



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

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**Date:** November 22, 2017  
**To:** Interested Person  
**From:** Cassandra Ballew, Land Use Services  
503-823-7252 / [Cassandra.Ballew@portlandoregon.gov](mailto:Cassandra.Ballew@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 17-247700 DZ – EXTERIOR ALTERATIONS FOR NEW APARTMENT UNIT**

#### **GENERAL INFORMATION**

**Applicant:** Dave Spitzer, DMS Architects Inc.  
2325 NE 19th Avenue | Portland, OR 97212

**Owner:** Powder River Properties LLC  
3 Monroe Pkwy #P PMB 350 | Lake Oswego, OR 97035-8899

**Site Address:** 340 NE 100TH AVE  
**Legal Description:** N 1/2 OF LOT 7, HUDSON AC  
**Tax Account No.:** R407400490  
**State ID No.:** 1N2E33DA 02300  
**Quarter Section:** 3040  
**Neighborhood:** Hazelwood, contact Arlene Kimura at 503-252-9429.  
**Business District:** Gateway Area Business Association, contact Paul Wild at [paul.wild@mhcc.edu](mailto:paul.wild@mhcc.edu)  
**District Coalition:** East Portland Neighborhood Office, contact Victor Salinas at 503-823-6694.  
**Plan District:** Gateway  
**Other Designations:** None  
**Zoning:** RXd – Central Residential with 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 approval for alterations to an existing two-story apartment building in the Gateway Plan District. The apartment building is setback over 100' from NE 100<sup>th</sup> Avenue and situated behind a parking area onsite. The alterations the building were done without a building permit or Design Review and this review is for the work that has already been completed. A demising wall was installed within the existing laundry room, converting part of the space into a recreation room. As originally noted in the Notice for Proposal, the number of units is no longer increasing from 11 to 12. However, this change still resulted in exterior alterations. The alterations to the existing building include the following:

- Installation of a new 5'x4' vinyl window on the south façade.

- Removal of a sliding glass door on the north façade, which was then replaced with a new 3' x 6'-8" door within the existing opening. The remaining portion of the opening was infilled with new lap siding, which has been painted to match existing.

Design review is required because the proposal includes exterior alterations to existing buildings in the Gateway Plan District require a Type II Design Review, per Section 33.825.025, Table 825-1.

**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 20,160 square foot site is located in the Gateway Plan District. Existing development at the site includes a two-story, 11 unit, apartment building, built in 1973, and a parking lot with landscaping. The site is bound by NE 100<sup>th</sup> Avenue on the west and the nearest cross street is NE Glisan Street on the north and NE 101<sup>st</sup> Avenue on the east. NE Glisan is classified in the City Portland Transportation System Plan as a Regional Corridor. Regional Corridors are designed to include special amenities to balance motor vehicle traffic with public transportation, bicycle travel, and pedestrian travel. The site is also located within the Gateway Pedestrian District. The Gateway Plan District identifies NE Glisan as an Enhanced Pedestrian Street. The surrounding vicinity is predominately automobile oriented low-rise commercial development, multi-dwelling buildings, and single-dwelling residences.

**Zoning:** The Central Residential (RX) zone 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 be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of housing development will be medium and high rise apartments and condominiums, often with allowed retail, institutional, or other service oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby. RX zones will usually be applied in combination with the Central City plan district.

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:

- MCF 10-72 BA – Approval of a 1972 Parking Variance to allow a reduction in parking space sizes.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **October 12, 2017**. The following Bureaus have responded with no issues or concerns:

- Fire Bureau (See Exhibit E-1 for details.)

**The Life Safety Plan Review Section of BDS** responded with the following comment: A Building Permit has been applied for and is currently under review. Please refer to correspondence from the Life Safety plans examiner for building code-related comments. Please see Exhibit E-2 for additional details.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on October 12, 2017. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Arlene Kimura, October 23, 2017, Committee member of Hazelwood Neighborhood Association, wrote in support of the project.

