



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

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Date: March 5, 2018
To: Interested Person
From: Hannah Bryant, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 17-264155 DZ – NEW SIDING + WINDOWS ON SEVEN BUILDINGS IN GATEWAY

GENERAL INFORMATION

Applicant: Raphael Goodblatt | Ahha Architect Inc
 6663 SW Beaverton Hillsdale Hwy #222 | Portland, OR 97225

Owner: Cape Manor Apartment, Inc. | Mohammad Farhoud
 661 SE 162nd Ave | Portland, OR 97233

Site Address: **9801-9823B NE GLISAN ST**

Legal Description: TL 4400 0.97 ACRES, SECTION 33 1N 2E
Tax Account No.: R942331250
State ID No.: 1N2E33AD 04400
Quarter Section: 2940
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: RXd, Central Residential 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 approval of replacement of siding and windows on seven separate buildings (Buildings A-E as shown on attached site plan) at a multi-dwelling development. Proposed materials include HardiePlank Lap Siding and vinyl sliding windows. The proposed new siding and windows are intended to match recently installed siding and windows on one of the multi-dwelling apartment buildings on site. Since the recently installed materials were necessitated by a residential fire in one of the units, that work was exempt and

did not require Design Review. The new materials proposed for other buildings on the site are not exempt, and therefore require Design Review due to the site's Gateway location.

RELEVANT APPROVAL CRITERIA:

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

- *Gateway Regional Center Design Guidelines*

ANALYSIS

Site and Vicinity: This 42,253-square foot site is located on the north side of NE Glisan Street, midblock between I-205 and NE 99th Avenue. The site is flat, with no obvious slope. It was originally developed in 1920 with three small cape style cottages. Decades later, four additional multi-family apartment buildings were added to the property. The properties have not been updated in decades. However, in 2017, an apartment fire in one of the large multi-dwelling apartment buildings prompted the re-siding and installation of all new windows throughout that building.

Surrounding uses include single- and multi-dwelling residences to the east, north and west. The Gateway Transit Center and light rail MAX lines are located approximately half a block northwest of the site. Tri-Met #19 bus service is available on NE Glisan Street. A new proposed development to the west will result in a public bicycle and pedestrian path being installed along this site's western property line, connecting NE Glisan Street and NE Irving Street. The City of Portland's Transportation System Plan (TSP) classifies NE Glisan Street as a Regional Corridor; a City Bikeway; a Major Emergency Response Street; a Local Service Walkway; a Major City Traffic Street, and a Transit Access Street. The site is located within the Gateway Pedestrian District.

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 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 **December 5, 2017**.

The Life Safety Division of Bureau of Development Services responded with the following comment: For the purposes of this review, a property line will be drawn between all buildings on site. Fire rated construction will be required within 10 feet from these assumed property lines, and all openings within 3-5 feet of the assumed property lines must be removed. All glazing must meet the requirements of the Oregon Energy Efficiency Specialty Code. Please see Exhibit E-1 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on December 5, 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.

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: The proposed painted cementitious siding, painted cedar trim and vinyl windows are consistent with materials approved through Design Review on nearby sites. The materials are long-lasting, and will serve to unify the site and enhance its aesthetic relationship with newer surrounding context. The materials proposed are adequate for the small-scale existing buildings. Consistency of materials, and replacement of existing aluminum siding will serve to enhance the coherency of an eclectic site that was developed prior to the Design Review process.

Due to a lack of provided detail information, Staff has added a number of Conditions of Approval to ensure that these guidelines are met. As specified in Conditions E and F, the proposed materials will enrich the façade with details such as horizontal painted cedar trim at the base of the overhanging second story, and 1.5” thick painted cedar trim around all new windows. To reduce the appearance of flat, monotonous facades, Condition C requires a minimum depth of 2” and a maximum of 3.5” from face of glazing to face of surrounding window trim on all windows. Per Condition G, all new windows will be vinyl, of a consistent exterior color throughout the site.

With Conditions of Approval C, E, F and G, to ensure quality of materials, site coherency, and richness of detailing, these guidelines are met.

B2. Integrate Ground-Level Building Elements. Integrate the different ground-level building elements with the building’s architecture.

