



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

Chloe Eudaly, Commissioner
Paul L. Scarlett, Director
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www.portlandoregon.gov/bds

Date: April 5, 2017
To: Interested Person
From: Puja Bhutani, Land Use Services
503-823-7226 / Puja.Bhutani@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 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 16-289882 DZ – NEW GAZEBO

GENERAL INFORMATION

Applicant: Scott Smith, Vulcan Design and Construction Inc.
2856 NE 65th Avenue, Suite C
Vancouver, WA 98661

Owner: MG Russellville Commons
David Jordache, MG Properties Group
10505 Sorrento Valley Road #300
San Diego, CA 92121

Site Address: **10320 SE Pine Street**

Legal Description: LOT 1, NEW RUSSELLVILLE
Tax Account No.: R600700050
State ID No.: 1N2E34CC 00704
Quarter Section: 3041

Neighborhood: Hazelwood, contact Arlene Kimura at 503-252-9429.
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: RHd, High Density Residential with Design Overlay
Case Type: DZ, Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant is seeking design review approval of a proposal to demolish the existing open gazebo and add a new covered gazebo, in roughly the same location in the Gateway Plan District. The new gazebo will be located in the rear of, and adjacent to the pool, of the existing apartment buildings, south of SE Pine Street. The gazebo is constructed of rustic, rough-sawn fir timbers framing, stone for the post base, and a composition asphalt shingle roof. It will include a barbeque area made of cultured stone to match the post bases. An open patio made of Belgard pavers is also being proposed adjacent to the new gazebo.

Design review is required because the proposal is for a non- exempt exterior alteration of a structure within the design overlay zone.

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 subject site is improved with Russellville Commons, an apartment complex, and fronts on S.E. Pine Street and is bounded by SE 103rd Avenue to the west, and SE 105th Avenue to the east. The pool and existing cabana structure with an open trellis roof, are located in the rear of the property.

The site is located within the Gateway Plan District, which is Portland's only designated regional center and the area is envisioned to redevelop into a highly-urbanized, pedestrian-oriented center. The surrounding neighborhood has a mix of commercial, employment and multi-dwelling residential zoning.

Zoning: The High Density Residential (RH) is a high density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally, the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high-rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services. Newly created lots in the RH zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot area for development with detached or attached houses or for development with duplexes. Minimum lot width and depth standards may apply.

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.

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.

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

- LUR 97-014634 SU (reference file #97-00588): Approval of a 4-lot Subdivision.
- LUR 97-014693 DZ (reference file #97-06471): Approval of a multi-family residential neighborhood with 283 rental units—townhouses, flats, and apartments—on three newly created city blocks. Improvements also include new streets and sidewalks, a mid-block pedestrian spine, a public green, and a recreation center for tenant use.
- LUR 97-014718 EN (reference file #97-00672): Approval of an Excavation and Fill Review.
- LUR 99-017117 DZ (reference file #99-00712): Approval of a proposal to erect an aluminum sculpture where the primary east-west pedestrian walkway in the Russellville development meets the pedestrian right of way along SE 102nd Street. The sculpture is to sit on a concrete pedestal. Two benches will be placed north of and south of the sculpture. There is both ground and pole-mounted lighting proposed to illuminate the sculpture at night
- LUR 99-017301 AD (reference file #99-00896): Approval of temporary Russellville daycare. Adjustments to reduce required building coverage, building setback, modify ground floor window requirements, and change main entrance requirement.
- LUR 00-007178 AD (reference file #00-00623): Approval to waive the standard of one tree for every 30 lineal feet of landscaped area between the existing building and the north property line; approval to waive the requirement for one tree for every 30 lineal feet of landscape area between the parking area and the south property line adjacent to SE Ankeny Street and between the parking area and the north property line adjacent to the residential zone; and approval to waive the requirement for one tree for every 800 square feet of area between the building and SE 102nd Avenue and between the building and SE Ankeny Street, and to waive the requirement for ground cover.
- LUR 01-008162 CU (reference file #01-00765): Approval of a proposal to construct a child daycare facility of about 5,600 square feet in an RH zone.
- LUR 01-008172 DZM (reference file #01-00775): Approval of a new 5-story senior housing building, with additional uses including parking and child daycare. Dedication and improvement of an extension of NE 103rd Avenue, and additional dedication of street frontage along E Burnside to create a full 15-foot pedestrian corridor, are also approved.
- LU 02-124525 MP: Approval of a 3-lot Minor Partition.
- LU 05-111669 MS: Approval of Phase 1 of the Gateway Transit Center Master Plan development with Conditions and conceptual approval of Phases 2, 3 and 4 the Gateway Transit Center Master Plan phased development package with conditions.
- LU 07-124589 DZM: Approval of the Russellville Phase III development. The project includes 122 independent and assisted-living senior housing residential units, 17 memory care units, ground-floor commercial space, and various accessory facilities such as dining hall and fitness center, with the uses arranged around a central internal courtyard. A single level of below-grade parking will provide 127 parking spaces. The following Modifications through Design Review are approved: Minimum Landscaping in the RH zone; Forward-motion loading spaces; Ground Floor Windows on Ankeny; and Enhanced Pedestrian Street Standards on SE 102nd.
- LU 07-126348 CU: Approval of the location of a below-grade parking level entry on SE Ankeny Street. Commercial uses (17 parking spaces below grade) are accessed through the RH zoned area of the site, so this access is required to be approved through Conditional Use.
- LU 08-167629 DZ: Approval of non-standard improvements along SE 103rd Avenue.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **February 17, 2017**. The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation Engineering and Development Review. Refer to Exhibit E3.
- Water Bureau. Refer to Exhibit E4.
- Fire Bureau. Refer to Exhibit E5.
- Site Development Section of BDS. Refer to Exhibit E6.
- Life Safety Section of BDS. Refer to Exhibit E7.