## 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.*

## **B Development Design**

**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.

**Findings for B1 and B3:** The new 5'x4' vinyl window, which was installed on south façade, matches the style, detail and material of the existing windows on this façade. The new window is indicative of higher quality and permanence through detailing and introduction of an upgraded window system.

Additionally, the removal of an existing sliding glass door on the north façade, allowed for the reconfiguration of this façade to install a door that was more in keeping with the existing architecture. Through this alteration, the new door installation conveys quality and permanence not only through design principles but also through building materials, by using a higher quality door.

The proposed alterations achieve a coherent design by integrating both the new door and window into the existing fenestration patterns, and mimicking existing details, allowing the building to better convey quality and permanence. *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 proposed exterior alterations to two story apartment building in the Gateway Plan District, will be integrated into the existing architecture in terms of style, detail and materials, and will allow the building to better convey quality and permanence. These renovations will not only ensure that building code is met but will also improve integrity of the building and the district.

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 a proposed exterior alterations to a two-story apartment building in the Gateway Plan District, which include the following:

- Installation of a new 5'x4' vinyl window on the south façade.
- Removal of a sliding glass door on the north façade, which was then replaced with a new 3' x 6'-8" door within the existing opening. The remaining portion of the opening was infilled with new lap siding, which has been painted to match existing.

This approval is per the approved site plans, Exhibits C-1 through C-10, 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 17-247700 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: Cassandra Ballew**

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

**Decision mailed: November 22, 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 27, 2017, and was determined to be complete on October 10, 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 27, 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: 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 December 6, 2017** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> 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](http://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 6, 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 Narrative
  2. Supplemental information – revised narrative & photos, received October 10, 2017
- B. Zoning Map (attached)

C. Plans/Drawings:

1. Site Plan (attached)
2. Partial North Elevation – Existing
3. Partial North Elevation – Proposed (attached)
4. Partial South Elevation – Existing
5. Partial South Elevation – Proposed (attached)
6. Vinyl Window Details
7. Fiberglass Door Details
8. Vinyl Window Cutsheet
9. Fiberglass Door Cutsheet
10. Photo Elevations of Existing Conditions

