



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

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Date: November 16, 2017
To: Interested Person
From: Santiago Mendez, 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 17-254857 DZ - EXTERIOR MODIFICATIONS

GENERAL INFORMATION

Applicant: Brian Murtagh | Studio Coop Architecture
5901 N Borthwick Ave | Portland, OR 97217
brian@studiocoop.com

Owner: Bradley Fishel | Leronmaho LLC
PO Box 325 | Colton, OR 97017

Site Address: 10836 NE HALSEY ST

Legal Description: BLOCK 1 TL 6100, WALDHEIM TR
Tax Account No.: R874000010
State ID No.: 1N2E34BA 06100
Quarter Section: 2941

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 Victor Salinas at 503-823-6694.

Plan District: Gateway
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 the following proposed exterior alterations to the commercial building located at 10836 NE Halsey Street:

- Installation of 9 new exterior up/down lighting fixtures.
- Removal of unused concrete sidewalk to the west of Joseph's Deli main entrance.
- Addition of new concrete pad for table seating in front of Joseph's Deli.

Relevant Approval Criteria:

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

- Gateway Regional Center Design Guidelines

ANALYSIS

Site and Vicinity: The building is located in the Gateway Regional Center and the Gateway Pedestrian District, facing NE Halsey Street and bordered by NE 109th Avenue to the east. 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.”

NE Halsey Street is also designated as a Regional Main Street, a City Walkway, a City Bikeway, a Transit Access Street and a Major City Traffic Street. NE Halsey and NE Weidler Streets form a one-way couplet through this area and serve as the major vehicular routes to and from I-205 and the Gateway Regional Center MAX station approximately ½ mile west.

The one-story commercial building was built in 1980. The property includes a 7,887 square-foot building on a 29,148 square-foot lot. The building has 4 tenant spaces oriented at the corner surrounded by off-street parking to the west and south.

Motels, fast-food restaurants and small retail establishments are located to the east and west on NE Halsey St. Generally, the context within ¼ mile of the site is older auto-oriented developments with large surface parking lots as well as vacant and underdeveloped lots. The residential neighborhood to the south is designated to have R7 density (7000 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.

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 the following prior land use reviews:

- LU 07-150398 DZ – A 2007 Design Review Approval to replace the existing cedar siding on the north and east building walls with a CertainTeed horizontal vinyl siding.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **October 19, 2017**. The following Bureaus have responded with no issues or concerns:

- The Life Safety Division of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 19, 2017. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site’s location, the applicable design guidelines are the Gateway Regional Center Design Guidelines.

Gateway Regional Center Design Guidelines

The Gateway Regional Center is the City of Portland’s only designated regional center. The area is envisioned to redevelop into a highly urbanized, pedestrian-oriented center, with an overall built size and scale second only to Portland’s Central City.

The purpose of design review is to carry out the urban design vision for the District by emphasizing unique district assets in a manner that is respectful, creative, supportive, and compatible with all its areas. Although the District is a complex urban environment, it can become a cohesive whole with the use of these design principles.

Gateway Regional Center Design Goals

Ten goals for design review in the Gateway Regional Center have been established to enhance the area’s design quality, support its livability, and guide its transition to a pedestrian-oriented, active, urban regional center. They are:

1. Encourage urban design excellence.
2. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Gateway Regional Center as a whole.
3. Provide for a pleasant, rich, and diverse experience for pedestrians.
4. Assist in creating a regional center that emphasizes a mix of active uses and experiences and is safe, lively, and prosperous.
5. Provide for the humanization of the Gateway Regional Center through the promotion of parks, plazas, open spaces, public art, and trees.
6. Integrate and honor the diversity and history of Gateway.
7. Integrate sustainable principles into the development process.
8. Encourage the development of a distinctive character for subdistricts within the regional center, and link them.
9. Encourage and incorporate transit orientation and usage.
10. Enhance the physical and visual linkages between the Gateway Regional Center and adjacent neighborhoods.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

A Pedestrian Emphasis

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 A1 & A2: An unused concrete path to the west of the main entrance will be removed to eliminate any confusion regarding how to enter Joseph’s Deli. A new concrete pad will be poured at the main entrance of Joseph’s Deli to create additional outdoor seating. New Exterior lighting will be installed on the north, east and west sides of the building to improve the visibility and pedestrian safety along NE Halsey Street and NE 109th Avenue. These elements will strengthen the relationship between the building and the street, and enhance the building’s visibility.

Therefore, 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.

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 for B1, B2 & B5: The building’s new exterior lighting fixtures are high quality, cast aluminum cylinder lights. These fixtures will be well integrated with the building’s architecture and highlighting key architectural elements along NE Halsey Street, where the façade projects up at an angle. This upgrade, along with other maintenance upgrades, will revitalize the property and reinforce its permanence.

