



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

Ted Wheeler, Mayor
 Rebecca Esau, Director
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Date: December 30, 2019
To: Interested Person
From: Andrew Gulizia, Land Use Services
 503-823-7010 / Andrew.Gulizia@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 19-225314 DZ – REPLACE RAILINGS

GENERAL INFORMATION

Applicant: Edward Nuno
 First Light Construction Inc.
 3832 NE 205th Ave.
 Fairview, OR 97024

Property Owner: Carr Associates LLC
 633 NW 19th Ave.
 Portland, OR 97209

Site Address: 11181 NE Weidler St., 11211 NE Weidler St.

Legal Description: LOT 13 TL 12200, HAZELWOOD; LOT 13 TL 10500, HAZELWOOD
Tax Account No.: R370304360, R370304470
State ID No.: 1N2E27DC 12200, 1N2E27DC 10500
Quarter Section: 2842
Neighborhood: Parkrose Heights, contact Tom Badrick at badrickt@gmail.com
Business District: Gateway Area Business Association, contact at gabapdxboard@gmail.com
District Coalition: East Portland Community Office, contact at 503-823-4550
Plan District: Gateway
Zoning: R1d – Multi-Dwelling Residential 1,000 with a Design (“d”) overlay
Case Type: DZ – Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission

Proposal: On the existing apartment buildings at 11181 and 11211 NE Weidler St., the applicant proposes to replace existing second-story, exterior railings on the east and north sides of the buildings. The new railings will match the existing railings on the south sides of

the buildings, which will not be replaced. Design Review is required because the proposal is for exterior alterations in a Design overlay zone.

Relevant Approval Criteria: To be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are the Gateway Regional Center Design Guidelines.

ANALYSIS

Site and Vicinity: The site is comprised of two lots under common ownership on both sides of NE 112th Avenue, on the north side of NE Weidler Street. Both properties are developed with two-story apartment buildings constructed in the early 1960s and surface parking lots. The two buildings have an unassuming, mid-century design and are very similar to each other.

The site is located at the northern edge of the Gateway Regional Center, approximately one mile east of the Gateway Transit Center. NE Weidler Street is designated as a Major City Traffic Street, Transit Access Street, City Walkway, and Major City Bikeway. NE 112th Avenue is a local service street. The surrounding area is mostly characterized by one- and two-story residential and commercial buildings with surface parking lots. A lower-density neighborhood of single-dwelling houses abuts the site to the north.

Zoning: The R1 multi-dwelling residential zone is intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing. The development standards work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities.

The Design (“d”) overlay zone is intended to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural values. Design Review is generally required for exterior alterations.

The Gateway plan district promotes an intensive level of mixed-use development including retail, office and housing to support light rail stations and the Gateway Regional Center.

Land Use Review History: There are no prior City of Portland land use reviews for this site.

Agency Review: A “Notice of Proposal” was sent December 2, 2019. The following Bureaus responded with no concerns about the proposal:

- Fire Bureau (Exhibit E-1);
- Site Development Section of BDS (Exhibit E-2); and
- Life Safety Review Section of BDS (Exhibit E-3).

Neighborhood Review: No written responses to the mailed “Notice of Proposal” were received from either the Neighborhood Association or notified neighbors.

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 the Design (“d”) overlay, so the proposal requires Design Review approval. The applicable design guidelines for this site 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 building size and scale second only to Portland’s Central City.

The purpose of Design Review is to carry out the urban design vision for Gateway by emphasizing unique district assets in a manner that is respectful, creative, supportive, and compatible with all its areas. Although Gateway 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 of the Gateway Regional Center Design 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.

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 A1, A2, B1, and B3: The proposal is to replace the second-story balcony railings on the east and north sides of the two apartment buildings. The second-story railings on the south sides of the buildings (facing NE Weidler Street) will not be replaced.



one of the railings to be removed



one of the railings on the south side to be retained

The new railings on the north and east sides of the buildings will be made of metal (steel) and will match the design and dark color of the existing railings to be retained on the south sides of the buildings. Therefore, the proposal provides quality, permanent building materials and creates a more cohesive building design.

The balconies themselves strengthen the relationship between the apartment buildings and the adjacent streets. The “eyes on the street” from these balconies contribute to a safer, more comfortable pedestrian environment. The investment to improve these balconies with new materials and a more cohesive design will contribute to a pleasant street environment.

