



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: September 17, 2008
To: Interested Person
From: Shawn Wood, 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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-141883 DZ

GENERAL INFORMATION

Applicants: Matthew Scheidegger (Owner's Representative)
CES NW, Inc
15573 SW Bangy Rd, #300
Lake Oswego, OR 97035

Willing Co. (Owner)
1470 SW Woodward Way
Portland, OR 97225

Site Address: SW 4th Avenue and SW Market (Surface Parking Lot/Vacant)

Legal Description: LOT 1-8 BLOCK 151, PORTLAND
Tax Account No.: R667715080
State ID No.: 1S1E03BC 04100
Quarter Section: 3129
Neighborhood: Downtown Cmty Assoc., contact Jennifer Geske at 503-750-9843.
Business District: Downtown Retail Council, contact Portland Business Alliance at 503-224-8684.

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - University District
Zoning: Central Commercial with Design Overlay (CXd)
Case Type: Design Review (DZ)
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant requests design review approval for the construction of a series of retaining walls surrounding an existing surface parking lot. The walls will be constructed of a mix of dry stacked stone and mortared stone. The new walls replace an existing stone wall originally constructed in 1865. This wall has been partially demolished due to safety concerns following the wall's recent failure. Due to the uneven nature of the existing stone, its reuse in the project is limited to a wall containing an historic plaque, as well as throughout the new walls and at

select locations as pavers. The project also includes lighted pedestrian connections (stairs) as well as both interior and perimeter parking lot landscaping.

New development in the design overlay requires design review.

Relevant Approval Criteria:

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

- 33.825, Design Review
- Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: A surface parking lot occupies this full block site, bounded by SW Mill Street, SW 5th Avenue, SW Market Street, and SW 4th Avenue. The southwest corner of the property and the area along SW 5th Avenue is approximately at street grade level. However, the site slopes to the northeast, and until recently was supported by a retaining wall along SW Market, SW 4th Avenue, and SW Mill Street.

The retaining wall was completed in 1865 and was originally constructed primarily of ballast stones. From 1865 to 1970 the site contained a chapel and dormitory. The property was sold in 1970, at which time the buildings on the site were demolished and the site was converted to a surface parking lot. The retaining wall that surrounded the site was listed on Portland's Historic Resources Inventory. The wall was significant in the areas of Landscape Architecture and Religion in association with the Sisters of the Holy Names of Jesus and Mary. A severe crack appeared in the wall in January of 2008. At that time the wall was excavated and reduced to a safe level as a temporary measure, while detailed reconstruction plans could be developed.

Portland's *Transportation System Plan* classifies SW 5th Avenue as a Regional Transitway and a Central City Transit Pedestrian Street. SW Market Street is designated as a Traffic and Transit Access Street. SW 4th Avenue is a Traffic Access Street and City Walkway. All of the streets surrounding the site are considered Local Service Bikeways and the site is located within the Downtown 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.

The design (d) overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. 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.

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

- **DZ 24-81** (reference file # 81-004557): Design review approval for a new mixed-use building that was never constructed.
- **CU 070-81** (reference file # 81-002777): Conditional Use approval for 381 parking spaces and a mixed-use building that was never constructed.
- **CU 001-82** (reference file # 82-000472): Conditional Use approval for 502-space parking structure associated with new mixed use building that was never constructed.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **August 13, 2008**. The following Bureaus have responded with no issues or concerns:

- Portland Fire & Rescue
- Portland Water Bureau

The Bureau of Transportation Engineering & Development Review responded with the following comment:

“Portland Transportation/Development Review has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.

STREET CLASSIFICATION

The site has frontages along four streets, SW 4th and 5th Avenues, as well as along SW Mill and Market Streets. At this location, the City’s Transportation System Plan classifies the streets as follows:

SW 4th Avenue = Traffic Access street, City Walkway, Community Main street and a Local Service Street for all other modes.