D. Notification information:

1. Mailing list
2. Mailed notice

E. Agency Responses:

1. Fire Bureau
2. Life Safety Plan Review Section of BDS

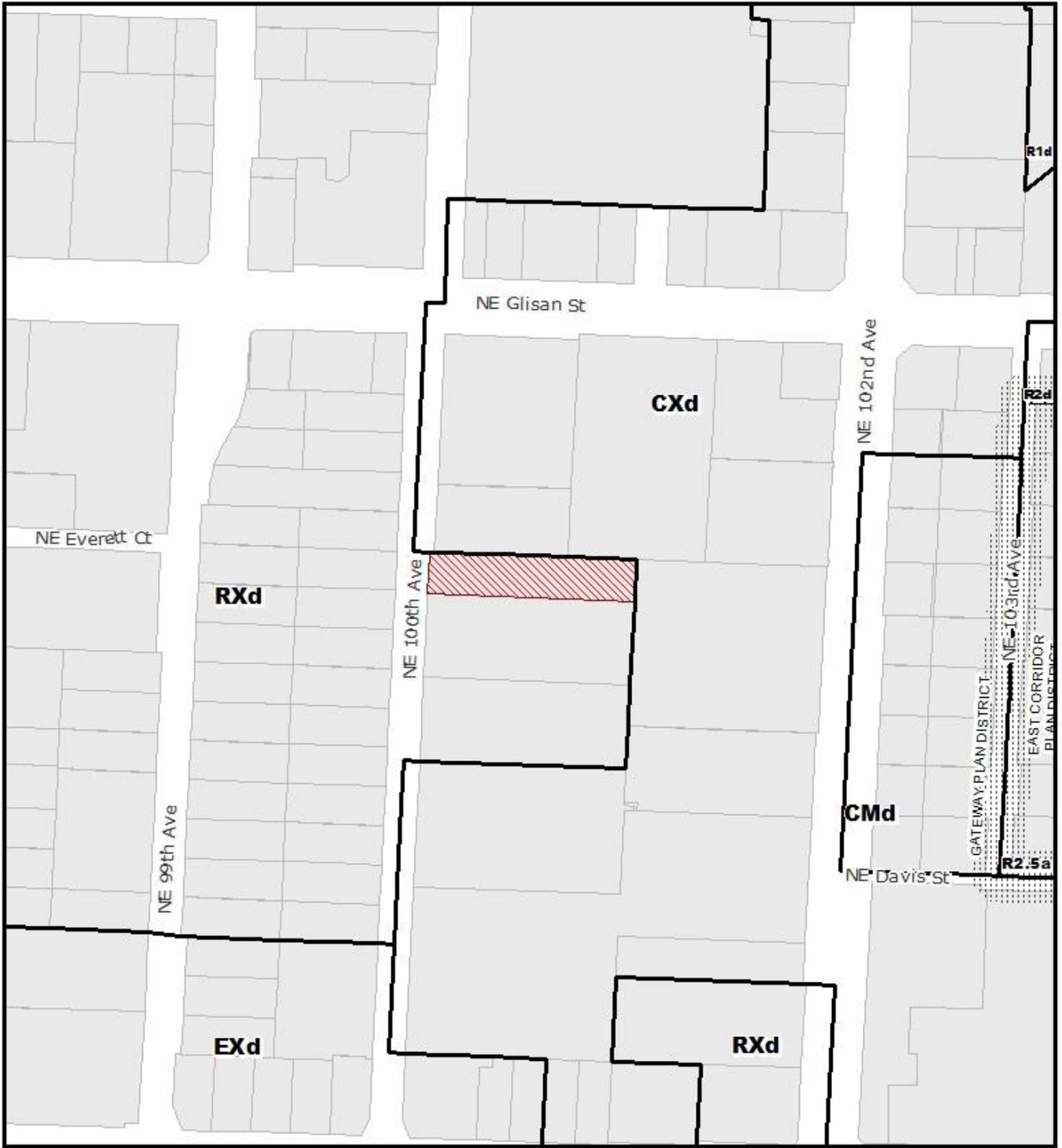
F. Correspondence:

1. Arlene Kimura, October 23, 2017, Committee member of Hazelwood Neighborhood Association, wrote in support of the project.

G. Other:

1. Original LU Application
2. Site Research

**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).**



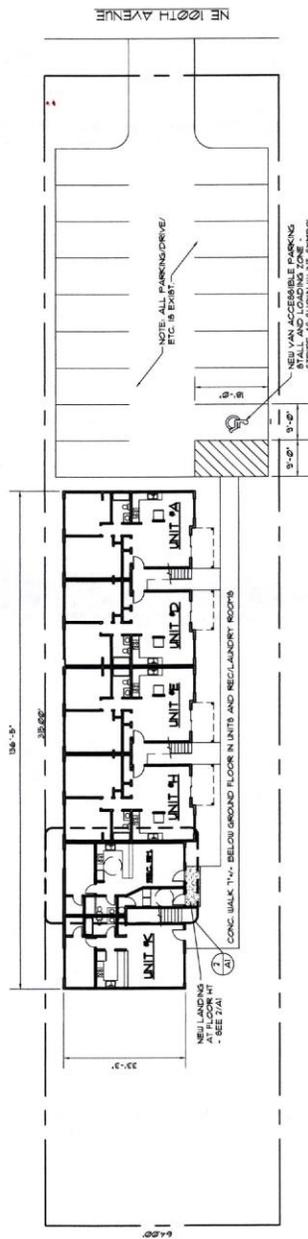
# ZONING



THIS SITE LIES WITHIN THE:  
GATEWAY PLAN DISTRICT

|             |                   |
|-------------|-------------------|
| File No.    | LU 17-247700 DZ   |
| 1/4 Section | 3040              |
| Scale       | 1 inch = 200 feet |
| State ID    | 1N2E33DA 2300     |
| Exhibit     | B Sep 29, 2017    |

**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Planner *P. S. Williams*  
 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.

