



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: August 8, 2008
To: Interested Person
From: Chris Beaney, 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 08-141947 HDZ, COMMERCIAL BUILDING ALTERATION

GENERAL INFORMATION

Applicant: Jay Winfrey, Holst Architecture (503) 233-9856
110 SE 8th Ave
Portland, OR 97214

Flanders Street Building, Listed Owner (541) 465-1600
P O Box 529
Eugene, OR 97440

Site Address: 437 NW 23RD AVE

Legal Description: LOT 1 BLOCK 23, KINGS 2ND ADD
Tax Account No.: R452303610
State ID No.: 1N1E33CB 04800
Quarter Section: 3027
Neighborhood: Northwest District, contact John Bradley at 503-227-7484.
Business District: Nob Hill, contact Peggy Anderson at 503-417-8960.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Northwest
Zoning: CS, Storefront Commercial
Case Type: HDZ, Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal: The applicant received previous land use review (LU 07-146998 HDZM) approval for a 1.5 story building at the southwest corner of NW 23rd Avenue and Glisan Street in 2007. The current proposal is for minor changes to the design of the building. Amongst the changes are the following:

- A second entry door is to be added to the east façade;
- HVAC units have been reconfigured;

- An exterior egress stair on the west façade will not be built as it is no longer required;
- An awning depth has been reduced from 4'-0" to 2'-0" along the north façade;
- A skylight feature in the first floor has been removed, and
- Additional landscaping along the west property line.

No increase in height or floor area is proposed.

Because the proposed development is within an Historic District, Historic 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:

- 33.846 Historic Design Review
- Community Design Guidelines
- Historic Alphabet District: Community Design Guidelines Addendum
- Oregon Statewide Planning Goals*

**Note: The Northwest Plan District is a post-acknowledgment Comprehensive Plan amendment under ORS 197.625 and is currently on appeal to Land Use Board of Appeals [LUBA]. Under ORS 197.625(3)(a) prior to acknowledgment, the amendment is effective at the time specified by the local ordinance and is applicable to all land use decisions. Under Subsection (3)(b), approval of land use decisions subject to an unacknowledged amendment must include findings in compliance with the Statewide Planning Goals applicable to the amendment.*

ANALYSIS

Site and Vicinity: The site is a 5,000-sf corner lot with frontage on NW 23rd Avenue and NW Glisan Street. The existing commercial building on the site was constructed in 1983 and is considered a noncompatible and noncontributing resource in the Alphabet Historic District. Portland's Transportation System Plan classifies NW 23rd Avenue as a Neighborhood Collector Street, Major Transit Priority Street, Community Main Street, and Local Service Bikeway. NW Glisan Street is classified as a Local Service Bikeway. The site is located within the Northwest Pedestrian District.

Zoning: The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas, which are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

The Historic Resource Protection overlay zone is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks. The regulations that pertain to these properties protect certain historic resources in the region and preserve significant parts of the region's heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

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

- LU 05-141310 DA: Design Advice Request for a new retail building in the Historic Alphabet District.
- LU 06-117910 HDZM: Voided case.

- LU 07-146998 HDZM: Historic Design Review approval for a new commercial building in the Historic Alphabet District, as well as Modifications to the rear setback and to landscape buffering from an R zone.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **July 9, 2008**. The following Bureaus have responded with no issues or concerns:

- Portland Fire & Rescue;
- Portland Water Bureau;
- Bureau of Environmental Services;
- Bureau of Transportation Engineering & Development Review;
- Urban Forestry Division of Portland Parks & Recreation;

The Site Development Section of the Bureau of Development Services responded with the following comment: *Site Development has reviewed BES’ Land Use Response dated July 30, 2008 and is satisfied that the proposed changes to the previously-approved design will not affect the stormwater management requirements for this project. Therefore, Site Development has no objection to the changes proposed in this design review.* Please see Exhibit E.1 for additional details.

The Life Safety (Building Code) Section of the Bureau of Development Services responded with the following comment: *A Building Permit has been applied for and is currently under review or has been issued or, a Life Safety plans examiner has been in contact with the applicant. Please refer to correspondence from the Life Safety plans examiner for building code-related comments, questions, or additional permitting requirements if any.* Please see Exhibit E.2 for additional details.

The Bureau of Environmental Services responded with the following comment: *BES Response Summary: BES has confirmed with BDS Land Use Services that the proposed modifications will not impact stormwater management requirements for this project. Therefore, BES has no objections to the proposed modifications. Further development of the property would be subject to the Bureau of Environmental Services’ standards and requirements during the building plan review process. The following comments have been provided for informational purposes and mainly relate to the building permit review process.* Please see Exhibit E.3 for additional details.

Neighborhood Review: A “Notice of Proposal in Your Neighborhood” was mailed on **July 9, 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

1) HISTORIC DESIGN REVIEW (33.846)

33.846.060 Purpose

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Design Review Approval Criteria

Requests for historic design review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is located within the Alphabet Historic District. Therefore, the proposal requires Historic Design Review approval. The applicable design guidelines are the Community Design Guidelines and the Historic Alphabet District Community Design Guidelines Addendum [33.846.060 E.1.c].