SW 5th Avenue = Regional Transitway, Central City Transit/Pedestrian street, Community Main street and a Local Service Street for all other modes.

SW Mill Street = Community Corridor street and a Local Service Street for all other modes.

SW Market Street = Traffic Access street, Transit Access street and a Local Service Street for all other modes.

The site is also located within the Downtown Pedestrian District.

DESIGN REVIEW APPROVAL CRITERIA

There are no applicable transportation related approval criteria associated with the proposed project.

TITLE 17 REQUIREMENTS

Transportation System Development Charges (Chapter 17.15)

System Development Charges (SDCs) may be assessed for this development. The applicant can receive an estimate of the SDC amount prior to submission of building permits by contacting Rich Eisenhauer at (503) 823-6108.

Driveways and Curb Cuts (Section 17.28)

Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits. It should be noted that the applicant has shown access to the parking lot via a driveway/existing curb cut along SW 5th Avenue, as it has always been located. The driveway location will be allowed as a non-conforming situation since, pursuant to Map 510-9 of the Central City Plan District would otherwise prohibit such access. The applicant is advised that Portland Transportation staff would be supportive of changing the access point (eliminating the driveway along SW 5th) to a driveway along SW Mill Street. Aside from reducing potential impacts with the Street Car line and new Light Rail line along SW 5th Avenue, another advantage to patrons of the parking lot would be direct access to SW 6th Avenue and beyond. Currently, patrons of the parking lot cannot turn west-bound from SW 5th Avenue.

In association with the existing driveway along SW 5th Avenue, Portland Transportation has identified a potential conflict resulting from the proposed parking lot circulation plan. As

shown, there are no end aisles proposed towards the eastern end of the parking lot. If a potential patron enters the southern-most aisle in the parking lot and is unable to find an available parking stall, there is insufficient area to maneuver and turn-around in order to search for another spot to park. This patron would be forced to back out of the aisle, potential creating conflicts for other patrons attempting to enter to lot, which potentially could impact the Street Car line (especially) along the east side of SW 5th Avenue. To avoid these potential conflicts, Portland Transportation staff will require the applicant to provide an end aisle *at least* between the southern-most aisle and the middle aisle.

RECOMMENDATION

Portland Transportation has no objections to the proposed Design Review, subject to the applicant providing an end aisle *at least* between the southern-most aisle and the middle aisle to provide better circulation than proposed and to avoid potential conflicts internal and external to the parking lot. The applicant shall change the submitted plan to reflect the end aisle(s) as part of the permit process.”

Please see Exhibit E.1 for additional details.

The Bureau of Environmental Services responded with the following comment:

“BES Summary of Response: BES has no objections to the proposal. See comments below.

Sanitary Services

1. There are several City-owned sanitary gravity mains near this property. There is a City-owned 12-inch VSP sanitary gravity main in SW Mill St. (BES as-built 2-0222). There is a City-owned 12-inch CSP sanitary gravity main in SW 4th Avenue (BES as-built 2496). There is a City-owned 12-inch VSP sanitary gravity main in SW Market St. (BES as-built 2-0224).
2. The submitted site plan does not existing or proposed sanitary services; it appears the development, the existing parking lot, does not have them and does not need them.

Stormwater Management & Water Resources

The stormwater runoff generated from the proposed development must meet the requirements of the City of Portland’s Stormwater Management Manual (SWMM) current at the time of building plan review. For all projects, the Stormwater Destination/Disposal Hierarchy must be addressed. *The current 2004 SWMM has been revised and a new (2008) version of the SWMM will be officially adopted August 1, 2008. Use of the new 2008 SWMM will be optional between August 1, 2008 and September 30, 2008. As of October 1, 2008 the new 2008 SWMM will be required for all new permits.* This project will be required to comply with the manual that is current at the time of building plan application. The applicant may contact BES with any questions or for additional information. The 2004 and 2008 SWMMs can be found at: <http://www.portlandonline.com/bes/> under "Publications" (select "Manuals").

