



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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Date: October 12, 2016
To: Interested Person
From: Hannah Bryant, 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 16-216904 DZ – EXTERIOR ALTERATIONS

GENERAL INFORMATION

Applicant: Seth Moran | Michael Flowers Architect
107 SE Washington Street., Suite 227
Portland, OR 97214

Representative: Molly Liston, Owner's Representative
GMB Unlimited LLC
1205 SW 18th
Portland, OR 97205

Owner on Record: Post Toasties, Owner
900 NE 151st Street
Portland, OR 97230

TGTN-T Properties, LLC, Owner
1205 SW 18th Avenue
Portland, OR 97205

TGTN-M Properties, LLC, Owner
17898 SW Inkster Drive
Portland, OR 97140

Site Address: **11155 NE HALSEY ST**

Legal Description: BLOCK 29 LOT 1-3 EXC PT IN ST LOT 24-26, CASMUR
Tax Account No.: R141906850
State ID No.: 1N2E27CD 02900
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
Other Designations:	None
Zoning:	CSd , Storefront Commercial with Design Overlay
Case Type:	DZ , Design Review
Procedure:	Type II , an administrative decision with appeal to the Design Commission.

Proposal:

The applicant requests design review approval for exterior improvements and tenant upgrades to the one-story commercial building, including:

- An enlarged, elevated cedar deck with steps and 62' ADA ramp on the north side of the building;
- Replacement of glass and aluminum storefront at the southern NE Halsey entrance. Proposal is to replace the single-door with a double-door system. All finishes and materials to match existing;
- A new covered, enclosed trash facility to be located at the NW corner of the property, materials to match screening below deck;
- An 'L' shaped wooden fence to screen new refrigeration equipment in the eastern setback. Materials to match trash shelter and below-deck screening.

Relevant Approval Criteria:

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

- Design Review, *Zoning Code 33.825*
- Gateway Regional Center Design Guidelines

ANALYSIS

Site and Vicinity: The site is situated within the Gateway Regional Center bordering NE Halsey Street and NE Weidler Street. Both streets are designated "Storefront Retail-Oriented Main Street" by the Gateway Regional Center Design Guidelines. The guidelines consider such streets "real possibilities for the creation of sidewalk-oriented buildings that contribute to a pedestrian environment."

The site is located in the Gateway Plan District, within the NE Weidler, NE Halsey couplet just west of NE 112th Avenue. Nearby sites within the couplet are also commercial uses. To the north, apartments are developed within the R1 zone; to the south is a mix of commercial uses along Halsey and the residential neighborhood platted at R7 density (7,000 sq. ft.).

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 "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 there are no prior land use reviews for this site.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **September 13, 2016**. The following Bureaus have responded with no issues or concerns:

- Life Safety (*exhibit E-1*)
- Bureau of Environmental Services (*exhibit E-2*)
- Site Development Section of BDS (*exhibit E-3*)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on September 13, 2016. A total of three written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Arlene Kimura, President and Land Use Chair of Hazelwood Neighborhood Association – *Supportive of improvements, particularly deck with ADA accessibility. Feels it will enhance the street presence on Weidler. (exhibit F-1)*
- Linda Robinson, former member of Hazelwood Neighborhood Association’s Gateway Urban Renewal advisory board – *Is pleased to see entrances off both NE Weidler and NE Halsey. Feels the ramp helps bring the entrance closer to pedestrians on NE Weidler and that the patio helps create a welcoming front-door entrance toward NE Weidler. (exhibit F-2)*
- Tom Badrick, Chair of Parkrose Heights Association of Neighbors – *Feels the proposal helps create pedestrian connections to both NE Weidler and NE Halsey street. Supports screening of the trash and mechanical equipment. (exhibit F-3)*

ZONING CODE APPROVAL CRITERIA

Title 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 has addressed only those guidelines considered applicable to this project.

A1. Strengthen Relationships Between Buildings and the Street.

A2. Enhance Visual and Physical Connections.

Findings: The proposed enlarged deck off the north entrance, and the new ADA ramp and stairwell that connect it to the parking area and sidewalk help to strengthen the physical and visual connection between the building and NE Weidler. The addition of a new north-facing entrance helps this building to orient main entrances toward both NE Halsey and NE Weidler.

This guideline is therefore met.

A3. Integrate Building Mechanical Equipment and Service Areas. Incorporate building mechanical equipment and/or service areas in a manner that does not detract from the pedestrian environment.

Findings: The proposed mechanical units are approximately 36" tall. They will be screened from the street with horizontal cedar fence and landscaping. The proposed trash shelter will be similarly screened with horizontal cedar cladding and a roof.

This guideline is therefore met.

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: The screening beneath proposed deck, the new enclosed trash shelter and the screening for mechanical units in the setback will all be composed of the same materials to create a unified appearance at the ground level.

This guideline 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 proposal is successful in modifying an existing auto-oriented building to help foster pedestrian connections to both NE Halsey and NE Weidler streets. The expanded deck, new stairs, and ADA ramp effectively bring the entrance to the new north-facing coffee shop closer to the street and greatly improve access to this business by both pedestrians and those arriving by car. The proposal helps to create retail-oriented spaces that can serve the neighboring community and not just those driving to the site.

ADMINISTRATIVE DECISION

Approval of Design Review for an elevated deck, ADA ramp and mechanical screening, per the approved site plans, Exhibits C-1 through C-10, signed and dated October 12, 2016, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 16-216904 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Screening for the mechanical units in the east setback shall be of the same 1x horizontal cedar cladding as the trash shelter. Screening shall be at least as tall as the mechanical units within.

