



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

Chloe Eudaly, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: November 20, 2017
To: Interested Person
From: Hannah Bryant, Land Use Services
503-823-5353 / Hannah.Bryant@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 17-234808 DZ ***ENTRANCE UPGRADES IN GATEWAY***

GENERAL INFORMATION

Applicant: Brian Murtagh | Studio Coop Architecture
5901 North Borthwick Avenue | Portland, OR 97217
503-962-9194

Owner: Mahoney Enterprises LLC
11121 NE Halsey Street | Portland, OR 97220-2024

Site Address: **11107-11121 NE HALSEY STREET**

Legal Description: BLOCK 29 S 10' OF LOT 14 LOT 15&16 LOT 17 EXC PT IN ST - 1772/363; LOT 18 EXC N 15', CASMUR

Tax Account No.: R141906925, R141906925

State ID No.: 1N2E27CD 03300, 1N2E27CD 03300

Quarter Section: 2841

Neighborhood: Parkrose Heights, contact Tom Badrick at tbadrick@aol.com.

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 a 'design' overlay

Case Type: DZ, Design Review

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

PROPOSAL:

The applicant seeks Design Review for:

- Stairs and planters between the south side of the Colour Authority building and NE Halsey Street, separating the sidewalk from a new ADA ramp to facilitate access to the business entrances,
- New can lights in the exterior soffit.

Additional elements in this scope, but exempt from Design Review include:

- A new 32 square foot freestanding sign to replace an existing freestanding sign on site,

- 7 square foot signs mounted to the wall outside each store entrance in the building. These signs will match the custom freestanding sign in shape.

Design Review is required because the site is located in the Gateway Regional Center.

RELEVANT APPROVAL CRITERIA:

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

- *Gateway Regional Center Design Guidelines*
- *33.825 Design Review*
- *33.130 Commercial Zones*

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, 1955 building is located on the northwest corner of the NE 111th Avenue and NE Halsey Street intersection. The existing tenants include Colour Authority, The Way Herb Shop, and Urban Chic. The existing building orients to both NE Halsey and NE 111th Avenue, with accessory parking accessed from 111th Avenue.

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 350 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 no prior land use reviews.

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 19, 2017. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Arlene Kimura, Hazelwood Neighborhood Association, November 8, 2017 – The Hazelwood Neighborhood Association has no issues with this 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 and A2: The proposal is to replace an existing sloped, paved area between the street and the primary entrances to the businesses with a more formal and accessible design. The new sloped walkway is separated from the adjacent sidewalk with a raised planter, landscaped with evergreen plantings, and a staircase to facilitate pedestrian connections to the sidewalk. New soffit lighting highlights the commercial storefronts and improves their visibility from the street. This proposal enhances the relationship between the

building and the street, and, strengthens the visual and physical connections between the commercial entrances and the pedestrian realm. *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.

Findings for B1: The proposal includes high quality, permanent infrastructure including concrete planters and stairs, a steel handrail and a custom aluminum freestanding sign mounted on a 6” by 6” black tube steel post. The materials are chosen and detailed to provide timeless, long-lasting, attractive site enhancements that can be easily updated to reflect the branding and aesthetic of future businesses. *Therefore, this guideline is 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.

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 B2, B3 and B5: The proposal includes both free-standing and wall-mounted signs. The new freestanding sign is slightly less than 32 square feet, and therefore exempt from Design Review. Its installation is contingent upon the removal of an existing freestanding sign at the north side of the building and not exceeding the allowable square footage of signs on the primary building wall.

The free-standing sign, with its asymmetrical, custom shape, is a coherent element that replicates the proportion and shape of the wall-mounted signs. The ground-level signs will be integrated into a consistent typology that relates to the midcentury architectural style of the primary building. The proposal will unify the building and site signage while meeting the size restrictions outlined in Title 32. New can lights are proposed to be located in the soffit, on the underside of roof eaves, where they will require minimal maintenance and are visually unobtrusive. *Therefore, 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 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 for attractive entrance upgrades to facilitate the access for users of all abilities meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

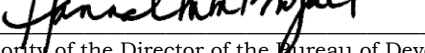
Approval of new concrete planters and a stair from the sidewalk to the commercial entrances of an existing building and the removal of an existing freestanding sign to facilitate the installation of a new freestanding sign, per the approved site plans, Exhibits C-1 through C-9, signed and dated November 16, 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 17-234808 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: Hannah Bryant

Decision rendered by:  **on November 16, 2017**
By authority of the Director of the Bureau of Development Services

Decision mailed: November 20, 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 September 5, 2017, and was determined to be complete on September 5, 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 September 5, 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.