1. There are several storm-only mains near this property. There is a 24-inch CSP storm-only main in SW Mill St. (BES as-built 2666). There is a City-owned 24-inch CSP main in SW 4th Avenue (BES as-built 2496). There is a City-owned 24-inch CSP in SW Market St. (BES as-built 2798).
2. The Preliminary Site Plan (sheet 3 of 4) attached to the public notice does not included detailed stormwater management information. The Preliminary Grading and Utility Plan (sheet 4 of 4) shows existing storm-only mains described in #1; and the site plan shows a new lateral connection to the existing 24-inch storm-only main in SW Market St. It is acceptable to BES to connect to the existing storm-only main. The applicant must obtain the appropriate permits.

3. Please note that when over 500 feet of impervious area is added or redeveloped the SWMM requirements apply. It appears that the proposed development involves changes that appear to have less than 500 feet of new or redeveloped impervious area.
4. **The SWMM requires that stormwater be managed on-site through surface infiltration facilities to the maximum extent practicable.** Where approved by BDS Site Development, roof runoff may be managed in drywells or soakage trenches, and surface (i.e. parking lot, driveway and other ground-level impervious area) runoff must be managed in surface infiltration facilities. Pollution reduction is required for all non-rooftop runoff, and all runoff that is not infiltrated on site. A disposal location for stormwater must be identified for any size development. PLEASE NOTE: Constraints based on small lot size is not considered a basis for waiving any requirements of the 2004 SWMM.
5. BDS Site Development does not recommend infiltration at this site. See comments dated 8/28/08.

Conditions of Approval

BES has no conditions of approval

Additional Information

1. BES sewage system connection fees are assessed at the time of building plans review and change every fiscal year beginning July 1st. For additional information on these fees, please call Development Assistance at 503-823-7761.
2. Clean River Rewards, Portland's stormwater discount program, arrived in Fall 2006. The program offers discounts up to 100% of the City's on-site stormwater management charge to ratepayers who manage stormwater runoff on their property. The discount is calculated on a sliding scale for how much and how well properties manage stormwater on-site. To qualify, you will need to register your property and describe how you manage stormwater runoff. The Bureau of Environmental Services is offering workshops to ratepayers who want to learn more about stormwater management, and want to get the most out of the stormwater discount program. To learn more about the program and discounts, go to www.cleanriverrewards.com.

Building Permit Issues

1. When over 500 feet of impervious area is added or redeveloped, building plans must include a detailed site utility plan which shows proposed and existing sanitary connections, and existing and proposed stormwater management systems that meet the requirements of the SWMM in effect at the time of permit submittal.
2. A permit is required for the new lateral connection to the existing storm-only main in SW Market St.

Please see Exhibit E.2 for additional details.

The Life Safety (Building Code) Section of the Bureau of Development Services 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. 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, between the hours of 7:30 AM and 3:00 PM Monday through Friday and also 5:00 PM to 7:30 PM Thursday evening (no appointment necessary.) Building Code information is also available online at: <http://www.portlandonline.com/bds/>, or by calling (503) 823-1456. The construction as proposed may not meet prescriptive lateral design requirements. A lateral design analysis by an Architect or Engineer licensed in Oregon and based on the 2004 Oregon Structural Specialty Code may be required. ORSC R104.11. Please bring in plans and see a plans examiner so a determination can be made.”

Please see Exhibit E.3 for additional details.

The Urban Forestry Division of Portland Parks & Recreation responded in TRACS with the following comment: “street trees will be required to mitigate prior loss of trees on the property.”

The Site Development Section of the Bureau of Development Services responded in TRACS with the following comment: “Site Development has no objection to this Design Review proposal. Additional information regarding retaining wall construction will be required at the time of building permit review, and an erosion control plan that complies with the City of Portland Erosion and Sediment Control Manual will be required at that time. On-site infiltration of stormwater is not recommended on this site due to fill and modified soil conditions. Please refer to the response from BES for additional information and requirements pertaining to stormwater for this proposal. Please direct any questions to George Helm, (503) 823-7201.”