Findings: The existing conditions on the seven buildings include brick and horizontal clapboard. The variety of materials reinforces the disparate architectural styles of the buildings. As noted in Condition of Approval E, this proposal will not replace the existing brick, will unify the existing buildings with a consistent palette of matching windows, trim and lap siding. *With Condition of Approval D, to clarify that brick cladding and sills are not proposed to be replaced, this guideline is met.*

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

Findings: The proposal includes the replacement of all existing aluminum windows on the seven-building site with double-pane, vinyl windows. The proposed windows will significantly improve the insulative value of the windows, and may reduce energy consumption as a result. *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

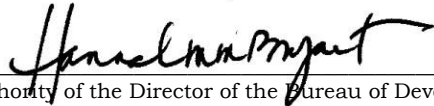
The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposed changes to the building are successfully expressed to integrate with overall building, site and neighborhood coherency. The proposed alterations to replace all windows, lap siding and trim on all seven buildings are well-integrated with the existing architecture and of durable materials. Because the applicant did not provide sufficient details in the drawings, several conditions have been added to ensure clarity of this approval and quality of the proposal. With the inclusion of these conditions, the proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of new cementitious lap siding, cedar trim and vinyl windows on seven existing buildings in Gateway, per the approved site plans, Exhibits C-1 through C-7, signed and dated March 1, 2018, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through I) 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 17-264155 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. All fixed, sliding and single-hung windows will be installed to ensure a minimum of 2" and a maximum of 3.5" from face of glazing on all sashes to face of surrounding window trim. Permit drawings will be dimensioned to demonstrate location of all window types within wall section. If window and door openings are relocated as a result of Life Safety concerns, Design Review will be required for revised proposal.
- D. No revisions to brick cladding or brick sills are proposed or approved through this Design Review.
- E. All cementitious clapboard cladding and cedar trim will be primed and painted.
- F. All vertical and horizontal trim, including window trim, door trim, vertical corner boards and horizontal 'belly band' trim to be 1.5" thick painted cedar.
- G. All new fixed, sliding and single-hung windows to be vinyl, and shall be the same exterior color, to be determined by the applicant.
- H. No field changes allowed.

Staff Planner: Hannah Bryant

Decision rendered by:  **on March 1, 2018**

By authority of the Director of the Bureau of Development Services

Decision mailed: March 5, 2018

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 31, 2017, and was determined to be complete on November 29, 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 31, 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 extended the 120-day review period by 44 days, as shown in exhibits A7 and A8. Unless further extended by the applicant, **the 120 days will expire on: May 12, 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 March 19, 2018** 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 **March 19, 2018** 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:

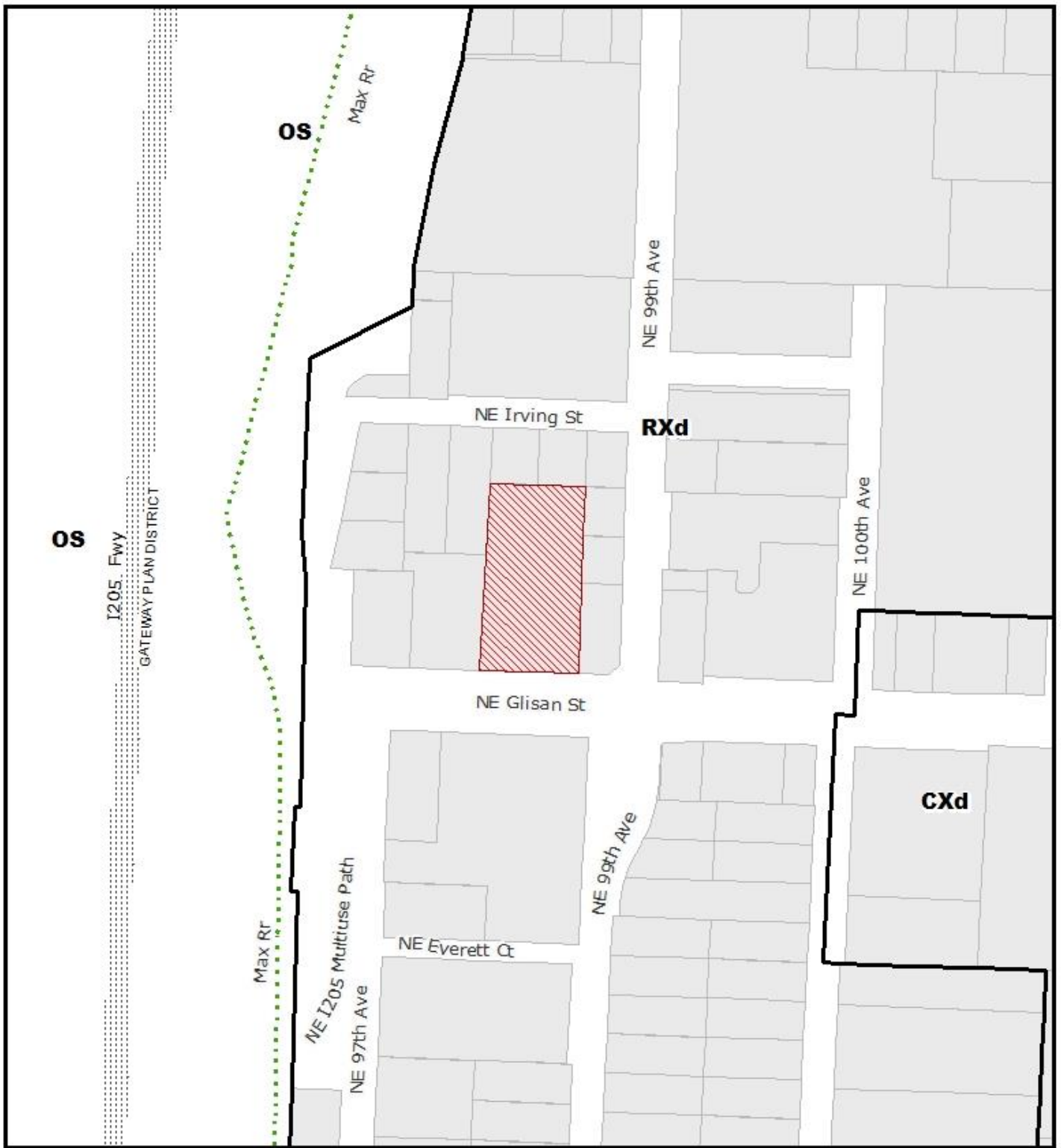
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 - 1. Original Submittal
 - 2. Revised Submittal – dated December 10, 2017
 - 3. Revised Submittal – dated December 26, 2017
 - 4. Applicant narrative, December 26, 2017 – stating that he does not intend to provide additional details or wall sections as requested, and that no brick veneer is proposed to change.
 - 5. Email from Applicant stating he does not want to address Life Safety comments through the Design Review process, and will address them at permitting, December 28, 2018
 - 6. Applicant email stating that additional documents would be sent, December 28, 2017.
 - 7. Applicant email regarding Hardi products, December 28, 2017
 - 8. Applicant request to pull Decision from P&D, dated January 3, 2018
 - 9. Final Submittal, dated January 28, 2018
 - 10. 14-day Extension, dated January 2, 2018
 - 11. 30-day Extension, dated January 9, 2018
 - 12. HardiPlank Lap Siding cutsheet
 - 13. PlyGem Window and Sliding Door cutsheets
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan, typical wall sections and window details (attached)
 - 2. Buildings A & H1 – Plans and elevations (2 pages)
 - 3. Building B – Plan and elevations
 - 4. Building C – Plan and Elevations (2 pages)
 - 5. Building D – Plans and Elevations (2 pages)
 - 6. Building E – Plans and Elevations (2 pages)
 - 7. Building H2 – Elevations
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter
 - 3. Staff Email regarding necessary additional details, dated December 19, 2017.
 - 4. HardieSoffit Spec Sheet
 - 5. HardiePlank Reveals
 - 6. HardiePlank Spec Sheet
 - 7. Staff Email about pending Decision of Approval, dated January 2, 2018.
 - 8. Original Decision of Approval, dated January 4, 2018, canceled per applicant's request
 - 9. Staff Email regarding applicant request to pull Decision of Approval, dated January 3, 2018.
 - 10. Staff Email regarding necessary additional details, dated January 9, 2018.
 - 11. Staff Email regarding status of second Decision, dated February 26, 2018.