For these reasons, and with a condition of approval to match the color of the new railings to the existing railings to be retained, 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 requirements of Title 11 can be met, and 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 is intended to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The applicant's proposal to replace second-story, exterior railings on the east and north sides of the apartment buildings on this site to match the railings on the south sides of the buildings will promote a more cohesive building design. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of Design Review to replace the existing second-story, exterior railings on the east and north sides of the two apartment buildings on this site, per the approved plans, Exhibits C-1 through C-4, signed and dated December 24, 2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition (C and D) 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 19-225314 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. The new railings must match the color of the existing railings to be retained on the south sides of the buildings.
- D. No field changes allowed.

Staff Planner: Andrew Gulizia

Decision rendered by:  **on December 24, 2019**
By authority of the Director of the Bureau of Development Services

Decision mailed: December 30, 2019

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 11, 2019 and was determined to be complete on November 26, 2019.

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 11, 2019.

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 extended by the applicant, **the 120 days will expire on March 25, 2020.**

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 January 13, 2019** 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 **January 13, 2019** 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 recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

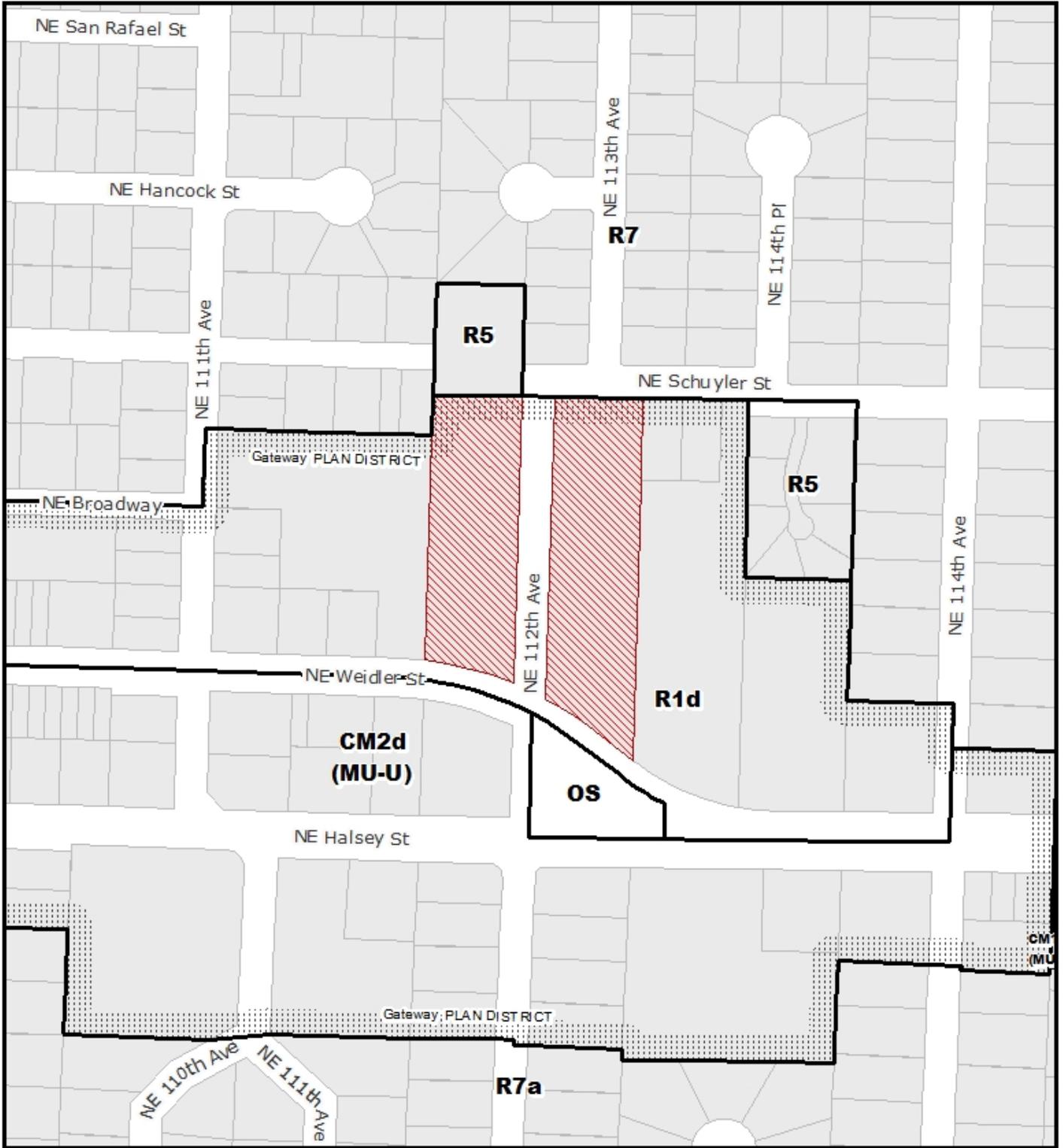
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 1. Applicant's narrative
 2. Applicant's originally submitted plans, prior to revision (superseded by Exhibits A-4 through A-5 and Exhibits C-1 through C-4)
 3. Cover letter for resubmittal, dated November 15, 2019
 4. Repair details for 11181 NE Weidler St. building
 5. Repair details for 11211 NE Weidler St. building
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site plan for 11181 NE Weidler St. building (attached)
 2. Site plan for 11211 NE Weidler St. building (attached)
 3. Building elevations for 11181 NE Weidler St. building (attached)
 4. Building elevations for 11211 NE Weidler St. building (attached)
- D. Notification Information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Fire Bureau
 2. Site Development Review Section of BDS
 3. Life Safety Review Section of BDS
- F. Correspondence – none received
- G. Other:
 1. Land use application form and receipt
 2. Incompleteness determination letter, dated September 19, 2019

