



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

Charlie Hales, Mayor
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: April 15, 2013
To: Interested Person
From: Chris Beaney, Land Use Services
503-823-6979 / Chris.Beaney@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 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 13-115564 DZ, STOREFRONT REMODEL

GENERAL INFORMATION

Representative: Blane Skowhede / Keystone Architecture Planning And Project Management
12020 SE Idleman Rd / Portland OR 97086

Owner: Josef Sedivy, Gateway Dental
10305 NE Halsey St / 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
State ID No.: 1N2E27CC 06400
Quarter Section: 2841
Neighborhood: Parkrose Heights, contact Pete Natwick at 503-493-3612.
Business District: Gateway Area Business Association, Fred Sanchez at 503-256-3910.
District Coalition: East Portland Neighborhood Office, 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 two existing recessed entryways on the front façade facing NE Halsey Street. The infill areas would add square footage to the building, however, the existing footprint will remain the same. The two additions are located symmetrically on the façade and will consist of new doors and a storefront system consisting of true divided light wood windows. In addition, the proposal includes replacement of existing windows on the north, south, and west elevations to wood windows.

Because the proposal is for an exterior alteration to a building within a design overlay, Design Review is required.

Relevant Approval Criteria:

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

- Gateway Regional Center Design Guidelines
- 33.526 Gateway Plan District

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 Design Overlay Zone (d) promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. 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 or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

Land Use History: City records indicate there are prior land use reviews for this site:

- LU 07-152345 DZ, design review approval for alteration to roof.
- LU 08-157125 DZ, design review approval of mechanical screening, and storefront alteration.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **March 4, 2013**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Bureau of Parks Urban Forestry Division

The Bureau of Transportation responded with the following comment: "The value of the project has the potential to trigger dedications and frontage improvements that will be conditions of building permit approval." Please see Exhibit E-1 for additional details.

The Life Safety Plans Examiner with BDS responded with the following comment: “A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances”, and “Landings are required on both sides of a doorway. The landings must be as wide as the doorway and at least 44 inches long in the direction of travel. The landing must be level, except the exterior landing may have a slope of not more than 2 percent, the door threshold must be not more than ½ inch higher than the landing surface on both sides”. Please see Exhibit E-2 for additional details.

The Fire Bureau responded with the following comment: “All applicable Fire Code requirements will apply at time of permit review and development”. Please see Exhibit E-3 for additional details.

The Site Development Review Section of BDS responded with the following comment: “Sewer not available in Halsey until 1993. Building has a cesspool and multiple rain drains. Based on 1996 plumbing record, abandoned cesspool is used for storm disposal and cesspool is likely located on the north side of the building”. Please see Exhibit E-4 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 4, 2013. 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 reviewed 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 2 areas 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. Currently the large lobby window glazing on either end of the façade does not include divided lites; the proposal will replace the single pane glass to a three over four true divided lite window on either end. Larger storefront windows and a glazed door at either end of the façade 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 vinyl and steel windows along the north, south and west elevations 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 storefront windows provide a distinct modern interpretation and new identity to the symmetrically composed façade.

The recessed alcove entryways will be altered by filling in the recess with the storefront and door, thus the façade character will be altered. 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 vinyl and steel frame windows. With the addition of an entire wood frame storefront and window system amongst all facades, 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.

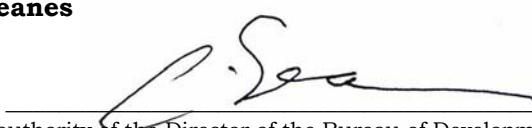
ADMINISTRATIVE DECISION

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 two recessed entryways. The two additions are located symmetrically on the façade and will consist of new doors and a storefront system consisting of true divided light wood windows. Approval of wood replacement windows along the north, west, and south elevations.

Approval per the approved site plans, Exhibits C-1 through C-5, signed and dated April 9, 2013, 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.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-115564 DZ. No field changes allowed."

Staff Planner: Chris Beanes

Decision rendered by:  **on April 12, 2013**
By authority of the Director of the Bureau of Development Services

Decision mailed: April 15, 2013

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 13, 2013, and was determined to be complete on **February 27, 2013.**

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 13, 2013.