Historic Alphabet District - Community Design Guidelines Addendum

These guidelines were adopted on September 5, 2000 and were developed to work with the

Community Design Guidelines to provide a set of guidelines specific to the district.

Community Design Guidelines

These guidelines provide the constitutional framework for all design review areas outside the Central City that are not covered by their own specific area design guidelines. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other transportation systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

Staff has considered all guidelines and only has addressed those considered applicable to this proposal. Historic Alphabet District Guidelines and Community Design Guidelines are addressed concurrently.

Historic Alphabet District Approval Criteria

1. Historic Changes. Most properties change over time; those changes that have acquired historic significance will be preserved.

Findings: The existing building on the site was constructed in 1983 and has been altered. Neither the original building, nor its subsequent alterations, are considered historically contributing or significant. *Therefore, this guideline does not apply.*

2. Differentiate New from Old. New additions, exterior alterations, or related new construction will retain historic materials that characterize a property to the extent practicable. Replacement materials should be reasonable facsimiles of the historic materials they replace. The design of new construction will be compatible with the historic qualities of the district as identified in the Historic Context Statement.

3. Hierarchy of Compatibility. Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a historic or conservation district, with the rest of the District. Where practical, compatibility will be pursued on all three levels. New development will seek to incorporate design themes characteristic of similar buildings in the Historic Alphabet District.

Community Design Guidelines

P1. Plan Area Character. Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.

P2. Historic and Conservation Districts. Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area's historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.

Findings for 2, 3, P1 and P2: The design revisions proposed in this application present minor changes to the approved building design, and thus will not affect the project's ability to respond to the unique identity and character of the Historic Alphabet District and the Northwest Plan District. Consistent with the desired storefront character of the area, the proposed building will be built to the sidewalk, and the large expanses of glazing planned along both street-facing façades will contribute to the vibrant, pedestrian-oriented nature of NW 23rd Avenue. In addition, the approved building design responds to its immediate context through the use of flat, parapeted roofs, a modest overall scale, the use of masonry as the primary building material, canopies, and inset entry bays. Furthermore, the second entry door at NW 23rd, proposed in this application, will function to enhance the connections between the building and pedestrian environment, and the new tenant space will create additional opportunities for active uses along this frontage. *Therefore, these guidelines are met.*

E1. The Pedestrian Network. Create an efficient, pleasant, and safe network of sidewalks and paths for pedestrians that link destination points and nearby residential areas while

visually and physically buffering pedestrians from vehicle areas.

Findings: The proposed project will contribute to the efficient, pleasant, and safe pedestrian network at this block. With the exception of the 5 foot-wide landscaped buffer at the west property line, the proposed building will be constructed to the site lines. In addition, both entries along 23rd Avenue, as well as the entry to the upper office space at Glisan, open directly to the public sidewalks. Moreover, no vehicular areas are proposed on the site and new street trees along NW 23rd and Glisan will help to buffer pedestrians from on-street vehicle areas.

The current proposal includes the reconfiguration of the previously approved mechanical units at the lower roof area. In the previous application, three HVAC units were approved near the south roof edge, and pulled back approximately 4' from the east and south roof edges. In the current proposal, these three mechanical units are placed in a more central location on the lower roof, and pulled back 10' from the south roof edge and 11'-9" from the east roof edge. The parapet at this roof area is roughly 36" tall, so if the units are no higher, they will not be visible from the ground plane even from some distance. *Therefore, with the condition that the top of the three mechanical units is no higher than the parapet, this guideline will be met.*

E3. The Sidewalk Level of Buildings. Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small scale building features, creating effective gathering places, and differentiating street level facades.

E4. Corners that Build Active Intersections. Create intersections that are active, unified, and have a clear identity through careful scaling detail and location of buildings, outdoor areas and entrances.

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

Findings for E3, E4, and D7: The new building wall, along with the new street trees will create a sense of enclosure at this site. In addition, while the upper level of the building is set back, away from the corner, this intersection will still have an open, active, pedestrian-oriented feel with a clear glass storefront extending the entire length of the 23rd Avenue frontage and more than halfway up Glisan. The top of the building at this front corner also reflects the scale, material, and textural accent pattern, of the building immediately to the north, across Glisan. Though not an historic building, this building incorporates a number of the massing, scale, and material characteristics of the older buildings in the district. The close visual relationship between these two adjacent buildings will help to create an active intersection at NW Glisan and 23rd, and will also function to help the new building blend into the neighborhood.

A number of specific material and detailing aspects of the approved building respond well to the character of the established neighborhood. The use of an overhanging canopy above the storefront creates a delineated pedestrian zone, which offers shade from sunlight and protection from rain. The current proposal includes a reduction in the size of the canopy at the NW Glisan entrance from a 4' projection, to a 2' projection, which is consistent with the other canopies on this elevation. Reducing the size of this canopy will create a more consistent visual experience along this sidewalk level. The storefront windows, though relatively large in size, are vertically proportioned panes of glass, and sit on a concrete stem wall creating a base to the building. The treatment of the brick, with a soldier course along the top, vertical jointing, and a subtle patterning using projecting accent bricks, recalls a historic use of brick patterning and detail.

