



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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Date: December 21, 2016
To: Interested Person
From: Cassandra Ballew, 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 16-268022 DZ - STOREFRONT REMODEL

GENERAL INFORMATION

Applicant: Blane Skowhede
Keystone Architecture Planning & Project Management
12020 SE Idleman Road
Portland, OR 97086

Owner: Halsey Office Holdings LLC
10305 NE Halsey Street
Portland, OR 97220

**Owner/
Representative:** Josef Sedivy, Gateway Dental
10305 NE Halsey Street
Portland, OR 97220

Site Address: **10305 NE HALSEY ST**
Legal Description: S 120' OF LOT 1 EXC PT IN ST, HOUGHTON ADD
Tax Account No.: R403900010, R403900010, R403900010
State ID No.: 1N2E27CC 06400
Quarter Section: 2841
Neighborhood: Parkrose Heights, contact Pete Natwick at 503-493-3612.
Business District: Gateway Area Business Association, contact Paul Wild at paul.wild@mhcc.edu
District Coalition: East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550.
Plan District: Gateway
Zoning: CXd, Central Commercial with Design Overlay
Case Type: DZ, Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant seeks Design Review approval for alterations to an existing one-story building in the Gateway Plan District at the corner of NE 103rd Place and NE Halsey Street. Proposed is an infill of the existing recessed entryway on the eastern end of the front façade (south elevation). The infill area would add square footage to the building; however, the existing footprint will remain the same. This alteration will be symmetrical in location, size and style to the entrance on the western end of the facade and will consist of a new door and a storefront system consisting of true divided light wood windows. New wood windows are also being proposed on the East facade, replacing the existing steel framed windows.

Relevant Approval Criteria:

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

- 33.825 Design Review
- Gateway Regional Center Design Guidelines

ANALYSIS

Site and Vicinity: The 10,200 square feet site is located at the intersection of NE 103rd Place and NE Halsey Street in the Gateway Plan District. Existing development on the site is limited to a one-story 3,288 square feet building and 6,100 square feet of surface parking and vehicular circulation area. The building, constructed in 1951, is predominately brick with punched window openings and a faux mansard roof. The main entrance of the building is oriented toward a parking lot on the southern end of the site.

The surrounding vicinity is predominately mid-century automobile era development and comprised of similar, low scale buildings. NE Halsey Street is a designated Regional Main Street and Transit Access Street. Regional Main Streets are designed to accommodate motor vehicle traffic, with features that facilitate public transportation, bicycles, and pedestrians. Transit Access Streets are intended for district-oriented transit service serving main streets, neighborhoods, and commercial, industrial, and employment areas. Tri-Met service is available on NE Halsey. NE Halsey is also a designated City Bikeway. The site is also located directly adjacent the Gateway Pedestrian District.

Zoning: The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

The Gateway Plan District regulations encourage the development of an urban level of housing, employment, open space, public facilities, and pedestrian amenities that will strengthen the role of Gateway as a regional center. The regulations also ensure that future development will provide for greater connectivity of streets throughout the plan district. This development will implement the Gateway Regional Policy of the Outer Southeast Community Plan. Together, the use and development regulations of the Gateway plan district: promote compatibility between private and public investments through building design and site layout standards; promote

new development and expansions of existing development that create attractive and convenient facilities for pedestrians and transit patrons to visit, live, work, and shop; ensure that new development moves the large sites in the plan district closer to the open space and connectivity goals of the Gateway Regional Center; create a clear distinction and attractive transitions between properties within the regional center and the more suburban neighborhood outside; and provide opportunities for more intense mixed-use development around the light rail stations.

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

- LU 13-115564 DZ, design review approval of storefront alterations and replacement of existing windows on the North, West and South facades.
- LU 08-157125 DZ, design review approval of mechanical screening, and storefront alteration.
- LU 07-152345 DZ, design review approval for alteration to roof.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **November 21, 2016**. The following Bureaus have responded with no issues or concerns:

- Water Bureau
- BES Source Control
- BES Watershed Service

The Bureau of Life Safety responded with the following comments:

It is recommended that the applicant verify the previous permitted occupancy for this space at the Bureau of Development Services Records and Resources.

1. A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. More information regarding building code requirements can be obtained by visiting the Bureau of Development Services Development Services Center - 1900 SW 4th Ave, 1st floor. The Development Services Center is open Monday through Friday from 8:00 a.m. to 3:00 p.m. (close at noon on Thursday). No appointment is necessary. Building Code information is also available online at: <http://www.portlandonline.com/bds>, or by calling (503) 823-1456.
2. A previous Building Permit, 13-163604, was issued for similar scope. It may be helpful to refer to correspondence from the Life Safety plans examiner for building code-related comments.