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 December 4, 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 **December 4, 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.

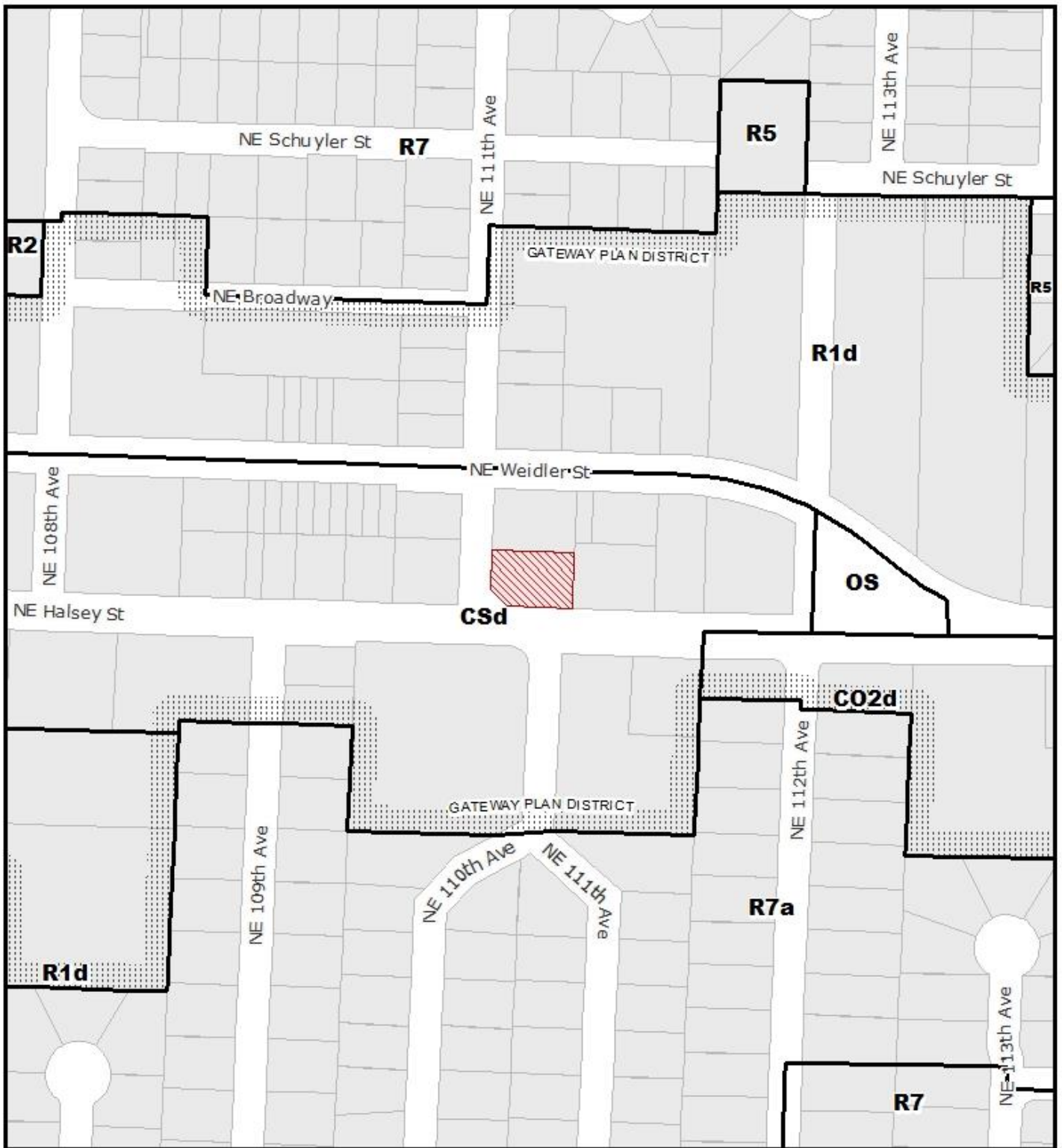
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Original Submittal
 2. Revised Submittal, dated October 12, 2017
- B. Zoning Map (attached)
- C. Plans/Drawings:

1. Site Plan (attached)
 2. Freestanding Sign Details
 3. Entry Walkway Plan
 4. Removal of Existing Freestanding Sign
 5. Existing Elevations
 6. Landscape Plan
 7. Stair and Railing Details
 8. Freestanding Sign Site Section
 9. Soffit can light cut sheet
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses: None
- F. Correspondence:
Arlene Kimura, November 8, 2017 – Hazelwood Neighborhood Association has no issues with the proposal.
- G. Other:
1. Original LU Application
 2. Incomplete Letter