In addition, the previous application included an exterior egress stair at the building's west elevation and a wood walkway within this building setback. This stair and walkway have been removed from the current application, and a 5 foot-wide landscaped buffer is proposed instead. This new landscaped area at the rear of the property will help to buffer the

development from the more residential areas west of the site. *Therefore, these guidelines are met.*

E5. Light, Wind, and Rain. Enhance the comfort of pedestrians by locating and designing buildings and outdoor areas to control the adverse effects of sun, shadow, glare, reflection, wind, and rain.

Findings: The project will enhance the comfort of the adjacent sidewalk environment. A continuous canopy, with a 4' projection, will be mounted at the east building wall, and a continuous canopy with a 2' projected will be mounted above the ground floor windows at the north elevation. The previously approved application included a canopy with a 4' projection at the north entrance. However, the current application proposes a canopy with a 2' projection at this entrance, which is more consistent with the other canopies at this elevation. Furthermore, the previously approved east and north entrances are inset from the building wall, creating a generous protected area. *Therefore, these guidelines are met.*

D1. Outdoor Areas. When sites are not fully built on, place buildings to create sizable, usable outdoor areas. Design these areas to be accessible, pleasant, and safe. Connect outdoor areas to the circulation system used by pedestrians;

D3. Landscape Features. Enhance site and building design through appropriate placement, scale, and variety of landscape features.

Findings for D1 and D3: The current proposal includes a continuous 5 foot-wide landscaped buffer along the western edge of the site. This landscaped area will contain 6'-0" high shrubs planted at the property line. The shrubs will act as a visual buffer between the commercial property and the neighboring residential lot. The area can also function as a flow-through planter, detaining stormwater from the roof so as to take the burden off the city's combined overflow system. If the plantings or other details in the rear area are to be revised to function as a flow-through planter (while still meeting the "L3" landscaping requirement), this information should be reviewed prior to final approval. New street trees are also to be planted along both street frontages, which will enhance the building as well as the surrounding sidewalk environment. *Therefore, these guidelines are met.*

D2. Main Entrances. Make the main entrances to houses and buildings prominent, interesting, pedestrian accessible, and transit-oriented.

Findings: The east-facing façade of the building contains a glazed, recessed entry with double doors. In addition, the current application includes a second entrance along this façade. This second east entrance will consist of a single glazed door. All building entries are accessible directly from the public sidewalk. *This guideline is met.*

D5. Crime Prevention. Use site design and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground level uses, and outdoor areas.

Findings: The new building, with its large expanses of storefront glazing, will create new opportunities for "eyes on the street" along this site. *Therefore, this guideline is met.*

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

Findings: The new building will be primarily ebony brick, with large glass storefront and upper level; wood and concrete (or precast) are accents. The materials and color palette are generally spare, but with some textural interest and a high degree of architectural finish, detailing consistency, and durability. The south and west walls of the building, are painted 8" by 8" by 16" cmu. Though brick wraps around for a few feet on these walls, the treatment and patterning of these secondary surfaces requires an appropriate degree of interest and detail for this pedestrian district, especially since the front half of the side wall and all of

the rear wall will be visible. The use of an intrinsically colored cmu is a fitting treatment for these purposes. Furthermore, the proposed revisions presented in the current application are consistent with the high-quality design and materiality of the approved building. For example, the new glazed east entrance will have the same finishing and hardware as the other entrance at this façade. In addition, the proposed 2' canopy at the north entrance will be more consistent with the size of the other canopy along this façade. *Therefore, this guideline is met.*

2) OREGON STATEWIDE PLANNING GOALS

Complete text of the Goals can be found online at: www.lcd.state.or.us/goalhtml/goals.html

- (1) **Citizen Involvement.** Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.” It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local Governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.
- (2) **Land Use Planning.** Goal 2 outlines the basic procedures of Oregon’s statewide planning program. It ways that land use decisions are to be made in accordance with a comprehensive plan, and that suitable “implementation ordinances” to put the plan’s policies into effect must be adopted. It requires that plans be based on “factual information”; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed.

Findings for Goals 1 and 2: The City of Portland’s land use planning process allows for and seeks the involvement of its citizens in all types of land use processes, whether legislative or quasi-judicial. The Type II Design Review process most closely follows these goals at the City and community level. In the design of individual buildings or the alteration of existing ones, citizen involvement is carried out through mailed public notices, neighborhood association meetings, and an exchange of comments and opportunities for appeal. Projects that address concerns of citizens and community are therefore achieved through the review process. Because the designated zoning and Historic District overlay on the site were specifically adopted to comply with the Comprehensive Plan, this process implements Portland’s Comprehensive Plan. *These criteria are met.*

- (3) **Agricultural Lands.** Goal 3 defines “agricultural lands.” It then requires counties to inventory such lands and to “preserve and maintain” them through farm zoning.
- (4) **Forest Lands.** This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will “conserve forest lands for forest uses.”

Findings for Goals 3 and 4: The site is not agricultural or forested land. It is developed urban land with “Storefront Commercial” zoning, so *these goals are not applicable.*

- (5) **Open Spaces, Scenic and Historic Areas and Natural Resources.** Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands.