Therefore, these guidelines are met.

B6. Integrate Ecological / Sustainable Concepts. Integrate ecological/sustainable features or concepts with site and development designs.

Findings for B6: The project will incorporate LED lights with a 24/7 auto-adjust DST timeclock, reducing energy consumption. Additionally, reducing the concrete hardscape between the public sidewalk and the building façade will provide more permeable surface and enhance the area aesthetically.

Therefore, 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 exterior modifications to the building at 10836 NE Halsey Street in the Hazelwood neighborhood of the Gateway Plan district will help revitalize this building and this commercial section of NE Halsey Street. The proposed exterior lighting will highlight the architectural integrity of the building, while the sidewalk modifications will improve the connection between the building and the sidewalk.

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 therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior modifications to the building at 10836 NE Halsey Street, per the approved site plans, Exhibits C-1 through C-4, signed and dated November 14, 2017, subject to the following conditions:

Use conditions A. through C. below for all DZ and HR decisions and use A. for other LUR decisions with additional planner/agency required 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 17-254857 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: Santiago Mendez

Decision rendered by:  _____ **on November 13, 2017.**

By authority of the Director of the Bureau of Development Services

Decision mailed: November 16, 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 October 12, 2017, and was determined to be complete on October 17, 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 October 12, 2017.

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: Wednesday, February 14, 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 November 30, 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **November 30, 2017** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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

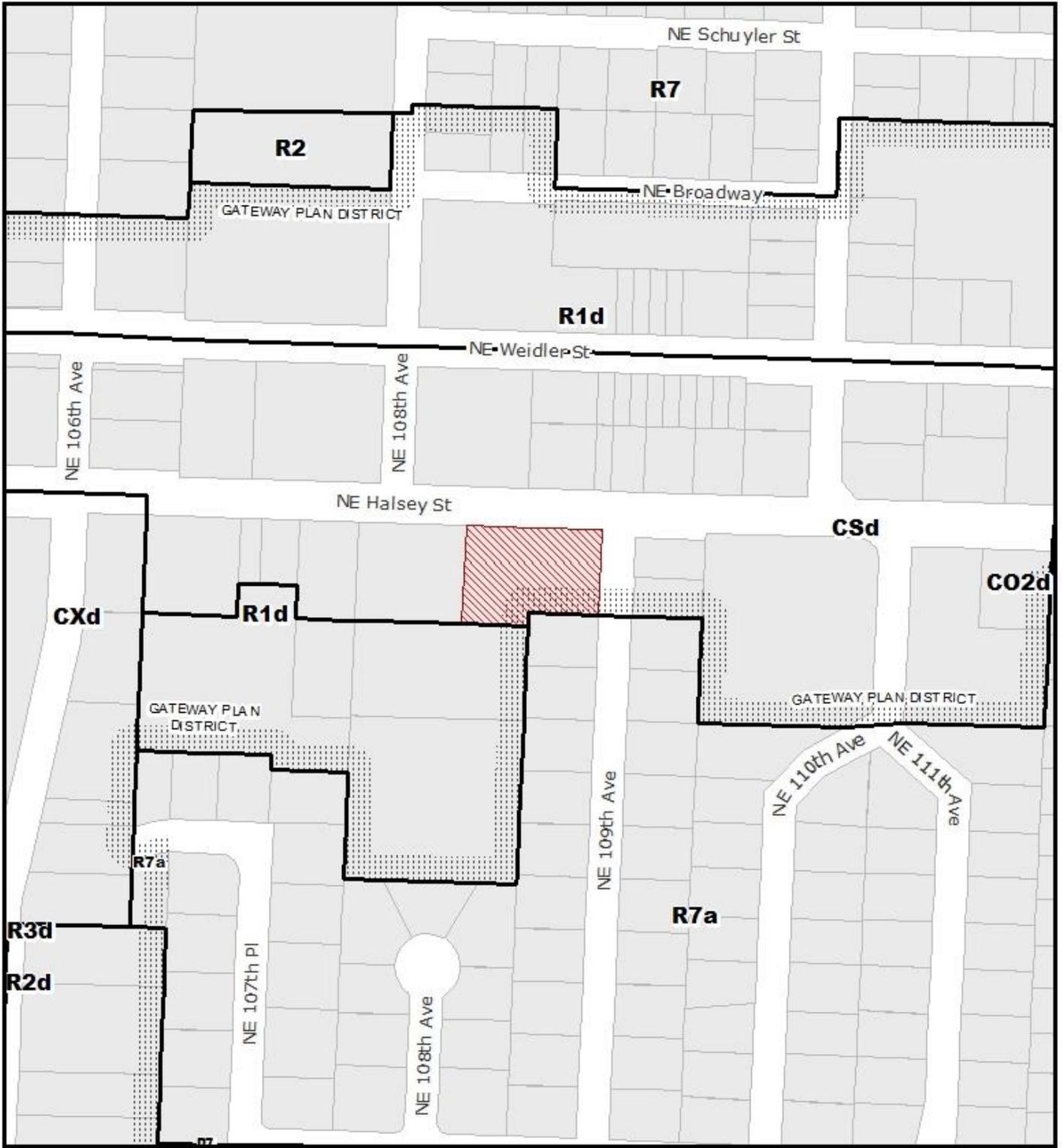
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Written Statement
 - 2. Site Photos
 - 3. Seating Recommendations
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan
 - 2. Building Plan (attached)
 - 3. Elevations (attached)
 - 4. Exterior Lighting Manufacturer's Cutsheet
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Division of BDS
- F. Correspondence: NONE
- G. Other:
 - 1. Original LU Application

