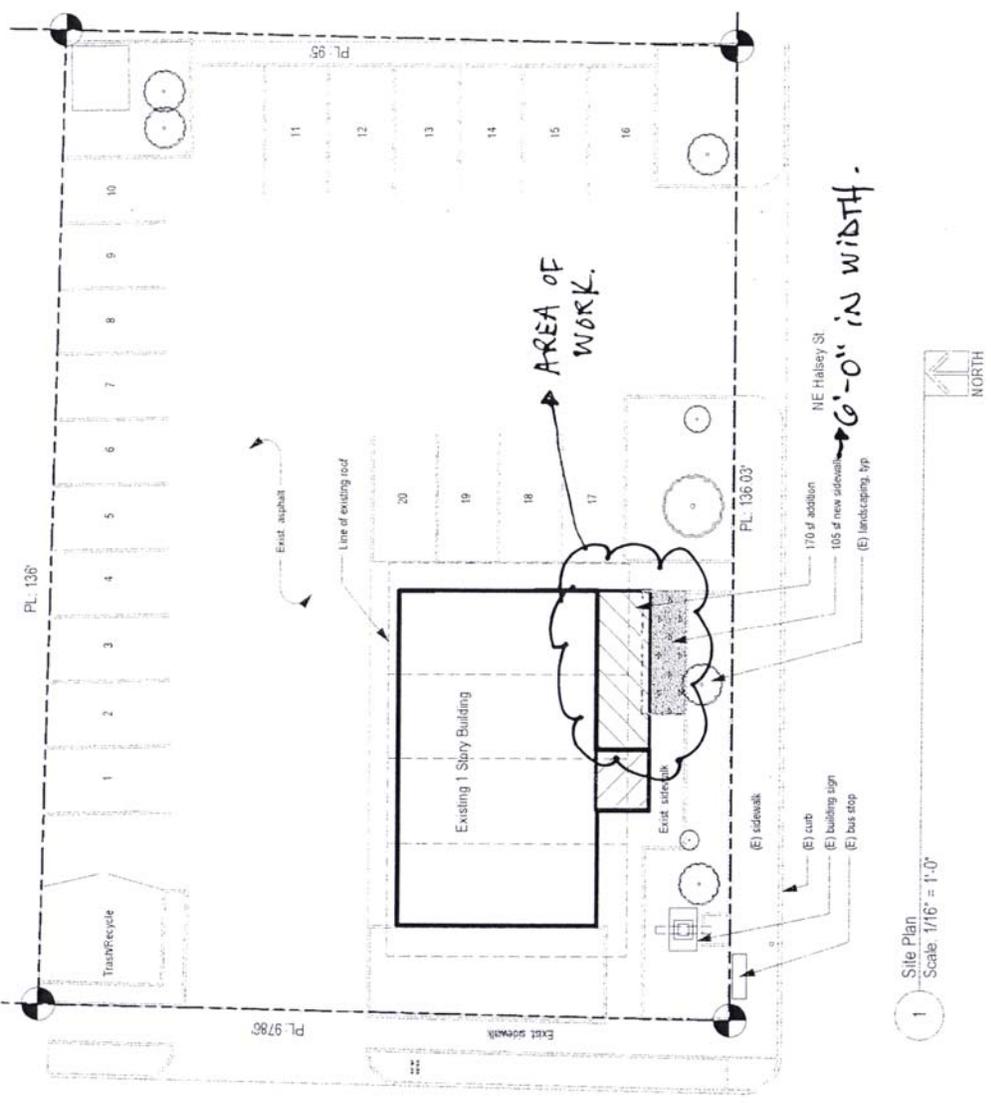
File No.	<u>LU 13-199456 DZ</u>
1/4 Section	<u>2842</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N2E27DC 5400</u>
Exhibit	<u>B (Sep 04, 2013)</u>

\*Approved\*

City of Portland - Bureau of Development Services

Planner Sullivan Date 10/9/13

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



Legal Description	Impervious Area	Building Coverage
Lot 1, Block 2, Ivin Acres	8,600 sf	1,381 sf
Lot 2099	807 sf	170 sf
13,146 sf	-150 sf	170 sf
Parking Lot	105 sf	1,551 sf
Sidewalk Existing	1,900 sf	
Sidewalk Removed	70 sf	
Sidewalk New		
Roof Area Existing (incl. Overhang)		
Roof Area New (incl. Overhang)		
<b>Total</b>	<b>11,227 sf</b>	