Staff Planner: Hannah Bryant

Decision rendered by:  **on October 12, 2016**

By authority of the Director of the Bureau of Development Services

Decision mailed: October 12, 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 August 4, 2016, and was determined to be complete on September 6, 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 August 4, 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.

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 26, 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 **October 27, 2016.**

- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Plans and Elevations
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety
 - 2. Bureau of Environmental Services
 - 3. Site Development Review Section of BDS
- F. Correspondence:
 - 1. *Arlene Kimura*, October 3, 2016; Supportive of improvements, particularly deck with ADA accessibility. Feels it will enhance the street presence on Weidler.

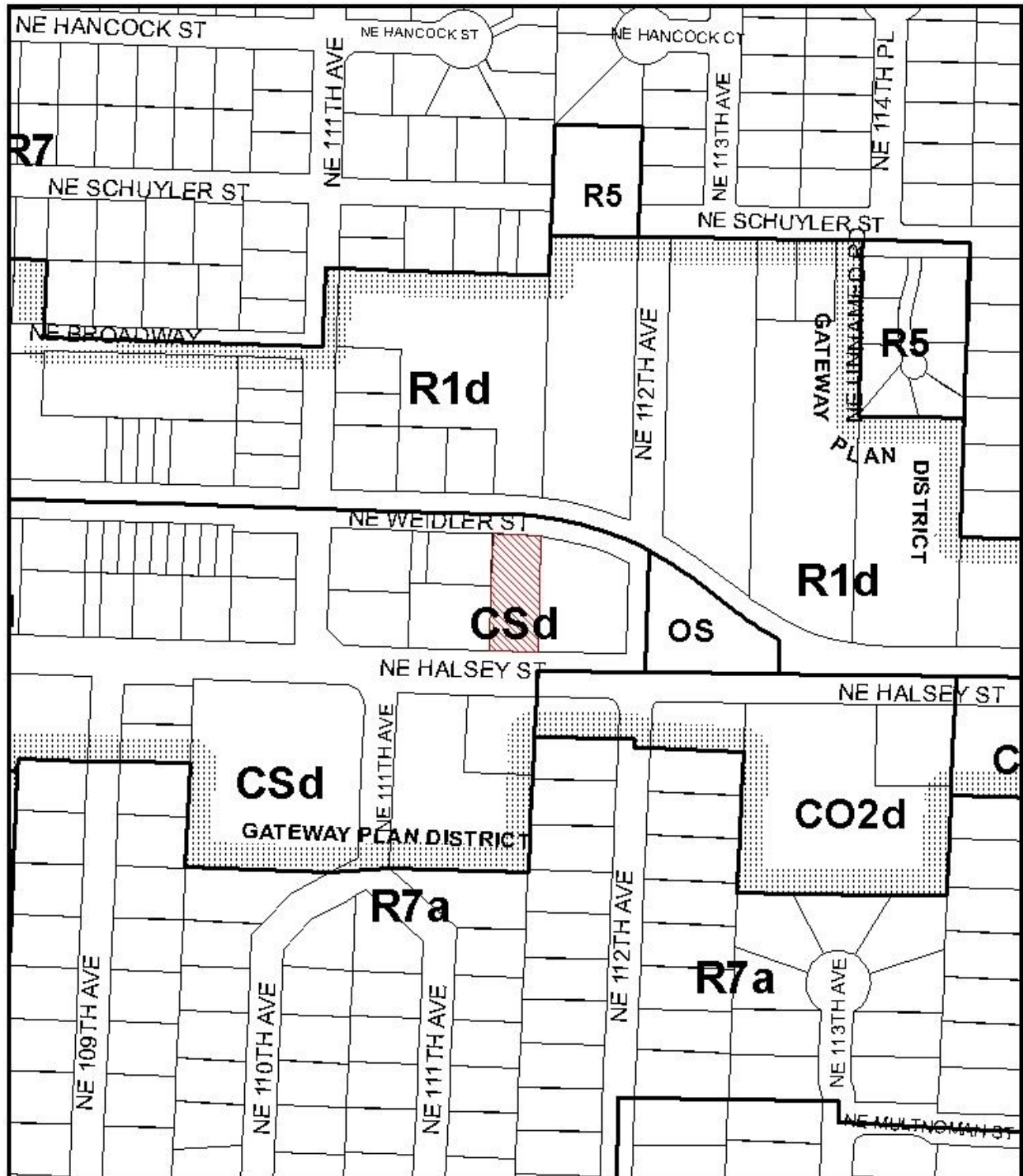
2. *Linda Robinson, September 10, 2016*; Is pleased to see entrances off both NE Weidler and NE Halsey. Feels the ramp helps bring the entrance closer to pedestrians on NE Weidler and that the patio helps create a welcoming front-door entrance toward NE Weidler.

3. *Tom Badrick, September 10, 2016*; Feels the proposal helps create pedestrian connections to both NE Weidler and NE Halsey Streets. Supports screening of the trash and mechanical equipment.


G. Other:

1. Original LU Application
2. Site Photos
3. Applicant e-mails with iterative designs

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 16-216904 DZ
1/4 Section	2841 2842
Scale	1 inch = 200 feet
State Id	1N2E27CD 2900
Exhibit	B (Aug 08, 2016)