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 April 29, 2013** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 **April 30, 2013**.
- 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. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevations (attached)
 - 3. Storefront Section (attached)
 - 4. Window Detail (attached)
 - 5. Marvin Wood Direct Glaze Section Details, WDGp WDGRT-5 (attached)
 - 6. Full Size Elevation Set

D. Notification information:

1. Mailing list
2. Mailed notice

E. Agency Responses:

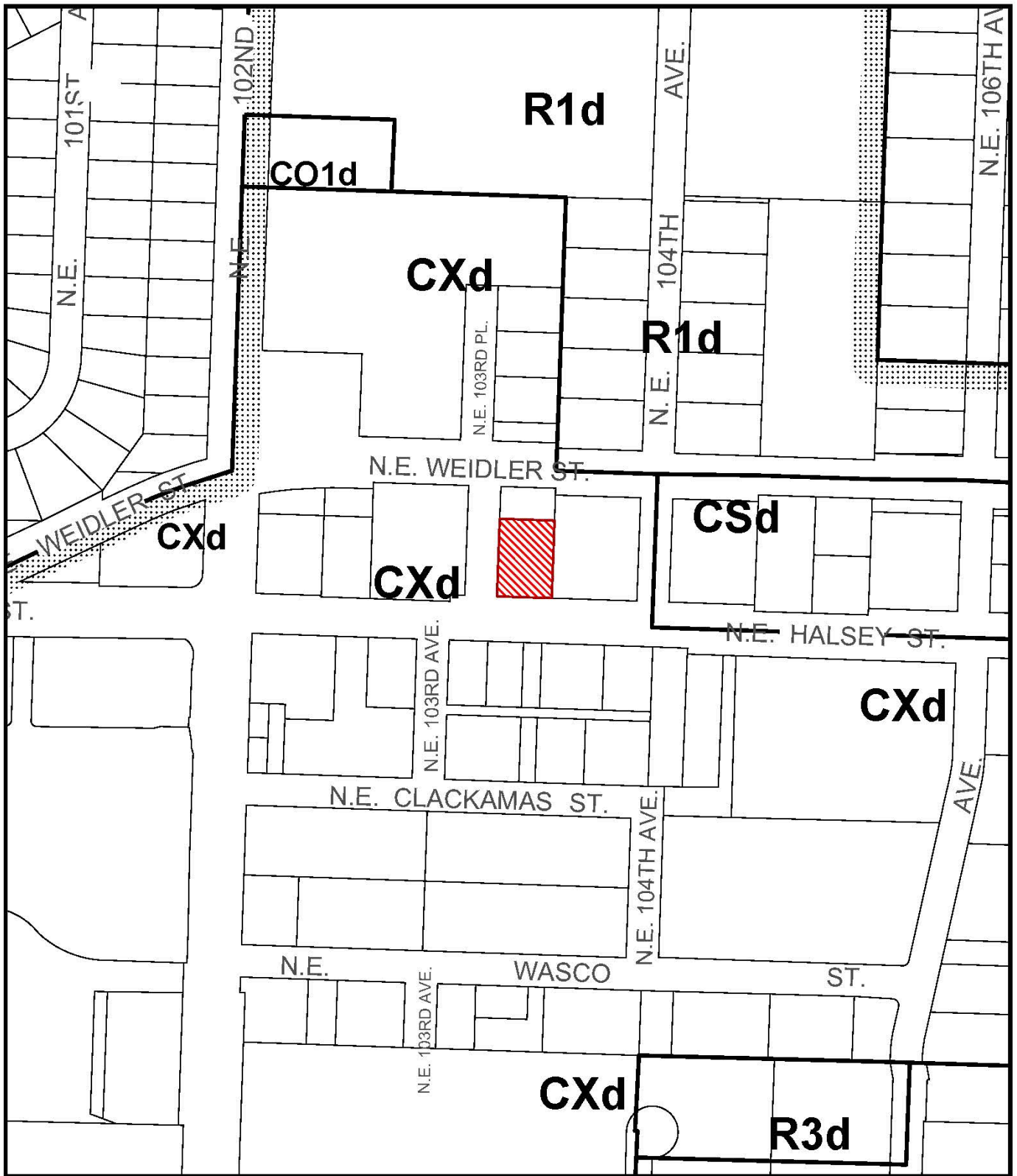
1. Portland Bureau of Transportation
2. Life Safety Plans Examiner with BDS Water Bureau
3. Fire Bureau
4. Site Development Section of BDS

