



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

Carmen Rubio, Commissioner
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Date: March 16, 2023
To: Interested Person
From: Arthur Graves, 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 23-010267 DZ: ALTERATIONS TO PREVIOUS LAND USE DECISION (LU 22-183003 DZM)

GENERAL INFORMATION

Applicant: Kristina Hauri | Holst Architecture
123 NE 3rd, Ste 310 | Portland OR 97232
503.233.9856 | khauri@holstarc.com

Owner's Rep: Kesean Coleman | Catholic Charities Of Oregon
2740 SE Powell Blvd | Portland OR 97202

Party of Interest: Masaye Hoshide | Portland Housing Bureau
1900 SW 4thave., Ste 7007 | Portland, OR 97201

Developer: Jill Sherman | Edlen & Co
151 SW 1st Ave #300 | Portland, OR 97204

Owner: St Francis Of Assisi Catholic Church Portland Oregon
330 SE 11th Ave | Portland, OR 97214-1317

Site Address: 1131 SE OAK STREET

Legal Description: BLOCK 240 LOT 1-3 INC PT VAC ST LOT 4&5, LOT 6-8, EAST PORTLAND

Tax Account No.: R226515990

State ID No.: 1N1E35CD 09100

Quarter Section: 3031

Neighborhood: Buckman, contact Nick Olson at buckmanlandusepdx@gmail.com

Business District: Central Eastside Industrial Council, contact ceic@ceic.cc.

District Coalition: Southeast Uplift, contact Matchu Williams at matchu@seuplift.org

Plan District: Central City - Central Eastside

Zoning: EXd: Central Employment Base Zone, Design (d) Overlay Zone

Case Type: DZ: Design Review

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

Proposal:

The applicant requests alterations to the previous Type III Design Review Decision (LU 22-183003 DZM) specifically regarding the *Condition of Approval - D* which states:

Canopies matching the dominant west elevation/ corner canopy in design, construction, dimension (regarding projection), and location on the building (i.e. within the brick above the door) must be added above the entries at the building's north elevation location, southeast corner location, and the bike room access on the east elevation location.

The applicant requests this *Condition of Approval* be deleted.

Design Review is required for proposed non-exempt alterations to development in the “d” Design overlay zone of the Central City Plan District and Central Eastside Sub-District.

Relevant Approval Criteria:

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

- *Central City Fundamental Design Guidelines.*
- *Central Eastside Design Guidelines.*

ANALYSIS

Site and Vicinity:

Catholic Charities (a private non-profit organization), proposes to build a 61-unit affordable housing project on a site defined by SE 11th Ave, SE Pine St, SE 12th Ave, and the vacated portion of SE Oak St. The approximately 50,000 square foot site includes an existing church and two multi-unit residences. The two existing multi-unit houses on site are proposed to be demolished for the purposes of the proposed development. The existing plaza located on the vacated SE Oak St will not be impacted by the proposed development

It is notable that the site is located at the east edge of the Central City Plan District with SE 12th Ave being the boundary line.

While the Industrial Sanctuary defines the district character with primarily industrial uses housed in c1920s warehouses, the surrounding area is comprised of a mix of uses including retail, office, institutional, residential and light industry. Local restaurants, bars and a variety of retail activate the area through an extended range time. The adjacent area is also populated by a variety of building types from older one and two story concrete commercial warehouses to masonry apartments. Zoning code changes over the last decade have offered expanded opportunities for the upgrade and adaptation of these older warehouses for new creative industrial office uses which have helped to sustain employment levels in the district. The most significant infill development is the “Goat Blocks” (approximately 110,000 square feet of retail, 247 apartments and 339 parking stalls), approximately 5 blocks south of the project site.

Zoning:

The Central Employment (EX) zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.

The Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people's daily experience; and
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

The Central City Plan District implements the Central City 2035 Plan. The regulations address the unique role the Central City plays as the region's premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river. The site is within the Central Eastside Subdistrict of this plan district.

