



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

FROM CONCEPT TO CONSTRUCTION

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Date: July 10, 2015
To: Interested Person
From: Puja Bhutani, 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 mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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 15-161258 DZ – TRASH ENCLOSURE

GENERAL INFORMATION

Applicant: Raphael Goodblatt / Ahha Architecture LLC
615 SE Alder Street / Portland, OR 97214

Owner: Gregory D Geist / Old Ghost Investments, LLC
2400 SW Augusta Pl / Beaverton, OR 97003-1695

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, R673900310
State ID No.: 1N2E34BB 01200, 1N2E34BB 01200
Quarter Section: 2941
Neighborhood: Hazelwood, contact Arlene Kimura at 503-252-9429.
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 Plan District
Zoning: CXd, Central Commercial with Design Overlay Zone
Case Type: DZ, Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant is proposing a new trash enclosure at the rear of the property. The enclosure includes concrete block walls, wood frame doors with cedar siding to match the north building elevation and asphalt shingle roof.

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. The relevant approval criteria are:

- 33.130 Commercial Zones
- 33.825 Design Review
- 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.

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.

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.

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 that prior land use reviews include the following: LU10-160224DZ: approval of exterior alterations to the front and part of the east façade of the existing building.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **June 11, 2015**. The following Bureaus have responded with no issues or concerns:

The Water Bureau responded with no concerns. Please see Exhibit E-2 for additional details.

The Life-safety Bureau responded with the following comment: A complete life-safety plan review will be provided at the time of building permit submittal. Please see Exhibit E-3 for additional details.

The Bureau of Environmental Services responded with the following comment: BES has no objections to the proposal, which will be subject to BES standards and requirements during the permit review process. Please see Exhibit E-4 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 11, 2015. 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 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.

A3. Integrate building mechanical equipment and/or service areas in a manner that does not detract from the pedestrian environment.

Findings: The applicant is proposing a new trash enclosure which is to be located in the rear of the property, adjacent to existing parking. It will be accessed from the rear alley and will not be visible from NE Halsey Street. The placement and operation of the trash enclosure has been thoughtfully integrated with the site plan to have minimal impact on the Halsey street pedestrian environment. *This criterion is therefore 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: The trash enclosure has been designed as a small addition to the rear elevation of the existing building. The proposed materials match the north building elevation and include concrete block walls, wood frame doors with cedar siding and asphalt shingle roof. The trash enclosure will blend into the existing building and will be an improvement over the existing conditions. *This criterion is 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 trash enclosure has been well integrated with the overall site plan and building design. The location and operation of the trash enclosure minimizes impacts to the pedestrian environment. In addition, the proposed building materials match those of the existing building. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of trash enclosure in the rear of the property in the Gateway Plan District, per the approved site plans, Exhibits C-1, signed and dated July 7, 2015, 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. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-161258 DZ. No field changes allowed."

Staff Planner: Puja Bhutani

Decision rendered by:  **on July 7, 2015**
By authority of the Director of the Bureau of Development Services

Decision mailed: July 10, 2015

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 April 29, 2015, and was determined to be complete on **June 5, 2015**.

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 April 29, 2015.

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 July 24, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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, Oregon 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 **July 27, 2015**.
- 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. Original Narrative
2. Revised Narrative, received June 4, 2015
3. Original plan set before revisions, - NOT APPROVED/reference only