Findings: The site is contained within the boundaries of the Alphabet Historic District, so the proposal must meet specific approval criteria designed to conserve and enhance the special characteristics of historic resources. No scenic or natural resources are identified on the site. *This criterion is met.*

- (6) **Air, Water, and Land Resources Quality.** This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

Findings: The site is in a highly urbanized area of Northwest Portland with a large amount of impervious area. Although the lack of porous surface on developed sites

like this creates runoff during storms, the site must meet the requirements of the BES Stormwater Management Manual. *This criterion is met.*

- (7) **Areas Subject to Natural Disasters and Hazards.** Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply “appropriate safeguards” (floodplain zoning, for example) when planning for development there.
- (8) **Recreational Needs.** This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them.

Findings for Goals 7 and 8: The site is not mapped to occur within an area subject to natural disasters or hazards; nor is the site designated or zoned as a site which could provide recreational opportunities. *These criteria are therefore not applicable.*

- (9) **Economy of the State.** Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.
- (10) **Housing.** This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing.

Findings for Goals 9 and 10: The site’s CS zone is a commercial zone, which allows for other uses, including residential uses. This zoning, in combination with the Historic District overlay, promotes the re-use and renovation of existing historic buildings, while allowing for adaptive reuse and the addition of new buildings that respect the small scale, pedestrian orientation, and active streetscape of the commercial corridor. The commercial uses do have to include certain visual/landscape buffers and limitations on noise, odors, or other possible impacts on residential sites. The desirability of a close-in, quality neighborhood creates a successful environment for the mix of retail and residential uses. *These criteria are met.*

- (11) **Public Facilities and Services.** Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal’s central concept is that public services should be planned in accordance with a community’s needs and capacities rather than be forced to respond to development as it occurs.
- (12) **Transportation.** The goal aims to provide a “safe, convenient, and economic transportation system.” It asks for communities to address the needs of the “transportation disadvantaged.”

Findings for Goals 11 and 12: All applicable building and fire codes will be addressed and met in this project. The site’s central location will allow it to continue to take advantage of the existing urban infrastructure, including public services such as utilities, trash and recycling, and police and fire protection. Portland also continues to expand and improve its public transportation system. The site is well served by multiple bus lines, running along NW Glisan, along NW 23rd and 21st, and on West Burnside and on Westover. Bike routes are designated on Glisan, Flanders, Everett, and NW 23rd Avenue. *These criteria are met.*

- (13) **Energy.** Goal 13 declares that “land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.”

Findings: The close-in location for the retail sales & service and office use will encourage walking and bicycling rather than use of the automobile. The exterior lighting is limited to under-canopy downlights, with some light “spill” expected from the interior through the glazed walls. *This criterion is met.*

- (14) **Urbanization.** This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an “Urban growth boundary” to “identify and separate urbanizable land from rural land.”

Findings: The City of Portland has established an Urban Growth Boundary; the site is not near the periphery of the boundary. The site’s zoning supports commercial, residential, or mixed uses, in accordance with the urban nature of land uses within the Urban Growth Boundary. *This criterion is therefore met.*

- (15) **Willamette Greenway.** Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.
- (16) **Estuarine Resources.** This goal requires local governments to classify Oregon’s 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those “management units.”
- (17) **Coastal Shorelands.** The goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed.
- (18) **Beaches and Dunes.** Goal 18 sets planning standards for development on various types of dunes.
- (19) **Ocean Resources.** Goal 19 aims to “conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.”

Findings for Goals 15, 16, 17, 18, and 19: The site is not located at or near the Willamette River, any estuaries, or any coastal or marine habitat or resources. *These goals are therefore not applicable.*

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 purpose of the historic design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

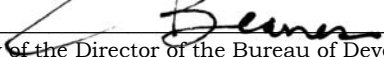
Approval of changes to the design of the building including:

- A second entry door is to be added to the east façade;
- HVAC units have been reconfigured;
- An exterior egress stair on the west façade will not be built as it is no longer required;
- An awning depth has been reduced from 4’-0” to 2’-0” along the north façade;
- A skylight feature in the first floor has been removed, and
- Additional landscaping along the west property line. Approval per the approved site plans, Exhibits C-1 through C-4, signed and dated August 6, 2008, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition B. must be noted on each of the 4 required site plans or included as a sheet in

the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 08-141947 HDZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

B. Previous conditions of approval from LU 07-146998 HDZM applies.

Decision rendered by:  **on August 6, 2008**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 7, 2008

Staff Planner: Chris Beanes

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 **July 3, 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 Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 22, 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 Landmarks 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 Landmarks 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 **August 25, 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:

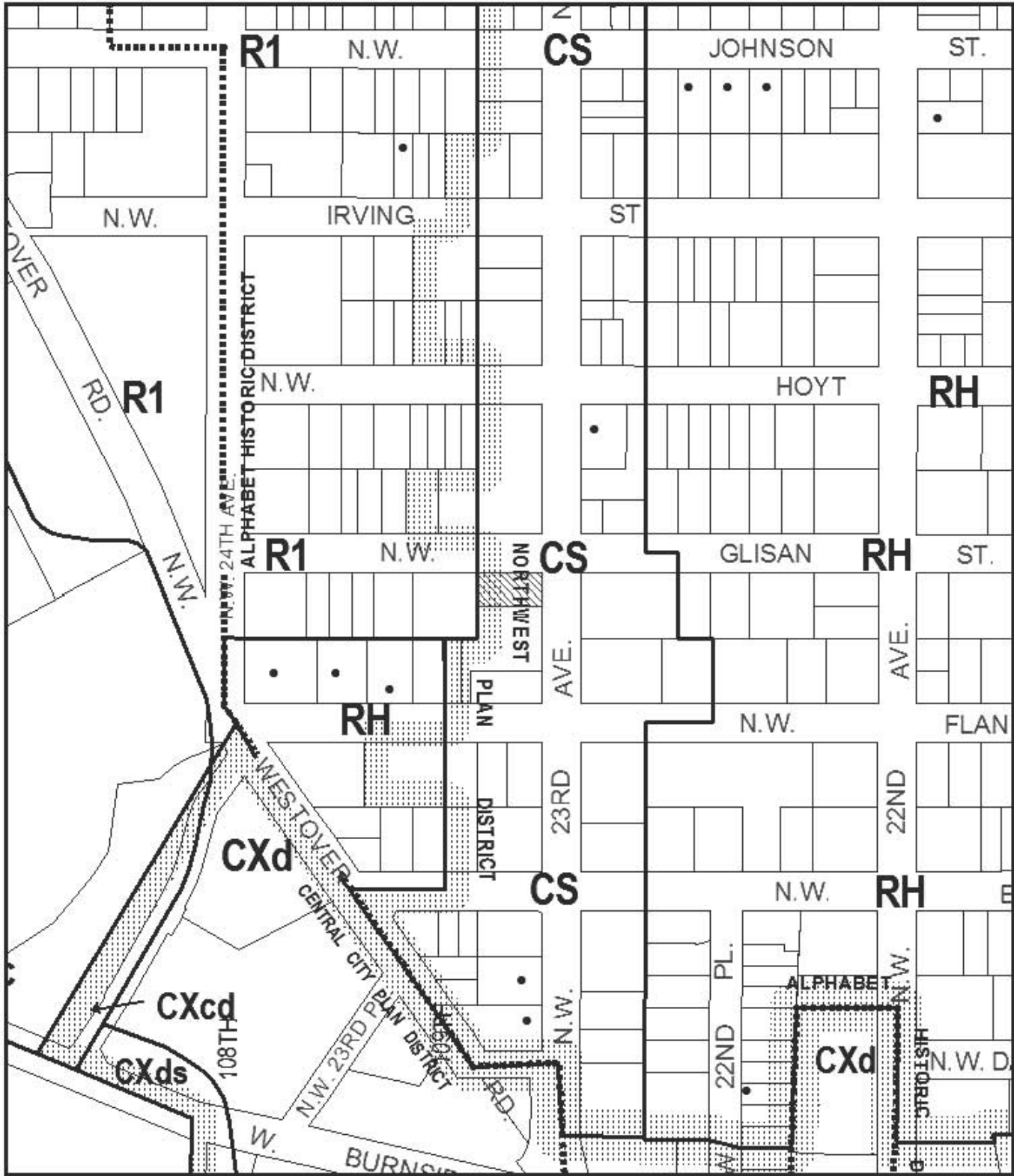
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan-revised (attached)
 - 2. Roof Plan-revised (attached)
 - 3. East Elevation-revised (attached)
 - 4. West Elevation-revised (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Site Development Review Section of BDS
 - 2. Life Safety (Building Code) Section of the Bureau of Development Services
 - 3. Bureau of Environmental Services
- F. Correspondence: none
- 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. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING

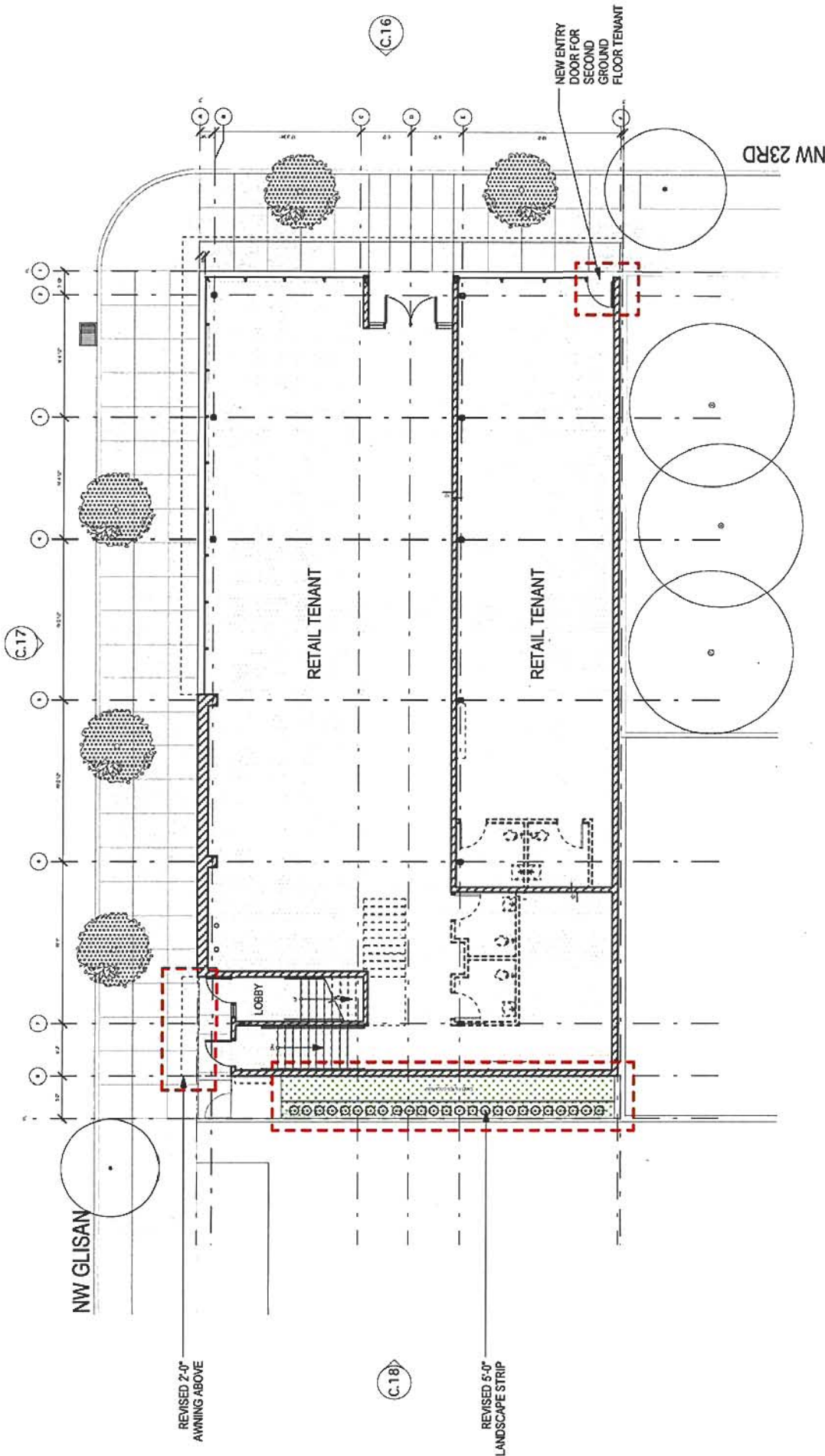
 Site

 Historic Landmark



This site lies within the:
ALPHABET HISTORIC DISTRICT

File No.	<u>LU 08-141947 DZ</u>
1/4 Section	<u>3027</u>
Scale	<u>1 inch = 200 feet</u>
State Id	<u>1N1E33CB 4800</u>
Exhibit	<u>B (Jul 01,2008)</u>



REVISED FIRST FLOOR PLAN
SCALE: 3/32" = 1'-0"

C.13

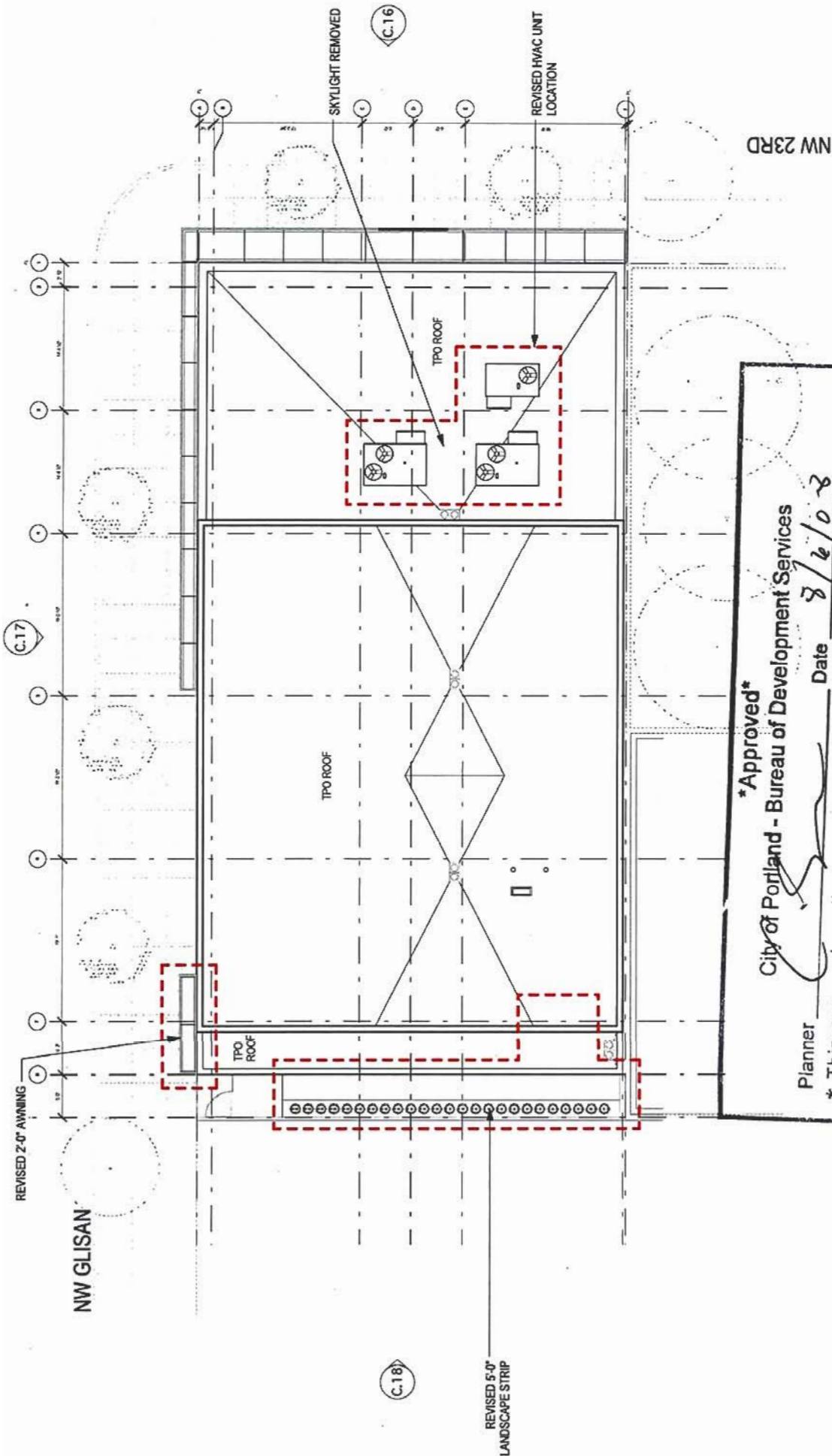
437 NW 23RD
HOLST ARCHITECTURE
DATE: JUNE 30, 2008