The Bureau of Environmental Services responded with the following comment: Please see Exhibit E1 and E-2 for additional details.

Although the 640 SF of new roof area triggers stormwater management requirements of the SWMM, the applicant will utilize the tree credit impervious area reduction technique to reduce the impervious area requiring management by 600 SF (due to the presence of three small trees within 10 feet of the new roof area). The applicant should be aware that an approvable stormwater disposal location must be identified at the time of permit review.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 17, 2017. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Arlene Kimura, Chair, Land Use Committee, Hazelwood Neighborhood Association; 3/6/2017; wrote with no objections to the proposal. Refer to Exhibit F1 for more details.

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.

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.

C3. Support Open Spaces with New Development. Develop buildings that are oriented to adjacent open spaces.

Findings for B1, B3 & C3: The proposal is to demolish the existing open gazebo and add a new covered gazebo, in roughly the same location. The new gazebo will be located in the rear of, and adjacent to the pool, of the existing apartment buildings, south of SE Pine Street. The proposed rustic wood and stone gazebo uses quality material and will provide a useful covered amenity area for the residents. The proposed materials include rustic, rough-sawn fir timbers framing, stone for the post base, and a composition asphalt shingle roof. It will include a barbeque area made of cultured stone to match the post bases. An open patio made of Belgard pavers is also being proposed adjacent to the new gazebo. The proposed gazebo is an improvement over the existing structure, enhances the existing pool area and open space, and will be compatible with the surrounding wood frame, gable roofed apartment buildings. *These guidelines are met.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The proposal to replace the existing wooden structure with more durable covered gazebo will provide an attractive poolside amenity space for the residents. The design and materials are of good quality and will be compatible with the existing apartment buildings. The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and modification criteria and therefore warrants approval.

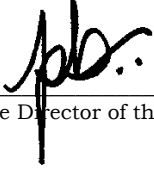
ADMINISTRATIVE DECISION

Approval of a new covered gazebo, with a barbeque area and an open patio in the Gateway Plan District.

Approved, per the approved site plans, Exhibits C-1 through C-9 signed and dated 3/30/2017, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) 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 16-289882 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Puja Bhutani

Decision rendered by:  _____ **on (March 30, 2017)**
By authority of the Director of the Bureau of Development Services

Decision mailed: April 5, 2017

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 December 21, 2016, and was determined to be complete on February 7, 2017.

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 December 21, 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 waived the 120-day review period, as stated with Exhibit A6. Unless further extended by the applicant, **the 120 days will expire on: February 7, 2018.**

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 April 19, 2017** 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 **April 20, 2017 – (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.

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.