Neighborhood Review: A “Notice of Proposal in Your Neighborhood” was mailed on **August 13, 2008**. 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 Central City Fundamental Design Guidelines.

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City.

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 City Plan Design Goals

This set of goals has been developed to guide development throughout the Central City. The goals apply within the eight Central City sub-districts, or policy areas. The nine goals for design review within the Central City and its sub-districts 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 that is safe, humane and prosperous; and
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.

A2. Emphasize Portland Themes. When provided, integrate Portland-related themes with the development's overall design concept.

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

A5. Enhance, Embellish, and Identify Areas. Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

Findings for A2, A4 and A5: The subject site was the original site of St. Mary's Academy and the original retaining wall surrounding the site was constructed in 1865 using stones that were used as ballast for ships bringing cargo to the Portland area. Over the last 143 years, portions of the northern and eastern walls began to fail creating a dangerous environment surrounding the site and making it necessary to reconstruct the walls. Thus, the proposal includes the reconstruction of the rock walls surrounding the site. The uneven nature of the original stone prevents the reconstruction of the walls entirely of this material. However, the current design proposal integrates the memory of the original wall, with a historic plaque at the corner of SW 5th and Market. The plaque will be mounted within a wall wholly constructed of the rock recovered from the original wall.

The proposal will improve the pedestrian environment on and around the site, unifying it with the desired pedestrian character of the area. Lower dry-stacked walls with landscaped terraces will be incorporated along the SW 4th Ave, Market Street and Mill Street sidewalks. A new stairway will also be built along SW 4th Ave, increasing the pedestrian connections to the site. Generous amounts of landscaping, including new trees will be added to the site and a decorative metal fence will be installed at the perimeter of the parking lot. *Therefore, these guidelines are met.*

A7. Establish and Maintain a Sense of Urban Enclosure. Define public rights-of-way by creating and maintaining a sense of urban enclosure.

Findings: The proposed rock wall design will successfully define the public rights-of-way surrounding the site. The walls have been designed so that a taller mortared wall will retain the site, while a shorter dry-stacked wall, adjacent to the sidewalks at Market, Mill and 4th, will create a more human-scaled environment along the pedestrian path. The area between these two walls will be landscaped with scrubs and trees, adding to the sense of urban enclosure along this site. *Therefore, these guidelines are met.*

B1. Reinforce and Enhance the Pedestrian System. Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system

through superblocks or other large blocks.

B2. Protect the Pedestrian. Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.

B3. Bridge Pedestrian Obstacles. Bridge across barriers and obstacles to pedestrian movement by connecting the pedestrian system with innovative, well-marked crossings and consistent sidewalk designs.

B4. Provide Stopping and Viewing Places. Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

Findings for B1, B2, B3 and B4: The proposal will foster a safe and well-defined pedestrian environment surrounding the site. The proposed rock wall design allows for plantings and trees along the pedestrian environment, which will function to enhance pedestrian comfort and interest when utilizing the walkways surrounding the site. Additionally, the proposal will increase pedestrian access to the site via the new stair at SW 4th and Mill, and improved pedestrian access at SW 5th and Market. Sidewalk-oriented lighting will be installed at the stairs to increase the nighttime safety. A small public area is proposed at the corner of SW 5th and Mill, containing a plaque commemorating the history of the site set within an area of the wall built entirely out of stone from the original wall. This public area will add to the vitality of the sidewalk environment by creating a comfortable place, just off the pedestrian path, where people can stop and socialize. *Therefore, these guidelines are met.*

C2. Promote Quality and Permanence in Development. Use design principles and building materials that promote quality and permanence.