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

- **LU 22-183003 DZM:** Design Review approval for a four-story building with 61 units of affordable housing. Twelve Modifications were included.
- **LU 22-201717 AD:** The applicant is requesting an Adjustment to parking area setbacks and landscaping (33.266.130.G.2 & Table 266-5) associated with an existing parking lot and driveway because of a new property line that will be established through a separate Replat review (LU 22-201716 RP). The location of the new property line will not allow enough room for the required 5-foot setback landscaped to the L2 standard. To mitigate for this request the applicant has proposed to provide an equivalent landscaped area, in addition to a decorative fence, on adjacent parcels created through the Replat.
- **LU 22-201716 RP:** Replat of Tract 1 (of concurrent PLA -Lots 4/5 AND Lots 1-3, and 6-8 of Block 240 of East Portland into 3 total lots).
- **EA 22-152194 APPT:** EA meeting to determine development of the site. Discussion about property line adjustments and re-plats.
- **EA 22-123934 DA:** DAR for the proposed development of the site. Note: The single lot north of the vacated street is proposed to be re-platted and/or property lines are proposed to be adjusted – consistent with this EA (EA 22-152194 APPT).
- **EA 22-119892 APPT:** EA meeting to determine development of the site. Note: The lot north of the vacated street is shown as one site.
- **(South portion of Superblock) LU 15-208454 DZM:** Design review for a 106-unit affordable housing project on a 1-acre site presently occupied by St Francis Park on SE Stark St between SE 11th and 12th Ave. The 52-foot tall building will result in a total of 73,000 gross square feet and feature apartments over ground floor active use (community room, office, lobby, etc.) on SE Stark St. The U-shaped building will partially surround a 6,300 SF multi-use plaza oriented northward toward the vacated SE Oak St ROW. Pre-Application Conference for a Type III Design Review for a mixed use-development including 11,688 square feet of ground floor commercial space, with 8 townhouse-style units fronting SE 11th Ave, and 144 residential units on the upper four floors. On-site parking for 69 vehicles and on-street parking, accessed from the previously vacated SE Oak St is also proposed. No on-site loading is proposed
- **(South portion of Superblock) LU 14-227895 PC:** Pre-Application Conference to discuss Type III Design Review for a new 102-unit multi-dwelling residential development with lower-level parking--34 spaces and 2 loading spaces.
- **(South portion of Superblock) LU 14-218332 DA:** Design Advice Request (DAR) for a

4-story building with 102 affordable residential units.

- **LU 13-117548 PC:** Pre-Application Conference for a Type III Design Review for a mixed use-development including 11,688 square feet of ground floor commercial space, with 8 townhouse-style units fronting SE 11th Ave, and 144 residential units on the upper four floors. On-site parking for 69 vehicles and on-street parking, accessed from the previously vacated SE Oak St is also proposed. No on-site loading is proposed; instead, the applicant proposes curbside loading zones on SE 11th and SE 12th Avenues. Oriel window exception required for Exercise & Community Rm projections over SE Stark & SE 11th. Creation of the park and pedestrian accessways on this lot, after vacation of SE Oak Street.
- **LUR 97-00400 DZ:** Creation of the park and pedestrian accessways on this lot, after vacation of SE Oak Street.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **February 17, 2023**.

1. Bureau of Development Services Site Development: Ye Zhuang, March 08, 2023. With no objections. (Exhibit E-1).
2. Fire Bureau: Dawn Krantz, March 09, 2023. With no concerns. (Exhibit E-2).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 17, 2023. 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 implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces.

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 the site is located generally within the Central City Plan District, the applicable design guidelines are the Central City Plan Fundamental Design Guidelines. As the site is also specifically located within the Design Zone of the Central Eastside District, the Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan also apply.

Special Design Guidelines for the Design Zone of the Central Eastside District of the Central City Plan and Central City Fundamental Design Guidelines

The Central Eastside is a unique neighborhood. The property and business owners are proud of the district’s heritage and service to the community and region. Light industry, distribution/warehousing, and transportation are important components of the district’s personality. To the general public, retail stores and commercial businesses provide the central focus within the district.

The underlying urban design objective for the Central Eastside is to capitalize on and emphasize its unique assets in a manner that is respectful, supportive, creative and compatible with each area as a whole. Part of the charm and character of the Central Eastside District, which should be celebrated, is its eclectic mixture of building types and uses. An additional strength, which should be built on, is the pattern of pedestrian friendly retail uses on Grand Avenue, East Burnside and Morrison Streets, as well as portions of 11th and 12th Avenues.