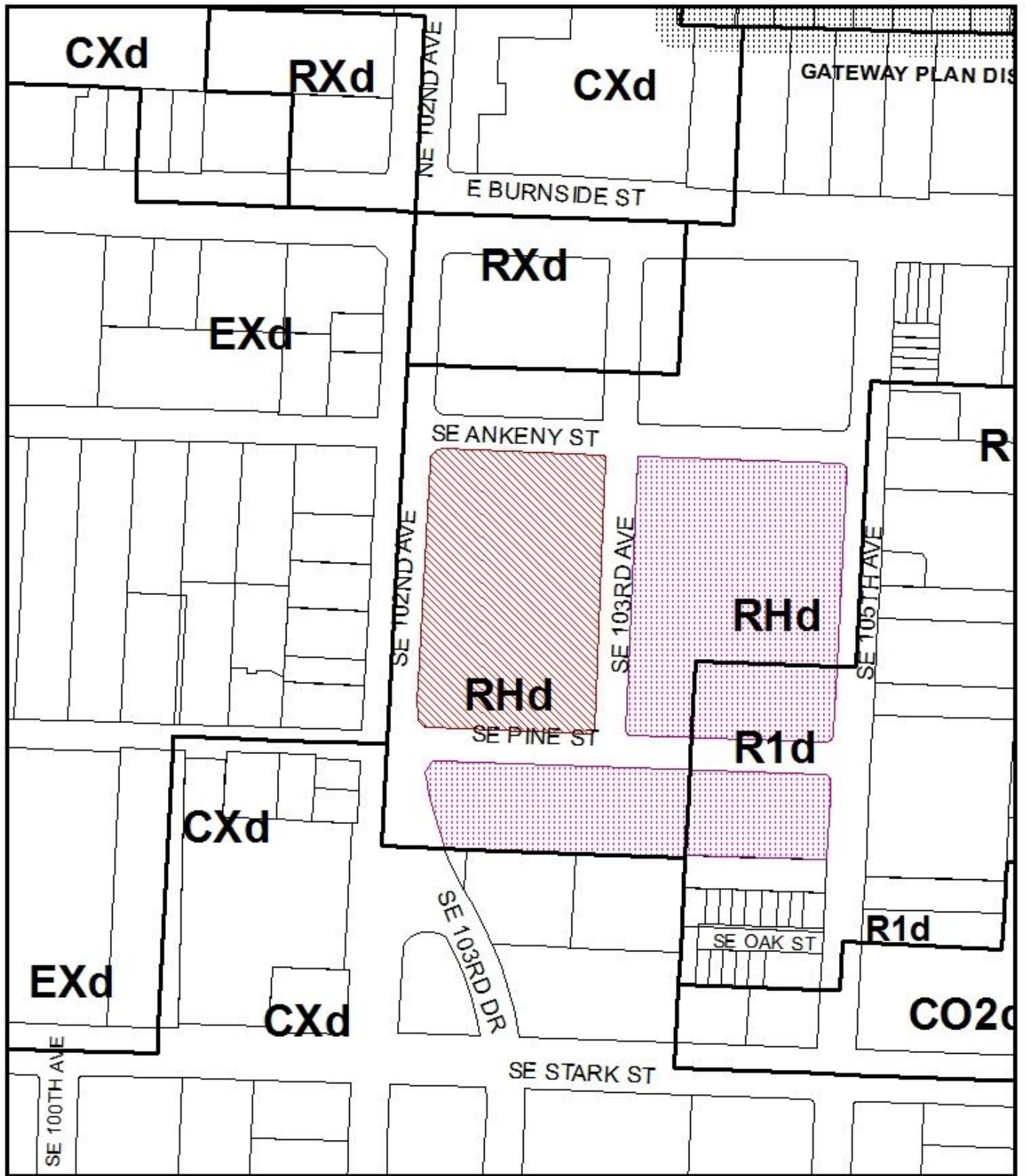
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Narrative
 2. Original Drawing Set, NOT APPROVED, for reference only.
 3. Perspective
 4. Photographs
 5. Structural Report
 6. Request for extension of 120 day review period
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Foundation and Roof Plan
 3. Floor Plan
 4. Elevations and Sections (attached)
 5. North Elevation
 6. Truss Details
 7. East Elevation
 8. Barbeque Elevation
 9. Patio slab cut sheet
 10. Cultured Stone cut sheet
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Addendum, Bureau of Environmental Services
 3. Bureau of Transportation Engineering and Development Review
 4. Water Bureau

5. Fire Bureau
 6. Site Development Review Section of BDS
 7. Bureau of Parks, Forestry Division
- F. Correspondence:
1. Arlene Kimura, Chair, Land Use Committee, Hazelwood Neighborhood Association; 3/6/2017; wrote with no objections to the proposal. Refer to Exhibit F1 for more details
- G. Other:
1. Original LU Application
 2. Incomplete Letter, send 1/10/2017

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

- Site
- Also Owned Parcels



This site lies within the:
GATEWAY PLAN DISTRICT

File No.	<u>LU 16-289882 DZ</u>
1/4 Section	<u>3041</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N2E34CC 704</u>
Exhibit	<u>B</u> (Dec 29, 2016)

) BUILDING, TYP.