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



ZONING

THIS SITE LIES WITHIN THE:
GATEWAY PLAN DISTRICT

 Site

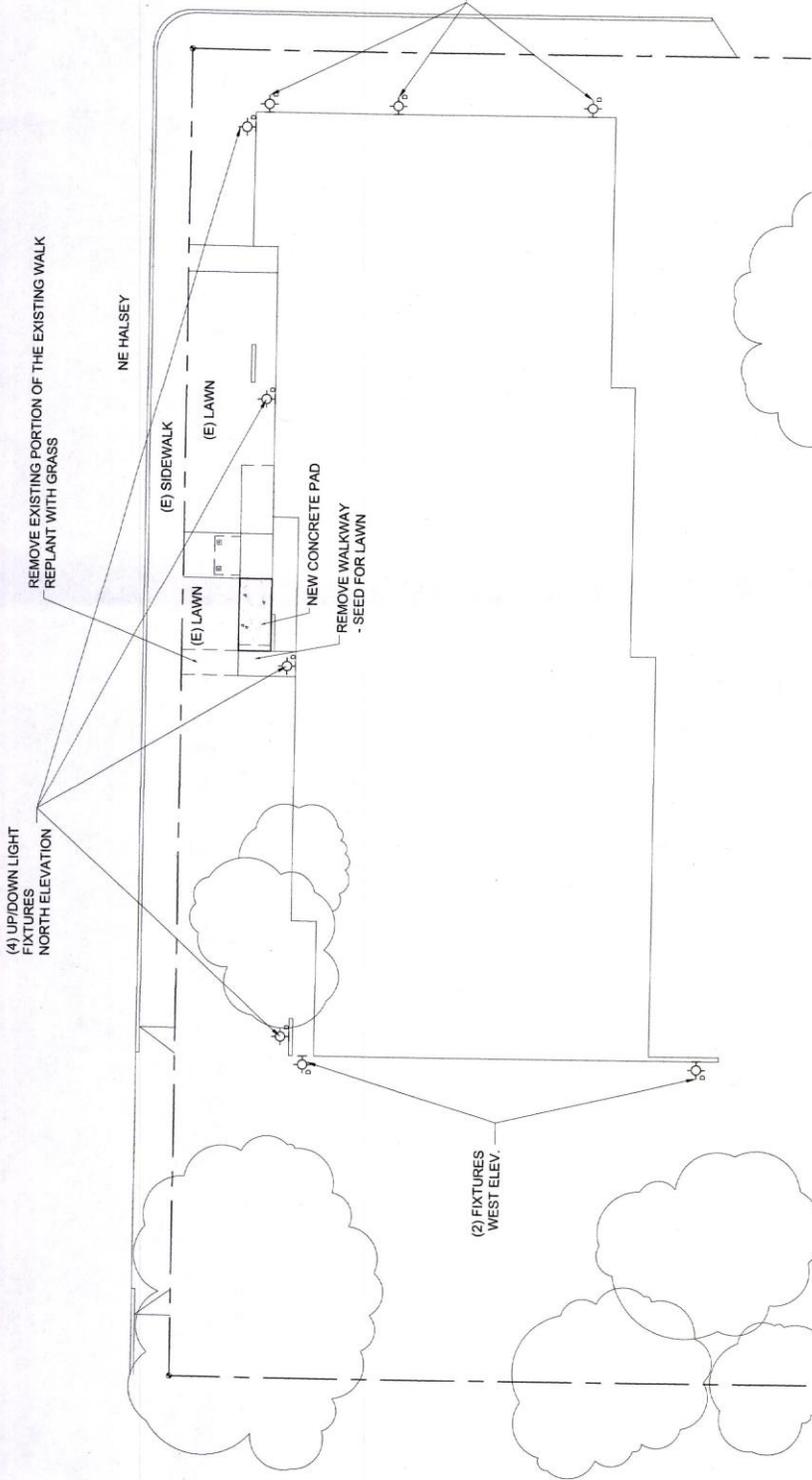
File No.	LU 17-254857 DZ
1/4 Section	2941
Scale	1 inch = 200 feet
State ID	1N2E34BA 6100
Exhibit	B Oct 13, 2017