Please see Exhibit E-1 for additional details.

The Fire Bureau responded with the following comment: A separate building permit is required for this proposal. All applicable Fire Code requirements shall apply at the time of permit review and development. Please see Exhibit E-2 for additional details.

The Bureau of Environmental Services responded with the following comment: It appears that this project creates or redevelops less than 500 square feet of impervious area, therefore pollution reduction and flow control requirements of the Stormwater Management Manual (SWMM) are not triggered. However, a safe stormwater disposal location that does not impact adjacent properties and/or structures must be shown at the time of building permit submittal. BES does not object to the requested design review. Please see Exhibit E-3 for additional details.

The Bureau of Transportation Engineering responded with the following comment: The Bureau of Transportation Engineering responded with no objections and general comments with requirements related to Title 17. Please see Exhibit E-4 for additional details.

Site Development Section of BDS responded with the following comment: The Site Development Section of BDS responded with no objections and general comments with requirements related to Title 10. Please see Exhibit E-5 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 21, 2016. 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.

A Pedestrian Emphasis

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.

Findings: The proposed exterior alteration to the building affects the eastern portion of the NE Halsey street-facing façade of the building. The main façade of the building is symmetrical, with the two large lobby windows on either end of the façade, creating a “bookend” effect. The western portion of the façade was updated through a land use review in 2013 and this proposal seeks alterations which will be symmetrical in location, size and style to those previous changes. The eastern end of the façade will be updated to remove the large lobby window glazing which does not include divided lites. The proposal will replace the single pane glass to a three over four true divided lite windows on the eastern end of the façade. This renovation to add larger storefront windows and a glazed door will provide views into waiting areas and allow for increased interaction between pedestrians along the sidewalk and users of the building. *Therefore this guideline is met.*

B Development Design

B1. Convey Design Quality and Building Permanence. Use design principles and building materials that convey quality and permanence.

Findings: The proposed custom storefront windows are indicative of higher quality and permanence through detailing and introduction of multiple true divided lites. The system includes glazing which will exceed current energy codes for overall U-value and shading coefficient. Existing steel windows along the east elevation are proposed to be replaced with wood windows. Details provided illustrate wood windows which include insulated glass with a roughly 7” inset from the exterior wall plane, thus ensuring a degree of protection from the elements. The proposed windows and storefront details, as indicated on the sections provided, will convey a level of high quality. *Therefore this guideline is met.*

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

B3. Design for Coherency. Integrate the different parts of a building to achieve a coherent design.

Findings for B2 and B3: Elements of the proposal include detailing that will ensure compatibility and integration with the existing architectural style of the 50’s one-story modernist building. Features such as the flat roof with deep overhangs, horizontally oriented brick coursing, and windows emphasize the linear quality of the building. The proposed storefront alteration features horizontally proportioned divided lite 3 over 4 windows. The addition of the new storefront window to the eastern portion of the façade will provide a distinct modern interpretation and a new identity to re-create the previous symmetrically composed façade.

The recessed alcove entryway will be altered by filling in the recess with the storefront and door, thus the façade character will be altered, bringing back its original symmetry. Since the dominant character of the building is composed of smooth linear plane walls, the proposal will be consistent and supportive of

the overall architectural modern style of the building. Wood replacement windows will replace existing steel framed windows. With the addition of an entire wood frame storefront and window system on the south and east facade, the proposal will convey warmth and overall consistency. *Therefore these guidelines are met.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The 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 alterations to an existing one-story building in the Gateway Plan District at the corner of NE 103rd Place and NE Halsey Street. Approval of a storefront alteration that includes infill of one recessed entryway to match the existing alterations made in 2013. This alteration will be symmetrical in location, size and style to the entrance on the western end of the facade and will consist of a new door and a storefront system consisting of true divided light wood windows.

Approval of wood replacement windows along the east elevation.

Approval per the approved site plans, Exhibits C-1 through C-10, signed and dated December 19, 2016, subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.10. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-268022 DZ. No field changes allowed."

Staff Planner: Cassandra Ballew

Decision rendered by:  **on December 19, 2016.**

By authority of the Director of the Bureau of Development Services

Decision mailed: December 21, 2016

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 November 2, 2016, and was determined to be complete on November 9, 2016.

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 November 2, 2016.

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.

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 4, 2017** 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 must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, the final decision may be recorded on or after **January 5, 2017**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034

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.