C5. Design for Coherency. Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

Findings for C2 and C5: The proposal incorporates design principles and materials that will promote the quality of the site. The proposed walls will be constructed of high-quality stone, a portion of which has been recovered from the original wall. The higher, mortared rock wall will retain the site, while the shorter, dry-stacked rock wall will add a more human scale to the adjacent sidewalk environment. The proposal will also add generous amounts of interior and perimeter landscaping to the site. In addition, a decorative metal fence will extend around the majority of the parking area, further mitigating potential negative effects of the surface parking lot and increasing the coherency of the site. *Therefore, these guidelines are met.*

C12. Integrate Exterior Lighting. Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.

Findings: Die-cast aluminum lights will be installed at the within the proposed rock wall. This path lighting will highlight portions of the new wall, and will enhance the safety of the pedestrian environment at night without impacting the skyline. *Therefore, this guideline is 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.

Due to the fact that the alterations to the site are the result of a failing wall, development standards such as parking lot landscaping area do not need to be met. However, due to the loss of existing trees during demolition and site stabilization, tree diameter lost must be replaced as part of this project.

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 rock retaining wall, lighting, landscaping, and stone pavers per the approved plans, Exhibits C.1 through C.15, signed and dated September 15, 2008, subject to the following conditions:

- 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.15. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-141883 DZ. No field changes allowed."



Decision rendered by: _____ **on (September 15, 2008)**

By authority of the Director of the Bureau of Development Services

Decision mailed: September 17, 2008

Staff Planner: Shawn Wood

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 June 30, 2008, and was determined to be complete on August 7, 2008.

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 June 30, 2008.

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 October 1, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., 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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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 **October 2, 2008 – (the day following the last day to appeal).**
- 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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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. Planting Plan (attached)
 3. Grading & Utility Plan
 4. Elevations (attached)
 5. Wall Sections (typical)
 6. Wall Section (at beech tree)
 7. Stair Section/East Elevation
 8. Stair Section/West Elevation
 9. Stair North Elevation
 10. Stair Section/Elevation – 5th and Market
 11. Fence/Lighting Cutsheets
 12. Photo Simulation – SW 4th Ave
 13. Photo Simulation – Corner of SW 4th & SW Market
 14. Photo Simulation – Corner of SW 5th & SW Market