ALTERATIONS TO LUR #07-146998 HDZM

Approved
 City of Portland - Bureau of Development Services
 Planner: _____ Date: 3/4/08
 * This approval applies only to the reviews requested and is subject to all zoning requirements. Additional zoning requirements may apply.

L008-141947HDZ
Exhibit C.1



Approved
 City of Portland - Bureau of Development Services
 Planner _____ Date 8/6/08
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

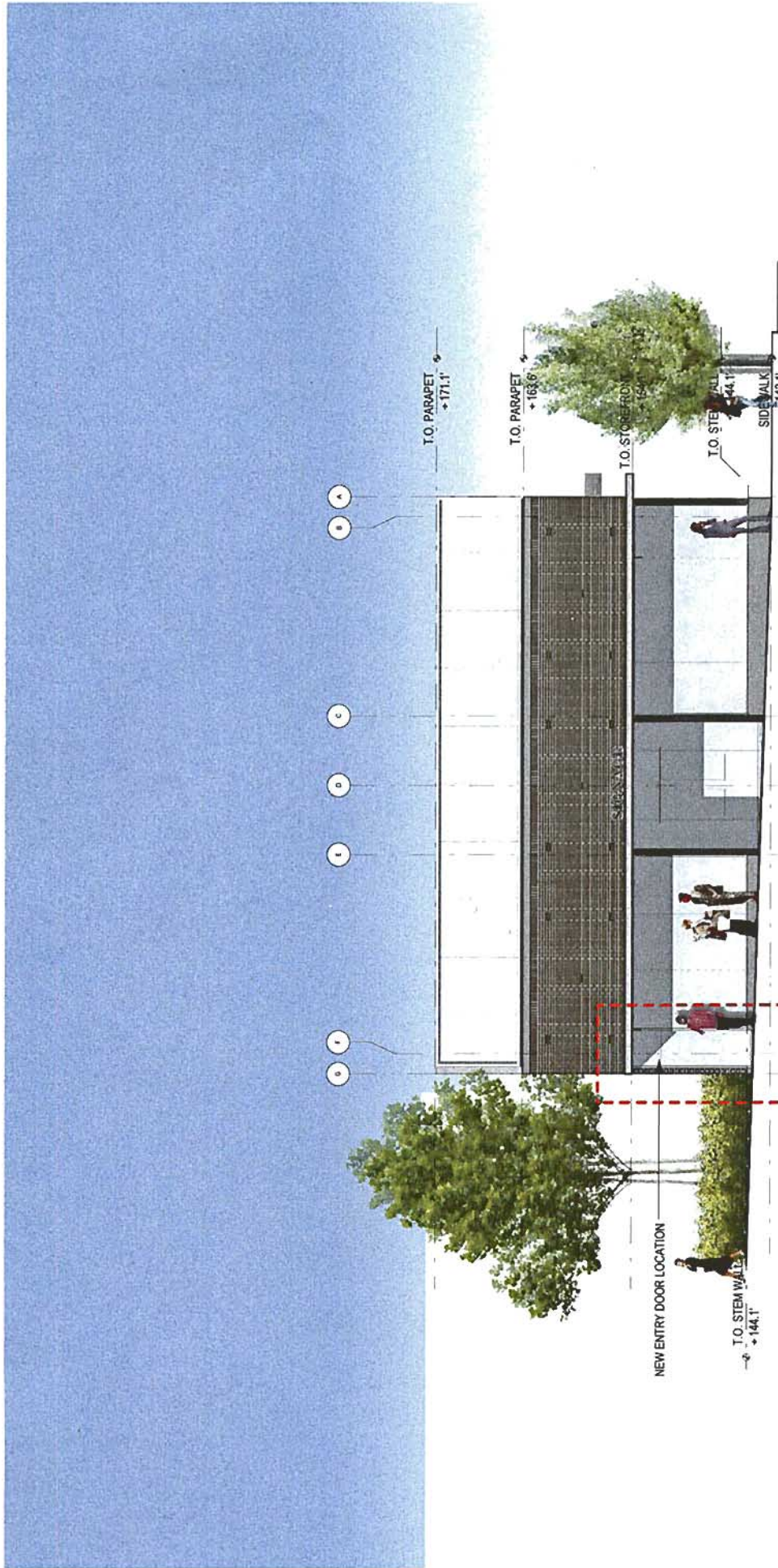
REVISED ROOF PLAN
 SCALE: 3/32" = 1'-0"

