



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

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Date: June 1, 2020
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 20-116949 DZ – MINOR CHANGES TO PREVIOUSLY APPROVED SELF-STORAGE

GENERAL INFORMATION

Applicant: Mike Coyle | Faster Permits
2000 SW 1st Ave Suite 420
Portland, OR 97201

Representative: Hans Matthey | Leon Capitol Group
3500 Maple Ave, Suite 1600
Dallas, TX 75219

Owner: LG Division Storage LLC
433 E Las Colinas Blvd., Suite 300
Irving, TX 75039-5522

Site Address: 16061 SE DIVISION ST

Legal Description: BLOCK E LOT 7 EXC W 114' & EXC PT IN STS, RITLOW AC
Tax Account No.: R707309700
State ID No.: 1S2E01DD 12700
Quarter Section: 3246

Neighborhood: Centennial, contact at <http://www.eastportland.org/centennial>
Business District: Midway, contact info@midwaybusiness.org.
District Coalition: East Portland Community Office, contact Victor Salinas at 503-823-4550.

Plan District: None
Other Designations: None
Zoning: CE(MU-C) – *Commercial Employment*
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 the addition of new exterior louvers to the rear and side elevations, and additional rooftop mechanical units on a previously approved self-service storage facility that is currently under construction. Additionally, the applicant seeks to replace the previously approved simulated divided lite window product with a true-divided lite product and to increase the parapet height to accommodate a new elevator.

Design Review is required for non-exempt exterior alterations to an approved design review prior to issuance of final permit approval, per 33.825.025.B.

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:

- *Community Design Guidelines*
- *33.284 – Self Service Storage*

ANALYSIS

Site and Vicinity: The 1.72-acre site is located in the Centennial neighborhood, directly adjacent to SE Division Street. To the east, SE Caruthers Street terminates in a 67' wide, publicly dedicated cul-de-sac approximately 200 feet north of SE Division Street. The surrounding context includes a commercial landscape supply yard to the west, a single-story commercial building to the east on SE Division, and multi-family housing to the north and south of SE Caruthers. To the north are single-family residential properties. The nearby context fronting SE Division Street is largely auto-oriented single-story commercial retail, with surface parking.

This site is well served with transportation options. Per City Council ordinance 188177, there is a required 10' setback from the property lines on both sides of SE Division Street. Adjacent to this site, SE Division street is currently classified as a District Collector, Major Transit Priority Street, City Bikeway, City Walkway, Truck Access Street, Major Emergency Response Street and Community Corridor. Significant Bureau of Transportation investments are planned for this section of SE Division to address the high crash frequency, and to prepare for the introduction of bus rapid transit (BRT). SE Caruthers is classified as a Local Service Street for all modes.

Zoning: The Commercial Employment (CE) zone is a medium-scale zone intended for sites along corridors with a Neighborhood Collector or higher traffic classification, especially along civic corridors that are also Major Truck Streets or Priority Truck Streets. This zone is generally not appropriate in designated centers, except on a site that is currently developed in an auto-oriented manner and where more urban development is not yet economically feasible. The zone allows a mix of commercial uses, including auto-accommodating development and drive-through facilities, as well as some light manufacturing and distribution uses that have few off-site impacts. The emphasis of this zone is on commercial and employment uses, but residential uses are also allowed. Buildings in this zone will generally be up to four stories tall. This zone is intended to allow for development with auto-accommodating configurations, while also including pedestrian-oriented design features that support transit and pedestrian access.

Land Use History: City records indicate that prior land use reviews include the following:

- LU 17-213740 DZM – Design Review approval with Conditions of Approval for a three-story, 150,596 square foot self-service storage facility.

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

- Site Development (no concerns)
- Life Safety (Exhibit E.1)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on April 10, 2020. 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 Community Design Guidelines.

Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other movement systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

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

D6. Architectural Integrity. Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

D7. Blending into the Neighborhood. Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

D8. Interest, Quality, and Composition. All parts of a building should be interesting to view, of long-lasting quality, and designed to form a cohesive composition.