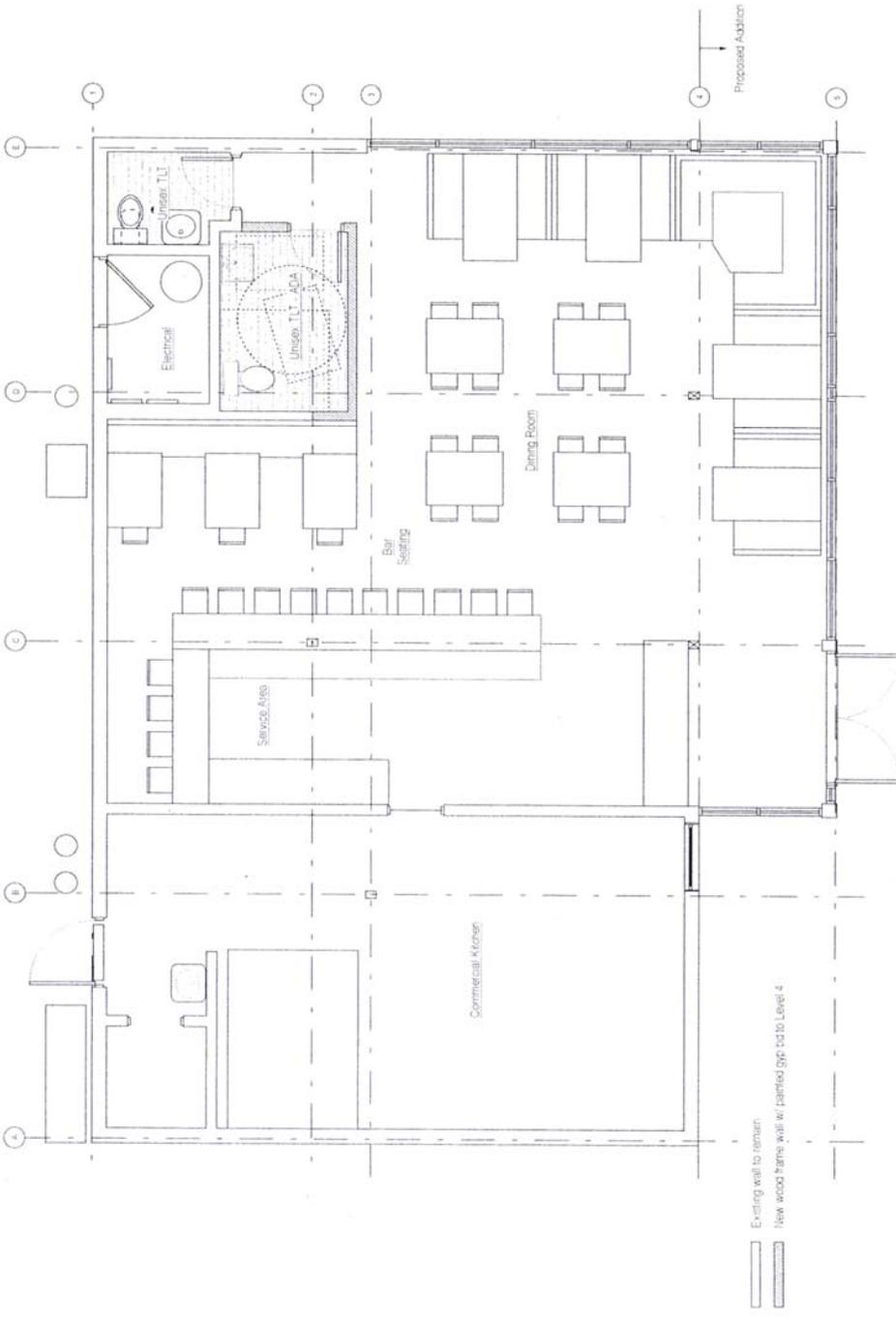
1 Site Plan  
Scale 1/16" = 1'-0"

DATE: 08/30/2013 Gateway Breakfast House [13-0914]  
 11411 NE Halsey Street  
 Portland, OR 97228  
 DOMINICK ARCHITECTURE, LLC  
 320 SE MARK BLD. SUITE 356 PORTLAND, OR 97214  
 503.285.6143P  
 Land Use Review  
 Site Plan

A0

NE 114th Ave

LU 13-199452e 08  
EX. C-1



1 Plan  
Scale: 3/16" = 1'-0"



A1

DATE: 08.30.2013

Gateway Breakfast House [13-001.1]  
 11411 NE Haley Street  
 Portland, OR 97220

