



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

FROM CONCEPT TO CONSTRUCTION

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Date: August 22, 2016
To: Interested Person
From: Amanda Rhoads, 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 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 16-168052 DZ **STOREFRONT IMPROVEMENTS AND OUTDOOR SEATING AREA**

GENERAL INFORMATION

Applicant: Lorraine Guthrie, Architect, 503-804-5725
2748 SW Patton Ct
Portland, OR 97201

Owner: Robert J Kaiser Trust et al
10735 SE Stark St #200
Portland, OR 97216-2765

Site Address: 11131 NE HALSEY ST

Legal Description: BLOCK 29 LOT 4-7 EXC PT IN ST, CASMUR; BLOCK 29 LOT 8 EXC PT IN ST, CASMUR; BLOCK 29 LOT 19-23, CASMUR

Tax Account No.: R141906870, R141906890, R141906945

State ID No.: 1N2E27CD 03000, 1N2E27CD 03100, 1N2E27CD 03400

Quarter Section: 2841

Neighborhood: Parkrose Heights, contact Pete Natwick at 503-493-3612.

Business District: Gateway Area Business Association, contact Paul Wild at paul.wild@mhcc.edu

District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.

Plan District: Gateway

Zoning: CSd – Storefront Commercial Zone with “d” Design Overlay

Case Type: DZ – Design Review

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

Proposal:

The applicant proposes changes to the building and site that require Design Review. Those changes include the following:

- A new seating area in the parking lot off of NE Weidler. The seating area includes a cedar pergola, cedar planters and cedar and metal fencing, with seating inside;
- A new awning on the north façade of the building adjacent to the new seating area (part of which was installed previously but not reviewed);
- Removal of the awning over the north entrance;
- The addition of three new gooseneck lights over the north entry and three more above the south entry; and
- Removal of two light fixtures on the north façade.

Also proposed, but not subject to review, are the following: repainting the building; adding sidewalk seating on the south façade; and new signage proposed above both entries.

Relevant Approval Criteria:

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

- Gateway Regional Center Design Guidelines

ANALYSIS

Site and Vicinity: The site is situated within the Gateway Regional Center in between NE Weidler Ave. and NE Halsey St. NE Halsey is considered by the Gateway Regional Center Design Guidelines to be a “Storefront Retail-Oriented Main Street.” The guidelines consider such streets “real possibilities for the creation of sidewalk-oriented buildings that contribute to a pedestrian environment.”

Both NE Halsey and NE Weidler are additionally designated by the City of Portland as Regional Main Streets, City Walkways, City Bikeways, Transit Access Streets, and Major City Traffic Streets. Both have regular bus service.

The one-story, 1959 building is located on the southern half of the site, with the accessory parking located to the north of the building. The western tenant space is currently vacant and the eastern space is the home of McGillacuddy’s Sports Bar. The existing building orients to NE Halsey but also has a rear entrance off of the parking lot.

The site is located within the Gateway Plan District. There is a mixture of commercial uses along NE Halsey, and the Weidler/Halsey couplet begins/terminates about 275 feet to the east.

Zoning: The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominately built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

The Design Overlay Zone [d] 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.

Land Use History: City records indicate that prior land use reviews include the following:

LU 12-195533 DZ – Design Review approval for new awnings along the NE Halsey building frontage, wrapping around a portion of the west side of the building.

Public Review: A “Notice of Proposal in Your Neighborhood” was mailed **July 21, 2016**.

Agency Review: The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E.1);
- Bureau of Transportation (Exhibit E.2);
- Water Bureau (Exhibit E.3);
- Fire Bureau (Exhibit E.4);
- Site Development Section of BDS (Exhibit E.5); and
- Life Safety (Building Code) Plans Examiner (Exhibit E.6)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 21, 2016. No written responses were 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

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.

Findings for A.1 and A.2: On the south side of the building, the three new gooseneck lights will make the building brighter and more inviting at the main entrance. Other changes not subject to review will emphasize the connection between the building and the street (new signage, and planters and seating in the right-of-way).

On the north elevation, the main entry is separated from the street by a parking lot more than 70 feet deep, making connections between the street and the building more challenging. The proposal works toward better visual connections, with both storefront improvements and a new outdoor seating area in one portion of the paved parking lot.