Findings for D6, D7 and D8: The proposal to add louvers to the side and rear elevations and additional mechanical units to the roof to facilitate the interior mechanical needs of the storage facility will have little impact on the appearance of this building from the public right-of-way. The 1.72-acre mid-block site is approximately 380 feet deep, with 200 feet of street frontage. Therefore, while the front façade articulation is critical to the success of this building in helping achieve a more urban condition on SE Division street, the sidewalls are less visible. To ensure the legibility and scale of the limited sidewall windows remain as previously approved, Condition of Approval C states that no mechanical shall decrease the size of previously approved

windows and new louvers shall be located on the inset portion of the building's sidewalls to reduce visibility.

The proposed extruded aluminum louvers will be inset within the metal panel wall. Condition of Approval E ensures that to reduce their appearance within the metal clad wall, they will be painted or factory-finished to match the color of the adjacent metal cladding.

The proposed change to the previously approved window product replaces a larger sheet of glazing with simulated divided lites with a true-divided lite product. This results in smaller sheets of glazing, and thicker muntins. While subtle, these improvements will reduce the visible bowing often visible in large windows and will increase the shadow lines and articulation provided by thicker muntins.

The proposed additional rooftop units and increased height of the elevator overrun are modest changes without substantial impact on the appearance of the building. To provide flexibility in placement of the rooftop units while ensuring they are not visible from the right of way, Condition of Approval D states that additional rooftop mechanical may be added, provided the units shall be set back from roof edges at least 2' for every 1' of additional height (including rooftop unit and its mounting pad).

With Condition of Approval C, that new louvers shall not reduce the size of previously approved windows, and shall be located on the inset portion of the building's sidewalls, and Condition of Approval D that additional rooftop mechanical units shall be set back from roof edges at least 2' for every 1' of unit and mounting pad height, and Condition of Approval E that wall louvers shall be finished to match the color of the adjacent metal cladding, 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 meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of new aluminum louvers on side and rear elevations; increased height of elevator overrun, additional rooftop mechanical units, and true divided lite windows to replace previously approved simulated divided lite windows per the approved site plans, Exhibits C-1 through C-9, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through F) 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 20-116949 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. New louvers shall not reduce the size of previously approved windows and shall be located on the inset portion of the building's sidewalls.
- D. Additional rooftop mechanical units shall be set back from roof edges at least 2' for every 1' of unit and mounting pad height.
- E. Wall louvers shall be finished to match the color of the adjacent metal cladding.
- F. No field changes allowed.

Staff Planner: Hannah Bryant

Decision rendered by:  **on May 28, 2020**

By authority of the Director of the Bureau of Development Services

Decision mailed: June 1, 2020

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 February 10, 2020 and was determined to be complete on April 2, 2020.

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 February 10, 2020.

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: July 31, 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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received by 4:30 PM on June 15, 2020. **Towards promoting social distancing during the COVID-19 pandemic, the completed appeal application form must be e-mailed to BDSLUSTeamTech@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. An appeal fee of \$250 will be charged. Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations for the appeal of Type II and IIX decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

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 on or after **June 16, 2020** 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.

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:

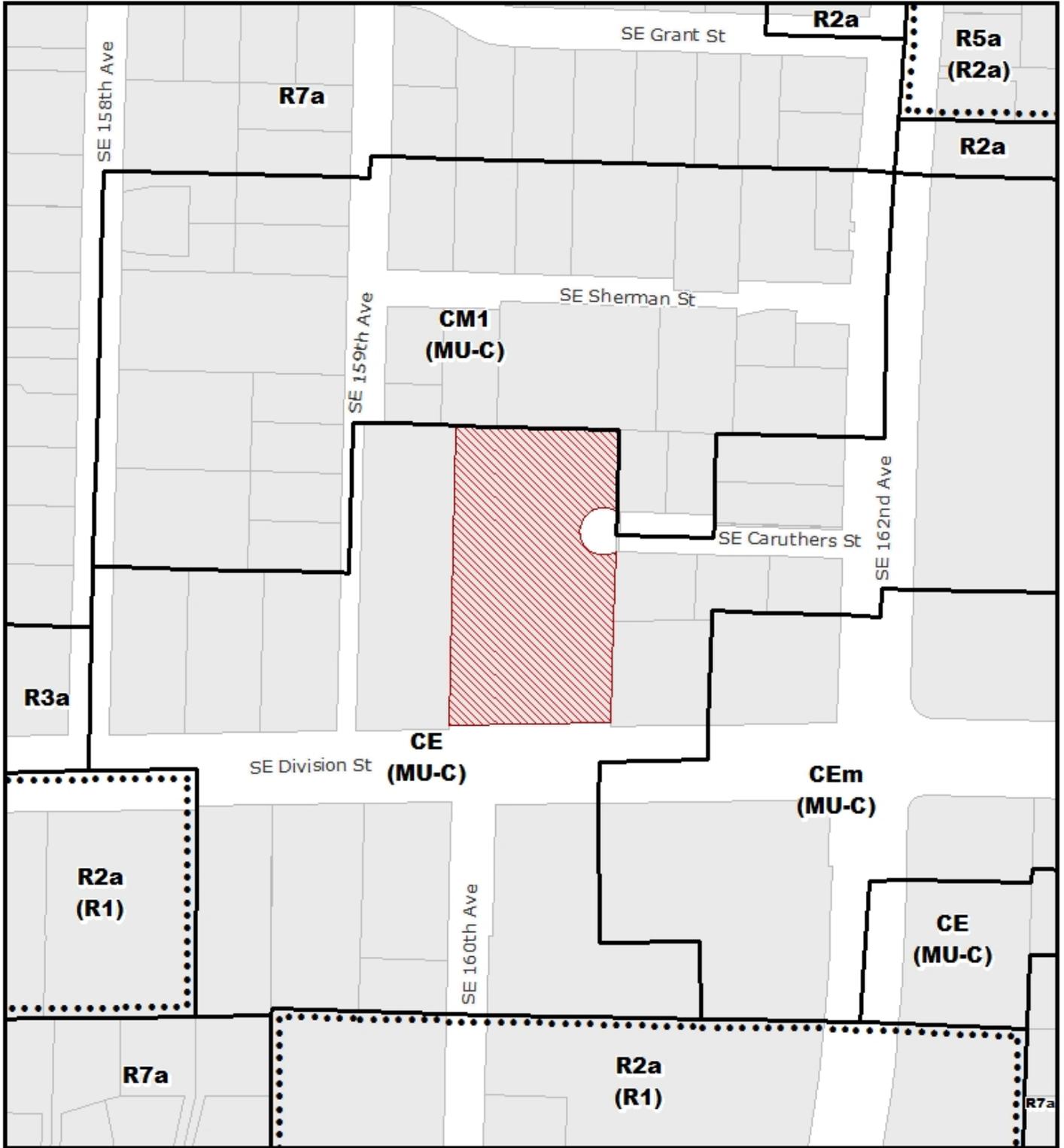
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 - 1. Original Submittal
 - 2. Response to Incomplete
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan
 - 2. First Floor Plan (2 sheets)
 - 3. Second Floor Plan (2 sheets)
 - 4. Third Floor Plan (2 sheets)
 - 5. Roof Plan
 - 6. Rooftop Mechanical Details
 - 7. East Elevation (attached)
 - 8. Louver Details (4 sheets)
 - 9. Window Details (2 sheets)
- 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, February 24, 2020

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

 Site

File No.	<u>LU 20 - 116949 DZ</u>
1/4 Section	<u>3246</u>
Scale	<u>1 inch = 163 feet</u>
State ID	<u>1S2E01DD 12700</u>
Exhibit	<u>B Feb 14, 2020</u>