*** Approved ***
 City of Portland
 Bureau of Development Services
 Planner *SM*
 Date *11/14/17*
 10836 NE HALSEY ST.
 PORTLAND OR, 97220

studio coop
 architecture, llc
 503.442.8174
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 503.442.8200

* This approval applies only to the revision(s) indicated and is subject to the terms and conditions of approval.



1 BUILDING PLAN
 2 scale 1/16" = 1'-0"

DESIGN REVIEW SET
DATE
OCT. 12, 2017
JOB#
PDC JD 16136
DRAWN
BTM

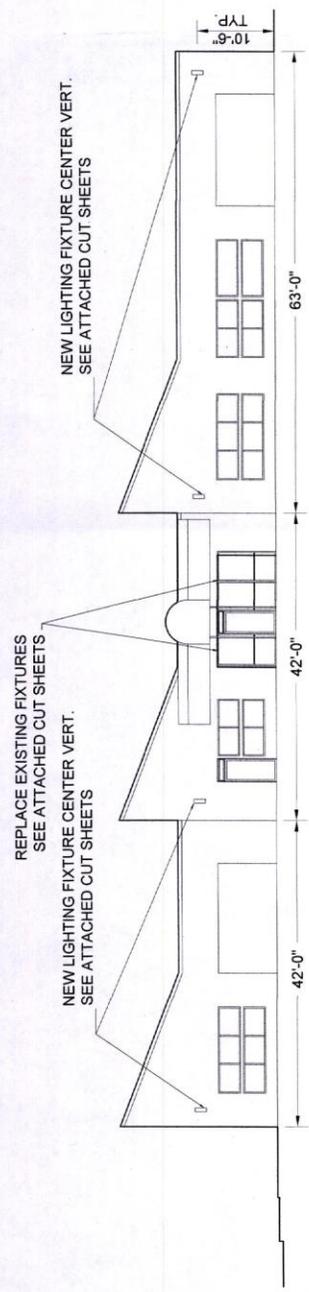
ELEVATIONS
BUILDING PLAN

2



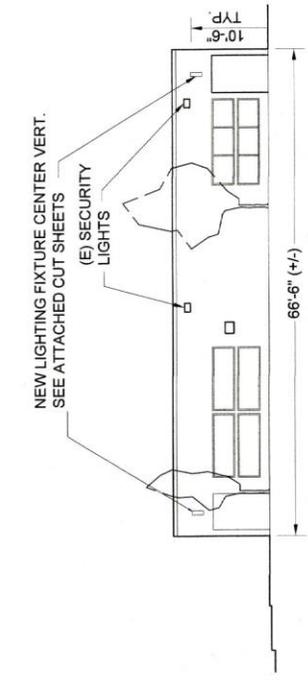
studio coop
 architecture, llc
 3300 N. Northwest
 Portland, OR 97210
 503.942.9194

Approved
 City of Portland
 Bureau of Development Services
 Planner SM
 Date 11/14/17
 This approval applies only to the reviews requested and is subject to all conditions of approval. It may not be used for any other purpose.
 10836 NE HALSEY ST.
 PORTLAND OR, 97220

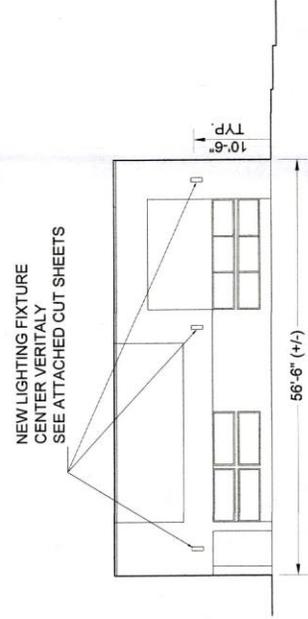


NOTE: THE ELECTRICIAN DOES NOT ANTICIPATE HAVING TO USE EXPOSED CONDUIT ON THIS PROJECT

1 NORTH ELEVATION
 scale 1/16" = 1'-0"



2 WEST ELEVATION
 scale 1/16" = 1'-0"



3 EAST ELEVATION
 scale 1/16" = 1'-0"

DESIGN REVIEW SET	OCT. 12, 2017
JOB#	PDC JD 16136
DRAWN	BTM
ELEVATIONS	

3