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

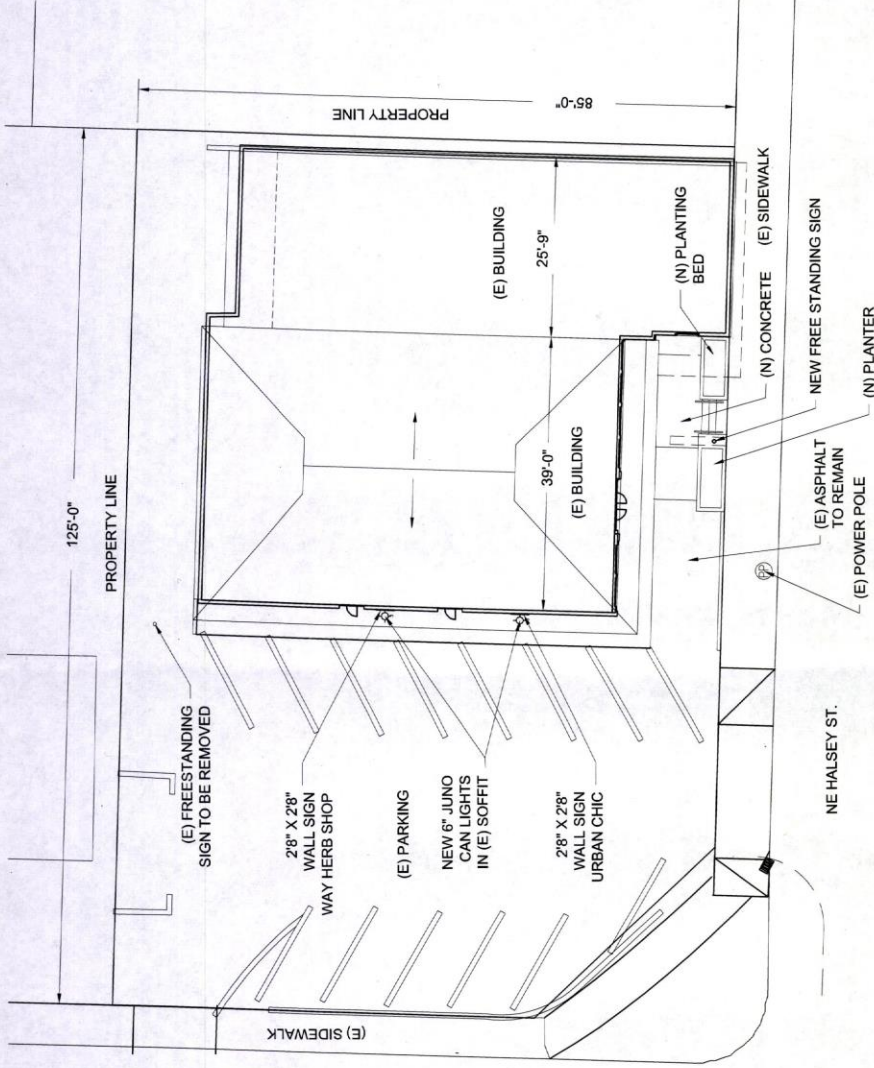


THIS SITE LIES WITHIN THE:
GATEWAY PLAN DISTRICT

File No.	LU 17-234808 DZ
1/4 Section	2841
Scale	1 inch = 200 feet
State ID	1N2E27CD 3300
Exhibit	B Sep 06, 2017



COLOUR AUTHORITY
11121 NE HALSEY ST.
PORTLAND OR, 97220



**PROJECT DATA
LEGAL DESCRIPTION**

APPLICABLE CODE:	2014 Oregon Structural Specialty Code
LEGAL DESCRIPTION:	Property ID # R130000 Multnomah County State ID # 1N2E27CD 3300 Oregon
ADDRESS:	Alternate account # 141906925 11107-11121 NE Halsey St. Portland, OR 97220
ZONING:	CS - Storefront Commercial
CONSTRUCTION TYPE:	VB

1 SITE PLAN
1 scale 1/16" = 1'-0"

Approved

City of Portland - Bureau of Development Services

Planner *H. H. H.* Date 11-16-17

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

DESIGN REVIEW SET	
DATE	REV 10.12.2017
JOB #	PDC CA 16139
DRAWN	BTM
SITE PLAN	

1

7-234808 DZ

C-1