C.15

437 NW 23RD

HOLST ARCHITECTURE
 DATE: JUNE 30, 2008
 TYPE II DESIGN REVIEW PACKET - ALTERATIONS TO LUR #07-146998 HDZM

LU08-141947HDZ
 Exhibit C-2



Approved

City of Portland - Bureau of Development Services

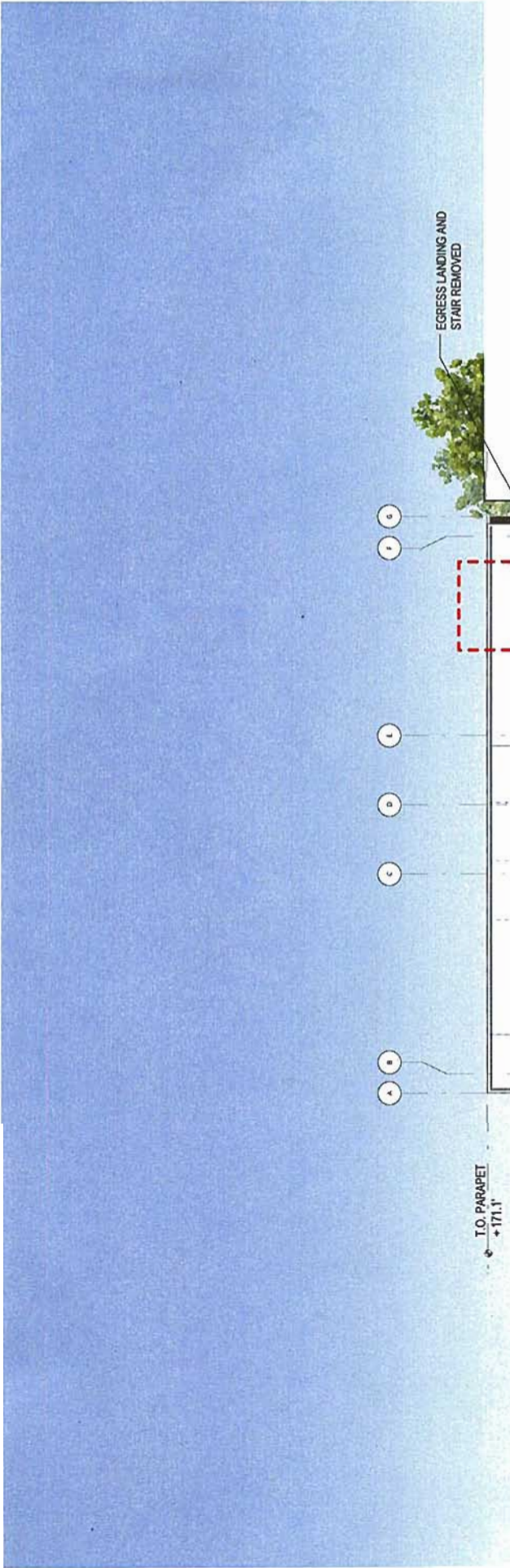
Planner _____ Date 2/6/08

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

REVISED EAST ELEVATION
SCALE: 1/8" = 1'-0"
C.16

437 NW 23RD
HOLST ARCHITECTURE
DATE: JUNE 30, 2008
TYPE II DESIGN REVIEW PACKET - ALTERATIONS TO LUR #07-146998 HDZM

L008-141947 HDZ-
EXHIBIT C-3



EGRESS LANDING AND STAIR REMOVED

T.O. PARAPET +171.1'

T.O. PARAPET +183.6'

T.O. PARAPET +181.1'

FINISH GRADE +147.1'

REVISED AWINGS

Approved
 City of Portland - Bureau of Development Services
 Planner: _____ Date: 8/6/08
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

REVISED WEST ELEVATION

SCALE: 1/8" = 1'-0"

C.18

437 NW 23RD

HOLST ARCHITECTURE

DATE: JUNE 30, 2008

TYPE II DESIGN REVIEW PACKET - ALTERATIONS TO LUR #07-146998 HDZM

LU08-141947HDZ
 EXHIBIT C-4