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



Recreational Trails

| | |
|-------------|-------------------|
| File No. | LU 17-264155 DZ |
| 1/4 Section | 2940 |
| Scale | 1 inch = 200 feet |
| State ID | 1N2E33AD 4400 |
| Exhibit | B Nov 03, 2017 |



Project Description:
Design review application for the buildings on this site. All of the buildings are wood frame, 1 or 2 stories. All of the buildings will complete the following:

1. New Hardiplank horizontal lap siding w/ 6.5" reveal
2. New cedar corner boards, 3/4" x 3.5"
3. New windows
4. New cedar trim all four sides (see details)
5. Existing brick veneer will not change, no new brick
6. See wall section 3CS on Cover Sheet for paint colors.

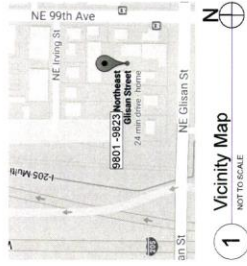
The drawings for this Land Use Application include the following:

Table of Contents:

- A & H1.1 Building A & H1 Elevations
- A & H1.2 Building A & H1 Elevations
- B1.1 Building B Plans & Elevations
- C1.1 Building C Floor Plans
- C2.1 Building C Elevations
- D1.1 Building D Floor Plans
- D2.1 Building D Elevations
- E1.1 Building E Floor Plans
- E2.1 Building E Elevations
- H2.1.1 Building H2 Floor Plans
- H2.2.1 Building H2 Elevations

Project Information

Zoning: R1d - Central Residential
Plan District: GA - Gateway Plan District
Use Code: RZ
Occupancy: 2 & 1 story buildings
Construction type: VB
Smoke Alarms: No
Sprinklers: No



Applicant:
Mof Fairmount
City of Portland
691 SE 182nd Ave
Portland, Or. 97233

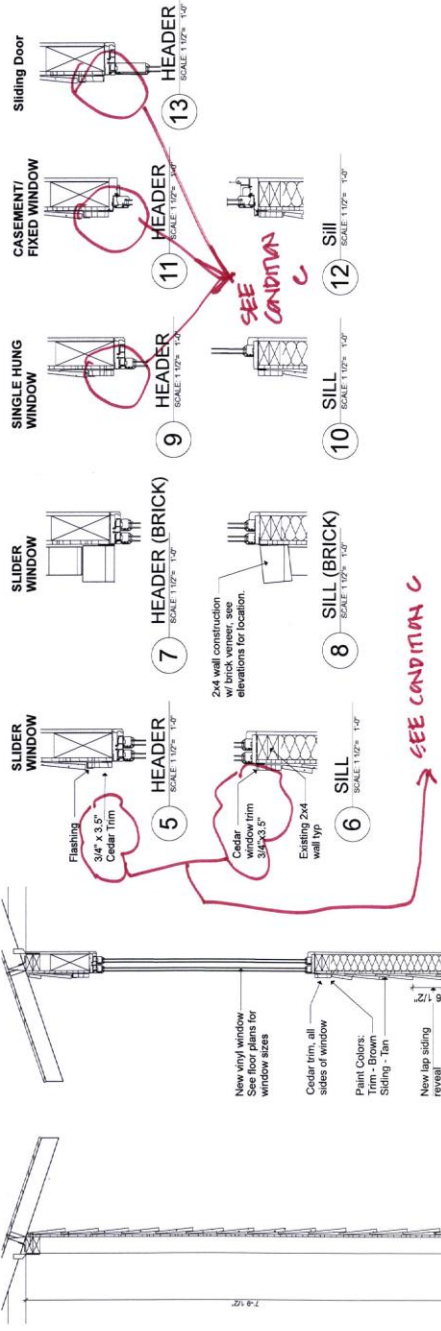
Project Location:
9801-9823 NE Gilsan St
Portland Or. 97220

COVER SHEET

CS

Project Date:
1/23/18

17-264155 02



Approved
City of Portland - Bureau of Development Services
Figure: 3-1-2018
Date: 3-1-2018
This work and analysis only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