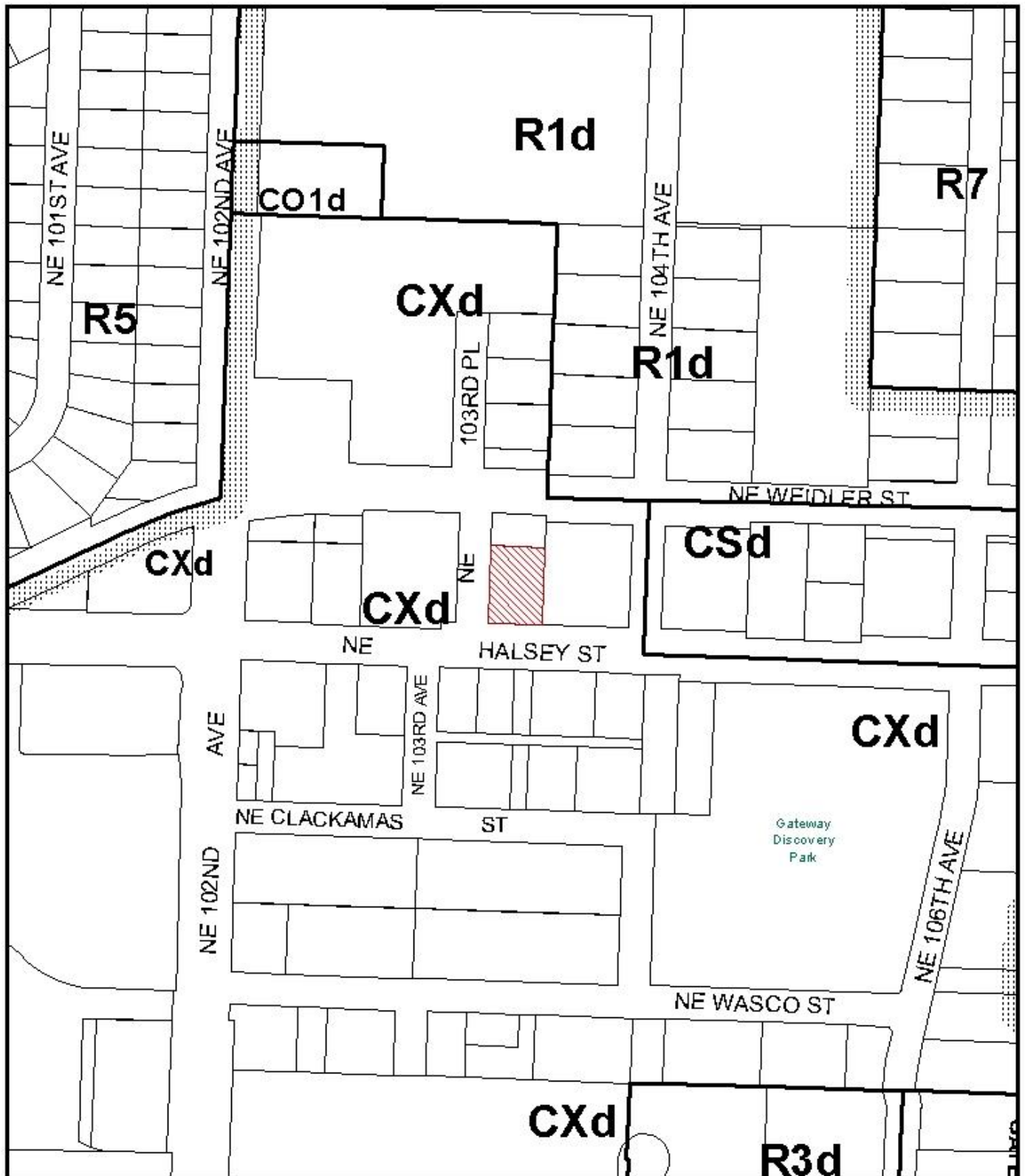
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Administrative Documents
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. North Elevation
 - 3. South Elevation (attached)
 - 4. East Elevation (attached)
 - 5. West Elevation
 - 6. Storefront Section A
 - 7. Storefront Section B

8. Window Detail
 9. Wood Window Cut sheet
 10. Site Photos
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Bureau of Life Safety
 2. Fire Bureau
 3. Bureau of Environmental Services
 4. Bureau of Transportation Engineering and Development Review
 5. Site Development Section of BDS
- F. Correspondence: N/A
- G. Other:
1. Original LU Application
 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