SE PINE STREET



1 OF PROPOSED
TIMBER FRAME
POOL CABANA

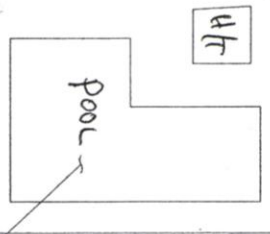
(E) Concrete Patio

← 36' →

28'

(E) CONCRETE SLAB

New Concrete
Pavers



pool

(E) POOL

Approved
City of Portland
 Bureau of Development Services

Planner phb

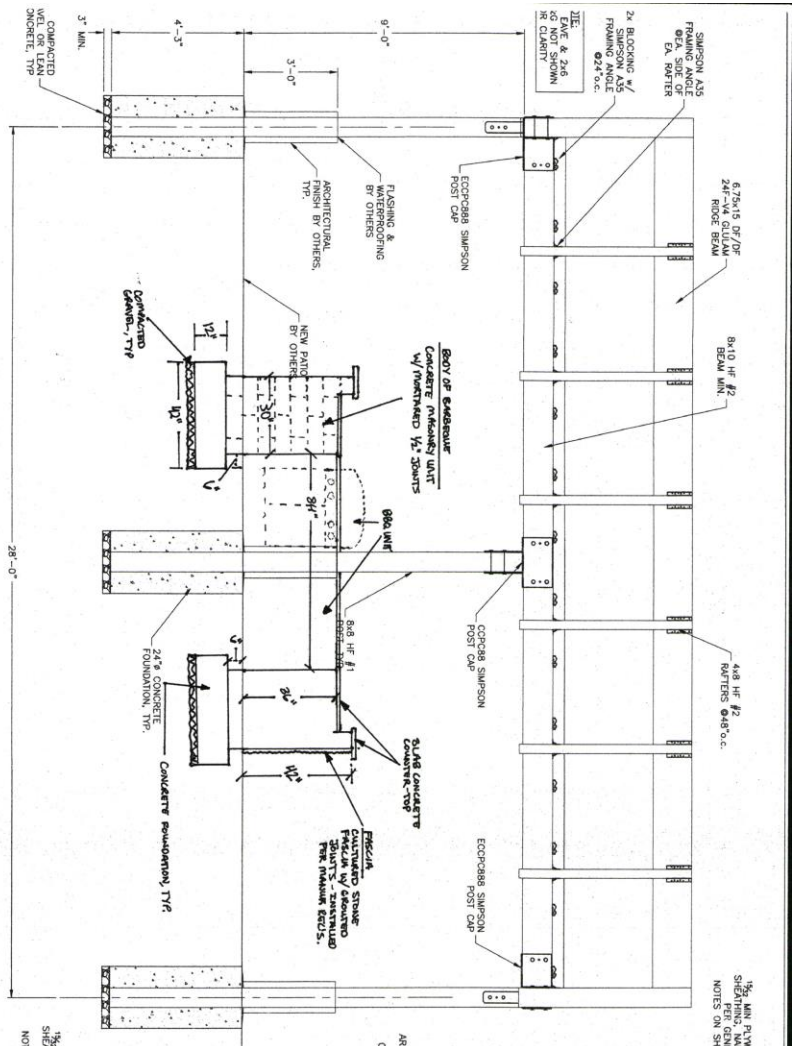
Date 2.30.17

* This approval applies only to the reviews requested and is subject to all conditions of approval.