The Central City Fundamental Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

Central Eastside Design Goals

The following goals and objectives define the urban design vision for new development and other improvements in the Central Eastside

- Encourage the special distinction and identity of the design review areas of the Central Eastside District.
- Provide continuity between the Central Eastside and the Lloyd District.
- Provide continuity between the Central Eastside and the river, downtown, and adjacent residential neighborhoods.
- Enhance the safety, convenience, pleasure, and comfort of pedestrians.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within all of the Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

PEDESTRIAN EMPHASIS

B6. Develop Weather Protection. Develop integrated weather protection systems at the sidewalk-level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection, and sunlight on the pedestrian environment.

B6-1. Provide Pedestrian Rain Protection. Rain protection is encouraged at the ground level of all new and rehabilitated commercial buildings located adjacent to primary pedestrian routes. In required retail opportunity areas, rain protection is strongly recommended.

Findings for B6 and B6-1:

The initial project's (LU 22-183003 DZM) use of integrated canopies along the west and south elevations, recessed building entries and overhanging building masses perform like environmental mediators, providing access to sunlight while minimizing shadow, glare, reflections, and the effects of wind and rain. Additional canopies at the building's north elevation location, southeast corner location, and the bike room access on the east elevation location, are not necessary because these entries are not intended for regular use. The entries on the north elevation and southeast corner location are not intended to be used for regular building access and are primarily emergency exits. A canopy to the north secondary entry would directly conflict with longer loading trucks in the adjacent loading zone. The entry to the bike room on the east elevation is a convenience door and it is anticipated most people will

access the bike room from the interior corridor. Therefore, canopies at these three locations provide minimal utility due to their infrequent use, and so are not necessary.

Therefore, these guidelines have been met.

C10. Integrate Encroachments. Size and place encroachments in the public right-of-way to visually and physically enhance the pedestrian environment. Locate permitted skybridges toward the middle of the block, and where they will be physically unobtrusive. Design skybridges to be visually level and transparent.

Findings:

Proposed metal canopies on the west and south elevations of the initial project (LU 22-183003 DZM) are simple in design, subtly complementing the masonry and detailing on the proposed storefronts. Both visually and physically enhance the pedestrian environment by providing shade during the summer, by providing rain protection during rainy seasons, and by helping to identify main entry points to the building. As stated previously, additional canopies at the building's north elevation location, southeast corner location, and the bike room access on the east elevation location, are not necessary because these entries are not intended for regular use. The entries on the north elevation and southeast corner location are not intended to be used for regular building access and are primarily emergency exits. A canopy to the north secondary entry would directly conflict with longer loading trucks in the adjacent loading zone. The entry to the bike room on the east elevation is a convenience door and it is anticipated most people will access the bike room from the interior corridor. Therefore, canopies at these three locations provide minimal utility due to their infrequent use, and so are not necessary.

Therefore, this guideline has been 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 removal of the previous *Condition of Approval* from LU 22-183003 DZM regarding the addition of canopies at the building's north elevation location, southeast corner location, and the bike room access on the east elevation location, are not necessary because these entries are not intended for regular use. The proposal continues to provide weather protection and meet applicable guidelines, see LU 22-183003 DZM.

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. As indicated in detail in the findings above, the proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of the removal of the previous *Condition of Approval* from LU 22-183003 DZM regarding the addition of canopies at the building's north elevation location, southeast corner location, and the bike room access on the east elevation location from the new 4-story 61-unit affordable housing building, including supportive services in the Central City Plan District and Central Eastside Sub-District.

Approval per the signed and dated March 14, 2023, Exhibits C.1 - C-4, 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 23-010267 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: Arthur Graves



Decision rendered by: _____ **on March 14, 2023.**

By authority of the Director of the Bureau of Development Services

Decision mailed: March 16, 2023.

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 3, 2023, and was determined to be complete on February 15, 2023.

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 3, 2023.

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: June 15, 2023.**

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, 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 March 30, 2023. The completed appeal application form must be emailed to LandUseIntake@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 Office of Community and Civic Life 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 this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

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 30, 2023** 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 Submittal
 - 1. Initial Submittal: February 03, 2023
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Plan: (attached)
 - 2. Elevations – West and South (attached)
 - 3. Elevations – North and East (attached)
 - 4. Elevations – North and East (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Development Services Site Development: March 08, 2023.
 - 2. Fire Bureau: March 09, 2023.
- F. Correspondence: None Received
- G. Other:
 - 1. Original LU Application

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).