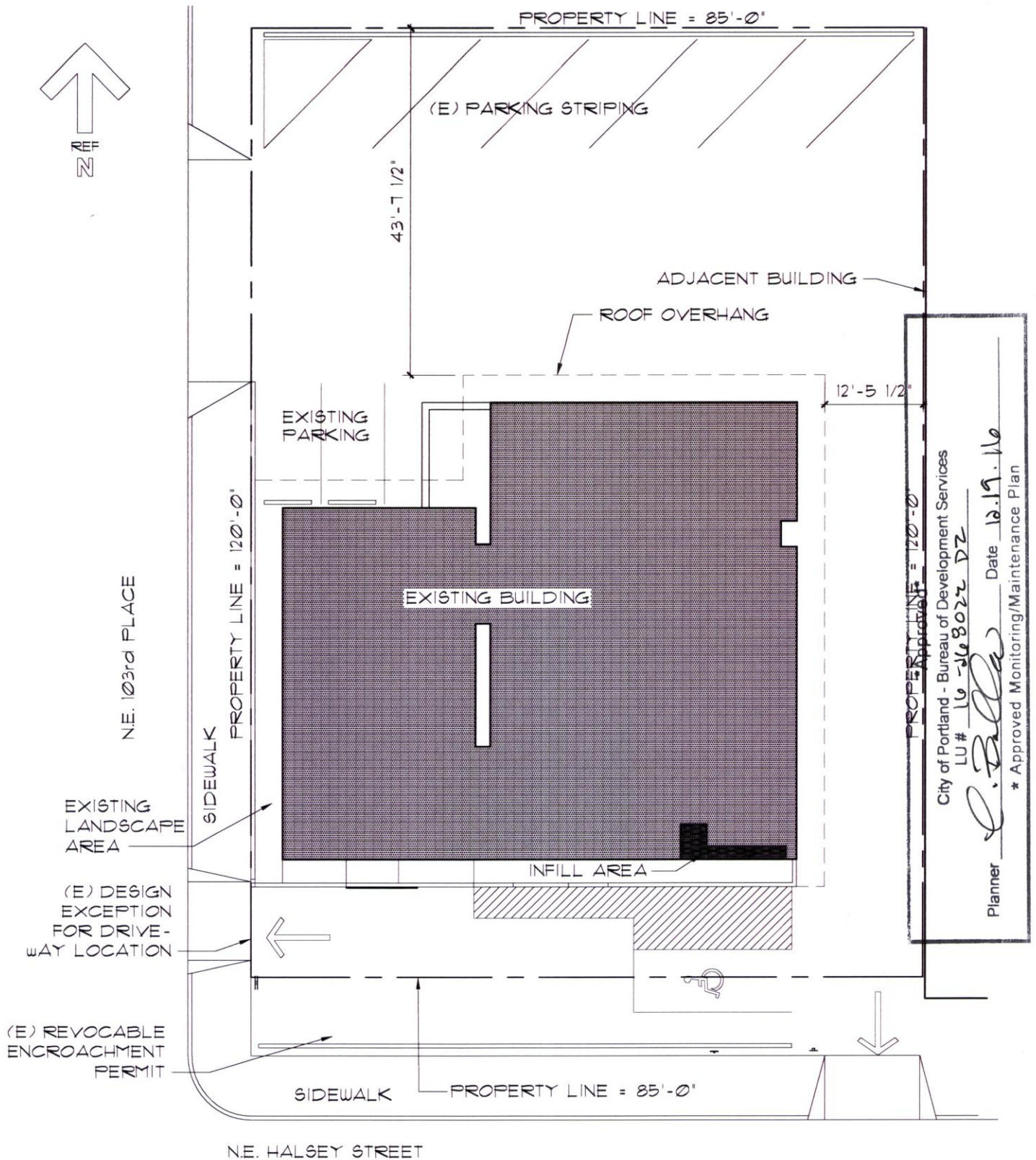


This site lies within the:
GATEWAY PLAN DISTRICT

 Site

File No.	LU 16-268022 DZ
1/4 Section	2841
Scale	1 inch = 200 feet
State_Id	1N2E27CC 6400
Exhibit	B (Nov 07, 2016)