DOMINICK ARCHITECTURE LLC  
 330 SE MLK Blvd Suite 350 Portland OR 97214  
 503 380 6134

Land Use Review  
 Plan

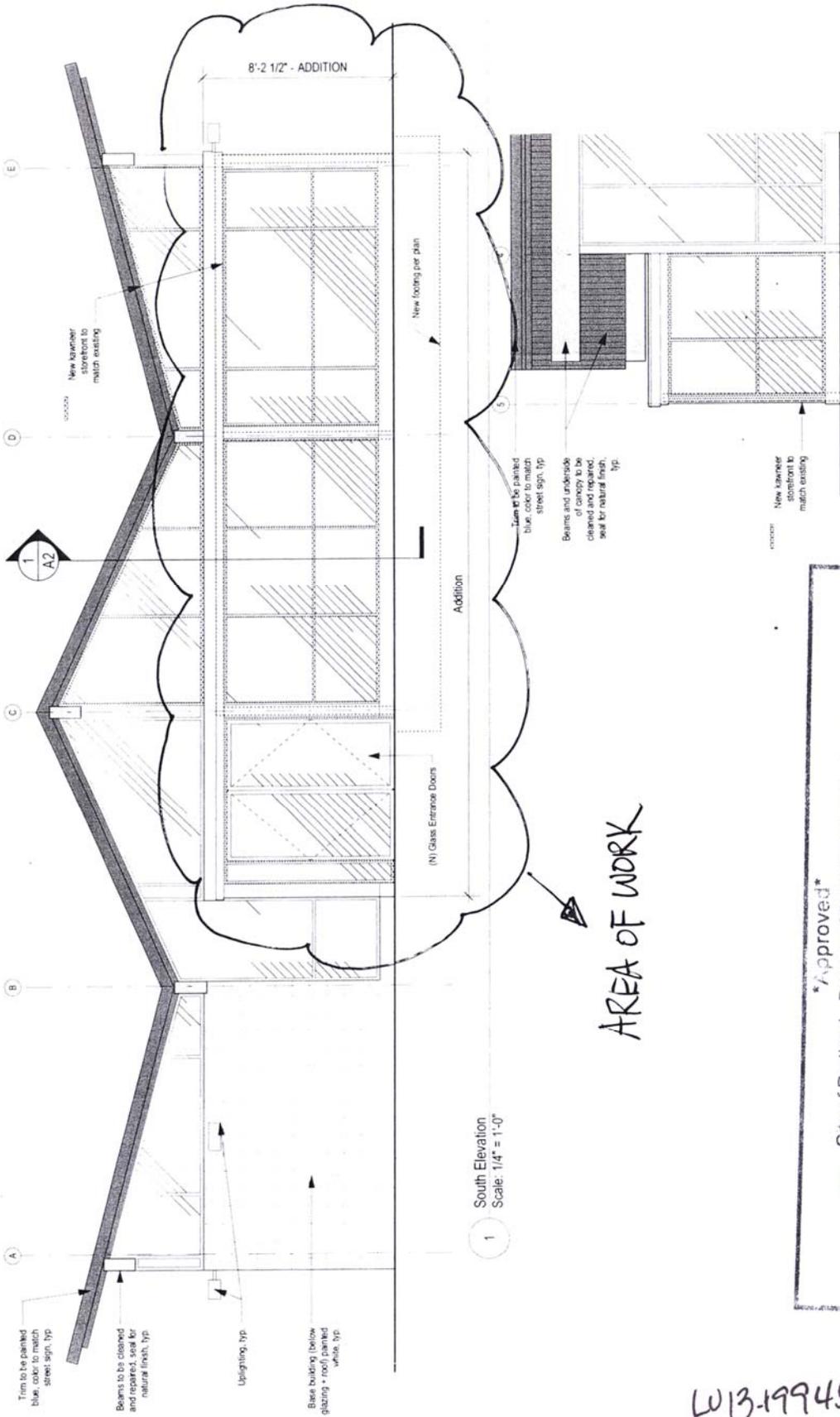
\*Approved\*

City of Portland - Bureau of Development Services

Planner J. Moran Date 10/9/13

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

LW 13-195456 DZ  
EX-C-2



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

2 Partial East Elevation  
Scale: 1/4" = 1'-0"

\*Approved\*

City of Portland - Bureau of Development Services

Planner *[Signature]* Date 10/9/13