SITE PLAN

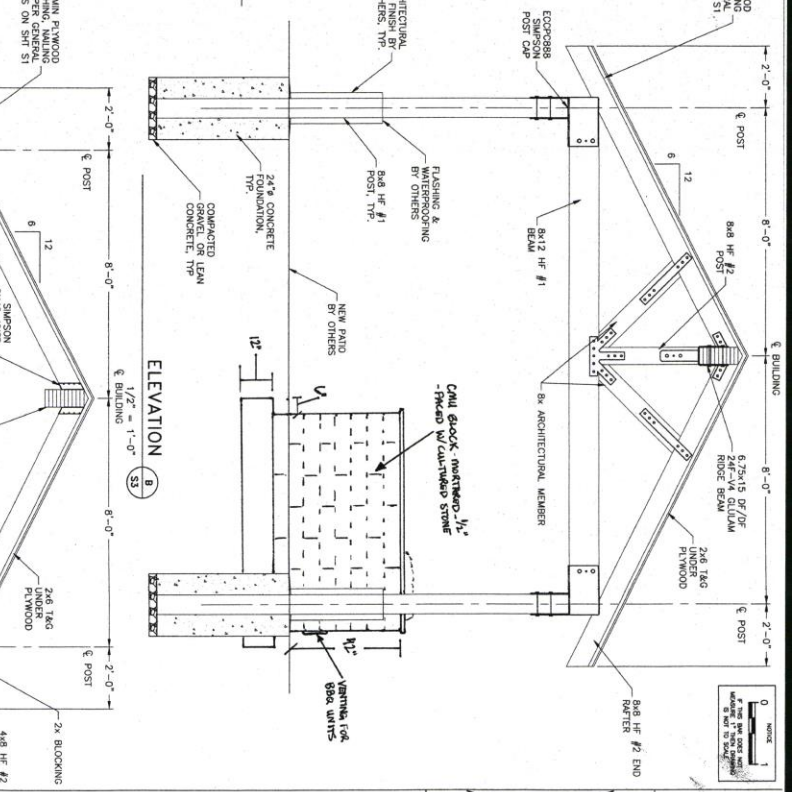
1/32" = 1'-0"

C1.

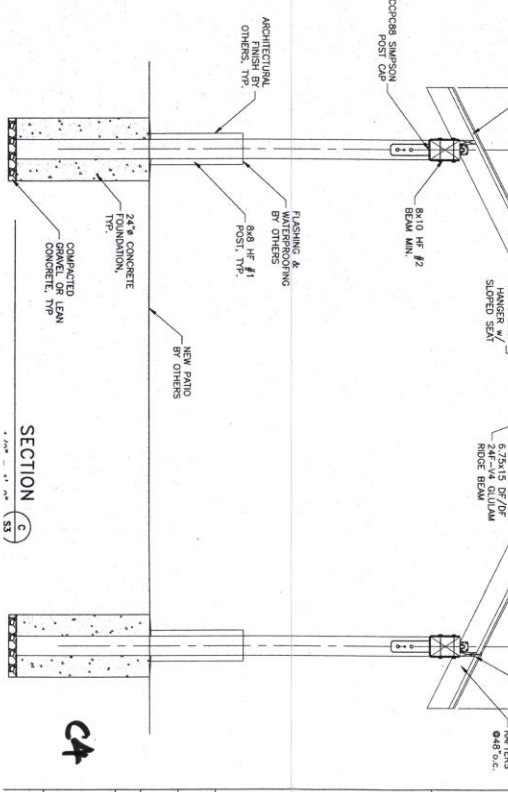


ELEVATION A
1/2" = 1'-0"
SS

NOTE:
REFER POSTS PER
OWNER SPECIFICATIONS



ELEVATION B
1/2" = 1'-0"
SS



SECTION C
1/2" = 1'-0"
SS

Approved
City of Portland
Bureau of Development Services
Planner *Jelle*
Date *3/30/17*

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

SHEET S3 OF 4	JOB NO. 16-175	SHEET CONTENT ELEVATIONS & SECTION	16-175-01	RUSSELLVILLE COMMONS POOL CABANA	CLIENT INFO: JAMIE DOERING VULCAN DESIGN & CONSTRUCTION 2856 NE 65TH AVE, STE C VANCOUVER, WA 98661	PSE PETERSON STRUCTURAL ENGINEERS 9400 SW Barnes Rd., Suite 100 Portland, Oregon 97225 (503) 282-1835	REGISTERED PROFESSIONAL ENGINEER STATE OF OREGON NO. 12,251/17
	DRAWN RAH	CHECKED JWC	DATE 11/30/16	REVISIONS	PROJECT SITE: RUSSELLVILLE COMMONS 10320 SE PINE ST. PORTLAND, OR 97216		