EXHIBIT C-1



City of Portland - Bureau of Development Services

LU # 16-268022 DZ

Planner *C. Baller* Date 10.19.16

* Approved Monitoring/Maintenance Plan

LU16-2680220Z

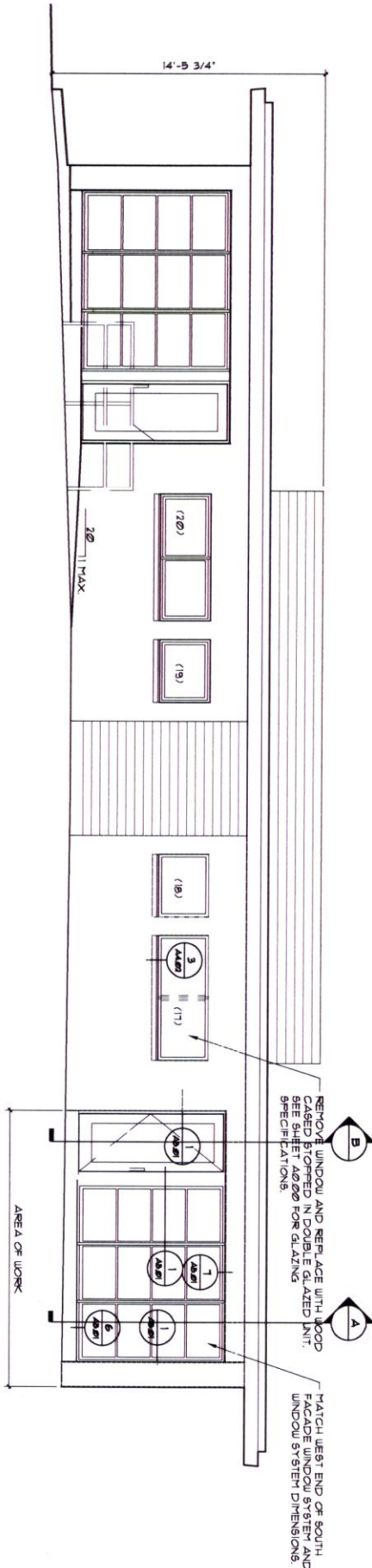
Gateway Dental Building

KEYSTONE Architecture Planning and Project Management LLC
T: 503-761-1362 F: 503-760-0534

1/16" = 1'-0"
10/20/16

EXHIBIT C-3

Approved	
City of Portland - Bureau of Development Services	
Planner	LU # <u>16-268022-DZ</u>
Date	<u>12.19.16</u>
* Approved Monitoring/Maintenance Plan	



SOUTH ELEVATION

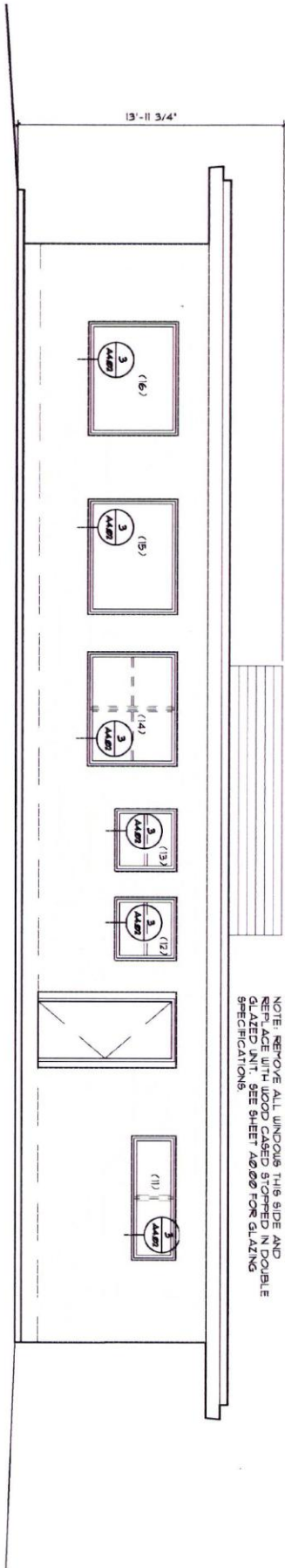
Gateway Dental Building

KEYSTONE Architecture Planning and Project Management LLC
T: 503-761-1362 F: 503-760-0534

1/16" = 1'-0"
10/20/16
16-268022-02

EXHIBIT C-4

Approved	
City of Portland - Bureau of Development Services	
LU # <u>16-268022-DZ</u>	
Planner <u>C. Bulce</u>	Date <u>12.19.16</u>
* Approved Monitoring/Maintenance Plan	



NOTE: REMOVE ALL WINDOWS THIS SIDE AND
REPLACE WITH WOOD CASSED STOPPED IN DOUBLE
GLAZED UNIT. SEE SHEET A000 FOR GLAZING
SPECIFICATIONS

EAST ELEVATION

Gateway Dental Building

KEYSTONE Architecture Planning and Project Management LLC
T: 503-761-1362 F: 503-760-0534

1/16" = 1'-0"
10/20/16