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

W13-199456 02  
EX.C-3

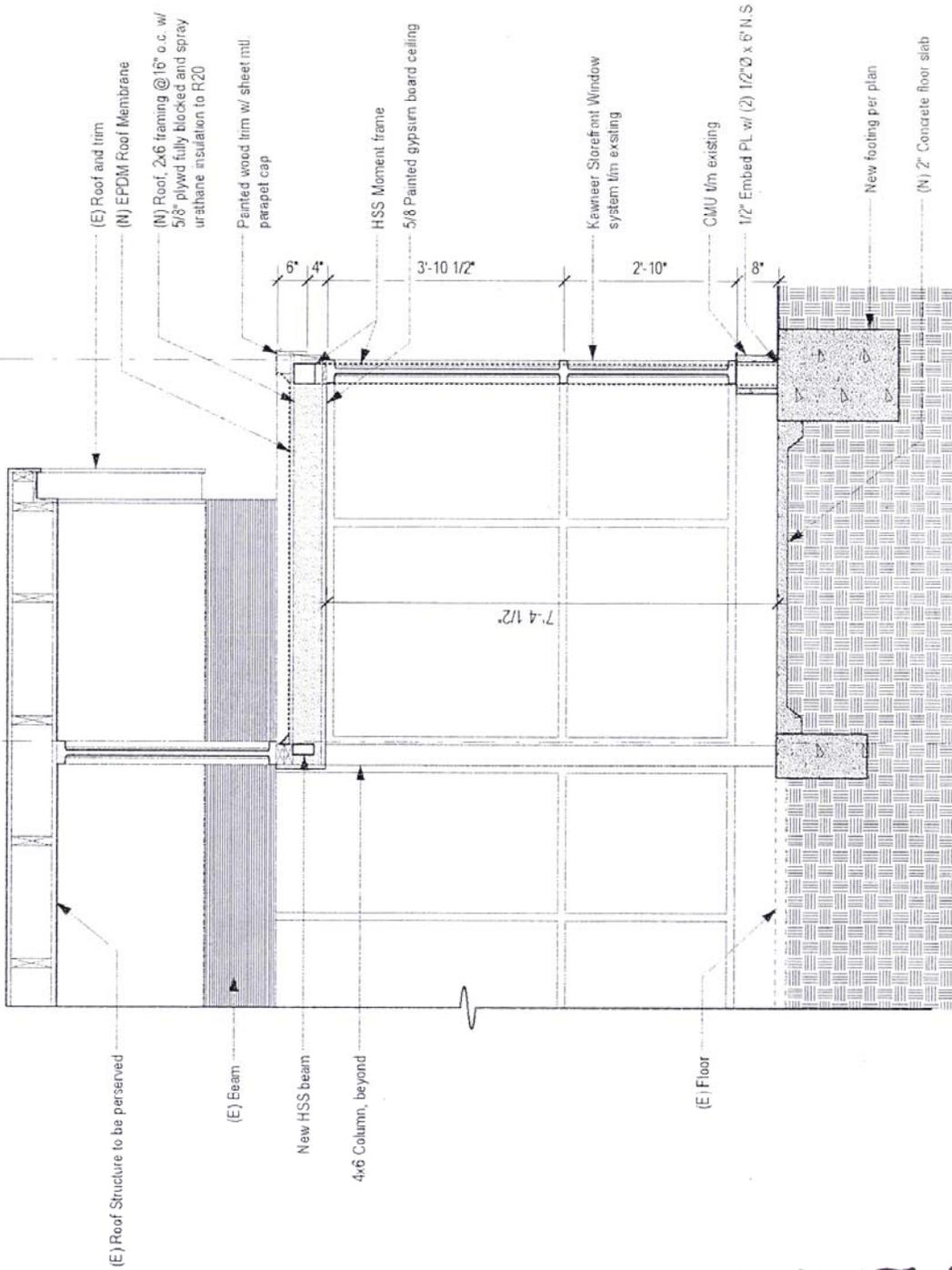
\*Approved\*

City of Portland - Bureau of Development Services

Planner Sulan

Date 10/9/13

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



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

W13K99456 02  
EX. C-4

Land Use Review  
Section

DOMINERARCHITECTURE, LLC  
338 SE MLK Blvd, Suite 350 Portland, OR 97214  
503 280 6143

Gateway Breakfast House (13-0014)  
11411 NE Halsey Street  
Portland, OR 97220

DATE: 09.30.2013

A3