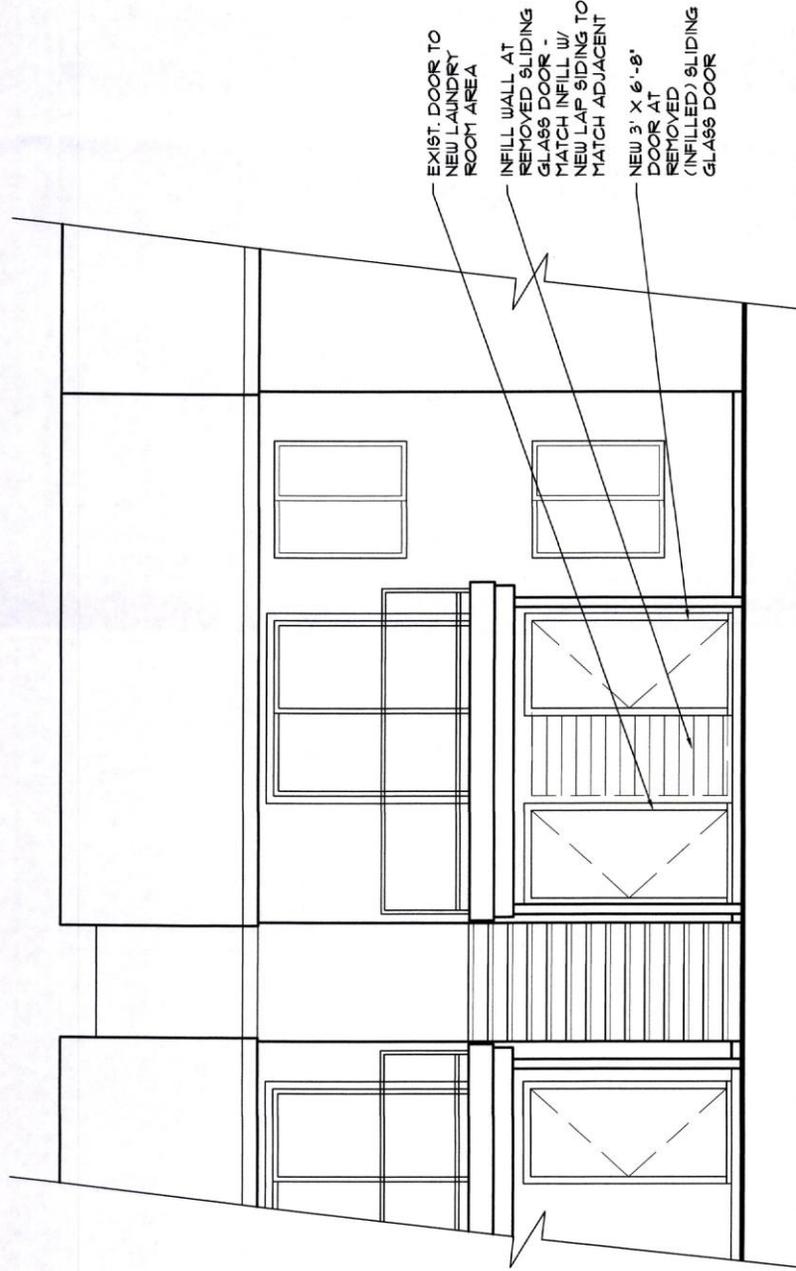


**1 SITE PLAN**  
 NOTE: EXIST. UNIT INTERIORS ARE SHOWN SCHEMATIC  
 1/2" = 1'-0"

17-247700 D2-

EXHIBIT C-1

\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner *P. Ballin*  
 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.