The building itself will be getting three new gooseneck lights on the north façade. Currently, globe lights are located regularly across the building in a repeating pattern within a “stripe” of vertical indentations in the stucco. The two lights closest to the rear entry door will be removed to minimize the fact that the storefront system is offset between the two vertical elements. Vertical stripes and a different wall color will also work to make the entry appear centered. A new sign, not subject to review, is also planned for the area between the top of the storefront system and the gooseneck lights.

The outdoor seating area is proposed in front of an existing awning on the north façade of the building that had not previously been approved through Design Review. Extending this awning to match the width of the pergola structure will integrate the new seating area better with the existing building, and will extend a pedestrian-scale amenity into the parking lot and closer to the street. *These guidelines are 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-B3: Instead of adding new materials and elements, the proposal improves the building’s connection with, and visibility from, both streets through modest changes to the existing building. These features will tie the overall design into a coherent whole. The new outdoor seating area is composed of high-quality cedar beams and boards, with a woven wire mesh fence placed between the cedar planter boxes. These durable materials will be suitable for the Portland climate while creating an additional

pedestrian space between the building and the street that is protected from the surrounding parking lot.

A new canopy will be introduced on the parking lot (north) frontage that will match the existing awning in materials and general design, though this new awning will be deeper to accommodate bench seating below. The length of the canopy, 25 feet, will correspond to the width of the new seating area and associated pergola, tying these two new elements together and better integrating the seating area with the building. The canopy will consist of a durable standing seam metal roof, with painted aluminum framing, painted to match the existing canopy along the south façade.

The new lighting on the south and north façades will draw attention to the entrances and highlight new signage (not reviewed as part of this project). The lighting is modest and limited to three identical gooseneck lights above each doorway. They provide necessary illumination without significant impacts on adjacent properties, and add a decorative element which is largely lacking on the north façade. *These guidelines are met.*

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: The new gooseneck lighting will highlight the primary tenant entrances on both the south and north façades, and light the signage that will be added later (which is less than 32 square feet, and therefore not subject to Design Review). Locating the signage above the entryways, instead of elsewhere on the building as it is currently, will focus attention on the entryways, providing stronger identification for the tenant and better wayfinding for customers entering on the Weidler frontage.

The existing lighting on the building includes fixtures along the north elevation in a regular pattern across the building, occurring at vertical indentions that create a faux column. This feature is the only ornamentation on this otherwise flat façade. The two light fixtures closest to the Weidler entrance will be removed in an attempt to minimize the appearance of asymmetry in the placement of this storefront system. The new goosenecks will provide more light than these minor light fixtures. The removed light fixtures could be replaced in the future if desired, thus preserving the regularity of this ornamentation across the façade. *This guideline is 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

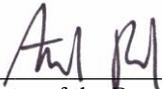
The proposed alterations to the existing building will complement the existing architectural style and add to its vocabulary by adding elements that will provide coherency as well as pedestrian-friendly amenities such as the outdoor seating area and canopy. The alterations will bring the site closer to the vision outlined in the Gateway Regional Center Design Guidelines by enhancing the pedestrian experience at the street.

ADMINISTRATIVE DECISION

Design Review approval of alterations to an existing building located in the Gateway Plan District. The alterations include a new canopy and outdoor seating area on the north façade; removal of two light fixtures and a canopy near the storefront system on the north façade; and 3 gooseneck lights above both the north and south entrances, per the approved plans, Exhibits C.1 through C.7, signed and dated August 18, 2016, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.7. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-168052 DZ. No field changes allowed."

Staff Planner: Amanda Rhoads

Decision rendered by:  **on August 18, 2016**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 22, 2016

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 May 6, 2016, and was determined to be complete on July 18, 2016.

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 May 6, 2016.

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 further extended by the applicant, **the 120 days will expire on: November 15, 2016.**

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 6, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 **September 7, 2016 – 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:

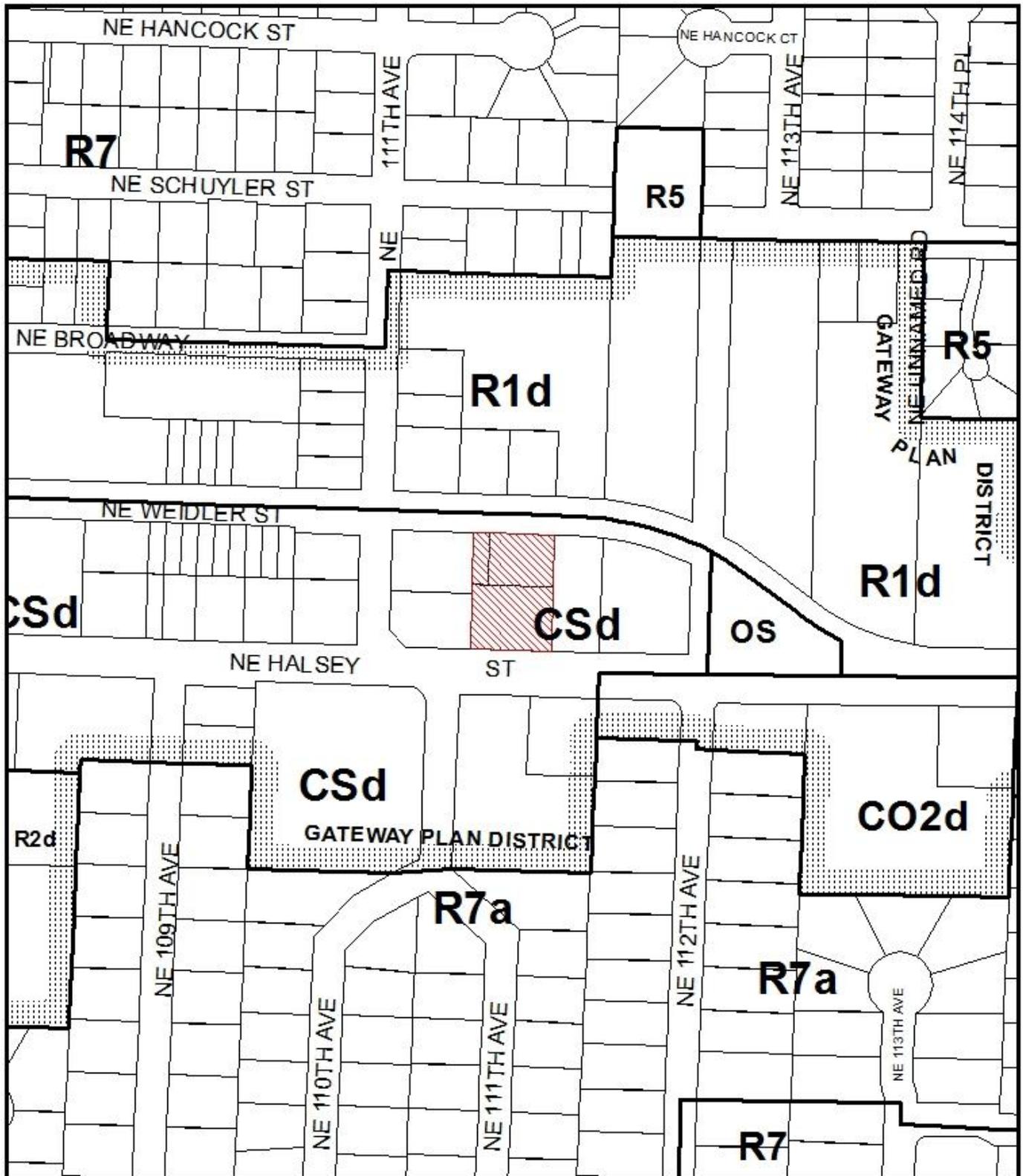
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Original Narrative, May 6, 2016
 2. Response to Incomplete Letter and Revised Narrative, June 13, 2016
 3. Applicant Email, June 21, 2016
 4. Applicant Email, June 24, 2016
 5. Final Applicant Narrative, July 6, 2016
 6. Weidler Façade paint and light proposal, June 20, 2016, superseded
 7. Full-sized Site Plan, superseded
 8. Full-sized Elevations, superseded
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site and Seating Area Plans (attached)
 2. Building and Seating Area Elevations (attached)
 3. Gooseneck Light Details
 4. North Canopy Plan
 5. North Canopy Framing
 6. North Canopy Structure
 7. North Canopy Side Elevation
 8. Full-Size Plans and Elevations
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Bureau of Transportation
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of BDS
 6. Life Safety (Building Code) Plans Examiner
- F. Correspondence: none received
- G. Other:
 1. Original Land Use Application and Receipt
 2. Site Photos (Google Maps)
 3. 2013 Permit Drawings

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



This site lies within the:
GATEWAY PLAN DISTRICT

 Site

File No.	LU 16-168052 DZ
1/4 Section	2841
Scale	1 inch = 200 feet
State_Id	1N2E27CD 3400
Exhibit	B (May 06, 2016)