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 
 NORTH
 GATEWAY PLAN DISTRICT

 Site

File No.	LU 19 - 225314 DZ
1/4 Section	2842
Scale	1 inch = 200 feet
State ID	1N2E27DC 10500
Exhibit	B Sep 13, 2019

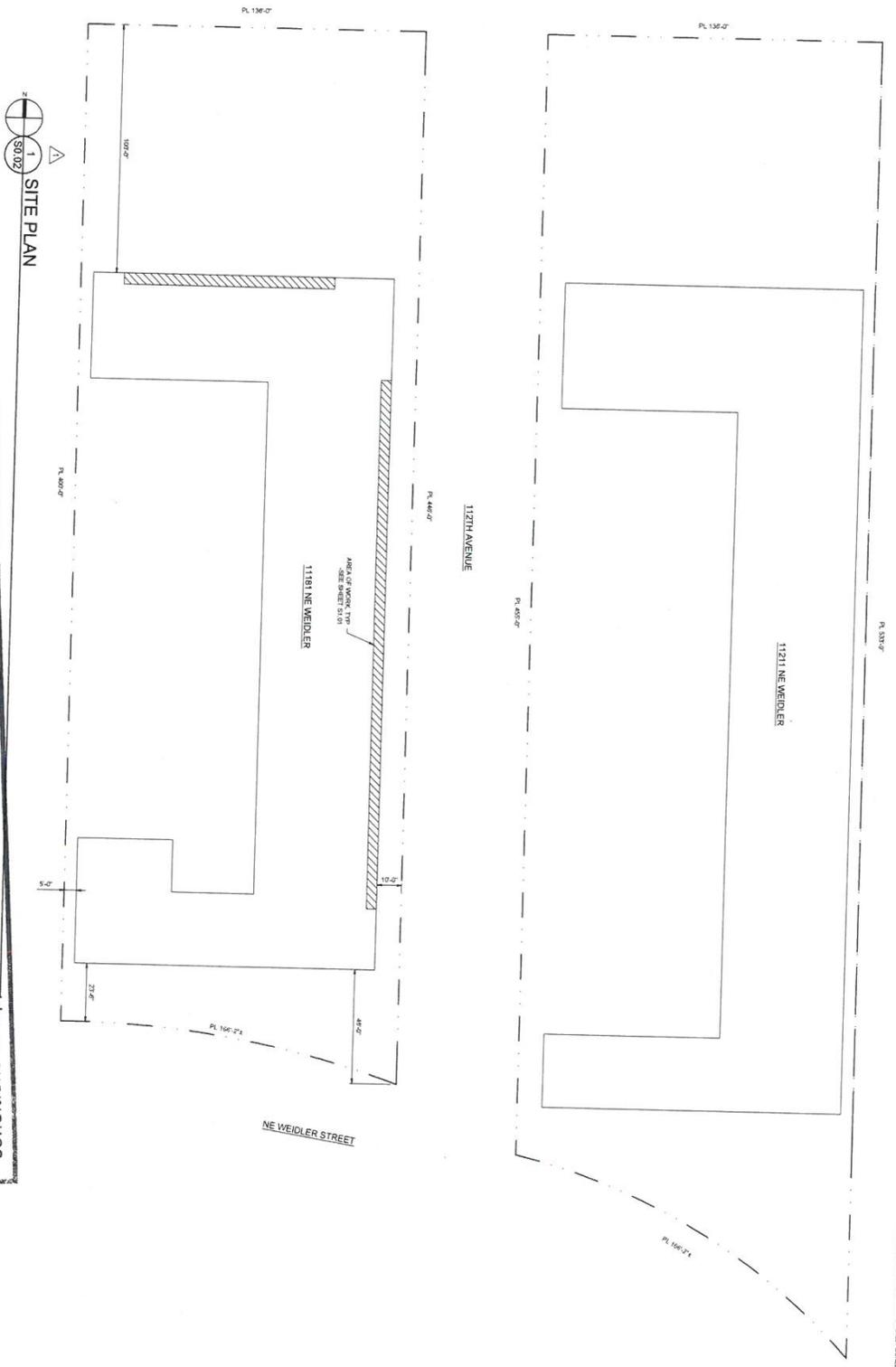
Approved
 City of Portland - Bureau of Development Services