15. Photo Simulation – Corner of SW 5th & SW Mill

D. Notification information:

1. Mailing list
2. Mailed notice

E. Agency Responses:

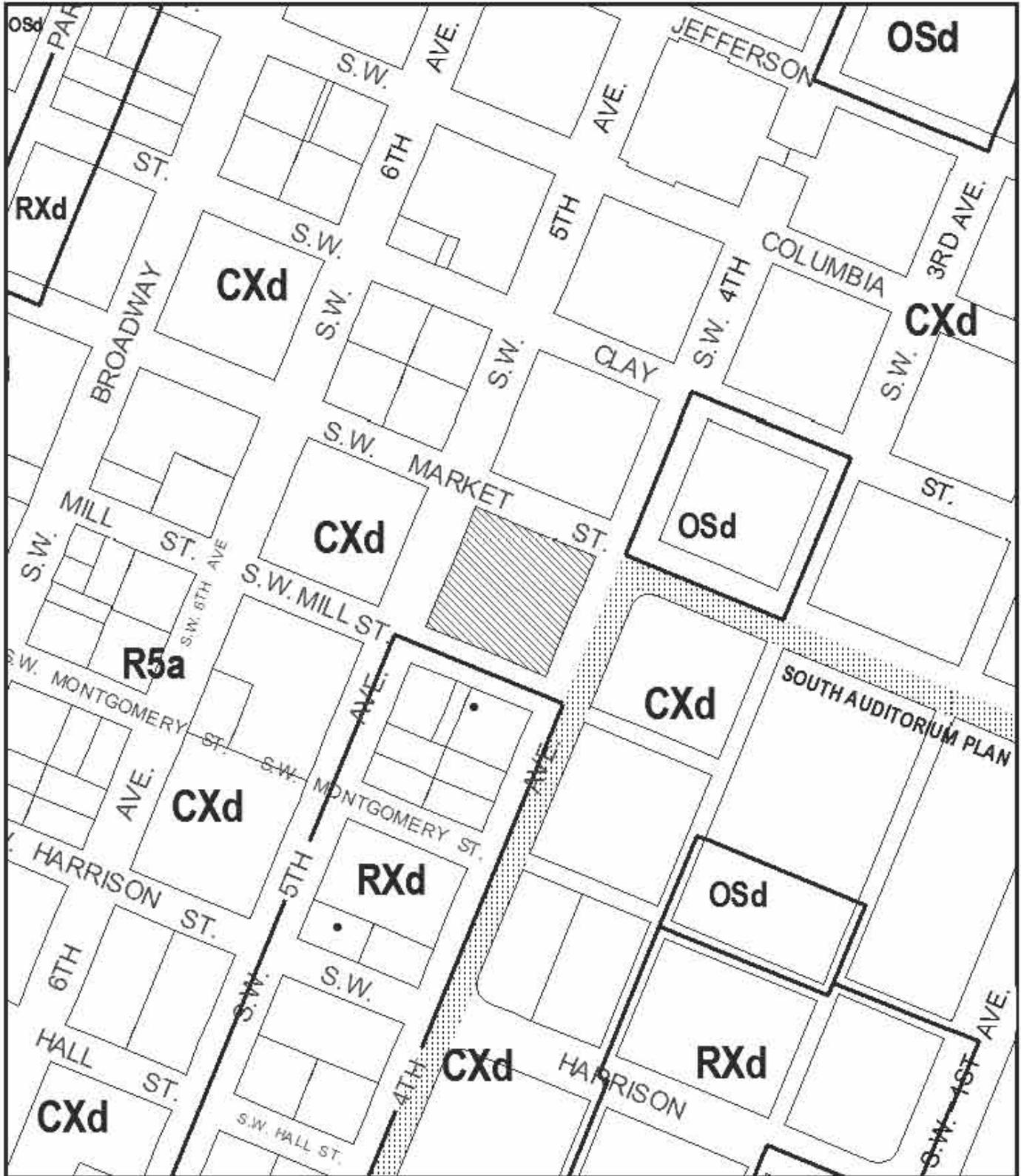
1. Bureau of Transportation Engineering and Development Review
2. Bureau of Environmental Services
3. Life Safety (Building Code) Review Section of BDS