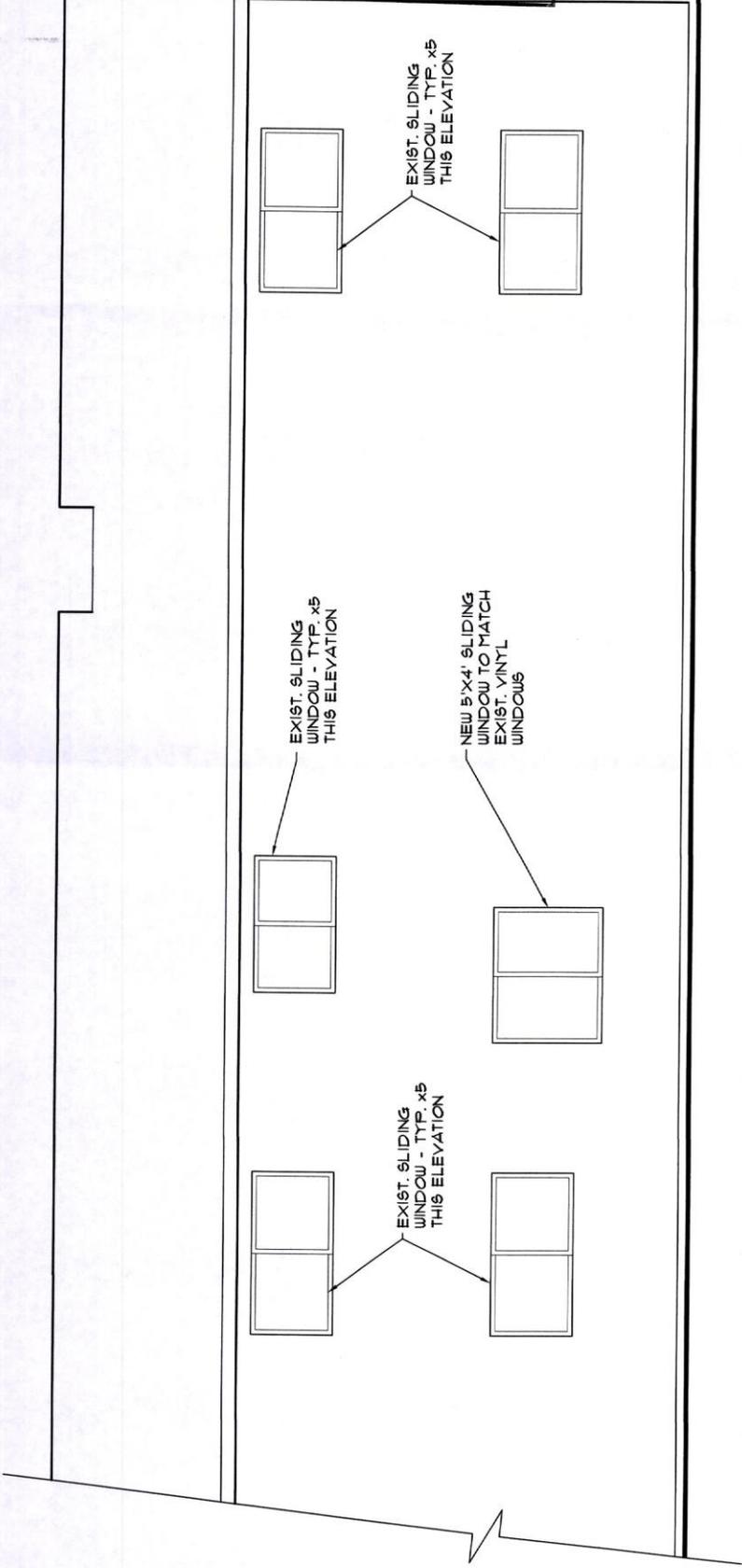


2 PARTIAL NORTH ELEVATION PROPOSED  
 A2  
 1/4" = 1'-0"

17-247700 122

EXHIBIT C-3

City of Portland - Bureau of Development Services  
 Approved\*  
 Planner *P. Blk* 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.



1 PARTIAL SOUTH ELEVATION - PROPOSED

A2

1/4" = 1'-0"