F. Correspondence: none received

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



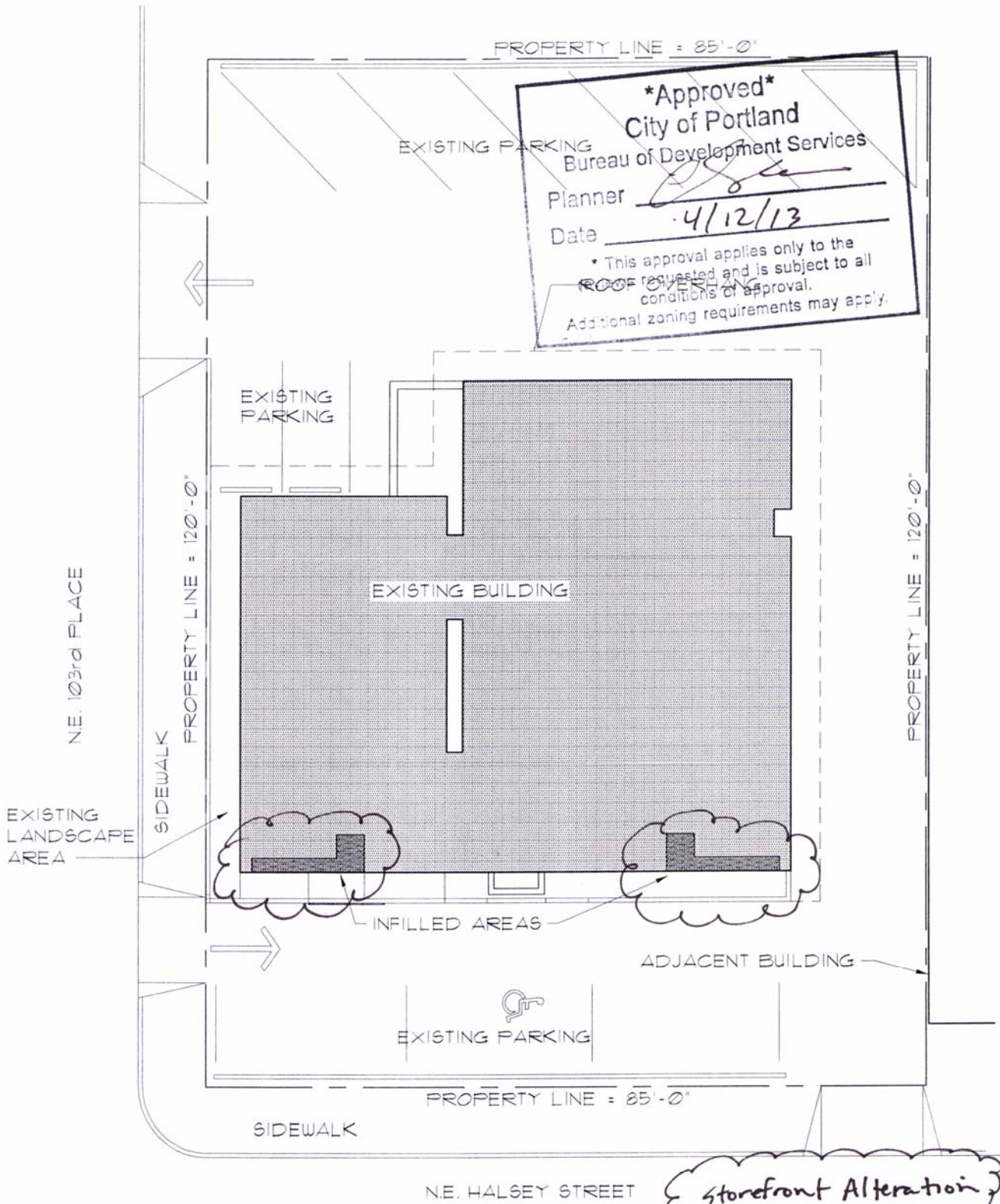
Site



NORTH

This site lies within the:
GATEWAY PLAN DISTRICT

File No. LU 13-115564 DZ
 1/4 Section 2841,2941
 Scale 1 inch = 200 feet
 State_Id 1N2E27CC 6400
 Exhibit B (Feb 14,2013)