F. Correspondence: None Received

G. Other:

1. Original LU Application
2. Site History Research - None
3. Incomplete Letter

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING

 Site

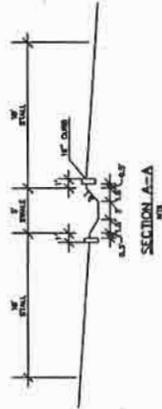
 Historic Landmark



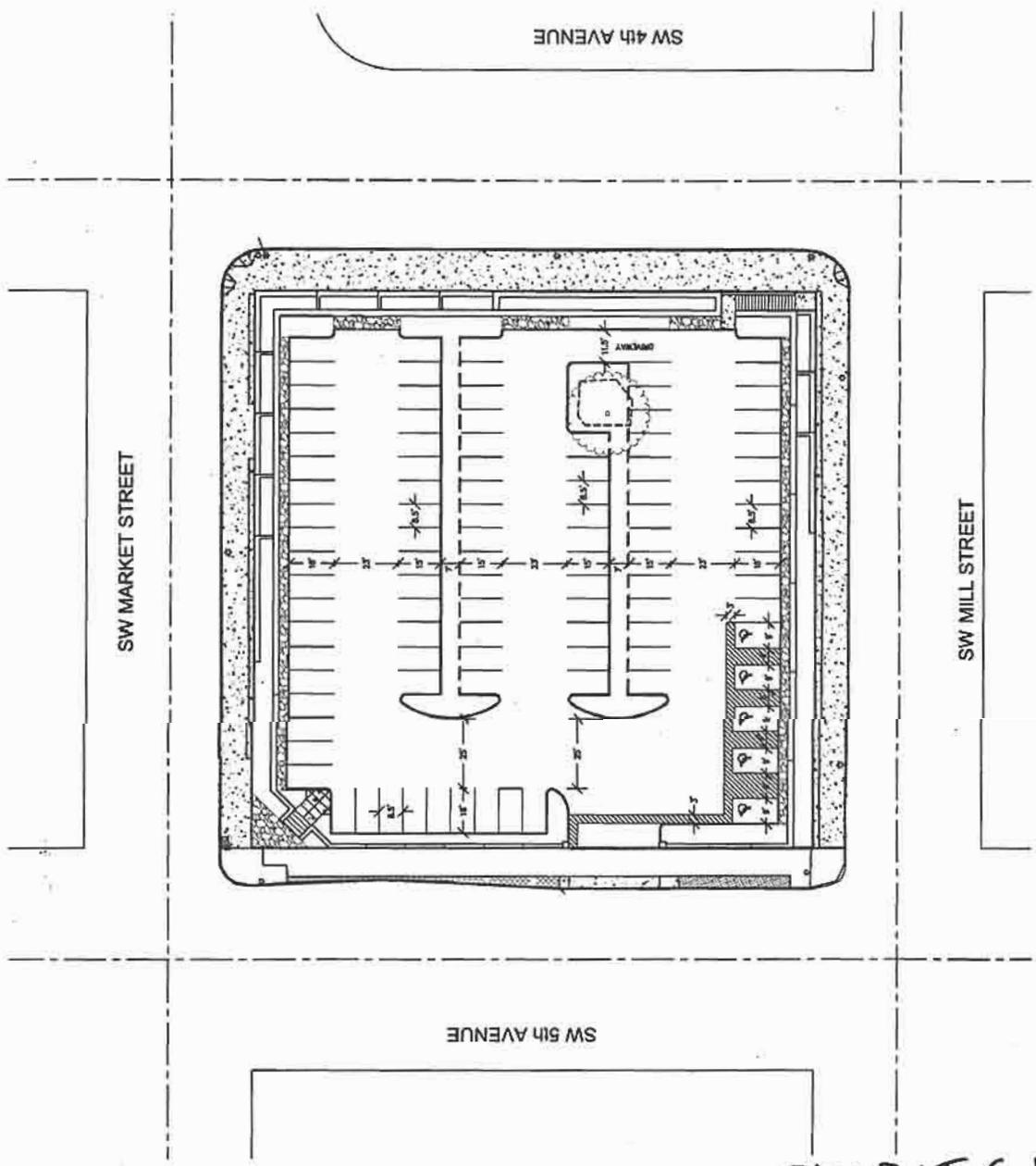
This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 08-141883 DZ
1/4 Section	3129.3229
Scale	1 inch = 200 feet
State_Id	1S1E03BC 4100
Exhibit	B (Jul 03, 2008)

1105 SE BAYVIEW BLVD, 2ND FLOOR
FISH MARKET, PORTLAND, OREGON
503.465.5555 www.cesnw.com
78 MILLS TECHNICAL CONSULTANTS
1470 SW WOODWARD WAY
PORTLAND, OR 97223
PH: 503-282-0107 FAX: 503-292-2919



EXISTING REQUIREMENTS		PROPOSED	
# OF STALLS	N/A	102	
SPACE SIZE	8.5' X 16'	8.5' X 16'	
ADA STALLS	LOTS WITH 160-150 STALLS-5 STALLS-5 VAN OR 1	5 H/C STALLS	



Approved
 City of Portland - Bureau of Development Services
 Planner *Shirley* Date **9-15-08**
 * This approval applies only to the reviews requested and is subject to the conditions of approval. Additional zoning requirements may apply