B. Zoning Map (attached)

C. Plans/Drawings:

1. Site Plan, Trash Enclosure Plan/Elevations/Sections (attached)

D. Notification information:

1. Mailing list
2. Mailed notice

E. Agency Responses:

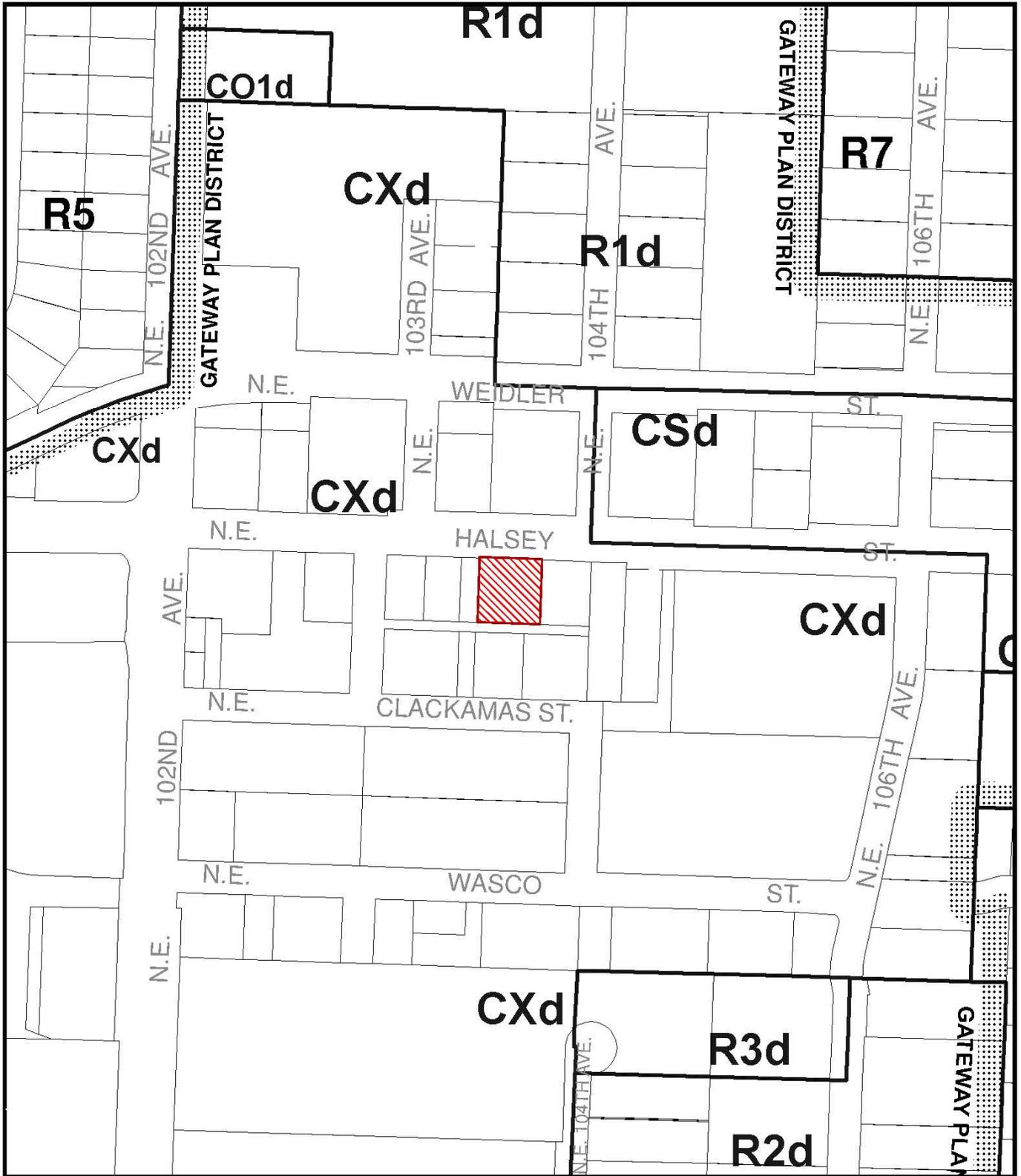
1. Bureau of Environmental Services
2. Water Bureau
3. Fire Bureau

F. Correspondence: none received

G. Other:

1. Original LU Application
2. Incomplete letter from staff to applicant, sent May 8, 2015

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 15-161258 DZ
 1/4 Section 2941
 Scale 1 inch = 200 feet
 State_Id 1N2E34BB 1200
 Exhibit B (Apr 30, 2015)