Planner A Guhiza Date 12/24/19

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

LINE IS 2 INCHES
 AT FULL SCALE
 # NOT - SCALE ACCORDING TO

PROJECT
 SHEET CONTENT
 SITE PLAN
 S0.02



REV	DATE	DESCRIPTION
1	11.16.19	PLAN CHECK RESPONSE

DETERIORATION REPAIR
 EDMONT APARTMENTS
 BUILDING 11181
 11181 NE WEIDLER
 PORTLAND, OREGON

5570 SW Burnside Blvd
 Suite 200, Portland, OR 97238
 Phone: 503.248.1750
 www.miller-engineers.com

MILLER CONSULTING ENGINEERS

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 Miller Consulting Engineers, Inc.

REGISTERED PROFESSIONAL ENGINEER
 STATE OF OREGON
 19172
 12/23/2019
 12/31/2019

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L119-225314 DZ
 Exhibit C-1

Approved

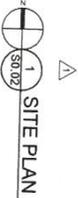
City of Portland - Bureau of Development Services

Planner A Gulizia Date 12/24/19

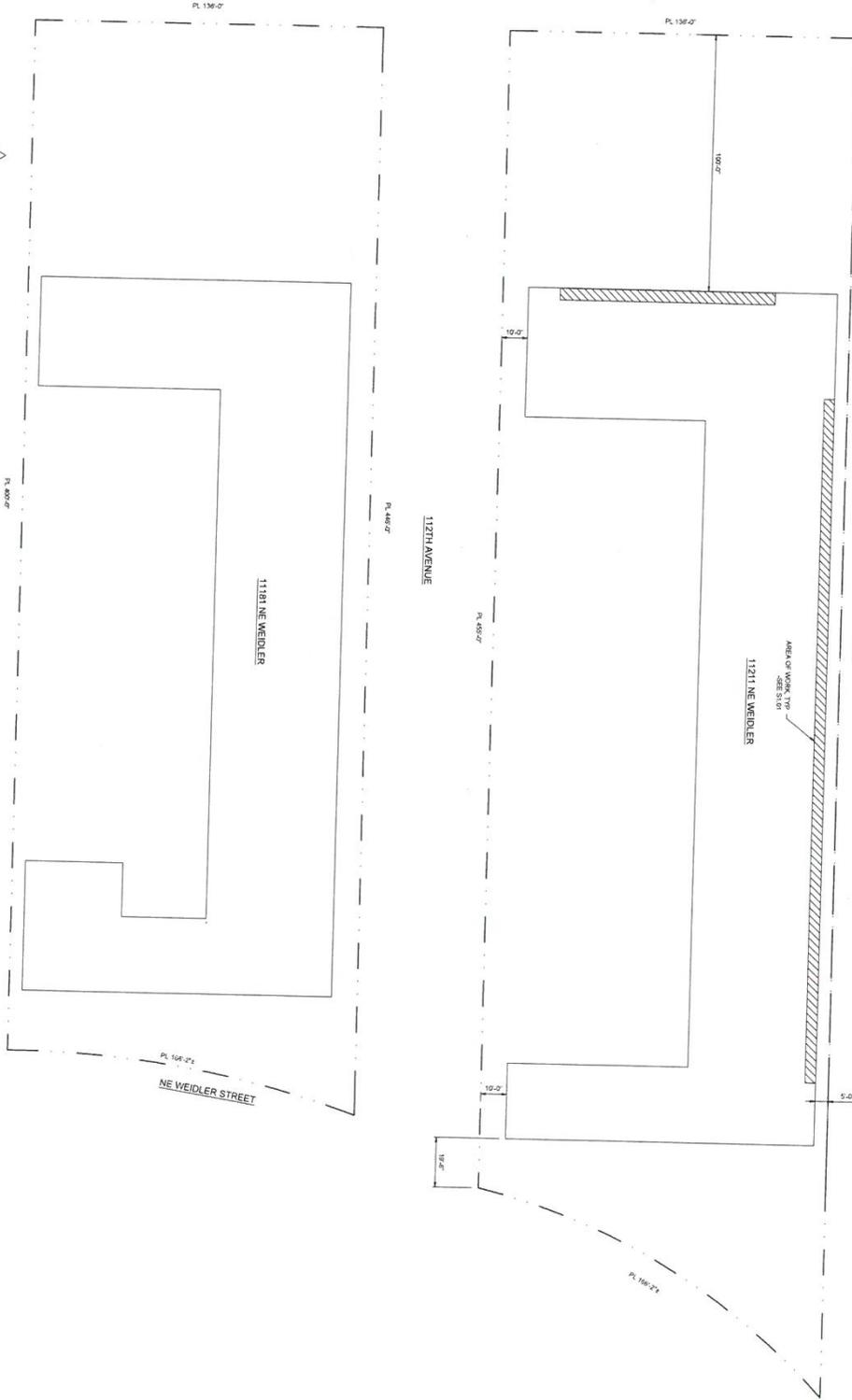
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LINE IS 2 INCHES AT FULL SCALE
NOT TO SCALE (COMMON)

SHEET **S0.02**



SITE PLAN



REV.	DATE	DESCRIPTION
1	11.16.19	PLAN CHECK RESPONSE

DETERIORATION REPAIR
EDGEMONT APARTMENTS BUILDING 11211
 11211 NE WEIDLER
 PORTLAND, OREGON

3070 SW Beulah Blvd
 Portland, OR 97219
 Phone: 503.224.6120
 Fax: 503.224.6121
 www.miller-engineers.com

MILLER CONSULTING ENGINEERS

DATE: 12/23/2019
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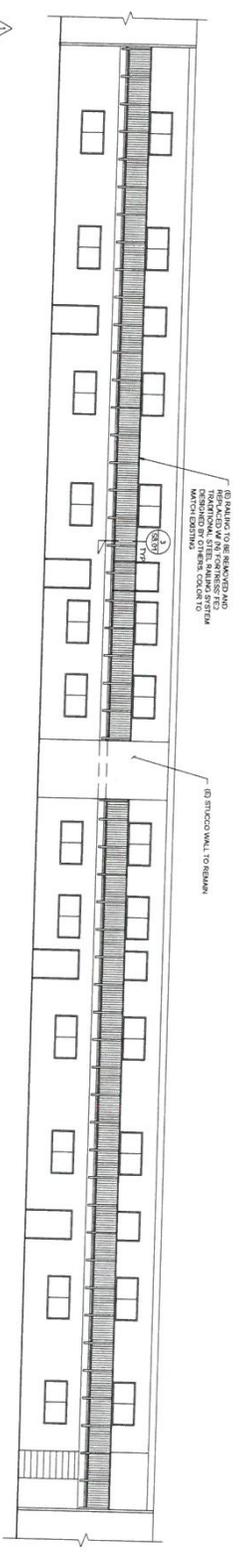
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LU 19-225314 02
 Exhibit C-2