Gateway Dental

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

CASE NO. B-115564DZ

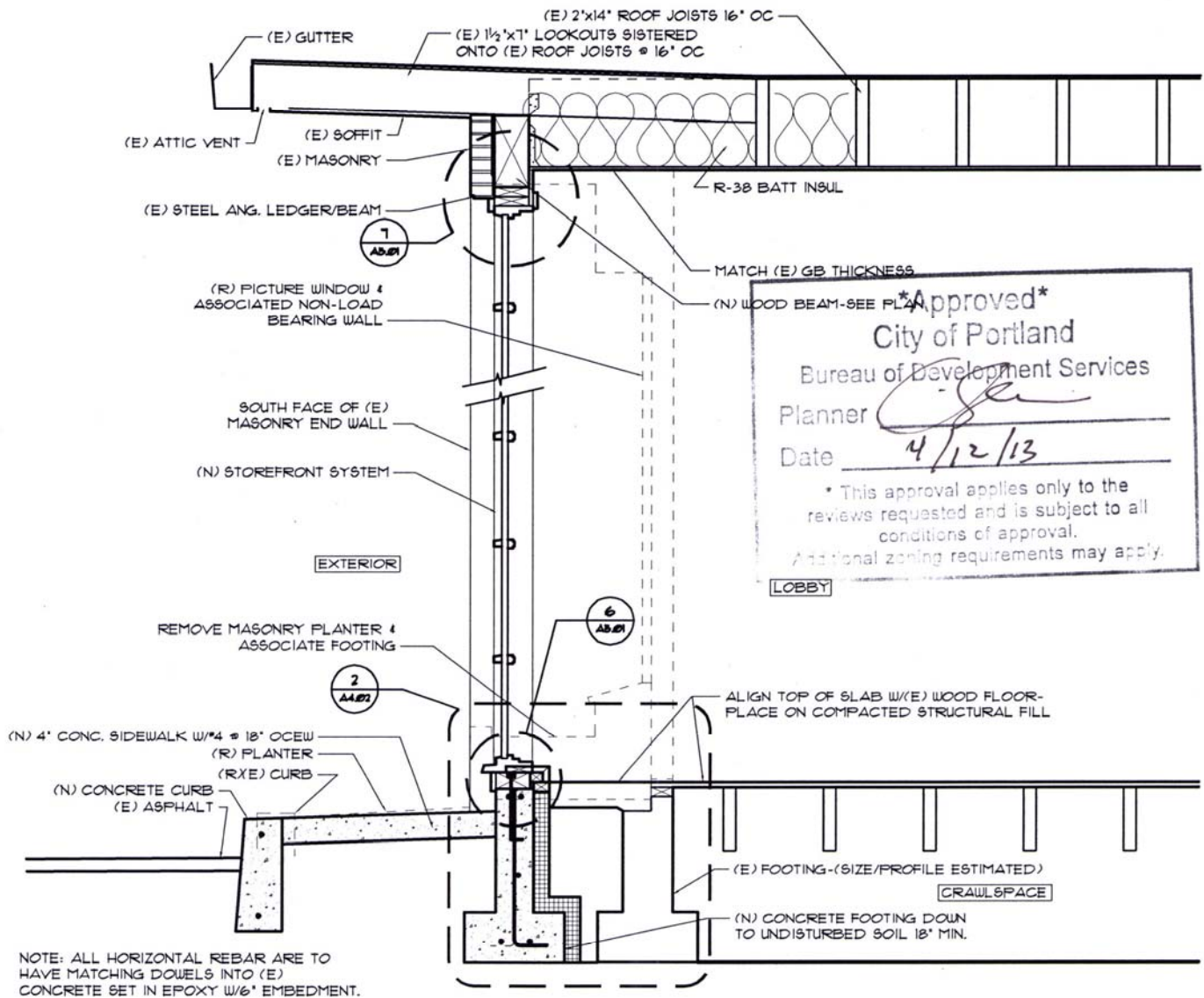
EXHIBIT C.1 SITE PLAN

1/16" = 1'-0"

1/16/13

LN 13-115564DZ

LN 13-115564 DE



CASE NO. 13-115564 D2
EXHIBIT C-3

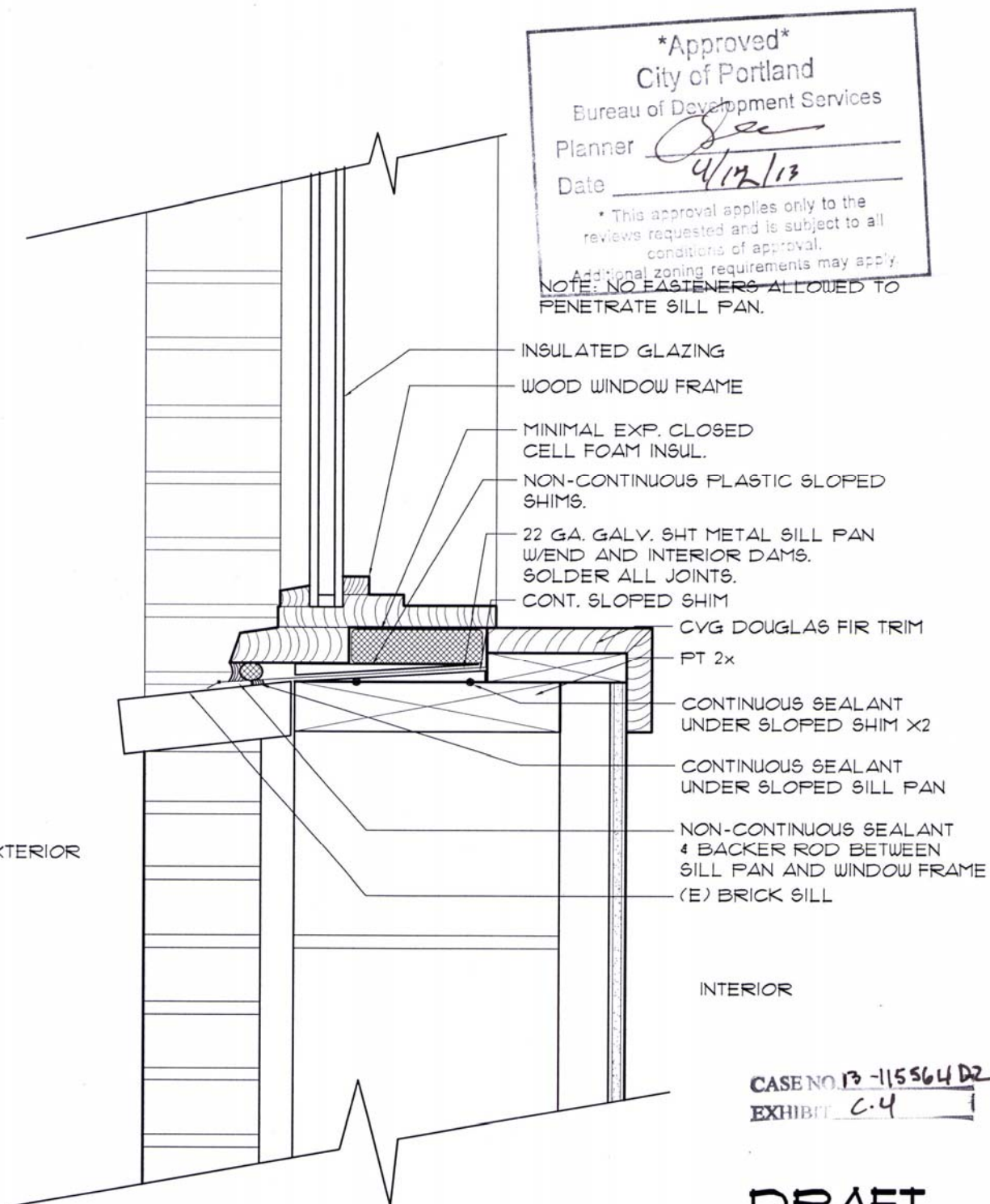
Gateway Dental

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

SECTION A

1/2" = 1'-0"