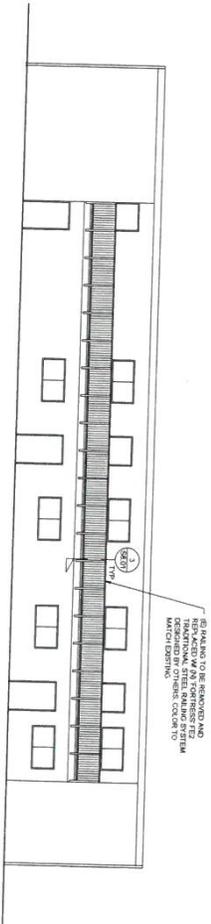
Approved
City of Portland - Bureau of Development Services

Planner **A Gukiza**
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.
 Date **12/24/19**

1 PARTIAL EAST ELEVATION
 S3.01



2 NORTH ELEVATION
 S3.01



LINE IS 2 INCHES
 AT FIELD
 # 8017 - (S&K ARCHITECTS)

SHEET COMMENT
 ELEVATION
S3.01

REV	DATE	DESCRIPTION
1	11.16.19	PLAN CHECK RESPONSE

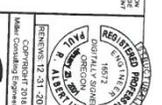
DETERIORATION REPAIR

**EDGEMONT APARTMENTS
 BUILDING 11181**

11181 NE WEIDLER
 PORTLAND, OREGON

**MILLER
 CONSULTING
 ENGINEERS**

3675 SW Harbor Road
 Suite 200
 Portland, OR 97201
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 www.millerclm.com



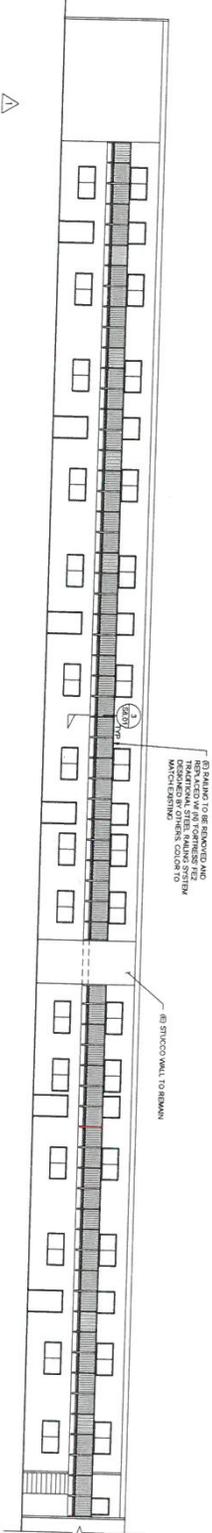
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LU 19-225314 DB

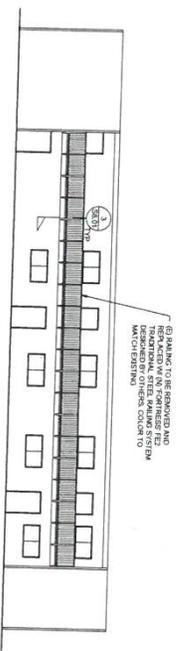
Approved
 City of Portland - Bureau of Development Services

Planner A Galizia Date 12/24/19
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

1 PARTIAL EAST ELEVATION
 S3.01



2 NORTH ELEVATION
 S3.01



LINE IS 2 INCHES
 AT FULL SCALE
 # NOT TO SCALE (COMMON)

SHEET
 S3.01

REV.	DATE	DESCRIPTION
1	11.14.19	PLAN CHECK RESPONSE

OWNER	SMW
ARCHITECT	SMW
PROJECT NO.	11211
ISSUE DATE	12.20.2018

DETERIORATION REPAIR
 EDMONT APARTMENTS
 BUILDING 11211
 11211 NE WEIDLER
 PORTLAND, OREGON

MILLER CONSULTING ENGINEERS
 5015 SW Beahm Blvd
 Portland, OR 97206
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LU 19-225314 DR
 Exhibit C-4