4/11/13



DRAFT

Gateway Dental

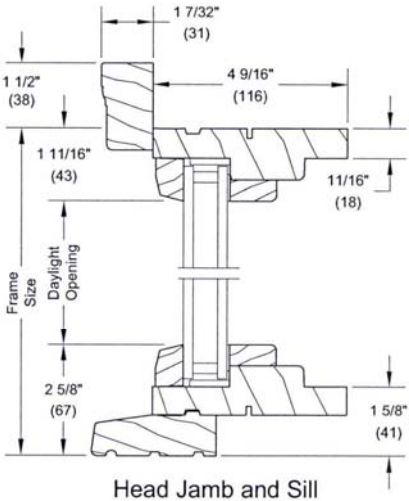
KEYSTONE Architecture Planning and Project Management LLC
 T: 503-761-1362 F: 503-760-0534

Window Detail
 1 1/2" = 1'-0"
 2/26/13

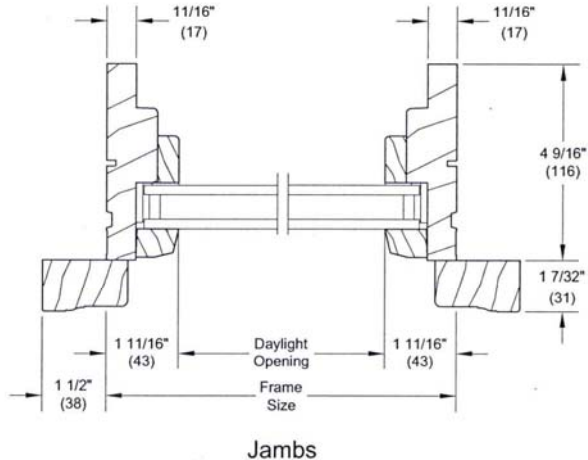
Wood Direct Glaze Polygon and Round Top

Section Details: Wood Direct Glaze Polygon

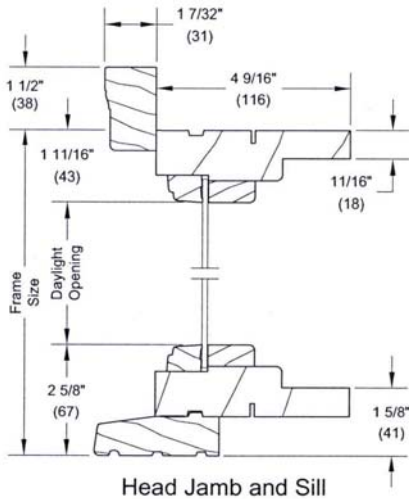
Scale: 3' = 1' 0"



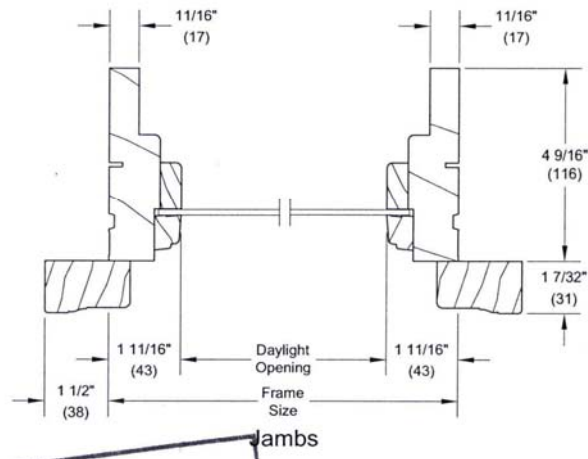
Insulating Glass



Jams



Single Glaze



Jams



CASE NO. 13-118564DZ
EXHIBIT C-5